The

Journal of the Assembly

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

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

VOLUME 1

THE FIRST DAY—THE SEVENTY-THIRD DAY

SEE VOLUME 6 FOR INDEX

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 67 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 4, 2013	1
3	February 6, 2013	126
4	February 7, 2013	128
8	February 11, 2013	130
10	February 13, 2013	136
11	February 14, 2013	146
15	February 18, 2013	152
17	February 20, 2013	162
18	February 21, 2013	175
22	February 25, 2013	195
23	February 26, 2013	200
24	February 27, 2013	203
26	March 1, 2013	212
29	March 4, 2013	225
30	March 5, 2013	232
32	March 7, 2013	236
33	March 8, 2013	242
36	March 11, 2013	247
37	March 12, 2013	253
38	March 13, 2013	260
40	March 15, 2013	274
43	March 18, 2013	289
45	March 20, 2013	321
46	March 21, 2013	327
50	March 25, 2013	331
51	March 26, 2013	362
52	March 27, 2013	368
53	March 28, 2013	377
58	April 2, 2013	391
59	April 3, 2013	403
60	April 4, 2013	414
61	April 5, 2013	424
65	April 9, 2013	519
66	April 10, 2013	532
68	April 12, 2013	663
71	April 15, 2013	747
72	April 16, 2013	920
73	April 17, 2013	1039
74	April 18, 2013	1437
78	April 22, 2013	1784
79	April 23, 2013	2729
80	April 24, 2013	2859
81	April 25, 2013	2885
82	April 26, 2013	2895
86	April 30, 2013	2901
88	May 2, 2013	2907

Calendar Day	*Date*	*Page Number*
92	May 6, 2013	2914
94	May 8, 2013	2918
95	May 9, 2013	2922
100	May 14, 2013	2928
102	May 16, 2013	2946
103	May 17, 2013	2986
104	May 18, 2013	3074
106	May 20, 2013	3158
107	May 21, 2013	3368
108	May 22, 2013	3700
109	May 23, 2013	3848
110	May 24, 2013	4238
111	May 25, 2013	4512
113	May 27, 2013	4554
114	May 28, 2013	4759
115	May 29, 2013	5020
116	May 30, 2013	5269
117	May 31, 2013	5599
118	June 1, 2013	5741
119	June 2, 2013	5851
120	June 3, 2013	6139

LISTING OF ASSEMBLY BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1....Requires the Director of the Department of Health and Human Services to include certain requirements in the State Plan for Medicaid. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 88, 237, 520, 537, 661, 2987, 3097, 3297*, 5741, 6998.

2....Revises provisions governing the Land Use Planning Advisory Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining, 88, 404, 416, 425, 527, 660, 744, 892*, 3369, 4235.

3....Revises provisions governing the enforcement of the tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 88.

4....Revises certain provisions governing public records and legal notices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 89.

5....Revises provisions governing interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 89.

6....Requires the State Treasurer to return a certain percentage of the revenue from the taxation of special fuel to the county in which the revenue was generated. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 89, 237.

7....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 89, 404, 416, 428, 521, 527, 660, 744, 3159, 3161, 3290, 3685, 3686*, 6616, 6655, 6659.

8....Makes various changes to provisions governing public welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 90, 664, 748, 1026*, 3703, 4674, 4693, 5738.

9....Makes various changes to the Charter of the City of Reno. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 90, 1438, 1445, 2593, 2594*, 3703, 5068, 5096, 5849.

10....Revises provisions relating to certain crimes involving gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 90, 920, 1043, 1757, 1758*, 3703, 4785, 4786, 5738.

11....Revises the provision requiring insurers to report to the Division of Industrial Relations of the Department of Business and Industry certain claims relating to diseases of the heart or lung and occupational diseases that are infectious or relate to cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 90, 663, 768, 1026*, 1027, 3369, 4235.

12....Removes the requirement that an employee notify his or her employer before filing certain complaints with the Division of Industrial Relations of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 91, 244, 256*, 2948, 3072.

13....Revises provisions relating to hearings conducted by the Local Government Employee-Management Relations Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 91, 392, 412, 416, 430, 527, 660, 744, 892, 893*, 2930, 3072.

14....Makes various changes relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 91, 425, 527, 539, 744, 893*, 3930, 5202, 5210, 5849.

No. *Summary, Introducer and Page Reference*

15 ....Removes the prospective expiration of the authority of the Department of Transportation to use the construction manager at risk method for the construction, reconstruction, improvement and maintenance of highways. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 91.

16 ....Provides for the compilation and publication of the State Administrative Manual. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 92, 392, 412, 416, 431, 527, 660, 744, 893*, 894, 2930, 3072.

17 ....Revises provisions governing the conditions under which the access of a school district employee operating a program of education for incarcerated persons at a facility or institution operated by the Department of Corrections may be restricted. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 92, 1784, 1792, 2769*, 3369, 4235.

18 ....Revises provisions governing the relinquishment of state highways to local governments and the relinquishment of local roads to the Department of Transportation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 92, 921, 1046, 1758*, 4555, 5210, 5212, 5849.

19 ....Revises provisions governing the Nevada Junior Livestock Show Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 92, 392, 412, 416, 437, 527, 660, 744, 894*, 3369, 4235.

20 ....Revises provisions governing agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 93, 521, 547, 661, 665, 2929, 2973*, 4556, 5738.

21 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 93, 921, 1049, 1758*, 1759, 3703, 4757.

22 ....Revises provisions governing the continuing education requirements for certain persons licensed to perform work of limited scope on manufactured or mobile homes or other similar structures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 93, 519, 561, 744, 894*, 2948, 3072.

23 ....Clarifies provisions governing providers of services pertinent to the sale, installation and occupancy of manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 94, 245, 253, 268*, 3369, 4235.

24 ....Makes various changes to provisions relating to license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 94, 237, 425, 527, 561, 661, 2918, 2923*, 5741, 6073, 6093.

25 ....Revises provisions governing special assessments for the abatement of certain conditions and nuisances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 94, 1609, 1612, 2594*, 3369, 4235.

26 ....Reduces the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of the property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 94, 1785, 1792, 1795, 2608, 2731.

27 ....Expands the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 95, 664, 770, 1023.

28 ....Revises the definition of "sentinel event" for the purpose of provisions relating to the health and safety of patients at certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 95, 331, 363, 369*, 3159, 3846.

29 ....Creates the Committee to Review Suicide Fatalities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 95, 664, 770, 1027*, 3369, 4235.

30 ....Revises provisions governing the statewide sex offender registry notification website. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 95, 404, 416, 440, 527, 660, 744, 894, 895*, 3369, 4235.

31 ....Revises various provisions relating to public records. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 96, 237, 664, 781, 891, 2987, 3097, 3297, 3298*, 5741, 6998.

32 ....Revises the provisions governing certain tax abatements for new or expanded businesses and renewable energy facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation, 96.

No. *Summary, Introducer and Page Reference*

33 ....Revises provisions governing the partial abatement of certain taxes for certain energy-efficient buildings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 96, 2284, 2407, 2770, 2783, 2842, 6156, 6157, 6159, 6195*, 6997.

34 ....Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 96, 254.

35 ....Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 97, 1785, 1792, 1798, 2770, 2771*, 4555, 4836, 4838, 4887, 5738.

36 ....Makes various changes concerning apprenticeships for federal recognition of the Office of the Labor Commissioner as the Registration Agency for purposes relating to apprenticeship programs and apprentices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 97, 2284, 2417, 2771*.

37 ....Authorizes certain larger counties to enforce the prevailing wage requirement for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 97.

38 ....Makes various changes concerning the abatement or deferment of certain taxes imposed on a new or expanded business. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 97, 533, 1785, 1792, 1847, 2731, 5852, 5853, 5857, 6008, 6009*, 6741.

39 ....Provides restrictions on the retail sale of certain products that are ephedrine and pseudoephedrine based. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 98, 237, 519, 581, 744, 895*, 3369, 4235.

40 ....Authorizes the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 98, 415, 444, 527, 660, 744, 895*, 896, 3369, 4235.

41 ....Makes various changes to provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 98, 920, 1055, 1759*, 2930, 3072.

42 ....Establishes the Nevada Cyber Institute within the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 98, 237.

43 ....Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 99, 331, 363, 369*, 2908, 2920.

44 ....Revises provisions governing the storage of trash and recycling containers in certain planned communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 99, 920, 1066, 1759, 1760*, 3930, 4786, 4789, 5738.

45 ....Revises various provisions relating to the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 99, 415, 444, 527, 660, 744, 896*, 2930, 3072.

46 ....Revises the provisions governing the funding of capital projects by school districts in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation, 99, 237, 533, 744, 789, 891, 3930, 3931, 4234, 4239, 4557, 4571, 4776, 4777*, 6156.

47 ....Provides for two or more small townships in larger counties to share a justice of the peace. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 100.

48 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 100, 1785, 1792, 1875, 2771, 2772*, 4555, 4887, 5738.

49 ....Makes various changes relating to public defenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 100, 237.

50 ....Revises provisions relating to local government finance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 101, 1784, 1792, 1936, 2773*, 2774, 4555, 5746, 5756, 5765, 6998.

No. *Summary, Introducer and Page Reference*

51 ....Provides for the District Attorney of Lyon County to be ex officio Public Administrator of Lyon County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 101.

52 ....Authorizes the Taxicab Authority to limit the geographical operating area of temporarily authorized taxicabs within its jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 101.

53 ....Revises certain provisions relating to the review and reporting of traumatic brain injuries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 102, 331, 363, 370*, 3159, 3846.

54 ....Revises provisions relating to fees charged and collected in justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 102, 1040, 1041, 1234, 1609, 1779, 2594*, 2595, 4555, 4789, 4794, 5738.

55 ....Imposes an additional penalty for attempting or conspiring to commit certain crimes against older or vulnerable persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 102, 520, 586, 744, 896*, 3369, 4235.

56 ....Increases the penalty for the first offense of unlawfully selling a controlled substance to a minor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 102, 664, 789, 1023.

57 ....Revises provision governing the biennial report of the activities of the Nevada Equal Rights Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 102, 225, 233, 237, 245, 253, 255*, 256, 2930, 3072.

58 ....Revises various provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 103, 237, 1438, 1445, 1476, 1791, 4555, 4557, 4583, 4777, 4778*, 5852.

59 ....Revises various provisions relating to the State Public Works Division of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 103, 1040, 1041, 1240, 1760*, 3369, 4235.

60 ....Establishes requirements for solicitation of charitable contributions by nonprofit corporations and other charitable organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 103, 532, 666, 892, 917, 1024*, 3703, 4757.

61 ....Makes various changes relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 104, 1785, 1792, 1947, 2774*, 3369, 4235.

62 ....Authorizes the appointment of bailiffs or deputy marshals to provide security for justice courts in smaller counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 104.

63 ....Revises provisions governing compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 104.

64 ....Revises provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 104, 1040, 1041, 1249, 1760, 1761*, 3703, 4794, 4796, 5738.

65 ....Revises various provisions relating to open meetings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 105, 664, 789, 1027*, 3369, 4235.

66 ....Revises the manner in which the State Board of Equalization must provide certain notices concerning increases in the valuation of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 105, 404, 416, 451, 527, 660, 744, 896, 897*, 3930, 5201, 5202, 5674, 5737, 6259, 6261, 6997.

67 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 105, 237, 1040, 1041, 1253, 1608, 2987, 3097, 3161, 3370, 3675, 3704, 3832, 3833*, 5741, 5768, 5800, 6998.

68 ....Revises various provisions relating to the distribution of certain taxes to local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 106, 152, 166, 191, 192*, 236, 251.

No. *Summary, Introducer and Page Reference*

69 ....Revises provisions governing the location of a crematory for human remains. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson and Senator Kihuen, 106, 392, 412, 416, 453, 527, 660, 744, 897*, 3159, 3846.

70 ....Revises provisions relating to the use of force in defense of persons and property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hambrick, Oscarson and Fiore, 106.

71 ....Revises provisions governing dangerous or vicious dogs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hambrick, 106.

72 ....Revises provisions relating to the Nevada State Board of Veterinary Medical Examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 107, 245, 253, 268*, 3369, 4235.

73 ....Revises provisions governing the practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Kirner, 107, 747, 927, 1427*, 3703, 4757.

74 ....Establishes provisions governing document preparation services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Flores, 107, 254, 664, 803, 891, 4513, 4519, 4579, 4580*, 6741, 6977, 6994.

75 ....Revises provisions governing the publication of property tax rolls. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Carlton, Flores; Senators Parks and Segerblom, 108, 404, 416, 455, 527, 660, 744, 897, 898*, 899.

76 ....Revises provisions relating to uniforms and equipment of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Livermore, 108, 254, 664, 820, 891.

77 ....Requires a cooling-off period before a former State Legislator may serve as a paid lobbyist before the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hickey, 108, 1037, 1069, 1609, 1779, 2284, 2721, 2723, 2774*.

78 ....Revises provisions governing the deposit of certain public money in insured institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hickey, 108, 533.

79 ....Revises provisions relating to early childhood education programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 108, 237, 520, 588, 744, 899*, 3369, 4235.

80 ....Creates the Task Force on Alzheimer's Disease within the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 109, 362, 392, 412, 416, 458, 517, 521, 2922, 2944, 2974*, 5741, 6998.

81 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 109.

82 ....Revises provisions governing evidence in certain court proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Frierson, 109, 404, 416, 461, 527, 660, 744, 899*, 900, 3369, 4235.

83 ....Revises provisions governing certain disbursements of money from escrow accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 127, 245, 253, 268*, 269, 3369, 4702, 4704, 5738.

84 ....Requires district courts, in certain circumstances, to consider the facts and circumstances surrounding offenses committed by certain offenders who are veterans or members of the military to determine eligibility for an appropriate program of treatment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 131, 254, 404, 416, 464, 527, 660, 744, 900*, 3703, 5601, 5603, 6137.

85 ....Revises provisions governing certain purchasing contracts and consolidation agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Bobzien, Carrillo, Benitez-Thompson, Cohen, Hansen, Healey, Sprinkle and Senator Smith, 132, 392, 412, 416, 466, 527, 660, 744, 900*, 2930, 3072.

86 ....Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to satisfy certain judgments concerning unemployment compensation or to comply with certain provisions governing industrial insurance and insurance for occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Carrillo, Elliot Anderson, Benitez-Thompson, Bobzien, Cohen, Hansen, Healey, Sprinkle and Senator Smith, 132, 254, 2284, 2442, 2774, 2775*, 3703, 4704, 4712, 5738.

No. *Summary, Introducer and Page Reference*

87 ....Revises provisions relating to consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Daly, Elliot Anderson, Bobzien, Carrillo, Benitez-Thompson, Cohen, Hansen, Hickey, Kirner, Livermore, Sprinkle and Senator Smith, 132, 2284, 2453, 2775*, 3703, 4916, 4917, 5738.

88 ....Revises provisions governing service contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 133.

89 ....Authorizes the formation of benefit corporations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Kirkpatrick, Horne, Frierson, Hickey, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Eisen, Flores, Hardy, Healey, Ohrenschall, Spiegel, Swank; Senators Denis, Smith, Kieckhefer, Roberson, Segerblom, Jones and Parks, 133, 245, 253, 269*, 3369, 4235.

90 ....Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 133, 1039, 1041, 1295, 1609, 1779, 2284, 2726, 2775, 2776*, 3369, 4235.

91 ....Revises certain provisions relating to programs of regimental discipline. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 133, 254, 1785, 1792, 1958, 2770, 2929, 2974*, 5021, 5849.

92 ....Revises certain provisions governing the placement of children with a person other than a parent. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 133.

93 ....Makes various changes concerning investigations relating to child care facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 134, 1609, 1610, 2595*, 3369, 4235.

94 ....Revises provisions relating to the examinations for licensure as a professional engineer or professional land surveyor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Spiegel, Kirkpatrick, Carrillo and Senator Parks, 138, 332, 364*, 3369, 4235.

95 ....Revises provisions governing prescription labels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Spiegel, Kirkpatrick, Bobzien, Diaz, Carlton, Aizley, Elliot Anderson, Benitez-Thompson, Carrillo, Cohen, Dondero Loop, Eisen, Ellison, Hardy, Healey, Hickey, Hogan, Martin, Ohrenschall, Pierce, Stewart; Senators Parks, Spearman and Woodhouse, 138, 391, 412, 416, 470, 517, 1023, 1037, 1428*, 4239, 4712, 4713, 4714, 4887, 4888, 5852.

96 ....Revises provisions governing the registration of certain motor vehicles and trailers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal, 138, 237.

97 ....Revises provisions governing habitual criminals, habitual felons and habitually fraudulent felons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Munford, Neal and Ohrenschall, 139, 920, 1072, 1761*, 3703, 4796, 4798, 5738.

98 ....Revises various provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Aizley, 139, 920, 1074, 1761, 1762*, 3930, 4798, 4816, 5742, 5800.

99 ....Revises provisions relating to notarial acts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Horne; Senators Segerblom, Roberson, Brower and Settelmeyer, 139, 2284, 2460, 2776, 2777*, 3703, 4917, 4926, 5738.

100 ....Designates five family court judges in counties with a population of 700,000 or more to hear only cases involving child abuse and neglect, adoptions of children in foster care and the termination of parental rights. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Eisen and Carlton, 139.

101 ....Revises provisions governing mopeds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 140, 237.

102 ....Revises provisions relating to the crime of participation in an organized retail theft ring. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Carrillo, Fiore, Daly and Martin, 140, 520, 591, 744, 900, 901*, 3369, 4235.

No. *Summary, Introducer and Page Reference*

103 ....Revises provisions relating to school police officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Carrillo, Fiore, Daly and Martin, 140.

104 ....Revises provisions governing aliens unlawfully present in the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hansen, Paul Anderson, Duncan, Ellison, Fiore, Grady, Hardy, Oscarson, Wheeler and Senator Gustavson, 140, 254.

105 ....Extends to United States Marshals the power to arrest without a warrant and the power to obtain and execute search warrants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hambrick, Hickey, Ellison, Fiore and Wheeler, 141.

106 ....Provides for the award of certain costs, fees and expenses to prevailing parties in actions before the Occupational Safety and Health Review Board under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hansen, Fiore, Duncan, Ellison, Grady, Hardy, Hickey, Kirner, Oscarson and Wheeler, 141, 254, 747, 937, 1022, 4513, 4535, 4580*.

107 ....Revises provisions governing an award of attorney's fees in causes of action for constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hansen, Fiore, Hickey, Paul Anderson, Duncan, Ellison, Grady, Hardy, Kirner, Oscarson, Stewart, Wheeler and Senator Gustavson, 141.

108 ....Revises provisions relating to the eligibility to vote of certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 141, 424, 527, 593, 744, 901*, 2929, 3072.

109 ....Revises the qualifications and training required for certain persons who operate or are employed by a child care facility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Elliot Anderson, Kirkpatrick, Eisen, Diaz; Senators Denis and Smith, 142, 664, 820, 1028*, 1029, 3369, 4235.

110 ....Revises provisions concerning canines and breed discrimination. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Ohrenschall, 142, 520, 596, 744, 901*, 902, 3369, 4235.

111 ....Revises provisions related to special license plates for disabled veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirner, Hickey, Elliot Anderson, Daly, Duncan, Ellison, Fiore, Grady, Hambrick, Kirkpatrick, Livermore, Munford, Oscarson, Sprinkle, Stewart, Wheeler; Senators Gustavson and Parks, 142, 254, 260, 287, 304, 324, 325*, 2929, 3072.

112 ....Makes various changes relating to collective bargaining agreements of local government employers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirner, Hickey, Duncan, Ellison, Fiore, Grady, Hambrick, Livermore, Munford, Oscarson, Stewart, Wheeler; Senators Gustavson and Kieckhefer, 142.

113 ....Revises provisions relating to sex trafficking. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 143, 254, 1785, 1792, 1961, 2730.

114 ....Revises provisions governing interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Horne, Kirkpatrick, Frierson, Healey, Bobzien, Paul Anderson, Eisen, Ellison, Flores, Hardy, Hickey, Kirner; Senators Atkinson, Kihuen, Denis, Smith, Manendo, Ford, Hammond and Settelmeyer, 143, 175, 176, 188, 189*, 193, 194.

115 ....Revises provisions governing the information required to be provided to suspected victims of domestic violence by law enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Benitez-Thompson, Sprinkle, Bustamante Adams, Daly and Neal, 146, 245, 253, 269*, 270, 2908, 2920.

116 ....Revises certain provisions concerning accessories to certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Benitez-Thompson and Elliot Anderson, 146, 520, 598, 744, 902*, 3930, 4816, 4818, 5738.

117 ....Revises provisions governing rules of the road. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sprinkle, Carrillo, Bobzien, Paul Anderson, Benitez-Thompson, Cohen, Daly, Eisen, Flores, Healey, Spiegel, Swank, Wheeler and Senator Smith, 147, 425, 527, 600, 744, 902, 1791, 2577, 2777*, 3369, 4235.

118 ....Establishes the Legislative Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Kirner, Paul Anderson, Fiore, Grady, Hambrick, Hardy; Senators Brower and Hutchison, 147, 533.

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119 ....Revises provisions relating to the certification of public accountants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Martin, Hogan, Elliot Anderson, Bobzien, Carrillo, Duncan, Ellison, Fiore, Oscarson, Spiegel, Sprinkle, Wheeler and Senator Jones, 148.

120 ....Revises provisions governing information provided to insurance policyholders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Aizley, 148, 747, 937, 1428*, 3369, 4235.

121 ....Revises provisions governing the campaigns of candidates for membership on the executive board of a homeowners' association. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Hickey; Senators Hardy and Goicoechea, 148.

122 ....Imposes a fee on sales by fast-food businesses of certain items of prepared food. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Munford and Hogan, 148, 254.

123 ....Prohibits certain pedestrians from manually typing or entering text into a cellular telephone or other handheld wireless communications device while crossing a highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Grady and Hogan, 149.

124 ....Revises provisions governing eligibility for a Governor Guinn Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Elliot Anderson, Diaz, Eisen, Grady, Hansen, Hogan, Horne, Kirkpatrick, Kirner, Martin, Oscarson, Spiegel, Sprinkle, Stewart, Swank and Senator Atkinson, 149.

125 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick, 149, 1785, 1792, 1975, 2770, 2772, 4555, 4557, 4617, 4778*, 5999.

126 ....Requires the disclosure of certain nutritional information in certain chain restaurants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Flores, Aizley, Bobzien, Eisen, Healey; Senators Jones and Woodhouse, 149, 1023, 1082, 1762*, 1763, 4239, 4941, 4943, 5738.

127 ....Authorizes the Nevada Gaming Commission to adopt a seal identifying certain licensees of interactive gaming and prohibits the unauthorized use of such a seal. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Horne, Healey, Elliot Anderson, Frierson, Bobzien, Bustamante Adams, Daly, Diaz, Kirkpatrick, Martin, Munford; Senators Kihuen, Atkinson and Denis, 150, 245, 253, 270*, 2908, 2920.

128 ....Exempts a person from the payment of a fee for the management of aquatic invasive species under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams, 153, 392, 412, 416, 471, 527, 660, 744, 902, 903*, 3369, 4235.

129 ....Provides for the issuance of special license plates honoring peace officers who have received certain medals or the equivalent thereof. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Livermore, Hickey, Fiore, Hambrick, Hansen, Oscarson, Stewart and Wheeler, 153, 921, 1084, 1763*, 3703, 4757.

130 ....Revises provisions requiring the Board of Regents of the University of Nevada to pay certain educational fees and expenses for certain dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hardy, Fiore, Ellison, Hickey, Paul Anderson, Grady, Hambrick, Kirner, Oscarson, Stewart, Wheeler; Senators Hardy, Cegavske, Goicoechea and Settelmeyer, 153, 254, 520, 605, 661, 2922, 2944, 2974, 2975*, 5999.

131 ....Revises provisions governing the Board of the Virgin Valley Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Ellison, Paul Anderson, Fiore, Grady, Hambrick, Hickey, Kirkpatrick, Kirner, Livermore, Oscarson, Stewart, Wheeler; Senators Hardy, Cegavske, Goicoechea, Hammond and Settelmeyer, 153, 748, 939, 1428, 1429*, 3703, 5096, 5101, 5849.

132 ....Provides immunity from civil liability to persons employed by an agency to provide personal care services in the home in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carrillo, Eisen, Diaz, Cohen, Dondero Loop, Martin and Wheeler, 154, 520, 607, 744, 903*, 3369, 4235.

133 ....Makes various changes to criminal law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pierce, Bobzien, Benitez-Thompson, Diaz, Eisen, Hogan, Horne, Neal and Senator Parks, 154.

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134 ....Revises provisions governing nonprofit corporations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Dondero Loop, 154, 403, 416, 472, 527, 660, 744, 902, 917, 1023.

135 ....Revises provisions relating to town advisory boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Fiore, Kirkpatrick, Paul Anderson, Grady, Hambrick, Hickey, Kirner, Livermore, Stewart, Wheeler; Senators Cegavske, Goicoechea and Settelmeyer, 154, 424, 527, 609, 744, 892, 917, 1024, 1025*.

136 ....Revises provisions relating to the certification of public accountants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Hickey, Paul Anderson, Grady and Senator Hardy, 155.

137 ....Revises provisions relating to landscaping within common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Neal and Aizley, 155.

138 ....Revises provisions governing the partial abatement of certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Sprinkle, Bustamante Adams, Kirkpatrick, Bobzien, Neal; Senators Smith and Kihuen, 155, 254, 664, 823, 891, 4760, 4763, 5267, 5273*, 6156.

139 ....Revises provisions relating to the state business portal. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Daly, Kirkpatrick, Bobzien, Benitez-Thompson, Horne, Bustamante Adams, Carlton, Diaz, Frierson, Healey, Ohrenschall, Spiegel, Sprinkle and Senator Smith, 155, 254, 664, 836, 891, 2987, 3097, 3298*, 5852, 6107, 6124, 6384, 6615, 6659.

140 ....Enacts provisions governing the posting of eligibility requirements for certain abatements and contracts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 156, 254.

141 ....Revises provisions concerning tips and gratuities received by employees. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Hogan, Martin, Munford and Sprinkle, 156.

142 ....Revises provisions relating to the sealing and removal of certain records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Fiore, Duncan, Ellison, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Martin; Senators Segerblom, Denis, Kihuen, Atkinson, Gustavson, Jones and Spearman, 156.

143 ....Makes various changes relating to concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Fiore, Wheeler, Paul Anderson, Hansen, Hickey, Carrillo, Duncan, Ellison, Grady, Hambrick, Hardy, Kirner, Ohrenschall, Oscarson, Stewart, Woodbury; Senators Gustavson, Settelmeyer, Cegavske, Goicoechea, Hammond and Hardy, 156.

144 ....Revises certain provisions pertaining to anatomical gifts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carrillo and Ohrenschall, 157, 664, 852, 1029*, 3369, 4235.

145 ....Provides for retrofitting of roads and streets in consideration of different types of users. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Carrillo and Ohrenschall, 157, 254, 1040, 1041, 1297, 1608, 4555, 4557, 4630, 4778, 4779*, 5999, 6093, 6106.

146 ....Revises provisions governing servitude of a minor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Horne, Frierson; Senators Atkinson and Ford, 157, 254, 920, 1092, 1426, 2922, 2944, 2975*, 5021, 5849.

147 ....Requires the notification of patients regarding breast density. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Pierce, Kirkpatrick, Dondero Loop, Kirner, Aizley, Elliot Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Fiore, Frierson, Hambrick, Healey, Hickey, Horne, Martin, Munford, Neal, Spiegel, Swank; Senators Segerblom, Denis, Manendo, Jones, Spearman, Ford, Kihuen and Woodhouse, 157, 1040, 1041, 1309, 1763, 1764*, 4555, 4694, 4696, 5738.

148 ....Requires facilities for skilled nursing to conduct assessments of certain patients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 163.

149 ....Revises provisions concerning persons legally responsible for the psychiatric care of a child who is in the custody of an agency which provides child welfare services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 163.

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150 ....Creates the Legislative Committee on Governmental Oversight and Accountability. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Daly, Kirkpatrick, Bobzien, Benitez-Thompson, Bustamante Adams, Carlton, Healey, Ohrenschall, Pierce, Sprinkle and Senator Smith, 164, 533, 1785, 1792, 1998, 2777, 2778*, 6652, 6886, 6893.

151 ....Provides for the establishment of goals for the participation of disadvantaged business enterprises and local emerging small businesses in contracts with the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams, 164, 254, 331, 363, 2987, 3097, 3298, 3299*, 5852.

152 ....Makes various changes relating to sexually exploited children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 164.

153 ....Provides for the licensing and operation of craft distilleries in Nevada. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Hardy, Hambrick, Ellison, Fiore, Grady, Livermore and Wheeler, 164, 533, 2284, 2482, 2731, 2929, 2975*, 2976, 5852, 6124, 6131.

154 ....Revises provisions concerning child death review teams. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Eisen, Frierson, Benitez-Thompson, Carrillo, Dondero Loop, Flores, Healey; Senators Jones and Hardy, 165, 520, 609, 744, 903*, 3369, 4235.

155 ....Revises provisions governing reports of the abuse or neglect of a child. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Eisen, Frierson, Benitez-Thompson, Carrillo, Dondero Loop, Duncan, Flores, Healey, Kirkpatrick, Oscarson; Senators Jones and Hardy, 165, 520, 612, 744, 904*, 3369, 4235.

156 ....Revises provisions relating to the sealing of certain records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall and Senator Segerblom, 165, 520, 622, 744, 904, 905*, 3703, 4818, 4824, 5738.

157 ....Revises provisions relating to water furnished by a municipal water system for domestic use in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Wheeler, Kirkpatrick, Ellison, Fiore, Martin, Oscarson, Woodbury; Senators Goicoechea, Gustavson and Settelmeyer, 190.

158 ....Revises provisions governing the Advisory Council on the State Program for Fitness and Wellness. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Diaz, 190, 392, 412, 416, 472, 527, 660, 744, 905*, 3369, 4235.

159 ....Establishes a diversion program for certain defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Flores, Neal, Ohrenschall, Aizley, Bobzien, Bustamante Adams, Carlton, Cohen, Dondero Loop, Healey, Horne, Munford, Pierce, Sprinkle; Senators Atkinson, Segerblom, Parks, Jones, Kihuen, Manendo and Spearman, 190.

160 ....Revises provisions governing the death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 191.

161 ....Revises provisions governing the advancement of certain pupils to higher grade levels. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 192, 254, 1784, 1792, 2005, 2778.

162 ....Revises provisions governing class-size reduction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 193, 425, 747, 942, 1023, 6383, 6384, 6616, 6617.

163 ....Makes an appropriation for school districts to provide early childhood education programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 193, 254, 1784, 1792, 2039, 2731.

164 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kirner, Hickey, Duncan, Fiore, Grady, Hambrick, Healey, Kirkpatrick, Munford, Stewart; Senators Hammond and Kieckhefer, 196, 254.

165 ....Limits the purposes for which the Director of the Department of Motor Vehicles is allowed to release certain personal information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 196, 921, 1102, 1764*, 3703, 4757.

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166 ....Establishes requirements for the permitting of a vehicle that is driven in Nevada by a nonresident who commutes to work on a regular basis in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 196, 254, 2608, 2730, 2737, 2770.

167 ....Establishes requirements for the permitting of certain vehicles that are driven in Nevada and owned by a nonresident business. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 197, 254, 2608, 2615, 2730, 2744, 2770, 5800, 5930, 6997.

168 ....Requires the membership of each county advisory board to manage wildlife to include one qualified member who represents the interests of the general public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 197, 1438, 1445, 1485, 2595, 2596*, 3369, 4235.

169 ....Revises provisions relating to contracts with a governmental entity. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Neal, Horne, Daly and Senator Atkinson, 197, 425, 520, 628, 661..

170 ....Revises provisions relating to the advanced practice of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 197, 403, 416, 478, 527, 660, 744, 905, 906*, 4555, 4714, 4742, 5738.

171 ....Revises provisions governing continuing education requirements for certain personnel of manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ellison, Grady, Wheeler; Senators Hardy, Goicoechea and Gustavson, 198.

172 ....Revises provisions governing bidder preferences on certain public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Kirkpatrick, Bobzien, Benitez-Thompson, Hickey and Bustamante Adams, 198, 664, 855, 1029, 1609, 1738, 2596*, 3703, 4926, 4941, 5738.

173 ....Revises provisions governing rates which may be charged by certain electric utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Healey, Kirkpatrick, Elliot Anderson, Bustamante Adams, Carrillo, Diaz, Frierson, Livermore, Martin, Neal, Oscarson, Pierce and Spiegel, 201, 519, 643, 744, 906*, 3369, 4235.

174 ....Revises provisions governing proceedings relating to the abuse or neglect of a child. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 201, 520, 648, 744, 906, 907*, 3369, 4235.

175 ....Revises provisions relating to uniformed-service and overseas voters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Elliot Anderson, Ohrenschall, Eisen, Bustamante Adams, Healey, Aizley, Paul Anderson, Benitez-Thompson, Bobzien, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, Woodbury; Senators Jones, Kihuen, Spearman, Parks, Brower, Atkinson, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Manendo, Roberson, Segerblom, Settelmeyer, Smith and Woodhouse, 201, 521, 651, 744, 907*, 2908, 2920.

176 ....Revises provisions relating to the emissions testing of certain consigned vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carrillo, Eisen, Hansen and Munford, 204, 921, 1107, 1764, 1765*, 4555, 5213, 5216, 5849.

177 ....Revises provisions governing the use of safety belts in taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 204.

178 ....Revises provisions relating to the disposition of unspent campaign contributions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hickey and Senator Brower, 204.

179 ....Revises provisions governing audits of certain regulatory boards of this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Hickey, Ellison, Elliot Anderson, Bobzien, Bustamante Adams, Daly, Eisen, Grady, Healey, Kirkpatrick, Kirner, Livermore, Martin, Neal, Swank, Wheeler, Woodbury; Senators Cegavske and Goicoechea, 205, 747, 946, 1429*, 2948, 3072.

180 ....Revises provisions governing estates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 205.

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181 ....Makes various changes to provisions governing employment practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Bobzien, Kirkpatrick, Eisen, Elliot Anderson, Frierson, Aizley, Benitez-Thompson, Carlton, Cohen, Daly, Dondero Loop, Healey, Ohrenschall, Pierce, Spiegel, Swank; Senators Denis, Atkinson, Jones and Smith, 213, 332, 363, 364*, 3703, 4742, 4745, 5600, 6263, 6270, 6997.

182 ....Revises provisions governing liens of owners of storage facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Carrillo, 213, 920, 1110, 1609, 1779, 2596, 2597*, 3369, 4235.

183 ....Allows a person who is 16 years of age to donate blood with the consent of his or her parent or guardian. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Duncan, Paul Anderson, Sprinkle, Hickey, Aizley, Cohen, Ellison, Fiore, Flores, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Martin, Munford, Ohrenschall, Oscarson, Spiegel, Stewart, Wheeler and Woodbury, 220, 520, 660, 744, 907, 908*, 3369, 4235.

184 ....Revises provisions governing construction defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Duncan, Hickey, Hardy, Fiore, Hansen, Paul Anderson, Ellison, Grady, Hambrick, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury; Senators Cegavske and Gustavson, 220, 1785, 1792, 2044, 2608, 2731.

185 ....Revises provisions to increase the cooperation between the Labor Commissioner and the United States Department of Labor to promote compliance with labor laws of common concern. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 221, 747, 949, 1429*, 1430, 3369, 4235.

186 ....Revises provisions relating to compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 221, 254, 1609, 1627, 1791, 4513, 4541, 4580, 4581*.

187 ....Revises provisions governing trade regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 221, 2284, 2488, 2730, 2855, 2856*.

188 ....Revises provisions governing the practice of optometry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 221.

189 ....Provides, under certain circumstances, for the issuance by the Department of Motor Vehicles of a separate tier of five new special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 222, 1785, 1792, 2049, 2778*, 4555, 5738.

190 ....Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 222, 533.

191 ....Revises the number of legislative measures that Legislators are authorized to request. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Ellison and Kirner, 222, 533.

192 ....Repeals the prospective expiration of the authority of county clerks to charge and collect an additional fee for filing and recording a bond of a notary public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Cohen, Diaz, Kirkpatrick, Flores, Carlton, Elliot Anderson, Bustamante Adams, Carrillo, Dondero Loop, Eisen, Frierson, Healey, Martin, Ohrenschall, Oscarson, Pierce, Spiegel, Stewart and Swank, 222, 331, 363, 370*, 2908, 2920.

193 ....Revises provisions governing compensation, wages and hours. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirner, Hardy, Hickey, Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Healey, Hogan, Livermore, Oscarson, Sprinkle, Stewart, Wheeler and Woodbury, 226.

194 ....Clarifies that a person who holds a leasehold interest in the real property of another person may be criminally liable for the destruction or injury of that real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Hambrick, Fiore, Grady, Healey, Hickey, Livermore, Neal, Oscarson, Stewart, Wheeler, Woodbury; Senators Goicoechea and Settelmeyer, 226, 664, 872, 1029*, 3369, 4235.

195 ....Revises provisions governing applications for the renewal of permits to carry concealed firearms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ellison, Wheeler, Oscarson, Fiore, Carrillo, Grady, Hambrick, Hansen, Hickey, Livermore, Martin, Munford, Ohrenschall, Stewart, Woodbury; Senators Gustavson and Goicoechea, 226, 254, 520, 660, 666, 678, 744, 2922, 2944, 2976*.

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196 ....Requires the Attorney General to bring an action to protect and secure certain constitutional rights of residents of this State under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Wheeler, Ellison, Paul Anderson, Fiore, Oscarson, Duncan, Grady, Hansen, Hardy, Hickey, Kirner, Livermore, Stewart, Woodbury; Senators Gustavson, Cegavske and Settelmeyer, 227, 254.

197 ....Makes various changes to provisions governing sex offenders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Hambrick, Aizley, Paul Anderson, Ellison, Grady, Hardy, Livermore, Oscarson, Wheeler and Senator Gustavson, 227, 425.

198 ....Revises provisions governing taxicabs in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Hambrick, Fiore, Hansen, Hickey, Livermore, Martin, Oscarson, Stewart, Wheeler, Woodbury; Senators Gustavson and Goicoechea, 228, 664, 872, 1030*, 3703, 4757.

199 ....Revises provisions governing the sale of electricity and provision of transmission service and distribution service by the Colorado River Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 228, 2284, 2493, 2778, 2779*, 3369, 4235.

200 ....Revises provisions relating to food establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Grady, Carlton, Hickey, Oscarson, Kirner, Livermore, Wheeler; Senators Hardy and Cegavske, 228, 748, 950, 1427, 1609, 1753, 2597*, 3703, 4944, 4947, 5738.

201 ....Revises certain provisions governing the taxation of property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Daly, 228, 425.

202 ....Revises various provisions relating to juveniles charged as adults for committing certain crimes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 229, 533, 920, 1116, 1609, 1779, 1792, 2568, 2779*, 4555, 5604, 5608, 5613, 5620, 5807, 5808, 6284, 6291, 6997.

203 ....Revises provisions governing the granting of the right to visit a child to grandparents and great-grandparents of the child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Livermore, Ellison, Hickey, Hambrick, Aizley, Diaz, Duncan, Fiore, Grady, Hansen, Hardy, Kirner, Martin, Munford, Neal, Oscarson, Spiegel, Stewart, Swank, Wheeler and Woodbury, 229.

204 ....Revises provisions governing appraisers of real estate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 232.

205 ....Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 232, 1784, 1792, 2061, 2779, 2780*, 3369, 5151, 5160, 5600, 6216, 6258, 6997.

206 ....Provides that volunteer members of a county search and rescue organization shall be deemed to be employees of the county at a specified wage for purposes of industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Sprinkle, 233, 414, 505, 527, 660, 744, 908, 909*, 2948, 3072.

207 ....Revises provisions relating to juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 233, 1785, 1792, 2091, 2780*, 3930, 5621, 5625, 6137.

208 ....Prohibits the Department of Taxation from applying sales taxes to the provision of meals by employers to their employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Munford, Healey, Carlton, Frierson, Paul Anderson, Diaz, Fiore, Grady, Horne, Kirner, Livermore, Neal, Swank; Senators Atkinson, Gustavson, Settelmeyer and Spearman, 237.

209 ....Revises provisions governing the distribution and sale of raw milk. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Ohrenschall and Senator Segerblom, 237, 1438, 1445, 1486, 2597, 2598*, 4555, 5738.

210 ....Revises provisions relating to pupils with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 237, 1784, 1792, 2097, 2780, 2781*, 3369, 4757.

211 ....Revises provisions governing prevailing wages on certain public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hansen, Wheeler, Ellison, Hambrick, Paul Anderson, Grady, Kirner, Livermore, Stewart and Senator Gustavson, 238.

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212 ....Prohibits the possession of portable telecommunications devices by certain prisoners. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Hansen, Hambrick, Paul Anderson, Ellison, Grady, Kirner, Livermore, Stewart, Wheeler and Senator Gustavson, 238, 520, 660, 666, 680, 909*, 4239, 5625, 5627, 6137.

213 ....Revises provisions governing the issuance of a certificate of registration to a provider of a service contract. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Bobzien, 238, 425, 1609, 1632, 1791, 4513, 4544, 4581*, 5852.

214 ....Requires the State Contractors' Board to adopt regulations providing a classification of licensure for persons who install or maintain building shell insulation or thermal system insulation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Eisen and Carrillo, 238.

215 ....Provides for the collection and application of graywater for a single-family residence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 239, 425, 1785, 1792, 2101, 2730, 2731, 5269, 5304, 5679.

216 ....Revises certain provisions governing voter identification. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Wheeler, Ellison, Hambrick, Fiore, Paul Anderson, Grady, Livermore, Stewart and Senator Gustavson, 239, 425.

217 ....Revises provisions governing criminal background checks of employees and applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 239, 520, 660, 666, 682, 909*, 3369, 4235.

218 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 240, 1438, 1445, 1490, 2598*, 4239, 5139, 5151, 5849.

219 ....Revises provisions governing the award of damages to persons who suffer personal injury. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Flores, 243.

220 ....Prohibits certain fees relating to credit card transactions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Daly, 243, 533.

221 ....Requires the Director of the Department of Health and Human Services to consider measures to revise the manner in which payments are reviewed and made to providers under Medicaid and the Children's Health Insurance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dondero Loop, Kirkpatrick and Eisen, 243, 664, 872, 1030*, 3369, 4235.

222 ....Requires certain school districts to adopt pilot programs for the establishment of reading skills development centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Diaz, Bustamante Adams, Flores, Neal, Carrillo, Benitez-Thompson; Senators Denis, Kihuen and Segerblom, 244, 254, 392.

223 ....Revises provisions governing constables. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Kirkpatrick, 244, 1785, 1792, 2108, 2781*, 2782, 4555, 5627, 5643, 5852, 5853, 6292, 6307, 6997.

224 ....Revises provisions governing the collection and maintenance of certain data relating to public education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Elliot Anderson, Bustamante Adams, Dondero Loop; Senators Woodhouse, Spearman, Parks and Atkinson, 244, 403, 416, 425, 505, 517, 4760, 5267, 5273, 5274*, 6072.

225 ....Revises provisions relating to business brokers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Grady, Hardy and Hickey, 247, 747, 954, 1427, 1435, 1765*, 4239, 5672, 5673, 6137.

226 ....Enacts provisions governing certain policies of insurance, annuities, benefit contracts and retained asset accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams, 247, 393, 521, 1437, 1445, 1503, 1791, 2922, 2944, 2976*, 5852, 6131, 6136.

227 ....Creates the Nevada Land Management Task Force to conduct a study addressing the transfer of certain public lands in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ellison, Wheeler, Hansen, Hickey, Hardy, Paul Anderson, Bustamante Adams, Carrillo, Duncan, Fiore, Flores, Grady, Hambrick, Healey, Kirkpatrick, Kirner, Livermore, Neal, Ohrenschall, Oscarson, Spiegel, Stewart, Woodbury; Senators Goicoechea, Gustavson, Roberson, Hutchison, Hammond, Atkinson, Brower, Cegavske, Denis, Hardy, Jones,

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Kieckhefer, Kihuen, Manendo, Parks, Settelmeyer, Spearman and Woodhouse, 248, 1785, 1792, 2124, 2782, 2783*, 4555, 5738.

228 ....Authorizes certain providers of health care to provide voluntary health care service in this State in association with certain organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Grady, Hardy, Hambrick, Hickey, Kirner, Aizley, Elliot Anderson, Paul Anderson, Bustamante Adams, Diaz, Duncan, Eisen, Ellison, Fiore, Frierson, Hansen, Healey, Horne, Kirkpatrick, Livermore, Ohrenschall, Oscarson, Pierce, Sprinkle, Stewart, Wheeler, Woodbury; Senators Hardy, Goicoechea, Gustavson, Denis, Hammond, Parks and Settelmeyer, 248, 425, 747, 954, 1023, 2922, 2944, 2976, 2977*, 5741, 6998.

229 ....Makes various changes relating to the mandatory reporting of elder abuse. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 249.

230 ....Revises provisions governing courses of instruction in sex education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Bobzien, Eisen, Sprinkle, Elliot Anderson, Hambrick, Aizley, Benitez-Thompson, Horne, Kirkpatrick, Neal; Senators Spearman, Parks, Segerblom and Manendo, 249, 393, 521, 1784, 1792, 2127, 2835, 2838*.

231 ....Revises provisions regarding local governing bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Ellison, Hardy, Wheeler; Senators Goicoechea and Settelmeyer, 249, 748, 959, 1430*, 3369, 4235.

232 ....Revises provisions governing concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Ellison, Wheeler, Fiore, Hickey, Hardy; Senators Goicoechea and Settelmeyer, 250.

233 ....Revises provisions governing postconviction genetic marker analysis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Flores, 250, 520, 660, 744, 875, 1031*, 3703, 4824, 4828, 5738.

234 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Horne, Frierson, Flores, Eisen, Bustamante Adams, Carlton, Healey, Pierce; Senators Segerblom, Spearman, Atkinson and Kihuen, 250, 425.

235 ....Revises provisions governing the prohibition against possessing certain weapons while on certain property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 254.

236 ....Makes changes to the rules of the road regarding motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Carrillo and Healey, 254, 1040, 1041, 1311, 1765*.

237 ....Adjusts the compensation of certain members of certain boards, commissions and similar bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Kirner, 254, 424, 425.

238 ....Revises provisions governing graduation from high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kirner, Hardy, Ellison, Fiore, Grady, Oscarson, Stewart and Wheeler, 254, 533.

239 ....Makes various changes relating to energy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Kirkpatrick, 255, 425, 663, 875, 891, 5852, 5853, 5887, 6009*, 6997.

240 ....Revises provisions relating to civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 255, 520, 660, 666, 699, 909, 910*, 3930, 5643, 5645, 6137.

241 ....Provides certain protections for sexually exploited children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hambrick, Paul Anderson, Carrillo, Grady, Hardy, Livermore and Wheeler, 261, 533.

242 ....Authorizes the placement of a designation of veteran status on certain documents issued by the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 261, 425, 1040, 1041, 1314, 1423, 1608, 4513, 4546, 4581*.

243 ....Revises provisions governing designs of special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 261, 1040, 1041, 1314, 1766*.

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244 ....Revises provisions governing special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 262, 1438, 1445, 1508, 2598*, 3369, 4235.

245 ....Limits the recovery of damages arising from a motor vehicle accident under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Hardy, Paul Anderson, Hambrick, Duncan, Ellison, Grady, Hansen, Livermore, Stewart; Senators Hardy and Brower, 262.

246 ....Prohibits the sale or transfer of ownership of a live animal at a swap meet under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining, 262, 1040, 1041, 1316, 1766*, 4555, 5259, 5261, 5849.

247 ....Enacts the Nevada Buy American Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Carlton, Kirkpatrick, Spiegel, Hardy, Hickey, Aizley, Elliot Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Daly, Diaz, Eisen, Frierson, Hansen, Healey, Horne, Livermore, Martin, Pierce, Swank; Senators Manendo, Segerblom, Parks, Woodhouse and Denis, 262, 393, 521, 748, 964, 1023.

248 ....Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Fiore, Hickey, Hardy, Frierson, Bobzien, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Flores, Grady, Hambrick, Hansen, Healey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Stewart, Swank, Wheeler, Woodbury; Senators Atkinson, Segerblom, Hutchison, Cegavske, Hammond, Denis, Ford, Goicoechea, Gustavson, Hardy, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Settelmeyer, Spearman and Woodhouse, 263, 1785, 1792, 2134, 2773*.

249 ....Revises provisions governing vacancies in the office of district attorney. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Paul Anderson, Diaz, Hogan, Livermore and Senator Parks, 263, 392, 412, 416, 510, 527, 660, 744, 911*, 3369, 4235.

250 ....Provides immunity from civil liability to certain persons for injuries or death resulting from certain equine activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Paul Anderson, Ellison, Hansen, Hickey, Hogan and Senator Goicoechea, 263.

251 ....Requires a public body to make available to the public certain contact information for its members. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Ellison, Hambrick, Fiore, Grady, Hardy, Hickey, Kirner, Livermore and Wheeler, 264, 665, 1784, 1792, 2140, 2838*.

252 ....Makes various changes to the Nevada Administrative Procedure Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hansen, Kirkpatrick, Hardy, Fiore, Hambrick, Paul Anderson, Benitez-Thompson, Duncan, Frierson, Grady, Hickey, Kirner, Livermore, Oscarson, Wheeler; Senators Gustavson, Goicoechea and Settelmeyer, 264, 520, 660, 666, 701, 910, 911*, 2930, 3072.

253 ....Requires reports of federal revenues received by state agencies, institutions of higher education, school districts and charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hansen, Hardy, Ellison and Grady, 264, 393, 521.

254 ....Enacts provisions relating to school choice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Hickey, Hambrick, Fiore, Hardy, Kirner, Livermore, Wheeler and Senator Gustavson, 265.

255 ....Provides for an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties to the Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Livermore, Hickey, Hambrick, Aizley, Paul Anderson, Bustamante Adams, Ellison, Fiore, Grady, Hansen, Hardy, Kirner, Munford, Oscarson, Stewart, Wheeler, Woodbury; Senators Jones and Settelmeyer, 265, 520, 660, 744, 875, 1031*, 3369, 4235.

256 ....Makes various changes relating to motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carrillo, Daly, Benitez-Thompson, Eisen, Fiore, Hansen and Wheeler, 265, 921, 1041, 1125, 1426, 4512, 4513, 4551, 4552*.

257 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Ellison, Hickey, Hambrick, Duncan, Fiore, Grady, Hansen, Kirner, Livermore, Stewart, Wheeler and Senator Hardy, 266.

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258 ....Revises provisions relating to prevailing wage requirements for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Hardy, Ellison, Wheeler, Hambrick, Paul Anderson, Duncan, Fiore, Grady, Hansen, Kirner, Livermore, Stewart, Woodbury and Senator Hardy, 266.

259 ....Revises provisions governing the P-16 Advisory Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 266, 920, 1129, 1766, 1767*, 3369, 4235.

260 ....Revises provisions governing tuition charges assessed against certain students within the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Elliot Anderson, Bustamante Adams and Senator Spearman, 271, 393, 415, 510, 517, 521, 4760, 5267, 5274*, 6616, 6714, 6717.

261 ....Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Frierson, 275.

262 ....Revises provisions governing the award of attorney's fees in certain domestic relations actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Cohen, Eisen, Ohrenschall, Kirkpatrick, Aizley, Elliot Anderson, Bustamante Adams, Frierson, Healey, Spiegel and Swank, 276, 415, 512, 527, 660, 744, 911*, 912, 3703, 5645, 5646, 5807, 5808, 6307, 6312, 6997.

263 ....Revises provisions governing bidding on certain highway projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Neal, Aizley, Bustamante Adams, Flores, Frierson, Horne and Munford, 276, 1040, 1041, 1318, 1767*, 3703, 4757.

264 ....Revises provisions relating to estrays and feral livestock. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Grady, Wheeler, Ellison, Kirner, Livermore; Senators Goicoechea and Settelmeyer, 276, 748, 982, 1430, 1435, 1767, 1768*, 4555, 5261, 5266, 5849.

265 ....Revises provisions relating to the offense of sexual conduct between certain employees of a school or volunteers at a school and a pupil. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Livermore, Hambrick, Ellison, Hardy, Kirner, Wheeler and Woodbury, 276, 362, 521.

266 ....Revises provisions relating to veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Livermore, Hambrick, Healey, Elliot Anderson, Paul Anderson, Duncan, Ellison, Fiore, Grady, Hardy, Kirner, Munford, Stewart, Swank, Wheeler and Woodbury, 276, 748, 982, 1430, 1431*, 3369, 4235.

267 ....Revises certain provisions governing publication of legal notices and legal advertisements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Spiegel, Carrillo, Cohen, Healey and Swank, 277, 393, 521.

268 ....Authorizes certain counties to enter into a cooperative agreement to create a tax increment area under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Livermore, Hickey, Paul Anderson, Ellison, Fiore, Grady, Hambrick, Hardy, Kirner, Munford, Stewart, Wheeler and Woodbury, 277.

269 ....Requires the State Environmental Commission to adopt regulations relating to certain disposal sites for solid waste. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Woodbury, Paul Anderson, Ellison, Fiore, Hambrick, Hardy, Kirner, Livermore, Wheeler and Senator Hardy, 277.

270 ....Revises provisions governing minority affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Neal, Bustamante Adams, Flores, Frierson, Horne, Munford and Senator Atkinson, 277, 533, 748, 983, 1023.

271 ....Revises provisions governing alimony, spousal support and property division in cases involving veterans with a service-connected disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Wheeler, Hickey, Elliot Anderson, Paul Anderson, Carrillo, Daly, Diaz, Frierson, Hardy, Kirner, Martin and Oscarson, 278.

272 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Diaz, Horne, Kirkpatrick, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carrillo, Dondero Loop, Flores, Frierson, Munford, Neal, Pierce and Swank, 278, 533, 1784, 1792, 2143, 2731.

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273 ....Revises provisions relating to the Foreclosure Mediation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Eisen and Frierson, 278, 362, 521, 920, 1133, 1426, 6001, 6010, 6150, 6151*, 6616, 6872, 6881.

274 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 278, 664, 875, 1023.

275 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ellison, Fiore, Duncan, Paul Anderson, Grady, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler and Woodbury, 279, 533.

276 ....Consolidates the Manufactured Housing Division of the Department of Business and Industry within the Housing Division of the Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ellison, Paul Anderson, Grady, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler and Woodbury, 279, 362, 521, 532, 744, 875, 891.

277 ....Revises provisions governing dental hygienists. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Benitez-Thompson and Carlton, 279, 519, 660, 666, 706, 912*, 3369, 4235.

278 ....Enacts provisions related to multicultural education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford, Diaz, Elliot Anderson, Paul Anderson, Benitez-Thompson, Cohen, Daly, Eisen, Fiore, Healey, Hickey, Hogan, Kirkpatrick, Martin, Neal, Ohrenschall, Stewart, Swank; Senators Segerblom, Spearman, Goicoechea, Manendo, Parks and Woodhouse, 280, 533.

279 ....Imposes a tax on certain income of business entities engaged in business in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Pierce, 280, 533.

280 ....Revises provisions governing certain sexual crimes involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hambrick, Hickey, Paul Anderson, Grady, Hansen, Hardy, Hogan, Kirner, Livermore, Munford, Neal, Stewart, Wheeler, Woodbury; Senators Gustavson and Manendo, 280.

281 ....Revises provisions relating to recordkeeping on public works projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hogan, Munford, Aizley, Bustamante Adams, Daly, Horne, Kirkpatrick, Martin, Neal, Ohrenschall, Pierce, Sprinkle, Stewart, Swank; Senators Parks, Manendo, Segerblom, Atkinson, Ford, Denis and Kihuen, 280, 664, 875, 1031, 1032*, 3369, 4235.

282 ....Revises provisions governing certain sales of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Ohrenschall, Pierce and Senator Segerblom, 281, 921, 1142, 1768*, 3369, 4235.

283 ....Makes various changes to provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Healey, Benitez-Thompson, Carrillo, Neal, Pierce and Sprinkle, 281, 1438, 1445, 1508, 2599*, 4555, 5101, 5138, 5675, 5737, 6341, 6378, 6997.

284 ....Provides for the early termination of certain rental agreements by victims of domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Flores and Elliot Anderson, 281, 1039, 1041, 1321, 1768, 1770*, 4239, 4746, 4752, 5738.

285 ....Makes various changes relating to certain writs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly, 281, 393, 521.

286 ....Requires the provision of emergency medical personnel and emergency medical services at the site of certain special events. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Flores, 281, 748, 989, 1431, 1432*, 4239, 5163, 5168, 5849.

287 ....Authorizes the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Stewart, Hickey, Eisen, Hardy, Kirkpatrick; Senators Hardy, Goicoechea, Hammond and Woodhouse, 282, 665, 1785, 1792, 2180, 2731, 3369, 3704, 3846, 3865, 4331, 4332*, 6616, 6694, 6714.

288 ....Revises provisions governing graduation from high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Flores, Dondero Loop, Kirner and Elliot Anderson, 282, 393, 521, 1784, 1792, 2199, 2838, 2839*, 6384, 6447, 6530, 6615.

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289 ....Revises provisions governing the installation and use of smart meters by certain electric utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Hambrick, Hardy, Hogan and Livermore, 282.

290 ....Revises provisions relating to certain tax exemptions for certain veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Stewart, Elliot Anderson, Hambrick, Hardy, Hogan, Kirner, Livermore, Ohrenschall; Senators Hardy, Goicoechea, Hammond and Woodhouse, 283, 393, 521, 533, 744, 875, 891.

291 ....Revises provisions relating to preferences in state purchasing for businesses owned by a veteran with a service-connected disability. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Hardy, Elliot Anderson, Bobzien, Bustamante Adams, Grady, Hambrick, Healey, Hogan, Livermore; Senators Manendo, Spearman, Hutchison, Hammond, Hardy, Brower, Goicoechea and Woodhouse, 283, 665, 1609, 1633, 1791.

292 ....Revises provisions governing the requirements for licensure to practice medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Eisen; Senators Hardy and Hammond, 283.

293 ....Revises provisions relating to off-highway vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Paul Anderson, Bobzien, Carrillo, Duncan, Fiore, Grady, Wheeler; Senators Cegavske, Gustavson and Settelmeyer, 284, 533, 1438, 1445, 1531, 2599*.

294 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Bustamante Adams, 284, 664, 665, 875, 891, 4760, 5267, 5274*, 5852.

295 ....Revises provisions governing reductions in the workforce of a school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 284.

296 ....Revises provisions governing certain tax exemptions for veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Healey, Oscarson, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Daly, Ellison, Neal, Stewart and Swank, 284, 533.

297 ....Makes various changes relating to industrial relations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Ellison, Paul Anderson, Grady, Hardy, Kirner, Livermore, Oscarson and Wheeler, 285, 393, 521.

298 ....Makes an appropriation to the City of Las Vegas to encourage the creation of small businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Neal, 285, 362, 521.

299 ....Makes various changes relating to the provision of medical and dental services within the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Fiore, Hickey, Hardy, Paul Anderson, Duncan, Ellison, Grady, Hambrick, Hansen, Kirner, Livermore, Oscarson, Wheeler, Woodbury; Senators Hammond, Cegavske, Gustavson, Kieckhefer and Settelmeyer, 285, 362, 521.

300 ....Revises provisions governing real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Frierson and Senator Roberson, 285, 520, 660, 666, 713, 892, 917, 1025*, 4555, 4828, 4836, 5738.

301 ....Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Ellison, Swank, Wheeler and Senator Goicoechea, 286, 533, 3369, 3370, 3373, 3822, 3823*.

302 ....Provides for the merger of certain fire protection districts in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Kirner, Hickey, Hansen, Livermore, Wheeler and Senator Gustavson, 286.

303 ....Revises provisions relating to the subsidy for coverage of certain retired persons under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Aizley, 286, 533, 748, 994, 1023, 2929, 2977*, 4555, 5738.

304 ....Makes an appropriation to the Eighth Judicial District Court for a Veterans Court Coordinator. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Elliot Anderson, 286, 362, 521, 3369, 3370, 3375, 3823*.

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305 ....Revises provisions relating to highways. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Horne and Carrillo, 286, 921, 1148, 1771*, 3703, 4757.

306 ....Revises provisions relating to private investigators and related professions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Horne, Bustamante Adams, Carrillo, Cohen, Frierson, Hickey, Martin, Munford, Sprinkle; Senators Segerblom and Atkinson, 287, 1437, 1445, 1538, 2599, 2600*, 3703, 4752, 4757, 5738.

307 ....Revises provisions governing victims of crime. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Sprinkle, Healey, Pierce, Aizley, Elliot Anderson, Benitez-Thompson, Carlton, Carrillo, Cohen, Hogan, Livermore, Munford, Neal, Swank; Senators Segerblom, Atkinson and Ford, 287, 533, 1040, 1041, 1326, 1771*, 3369, 4235.

308 ....Revises provisions relating to the Southern Nevada Enterprise Community. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywomen Neal and Bustamante Adams, 287, 362, 521, 1040, 1041, 1332, 6616, 6617, 6621*.

309 ....Requires the Department of Motor Vehicles to contract for the establishment of an electronic lien system. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Flores, Bobzien and Diaz, 289, 393, 521, 2284, 2497, 2731, 2922, 2944, 2977*, 5852.

310 ....Revises provisions governing irrigation districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Grady, Hansen; Senators Settelmeyer, Goicoechea and Gustavson, 289, 921, 1150, 1771, 1772*, 3369, 4235.

311 ....Creates the Contingency Account for Victims of Human Trafficking. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sprinkle, Hambrick, Horne, Frierson, Bobzien, Dondero Loop, Duncan, Kirkpatrick and Oscarson, 290, 393, 415, 512, 517, 521, 3159, 3161, 3293, 3686*, 5741, 6998.

312 ....Makes various changes to the Charter of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Livermore, Hickey, Hambrick, Paul Anderson, Bustamante Adams, Fiore, Grady, Hardy, Healey, Kirner, Munford, Oscarson, Stewart, Wheeler and Senator Atkinson, 290, 1040, 1041, 1336, 1772*, 4555, 5224, 5227, 5849.

313 ....Requires the Advisory Commission on the Administration of Justice to consider certain items regarding criminal procedure. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Pierce, 290, 920, 1155, 1772, 1773*, 4555, 5646, 5648, 5651, 5807, 5808, 6881, 6886.

314 ....Makes various changes relating to lobbyists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Spiegel, Diaz, Elliot Anderson, Carrillo, Dondero Loop, Eisen, Hambrick, Hardy, Munford, Ohrenschall, Pierce, Sprinkle, Stewart, Swank; Senators Segerblom, Spearman and Manendo, 291, 533.

315 ....Revises various provisions concerning the abuse or neglect of a child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 291.

316 ....Revises provisions governing medical records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dondero Loop, Sprinkle and Kirkpatrick, 291, 1023, 1158, 1610.

317 ....Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Woodbury, Hambrick, Stewart and Senator Hardy, 291.

318 ....Revises provisions relating to the payment of overtime compensation and prevailing wages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Hickey, Hambrick, Duncan, Grady, Hansen, Kirner, Stewart; Senators Hardy, Goicoechea, Hammond and Settelmeyer, 292.

319 ....Requires photographic identification for voting. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Stewart, Hambrick, Hansen, Duncan, Grady, Hardy, Hickey, Kirner and Livermore, 292, 665.

320 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Grady, Hambrick, Hardy, Hickey, Kirner and Livermore, 292, 393, 521, 1040, 1041, 1339, 1608.

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321 ....Revises provisions governing the Merit Award Program for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Paul Anderson, Hardy, Hickey, Hambrick, Carrillo, Duncan, Ellison, Fiore, Grady, Healey, Kirner, Livermore, Munford, Oscarson, Sprinkle, Stewart, Wheeler, Woodbury; Senators Hammond, Brower and Gustavson, 293, 1023, 1160, 1609, 1779, 1792, 2573, 2839*, 3703, 4757.

322 ....Revises provisions concerning casualty insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Paul Anderson, Hardy, Fiore, Hambrick, Elliot Anderson, Duncan, Ellison, Flores, Grady, Hansen, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler; Senators Hammond, Brower and Gustavson, 293, 663, 885, 1032*, 3369, 4235.

323 ....Provides a deduction from the payroll tax for newly hired employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Paul Anderson, Hickey, Grady, Hardy, Livermore, Martin, Munford, Stewart and Senator Hammond, 293, 533, 748, 996, 1022.

324 ....Revises provisions relating to dental assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Carlton, 293, 393, 521, 747, 996, 1432*.

325 ....Authorizes a court to commit certain convicted persons to the custody of the Department of Corrections for an evaluation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Martin, Horne and Cohen, 294, 393, 521, 920, 1167, 1426, 5851, 5853, 5930*.

326 ....Revises provisions relating to arbitration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Aizley, 294, 1784, 1792, 2271, 2839, 2840*, 3703, 4757.

327 ....Revises provisions governing state accountability. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Martin, Aizley, Elliot Anderson, Cohen, Hogan, Munford, Pierce, Spiegel, Swank; Senators Atkinson, Manendo, Segerblom and Spearman, 294, 1438, 1445, 1543, 2600*, 3703, 4757.

328 ....Revises the calculation of the basic support guarantee for school districts to include an additional percentage for pupils who are limited English proficient. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Elliot Anderson, 294, 393, 521.

329 ....Revises provisions governing taxicabs in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Martin, Healey, Aizley, Cohen, Horne, Hogan, Munford and Swank, 295.

330 ....Requires labeling of certain genetically engineered foods. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Aizley, Ohrenschall, Bobzien, Martin and Spiegel, 295, 393, 521.

331 ....Revises provisions governing the billing practices of certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Spiegel and Senator Ford, 295, 747, 1005, 1432, 1433*, 2948, 3072.

332 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Spiegel and Senator Ford, 296, 1785, 1792, 2272, 2840*.

333 ....Revises provisions relating to incentives for economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Healey, Kirkpatrick, Cohen, Livermore, Pierce, Stewart, Swank and Senator Jones, 296, 1784, 1792, 2284, 2840, 2841*, 3703, 4757.

334 ....Provides certain exemptions from provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Healey, Kirkpatrick, Cohen, Fiore, Livermore, Pierce, Swank and Senator Jones, 296, 1609, 1644, 2600, 2601*, 3703, 4757.

335 ....Creates the University of Nevada, Las Vegas, Campus Improvement Authority. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Kirkpatrick, 296, 393, 521, 533, 5807, 5808, 5931*, 6997.

336 ....Provides for an extended term of vehicle registration for certain trailers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 297, 393, 521, 1438, 1445, 1551, 1791, 3369, 3704, 3846, 3883, 4332*, 5852.

337 ....Encourages public schools to establish and participate in programs that promote the consumption of fresh fruits and vegetables by children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 297, 532, 744, 885, 1032*, 1033, 3703, 4757.

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338 ....Provides certain protections and services for victims of human trafficking. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hambrick, 297, 393, 521, 748, 1007, 1022, 4759, 5267, 5275*, 6156.

339 ....Revises provisions governing compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Livermore, Paul Anderson, Hardy and Wheeler, 297, 2284, 2504, 2841*, 3703, 5670, 5672, 5852.

340 ....Provides for the uniform regulation of firearms in Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hambrick, 298.

341 ....Revises provisions relating to homeopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Carlton, 298, 2284, 2506, 2841, 2842*, 3703, 4757.

342 ....Revises provisions governing public employees' retirement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Kirner, 298, 393, 521.

343 ....Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirner and Hickey, 299.

344 ....Provides for the use of Physician Orders for Life-Sustaining Treatment in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Bobzien, Eisen, Sprinkle, Stewart, Dondero Loop, Benitez-Thompson, Carlton, Daly, Diaz, Fiore, Flores, Frierson, Hardy, Hickey, Horne, Kirkpatrick, Livermore, Martin, Munford, Neal, Oscarson, Pierce, Swank; Senators Segerblom, Parks, Atkinson, Manendo, Settelmeyer and Woodhouse, 299, 393, 520, 521, 660, 744, 885, 891, 2929, 2948, 2984, 3042, 3083*, 5741, 6998.

345 ....Revises provisions governing the management of certain wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Eisen, Daly, Diaz, Flores, Kirkpatrick, Sprinkle and Senator Smith, 299, 533, 1438, 1445, 1597, 1786, 2582, 2842, 2843*, 4555, 5012, 5014, 5738.

346 ....Revises provisions governing mining reclamation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Pierce, Daly, Diaz, Sprinkle and Senator Segerblom, 300, 393, 521, 1040, 1041, 1344, 1773, 1774*, 4555, 5014, 5018, 5738.

347 ....Revises provisions governing the practice of medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Eisen and Senator Hardy, 300.

348 ....Revises provisions relating to foster care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Frierson, Spiegel, Carrillo, Diaz, Dondero Loop, Cohen and Fiore, 300, 1785, 1792, 2294, 2844*, 4555, 4948, 4980, 5011, 5738.

349 ....Revises provisions governing professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Healey, Elliot Anderson, Eisen; Senators Spearman and Hardy, 301, 1039, 1041, 1349, 1774*, 4555, 4888, 4907, 5742, 5800.

350 ....Revises provisions relating to the submission of reports to the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Benitez-Thompson and Kirkpatrick, 301, 520, 660, 744, 885, 1033*, 2929, 3072.

351 ....Requires the Legislative Committee on Health Care to study the laws prohibiting a person from having a specified amount of certain prohibited substances in his or her blood or urine while driving or being in actual physical control of a vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Frierson, Grady, Martin, Pierce, Swank and Senator Parks, 301, 748, 1007, 1427, 1435, 1774, 1775*.

352 ....Revises provisions governing hoax bombs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Horne, Frierson, Hambrick, Grady, Martin, Pierce, Stewart; Senators Parks, Gustavson and Jones, 301, 403, 416, 512, 527, 660, 744, 912*, 3930, 4757.

353 ....Authorizes the Board of Regents of the University of Nevada to establish a financial aid program for students enrolled in the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Diaz, Spiegel, Frierson, Bustamante Adams, Carrillo, Cohen, Dondero Loop, Eisen, Ohrenschall, Pierce, Swank and Senator Kieckhefer, 302, 665, 1039, 1041, 1351, 1608.

354 ....Prohibits the manufacture, sale or distribution of certain consumer products that contain or come in direct physical contact with Bisphenol A. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Diaz, Bobzien, Pierce and Swank, 302, 393, 521, 1609, 1648, 2601*, 3930, 4757.

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355 ....Revises provisions concerning the verification of motor vehicle liability insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Livermore, Hickey, Ellison, Grady, Hansen, Hardy, Healey, Oscarson and Woodbury, 302, 393, 521.

356 ....Encourages the development of recommendations to preserve the Nevada State Prison for historic and certain other purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Livermore, Hickey, Ellison, Grady, Hansen, Hardy, Healey, Oscarson, Swank and Woodbury, 303, 748, 1007, 1433*, 2930, 3072.

357 ....Revises provisions governing the regional training programs for the professional development of teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Bobzien, 303, 1039, 1041, 1356, 1776*.

358 ....Enacts the Uniform Deployed Parents Custody and Visitation Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall and Bustamante Adams, 303, 920, 1170, 1609, 1721, 2601, 2602*, 3930, 4757.

359 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 303, 393, 521.

360 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Healey, Bobzien and Kirkpatrick, 304, 1785, 1792, 2328, 2608, 2731, 5800, 5931, 5950, 6009, 6010*, 6997.

361 ....Directs the Legislative Committee on Health Care to conduct an interim study to determine the benefits and feasibility of providing for the establishment of community paramedicine programs in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Benitez-Thompson, Ellison, Grady, Hardy, Kirkpatrick and Swank, 304, 533.

362 ....Provides for the establishment of the HIV/AIDS Drug Donation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Hickey and Munford, 304, 393, 521, 664, 885, 891, 2929, 2978*, 5741, 6998.

363 ....Makes various changes relating to abatement of public nuisances and conditions by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Carrillo, 305, 1609, 1650, 2284, 2726, 2844*, 2845, 5227, 5235, 5849.

364 ....Revises provisions governing public officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Paul Anderson, Hansen, Duncan, Ellison, Grady, Hardy, Kirner, Oscarson and Wheeler, 305, 393, 520, 521, 660, 666, 720, 744, 2929, 2978*, 4555, 5738.

365 ....Revises certain provisions relating to court interpreters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Diaz and Flores, 306, 520, 533, 660, 666, 725, 912, 913*, 4555, 5738.

366 ....Revises certain provisions governing nonprofit cooperative corporations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Benitez-Thompson and Bobzien, 306, 520, 660, 666, 731, 913*, 3930, 4757.

367 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Benitez-Thompson and Bobzien, 306, 666, 1785, 1792, 2334, 2608, 2731, 6001, 6020, 6072, 6073*.

368 ....Provides an exemption from the requirement for a state business license and certain filing fees for certain small businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Wheeler, Hardy, Hickey and Livermore, 306, 393, 521.

369 ....Revises provisions relating to coverage for autism spectrum disorders in certain policies of health insurance and health care plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall, Woodbury and Dondero Loop, 307, 665.

370 ....Revises provisions concerning common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 307, 1785, 1792, 2337, 2608, 2731, 4512, 4513, 4552*, 4553, 5741, 6998.

371 ....Provides for the designation and operation of charter agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Duncan, Hickey, Hardy, Paul Anderson, Ellison, Hansen, Livermore, Oscarson, Stewart and Woodbury, 307, 393, 521.

372 ....Provides for the award of certain grants relating to the prevention and treatment of substance abuse. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 308, 393, 521.

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373 ....Establishes a tax credit for donations to a school tuition organization. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Duncan, Hickey, Hardy, Paul Anderson, Fiore, Hambrick and Livermore, 308, 393, 520, 521, 527.

374 ....Revises provisions relating to counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Bobzien, Aizley, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Daly, Dondero Loop, Eisen, Fiore, Frierson, Healey, Hickey, Kirkpatrick, Martin, Pierce, Spiegel, Sprinkle; Senators Kihuen, Smith, Segerblom, Parks and Kieckhefer, 308, 920, 1185, 1609, 1736, 2284, 2726, 2845, 2847, 2848*, 4555, 4697, 4702, 5738.

375 ....Revises provisions relating to services for persons with autism spectrum disorders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Dondero Loop, Ohrenschall, Bobzien, Woodbury, Aizley, Elliot Anderson, Carrillo, Frierson, Kirkpatrick, Spiegel, Swank and Senator Woodhouse, 308, 665.

376 ....Authorizes the reimbursement of teachers for certain out-of-pocket expenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Dondero Loop, Diaz, Kirkpatrick, Elliot Anderson, Bobzien, Aizley, Benitez-Thompson, Carrillo, Eisen, Frierson, Spiegel, Swank and Senator Woodhouse, 309, 362, 521.

377 ....Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dondero Loop, Frierson, Aizley, Carrillo, Diaz, Eisen, Spiegel and Senator Woodhouse, 309, 520, 660, 736, 892, 917, 1025, 1026*, 4555, 5651, 5653, 6137.

378 ....Revises provisions governing spendthrift trusts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dondero Loop, Frierson, Bustamante Adams and Senator Segerblom, 309, 920, 1188, 1776, 1777*, 4555, 5653, 5659, 5807, 5808, 6312, 6320, 6998.

379 ....Revises provisions governing the disposal of abandoned recreational vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ellison, Fiore, Hambrick, Hansen and Oscarson, 310, 921, 1192, 1777*, 3930, 5216, 5220, 5999, 6137.

380 ....Revises provisions governing contracts for services entered into by certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Fiore, Livermore, Stewart and Woodbury, 310.

381 ....Encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources and Partners in Conservation to collaborate to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Hardy, Hambrick, Kirkpatrick, Stewart; Senators Hardy, Hutchison, Denis, Parks and Roberson, 310, 521, 660, 666, 738, 913, 914*, 3930, 4757.

382 ....Authorizes the governing bodies of certain cities to impose a fee on certain activities for certain purposes and authorizes, ratifies, approves and confirms certain ordinances enacted by those cities which impose such a fee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hardy and Senator Hardy, 310, 1784, 1792, 2353, 2848*, 3930, 4757.

383 ....Revises provisions governing the Sunset Subcommittee of the Legislative Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams; Senators Kieckhefer and Smith, 311, 520, 660, 666, 739, 914*, 3930, 4757.

384 ....Revises provisions governing historic preservation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hickey, Hambrick, Paul Anderson, Bobzien, Duncan, Fiore, Grady, Hansen, Hardy, Kirkpatrick, Livermore, Munford, Pierce, Stewart, Wheeler; Senators Hardy and Gustavson, 311, 393, 521.

385 ....Establishes provisions relating to the deposit of data with a provider of information services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Hambrick, Bobzien, Paul Anderson, Duncan, Fiore, Grady, Hardy, Kirkpatrick, Kirner, Livermore, Munford, Stewart; Senators Hardy and Gustavson, 311.

386 ....Establishes a pilot program for the administration of mental health screenings to pupils enrolled in selected secondary schools in the Clark County School District and the Washoe County School District. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Woodbury, Ohrenschall and Stewart, 312, 1784, 1792, 2365, 2848, 2849*, 3930, 5160, 5163, 5849.

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387 ....Revises provisions governing public financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Wheeler, Fiore, Neal; Senators Gustavson and Segerblom, 312.

388 ....Revises provisions relating to renewable energy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Bobzien, 312, 533, 1039, 1041, 1374, 1608, 5269, 5304, 5310, 5731, 5732*, 6616, 6646, 6652.

389 ....Revises provisions governing parentage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Cohen, Frierson, Diaz, Dondero Loop, Duncan, Fiore, Healey and Spiegel, 313, 920, 1196, 1777, 1778*, 3930, 4757.

390 ....Revises provisions governing the Knowledge Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hickey, Kirkpatrick; Senators Smith and Denis, 313, 533.

391 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly and Bobzien, 313, 1609, 1659, 2602, 2603*, 4239, 5169, 5175, 5182, 5849.

392 ....Revises provisions governing the truancy of pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Fiore, Aizley, Paul Anderson, Bobzien, Bustamante Adams, Cohen, Diaz, Duncan, Ellison, Hambrick, Hansen, Healey, Hickey, Kirner, Livermore, Martin, Stewart, Wheeler, Woodbury and Senator Gustavson, 314.

393 ....Expands the rights of children placed in foster care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Fiore, Kirkpatrick, Hambrick, Aizley, Elliot Anderson, Paul Anderson, Bobzien, Bustamante Adams, Cohen, Diaz, Ellison, Frierson, Hansen, Healey, Hickey, Kirner, Livermore, Martin, Ohrenschall, Oscarson, Spiegel, Stewart, Swank, Wheeler, Woodbury; Senators Segerblom and Gustavson, 314, 664, 885, 1033, 1034*, 3930, 4757.

394 ....Revises provisions relating to statements of financial disclosure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Kirkpatrick, Frierson, Diaz, Bustamante Adams, Carlton and Ohrenschall, 314.

395 ....Revises provisions regarding common-interest communities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Fiore, Ellison, Aizley, Paul Anderson, Bobzien, Duncan, Hambrick, Healey, Hickey, Kirner, Livermore, Martin, Ohrenschall, Stewart, Wheeler, Woodbury and Senator Gustavson, 315, 664, 889, 1034, 1037, 1427, 1786, 2584, 2849, 2850*, 3930, 5659, 5661, 6137.

396 ....Revises provisions relating to the waters of this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Benitez-Thompson, Daly, Martin, Ohrenschall, Oscarson, Sprinkle; Senators Smith and Jones, 315, 1040, 1041, 1382, 1438, 1608.

397 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford and Hogan, 315.

398 ....Makes an appropriation to the Department of Motor Vehicles for the creation and maintenance of a branch office in Assembly District No. 6 in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Munford, Hogan, Livermore, Neal, Pierce, Stewart and Swank, 315, 362, 521.

399 ....Revises various provisions relating to unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford, Bobzien, Carlton, Daly, Duncan, Eisen, Hogan, Neal, Ohrenschall, Pierce, Spiegel, Stewart and Swank, 316, 393, 521.

400 ....Revises provisions governing parole and probation and criminal offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford, Bobzien, Daly, Hogan, Livermore, Neal, Pierce and Stewart, 316, 665.

401 ....Revises provisions governing the designation of certain city nonpartisan offices. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Munford, Paul Anderson, Pierce and Stewart, 316.

402 ....Provides for the legalization and taxation of marijuana. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Hogan, Martin and Swank, 316, 533.

403 ....Authorizes the board of trustees of a county school district to impose certain fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly, 317, 392, 393, 1437, 1445, 1600, 2603, 2604*.

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404 ....Revises provisions relating to time shares. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Frierson, 317, 533, 2284, 2522, 2731, 4555, 4557, 4643, 4779*, 6616, 6836, 6871.

405 ....Revises provisions concerning the identification of seasonal residents and establishes provisions concerning the permitting of the motor vehicles of seasonal residents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Carrillo, 317, 393, 521, 2608, 2621, 2730, 2749, 2770, 3369, 3823, 3824*.

406 ....Creates the Office of the State Auditor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Duncan, 317, 393, 521.

407 ....Revises provisions governing residency requirements for candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey and Kirkpatrick, 318, 920, 1198, 1778*.

408 ....Revises provisions governing business impact statements prepared by state agencies and governing bodies of local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal, 318, 665, 2284, 2555, 2842, 3369, 3824*, 5741, 6998.

409 ....Creates the Nevada Business Development Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Neal, 318, 393, 521.

410 ....Directs the Office of Economic Development to create a pilot program to encourage the growth of existing businesses in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Neal, 319, 393, 521, 1785, 1792, 2368, 2842, 3369, 3825*.

411 ....Revises provisions governing taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Paul Anderson, 319, 393, 521.

412 ....Makes various changes relating to the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Flores, Stewart, Ohrenschall, Hickey, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Oscarson, Pierce, Spiegel, Sprinkle, Swank, Thompson, Wheeler and Woodbury, 319, 533, 3930, 3931, 3932, 4332, 4333*, 5999, 6388, 6400, 6412, 6717, 6729, 6741.

413 ....Revises provisions relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 323, 665, 1785, 1792, 2372, 2842, 5269, 5304, 5316, 5732*, 6741, 6893, 6964.

414 ....Requires a course of study in health to include, to the extent money is available for this purpose, instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator for certain grade levels. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 328, 665, 1437, 1445, 1604, 1791, 3369, 3825*, 5742, 5746, 6998.

415 ....Revises various provisions relating to criminal justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 333, 1040, 1041, 1388, 1778, 1779*, 4555, 5661, 5667, 5807, 5808, 6320, 6326, 6997.

416 ....Revises certain provisions governing the enforcement of parking laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 334.

417 ....Makes various changes relating to redevelopment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 334, 1609, 1672, 2604*, 3930, 4757.

418 ....Revises provisions relating to the distribution of proceeds from certain taxes ad valorem. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 334, 1784, 1792, 2284, 2720, 2721, 2850, 2851*, 3930, 4757.

419 ....Revises provisions governing the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 334, 393, 521, 532, 744, 889, 891, 4238, 4489*, 5741, 6998.

420 ....Revises provisions relating to the position of fire chief in certain cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 334.

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421 ....Revises provisions governing parentage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 335, 920, 1215, 1779, 2284, 2730, 2758, 2856, 2857*, 3930, 4757.

422 ....Requires an autopsy under certain circumstances when an offender in the custody of the Department of Corrections dies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 335, 664, 665, 889, 891, 2929, 2978, 2979*, 5021, 5849.

423 ....Revises provisions governing reports of presentence investigations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 335, 665, 748, 1009, 1022, 5674, 5675, 5679, 5733, 5734, 5803*, 6156.

424 ....Authorizes the State Fire Marshal and the State Board of Fire Services to issue administrative citations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Government Affairs, 335, 393, 521, 920, 1226, 1426, 3369, 3826*, 6156.

425 ....Revises the Nevada Insurance Code. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 336, 665, 2608, 2629, 2842, 5269, 5304, 5383, 5732, 5733*, 6616, 6741, 6836.

426 ....Revises provisions relating to mortgage lending. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 336, 519, 533, 664, 889, 1034.

427 ....Revises various provisions governing workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 336, 393, 521.

428 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 336, 393, 521, 663, 889, 891, 5674, 5675, 5684, 5803, 5804*, 6384, 6621, 6646.

429 ....Establishes requirements concerning the prescription of certain pain medications to persons covered under policies of industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 337.

430 ....Revises provisions governing title loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 337.

431 ....Revises provisions governing real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 337.

432 ....Revises provisions governing intoxicating liquor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 337, 663, 889, 1034*, 3930, 4757.

433 ....Requires certain health care practitioners to communicate certain information to the public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 338.

434 ....Revises certain requirements for an application for a certificate of registration to practice as a registered interior designer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 338, 1039, 1041, 1396, 1779, 2604, 2605*, 3930, 4757.

435 ....Revises provisions governing insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 338, 393, 521, 1609, 1682, 1791, 3930, 3931, 4234, 4333*, 5852, 6659, 6694.

436 ....Revises provisions governing the regulation of public utilities which furnish, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 338, 393, 521, 747, 1009, 1023, 2987, 3097, 3161, 3370, 3698, 3826*, 5741, 6998.

437 ....Revises provisions governing title insurers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for a Term of Imprisonment in a County Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor, 339, 747, 1011, 1433, 1434*, 3930, 4757.

438 ....Requires a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 339, 1037, 1229, 1779, 2605*.

439 ....Revises provisions governing the dates for certain elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 339.

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440 ....Revises provisions relating to voter registration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 339, 665, 1785, 1792, 2393, 2851*, 4239, 5182, 5195, 5849.

441 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 340, 921, 1231, 1779, 2284, 2726, 2851, 2853*, 4238, 5018.

442 ....Revises provisions relating to campaign practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 340, 921, 1231, 1779, 2605, 2606*, 4555, 5738.

443 ....Revises provisions governing ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 340.

444 ....Provides for an audit of the fiscal costs of the death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 340, 533, 2947, 2948, 2949, 3059, 3060*, 5600, 5766, 5767, 6998.

445 ....Revises provisions relating to public bodies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 341, 664, 889, 1034, 1035*, 4555, 5195, 5201, 5849.

446 ....Revises provisions governing requests for the drafting of legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 341, 533.

447 ....Revises provisions relating to roadside rest areas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 341, 393, 521, 921, 1231, 3703, 3813, 4217*, 4218, 6997.

448 ....Revises certain provisions concerning the state militia. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 341, 393, 521, 2929, 2930, 2934, 2979*, 4555, 5738.

449 ....Revises the use of certain proceeds received for purposes relating to vital statistics. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 341, 393, 521, 2902, 2909, 2916*, 4555, 5738.

450 ....Revises provisions relating to public welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 342, 393, 521.

451 ....Consolidates the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation within the Rehabilitation Division of the Department of Employment, Training and Rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 342, 393, 521.

452 ....Prohibits a person from stealing a lawfully placed trap or similar device used in the commercial taking of crayfish or any other taking of aquatic life in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 342.

453 ....Excludes certain fleet vehicles from the insurance verification system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 342, 533, 1040, 1041, 1398, 1779, 2606*, 4555, 5220, 5223, 5849.

454 ....Requires that certain information be transmitted electronically to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 343, 664, 665, 889, 891, 3703, 3817, 4218*, 5852.

455 ....Revises provisions concerning special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 343, 1040, 1041, 1402, 1779, 2606, 2607*, 4555, 5738.

456 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 343, 665, 1609, 1715, 2607*, 4555, 4907, 4910, 5738.

457 ....Requires a hospital to provide certain information upon discharge to certain older patients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 343.

458 ....Revises provisions governing empowerment schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 344.

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459 ....Revises provisions relating to school property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 344, 747, 1015, 1786, 2586, 2853*, 4555, 5738.

460 ....Revises provisions governing the statewide system of accountability for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 344, 1039, 1041, 1402, 1779, 2607, 2608*, 4555, 5738.

461 ....Enacts provisions governing the management of sagebrush ecosystems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 345, 393, 521, 4512, 4557, 4779, 4780*, 6997.

462 ....Appropriates to and authorizes the expenditure of money by the Desert Regional Center within the Division of Mental Health and Developmental Services of the Department of Health and Human Services for a new computer system for medical records, provider invoices and claims processing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 345, 2918, 2923*, 2924, 6997.

463 ....Revises provisions relating to stale claims and statutory contingency claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 345, 393, 521, 3159, 3161, 3686, 3687*, 6997.

464 ....Revises provisions relating to the tax on special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 346, 393, 521, 4512, 4513, 4581, 4582*, 5852.

465 ....Creates the General Services Division in the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 346, 393, 521, 2918, 2923, 2924*, 5270, 6137.

466 ....Revises provisions relating to governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 346, 533, 665, 744, 889, 891, 3159, 3370, 3848, 3860, 4333, 4334*, 6997.

467 ....Makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources to purchase new equipment and replace public safety equipment and worn and obsolete equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 346, 2929, 2930, 2939, 2979*, 6997.

468 ....Makes an appropriation to the Department of Corrections for an upgrade to and end-user training for the Nevada Offender Tracking Information System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 346, 2918, 2923, 2924*, 6997.

469 ....Makes appropriations to the State Department of Conservation and Natural Resources for the replacement and maintenance of emergency response, firefighting and other critical equipment and vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 347, 2918, 2923, 2924*, 6997.

470 ....Makes appropriations to the Nevada Highway Patrol Division of the Department of Public Safety to replace fleet vehicles and motorcycles that have exceeded the mileage threshold. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 347, 3159, 3161, 3164, 3687*, 6997.

471 ....Makes an appropriation to the Health Division of the Department of Health and Human Services for the operation of the vital records and statistics program in Fiscal Year 2012-2013. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 347, 2902, 2910, 2916*, 4555, 5738.

472 ....Increases the maximum amount of the fee that the Director of the Department of Public Safety is required to establish for the Program for the Education of Motorcycle Riders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 347, 393, 521, 2918, 2923, 2924*, 2925, 6156.

473 ....Revises the provisions governing the fees charged to defray the costs of producing license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 348, 393, 521, 3159, 3161, 3164, 3687, 3688*, 6384.

474 ....Makes appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 348, 5800, 5801, 5802, 5853, 5854, 5855*, 6997.

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475 ....Makes appropriations to the Legislative Fund for dues and registration costs for national organizations, building maintenance projects and information technology purchases. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 348, 2929, 2930, 2940, 2980*, 6997.

476 ....Revises provisions relating to penalties for unemployment insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 348, 533.

477 ....Makes an appropriation to the Office of the State Controller to replace computer servers for the statewide financial system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 348, 2918, 2923, 2925*, 6997.

478 ....Makes a supplemental appropriation to the Nevada Highway Patrol Division of the Department of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 349, 2914, 2919, 2923*, 4555, 5738.

479 ....Makes a supplemental appropriation to the Investigation Division of the Department of Public Safety for an unanticipated shortfall resulting from increases in fuel costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 349.

480 ....Revises provisions relating to the Tahoe Regional Planning Agency. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 349, 533, 4512, 4513, 4515, 4582*, 5741, 6998.

481 ....Authorizes the Division of State Library and Archives of the Department of Administration to retain money received for providing certain services to local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 349, 393, 521, 2918, 2923, 2925*, 5021, 5849.

482 ....Imposes a temporary assessment on certain employers for interest payments due on advances made by the Federal Government relating to unemployment benefits. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means, 349, 393, 521, 3159, 3161, 3164, 3688*, 5021, 5849.

483 ....Limits the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 350, 533, 744, 890, 1035*, 4555, 5738.

484 ....Authorizes the creation of a county subsidiary corporation in certain counties to provide public health care services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 353.

485 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 354, 665.

486 ....Revises provisions relating to telecommunication providers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 354, 2729, 2730, 2783, 2842, 2857*, 4555, 5235, 5259, 5849.

487 ....Makes various changes relating to recycling. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining, 355, 748, 1022, 1434, 1435*, 4555.

488 ....Revises provisions relating to the transfer of duties and consolidation of certain governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 355, 393, 521, 5269, 5304, 5474, 5733*, 6384.

489 ....Revises provisions governing the fees charged by state agencies for accepting payments by credit cards, debit cards and electronic transfers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 355, 533.

490 ....Makes an appropriation to Communities in Schools of Nevada, Inc. to coordinate the provision of student and family services to youth in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 356.

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491 ....Temporarily revises various provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 356, 393, 521, 4555, 4557, 4568, 4780*, 6384.

492 ....Revises provisions governing the Credit Union Advisory Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 356, 519, 660, 744, 890, 1035, 1036*, 2948, 3072.

493 ....Abolishes the Nevada Commission on Sports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 356, 424, 527, 660, 744, 890, 1036*, 3159, 3846.

494 ....Revises provisions governing the Nevada State Funeral Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 357, 393, 521, 2284, 2563, 2853, 2854*, 4556, 4910, 4915, 5738.

495 ....Abolishes the Committee on Co-Occurring Disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 357, 664, 890, 1036*, 3159, 3846.

496 ....Makes various changes relating to the Clark County Sales and Use Tax Act of 2005. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 357, 1785, 1792, 2405, 2854, 2855*, 4556, 6196, 6198, 6616, 6871, 6994, 6997.

497 ....Transfers the parole functions of the Department of Public Safety to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 357, 393, 521.

498 ....Revises the tax on live entertainment to create the Nevada Entertainment and Admissions Tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 2918.

499 ....Ratifies certain technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2922, 2987, 2988, 3097, 3161, 3310, 3688, 3689*, 5741, 6998.

500 ....Enacts the Nevada New Markets Jobs Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3704.

501 ....Authorizes the issuance of state general obligations for certain capital projects of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3704, 4759, 4760, 5267, 5275*, 6997.

502 ....Authorizes an expenditure from the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education for the design and construction of buildings on the principal campus of the Nevada State College. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 5021, 5599, 5675, 5679, 5804*, 5805*, 6384.

503 ....Revises temporarily provisions governing the use by a local government of money in an enterprise fund. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Kirkpatrick, 5022, 6156, 6157, 6169, 6195, 6196*, 6997.

504 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Duncan, Hardy, Hambrick, Kirner, Paul Anderson, Ellison, Grady, Livermore, Oscarson, Stewart; Senators Roberson, Kieckhefer, Brower, Hutchison and Hammond, 5271.

505 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5271, 5800, 5801, 5802, 5853, 5855*, 6384.

506 ....Revises provisions governing taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 5272, 5807, 5808, 5834, 5949*, 6997.

507 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5304, 5800, 5801, 5802, 5853, 5855, 5857*, 6384.

508 ....Revises provisions relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 5678.

509 ....Revises provisions relating to the Legislative Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 5678, 5806, 5808, 5834, 5949, 5950*, 6384, 6997.

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510 ....Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5802.

511 ....Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 5849, 5851, 5853, 5854*, 6384.

512 ....Makes technical corrections to measures passed by the 77th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 5853, 6001, 6137, 6997.

VETOED ASSEMBLY BILLS OF THE 76TH SESSION

No.

136 ....Revises provisions governing credits for offenders sentenced for certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 16, 109, 110.

137 ....Revises provisions governing programs of nutrition in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 16, 110, 111.

152 ....Creates an advisory committee to develop recommendations for the funding of highways in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Horne, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Neal, Oceguera, Pierce and Smith, 16, 111, 112.

300 ....Revises provisions governing foreclosures on property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Frierson, Atkinson, Horne, Smith, Oceguera, Brooks, Bustamante Adams, Conklin, Diaz, Ohrenschall, Segerblom and Senator Horsford, 16, 112, 113.

301 ....Revises provisions governing the restoration of civil rights for ex-felons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 16, 113, 114.

416 ....Revises provisions governing certain programs for renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Atkinson, Conklin, Dondero Loop, Kirkpatrick; Senators Leslie, Horsford and Schneider, 16, 114, 116.

433 ....Expands prohibition on employers taking certain actions to prohibit, punish or prevent employees from engaging in politics or becoming candidates for public office with certain exceptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 16, 116, 117.

546 ....Makes various changes to provisions governing early childhood care and education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 16, 117, 118.

550 ....Directs the Legislative Commission to conduct an interim study concerning state ports of entry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 16, 118, 119.

578 ....Revises the interim committee structure of the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 16, 119, 120.

INITIATIVE PETITIONS

No. *Summary, Introducer and Page Reference*

1 ....AN ACT relating to taxation; imposing a margin tax on business entities engaged in business in this State; providing for the administration and collection of the tax and the distribution of the proceeds; temporarily increasing the payroll tax imposed on certain financial institutions; providing penalties; making an appropriation; and providing other matters properly relating thereto., 18, 52.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTIONS THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Expresses the support of the Nevada Legislature for the designation of the Upper Las Vegas Wash as a national monument. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Aizley, 86, 242, 250, 253, 270, 271*, 4238, 5018.

2 ....Urges the Bureau of Land Management and the United States Forest Service to partner with the livestock industry in this State to increase livestock grazing on public lands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ellison and Senator Goicoechea, 87.

3 ....Expresses the intent of the Legislature to establish a biomass industry to restore certain ecosystems on public lands. Committee on Natural Resources, Agriculture and and Mining, 162, 392, 412, 416, 527, 660, 744, 914, 915*, 4555, 5738.

4 ....Urges the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires and repeat wildfires in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining, 163, 404, 416, 527, 660, 744, 915*, 3159, 3846.

5 ....Urges Congress to take certain actions concerning federal public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining, 163, 392, 412, 416, 527, 660, 744, 915, 916*, 3159, 3846.

6 ....Recognizes Nevada's partnership and friendship with, and expresses support for, the State of Israel. Assemblymen Ellison, Hickey, Fiore, Wheeler, Hambrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bustamante Adams, Carrillo, Cohen, Daly, Duncan, Eisen, Grady, Hardy, Healey, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Spiegel, Sprinkle, Stewart, Swank, Woodbury; Senators Cegavske, Gustavson, Brower, Hardy, Hutchison, Atkinson, Goicoechea, Hammond, Jones, Kieckhefer, Kihuen, Manendo, Roberson, Settelmeyer, Spearman and Woodhouse, 275, 357, 358, 364*, 404, 421.

7 ....Urges recognition of the importance of mid-20th century architecture in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Elliot Anderson, Carrillo, Frierson, Hambrick, Aizley, Bobzien, Cohen, Eisen, Hogan, Martin, Oscarson, Pierce, Spiegel, Wheeler; Senators Segerblom, Manendo, Jones, Spearman, Parks, Hutchison and Smith, 305, 748, 1022, 1435*, 3159, 3846.

8 ....Proposes to amend the Nevada Constitution to provide for the appointment of a Student Regent to the Board of Regents of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 358, 520, 533, 660, 744, 890, 891.

9 ....Proposes to amend the Nevada Constitution to ensure access to affordable health care in an emergency to all persons in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick, 3371.

ASSEMBLY JOINT RESOLUTIONS OF THE 76TH SESSION

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to authorize the Legislature to provide by law for the calculation of the taxable value of improvements to real property upon the transfer, sale or conveyance of the property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation, 52.

No. *Summary, Introducer and Page Reference*

ASSEMBLY CONCURRENT RESOLUTIONS

1 ....Adopts the Joint Standing Rules of the Senate and Assembly for the 77th Session of the Legislature. Committee on Legislative Operations and Elections, 53, 126, 128.

2 ....Encourages boards of county commissioners to make available programs for single-stream recycling. Committee on Natural Resources, Agriculture and and Mining, 275.

3 ....Expresses support for the educational programs and partnerships of the International Environmental Youth Campaign of the America's Schools Program. Committee on Natural Resources, Agriculture and and Mining, 275, 521, 534, 666, 2988, 3699.

4 ....Honors Nevadans who have lost their lives in the Global War on Terrorism. Assemblymen Grady, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, Woodbury; Senators Goicoechea, Atkinson, Brower, Cegavske, Denis, Ford, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse, 322, 326, 328, 365.

5 ....Memorializes former Assemblyman John W. Marvel. Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, Woodbury; Senators Smith, Atkinson, Brower, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse, 1439, 1445, 1785, 2899.

6 ....Expresses appreciation to the staff of the Legislative Counsel Bureau. Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler, Woodbury; Senators Denis, Atkinson, Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse, 2861, 2885, 2912.

7 ....Urges the Office of the Governor to continue working with the Legislature to consider the potential impact of listing the greater sage grouse as an endangered or threatened species and to develop strategies to preclude the listing. Committee on Natural Resources, Agriculture and and Mining, 3160, 4479, 4513, 5270, 6137.

8 ....Memorializes John J. McDonald. Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler, Woodbury; Senators Denis, Atkinson, Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse, 3700, 3930, 4757.

9 ....Provides for the compensation of the clergy and the coordinator of the clergy for services rendered to the Assembly and Senate. Committee on Legislative Operations and Elections, 5675, 5999.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Assembly Standing Rules for the 77th Session of the Legislature. Committee on Legislative Operations and Elections, 128.

2 ....Provides for the appointment of Assembly attachés. Committee on Legislative Operations and Elections, 85, 128.

3 ....Provides allowances to the members of the Assembly for periodicals, stamps, stationery and communications. Committee on Legislative Operations and Elections, 85, 128.

No. *Summary, Introducer and Page Reference*

4....Amends the Standing Rules of the Assembly for the 77th Session of the Legislature. Committee on Legislative Operations and Elections, 130, 143.

5....Approves and ratifies committee rules and orders of the Select Committee on the Assembly and provides further instructions and authority to the Select Committee on the Assembly. Select Committee on the Assembly, 136, 160.

6....Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 332, 373.

7....Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 362, 399.

8....Adds former Assemblywoman Gene Wines Segerblom to the Assembly Wall of Distinction. Assemblymen Kirkpatrick, Horne and Hickey, 522, 744.

9....Adds Terry Sullivan to the Assembly Wall of Distinction. Assemblymen Kirkpatrick, Horne and Hickey, 524, 744.

10....Provides for the appointment of additional attachés for the Assembly. Committee on Legislative Operations and Elections, 2862, 2912.

11....Expresses appreciation to the Chief Clerk and staff of the Assembly. Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler and Woodbury, 2862, 2912.

12....Provides for the appointment of an additional attaché for the Assembly. Committee on Legislative Operations and Elections, 2930, 3072.

13....Amends the Standing Rules of the Assembly for the 77th Session of the Legislature. Committee on Legislative Operations and Elections, 3372, 4553.

14....Designates certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2013-2015 biennium. Committee on Legislative Operations and Elections, 5271, 5849.

LISTING OF SENATE BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Makes an appropriation to the Legislative Fund for the costs of the 77th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Denis, Roberson; Assemblymen Kirkpatrick and Hickey, 120, 121*, 128.

2 ....Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1785, 1786.

3 ....Revises provisions relating to payments by counties for certain medical assistance to indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 204, 5270, 5272, 5851, 6001, 6024, 6151*, 6998.

4 ....Revises provisions governing the testing of a person or decedent who may have exposed certain public employers, employees or volunteers to a communicable disease. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 921, 2987, 2988, 3097, 3299*, 4239, 4757.

5 ....Revises provisions relating to the purchasing and labeling of motor vehicles by the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 921.

7 ....Requires the Executive Director of the Department of Taxation to publish and periodically revise technical bulletins. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 921, 922, 2947, 2948, 2951, 3060*, 3699.

8 ....Clarifies the wholesale price upon which the tax on certain tobacco products is calculated. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 321, 323, 2947, 2948, 2951, 3060*, 3061, 3699.

9 ....Makes various changes relating to the regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 404, 405, 2947, 2948, 2951, 3061*, 3703, 5667, 6138.

11 ....Prohibits the possession in Nevada of wildlife that was acquired, hunted, taken or transported in violation of a law or regulation of another state or country. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 260, 266, 2929, 2930, 2941, 2980*, 3699.

12 ....Clarifies the authority of the Nevada Transportation Authority to submit fingerprints to the Federal Bureau of Investigation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 921, 922, 2929, 2930, 2941, 2980, 2981*, 3699.

13 ....Authorizes the Department of Motor Vehicles to suspend the registration of a motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 321, 324, 2929, 2930, 2941, 2981*, 3699.

14 ....Revises provisions governing highways under the jurisdiction of the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 404, 405, 2929, 2930, 2941, 2981*, 2982, 3699.

15 ....Authorizes certain public utilities to request a waiver from the requirement to submit a resource plan to the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 193, 194, 327, 332, 365*, 399.

17 ....Revises the deadlines by which certain gaming licensees are required to file financial reports and pay certain fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 202, 2922, 2931, 2982*, 3699.

18 ....Makes various changes to provisions governing the Office of the Military, Nevada National Guard, Nevada National Guard Reserve and volunteer military organizations licensed by the Governor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Government Affairs, 921, 922, 3702, 3703, 3706, 4218*, 4556, 5018.

No. *Summary, Introducer and Page Reference*

19 ....Revises provisions concerning driving under the influence of intoxicating liquor or a controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 1040, 1041, 2922, 2931, 2982*, 3699.

20 ....Revises provisions governing the submission of certain publications to the State Publications Distribution Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 415, 416, 3158, 3161, 3167, 3689*, 4510.

21 ....Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 204, 5270, 5272, 6001, 6137, 6151, 6152*.

22 ....Makes various changes relating to the Office of the Attorney General. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 204, 921, 922, 3158, 3161, 3170, 3689*, 4556, 4757.

23 ....Establishes "Nevada Tribes Legislative Day" as a day of observance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 162, 165, 2928, 2930, 2941, 2982, 2983*, 3699.

24 ....Authorizes the establishment of a program for law enforcement personnel and prosecuting attorneys on the Vienna Convention on Consular Relations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 260, 267, 2928, 2930, 2941, 2983*, 3699.

25 ....Makes various changes relating to technological crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 260, 267, 3158, 3161, 3175, 3690*, 4556, 4757.

26 ....Creates a statewide automated victim information and notification system within the Office of the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 204, 2885, 2886, 2947, 2948, 2960, 3061*, 3699.

27 ....Revises provisions relating to legal representation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1785, 1786, 2947, 2948, 2960, 3062*, 3066, 3075, 3161, 4203, 4210, 4334*, 5270, 5738.

28 ....Makes various changes to provisions relating to securities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 321, 324, 2929, 2930, 2941, 2983*, 3699.

29 ....Revises provisions relating to the Fund for Low-Income Owners of Manufactured Homes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 212, 222, 2946, 2948, 2960, 3062*, 3699.

30 ....Revises provisions governing the dissemination of records of criminal history by an agency of criminal justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 204, 404, 405, 2922, 2931, 2984, 3063*, 3699.

31 ....Revises provisions governing children within the jurisdiction of the juvenile court and children in protective custody. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 204, 2729, 2731, 3074, 3097, 3098, 3299, 3300*, 4510.

32 ....Revises various provisions relating to the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 202, 2922, 2931, 2984, 3063*, 3699.

34 ....Makes various changes relating to group health insurance provided by the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 665, 6652.

35 ....Makes various changes concerning the Employment Security Division of the Department of Employment, Training and Rehabilitation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Commerce and Labor and Energy, 921, 922, 2946, 2948, 2960, 3064*, 3699.

36 ....Makes various changes concerning unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 204, 1786, 3311, 3690*, 5600, 5849.

37 ....Revises provisions relating to the destruction or theft of certain property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 404, 405, 2922, 2933, 2984, 3064*, 3699.

No. *Summary, Introducer and Page Reference*

38 ....Revises provisions governing the dissemination by the Central Repository for Nevada Records of Criminal History of information relating to certain offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 2885, 2886, 3369, 3370, 3375, 3826, 3827*, 4556, 5667, 5852.

39 ....Revises provisions governing the Nevada Commission on Homeland Security. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 321, 324, 3158, 3161, 3178, 3690, 3691*, 4556, 4757.

40 ....Revises provisions relating to medical laboratories. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 921, 922, 2946, 2948, 2961, 3064, 3065*, 3699.

41 ....Revises certain provisions governing the regulation of certain providers of telecommunication services by the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 1786, 1787, 2946, 2948, 2961, 3065*, 3066, 3699.

43 ....Revises provisions relating to the operation or movement of certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 321, 324.

44 ....Revises provisions relating to allocations from the Disaster Relief Account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 204, 3370, 3372, 5269, 5304, 5577, 5737, 5805*, 6000, 6871.

45 ....Revises provisions governing the sealing of certain records of criminal history. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 1785, 1787, 2929, 2930, 2941, 2984, 3066*, 3699.

46 ....Changes the name of the Motor Pool Division of the Department of Administration to the Fleet Services Division of the Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 260, 267, 2928, 2930, 2941, 2984, 3066*, 3067, 3699.

47 ....Makes various changes to provisions governing the regulation of the mortgage industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 1785, 1787, 2946, 2948, 2961, 3067*, 3699.

48 ....Revises the composition of the Commission on Tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 321, 324, 2947, 2948, 2961, 3067*, 3699.

49 ....Revises provisions relating to public officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 2885, 2886, 4238, 4240, 4491, 4492*, 5021, 5674, 5807.

50 ....Revises provisions governing the annual determination of population of towns, townships, cities and counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 204.

51 ....Makes various changes relating to the regulation of certain nonmedical and medical services provided to persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 921, 922, 2928, 2930, 2942, 2984, 3067, 3068*, 3699.

52 ....Requires the adoption of regulations to establish a student loan program to assist unemployed persons in obtaining certain job-related certifications and credentials. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Commerce and Labor and Energy, 204.

53 ....Revises various provisions relating to vital statistics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 260, 267, 2928, 2930, 2942, 2984, 3068*, 3699.

54 ....Revises provisions governing the operation of certain vending stands by persons who are blind or visually impaired. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 404, 405, 3369, 3370, 3381, 3827, 3828*, 4556, 4757.

55 ....Revises provisions governing master plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 921, 922, 2986, 2988, 2996, 3097, 3300, 3301, 4239, 4445, 4446*, 5021, 5738.

No. *Summary, Introducer and Page Reference*

56 ....Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 204, 5021, 5022, 5800, 5801, 5802, 6002.

58 ....Revises provisions relating to distance education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 415, 3159, 3160, 4555, 4557, 4570, 4781*, 5738.

59 ....Eliminates a restriction on times during which a charter school may use school buildings owned by a school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1438, 1779, 1787.

60 ....Revises various provisions relating to businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1785, 1787, 2929, 2930, 2942, 2984, 3068, 3072, 3097, 3161, 3310, 3691*, 4510.

61 ....Revises certain provisions relating to persons with communications disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 921, 922, 2928, 2930, 2942, 2948, 2984, 3068, 3069*, 3699.

63 ....Revises provisions governing the administration of elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 204.

65 ....Revises provisions relating to public water systems and certain laboratories. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 1785, 1787, 2929, 2930, 2942, 2984, 3069*, 3699.

66 ....Revises provisions governing the powers and duties of counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1040, 1041, 3158, 3161, 3179, 3691*, 3692, 4556, 4757.

67 ....Revises provisions relating to tobacco. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Revenue and Economic Development, 404.

71 ....Revises provisions governing sentencing of certain criminal offenders and determining eligibility of certain prisoners for parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 202, 2947, 2948, 2961, 3069, 3070*, 3699.

72 ....Makes various changes concerning cruelty to animals. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Manendo, 2885, 2886, 3369, 3370, 3386, 3704, 3931, 4037, 4334, 4336*, 5600, 5849.

73 ....Revises provisions relating to cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 260, 267, 2987, 2988, 3012, 3097, 3301*, 4235.

74 ....Revises provisions relating to public records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 1786, 1787, 2947, 2948, 2961, 3070*, 3699.

76 ....Revises provisions governing permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 229, 3158, 3161, 3191, 3370, 3698, 3704, 3846, 4218, 4219*, 4556, 5018.

77 ....Revises provisions governing the issuance of marriage licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 362, 363, 2922, 2934, 2984, 3070*, 3699.

78 ....Makes various changes concerning guardianships and powers of attorney. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 921, 923, 2929, 2930, 2942, 2948, 2984, 2988, 3072, 3097, 3301, 3302*, 4235.

79 ....Revises provisions governing the use of net profits derived from certain municipal utilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Parks, 921, 923, 2928, 2930, 2942, 2984, 3071*, 3699.

80 ....Makes various changes to provisions governing dairy products and dairy substitutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 260, 267, 2987, 2988, 3012, 3097, 3161, 3310, 3370, 3698, 3828*, 4757.

81 ....Allows certain physicians to dispense cancer drugs donated for use in the Cancer Drug Donation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 229, 2928, 2930, 2942, 2984, 3071*, 3699.

No. *Summary, Introducer and Page Reference*

82 ....Urges the Board of Wildlife Commissioners to review the hunting of black bears. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 2885, 2886, 3159, 3161, 3197, 3692, 3693*, 4556, 4757.

83 ....Revises provisions relating to animal fighting. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 204, 3703, 3705, 5020, 5023, 5275, 5276*, 6138.

84 ....Revises provisions governing the compensation of members of the State Board of Equalization. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 204, 3703, 3705.

86 ....Requires the Department of Health and Human Services to allocate money for certain programs relating to persons with Alzheimer's disease and other related dementia. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 236, 240, 2947, 2948, 2961, 3071*, 3699.

88 ....Authorizes the Department of Motor Vehicles to waive certain fines under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 2729, 2731.

89 ....Revises provisions governing public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer, 204.

90 ....Revises provisions relating to certain confidential information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer; Assemblymen Grady and Ellison, 1040, 1041, 3702, 3703, 3763, 4219*, 4556, 5018.

92 ....Makes certain changes related to the health of infants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 204, 2929, 2930, 4759, 4760, 5267, 5276*, 6138.

94 ....Revises provisions governing certain loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 2729, 2731, 3311, 3330, 3370, 3698, 3704, 3846, 4219*, 4220, 5270, 5738.

95 ....Creates the Task Force on Employee Misclassification. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 204.

96 ....Authorizes the imposition of an administrative penalty against an employer under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 204.

97 ....Revises provisions relating to hearings concerning children who are removed from their homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 415, 416, 2947, 2948, 2961, 3072, 3083*, 3846.

98 ....Revises provisions governing certain reasonable efforts made by an agency which provides child welfare services to preserve and reunify the family of a child. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 921, 923, 2947, 2948, 2961, 3072, 3083, 3084*, 3846.

99 ....Provides for the protection of children in the child welfare system from identity theft. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 204, 404, 405, 3369, 3370, 3395, 3704, 3846, 4220*, 5021, 5738.

100 ....Revises provisions relating to certain providers of emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 415, 416, 2987, 2988, 3012, 3097, 3302*, 4556, 4757.

101 ....Revises provisions relating to departments of alternative sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 1785, 1787, 2922, 2934, 2984, 2988, 3072, 3097, 3302*, 4235.

102 ....Revises provisions relating to the Kenny C. Guinn Memorial Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 921, 923, 2928, 2930, 2942, 2984, 3072, 3084*, 3846.

103 ....Revises the period of limitation for crimes relating to the sexual abuse of a child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 2729, 2731, 2947, 2948, 2961, 3072, 3084, 3085*, 3846.

104 ....Revises provisions governing parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2729, 2731, 2929, 2930, 2942, 2984, 3072, 3085*, 3846.

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105 ....Enacts the Uniform Electronic Legal Material Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 404, 2885, 2886, 2929, 2930, 2942, 2984, 3072, 3085*, 3086, 3846.

106 ....Revises various provisions relating to judicial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1785, 1787, 3074, 3097, 3111, 3303*, 4510.

107 ....Restricts the use of corrective room restriction on children in confinement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2729, 2731, 3369, 3370, 3398, 3704, 4447, 4492, 4493*, 5021, 5738.

108 ....Revises provisions governing juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 921, 923, 2929, 2930, 2942, 2984, 3072, 3086*, 3846.

109 ....Revises provisions relating to off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Settelmeyer, Gustavson, Cegavske and Goicoechea, 1040, 1041, 3159, 3161, 3200, 3693*, 6998.

110 ....Revises provisions relating to the Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Kihuen and Segerblom, 260, 267, 2929, 2930, 2942, 2984, 3072, 3086*, 3846.

111 ....Requires production of certain evidence under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Jones, Segerblom, Kihuen, Ford; Assemblymen Frierson, Flores, Carrillo, Martin and Ohrenschall, 2729, 2731, 2988, 3012, 3097, 3161.

112 ....Requires the Legislative Committee on Health Care to consider the manner in which certain provisions relating to licensing of certain offices of physicians and facilities that provide health care have been carried out. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 2729, 2731, 2987, 2988, 3012, 3097, 3161, 4447, 4493.

113 ....Makes various changes to provisions governing the termination of parental rights. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Hammond, Jones, Hutchison, Roberson, Hardy, Brower, Cegavske, Denis, Segerblom; Assemblymen Paul Anderson, Hardy, Hickey and Ohrenschall, 226, 4239, 4240.

114 ....Revises provisions relating to the filing of rates for insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson and Atkinson, 260, 267, 2946, 2948, 2961, 3072, 3086, 3087*, 3846.

117 ....Revises provisions governing the powers of the Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Denis, Jones, Kihuen, Parks, Atkinson, Ford, Hardy, Kieckhefer, Manendo, Spearman, Woodhouse; Assemblymen Kirkpatrick, Eisen and Dondero Loop, 392, 394, 2928, 2930, 2942, 2984, 3072, 3087*, 3846.

118 ....Revises provisions relating to forfeiture of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 404, 406.

121 ....Authorizes the State Land Registrar to transfer the Belmont Courthouse to Nye County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea; Assemblymen Oscarson and Ellison, 229, 230, 392, 412, 416, 517, 660, 744, 916, 917*, 2727.

122 ....Revises provisions governing a regional authority for housing in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Atkinson, 1785, 1788, 2947, 2948, 2961, 3072, 3087, 3088*, 3370, 3846.

123 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Atkinson; Assemblymen Bobzien and Kirkpatrick, 665, 3930, 3931, 6000, 6137, 6140, 6202, 6379, 6383*.

125 ....Revises provisions relating to rules and regulations of the Nevada Interscholastic Activities Association. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kihuen and Assemblyman Munford, 921, 923, 2946, 2948, 2965, 2988, 3057, 3088*, 3703, 4510.

127 ....Prohibits employers from conditioning employment on a consumer credit report or other credit information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 2729, 2732, 2946, 2948, 2967, 3072, 3088*, 3846.

128 ....Exempts certain persons from the licensing requirements for broker-dealers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Parks and Assemblyman Ohrenschall, 404.

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130 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, Cegavske and Assemblywoman Fiore, 921, 923, 2947, 2948, 2967, 3072, 3089*, 3846.

131 ....Establishes provisions governing the disposition of a decedent's accounts on electronic mail, social networking, messaging and other web-based services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske and Assemblywoman Kirkpatrick, 1785, 1788, 3702, 3703, 3768, 3931, 3944, 4336*, 5270, 5738.

132 ....Revises the period of validity of hunting and fishing licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hammond, Hutchison, Hardy, Cegavske, Settelmeyer; Assemblymen Fiore, Aizley, Paul Anderson, Bobzien, Grady, Hansen and Kirner, 226.

133 ....Requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea, Gustavson; Assemblymen Grady and Ellison, 2885, 2886, 2987, 2988, 3013, 3097, 3303*, 4235.

134 ....Revises provisions governing animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea, Gustavson, Cegavske; Assemblymen Ellison and Grady, 1785, 1788, 2987, 2988, 3013, 3097, 3304*, 4235.

135 ....Revises provisions governing redevelopment agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Atkinson, Spearman, Ford; Assemblymen Frierson, Neal, Flores, Horne and Kirkpatrick, 2885, 2886, 3158, 3161, 3210, 3693*, 3694, 4556, 4757.

136 ....Revises provisions relating to justifiable homicide by a public officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 260, 267, 2947, 2948, 2967, 3072, 3089*, 3846.

139 ....Expands provisions governing criminal and civil liability for certain crimes to include crimes motivated by the victim's gender identity or expression. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Spearman, Parks, Manendo, Ford, Kihuen, Atkinson, Denis, Goicoechea, Hammond, Hutchison, Jones, Kieckhefer, Roberson, Segerblom, Smith, Woodhouse; Assemblymen Bobzien, Fiore, Eisen, Healey, Elliot Anderson, Paul Anderson, Cohen, Daly, Flores, Frierson, Hambrick, Hogan, Horne, Martin, Munford, Neal, Pierce, Spiegel, Sprinkle and Swank, 328, 520, 660, 744, 890, 1037, 1427, 1435, 1779, 2726, 2855, 2863, 2886, 2930, 2931, 2933*, 3072.

140 ....Revises provisions relating to a lien for attorney's fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 1786, 1788, 2929, 2930, 2942, 2984, 3072, 3090*, 3846.

141 ....Revises provisions governing the dissemination of records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Smith, Jones, Segerblom, Settelmeyer, Ford, Kihuen, Manendo and Roberson, 2729, 2732, 3369, 3370, 3403, 3828*, 3829, 4556, 4757.

142 ....Makes various changes to provisions governing local government contracting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Jones, Atkinson, Segerblom, Hammond, Spearman, Denis, Ford, Hardy, Hutchison, Kieckhefer, Kihuen, Manendo, Parks, Settelmeyer, Woodhouse; Assemblymen Elliot Anderson, Bobzien, Aizley, Daly, Ellison, Fiore, Hardy, Kirkpatrick and Ohrenschall, 226, 3703, 3705, 5020, 5023, 5277*, 6138.

143 ....Revises provisions governing certain examinations for driver's licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Manendo, Segerblom, Spearman, Parks, Ford, Jones and Kihuen, 1785, 1788, 2987, 2988, 3013, 3097, 3304*, 4235.

144 ....Revises provisions governing the investigation of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 2885, 2887.

147 ....Revises provisions governing the frequency of required inspections of the emissions of certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, Atkinson, Cegavske, Goicoechea, Hammond, Parks; Assemblymen Fiore, Aizley, Duncan, Ellison, Hambrick, Hansen, Livermore, Munford, Stewart and Wheeler, 226.

148 ....Revises provisions governing the Pollution Control Account. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Parks, 2885, 2887, 2947, 2948, 2967, 3072, 3090*, 3846.

149 ....Revises provisions relating to inspections of certain medical facilities and offices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 226.

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150 ....Revises provisions governing the equipment and training required to operate a motorcycle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson, Cegavske, Hammond; Assemblymen Fiore, Hansen, Duncan, Ellison, Hambrick, Munford and Wheeler, 226.

151 ....Revises the formula used to determine the value of used vehicles for the purpose of calculating the amount of governmental services taxes due. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Gustavson, Cegavske, Goicoechea, Hammond, Settelmeyer; Assemblymen Fiore, Duncan and Ellison, 226.

152 ....Revises provisions governing the administration of sales and use taxes and related taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis, 2729, 2732, 3159, 3161, 3217, 3694*, 4556, 4757.

153 ....Revises provisions relating to occupational therapy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Parks, 321, 324, 2946, 2948, 2967, 3072, 3090, 3091*, 3846.

154 ....Revises certain provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 404, 406, 2946, 2948, 2967, 3072, 3091*, 3846.

155 ....Revises provisions relating to the practice of clinical professional counseling. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Hardy, Cegavske, Goicoechea; Assemblymen Fiore, Ellison, Hogan, Livermore, Oscarson and Stewart, 1040, 1041, 2946, 2948, 2967, 3072, 3091, 3097, 3310, 3694*, 4510.

156 ....Requires certain policies of health insurance and health care plans to provide coverage for acupuncture treatments in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Segerblom, Parks, Kihuen; Assemblymen Spiegel, Aizley and Ohrenschall, 226.

157 ....Revises provisions relating to the budgets of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Hutchison, Woodhouse, Brower, Cegavske, Settelmeyer; Assemblymen Fiore, Paul Anderson, Duncan and Stewart, 1040, 1042, 2929, 2930, 2942, 2984, 3072, 3091, 3092*, 3846.

158 ....Revises provisions relating to motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Gustavson, Hardy, Manendo; Assemblymen Paul Anderson, Hambrick, Hardy, Hogan and Kirner, 1040, 1042, 2929, 2930, 2943, 2984, 3072, 3092*, 3846.

159 ....Declares the Legislature's support for a land exchange near the Red Rock Canyon National Conservation Area. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Jones, Kihuen, Hutchison, Smith, Parks, Denis, Ford, Goicoechea, Hammond, Manendo, Segerblom, Spearman, Woodhouse; Assemblymen Oscarson, Bobzien, Swank, Elliot Anderson, Dondero Loop, Flores, Healey, Martin, Ohrenschall and Pierce, 415, 416, 2929, 2930, 2943, 2984, 3072, 3092*, 3093, 3846.

162 ....Revises provisions governing the practice of medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, Brower, Segerblom, Settelmeyer and Assemblyman Eisen, 921, 923, 2986, 2988, 3013, 3097, 3161, 3310, 3370, 3698, 3704, 3846, 3931.

163 ....Requires certain schools in this State to provide pupils with instruction in civics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Hammond, Hutchison, Woodhouse, Denis, Ford, Goicoechea, Gustavson, Hardy, Jones, Kihuen, Manendo, Roberson, Segerblom, Settelmeyer; Assemblymen Hardy and Grady, 404, 406, 2928, 2930, 2943, 2984, 3072, 3093*, 3846.

164 ....Revises provisions governing safe and respectful learning environments in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Spearman, Woodhouse, Kihuen, Segerblom, Atkinson, Denis, Ford, Jones, Manendo, Roberson, Settelmeyer, Smith; Assemblymen Healey, Elliot Anderson, Bobzien, Spiegel, Aizley, Bustamante Adams and Horne, 3703, 3705, 5020, 5023, 5277, 5737, 5805*, 5852, 6138.

165 ....Provides for transferable tax credits to attract film and other productions to Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ford, Smith, Denis, Hutchison, Roberson, Atkinson, Jones, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse; Assemblymen Aizley, Frierson, Horne, Fiore, Kirkpatrick and Spiegel, 226, 5021, 5022, 6139, 6140, 6202, 6203*, 6998.

167 ....Enacts provisions for the designation of certain hospitals as STEMI receiving centers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske and Jones, 921, 923, 2987, 2988, 3013, 3097, 3304, 3305*, 4235.

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169 ....Revises provisions governing criminal penalties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Kihuen; Assemblymen Ohrenschall, Flores, Benitez-Thompson, Frierson and Neal, 921, 924, 3158, 3161, 3223, 3694, 3695*, 4556, 4757.

170 ....Revises provisions governing the charges for storage of motor vehicles that are imposed by body shops. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor and Energy, 2729, 2732, 2987, 2988, 3013, 3097, 3305*, 5600, 5849.

171 ....Provides for a program of matching grants to local governments for the maintenance and repair of public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Denis, Jones, Ford, Kihuen, Manendo, Parks, Segerblom, Smith, Spearman, Woodhouse; Assemblymen Kirkpatrick, Bobzien, Frierson, Munford, Neal and Pierce, 226.

172 ....Provides a deduction from the payroll tax for newly hired full-time employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Jones, Denis, Roberson, Woodhouse; Assemblymen Carlton, Dondero Loop, Eisen, Hardy, Hickey, Kirkpatrick and Kirner, 226, 5999, 6000.

173 ....Makes appropriations to the Knowledge Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Smith, Denis, Woodhouse, Jones; Assemblywomen Dondero Loop and Kirkpatrick, 204.

174 ....Authorizes the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hutchison, Gustavson, Spearman, Cegavske, Hammond, Ford, Kihuen, Settelmeyer; Assemblymen Paul Anderson, Fiore, Duncan and Stewart, 6001.

175 ....Revises provisions relating to testing to determine the concentration of alcohol in a person's breath. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 236, 240, 2922, 2934, 2984, 3072, 3093*, 3846.

176 ....Revises various provisions concerning investigations of reports of abuse or neglect of a child. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 1438, 1779, 1788, 2987, 2988, 3022, 3097, 3305, 3306*, 4556, 5668, 5807, 6270, 6384.

177 ....Authorizes a board of county commissioners to adopt an ordinance prohibiting a minor from committing certain acts relating to the possession and use of tobacco products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Hardy, Cegavske, Goicoechea, Gustavson, Hammond, Hutchison, Jones, Kieckhefer, Segerblom, Woodhouse and Assemblyman Wheeler, 1785, 1788, 3929, 3931, 3945, 4336, 4337*, 5021, 5738.

178 ....Authorizes the Nevada Silver Haired Legislative Forum to request the drafting of not more than one legislative measure for each regular session of the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Manendo, Hardy, Woodhouse, Kihuen, Atkinson, Brower, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hutchison, Jones, Kieckhefer, Parks, Roberson, Segerblom, Settelmeyer, Smith and Spearman, 260, 268, 2987, 2988, 3029, 3097, 3306*, 4235.

179 ....Makes various changes to provisions governing public safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Manendo, 2885, 2887, 3369, 3370, 3407, 3704, 3846, 3848, 4447, 4470, 4496*, 5600, 5737, 5738, 5852.

180 ....Requires a court to award certain relief to an employee injured by certain unlawful employment practices under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Spearman, Parks, Atkinson; Assemblymen Aizley, Healey, Ohrenschall, Elliot Anderson, Hogan, Neal, Pierce and Swank, 1040, 1042, 2986, 2988, 3029, 3097, 3306, 3307*, 4235.

181 ....Revises provisions relating to fishing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer and Assemblyman Bobzien, 2885, 2887, 2987, 2988, 3029, 3097, 3307*, 4235.

182 ....Expands full-day kindergarten in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Smith, Woodhouse, Denis, Jones, Ford, Atkinson, Kihuen, Manendo, Parks, Segerblom, Spearman; Assemblymen Kirkpatrick, Dondero Loop, Bobzien, Horne, Sprinkle, Elliot Anderson, Benitez-Thompson, Daly, Diaz, Eisen, Healey and Spiegel, 226.

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183 ....Enacts provisions governing manufacturers of certain electronic devices. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Jones, Spearman, Segerblom, Denis, Parks, Atkinson, Ford, Kihuen, Manendo, Woodhouse; Assemblymen Bobzien and Pierce, 226.

185 ....Revises provisions relating to projects of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 2729, 2732, 2929, 2930, 2943, 2984, 3072, 3075, 3097, 3161, 3287, 3695*, 3930, 4915, 5600, 5807, 6072, 6210, 6216.

187 ....Revises provisions relating to the Nevada Youth Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Kieckhefer; Assemblymen Stewart, Dondero Loop and Benitez-Thompson, 305, 319, 323, 327, 328, 332, 333*, 373.

189 ....Revises provisions governing assault and battery. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Jones, Hardy, Smith, Kieckhefer and Assemblyman Eisen, 321, 324, 2929, 2930, 2943, 2984, 3072, 3093, 3094*, 3846.

191 ....Increases the maximum speed at which a person may drive or operate a vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Segerblom, Atkinson, Brower, Cegavske, Denis, Goicoechea, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Roberson, Settelmeyer; Assemblymen Fiore, Oscarson, Duncan, Hambrick, Hansen, Hardy, Hickey, Hogan, Kirner, Livermore, Munford, Stewart and Wheeler, 404, 406, 2929, 2930, 2943, 2984, 2988, 3072, 3097, 3161.

192 ....Enacts the Nevada Preservation of Religious Freedom Act to prohibit governmental entities from substantially burdening the exercise of religion. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Hutchison, Hammond, Hardy, Denis, Ford, Goicoechea, Gustavson, Jones, Kieckhefer, Kihuen, Parks, Roberson, Segerblom, Settelmeyer, Smith, Woodhouse; Assemblymen Fiore, Duncan, Hardy, Grady, Hambrick, Hickey, Kirkpatrick, Kirner, Oscarson, Stewart and Woodbury, 2729, 2732.

198 ....Revises provisions relating to the practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 1785, 1788, 2986, 2988, 3029, 3097, 3161, 3310, 3695, 3696*, 4510.

199 ....Makes it a felony to perform certain medical procedures without a license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 404, 406, 3158, 3161, 3243, 3696*, 4556, 4757.

200 ....Revises provisions relating to the pilot diversion program for certain probation violators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Parks and Assemblyman Horne, 404, 6616.

201 ....Revises provisions governing the employment of retired public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Parks; Assemblymen Elliot Anderson, Benitez-Thompson, Hickey and Pierce, 404.

202 ....Creates the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Denis, Goicoechea, Hardy, Jones, Kihuen, Parks, Segerblom, Settelmeyer, Spearman, Woodhouse and Assemblyman Hardy, 921, 924, 2987, 2988, 3030, 3097, 3161, 4239, 4328, 4446.

203 ....Requires legislative lobbyists to file quarterly reports concerning lobbying activities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Jones, Kihuen, Spearman, Cegavske, Hutchison, Brower, Manendo, Parks, Segerblom, Woodhouse and Assemblyman Ohrenschall, 368, 369, 533.

204 ....Requires the Department of Motor Vehicles to establish a next-of-kin registry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Hardy, Cegavske, Ford, Goicoechea, Kieckhefer, Kihuen, Segerblom, Settelmeyer, Spearman, Woodhouse; Assemblymen Paul Anderson, Diaz, Ellison, Grady, Hambrick, Hickey, Kirkpatrick, Munford and Stewart, 5999, 6000.

205 ....Makes various changes concerning the collection of information relating to the treatment of trauma. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Kihuen, Parks, Segerblom, Atkinson and Manendo, 404.

206 ....Revises provisions relating to food establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford, Kihuen, Denis, Jones, Smith, Atkinson, Cegavske, Parks, Settelmeyer, Spearman, Woodhouse; Assemblymen Spiegel, Frierson, Healey, Bustamante Adams and Duncan, 921, 924, 2987, 2988, 3030, 3097, 3307, 3308*, 4235.

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207 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 404.

208 ....Revises the definition of "police officer" primarily for purposes of certain provisions relating to occupational diseases. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Kihuen, 2729, 2732, 3311, 3332, 3696, 3697, 3704, 3846, 4220*, 5270, 5738.

209 ....Requires each regional development authority and the Board of Economic Development to take certain actions regarding a recruiting and marketing effort to attract professionals and businesses to this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hutchison, Roberson, Gustavson, Hammond, Spearman, Goicoechea, Hardy, Segerblom and Settelmeyer, 404, 2729, 2732, 3369, 3370, 3439, 3829*, 4556, 5018.

210 ....Revises provisions governing certain motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Cegavske, 404, 2885, 2887, 3930, 3931, 3982, 4203, 4240, 4344, 4494*, 5600, 5849.

211 ....Requires certain health care practitioners to communicate certain information to the public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, 2729, 2732.

212 ....Makes various changes relating to statewide primary elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Cegavske, Hardy; Assemblymen Wheeler and Livermore, 404.

213 ....Revises certain provisions relating to trapping. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Parks, Manendo, Spearman, Segerblom, Woodhouse; Assemblymen Carlton, Ohrenschall, Martin, Munford and Pierce, 2885, 2887, 3159, 3161, 3252, 3697*, 4556, 4757.

215 ....Makes various changes relating to the taxation of property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Parks, 921, 924, 2947, 2948, 2967, 3072, 3094*, 3846.

216 ....Revises certain procedures for the billing and collection of property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 921, 924, 2947, 2948, 2967, 3072, 3094*, 3846.

217 ....Revises provisions relating to the manner of performing work on roads in smaller counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 2729, 2733, 2987, 2988, 3030, 3097, 3308*, 5600, 5849.

220 ....Makes various changes relating to certain professional licensing boards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 2885, 2887, 3368, 3370, 3442, 3704, 3846, 3848, 4234, 4239, 4344, 4352, 4494, 4495*, 5270, 5738.

221 ....Makes certain changes relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Jones, Ford, Kihuen, Segerblom and Spearman, 2608, 3930, 3931, 6156, 6199, 6202*.

224 ....Revises provisions governing driving under the influence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, Hardy, Manendo and Assemblywoman Dondero Loop, 2729, 2733, 3369, 3370, 3494, 3704, 3846, 3848, 4498, 4507, 4509*, 5270, 5738.

226 ....Makes various changes concerning firearms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Gustavson, Goicoechea; Assemblymen Hardy, Ellison, Fiore, Grady, Hansen and Livermore, 404.

227 ....Authorizes the governing body of a municipality to acquire, improve, equip, operate and maintain certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea; Assemblymen Ellison and Oscarson, 921, 924, 2928, 2930, 2943, 2984, 3072, 3095*, 3846.

228 ....Revises provisions relating to public servants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Parks, 2729, 2733, 2902, 2906, 3369, 3370, 3502, 3829*, 4556, 5667, 5668, 5742,6384, 6412, 6447.

229 ....Contingently amends and repeals the Tahoe Regional Planning Compact and the provisions of Senate Bill No. 271 of the 2011 Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 2729, 2733, 3929, 3931, 3982, 4337, 4338*, 5270, 5738.

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230 ....Provides for the design, construction or installation and maintenance of a memorial dedicated to Nevada's fallen soldiers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman, Goicoechea, Hardy, Brower, Segerblom; Assemblymen Elliot Anderson, Grady, Wheeler, Healey, Ohrenschall, Aizley, Duncan, Ellison, Hogan, Kirner, Livermore, Pierce, Stewart and Swank, 2885, 2887, 3929, 3931, 4046, 4338*, 5270, 5738.

232 ....Revises certain provisions relating to the regulation of certain municipal utilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Parks, Goicoechea, Manendo, Hammond, Cegavske, Hardy, Hutchison, Settelmeyer and Woodhouse, 404.

233 ....Revises certain provisions pertaining to zoning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske and Hardy, 392, 394, 2987, 2988, 3032, 3097, 3309*, 4235.

235 ....Authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Atkinson, Segerblom, Spearman, Manendo, Woodhouse; Assemblymen Grady, Hardy, Kirner, Martin and Munford, 1785, 1788, 3311, 3334, 3697, 3698*, 3841, 4220, 4221*, 5270, 5738.

236 ....Revises provisions governing state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Parks, Ford, Jones, Kihuen, Manendo, Segerblom, Woodhouse; Assemblymen Aizley, Kirner and Swank, 404, 1785, 1789, 3158, 3161, 3257, 3370, 3698, 3704, 3846, 4221*, 4556, 5018.

237 ....Revises provisions governing certain graffiti offenses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 921, 924, 2929, 2930, 2943, 2984, 3072, 3075, 3097, 3161, 3310, 3370, 4447, 4472, 4496, 4497*, 5021, 5738.

238 ....Makes various changes relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 404.

239 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Cegavske, Gustavson, Hutchison, Brower, Goicoechea, Hardy, Kieckhefer, Roberson; Assemblymen Fiore and Hansen, 404, 3703, 3705, 6965.

240 ....Authorizes the reimbursement of teachers for certain out-of-pocket expenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Roberson, Denis, Woodhouse, Hardy, Hutchison, Brower, Kieckhefer, Kihuen, Manendo, Parks, Segerblom; Assemblymen Hickey, Bobzien, Hardy, Horne, Oscarson, Spiegel, Stewart and Swank, 404.

241 ....Establishes a tax credit for donations to a school tuition organization. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cegavske, Roberson, Hutchison, Hammond, Gustavson, Brower, Goicoechea, Hardy, Kieckhefer, Settelmeyer; Assemblymen Duncan, Fiore, Hickey, Paul Anderson, Ellison, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler and Woodbury, 404.

243 ....Revises provisions relating to genetic marker analysis. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Smith and Assemblyman Hickey, 2729, 2733, 3074, 3097, 3123, 3309, 3310*, 4510.

244 ....Authorizes the placement of a designation of veteran status on certain documents issued by the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Brower, Spearman, Hardy, Gustavson, Manendo, Parks, Roberson, Settelmeyer; Assemblymen Kirner, Elliot Anderson, Ellison, Bustamante Adams, Duncan, Hambrick, Hardy, Healey, Hogan, Horne, Livermore, Martin, Stewart and Wheeler, 404, 1040, 1042, 3703, 3769, 4221*, 4222, 5600, 5849.

245 ....Enacts provisions relating to captive wild animals. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Roberson, Manendo, Hammond, Parks and Assemblyman Munford, 2885, 2887.

246 ....Revises provisions relating to committees for political action. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Jones and Spearman, 2729, 2733, 3369, 3370, 3551, 3704, 3846, 4222*, 4556, 5018.

250 ....Provides for the creation of certain local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 2885, 2888.

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252 ....Revises provisions relating to the portfolio standard for providers of electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 404, 2885, 2888, 3311, 3339, 3370, 3677, 3830*, 5807, 6138.

255 ....Limits the use of certain property or the proceeds of certain property by the Board of Regents of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea, Gustavson; Assemblymen Ellison and Grady, 404.

258 ....Creates the Task Force on the Prevention of Sexual Abuse of Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Brower, Jones, Hammond, Hutchison, Roberson, Atkinson, Cegavske, Ford, Goicoechea, Hardy, Kieckhefer, Manendo, Spearman, Woodhouse; Assemblymen Hickey, Hambrick, Hardy, Munford, Oscarson, Sprinkle, Swank and Wheeler, 1785, 1789, 2987, 2988, 3032, 3097, 3311, 3370, 4239, 4445, 4446*, 5018.

261 ....Revises provisions relating to door-to-door solicitation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Jones, Woodhouse, Spearman, Segerblom, Ford, Hutchison, Kihuen, Manendo; Assemblymen Healey, Livermore and Munford, 404, 5807, 5834.

262 ....Makes various changes relating to vehicles used for advertising. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Cegavske and Manendo, 921, 924, 2987, 2988, 3032, 3075, 3161, 3288, 3370, 3698, 3704, 3846, 3848, 4234, 4338, 4339*, 5852, 6138.

264 ....Revises provisions governing criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske, 921, 924, 2929, 2930, 2943, 2984, 3072, 3095*, 3846.

266 ....Revises provisions governing coverage for chemotherapy in a policy of health insurance or health care plan. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Denis, Hardy, Smith, Atkinson, Segerblom, Ford, Goicoechea, Hammond, Hutchison, Jones, Kihuen, Manendo, Parks, Roberson, Spearman, Woodhouse; Assemblymen Fiore, Diaz, Eisen, Bobzien, Hambrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Carlton, Carrillo, Daly, Dondero Loop, Ellison, Flores, Frierson, Grady, Hogan, Horne, Kirkpatrick, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart and Wheeler, 2885, 2888, 3311, 3347, 3698*, 5600, 5849.

267 ....Establishes provisions governing tanning establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Woodhouse, Spearman, Parks, Ford and Segerblom, 2729, 2733, 2986, 2988, 3034, 3097, 3311, 3698, 3827, 3846, 3848, 4234, 4339*, 5018.

268 ....Requires a provider of wireless telecommunications to provide call location information to a law enforcement agency in certain emergency situations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ford, Jones, Kihuen, Spearman, Atkinson, Manendo, Woodhouse; Assemblymen Frierson, Healey and Spiegel, 1785, 1789, 2946, 2948, 2967, 3072, 3095, 3096*, 3846.

269 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford, Atkinson, Woodhouse, Kihuen, Cegavske, Jones, Manendo, Spearman; Assemblymen Frierson, Healey and Spiegel, 1786, 1789, 3929, 3931, 4048, 4339, 4340*, 5021, 5738.

270 ....Makes an appropriation to the Fund for Aviation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Goicoechea, Settelmeyer and Assemblyman Oscarson, 404.

271 ....Makes an appropriation to the Humboldt River Basin Water Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea and Assemblyman Ellison, 404.

272 ....Provides for the revision of the boundary line between Storey County and Washoe County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Kieckhefer; Assemblymen Wheeler and Livermore, 1785, 1789, 2947, 2948, 2967, 3072, 3096*, 3846.

273 ....Revises provisions relating to deputy sheriffs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Gustavson, Goicoechea; Assemblymen Ellison, Hansen and Wheeler, 1785, 1789, 3368, 3370, 3555, 3830*, 3831, 4556, 4757.

274 ....Revises provisions relating to contracts and agreements of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 921, 925, 2928, 2930, 2943, 2984, 3072, 3096, 3097*, 3846.

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275 ....Requires the Director of the Department of Health and Human Services to include certain requirements in the State Plan for Medicaid. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Spearman, Parks, Manendo and Segerblom, 404.

276 ....Directs the Legislative Committee on Health Care to conduct an interim study of the delivery of supported living services and jobs and day training services to recipients of Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske and Hardy, 1438, 1779, 1789, 2987, 2988, 3034, 3097, 3311, 3698, 3704.

277 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Kieckhefer, 404.

278 ....Establishes an expedited process for the foreclosure of abandoned residential property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford, Jones; Assemblymen Healey, Spiegel and Frierson, 2729, 2733, 3702, 3703, 3774, 4222*, 5021, 5738.

279 ....Revises provisions relating to the Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 921, 925.

280 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kihuen, 2885, 2888, 4344, 4420, 4496*, 5021, 5738, 5852, 6327, 6340, 6384.

281 ....Exempts certain property from taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Kieckhefer, 921, 925, 2947, 2948, 2967, 3072, 3097*, 3846.

282 ....Proposes to exempt from sales and use taxes precious metal coins and numismatic coins. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Gustavson, Cegavske, Kieckhefer, Roberson; Assemblymen Ellison, Hansen, Kirner and Wheeler, 404.

283 ....Revises provisions relating to the Commission on Ethics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hardy, Hutchison, Cegavske and Gustavson, 2729, 2733.

284 ....Makes various changes concerning investigations of motor vehicle accidents. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy and Goicoechea, 921, 925, 2947, 2948, 2968, 3072, 3097, 3311, 3698, 3831*, 4757.

285 ....Revises provisions relating to emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 392, 394, 2987, 2988, 3035, 3097, 3311, 3698, 3831*, 4757.

286 ....Provides immunity from civil action under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Jones, Segerblom, Kihuen and Ford, 2729, 2734, 2947, 2948, 2968, 3072, 3097, 3311, 3698, 3832*, 4757.

287 ....Revises provisions governing cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 1785, 1789, 2986, 2988, 3035, 3097, 3311, 3698, 3833*, 4757.

288 ....Revises provisions relating to debt-management services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 1040, 1042, 2946, 2948, 2968, 3072, 3097, 3311, 3698, 3833*, 4757.

291 ....Requires the board of trustees of certain school districts to establish a prekindergarten program to teach children who are limited English proficient. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Roberson, Brower, Hardy, Hutchison, Kieckhefer, Denis and Hammond, 404.

292 ....Makes an appropriation to the Greater Las Vegas After-School All-Stars for certain after-school programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Woodhouse, Parks and Manendo, 404.

293 ....Makes an appropriation to the Trust Account for the Education of Dependent Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Smith, 404, 5999, 6000, 6202, 6206*.

297 ....Revises provisions relating to certain crimes against older or vulnerable persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Roberson, Hutchison, Hammond and Hardy, 2729, 2734.

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298 ....Requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study concerning property tax assistance for senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Woodhouse, Jones, Parks, Manendo and Assemblyman Stewart, 404, 406, 3159.

300 ....Contingently reduces by half the valuation of vehicles for the purpose of determining the amount of the governmental services taxes imposed. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Hutchison and Hammond, 415.

301 ....Provides for assignment of property tax liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Smith, 2885, 2888, 3369, 3370, 3556, 3704, 3931, 4234, 4340*, 5270, 5738.

302 ....Requires taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers certain information. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Brower and Assemblyman Hickey, 1040, 1042, 3930, 3931, 4081, 4340*, 4341, 5600, 5849.

303 ....Provides for the issuance of driver authorization cards. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Kihuen, Roberson, Ford, Segerblom, Atkinson, Hammond, Hardy, Hutchison, Jones, Manendo, Parks, Smith, Spearman, Woodhouse; Assemblymen Bustamante Adams, Diaz, Flores, Elliot Anderson, Spiegel, Aizley, Benitez-Thompson, Bobzien, Dondero Loop, Eisen, Frierson, Hickey, Kirkpatrick, Munford, Neal and Pierce, 415, 3370, 3372, 4512, 4513, 4519, 4582, 4583*, 5738.

304 ....Revises certain provisions of the Charter of the City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Smith, 921, 925, 2928, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3834*, 4757.

305 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Settelmeyer, 415, 1785, 1789, 2986, 2988, 3035, 3097, 3311, 3698, 3834*, 4556, 4757.

307 ....Revises provisions relating to trusts, estates and probate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 2729, 2734.

308 ....Clarifying provisions governing certain tax exemptions for veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Hardy, Gustavson, Manendo, Parks, Atkinson, Brower, Denis, Ford, Goicoechea, Hammond, Hutchison, Jones, Kieckhefer, Kihuen, Roberson, Segerblom, Settelmeyer, Woodhouse; Assemblymen Wheeler, Kirner, Ohrenschall, Healey, Paul Anderson, Diaz, Ellison, Hogan, Munford, Pierce, Sprinkle and Swank, 415, 5600, 5601.

309 ....Urges the establishment of certain mentoring programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Manendo, Parks, Goicoechea and Hammond, 1438, 1779, 1790, 2928, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3834, 3835*, 4757.

310 ....Revises provisions governing financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ford, 1040, 1042, 2946, 2948, 2968, 3072, 3097, 3311, 3698, 3835*, 4757.

311 ....Revises provisions governing empowerment schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ford, 2885, 2888, 4238, 4240, 4297, 4492*.

312 ....Makes various changes concerning victim impact panels. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo, 2729, 2734, 3929, 3931, 4087, 4239, 4489, 4490*, 5600, 5849.

313 ....Revises provisions relating to autonomous vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 1785, 1790, 3703, 3789, 4222, 4223*, 5600, 5849.

314 ....Provides that the right of parents to make choices regarding the care, custody and management of their children is a fundamental right. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 2729, 2734, 3929, 3931, 4095, 4341, 4490*, 5270, 5738.

315 ....Revises provisions relating to health districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 1785, 1790, 2987, 2988, 3036, 3097, 3311, 3698, 3704, 3846, 3848, 4234, 4239, 4490.

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316 ....Revises provisions relating to materials recovery facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Manendo and Assemblyman Ohrenschall, 1040, 1042, 3075, 3929, 3931, 4096, 4202.

317 ....Revises provisions relating to franchises for sales of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis, 2729, 2734, 2947, 2948, 2968, 3072, 3097, 3311, 3698, 3835, 3836*, 4757.

318 ....Requires the Commissioner of Insurance to conduct a study concerning claims, coverage and payments under policies of dental and health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 2729, 2734, 2987, 2988, 3036, 3097, 3310, 3698, 3836*, 4757.

319 ....Revises provisions governing physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 2885, 2888, 3368, 3370, 3572, 3704, 3848, 3861, 4341*, 5270, 5738.

320 ....Revises provisions governing medical care in schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hardy and Denis, 415, 5675, 5678, 6156, 6203, 6379.

321 ....Enacts a "Homeowner's Bill of Rights." Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Jones, Denis, Smith, Segerblom, Ford, Brower, Hammond, Hutchison, Kihuen; Assemblymen Healey, Kirkpatrick and Frierson, 415, 2729, 2734, 3369, 3370, 3584, 3704, 3846, 3848, 3931, 3957, 4341, 4342*, 5600, 5849.

322 ....Revises provisions concerning the membership of the Board of Directors of the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 415, 6157, 6194, 6202, 6206*.

324 ....Revises provisions governing professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy and Assemblyman Eisen, 2885, 2888.

325 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Spearman, 2729, 2734, 2929, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3836, 3837*, 4757.

326 ....Revises provisions relating to the renewable energy portfolio standard. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 415.

327 ....Revises provisions relating to health care professions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Jones, Segerblom and Kieckhefer, 415, 2885, 2888, 3929, 3931, 4098, 4239, 4344, 4404, 4495*, 4496, 5600, 5849.

328 ....Makes various changes relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Settelmeyer, Goicoechea, Gustavson; Assemblymen Grady, Hickey and Kirkpatrick, 415, 5600, 5601, 5851, 6137, 6152*.

329 ....Revises provisions governing the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kihuen and Assemblyman Bobzien, 415, 2729, 2735, 3929, 3931, 4114, 4202.

330 ....Allows a person who qualifies as both a veteran and the surviving spouse of a veteran to claim both veterans' exemptions from property taxes and governmental services taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Spearman, Gustavson, Atkinson, Goicoechea, Manendo; Assemblymen Elliot Anderson, Grady, Hickey and Kirkpatrick, 415, 3703, 3705.

331 ....Exempts certain home-based businesses from the requirement to obtain a state business license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson, Kieckhefer, Hardy, Brower, Hutchison, Hammond; Assemblymen Hambrick, Wheeler, Hansen, Fiore, Livermore and Stewart, 415.

335 ....Revises provisions relating to taxicabs. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Hammond, 921, 925, 2947, 2948, 2968, 3072, 3075, 3097, 3311, 3698, 3837*, 4757.

338 ....Changes the term "mental retardation" to "intellectual disability" in NRS. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cegavske, Hutchison, Denis, Spearman, Segerblom, Atkinson, Brower, Ford, Goicoechea, Gustavson, Hammond, Hardy, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Settelmeyer, Smith, Woodhouse; Assemblymen Fiore, Carrillo, Grady, Hickey and Kirkpatrick, 921, 925, 2987, 2988, 3036, 3097, 3311, 3698, 3837*, 4757.

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339 ....Revises provisions relating to electric utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 5853.

340 ....Revises provisions relating to the delivery of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 415, 5270, 5272.

342 ....Revises provisions governing the vacation and abandonment of certain streets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, Gustavson; Assemblymen Ellison and Oscarson, 921, 925, 2947, 2948, 2968, 3072, 3097, 3311, 3698, 3837, 3838*, 4757.

343 ....Makes various changes relating to off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, Gustavson, Settelmeyer; Assemblymen Ellison, Grady and Oscarson, 2729, 2735, 2929, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3838*, 4757.

344 ....Revises provisions relating to the education of certain children who are patients or residents of certain hospitals or facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Smith, Denis, Spearman, Parks, Ford, Jones, Kihuen and Segerblom, 1438, 1779, 1790, 2929, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3838, 3839*, 4757.

345 ....Creates the Advisory Council on Science, Technology, Engineering and Mathematics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Woodhouse, Parks, Ford, Denis, Smith, Jones, Kihuen, Manendo, Segerblom, Spearman; Assemblywomen Dondero Loop and Swank, 415, 1438, 1779, 1790, 2946, 2948, 2968, 3072, 3097, 3311, 3698, 3839*, 4556, 4757.

346 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Brower, 415, 2885, 2889.

347 ....Requires the Legislative Commission to conduct an interim study relating to the supervision of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 921, 925, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3839, 3840*, 3841, 4507, 4509*, 4510.

349 ....Revises provisions governing the coordination of services provided to persons with sensory disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis, 415.

350 ....Revises provisions relating to the issuance of general obligations by school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hutchison and Roberson, 2729, 2735, 2987, 2988, 3036, 3097, 3311, 3698, 3840*, 4757.

351 ....Prohibits certain activities relating to liens for health care services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hutchison, 921, 926, 2946, 2948, 2972, 3072, 3097, 3311, 3698, 3840*, 4757.

352 ....Revises provisions relating to the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hutchison, 2885, 2889.

353 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hutchison, 415.

354 ....Revises provisions relating to mortgage lending. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hutchison, Roberson and Hammond, 415.

355 ....Revises provisions governing unclaimed property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 415.

356 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 1785, 1790, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4223*, 4757.

357 ....Provides for tax credits for certain business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson, Smith, Atkinson; Assemblymen Neal, Stewart and Hambrick, 415, 6157, 6195, 6616, 6621*.

358 ....Creates the Advisory Board on Business Promotion. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 415.

359 ....Revises the duties of the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 2729, 2735.

362 ....Makes various changes concerning certain health care facilities that employ nurses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman and Segerblom, 415, 2930, 4759, 4760, 4763, 5267, 5302*, 5303, 6138.

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363 ....Requires the Department of Health and Human Services to establish the Advisory Council on Diabetes Care, Prevention and Awareness. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Spearman, Manendo, Ford, Parks, Denis, Jones, Kihuen, Segerblom, Smith, Woodhouse; Assemblymen Bobzien and Elliot Anderson, 415.

364 ....Revises provisions governing governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Atkinson, 1040, 1042, 3929, 3931, 4123, 4342*, 5021, 5670, 5852, 6072, 6871, 6872.

365 ....Establishes the crime of stolen valor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Brower and Assemblyman Elliot Anderson, 921, 926, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4223, 4224*, 4757.

367 ....Makes various changes concerning foreign nationals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gustavson, Settelmeyer; Assemblymen Wheeler, Ellison and Hansen, 415.

370 ....Makes various changes regarding administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 415.

371 ....Prohibits a person from intentionally feeding any big game mammal under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Kieckhefer, Smith, Goicoechea, Settelmeyer and Assemblyman Bobzien, 2885, 2889, 2987, 2988, 3037, 3097, 3311, 3698, 3846, 4224*, 4757.

373 ....Makes various changes relating to judgments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Parks, Spearman, Atkinson and Kihuen, 2885, 2889, 3369, 3370, 3609, 3704, 3827, 3846, 4224, 4225*, 4556, 5018.

374 ....Provides for the registration of medical marijuana establishments authorized to cultivate or dispense marijuana or manufacture edible marijuana products or marijuana-infused products for sale to persons authorized to engage in the medical use of marijuana. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Segerblom, Hutchison, Manendo; Assemblymen Aizley, Hogan and Swank, 415, 5270, 5272, 6001, 6024, 6026, 6152, 6153*, 6155*, 6998.

375 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom and Assemblyman Ohrenschall, 415.

376 ....Proposes to revise provisions relating to the preservation and promotion of the arts and museums in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Segerblom, Woodhouse, Parks; Assemblymen Carlton, Hickey, Livermore, Martin, Stewart and Swank, 415.

377 ....Revises provisions relating to taxes on fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Parks, Denis, Smith and Assemblyman Daly, 665.

379 ....Revises provisions concerning the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Hardy, Parks, Segerblom, Settelmeyer; Assemblymen Hambrick, Fiore, Ellison, Hogan, Livermore, Munford and Wheeler, 415.

380 ....Provides for the imposition of a fee on certain live adult entertainment businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo, 415.

381 ....Makes various changes to prevent recipients of certain public assistance from using benefits in certain businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Brower, Hammond, Hutchison, Hardy and Settelmeyer, 2729, 2735.

382 ....Revises provisions governing safety standards for school buses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks and Kihuen, 1438, 1779, 1790, 2928, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3846, 4225*, 4757.

383 ....Revises provisions governing time shares. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Parks, 2885, 2889, 3929, 3931, 4138, 4342, 4343*, 5270, 5738.

384 ....Revises provisions relating to charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hammond, 2885, 2889, 3929, 3931, 4158, 4239, 4447, 4496, 4497*, 5270, 5738.

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385 ....Authorizes certain businesses to apply to the Office of Economic Development for a partial abatement from certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Denis, Atkinson, Hardy, Brower, Parks and Smith, 415, 6652.

386 ....Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Hardy, Brower and Hutchison, 415.

387 ....Revises provisions concerning the insuring and registering of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Parks, 415.

388 ....Revises provisions relating to crimes involving certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman, Segerblom; Assemblymen Martin and Healey, 2885, 2889, 2929, 2930, 2943, 2984, 3072, 3097, 3311, 3698, 3846, 4225, 4226*, 4757.

389 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 2885, 2889, 3369, 3370, 3631, 3846, 4226*, 5021, 5669, 5670, 5852, 6341, 6384.

390 ....Requires the development of a hydraulic fracturing program for the State of Nevada. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Segerblom, Jones; Assemblymen Bobzien and Daly, 415, 5021, 5022, 5806, 5808, 5834, 6002, 6003*.

391 ....Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the governance structure of and funding methods for community colleges in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cegavske, Goicoechea, Hammond, Hutchison, Roberson, Gustavson, Hardy and Settelmeyer, 415, 6001, 6002, 6156, 6203.

392 ....Requires reporting by the State Board of Education and school districts concerning gifts and bequests relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Segerblom, 2885, 2889, 2986, 2988, 3037, 3097, 3311, 3698, 3846, 4226, 4227*, 4556, 5018.

393 ....Revises provisions governing the procedure for filling certain vacancies in a nomination. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Smith, 415, 416, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 4227*, 4757.

394 ....Provides for the establishment of intermediate sanction facilities within the Department of Corrections for certain probation violators and offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Segerblom and Parks, 415.

395 ....Requires the Advisory Commission on the Administration of Justice to identify and study certain information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 415, 4556, 5800, 5801, 5802, 6003*.

398 ....Makes an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc., for the AfterSchool KidzLit program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Kihuen; Assemblymen Diaz and Carrillo, 404.

399 ....Revises provisions relating to special fuels. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Kihuen, 2885, 2890, 3930, 3931, 4159, 4239, 4447, 4475, 4496, 4497, 4498*, 5270, 5738.

400 ....Revises provisions governing the taxation of mines, mining claims and the extraction of minerals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Segerblom, 521, 6001, 6002, 6156, 6204*.

401 ....Revises provisions governing the taxation of mines and mining claims and excludes the value of certain mineral deposits from the taxable value of property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Hardy, Hutchison, Hammond, Brower and Kieckhefer, 521.

402 ....Revises certain provisions relating to real estate. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 1040, 1043, 2986, 2988, 3041, 3097, 3311, 3698, 3846, 4227, 4228*, 4757.

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404 ....Revises provisions relating to business practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Smith, Woodhouse, Denis, Spearman, Parks, Atkinson; Assemblymen Kirkpatrick, Dondero Loop and Sprinkle, 415, 2908, 2909, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4228*, 4757.

405 ....Revises provisions relating to the submission of reports to the Director of the Legislative Counsel Bureau and certain other persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Denis, Roberson, Woodhouse, Spearman, Atkinson; Assemblymen Kirkpatrick and Sprinkle, 921, 926, 3369, 3370, 3634, 3846, 4228*, 5270, 5738.

406 ....Revises provisions governing tourism improvement districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Smith, Denis, Woodhouse, Parks, Atkinson; Assemblymen Kirkpatrick, Sprinkle and Dondero Loop, 521, 5270, 5272, 6156, 6157, 6179, 6195, 6196*, 6998.

407 ....Revises provisions governing the statewide performance evaluation system for teachers and administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Smith, Woodhouse and Assemblywoman Dondero Loop, 415, 5270, 5272, 5806, 5808, 5834, 5848, 5968, 6010*, 6998.

408 ....Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Denis, Woodhouse, Spearman, Parks, Atkinson; Assemblymen Kirkpatrick, Dondero Loop and Sprinkle, 415.

409 ....Makes various changes relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Kihuen, Segerblom; Assemblymen Frierson, Ohrenschall and Horne, 2729, 2735, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4228, 4229*, 4757.

410 ....Revises provisions governing hypodermic devices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman, Segerblom, Kihuen, Atkinson, Gustavson, Jones, Manendo, Smith, Woodhouse; Assemblymen Healey, Ohrenschall, Aizley, Daly, Dondero Loop, Fiore, Hogan, Martin, Pierce, Spiegel and Swank, 2729, 2735, 3369, 3370, 3636, 3846, 4229*, 4556, 5668, 5742, 6072, 6270, 6279.

412 ....Makes an appropriation to the Nevada System of Higher Education to allow senior citizens to audit college classes for a nominal fee. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Woodhouse, Parks, Spearman, Segerblom, Jones, Manendo and Smith, 404.

414 ....Prohibits transmitting or distributing certain images of bullying involving a child under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 2729, 2735, 3158, 3161, 3259, 3698, 3846, 4229*, 5270, 5738.

415 ....Revises provisions relating to gaming employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 415.

416 ....Revises provisions governing gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 666, 3703, 3705, 4759, 4760, 4763, 5267, 5303*, 6138.

418 ....Revises provisions relating to the acceptance of wagers on certain events. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 2885, 2890.

419 ....Revises provisions relating to marriage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 921, 926, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4230*, 4234, 4490, 4493*, 5018.

420 ....Revises provisions relating to the issuance of subpoenas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2885, 2890, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 4230*, 4757.

421 ....Requires a court to excuse a juror for cause under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2729, 2735, 3158, 3161, 3262, 3698, 3846, 4230, 4231*, 4556, 5018.

423 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 415, 3370, 3372, 4555, 4557, 4571, 4781*, 5738.

424 ....Revises provisions relating to foreclosures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2729, 2736, 3369, 3370, 3645, 3846, 3931.

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425 ....Authorizes the Nevada Gaming Commission to establish a study group relating to pari-mutuel wagering. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2729, 2736, 3929, 3931, 4163, 4343*, 5270, 5669, 5852, 6072, 6652, 6655.

427 ....Revises provisions governing bullying. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 2885, 2890, 3929, 3931, 4165, 4343*, 5270, 5738.

428 ....Revises provisions relating to tow cars. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Transportation, 2729, 2736, 3703, 3792, 4231*, 5852, 6138.

429 ....Revises certain provisions relating to taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 2729, 2736, 3703, 3801, 4231*, 5852, 6138.

430 ....Revises provisions relating to motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 404, 4556, 4557, 5269, 5679, 5806*, 6138.

431 ....Revises provisions concerning the verification of motor vehicle liability insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 415.

432 ....Revises provisions governing the regulation of taxicabs. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Transportation, 1040, 1043, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4231, 4232*, 4757.

433 ....Revises provisions governing motor vehicle fuel. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources, 2885, 2890, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4232*, 4757.

434 ....Revises provisions relating to vessels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 921, 926, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4232*, 4757.

435 ....Creates the K-12 Public Education Stabilization Account. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 404.

436 ....Creates the Nevada State Parks and Cultural Resources Endowment Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1785, 1790, 3158, 3161, 3263, 3698, 3846, 4233*, 4556, 5670, 6138.

437 ....Makes various changes to provisions relating to false claims. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 921, 926, 2986, 2988, 3041, 3097, 3311, 3698, 3846, 4233*, 4757.

438 ....Revises provisions governing the Colorado River Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 921, 926, 2946, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4233*, 4757.

440 ....Makes various changes to the Charter of the City of Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1785, 1790, 3158, 3161, 3265, 3698, 3846, 4233, 4234*, 4556, 5018.

441 ....Makes various changes to provisions governing business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 2729, 2736, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 3848, 4234, 4435, 4490, 4491*, 5018.

442 ....Eliminates certain mandates relating to schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1438, 1779, 1791, 3368, 3370, 3648, 3846, 4234, 4435*, 5600, 5849.

443 ....Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 921, 926, 2986, 2988, 3041, 3097, 3311, 3698, 3846, 4234, 4435, 4436*, 5270, 5738.

445 ....Establishes the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 415.

446 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 415, 3703, 3705, 4555, 4557, 4571, 4782*, 5738.

447 ....Makes various changes relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 2608, 2948, 2949, 4555, 4557, 4571, 4782*, 5738.

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448 ....Instructs the Legislative Committee on Health Care to consider methods to promote federally qualified health centers and rural health clinics. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 2729, 2736, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 4234, 4436, 4437*, 5018.

449 ....Revises certain provisions relating to the unlawful disposal of effluent or solid waste. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Health and Human Services, 2729, 2736, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 4234, 4437*, 5018.

450 ....Revises the qualifications for certain district health officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 2729, 2736, 3158, 3161, 3283, 3698, 3846, 4234, 4438*, 5021, 5668, 5669, 5807, 6279, 6284, 6384.

451 ....Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study concerning standards of care for specialized foster homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 533, 3159, 3160.

452 ....Revises provisions governing assistance provided to indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 665, 5675, 5679, 5806, 5808, 5834, 6003, 6004*.

453 ....Provides for schools to obtain and administer auto-injectable epinephrine. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 2729, 2736, 2947, 2948, 2972, 3072, 3097, 3311, 3698, 3846, 4234, 4438*, 5018.

454 ....Makes various changes relating to the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 415, 4556, 4557.

455 ....Establishes a pilot program for school districts to establish or expand programs for children who are English language learners. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Education, 415.

456 ....Revises provisions relating to operators of tow cars. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 2729, 2737, 3703, 3803, 3848, 4234, 4438, 4439*, 5600, 5849.

457 ....Revises provisions relating to certain city elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 921, 926, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 4234, 4439, 4440*, 4441, 5018.

458 ....Enacts the Uniform Faithful Presidential Electors Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 921, 927, 2947, 2948, 2973, 3072, 3097, 3311, 3698, 3846, 4234, 4441*, 5018.

459 ....Makes a supplemental appropriation to and authorizes the expenditure of certain money by the Division of Health Care Financing and Policy of the Department of Health and Human Services for an unanticipated increase in caseloads for medical services and certain other costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 2930, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 3848, 3858*, 4757.

460 ....Makes supplemental appropriations to the Commission on Judicial Discipline for the costs of one-time leave payouts resulting from the unanticipated retirement of certain staff and the costs related to unanticipated hearings. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 2885, 2890, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 3848, 3858*, 4757.

461 ....Makes an appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for the replacement of equipment beyond its normal scheduled replacement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 2930, 2931, 6202, 6207*.

462 ....Makes an appropriation to the Central Repository for Nevada Records of Criminal History within the Department of Public Safety for the initial phase of the project to modernize the Nevada Criminal Justice Information System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 3159, 3160, 6202, 6207*.

463 ....Provides for the implementation of the Court of Appeals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 415, 3703, 3705, 4555, 4557, 4571, 4782, 4783*, 5738.

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464 ....Renames the State Sealer of Weights and Measures and the Division of Measurement Standards within the State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 415, 3159, 3160, 5020, 5023, 5049, 5597, 5737, 5848, 6004*.

465 ....Revises provisions governing the special tax on certain livestock. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 415, 3159, 3160, 5020, 5023, 5049, 5597, 5737, 5848, 6004*, 6005.

466 ....Transfers authority over programs of nutrition from the Department of Education to the Director of the State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 404, 3370, 3373, 4555, 4557, 4571, 4783*, 5738.

467 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 521, 2948, 2949, 5020, 5023, 5049, 5597, 5737, 5848, 6005*, 6384.

468 ....Revises certain fees collected by the State Engineer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 415, 3159, 3160, 3930, 3931, 4196, 4441*, 5018.

469 ....Transfers the State Dairy Commission from the Department of Business and Industry to the State Department of Agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 404, 3370, 3373, 4555, 4557, 4571, 4784*, 5738.

470 ....Revises certain fees collected by the Administrator of the Commission on Postsecondary Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 415, 1785, 1791, 6616, 6621*.

471 ....Revises provisions relating to the Account for Charter Schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 415, 3370, 3373.

472 ....Requires the Office of the Attorney General to reimburse the Department of Taxation for certain costs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 404.

473 ....Revises provisions relating to the State Administrative Manual. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 415, 6741.

474 ....Provides for the repayment of bonds issued for projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 404.

475 ....Makes various changes concerning governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 404, 6157, 6195, 6202, 6207, 6208*.

476 ....Revises provisions relating to the compensation of certain special counsel employed by the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 1785, 1791, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 3848, 3859*, 4757.

477 ....Revises provisions relating to the basic support guarantee per pupil for school districts and the allocation of special education program units. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 1040, 1043.

478 ....Revises provisions relating to the employment of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 2729, 2737, 3929, 3931, 4196, 4442*, 5270, 5738.

479 ....Revises provisions governing credits against the insurance premium tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 521, 4556, 4557, 6000, 6137, 6154*.

480 ....Makes an appropriation to the State Gaming Control Board to change from a COBOL-based technology system to a modern technology system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 2930, 2931, 6202, 6208*.

481 ....Extends the temporary waiver from certain minimum expenditure requirements for textbooks for school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 404, 5021, 5022, 5269, 5679, 5848, 6005*.

482 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 666.

483 ....Revises provisions relating to the compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 404.

No. *Summary, Introducer and Page Reference*

484 ....Makes an appropriation to the Mental Health Information System Account of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for new software to implement the Department's technology policies. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 4556, 4557, 6202, 6208, 6209*.

485 ....Appropriates to and authorizes the expenditure of money by the Division of Welfare and Supportive Services of the Department of Health and Human Services for the integration of eligibility rules for the Temporary Assistance for Needy Families program and the Supplemental Nutrition Assistance Program into the eligibility system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 5021, 5022, 6202, 6209.

486 ....Makes appropriations relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 5999, 6000, 6202, 6209*.

487 ....Makes an appropriation to the Office of the State Treasurer for the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 404, 5270, 5273, 6202, 6210*.

488 ....Continues the transfer of the powers and duties of the Consumer Affairs Division of the Department of Business and Industry and the Commissioner of Consumer Affairs to the Office of the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 404, 2914, 2915, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 3848, 3859*, 4757.

489 ....Extends the deadline for issuing bonds for the program of conservation and protection of natural resources approved by the voters in 2002. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 1040, 1043, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 3848, 3859*, 3860, 4757.

490 ....Revises provisions relating to certain commodity food programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 404, 3370, 3373, 5020, 5023, 5067, 5597, 5737, 5848, 6006*.

493 ....Revises provisions concerning real property transactions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 2729, 2737, 3311, 3357, 3698, 3846, 4234, 4442*, 4443, 5675, 6138.

496 ....Revises certain provisions governing portable electronics insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 2729, 2737, 2946, 2948, 2973, 3072, 3097, 3311, 3698, 3846, 3848, 4234, 4443*, 5018.

497 ....Revises provisions relating to dental care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 1040, 1043, 2946, 2948, 2973, 3072, 3097, 3311, 3698, 3846, 4234, 4443*, 5018.

498 ....Revises provisions relating to telecommunications. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy, 2730, 2929, 2931, 4555, 4557, 4571, 4783*, 4784, 5738.

499 ....Creates the Legislative Committee on Water Issues. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 521, 533.

500 ....Creates the Task Force on K-12 Public Education Funding. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 533, 5807, 5834, 6156, 6205*.

501 ....Revises provisions governing funding for certain facilities for the treatment of abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Health and Human Services, 415, 6616.

502 ....Makes various changes relating to certain required investigations of the background and personal history of certain persons as a condition of employment, licensure, certification and other privileges. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 415, 5270, 5273, 5806, 5808, 5834, 6006*.

503 ....Revises provisions relating to drivers' licenses and identification cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 2729, 2737, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 4234, 4444*, 5018.

No. *Summary, Introducer and Page Reference*

504 ....Enacts provisions providing English Language Learning for Our Students. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 415, 6384, 6616, 6617*.

505 ....Abolishes the Columbia Basin Interstate Compact Commission of the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 1438, 1779, 1791, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 4234, 4444*, 5018.

506 ....Repeals provisions governing certain employment practices concerning members of the Communist Party and related organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 1040, 1043, 2946, 2948, 2973, 3072, 3097, 3311, 3698, 3846, 4234, 4444*, 4445, 5018.

507 ....Repeals provisions relating to development corporations and corporations for economic revitalization and diversification. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy, 1040, 1043, 2946, 2948, 2973, 3072, 3097, 3311, 3698, 3846, 4234, 4445*, 5018.

508 ....Revises provisions relating to trains. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 1785, 1791, 4479, 4496, 4498*, 5600, 5849, 6384, 6615, 6998.

509 ....Revises provisions governing taxes on transient lodging. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 1040, 1043, 2947, 2948, 2973, 3072, 3097, 3311, 3698, 3846, 4234, 4445*, 5018.

510 ....Temporarily delays the statutory deadline for notifying certain school district employees of reemployment status. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 1786, 2726, 2860, 2890, 2895, 2897*, 2908.

512 ....Revises provisions governing legislative operations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis, 3159, 3160.

515 ....Provides for the issuance of bonds to repay loans from the Federal Government related to unemployment benefits and to establish adequate balances in this State's account in the Unemployment Trust Fund and for the temporary imposition of an assessment on employers to pay such bonds and related costs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 5021, 5022, 5599, 5675, 5679, 5848, 6006, 6007*.

516 ....Revises provisions relating to tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 5807, 5834, 5851, 6001, 6137, 6154, 6155*.

517 ....Makes an appropriation to the Department of Administration for distribution to Teach for America, Inc. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 5675, 5679, 6965.

518 ....Establishes for the 2013-2015 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Finance, 5270, 5273, 5674, 5675, 5679, 5848, 6007*.

519 ....Authorizes the Director of the Department of Corrections to apply on behalf of a prisoner for a determination of Medicaid eligibility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 5270, 5273, 6156, 6205, 6206*.

521 ....Authorizes expenditures by agencies of the State Government for the 2013-2015 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 5999, 6000, 6001, 6137, 6155, 6157, 6158*, 6159.

522 ....Ensures sufficient funding for K-12 public education for the 2013-2015 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6001, 6002, 6156, 6157, 6158*.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Expresses support for wild horses and burros in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 1785, 1786, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 3849*, 4757.

4 ....Urges the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the human rights and property rights of the Ecumenical Patriarchate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske; Assemblymen Hardy and Ohrenschall, 260, 261, 424, 527, 660, 744, 890, 1037.

5 ....Urges Congress to pass the Marketplace Fairness Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Woodhouse, Denis, Kihuen, Smith, Parks, Atkinson, Ford, Hutchison, Jones, Kieckhefer, Manendo, Roberson, Segerblom and Spearman, 404, 405, 2914, 2915*, 3072.

8 ....Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Segerblom, Kihuen, Spearman, Woodhouse; Assemblymen Flores, Benitez-Thompson and Frierson, 533, 1040, 1041, 5269, 5304, 5586, 5737, 5848, 6007, 6008*, 6998.

9 ....Urges the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Jones, Ford, Gustavson, Hutchison, Segerblom, Denis, Goicoechea, Hammond, Hardy, Kihuen, Manendo, Parks, Settelmeyer, Smith, Spearman, Woodhouse; Assemblymen Bobzien, Hardy, Wheeler, Healey, Oscarson, Daly, Duncan, Hansen, Livermore and Swank, 392, 393, 3159, 3161, 3285, 3698, 3846, 3849, 3850*, 4556, 5267, 5742, 6072, 6261, 6263.

12 ....Urges the President of the United States to grant a posthumous pardon to John Arthur "Jack" Johnson. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower and Assemblyman Munford, 392, 393, 2929, 2930, 2944, 2984, 3072, 3097, 3311, 3698, 3846, 3849, 3850*, 4757.

13 ....Proposes to amend the Nevada Constitution to require the recognition of all marriages, regardless of gender. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Spearman, Parks, Atkinson, Ford, Denis, Kihuen, Manendo, Woodhouse; Assemblymen Elliot Anderson, Ohrenschall, Martin, Healey, Aizley, Hogan and Swank, 2729, 2730, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 3849, 3850, 3855*, 4757.

14 ....Urges Congress to enact the Lyon County Economic Development and Conservation Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 921, 2987, 2988, 3042, 3097, 3161, 3286, 3287*, 4235.

15 ....Urges Congress to enact comprehensive immigration reform. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Smith, Roberson, Kieckhefer, Kihuen, Atkinson, Ford, Jones, Manendo, Parks, Segerblom, Spearman, Woodhouse; Assemblymen Diaz, Carrillo, Frierson, Spiegel, Horne, Benitez-Thompson, Bustamante Adams, Cohen, Flores, Kirkpatrick and Neal, 393, 404, 405, 2860, 2890, 2897, 2898, 2903, 2906*, 2920.

SENATE JOINT RESOLUTIONS OF THE 76TH SESSION

No. *Summary, Introducer and Page Reference*

14 ....Proposes to amend the Nevada Constitution to create an intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 130, 3370, 3373, 4555, 4557, 4571, 4784, 4785*, 5738.

No. *Summary, Introducer and Page Reference*

15 ....Proposes to amend the Nevada Constitution to remove the separate tax rate and manner of assessing and distributing the tax on mines and the proceeds of mines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 393, 2987, 2988, 3042, 3097, 3311, 3698, 3846, 3849, 3856, 3858*, 4757

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

2 ....Commemorates the 20th anniversary of the donation of precious art from the Republic of China Senator Denis, Atkinson, Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman, Woodhouse; Assemblymen Hickey, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler and Woodbury, 126, 127, 143.

3 ....Provides for the voluntary transfer of a portion of Legislators' salaries to the State General Fund. Senators Denis, Roberson; Assemblymen Kirkpatrick and Hickey, 126, 127, 143.

4 ....Encourages the Department of Health and Human Services and the Commissioner of Insurance to work with health care providers and insurers to develop a patient-centered medical home model of care. Committee on Health and Human Services, 253, 2929, 2948, 3699.

5 ....Commemorates the 150th anniversary of the State of Nevada. Senator Smith, Atkinson, Brower, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Spearman, Woodhouse; Assemblymen Grady, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler and Woodbury, 158, 159, 160, 194.

6 ....Memorializes former State Senator William J. Raggio. Senators Smith, Brower, Atkinson, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Spearman, Woodhouse; Assemblymen Hickey, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler and Woodbury, 368, 370, 399.

7 ....Expresses determination of the Nevada Legislature that Nevada is an optimal location for unmanned aircraft system development and testing. Senators Denis, Roberson; Assemblymen Kirkpatrick, Hickey and Horne, 2902, 2920.

9 ....Directs the Legislative Commission to appoint a committee to conduct an interim study regarding working conditions at state correctional institutions and facilities and relating to the supervision of offenders. Committee on Legislative Operations and Elections, 6998*.

10 ....Memorializes former University Regent Dorothy Gallagher. Senator Goicoechea, Atkinson, Brower, Cegavske, Denis, Ford, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman, Woodhouse; Assemblymen Ellison, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler and Woodbury, 5675, 5676, 6138.

12 ....Requests return to Senate from Governor's office of Senate Bill No. 508 of this session. Committee on Transportation, 6071, 6072.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventy-Seventh Session, 2013

Title	*Name*	*Mailing Address*
Speaker	Marilyn K. Kirkpatrick	4747 Showdown Drive, North Las Vegas 89031-2133
Speaker pro Tempore	Paul Aizley	237 East Eldorado Lane, Las Vegas 89123-1159
Chief Clerk	Susan Furlong	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Seventh Session, 2013

Name and Party	*District*	*Mailing Address*
Aizley, Paul (D)	Clark (Part), No. 41	237 East Eldorado Lane, Las Vegas 89123-1159
Anderson, Elliot T. (D)	Clark (Part), No. 15	3135 South Mojave Road, Unit 227, Las Vegas 89121-8315
Anderson, Paul (R)	Clark (Part), No. 13	10000 West Charleston Boulevard, Suite 100, Las Vegas 89135-1006
Benitez-Thompson, Teresa (D)	Washoe (Part), No. 27	P.O. Box 5730, Reno 89513-5730
Bobzien, David P. (D)	Washoe (Part), No. 24	1605 Wesley Drive, Reno 89503-2332
Bustamante Adams, Irene (D)	Clark (Part), No. 42	3800 Reflection Way, Las Vegas 89147-4442
Carlton, Maggie (D)	Clark (Part), No.14	5540 East Cartwright Avenue, Las Vegas 89110-3802
Carrillo, Richard (D)	Clark (Part), No. 18	4819 Diza Court, Las Vegas 89122-7574
Cohen, Lesley E. (D)	Clark (Part), No. 29	2657 Windmill Parkway, No. 415, Henderson 89074-3384
Daly, Richard (D)	Washoe (Part), No. 31	2180 Fourth Street, Sparks 89431-2201
Diaz, Olivia (D)	Clark (Part), No. 11	P.O. Box 365072, North Las Vegas 89036-9072
Dondero Loop, Marilyn (D)	Clark (Part), No. 5	3724 Emerald Bay Circle, Las Vegas 89147-6816
Duncan, Wesley (R)	Clark (Part), No. 37	3958 Silver Saber Court, Las Vegas 89129-8341
Eisen, Andy (D)	Clark (Part), No. 21	9850 South Maryland Parkway, Suite A5-162, Las Vegas 89183-7146
Ellison, John C. (R)	Elko, Eureka, Lincoln (Part), White Pine, No. 33	P.O. Box 683, Elko 89803-0683
Fiore, Michele (R)	Clark (Part), No. 4	9085 West Rosada Way, Las Vegas 89149-3556
Flores, Lucy (D)	Clark (Part), No. 28	420 North Nellis Boulevard, Suite A3-87, Las Vegas 89110-5365
Frierson, Jason M. (D)	Clark (Part), No. 8	7925 West Russell Road, No. 400187, Las Vegas 89140-8009
Grady, Tom (R)	Churchill, Lyon (Part), No. 38	43 Fairway Drive, Yerington 89447-2170
Hambrick, John (R)	Clark (Part), No. 2	1930 Village Center Circle, Suite 3-419, Las Vegas 89134-6245
Hansen, Ira (R)	Esmeralda, Humboldt, Lander, Mineral, Nye (Part), Pershing, Washoe (Part), No. 32	68 Amigo Court, Sparks 89441-6213
Hardy, Cresent (R)	Clark (Part), No. 19	P.O. Box 601, Mesquite 89024-0601

Healey, James W. (D)	Clark (Part), No. 35	7835 South Rainbow Boulevard, Suite 4-228, Las Vegas 89139-6499
Hickey, Pat (R)	Washoe (Part), No. 25	1180 Forest Street Reno 89509-2707
Hogan, Joseph M. (D)	Clark (Part), No. 10	2208 Plaza De La Candela, Las Vegas 89102-4043
Horne, William C. (D)	Clark (Part), No. 34	2251 North Rampart Boulevard No. 357 Las Vegas 89128-7640
Kirkpatrick, Marilyn K. (D)	Clark (Part), No. 1	4747 Showdown Drive, North Las Vegas 89031-2133
Kirner, Randy (R)	Washoe (Part), No. 26	18124 Wedge Parkway, Suite 519, Reno 89511-8134
Livermore, Pete (R)	Carson City, Washoe (Part), No. 40	4 Raglan Circle, Carson City 89701-6507
Martin, Andrew (D)	Clark (Part), No. 9	7345 South Durango Drive, Suite B107-319, Las Vegas 89113-3653
Munford, Harvey J. (D)	Clark (Part), No. 6	809 Sunny Place, Las Vegas 89106-3637
Neal, Dina (D)	Clark (Part), No. 7	3217 Brautigan Court, North Las Vegas 89032-6030
Ohrenschall, James (D)	Clark (Part), No. 12	P.O. Box 97741, Las Vegas 89193-7741
Oscarson, James (R)	Clark (Part), Lincoln (Part), Nye (Part), No. 36	P.O. Box 1600 Pahrump 89048-1600
Pierce, Peggy (D)	Clark (Part), No. 3	5304 Gipsy Avenue, Las Vegas 89107-3847
Spiegel, Ellen B. (D)	Clark (Part), No. 20	2764 North Green Valley Parkway, No. 327, Henderson 89014-2120
Sprinkle, Michael (D)	Washoe (Part), No. 30	P.O. Box 51202, Sparks 89435-1202
Stewart, Lynn D. (R)	Clark (Part), No. 22	2720 Cool Lilac Avenue, Henderson 89052-3836
Swank, Heidi (D)	Clark (Part), No. 16	546 Barbara Way, Las Vegas 89104-2858
Thompson, Tyrone (D)	Clark (Part), No. 17	117 Fox Crossing Avenue, North Las Vegas 89084-5207
Wheeler, Jim (R)	Douglas, Lyon (Part), Storey, No. 39	P.O. Box 2135, Minden 89423-2135
Woodbury, Melissa L. (R)	Clark (Part), No. 23	P.O. Box 401508, Las Vegas 89140-1508

ATTACHÉS OF THE NEVADA STATE ASSEMBLY
Seventy-Seventh Session, 2013

Name	Title
Matthew Baker	Assistant Chief Clerk/Technical Assistant
Lucinda Benjamin	History Clerk
McCall Miller	Journal Clerk
Christie Peters	Document Clerk
Jason P. Hataway	Media Clerk
Carol Aiello-Sala	Recording Clerk
Robin L. Bates	Sergeant at Arms
Sharon P. Murphy	Deputy Sergeant at Arms
Norman Budden	Assistant Sergeant at Arms
Dennis Humphrey	Assistant Sergeant at Arms
Linda Marrone	Assistant Sergeant at Arms
Mary A. Matheus	Assistant Sergeant at Arms
Jennifer Osheroff	Assistant Sergeant at Arms
Steven J. Sweeney	Assistant Sergeant at Arms
Debra Williams	Assistant Sergeant at Arms
Marge Griffin	Administrative Services Manager
Patricia A. Manning	Executive Assistant to Administrative Services Manager
Jasmine Shackley	Committee Services Manager
Sally Stoner	Executive Assistant to Committee Services Manager
Jenny McMenomy	Executive Assistant to Assemblywoman Marilyn K. Kirkpatrick, Speaker
Erin Marlon	Speaker's Chief of Staff
Tina Mims Frias	Leadership Policy Analyst
Brittany Shipp	Leadership Attaché
Matthew Walker	Leadership Attaché
Jean Kvam	Leadership Receptionist
Denise Larsen	Personal Secretary to Assemblyman Paul Aizley, Speaker pro Tempore
Nichole Bailey	Executive Assistant to Assemblyman William C. Horne, Majority Floor Leader
Jeanne Peyton	Executive Assistant to Assemblyman Pat Hickey, Minority Floor Leader
Judy Molnar	Personal Secretary to Assemblyman Jason Frierson, Assistant Majority Floor Leader and Chair, Judiciary
Sheri Bashaw	Personal Secretary to Assemblyman Cresent Hardy, Assistant Minority Floor Leader
Jessica Nitti	Personal Secretary to Assemblyman David Bobzien, Majority Whip
Janet Stokes	Personal Secretary to Assemblywoman Peggy Pierce, Chief Deputy Majority Whip
Sylvia Dominguez-Curry	Personal Secretary to Assemblywoman Olivia Diaz, Assistant Majority Whip
Juan Ortega	Personal Secretary to Assemblywoman Lucy Flores, Assistant Majority Whip
Mary Bean	Personal Secretary to Assemblyman Tom Grady, Minority Whip
Sara Menke	Personal Secretary to Assemblyman Lynn Stewart, Minority Whip
Linda Law	Personal Secretary to Assemblyman Randy Kirner, Minority Policy Coordinator
Sylvia Brown	Executive Assistant to Chief Clerk
Judi Bishop	Personal Secretary and Committee Manager to Assemblywoman Irene Bustamante Adams, Chair, Taxation
Andrew Diss	Personal Secretary and Committee Manager to Assemblyman Elliot T. Anderson, Chair, Education
Harle Glover	Personal Secretary and Committee Manager to Assemblywoman Marilyn Dondero Loop, Chair, Health and Human Services
Pat Hutson	Personal Secretary and Committee Manager to Assemblyman James Ohrenschall, Chair, Legislative Operations and Elections
Mary Lee	Personal Secretary to Assemblywoman Maggie Carlton, Chair, Ways and Means
Mary Merry	Personal Secretary and Committee Manager to Assemblyman Richard Daly, Chair, Natural Resources, Agriculture, and Mining
Cinthia Zermeno	Personal Secretary and Committee Manager to Assemblyman Richard Carrillo, Chair, Transportation
Mistia Zuckerman	Committee Transcriber, Natural Resources, Agriculture, and Mining
Bonnie Hoffecker	Committee Manager, Government Affairs
Leslie Danihel	Committee Manager, Commerce and Labor
Gariety Pruitt	Committee Manager, Judiciary
Patti Adams	Committee Manager, Ways and Means

Connie Davis..... Lead Committee Secretary, Ways and Means
Linda Blevins..... Committee Secretary, Ways and Means
Anne Bowen..... Committee Secretary, Ways and Means
Nate Helton..... Committee Secretary, Ways and Means
Sherie Silva..... Committee Secretary, Ways and Means
Carol J. Thomsen..... Committee Secretary, Ways and Means
Janice Wright..... Committee Secretary, Ways and Means
Cynthia Wyett.....Committee Assistant, Ways and Means
Ted Zuend.....Proofreader, Ways and Means
John Budden..... Committee Secretary, Government Affairs
Jennifer Dalton..... Committee Secretary, Government Affairs
Janel Davis..... Committee Secretary, Health and Human Services
Nancy Davis.....Committee Secretary, Judiciary
James Fonda.....Committee Secretary, Transportation
Dianne Harvey.....Committee Secretary, Judiciary
Gina Hall..... Committee Secretary, Taxation
Theresa Horgan..... Committee Secretary, Health and Human Services
Julie Kellen.....Committee Secretary, Commerce and Labor
Jacqueline Lethbridge.....Committee Secretary, Transportation and Education
Sharon McCallen..... Committee Secretary, Education
Lori McCleary..... Committee Secretary, Government Affairs
Earlene Miller.....Committee Secretary, Commerce and Labor
Karen Pugh..... Committee Secretary, Legislative Operations and Elections
Thelma Reindollar.....Committee Secretary, Judiciary
Maysha Watson..... Committee Secretary, Government Affairs
Karyn Werner.....Committee Secretary, Judiciary
Linda Whimple.....Committee Secretary, Judiciary
Lynson Beaulieu..... Personal Secretary to Assemblywoman Heidi Swank
Michael Cabrera..... Personal Secretary to Assemblywoman Teresa Benitez-Thompson
Patti Flasch.....Personal Secretary to Assemblyman James Healey
Jaunice Franzen.....Personal Secretary to Assemblywoman Lesley Cohen
Anni Glogovac.....Personal Secretary to Assemblyman Mike Sprinkle
Patricia Hartman..... Personal Secretary to Assemblyman Paul Anderson
Verdene Johnson.....Personal Secretary to Assemblyman Wesley Duncan
Deanna Lazovich.....Personal Secretary to Assemblyman John Ellison
Diane Keetch..... Personal Secretary to Assemblyman Tyrone Thompson
Gregory Martin..... Personal Secretary to Assemblyman Joseph Hogan
Marilyn McElhany.....Personal Secretary to Assemblyman Jim Wheeler
Barbara Mickle.....Personal Secretary to Assemblywoman Ellen Spiegel
Kelly Osborne..... Personal Secretary to Assemblyman Pete Livermore
Jenny Polek..... Personal Secretary to Assemblyman Andy Eisen
Sheree L. Rosevear.....Personal Secretary to Assemblyman John Hambrick
Paula Rudolph..... Personal Secretary to Assemblyman Andrew Martin
Christina Salerno.....Personal Secretary to Assemblywoman Melissa Woodbury
Jennifer Scaffidi.....Personal Secretary to Assemblywoman Michele Fiore
Cindy Southerland..... Personal Secretary to Assemblyman Ira Hansen
Susan Sutton..... Personal Secretary to Assemblyman James Oscarson
Robin Valentine-Kindred.....Personal Secretary to Assemblyman Steven Brooks
Jackie Valley.....Personal Secretary to Assemblywoman Dina Neal
Deanna Keirstead.....Document Center Supervisor
Cindie Kusko..... Lead Committee Assistant, Las Vegas
Olivia M. Lloyd.....Lead Committee Assistant
Sean O'Callaghan..... Committee Assistant, Las Vegas
Ashlynd Baker.....Committee Assistant
Cheryl Williams.....Committee Assistant
Macy Young.....Committee Assistant
Karel Ancona-Henry.....Proofreader
Taylor Herrick.....Proofreader
Diane Hudson.....Proofreader
David E. Moore.....Proofreader
Marcia Peterson.....Proofreader
Elizabeth Saenz.....Proofreader
Susan Schmid.....Proofreader
Sonja Strom.....Proofreader

EXPLANATION OF AMENDMENT LANGUAGE

Seventy-Seventh Session, 2013

EXPANATION: Matter in (1) bold italics is new language in the original bill; (2) bold italic underlining is new language proposed in the amendments; (3) strikethrough is deleted language from the original bill; (4) double strikethroughs is language proposed to be deleted in a particular amendment; (5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment; and (6) bold underlining is newly added transitory language.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-SEVENTH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 4, 2013

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Ross Miller at 11:24 a.m.

Prayer by the Chaplain, Reverend Kimberly Morgan.

Gracious God, who answers to many names, thank You that we live in a democracy, when countless people across the globe are risking their lives to obtain the same privileges.

This is the opening of the 77th Regular Session of the Nevada Legislature. All of the easy problems have been solved, and we do not agree on the means to resolve the issues we face. Please be with us.

Democracy thrives on open and vigorous debate about public policies and competing interests. Be with us to ensure that civility and understanding rise above disrespect and disregard for the interests and ideas of others.

Democracy is not a zero-sum game or a winner-take-all contest. Grace this process with harmony and cooperation to ensure that our legislators, lobbyists, and others work together to find inspired solutions which advance the common good.

Bless the hardworking and creative legislative staff; grace them with endurance and patience as they work long hours behind the scenes to support and assist this honorable process.

Bless the many lobbyists who walk these halls; grace them with truth, compassion, and vision, as they represent the varied interests of Nevadans and beyond.

Bless these legislators as they give of their time and energy. Please grace them with wisdom, discernment, and understanding. Make them ever mindful of their calling to serve the people of this state.

Most especially, gracious God, open our hearts, so there is room for You to work with us and through us in the days ahead.

Amen.

Presentation of the colors by the Girl Scouts of Sierra Nevada and Southern Nevada.

Pledge of allegiance to the Flag.

Special musical renditions of *Home Means Nevada*, *Campin' in Nevada*, and *Ain't Gonna Rain No More* by C.W. and Mr. Spoons.

Mr. Secretary of State requested Ms. Susan Furlong to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of the 41 Assemblymen-elect and the Assemblywoman appointee.

Roll called.

Present: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, and Woodbury.

Mr. Secretary of State appointed Assemblymen Ohrenschall, Flores, Elliot Anderson, Paul Anderson, Martin, Munford, Duncan, Hickey, and Oscarson as a temporary Committee on Credentials.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assemblymen-elect and Assemblywoman appointee under consideration and begs leave to report that the following persons have been and are duly elected members of the Assembly of the 77th Session of the Legislature of the State of Nevada: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick,

Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, and Woodbury, and that Lesley Cohen has been and is a duly appointed member of the Assembly of the 77th Session of the Legislature of the State of Nevada.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ohrenschall moved the adoption of the report.

Motion carried unanimously.

Mr. Secretary of State appointed Assemblymen Frierson and Hardy as a committee to escort Chief Justice Kristina Pickering of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Mr. Secretary of State announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Secretary of State presiding.

Quorum present.

Chief Justice Pickering administered the oaths of office to the Assemblymen.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election or a Certificate of Appointment had been issued.

Roll called.

Present: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, Woodbury.

Assemblywoman Flores moved that Chief Justice Pickering be given a unanimous vote of thanks for administering the oath

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

A committee from the Senate composed of Senators Manendo, Atkinson, and Kieckhefer appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblyman Horne nominated Assemblywoman Marilyn K. Kirkpatrick for Speaker.

Assemblyman Hickey seconded the nomination.

Assemblyman Aizley moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblywoman Marilyn K. Kirkpatrick to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblymen Aizley and Horne as a committee to escort the Speaker to the rostrum.

Madam Speaker presiding.

Assemblyman Bobzien moved that Secretary of State Miller be given a unanimous vote of thanks for his services to the Assembly.

Assemblyman Kirner seconded the motion.

Motion carried unanimously.

Madam Speaker appointed Assemblyman Hogan and Assemblywoman Carlton as a committee to escort the Secretary of State to the bar of the Assembly

The appointed committee escorted Secretary of State Miller to the bar of the Assembly.

Remarks by Assemblymen Horne, Hickey, and Madam Speaker.

Assemblyman Horne requested that the following remarks be entered in the Journal:

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker, and congratulations. Your accession to the position as Speaker is well deserved. In your four previous terms as a member of this body, you have earned the reputation of being a hard worker and a legislator who has gone out of her way to work with fellow colleagues across the aisle and with those in that lesser house across the way—we call that the Senate.

I look forward to serving as your Majority Leader during this important legislative session, and when necessary, just being your friend in some of the really difficult times that may come. I would also like to congratulate all my Assembly colleagues, especially our brand new freshmen. You have agreed to endure the sometimes harsh spotlight that comes with public service. However, I believe at the end of your service, you will find that heat well worth it. If you are

like any of your predecessors, you are serving because you believe in the wonderful future that lies ahead for Nevada, and today you stand in a position to help make that future a reality.

Speaking of the end of your service, I would like to remind you that there will be an end to your service in this body. Each of you has been given the privilege to be one of 63 legislators sent here not only to represent your respective districts, but the state of Nevada. Do not forget: It is a privilege. You do not own these seats. They have been given to you only on loan by the people who do own them—the citizens of Nevada. You will find this experience rewarding at times and at times exasperating. However, please remember that during the ebb and flow of those various emotions you will experience, you are performing a valuable and honorable service to the state while occupying the people's seats.

I would like to thank the families, friends, and significant others. To my colleagues, believe it or not, without your friends, families, and significant others, you would not be here today. They have made tremendous sacrifice for you to take this journey, and you should give them a round of applause right now. To all the friends, families and significant others, I will ask you to be patient with all of us during the next 120 days, because we will continue to need your support while we do the state's business.

Lastly, I invite all of you to have a wonderful time while you're here. Don't be fearful to make friends across the aisle, even those persons in that other house, because I have found it much easier to solve problems with friends than with acquaintances or enemies. I look forward to serving with each of you in solving our state's problems, and I welcome you here today.

Thank you, Madam Speaker.

ASSEMBLYMAN HICKEY:

Thank you, Madam Speaker, and congratulations.

For any member who has had the privilege to stand and address this Assembly during the last century and a half, they have done so under the watchful eye of the sixteenth President we see gazing upon us. Today, we're in no less a tenuous moment in time than in those battle-born days of Nevada's early statehood when Abraham Lincoln gave his famous speech about a house divided against itself not being able to stand.

Having recently emerged out of the political wars of this past November that weren't always civil, we should heed these words of the Great Emancipator and refuse to let our political differences prevent us from doing our duty as Nevadans, for Nevada. The challenge this session for each of us is not to see each other for the political party we represent, but for the person each of the 42 of us here are. Whether or not we will have a good session will be decided by how successfully we do the hard work—and with our new Speaker, I know we will—get beyond the partisanship and learn to do something that is somewhat of a lost art: practice something called statesmanship.

We've just elected a most unique Speaker as the head of this body. Our new Speaker, only the second woman to be so, has lived a life that is interesting, of character, and of grit. Having emancipated herself from a difficult situation at the age of 16, she worked her way through high school at nights and slept during the day in between classes on the couch of her high school counselor. I think it is ironic that a young woman would go from that—waiting on the tables of some of Nevada's most powerful politicians—to having some of those same individuals waiting for you outside your office to meet soon as the new Speaker.

Our Speaker is attempting to set a refreshing new tone of putting policy before politics when it comes to lawmaking, and my caucus says if that's what the new sheriff around here wants, a lot of us are going to sign up.

Finally, let us strive, before we represent our political parties and our caucuses, to remember that we represent the thousands of Nevadans who look at us as people representing them. Therefore, this session let's do our best to be judged not by what we say, but by what we do. Before we talk—we'll do that a lot—let's try to listen, and when we act, let's try to do it together.

Thank each of you for this privilege, and may God bless you, Madam Speaker.

MADAM SPEAKER:

Thank you, Assemblyman Hickey. If the body will allow me, I would like to take a few moments to make some brief remarks—I don't know how brief they are, but I will be quick. Speaker Pro Tempore-Elect Aizley, Majority Leader Horne, Minority Leader Hickey, and members of the Nevada Assembly, legislative staff, and honored guests, thank you for this privilege.

I first want to thank the Girl Scouts. This is the first time ever that women have carried the flag into the Assembly, and I'm glad that they could be here with us today.

As many of you know, I am not one for formal speeches or ceremonies and I am not afraid to do things a little bit differently, because sometimes we just need to shake things up to get some different results. I think I proved that today by bringing in CW and Mr. Spoons, because I really think that *Home Means Nevada* was very near and dear and it kind of took a different tone today when it was sung. So I hope that everybody enjoyed it as much as I did. I thought it was important today to start by celebrating our history. I bet the kids will be excited about those new songs, and I encourage you to go out and get the CD, because there are a lot of great songs about a lot of great things in Nevada. I didn't want the state to move forward without giving a little thought to where we came from and what has made us who we are.

I'm glad that we are recognizing our families today; some of them have been a formative part of Nevada's history. These families are the reason that we are here today. Whether it is the grandparents who are worried about their health care or the children who are attending our schools, they are the ones that we are working for during the next 120 days. Today, 12 new members take their seats in the Assembly. They come from diverse backgrounds and occupations, and so do the constituents that they represent. We are fortunate to have them here, and they are ready to work for the good of Nevada. Will the new members of the Assembly please rise and be recognized? Thank you. I would also like to welcome back all of our returning members, as well.

This legislative session marks 150 years since the birth of our state. We have much to be proud of, growing from a small battle-born state to what we are today. But as we recognize and honor the past, we are faced with a choice of what we want to become over the next several decades. Will we be a state that answers the wake-up call to the problems in our education system, or will we once again put off taking action and leave the toughest problems for future generations to solve? Will we be a state that continues to apply nickel-size solutions to dollar-size problems, or will we finally recognize that we just can't balance our state on the backs of a few industries?

This session, I am personally committed to working with our Governor and our colleagues in both houses, from both parties, to reach workable, bipartisan solutions to our greatest challenges. We can only move our state forward by working together for the common good, rather than trying to score a few political points. The people of our state are looking for leadership, leadership that looks past the election cycle and leadership that looks past the 30-second sound bite, and that's exactly what each and every one of us should strive to give them.

In an effort not to waste one minute of this session, we have already begun having some serious and productive conversations with leadership of both houses and parties. I would like to thank Minority Leader Hickey for his openness and willingness to work together—not as Democrats, not as Republicans, but as Nevadans. As most of you know, Nevadans are not dealing with the same economic realities as they were even just a few years ago. Many of our families, our friends, and our neighbors still face uncertainty when it comes to their employment

and their housing situation. We are on a long road to recovery, and with that come opportunities to build a new economy and transform the future of our state.

For too long, our answer to education has been to cut. I am here to tell you today we can no longer cut. We can no longer afford to ask our teachers, our students, and our parents to do more with less, and then ask them why we are getting the same results. I would like to thank the Governor for acknowledging the importance of early childhood education and for his proposed funding of limited pre-K and for kindergarten. However, I hope this effort will be extended to all of Nevada's children. As we have learned from study after study, those are the most formative years in a child's education.

We are long overdue in making a serious investment in our schools to make up for lost ground—to move our education system forward so that we have higher graduation rates, students who are well trained for today's workforce, and the opportunity for all of our children to reach their potential. That means giving our educators all the tools that they need to be successful: resources, mentoring, and the teaching environment to be innovative and allow for creativity.

With all that in mind, we also need to ensure our tax dollars are not wasted and that our revenue is fully utilized. By reforming our tax system, we can give businesses and citizens the guarantees they need, as that is the foundation to rebuilding our economy. We should work to expand Nevada Jobs First, which gives contractors preferences as long as their workers come from Nevada. We should work to connect businesses with higher education to invest in programs that train workers with the skills our businesses require. These are the types of discussions I intend to have beginning right now, and I know that each and every one of my colleagues are up to that task.

There is a lot of change in the Legislature this year, with new faces and new leadership. I hope you will join with me in seeing the changes as an opportunity to take some real bold action. I am hopeful that this session will be one of civility, working together, taking on Nevada's toughest issues in a collective voice for the state. The buck really stops with us. Let's begin to make some real investments in our schools, reform our tax structure, and rebuild our economy.

You know, in my time in the Legislature, I've heard a lot about legislators going across the street to the bar, hammering out their differences on an issue, or the Governor coming and working on an issue until all hours of the morning. Why? Because it needed to be done: parties aside, differences aside, solving problems together. Those stories are usually about legendary sessions where big issues were tackled head on. That's exactly the opportunity—and frankly, that's the responsibility of each and every one of us here today.

By the way, let's get away from one Nevada tradition—bickering, pettiness, personality versus policy. Whether it's an Assembly, Senate, Republican, or Democratic bill, I'm going to tell you something: Nevadans just don't care; they just want solutions. Let's not shy away from difficult conversations. Let's have them, frankly and openly, and let's consider all ideas—it doesn't matter where they come from. But let's agree to do one thing: to find a way to move our state forward with solutions that represent all of the people in this room and the constituents we serve. Let's make this a session that future legislators look back on as an example of how Nevadans work together to get the job done. Oh and by the way—and most of you know me—it's okay to have a little bit of fun together while we do all of this.

I look forward to a productive session with each and every one of you, and I thank you for your service to our great state.

Madam Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblywoman Pierce nominated Assemblyman Aizley for Speaker pro Tempore.

Assemblywoman Diaz moved that nominations be closed.

Motion carried unanimously.

Madam Speaker declared Assemblyman Aizley to be Speaker pro Tempore of the Assembly.

Madam Speaker declared that nominations were in order for Chief Clerk of the Assembly.

Assemblyman Munford nominated Ms. Susan Furlong for Chief Clerk.

Assemblyman Stewart moved that nominations be closed.

Motion carried unanimously.

Madam Speaker declared Ms. Susan Furlong to be Chief Clerk of the Assembly.

Madam Speaker appointed Assemblymen Frierson, Benitez-Thompson, and Grady as a committee to inform the Senate that the Assembly was organized and ready for business.

Madam Speaker appointed Assemblymen Horne, Aizley, and Hickey as a committee to inform the Governor that the Assembly was organized and ready for business.

Madam Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:54 p.m.

ASSEMBLY IN SESSION

At 12:59 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Frierson reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Horne reported that his committee had informed the Governor that the Assembly was organized and ready for business.

Madam Speaker announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—
Bobzien, Kirkpatrick, Bustamante Adams, Carlton, Daly, Diaz, Frierson, Healey, Horne, Ohrenschall, Ellison, Grady, Hansen, Hardy, Livermore.

EDUCATION—
Elliot Anderson, Dondero Loop, Aizley, Cohen, Diaz, Eisen, Munford, Neal, Swank, Duncan, Fiore, Kirner, Stewart, Woodbury.

GOVERNMENT AFFAIRS—
Benitez-Thompson, Neal, Elliot Anderson, Bustamante Adams, Daly, Healey, Munford, Pierce, Swank, Ellison, Livermore, Oscarson, Stewart, Woodbury.

HEALTH AND HUMAN SERVICES—
Dondero Loop, Spiegel, Benitez-Thompson, Brooks, Eisen, Hogan, Martin, Pierce, Sprinkle, Duncan, Fiore, Hambrick, Hickey, Oscarson.

JUDICIARY—
Frierson, Ohrenschall, Carrillo, Cohen, Diaz, Dondero Loop, Martin, Spiegel, Duncan, Fiore, Hansen,Wheeler.

LEGISLATIVE OPERATIONS AND ELECTIONS—
Ohrenschall, Flores, Elliot Anderson, Martin, Munford, Duncan, Hickey, Oscarson.

NATURAL RESOURCES, AGRICULTURE, AND MINING—
Daly, Aizley, Carrillo, Cohen, Healey, Swank, Paul Anderson, Ellison, Hansen, Livermore, Wheeler.

TAXATION—
Bustamante Adams, Pierce, Benitez-Thompson, Frierson, Horne, Kirkpatrick, Neal, Grady, Hardy, Hickey, Kirner, Stewart.

TRANSPORTATION—
Carrillo, Hogan, Bobzien,, Brooks, Carlton, Flores, Healey, Spiegel, Sprinkle, Swank, Paul Anderson, Hambrick, Hardy, Wheeler, Woodbury.

WAYS AND MEANS—
Carlton, Horne, Aizley, Bobzien, Brooks, Eisen, Flores, Hogan, Kirkpatrick, Sprinkle, Paul Anderson, Grady, Hambrick, Hardy, Hickey, Kirner.

MAJORITY FLOOR LEADER—
William C. Horne

ASSISTANT MAJORITY FLOOR LEADER—
Jason M. Frierson

MAJORITY WHIP—
David Bobzien

CHIEF DEPUTY MAJORITY WHIP—
Peggy Pierce

ASSISTANT MAJORITY WHIP—
Olivia Diaz

ASSISTANT MAJORITY WHIP—
Lucy Flores

MINORITY FLOOR LEADER—
Pat Hickey

ASSISTANT MINORITY FLOOR LEADER—
Cresent Hardy

MINORITY WHIP—
Tom Grady

MINORITY WHIP—
Lynn Stewart

MINORITY POLICY COORDINATOR—
Randy Kirner

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, January 28, 2013

THE HONORABLE MO DENIS, THE HONORABLE MARILYN KIRKPATRICK, NEVADA LEGISLATURE, 401 S. Carson Street, Carson City, Nevada 89701

DEAR SENATOR DENIS AND SPEAKER KIRKPATRICK:

Enclosed please find my message to the 77th Session of the Nevada Legislature, delivered pursuant to Article 5, Section 10 of the Nevada Constitution. As you know, I delivered the message on Wednesday, January 16, 2013, to a special committee of the Legislature and other guests in the Assembly Chamber in Carson City. Thank you in advance for lodging my message in the record of the 77th Legislative Session. My staff and I look forward to working with all of you in the months ahead.

Sincere regards,
BRIAN SANDOVAL
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 16, 2013, be entered in the Journal. .

Madam Speaker, Mr. President, distinguished members of the Legislature, honorable Justices of the Nevada Supreme Court, constitutional officers, Senator Heller, honored guests, my fellow Nevadans: For nearly 150 years, governors before me have stood in front of this body and delivered their State of the State address. The personal delivery of a biennial message has become one of our most honored traditions. I'm proud to be here tonight to continue this tradition, along with my wife, the First Lady Kathleen, and my three children, Marisa, Madeline, and James. Thank you for your love and support.

I want to take a moment and pause to remember two extraordinary Nevadans, both of whom I had the honor of serving with in the Nevada Legislature. First, Gene Segerblom, who devoted her entire life to the service of this state as a mother, schoolteacher, and state legislator. Her son, Senator Tick Segerblom, is with us tonight. Tick, Nevada will not soon forget your mother or her service.

Our friend Senator William J. Raggio lived a legendary Nevada life and served in this building with honor and distinction for over four decades. His legacy is a stirring reminder for those of us in public service. There are no barriers to what can be accomplished if we summon the will to work together. I am particularly pleased and honored that Bill's wife Dale could be with us tonight. Mrs. Raggio.

Two years ago, we gathered in a different time under different circumstances. As I stood before you on that evening, our state was reeling from the ravages of the Great Recession. Nevada led the nation in unemployment, housing foreclosures, and personal bankruptcies. State revenue projections had dropped dramatically, and we faced budget cuts in every category.

That evening, I asked the Nevada family to embrace a fundamental course correction—to leave behind the limits of the past and consider the case of our state's future anew. The challenges of the moment were too complex to resort to tired partisanship. Rather, they demanded that we resolve to work together to meet the challenges of the twenty-first century. And we rose to the occasion.

In the final days of the 76th Legislative Session, we were able to craft and work together a bipartisan compromise that led to a balanced budget, important education reforms, and a transformed economic development effort. These elements created the foundation of the progress of the last two years—progress that every Nevadan can be proud of. While my last appearance before you was preceded by a period of decline, my appearance before you tonight has been preceded by a period of growth—yes, growth

We are emerging from the worst economic crisis of our generation. Though it remains unacceptably high, our unemployment rate is lower than it has been in over three years, and it is falling faster than almost every other state in the nation. State revenues are growing again because our economy is growing again. In the last 24 months, Nevada businesses have created almost 30,000 new jobs. Yes, the last two years have been a success story, not fully realized but undeniably on track.

Tonight, ladies and gentlemen, I can confidently report to the people of Nevada that the state of our state grows stronger every day.

Now we stand at the threshold of another legislative session, another 120 days of decisions that will shape the future of our great state. We must make some immediate decisions—a budget and other pressing issues of the day—but that is only part of the task before us. Our greater challenge is helping a Nevada that is still on the horizon. It awaits us in the future, not too far off but far enough that we must consider what we can be.

I want us tonight to contemplate a journey that takes us to that other Nevada, and I want us to agree that what we find there must be the best that it can be. Traveling with us on that journey will be the children whose faces you see on the screens behind me. These children are all members of the graduating class of 2023; they're second graders today. It is my hope that the faces of these children will inspire us as we consider both the short- and long-term realities of our state.

Two years ago, we began laying the foundation for improved education in Nevada to win a critical victory for Nevada's children, and we did. We passed laws requiring performance-based evaluations for teachers, ending teacher tenure as we know it and reinvigorating the State Board of Education. These historic reforms were essential changes necessary to ensure success for our children.

But structural reforms alone will not fix our problems. Responsibility for Nevada's students does not rest with one single group. It's borne by each and every one of us—parents, educators, school board members, legislators, and governors. To advance the cause of students, we must now turn our eye to the classroom. I continue to believe that literacy is the key to long-term success, and so tonight, I again ask you to take the necessary steps to ensure that every Nevada child can read by Grade Three. If children cannot read by third grade, their chances of graduating from high school become remote.

For pre-[grade]three students, I will propose increased funding for early education in the state's most at-risk schools, and I will ask the Legislature to act quickly, because Nevada's students cannot wait another two years. My budget therefore includes an aggressive expansion of all-day kindergarten among the state's most at-risk schools. Twenty million dollars is allocated over the biennium for this purpose. This means that by 2015, almost half of our elementary schools would have an all-day kindergarten option. If we expect children to read by [grade] three, we cannot continue to ignore all the data that tells us all-day kindergarten is a critical foundation for a child's success.

My budget matches this focus on young learners with two initiatives targeting older students. Of course, we all want the graduation rate to improve, and we want students to have skills for work or college after they graduate. One of the most successful programs in the country today is Teach for America, a unique corps of brilliant young leaders from America's top universities who give their time and talent as teachers in schools that need them most. These teachers help spur innovation and creativity in instruction that make the entire system better. Teach for America has helped make a difference in the lives of hundreds of Nevada students,

but we can do more.

I am proposing a new investment in Teach for America to help recruit, train, develop, and place top teacher and leadership talent in Nevada. I am also asking that Nevada make a firm commitment to another national program with proven results. In the last year, I used available funding to pilot the Jobs for America's Graduates (JAG) initiative in seven Nevada schools. JAG helps prevent dropouts by putting a specialist in the school to work with the most at-risk students. The work continues even after the students graduate and transitions students from high school to a college or a career. It works in over 30 states, and it has worked here in Nevada.

With me tonight in the hall is Dayton High School JAG student Joey Doyle and his JAG advisor Nancy Gardner. Joey grew up in challenging circumstances that most of us can only imagine. Despite these challenges, Joey made a conscious decision to turn his life around, and with the help of good friends, mentors, and the JAG program, he is now a senior at Dayton High School on track to graduate. Joey has told me he is proud to be a member of the Dayton High School JAG program, and Joey, we are proud of you.

My budget includes sufficient resources to fund the JAG program to include up to 50 additional high schools by 2014 and to serve nearly 2,000 additional high school students. To all our current JAG students and specialists, thank you for setting an example across the state.

Now as we make these investments, we must also recognize how Nevada has changed. Our schools are more diverse; more than 15 percent of Nevada's students are English language learners. The Clark County School District alone is responsible for more than 50,000 English language learners representing more than 150 languages. The challenges these students confront are wholly different from those faced by their peers, yet our obligation to them is no less important. Reality dictates that we acknowledge that reading levels, graduation rates, and college readiness will not improve until we appropriately focus on these students.

To lay the first plank in building a stronger foundation for these students, my budget proposes $14 million for an English Language Learners initiative. I will continue to fight for more school choice. Many students attend schools that are not meeting their needs. We owe them and their parents additional choice as well as individualized instruction.

I will introduce an opportunity scholarship bill giving businesses a tax credit for making contributions to a scholarship fund. These dollars will be distributed on a means-tested basis to students at low-performing schools for use in attending the school of their choice. All in, the proposed budget includes $135 million in new investment in Nevada's schoolchildren, and as parents and taxpayers, we have a right to expect a return on that investment.

While Nevada's teachers will be supported through the most effective professional development, elevated student performance requires an outstanding teacher in every classroom and an outstanding principal in every building. Nevada is on the cusp of implementing a system that will transform the way we evaluate our state's teachers and administrators, but we need to take the next step.

My budget includes an appropriation for a data system that links student performance to teacher effectiveness. This system is a long-term investment in what will be the backbone of our approach to teacher evaluation. It will ensure that parents and students have the teachers they deserve and that teachers are evaluated fairly. I believe the future of Nevada's students is bright. We've already seen progress not just in passing reforms, but in improving outcomes for students.

Thanks to our educators, last year graduation rates in Clark County rose, third graders in Washoe County posted their highest reading scores ever, and high school math and science performance across the state increased. I know that we have many of our state superintendents in attendance—if you would please rise and be recognized for the hard work that you do. These are small steps, but they're steps to build on, and we will. What we can never do, though, is fall backwards. My pledge to parents, students, and educators is to always, always move ahead.

Now of course our efforts to improve education cannot focus only on the very young. The Nevada System of Higher Education has been an important part of our state's success since its founding. It has become an even more important player in our economic development efforts.

I am pleased and honored to have the Chancellor both as a member of my Cabinet and as an active member of the state Economic Development Board. Mr. Chancellor, I know you are here—if you would please stand.

With the Chancellor's support, we are creating new courses of study at UNR and UNLV focused specifically on the sectors we are targeting for economic growth. UNLV is working with my office of Economic Development to establish UNLV as the global intellectual hub for gaming, hospitality, and entertainment. I'm also proud to announce that funding is included in my proposed budget to begin the planning and construction of a new hotel administration school at UNLV and a student achievement center at UNR.

Our community colleges are also meeting the challenges of today and tomorrow. We are pairing the community colleges more closely with our workforce needs so that they deliver students into jobs that will be waiting for them in the new economy.

Perhaps most importantly for the lives of thousands of current Nevada high school students, my budget again contains an appropriation to support and extend the Kenny C. Guinn Millennium Scholarship through 2017. I'd like to take a moment to introduce former First Lady Dema Guinn who is with us tonight. Dema, I give you my solemn promise that as long as I am Governor, there will always be a Kenny C. Guinn Millennium Scholarship for Nevada students.

A quality education is the foundation of economic growth—the key to improving quality of life in our state. However, the modern economy requires more than an investment in education to broaden economic opportunity. Economic development—getting Nevada working again—has been my greatest priority over the last two years. We've completely overhauled the way Nevada approaches economic development. We have worked as one—Democrat, Republican, independent, north and south, urban and rural—to improve the economic conditions facing Nevada families.

Two years ago, I promised that with a renewed focus and with your help, Nevada businesses would create 50,000 new jobs across Nevada in four years' time. As I stated earlier, we are more than halfway there. Nevada's employers have created nearly 30,000 new jobs in the last two years, and in October-November of 2012, Nevada's job growth was the second strongest in the nation. In addition to companies like Zappos, we are now seeing dozens of other companies coming to Nevada, like Apple, Urban Outfitters, NOW Foods, Xtreme Green, Romotive, and Ameriprise Financial. They bring with them capital investment and good paying jobs with benefits. Many other businesses are in the pipeline to start up or expand in Nevada, thanks to the work of our state and regional economic development teams and the business environment that we have all created right here in the great state of Nevada.

We have made great progress, but our task is far from over. While we aggressively pursue new businesses outside our borders, we cannot forget the businesses that are right here in Nevada. We all know—we know—Nevada employers continue to struggle with the aftermath of the Great Recession. To assist the recovery, my budget provides $25 million in further tax relief from the modified business tax for an additional 2,700 businesses. That means that since 2011, we will have eliminated the burden of this tax on almost three-quarters of Nevada's businesses. And let me be clear: Nevada's employers cannot afford higher taxes, and I will not support them.

You and I know that we must continue to address the unemployment in our state, and we must deal with the economic realities thrust upon us. Too many of our friends and neighbors are still out of work, and at 10.8 percent, unemployment is still much too high. Against this backdrop, many programs have required modernization, and even the job description of Governor has changed. I have led trade missions to China, Korea, and Canada, and missions to Mexico and Israel are planned to expand Nevada's global footprint. I am committed to leaving no stone unturned, no road not taken.

We must also invest in Nevada's innovators and entrepreneurs, and tonight I am proud to announce that we will commit $10 million to Nevada's knowledge fund to do just that.

For rural Nevada, we have placed an item in the budget to support the [Knowledge Account]

University Cooperative Extension program, and we are moving forward on "Nevada Grown," an effort to help provide Nevada farm products for Nevadans. Funds to market rural Nevada tourism are also increased. We are moving forward with our sage grouse management plan to show the federal government that we can manage our own lands and limit further federal intrusion into our lives.

To help Nevada businesses even more, we will also restructure the nearly $703 million Nevada owes to the federal government used to pay unemployment benefits to Nevadans who were out of work. This step will save employers $9 million, stabilize the rate paid by businesses, and ensure that the entire amount is paid off by 2016.

We will also work on Project Neon, a major new highway project that will meet the most critical transportation needs of southern Nevada. Project Neon is perhaps the largest public works project in Nevada since the construction of Hoover Dam. It will completely modernize the infrastructure of southern Nevada's transportation grid and ensure that our commute is safer and more efficient for decades to come.

Nevada must continue to lead in other ways, and no opportunity is as rich with promise as our primary industry, gaming. Nevada was the first state to legalize and regulate online gaming. In the absence of federal action on this issue, Nevada must continue to lead. The Nevada Gaming Control Board will bring legislation to eliminate Nevada's statutory barriers to interstate online poker and ask for authority to enter into interstate agreements. Nevada has always been the gold standard of both gaming regulation and operation, and I intend to see to it that our state will lead the world into this new frontier. Other states are moving quickly on this issue, and I respectfully ask the Legislature to pass a bill within 30 days. The promise of these ideas is real. The chance to innovate is exciting.

But even as we work to modernize our economy and set a new course toward a brighter economic future, we must address the consequences of the prolonged economic downturn. Last month, I announced that Nevada would comply with the provisions of the Affordable Care Act as they relate to the expansion of Medicaid services. As a result, some 78,000 more Nevadans will now have coverage without facing the new tax penalties imposed by the Affordable Care Act.

The federal law allows us to shift mental health and other state spending to Medicaid sources, saving the General Fund nearly $25 million over the biennium. Over the next six years, this comprehensive approach will create up to 8,000 new health care jobs and inject over a half billion dollars into our state's economy. As I've noted before, we must reduce taxes on businesses to help them bear the increased costs of the Affordable Care Act, but the issue of long-term health care costs remains. As such, I believe we must ask certain Medicaid patients to make a modest contribution toward the cost of their own care, and I will insist that Nevada be able to opt out of the Medicaid expansion program in future years should circumstances change.

Beyond Medicaid, my budget provides additional funding for our state's most vulnerable citizens. It includes more support for autism and early intervention services, piloting 24/7 mental health care in southern Nevada, and increased community-based services for Nevada's disabled and senior citizens.

We've all been touched by the housing crisis over these last few years, and Nevadans continue to struggle with home foreclosures. Last year, thousands of Nevadans attended a free housing assistance event in Las Vegas sponsored by our own Department of Business and Industry called "Home Means Nevada." At the comprehensive event, over 250 representatives from banks met with homeowners and provided help on the spot. While many Nevadans received assistance at that event, we must continue to do more.

Working with the Attorney General, Catherine Cortez-Masto, my administration will use multistate settlement funds to assist Nevadans who have been hardest hit by the housing crisis. We are obligated as leaders to find ways to keep people in their homes and families together, and I will use every available means at my disposal to protect and help the people who fight every day to stay in their most important possession, their home.

The recession has hurt the entire Nevada family. State employees have seen their pay cut and they have been required to take unpaid furlough days. Tonight I am announcing that we will be able to provide some relief to them as well. Merit pay will be restored for state employees beginning on July 1, 2014, and the number of required furlough days will be cut in half as of July 1 of this year. Thank you to all state employees.

There is another group that deserves our attention and respect—our veterans. The men and women who have served our nation in two wars are coming home. Tonight, I ask you to join me in remembering those who have made the ultimate sacrifice and those who have not yet returned. Over 300 Nevadans remain deployed with our Army and Air National Guard, and many more of Nevada's finest are serving in uniform at home and abroad.

With us tonight is one Marine recently returned home, a reminder of all those who remain deployed, Gunnery Sergeant Ben Stryffeler. I had the privilege of meeting Ben two years ago. Since then, we have twice chatted over breakfast about his life and military service. Ben graduated from Carson High 17 years ago and immediately enlisted in the Marine Corps. Since then, he has served his country with dignity and honor, being deployed four times to Iraq and Afghanistan. Ben returned home from Afghanistan a little over a month ago, after serving alongside a weapons company that engaged in heavy combat. Gunnery Sergeant Stryffeler represents the best that we can be. Ben and all the men and women of the military deserve our heartfelt gratitude and respect. Thank you, Ben.

In honor of those who serve in the Armed Forces, my budget contains funding for additional veteran service officers. It also includes money to begin the first phase to build a new stand-alone veterans home in northern Nevada to complement the veterans home in Boulder City. Nevada cherishes its veterans, and these resources will help ensure that our service members receive the benefits they deserve. We owe the men and women who serve our country nothing less than total victory.

Ladies and gentlemen, by doing all of these things, we are laying the groundwork for the future of our children and their families. They are the foundation of my budget and will continue to be the primary focus of my administration. My Executive Budget that will be transmitted to the Legislature tonight represents General Fund spending of approximately $6.5 billion for the next two years, which is a modest increase over my last budget. Caseload growth in Health and Human Services drives much of this increase. My commitment to K-12 education has also increased spending for our schools. But we must only allow for growth that our fragile economic recovery can bear.

In this budget, we've reduced the tax burden on local businesses, we've addressed increasing caseloads, and we've begun to diversify our economy. The social service net is stronger, support for education is increased, and Nevadans will continue to benefit from the overarching policy of this administration throughout this economic downturn—that is, we cannot cut our way out, we cannot tax our way out, we can only grow our way out.

As Nevada prepares to celebrate 150 years of statehood, we must also consider how far we have come and prepare for what lies ahead. [The year] 2014 is not just the anniversary of Nevada's statehood; it also marks the centennial year of the approval of women's suffrage in our state. Nevada gave women the right to vote in 1914, five years before the rest of the nation adopted the Nineteenth Amendment in 1919. It is my hope that the celebration of women's suffrage and the commemoration of Nevada's 150th birthday will provide a joint platform of examining who we are and who we can be.

Nevadans are rightfully proud of their history. We are also cognizant of the world around us, and we are ever mindful of those students whose faces inspire us to plan big for a bright future.

Tonight, we can take pride in our progress. The table has been set by economic improvements, and we can now see a light at the end of the tunnel. But problems persist, and they demand our attention. Such is the current context in which I have come before you tonight to describe the budget and the policy agenda placed before the 77th Session of the Legislature. It is a context of improvement, realism, and yes, optimism. It is a context in which we are cast again in the role of problem solvers. My plan represents the next phase of recovery and rebuilding.

Tonight we prepare to embark on a legislative session that I hope will set an example for bipartisanship. Two years ago, we gathered in difficulty and confronted a time of triage. Then, we were consumed by the effort simply to stop the free fall. Tonight we come together to further stabilize our state and lay a stronger foundation for its future.

From the vantage point of this new foundation, from the watershed moment of our 150th birthday, we can cast our gaze to the horizon—to the world we want for the graduating class of 2023: an educated and healthy citizenry, a vibrant and sustainable economy, safe and livable communities, and an efficient and responsive state government.

Each step we will take—indeed each of the many steps taken over the last two years—is coming together to reveal a map of promise and opportunity, and I know in my heart it will guide us not just where we want to go but where we must.

I am proud to serve as your Governor. I am proud to call Nevada my home.

God bless all of you, God bless the great state of Nevada, and God bless the United States of America, the greatest nation on Earth. Thank you.

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 4, 2013

SUSAN FURLONG, *Chief Clerk*
401 S. Carson Street
Carson City, Nevada 89701-4747

DEAR MS. FURLONG:

This letter is in acknowledgment of the transfer of Assembly Bill Nos. 136, 137, 152, 300, 301, 416, 433, 546, 550, and 578 (of the 76th Legislative Session), which were vetoed by the Governor after the end of the 76th Legislative Session. Also enclosed is A.J.R. 1 (of the 76th Legislative Session). The enclosed engrossed and enrolled copies of these bills are being transferred to the 77th Legislative Session pursuant to NRS 218.430(2) from the Elections Division to your office on Friday, January 4, 2013.

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
ROSS MILLER
Secretary of State

BY: SHELLY CAPURRO
Elections Division Officer

SUPREME COURT OF NEVADA
KRISTINA PICKERING, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NV 89701-4702
(775) 684-1754

January 7, 2013

SENATOR MO DENIS
SPEAKER MARILYN KIRKPATRICK
NEVADA LEGISLATURE
401 S. Carson Street
Carson City, NV 89701-4747

RE: State of the Judiciary Address—2013 Legislative Session

DEAR SENATOR DENIS AND SPEAKER KIRKPATRICK:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Supreme Court in 2013, to address a joint session of the Legislature on the State of the Judiciary. The date suggested to our Clerk of Court by Susan Furlong is March 1, 2013, at 10:30 a.m.

Your joint consideration of this matter would be much appreciated.

Sincerely,
KRISTINA PICKERING
Chief Justice

UNITED STATES SENATE
WASHINGTON, D.C. 20510-7012

January 9, 2013

THE HONORABLE MARILYN KIRKPATRICK, *Speaker*, State of Nevada Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER KIRKPATRICK:

I am writing to request the honor of speaking before both Houses of the Nevada State Legislature at 5:00 p.m. on Wednesday, February 20, 2013.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at 775-686-5750 if you have any questions.

Thank you for your kind consideration.

With all best wishes.

Sincerely,
HARRY REID
Majority Leader
United States Senate

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 4, 2013

SUSAN FURLONG
Chief Clerk of the Assembly
401 S. Carson Street
Carson City, Nevada 89701-4747

RE: The Education Initiative

DEAR MS. FURLONG:

Pursuant to the Nevada Constitution, Article 19, Section 2, the Secretary of State's office is required to transmit to the Nevada Legislature any initiative petition proposing a statute or amendment of an existing statute, which is filed with this office and deemed sufficient. The initiative petition must be transmitted as soon as the Nevada Legislature convenes and organizes. In compliance with the Nevada Constitution, enclosed please find "The Education Initiative."

Should you have any questions, please contact me at (775) 684-5705.

Respectfully,

ROSS MILLER
Secretary of State

BY: SCOTT F. GILLES
Deputy Secretary for Elections

PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to taxation; imposing a margin tax on business entities engaged in business in this State; providing for the administration and collection of the tax and the distribution of the proceeds; temporarily increasing the payroll tax imposed on certain financial institutions; providing penalties; making an appropriation; and providing other matters properly relating thereto.

This act provides for the imposition of a margin tax on business entities engaged in business in this State, and requires that the proceeds of the tax be used to fund the operation of the public schools in this State for kindergarten through grade 12.

Sec. 2. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 3 to 45, inclusive, of this act.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Affiliated group" means a group of two or more business entities, each of which is controlled by one or more common owners or by one or more of the members of the group.***

Sec. 5. ***"Business" means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.***

Sec. 6. ***1. Except as otherwise provided in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaging in a business, and includes a combined group.***

2. "Business entity" does not include:

(a) A natural person unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming, or its equivalent or successor form, for that business;

(b) A governmental entity;

(c) Any person or other entity that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution; or

(d) Any credit union that is authorized to transact business in this State pursuant to the provisions of chapter 678 of NRS.

Sec. 7. *"Combined group" means an affiliated group of business entities that is required to file a group return pursuant to section 27 of this act.*

Sec. 8. *"Commission" means the Nevada Tax Commission.*

Sec. 9. *"Controlled by" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a business entity, whether through the ownership of voting securities, by contract or otherwise.*

Sec. 10. *"Engaging in a business" means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.*

Sec. 11. *"Governmental entity" means:*

1. The United States and any of its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada and any of its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

Sec. 12. *"Lending institution" means an entity that makes loans and:*

1. Is regulated by the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Commodity Futures Trading Commission, the Office of Thrift Supervision or any comparable regulatory body;

2. Is licensed by, registered with or otherwise regulated by the Commissioner of Financial Institutions;

3. Is a "broker" or "dealer" as defined in 15 U.S.C. § 78c; or

4. Provides financing to unrelated parties solely for agricultural production.

Sec. 13. *"Pass-through revenue" means:*

1. Revenue received by a business entity solely on behalf of another in a disclosed agency capacity, including, without limitation, revenue received as a broker, bailee, consignee or auctioneer, notwithstanding that the business entity may incur liability, primarily or secondarily, in a transaction in its capacity as an agent;

2. Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority; and

3. Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages.

Sec. 14. *"Taxable year" means the taxable year used by a business entity for the purposes of federal income taxation.*

Sec. 15. *"Total income" means the total amount received by a business entity from all sources, without subtracting any costs or expenses.*

Sec. 16. *"Total revenue" means the total revenue of a business entity as determined under section 24 of this act.*

Sec. 17. *"Unitary business" means a business characterized by unity of ownership, functional integration, centralization of management and economy of scale.*

Sec. 18. *1. For the purposes of this chapter, an entity constitutes a "passive entity" only if:*

(a) The entity is a general partnership, limited partnership, limited-liability partnership or limited-liability limited partnership or a trust, other than a business trust; and

(b) During the period on which margin is based, at least 90 percent of the entity's federal gross income consists of:

(1) Dividends or interest; and

(2) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests.

2. The income described in paragraph (b) of subsection 1 does not include any:

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

Sec. 19. *The Department shall:*

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for those purposes.

2. Adopt such regulations as may be necessary or appropriate to interpret and carry out the provisions of sections 24 and 27 of this act.

3. Retain from the proceeds of the taxes, interest and penalties it receives pursuant to this chapter an amount sufficient to reimburse the Department for the actual cost of administering this chapter, to the extent that the Department incurs any cost it would not have incurred but for the enactment of this chapter, and deposit the amount so retained with the State Treasurer for credit to the State General Fund. The amount so retained must not exceed the amount authorized by statute for this purpose.

4. Except as otherwise provided in subsection 3, deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Distributive School Account in the State General Fund. The money so deposited must be apportioned among the several school districts and charter schools of this State at the times and in the manner provided by law for the money in the State Distributive School Account.

Sec. 20. *1. Each person responsible for maintaining the records of a business entity shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the business entity pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a business entity pursuant to the provisions of this chapter.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 21. *1. To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.*

2. Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 22. *1. Except as otherwise provided in this section, a margin tax is hereby imposed on each business entity that engages in a business in this State during any taxable year beginning on or after the effective date of this section, at the rate of 2 percent of the taxable margin of the business entity for the taxable year.*

2. The margin tax extends to the limits of the Nevada Constitution, the Constitution of the United States and the federal law adopted under the United States Constitution.

3. A business entity is exempt from the margin tax imposed for each taxable year regarding which:

(a) The amount of the total revenue of the business entity from its entire business is less than or equal to $1,000,000, as determined under section 24 of this act;

(b) The business entity qualifies as a passive entity, as determined pursuant to section 18 of this act; or

(c) The business entity qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

4. A business entity that pays any tax imposed on the business entity pursuant to NRS 363A.130 or 363B.110 for any of the last four calendar quarters ending on or before the last day of a taxable year for which the margin tax is imposed pursuant to this section is entitled to a credit against the amount of the margin tax due from that business entity for that taxable year in the amount of the taxes paid by the business entity pursuant to NRS 363A.130 and 363B.110 for those calendar quarters, but not more than the amount of the margin tax due from the business entity for that taxable year.

Sec. 23. *1. Subject to the provisions of section 27 of this act, the taxable margin of a business entity must be computed by:*

(a) Determining the business entity's margin, which is the lesser of 70 percent of the total revenue of the business entity from its entire business, as determined under section 24 of this act, or an amount computed by:

(1) Determining the total revenue of the business entity from its entire business under section 24 of this act; and

(2) Except as otherwise provided in subsection 2, subtracting from the amount determined under subparagraph (1), at the election of the business entity, either:

(I) The cost of goods sold, as determined under section 25 of this act; or

(II) The amount of compensation, as determined under section 26 of this act; and

(b) Apportioning the business entity's margin to this State as provided in section 28 of this act to determine the business entity's taxable margin.

2. An election under subparagraph (2) of paragraph (a) of subsection 1 must be made by a business entity on its annual return and is effective only for that annual return. A business entity shall notify the Department of its election not later than the date the annual return is due.

3. In making any computation under this section, an amount that is zero or less must be computed as zero.

Sec. 24. *1. Except as otherwise provided in this section and subject to the provisions of section 27 of this act, for the purpose of computing its taxable margin under section 23 of this act, the total revenue of a business entity is:*

(a) For a business entity treated for the purposes of federal income taxation as a corporation, an amount computed by:

(1) Adding:

(I) The amount reportable as income on line 1c of Internal Revenue Service Form 1120; and

(II) The amounts reportable as income on lines 4 to 10, inclusive, of Internal Revenue Service Form 1120; and

(2) Subtracting:

(I) The amount of any bad debts expensed for the purposes of federal income taxation that corresponds to items of income included in subparagraph (1) for the current reporting period or a past reporting period;

(II) To the extent included in subparagraph (1), any foreign royalties and foreign dividends;

(III) To the extent included in subparagraph (1), any net distributive income from a business entity treated as a partnership or as an S corporation for the purposes of federal income taxation;

(IV) Any allowable deductions from Internal Revenue Service Form 1120, Schedule C, to the extent that the relating dividend income is included in total revenue;

(V) To the extent included in subparagraph (1), any items of income attributable to an entity that is a disregarded entity for the purposes of federal income taxation; and

(VI) To the extent included in subparagraph (1), any other amounts authorized by this section;

(b) For a business entity treated for the purposes of federal income taxation as a partnership, an amount computed by:

(1) Adding:

(I) The amount reportable as income on line 1c of Internal Revenue Service Form 1065;

(II) The amounts reportable as income on lines 4, 6 and 7 of Internal Revenue Service Form 1065;

(III) The amounts reportable as income on lines 3a and 5 to 11, inclusive, of Internal Revenue Service Form 1065, Schedule K;

(IV) The amount reportable as income on line 17 of Internal Revenue Service Form 8825; and

(V) The amount reportable as income on line 11, plus the amount reportable on line 2 or line 45, of Internal Revenue Service Form 1040, Schedule F; and

(2) Subtracting:

(I) The amount of any bad debts expensed for the purposes of federal income taxation that corresponds to items of income included in subparagraph (1) for the current reporting period or a past reporting period;

(II) To the extent included in subparagraph (1), any foreign royalties and foreign dividends;

(III) To the extent included in subparagraph (1), any net distributive income from a business entity treated as a partnership or as an S corporation for the purposes of federal income taxation;

(IV) To the extent included in subparagraph (1), any items of income attributable to an entity that is a disregarded entity for the purposes of federal income taxation; and

(V) To the extent included in subparagraph (1), any other amounts authorized by this section; or

(c) For any business entity other than a business entity treated for the purposes of federal income taxation as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount determined under paragraph (a) or (b), as prescribed in regulations adopted by the Department.

2. Subject to the provisions of section 27 of this act, a business entity that is part of a federal consolidated group shall compute its total revenue under subsection 1 as if it had filed a separate return for the purposes of federal income taxation.

3. A business entity that owns an interest in a passive entity may exclude from the total revenue of the business entity the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the margin of any other business entity.

4. Except as otherwise provided in subsection 5, to the extent included under subparagraph (1) of paragraph (a) of subsection 1, subparagraph (1) of paragraph (b) of subsection 1 or paragraph (c) of subsection 1:

(a) A business entity may exclude from its total revenue:

(1) The amount of any pass-through revenue of the business entity; and

(2) The amount of tax basis, as determined under the Internal Revenue Code and any regulations adopted pursuant thereto, of any securities and loans sold; and

(b) A business entity that is a lending institution may exclude from its total revenue the amount of any proceeds from the principal repayment of loans.

5. If a business entity is part of an affiliated group, the business entity may not exclude from its total revenue any of the amounts described in subsection 4 which are paid to entities that are members of the affiliated group.

6. To the extent included under subparagraph (1) of paragraph (a) of subsection 1, subparagraph (1) of paragraph (b) of subsection 1 or paragraph (c) of subsection 1:

(a) A business entity may exclude from its total revenue the amount of any revenue attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.

(b) A business entity that is required to pay a license fee pursuant to NRS 463.370 may exclude from its total revenue the amount of its gross revenue used to determine the amount of that fee.

7. Any amount excluded under this section from the total revenue of a business entity must not be included in the determination of the cost of goods sold under section 25 of this act or the determination of the amount of compensation under section 26 of this act.

8. For the purposes of this section, any reference to:

(a) An Internal Revenue Service form includes any variant of the form and any subsequent form with a different number or designation that substantially provides the same information as the original form.

(b) An amount reportable as income on a line number of an Internal Revenue Service form means the amount entered to the extent the amount entered complies with federal income tax law and includes the corresponding amount entered on a variant of the form or subsequent form with a different line number to the extent the amount entered complies with federal income tax law.

Sec. 25. *1. Subject to the provisions of section 27 of this act, a business entity that elects to subtract the cost of goods sold for the purpose of computing its taxable margin under section 23 of this act must determine the amount of that cost as provided in this section.*

2. Except as otherwise provided in this section, the cost of goods sold includes:

(a) All direct costs of acquiring or producing the goods, including:

(1) Labor costs;

(2) The cost of materials that are an integral part of the specific property produced;

(3) The cost of materials that are consumed in the ordinary course of performing production activities;

(4) Handling costs, including costs attributable to processing, assembling, repackaging and transportation to the business entity;

(5) Storage costs, including the costs of carrying, storing or warehousing property;

(6) Depreciation, depletion and amortization, as reported on the federal income tax return on which the return under this chapter is based, to the extent associated with and necessary for the production of the goods;

(7) The cost of renting or leasing equipment, facilities or real property which is directly used for the production of the goods;

(8) The cost of repairing and maintaining equipment, facilities or real property which is directly used for the production of the goods;

(9) The costs attributable to any research, experimental, engineering or design activities directly related to the production of the goods;

(10) Taxes paid in relation to acquiring or producing any material, and taxes paid in relation to services that are a direct cost of production; and

(11) The cost of producing or acquiring any electricity sold; and

(b) The following costs in relation to the business entity's goods:

(1) Deterioration of the goods;

(2) Obsolescence of the goods;

(3) Spoilage and abandonment of the goods, including the costs of rework labor, reclamation and scrap;

(4) If the property is held for future production, the direct costs of preproduction allocable to the property;

(5) The direct costs of postproduction allocable to the property;

(6) The costs of insurance on any plant, facility, machinery, equipment or materials directly used in the production of the goods;

(7) The cost of insurance on the produced goods;

(8) The cost of utilities, including any electricity, gas and water, directly used in the production of the goods;

(9) The costs of quality control, including any replacement of defective components pursuant to standard warranty policies, inspection directly allocable to the production of the goods, and repairs and maintenance of the goods; and

(10) Licensing and franchise costs, including any fees incurred in securing the contractual right to use a trademark, corporate plan, manufacturing procedure, special recipe or other similar right directly associated with the goods produced.

3. The cost of goods sold does not include the following costs in relation to the business entity's goods:

(a) The cost of renting or leasing any equipment, facilities or real property that is not used for the production of the goods;

(b) Selling costs, including employee expenses relating to sales;

(c) Distribution costs;

(d) Advertising and marketing costs;

(e) Expenses for idle facilities;

(f) Rehandling costs;

(g) Bidding costs incurred in the solicitation of contracts, whether or not the contracts are ultimately awarded to the business entity;

(h) Interest, including interest on debt incurred or continued during the period of production of the goods to finance such production;

(i) Any taxes assessed on the business entity based on income;

(j) Strike or lockout expenses, except the wages of employees hired to replace striking personnel;

(k) Compensation of directors, officers and consultants;

(l) Dividends to shareholders or distributions to members or partners which are business entities;

(m) Professional fees and costs of litigation;

(n) Fines, damages or restitution paid pursuant to judgments, consent decrees or settlements of legal actions including arbitration; and

(o) Any of the amounts described in subsection 2 which are paid to entities that are members of an affiliated group of which the business entity is a part.

4. For the purposes of this section and section 23 of this act, and subject to the provisions of section 27 of this act, a business entity:

(a) May make a subtraction in relation to the cost of goods sold only if that entity owns those goods.

(b) Must determine its cost of goods sold in accordance with the methods used on the federal income tax return on which is based the return under this chapter. This paragraph does not affect the type or category of cost of goods sold that may be subtracted in accordance with this section to compute the taxable margin of a business entity.

5. As used in this section:

(a) "Goods" means real property or tangible personal property sold in the ordinary course of business of a business entity.

(b) "Production" includes construction, installation, manufacture, development, extraction, improvement, creation, raising or growth.

Sec. 26. *1. Except as otherwise provided in this section and subject to the provisions of section 27 of this act, a business entity that elects to subtract the amount of compensation for the purpose of computing its taxable margin under section 23 of this act may subtract an amount equal to:*

(a) All wages, salaries and bonuses paid by the business entity to its officers, directors, owners, partners and employees who are natural persons; and

(b) The cost of all benefits, to the extent deductible for the purposes of federal income taxation, the business entity provides to its officers, directors, owners, partners and employees, including retirement, health care, employer contributions made to employees' health savings accounts and workers' compensation benefits.

2. Notwithstanding the actual amount of wages, salaries and bonuses paid by a business entity to its officers, directors, owners, partners and employees, a business entity may not include in the amount of wages, salaries and bonuses the business entity subtracts pursuant to paragraph (a) of subsection 1, in relation to each individual person, more than $300,000 per taxable year on which margin is based. If a person is paid by more than one entity of a combined group, the combined group may not subtract pursuant to paragraph (a) of subsection 1, in relation to that person, a total of more than $300,000 per taxable year on which margin is based.

3. As used in this section:

(a) Except as otherwise provided in paragraph (b), "wages, salaries and bonuses means the amount entered in the Medicare wages and tips box of Internal Revenue Service Form W-2 or any subsequent form with a different number or designation that substantially provides the same information.

(b) "Wages, salaries and bonuses" includes, to the extent not included in the amount described in paragraph (a), the amount of any:

(1) Net distributive income from a business entity treated as a partnership for the purposes of federal income taxation, but only if the person receiving the distribution is a natural person;

(2) Net distributive income from limited-liability companies and corporations treated as S corporations for the purposes of federal income taxation, but only if the person receiving the distribution is a natural person; and

(3) Net distributive income from a limited-liability company treated as a sole proprietorship for the purposes of federal income taxation, but only if the person receiving the distribution is a natural person.

Sec. 27. *1. Business entities that are part of an affiliated group engaged in a unitary business must file, in lieu of individual returns, a combined group return based on the combined group's business. The combined group:*

(a) Must not include a business entity that conducts business outside of the United States if, as determined in accordance with regulations adopted by the Department:

(1) Eighty percent or more of that business entity's property and payroll are allocable to locations outside of the United States; or

(2) That business entity has no property or payroll and 80 percent or more of the business entity's total income is allocable to locations outside of the United States.

(b) Constitutes a single business entity for purposes of the application of the tax imposed by this chapter.

2. For the purposes of section 23 of this act, a combined group shall determine its total revenue by:

(a) Determining the total revenue of each of its members as provided in section 24 of this act as if the member was an individual business entity;

(b) Adding the total revenue of all its members determined under paragraph (a); and

(c) Subtracting from the amount determined under paragraph (b), to the extent included under subparagraph (1) of paragraph (a) of subsection 1 of section 24 of this act,

subparagraph (1) of paragraph (b) of subsection 1 of section 24 of this act or paragraph (c) of subsection 1 of section 24 of this act, any items of total revenue received from a member of the combined group.

3. For the purposes of section 23 of this act, a combined group shall make an election to subtract either the cost of goods sold or the amount of compensation that applies to all of its members. Regardless of the election, the taxable margin of the combined group may not exceed 70 percent of the combined group's total revenue from its entire business.

4. A member of a combined group may claim as the cost of goods sold those costs that qualify under section 25 of this act if the goods for which the costs are incurred are owned by another member of the combined group.

5. For the purposes of section 23 of this act, a combined group that elects to subtract:

(a) The cost of goods sold must determine that amount by:

(1) Determining the cost of goods sold for each of its members as provided in section 25 of this act as if the member was an individual business entity;

(2) Adding all the amounts of the costs of goods sold determined under subparagraph (1); and

(3) Subtracting from the amount determined under subparagraph (2) any amount of the costs of goods sold paid from one member of the combined group to another member of the combined group, but only to the extent that the corresponding item of total revenue was subtracted under paragraph (c) of subsection 2.

(b) The amount of compensation must determine that amount by:

(1) Determining the amount of compensation for each of its members as provided in section 26 of this act as if the member was an individual business entity, subject to the limitation set forth in subsection 2 of section 26 of this act;

(2) Adding all the amounts of compensations determined under subparagraph (1); and

(3) Subtracting from the amount determined under subparagraph (2) any amount of compensation paid from one member of the combined group to another member of the combined group, but only to the extent that the corresponding item of total revenue was subtracted under paragraph (c) of subsection 2.

6. Each business entity that is part of a combined group's return must, for the purposes of determining margin and apportionment, include its activities for the same period as that used by the combined group.

7. Each member of a combined group is jointly and severally liable for the tax of the combined group.

Sec. 28. *1. A business entity's margin must be apportioned to this State to determine the amount of tax imposed by section 22 of this act by multiplying the margin by a fraction, the numerator of which is the business entity's total income from business done in this State, as determined under section 29 of this act, and the denominator of which is the business entity's total income from its entire business, as determined under section 30 of this act.*

2. For the purpose of apportioning margin:

(a) Income excluded from total revenue by a business entity under section 24 of this act must not be included in either the total income of the business entity from its business done in this State as determined under section 29 of this act or the total income of the business entity from its entire business as determined under section 30 of this act.

(b) Income derived from transactions between individual members of a combined group that are excluded under paragraph (c) of subsection 2 of section 27 of this act must not be included in:

(1) The total income of the business entity from its business done in this State as determined under section 29 of this act, except that income ultimately derived from the sale of tangible personal property between individual members of a combined group where one member party to the transaction does not have nexus in this State must be included in the total income of the business entity from its business done in this State as determined under section

29 of this act to the extent that the member of the combined group that does not have nexus in this State resells the tangible personal property without substantial modification to a purchaser in this State. For the purposes of this subsection, "income ultimately derived from the sale of tangible personal property" means the amount paid for the tangible personal property by the third-party purchaser.

(2) The total income of the business entity from its entire business as determined under section 30 of this act.

(c) Notwithstanding any provision of paragraph (a) or (b) to the contrary, if a loan or security is treated as inventory of the seller for the purposes of federal income taxation, the gross proceeds of the sale of that loan or security are considered total income.

Sec. 29. *1. Subject to the provisions of section 28 of this act, in apportioning margin, the total income of a business entity from its business done in this State is the sum of the business entity's total income from:*

(a) Each sale of tangible personal property which is delivered or shipped to a buyer in this State, regardless of the specified terms and conditions of the sale;

(b) Each service performed in this State;

(c) Each rental of property situated in this State;

(d) The use of a patent, copyright, trademark, franchise or license in this State;

(e) Each sale of real property located in this State, including royalties from oil, gas or other mineral interests; and

(f) Any other business done in this State.

2. For the purposes of paragraph (b) of subsection 1, the total income derived from servicing loans secured by real property shall be deemed to be performed in this State if the real property is located in this State.

3. A combined group shall include in its total income computed under subsection 1 the total income of each business entity that is a member of the combined group which has a nexus in this State for the purpose of taxation.

Sec. 30. *1. Subject to the provisions of section 28 of this act, in apportioning margin, the total income of a business entity from its entire business is the sum of the business entity's total income from:*

(a) Each sale of the business entity's tangible personal property;

(b) Each service, rental or royalty; and

(c) Any other business.

2. If a business entity sells an investment or capital asset, the business entity's total income from its entire business for taxable margin includes only the net gain from the sale.

3. A combined group shall include in its total income computed under subsection 1 the total income of each business entity that is a member of the combined group, without regard to whether that entity has a nexus with this State for the purpose of taxation.

Sec. 31. *1. A business entity shall use the same accounting methods to apportion margin as used in computing margin.*

2. A business entity may not change its accounting methods used to calculate its total income more often than once every 4 years without the express written consent of the Department. A change in accounting methods is not justified solely because the change results in a reduction of tax liability.

Sec. 32. *1. The tax imposed by this chapter for each taxable year is due on the last day of the calendar month following that taxable year.*

2. Except as otherwise provided in this chapter, each business entity engaging in a business in this State during a taxable year that is not exempt from the tax imposed by this chapter for that taxable year shall file with the Department a return on a form prescribed by the Department, together with the remittance of any tax due pursuant to this chapter for that taxable year, not later than 30 days after the date the business entity is required to file its federal income tax return for that taxable year with the Internal Revenue Service. The return

required by this subsection must be executed under penalty of perjury and include the taxpayer identification number or social security number of the business entity, as applicable, and such other information as is required by the Department.

Sec. 33. *Upon written application made before the date on which a business entity is otherwise required to file a return and pay the tax imposed by this chapter, the Department may:*

1. If the business entity is granted an extension of time by the Federal Government for the filing of its federal income tax return, extend the time for filing the return required by this chapter until not later than 30 days after the date the business entity is required to file its federal income tax return pursuant to the extension of time granted by the Federal Government. The Department may require, as a condition to the granting of any extension pursuant to this subsection, the payment of the tax estimated to be due pursuant to this chapter.

2. For good cause extend by 30 days the time within which the business entity is required to pay the tax. If the tax is paid during a period of extension granted pursuant to this subsection, no penalty or late charge may be imposed for failure to pay at the time required, but the business entity shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 34. *1. If the taxable margin of a business entity changes as a result of:*

(a) The filing by the business entity of an amended federal income tax return or other return, the business entity shall, within 30 days after that filing, file an amended return with the Department.

(b) An audit or other adjustment by the Internal Revenue Service or another competent authority, the business entity shall, within 30 days after the audit report or other adjustment becomes final, file an amended return with the Department.

2. If, based upon an amended return filed pursuant to this section, it appears that the tax imposed by this chapter has not been fully assessed, the Department shall assess the deficiency, with interest calculated at the rate and in the manner set forth in NRS 360.417. Any assessment required by this subsection must be made within 3 years after the Department receives the amended return.

Sec. 35. *If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.*

Sec. 36. *1. Except as otherwise provided in NRS 360.235 and 360.395:*

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the taxable year for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 37. *1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.*

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously determined or collected unless a claim for refund or credit has been filed.

Sec. 38. *1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.*

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 39. *1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.*

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 40. *If the court finds that the Department acted arbitrarily or capriciously in denying the plaintiff's claim, interest on the amount refunded to the plaintiff may be allowed at the Federal Funds Target Rate, but no greater than 6 percent per annum, upon the amount refunded to the plaintiff from the date of payment of the amount to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.*

Sec. 41. *A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.*

Sec. 42. *1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.*

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 43. *1. If any amount in excess of $25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify this fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.*

2. If an amount not exceeding $25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying this fact to

the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 44. ***1. A person shall not:***

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration with intent to defraud the State or to evade payment of the tax or any part of the tax imposed by this chapter.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 45. ***The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.***

Sec. 46. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377 or 377A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act,*** any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 47. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, ***sections 3 to 45, inclusive, of this act,*** NRS 482.313, or chapter 585 or 680B of NRS as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 48. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, ***or sections 3 to 45, inclusive, of this act,*** or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 49. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the

payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, or chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, ***sections 3 to 45, inclusive, of this act,*** NRS 482.313, or chapter 585 or 680B of NRS from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 50. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of ~~[2]~~ ***2.29*** percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

Sec. 51. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of ~~[2.29]~~ ***2.42*** percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

Sec. 52. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of ~~[2.42]~~ ***2*** percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

Sec. 53. NRS 78.245 is hereby amended to read as follows:

78.245 ~~[~~No~~]~~

1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the tax imposed pursuant to sections 3 to 45, inclusive, of this act.

Sec. 54. NRS 90.420 is hereby amended to read as follows:

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Within the last 10 years has been convicted of a felony or misdemeanor which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary; or

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser,

representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, Canadian province or territory or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order of the United States Postal Service relating to fraud;

(4) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(5) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 3 to 45, inclusive, of this act;***

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

Sec. 55. NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~[.]~~ ***and sections 3 to 45, inclusive, of this act.***

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

Sec. 56. NRS 604A.820 is hereby amended to read as follows:

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 57. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, information obtained from any employing unit or person pursuant to the administration of this chapter and

any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must

set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~[.]~~ ***and sections 3 to 45, inclusive, of this act.*** The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under chapter 612 of NRS and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 58. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~[.]~~ ***and sections 3 to 45, inclusive, of this act.*** The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Sec. 59. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 60. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(1) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(2) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(t) Has violated NRS 645C.557; or

(u) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

3. For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(a) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(b) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(c) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(d) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(e) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(f) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(g) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(h) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(i) Has violated NRS 645C.557;

(j) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(k) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

Sec. 61. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

Sec. 62. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 3 to 45, inclusive, of this act;***

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 63. NRS 658.151 is hereby amended to read as follows:

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

(a) Has violated its charter or any laws applicable thereto.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' or members' equity.

(e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

(f) Has become or is in imminent danger of becoming otherwise insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to trustees.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

Sec. 64. NRS 665.133 is hereby amended to read as follows:

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;

(b) The Director of the Department of Business and Industry for the Director's confidential use;

(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;

(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~[,]~~ ***and sections 3 to 45, inclusive, of this act;***

(e) An entity which insures or guarantees deposits;

(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;

(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;

(h) Any person to whom the subject of the report has authorized the disclosure;

(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and

(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.

2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

Sec. 65. NRS 669.275 is hereby amended to read as follows:

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.

2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.

4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. ***This subsection does not limit the examination of any document by the***

Department of Taxation if necessary to carry out the provisions of sections 3 to 45, inclusive, of this act.

Sec. 66. NRS 669.2825 is hereby amended to read as follows:

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:

(a) Has violated its charter or any state or federal laws applicable to the business of a trust company.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' equity.

(e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.

(f) Has become insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

(k) Has materially and willfully breached its fiduciary duties to its customers.

(l) Has failed to properly disclose all fees, interest and other charges to its customers.

(m) Has willfully engaged in material conflicts of interest regarding a customer's account.

(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

Sec. 67. NRS 669.2847 is hereby amended to read as follows:

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 68. NRS 669.285 is hereby amended to read as follows:

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; ~~[and]~~

2. ***The Department of Taxation for its use in carrying out the provisions of sections 3 to 45, inclusive, of this act; and***

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 69. NRS 669A.310 is hereby amended to read as follows:

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; ~~[and]~~

(b) ***The Department of Taxation for its use in carrying out the provisions of sections 3 to 45, inclusive, of this act; and***

(c) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information.

Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

Sec. 70. NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

Sec. 71. NRS 675.440 is hereby amended to read as follows:

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 72. NRS 677.510 is hereby amended to read as follows:

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 73. NRS 680B.037 is hereby amended to read as follows:

680B.037 ~~[~~Payment~~]~~

1. Except as otherwise provided in subsection 2, payment by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.

2. The provisions of subsection 1 do not apply to the tax imposed pursuant to the provisions of sections 3 to 45, inclusive, of this act.

Sec. 74. NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

Sec. 75. NRS 686C.360 is hereby amended to read as follows:

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~[.]~~ ***and the tax imposed pursuant to sections 3 to 45, inclusive, of this act.***

Sec. 76. NRS 687A.130 is hereby amended to read as follows:

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or

2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act.***

Sec. 77. NRS 688C.210 is hereby amended to read as follows:

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

(a) There was material misrepresentation in the application for the license;

(b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

(c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

(d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

(e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

(f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;

(g) The licensee no longer meets a requirement for initial licensure;

(h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;

(i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

(j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 3 to 45, inclusive, of this act;***

(k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or

(l) The applicant or licensee has acted in bad faith with regard to a viator.

2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

Sec. 78. NRS 694C.450 is hereby amended to read as follows:

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

(a) Two-fifths of 1 percent on the first $20,000,000 of its net direct premiums;

(b) One-fifth of 1 percent on the next $20,000,000 of its net direct premiums; and

(c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first $20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next $20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

➥ The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than $5,000 in any given year, the captive insurer shall pay a tax of $5,000 for that year. The maximum aggregate tax for any year must not exceed $175,000. The maximum aggregate tax to be paid by a sponsored captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS ***or sections 3 to 45, inclusive, of this act*** and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of $5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

Sec. 79. NRS 695A.550 is hereby amended to read as follows:

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than ***the tax imposed pursuant to sections 3 to 45, inclusive, of this act and*** taxes on real property and office equipment.

Sec. 80. 1. Subject to the provisions of section 82 of this act, there is hereby appropriated from the State General Fund to the Department of Taxation for the initial costs of administering the provisions of sections 3 to 45, inclusive, of this act:

For fiscal year 2013-2014 $2,900,000

For fiscal year 2014-2015 $2,700,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 81. 1. Subject to the provisions of section 82 of this act, there is hereby appropriated from the State General Fund to the Department of Taxation for the initial costs of administering the provisions of sections 3 to 45, inclusive, of this act:

For fiscal year 2014-2015 $1,400,000

For fiscal year 2015-2016 $4,200,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2016, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 82. The amendatory provisions of sections 50 and 51 of this act, as applicable, are intended to raise the revenue necessary to support the appropriation made by section 80 or 81 of this act, whichever becomes effective, as required by Section 6 of Article 19 of the Nevada Constitution. If the revenue so raised is not sufficient to support the full amount of the appropriation in either fiscal year, the appropriation for that year is reduced to the extent of the deficiency.

Sec. 83. 1. If this act is enacted by the 77th Session of the Legislature and approved by the Governor as provided in subsection 3 of Section 2 of Article 19 of the Nevada Constitution:

(a) This section, sections 1 to 21, inclusive, sections 23 to 50, inclusive, sections 53 to 80, inclusive, and sections 82 and 84 of this act become effective on July 1, 2013.

(b) Section 22 of this act becomes effective on January 1, 2014.

(c) Section 50 of this act expires by limitation on June 30, 2015.

(d) Sections 51, 52 and 81 of this act shall not become effective.

2. If this act is not enacted and approved as provided in subsection 1, but is approved by the voters after the act has been referred or submitted to the voters pursuant to subsection 3 of Section 18 of Article 4 or subsection 3 of Section 2 of Article 19 of the Nevada Constitution:

(a) This section, sections 1 to 50, inclusive, sections 53 to 79, inclusive, and sections 81, 82 and 84 of this act become effective on January 1, 2015.

(b) Section 51 of this act becomes effective on July 1, 2015.

(c) Section 52 of this act becomes effective on July 1, 2016.

(d) Section 80 of this act shall not become effective.

3. For the purposes of subsection 1, this act shall be deemed to have been approved by the Governor if, in accordance with Section 35 of Article 4 of the Nevada Constitution:

(a) The Governor signs the act;

(b) The act is passed by both Houses of the Legislature during its 77th Session notwithstanding the objections of the Governor; or

(c) The Governor fails to return or file the act within the time provided by Section 35 of Article 4 of the Nevada Constitution.

Sec. 84. If any provision of this act or its application to any person or circumstance is held to invalid or ineffective, that invalidity or ineffectiveness must be given the narrowest possible construction and shall not affect any other provision or application of this act.

Assemblyman Horne moved that Initiative Petition No. 1 be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Taxation:

Assembly Joint Resolution No. 1 of the 76th Session—Proposing to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to authorize the Legislature to provide by law for the calculation of the taxable value of improvements to real property upon the transfer, sale or conveyance of the property.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. The Legislature may provide by law for the determination of the value of improvements to real property for the purposes of taxation upon the transfer, sale or other conveyance of the property as the Legislature determines to be appropriate.

Assemblyman Horne moved that the resolution be referred to the Committee on Taxation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 77th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 77th Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

VETOES

Rule No. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after the Governor's disapproval, or veto of the same, shall:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and the Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message; and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?"

3. It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees,

select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House. If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

Rule No. 13. Reserved.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman and Assemblywoman; and

(b) Four requests from each Senator,

➥ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsection 4 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

6. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

7. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

8. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

9. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 15th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

4. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.

5. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd

calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

Assemblyman Horne moved that Assembly Concurrent Resolution No. 1 be immediately transmitted to the Senate.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 77th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 77th Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 2. Continuation of Leadership of the Assembly During the Interim Between Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

7. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next

succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

18. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of a newly-constituted Assembly at the commencement of a session.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:
(a) Is excused; or
(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.
2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.
2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.
The standing committees of the Assembly are as follows:
1. Ways and Means, sixteen members.
2. Judiciary, twelve members.
3. Taxation, twelve members.
4. Education, fourteen members.
5. Legislative Operations and Elections, eight members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, fifteen members.
8. Commerce and Labor, fifteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, fourteen members.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.
2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. All committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's website. Each standing committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee;

(o) Inform the Speaker of committee activity; and

(p) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

Rule No. 49. Committee Staff.

Duties of committee attachés shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the meeting is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

D. COMMITTEE HEARINGS

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn no later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. A committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.

11. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker during the session from which he or she was expelled.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

1. The precedence of parliamentary authority in the Assembly is:

(a) The Constitution of the State of Nevada and judicial decisions thereon.

(b) The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

(c) Custom, usage and precedence.

(d) The Statutes of the State of Nevada.

(e) Mason's Manual of Legislative Procedure.

2. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. ***Motions to fix the time to which the Assembly shall adjourn.***
2. ***Motions to adjourn.***
3. ***Questions relating to the rights and privileges of the Assembly or any of its members.***
4. ***A call of the House.***
5. ***Motions for special orders.***

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended

on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question, except as hereinafter stated, which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. ***Call to Order.***
2. ***Reading and Approval of Journal.***
3. ***Presentation of Petitions.***
4. ***Reports of Standing Committees.***
5. ***Reports of Select Committees.***
6. ***Communications.***
7. ***Messages from the Senate.***
8. ***Motions, Resolutions and Notices.***
9. ***Introduction, First Reading and Reference.***
10. ***Consent Calendar.***
11. ***Second Reading and Amendment.***
12. ***General File and Third Reading.***
13. ***Unfinished Business of Preceding Day.***
14. ***Vetoed Bills and Special Orders of the Day.***
15. ***Remarks from the Floor, limited to 10 minutes.***

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

1. The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

2. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of Assembly attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 77th Session of the Legislature of the State of Nevada: Matthew Baker, Lucinda Benjamin, McCall Miller, Christie Peters, Jason P. Hataway, Carol Aiello-Sala, Sylvia Brown, Robin L. Bates, Sharon P. Murphy, Norman Budden, Linda Marrone, Mary A. Matheus, Steven J. Sweeney, Debra Williams, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Sally Stoner, Carolyn Maynick, Jenny McMenomy, Erin Marlon, Tina Mims Frias, Brittany Shipp, Matthew Walker, Jean Kvam, Denise Larsen, Nichole Bailey, Jeanne Peyton, Judy Molnar, Sheri Bashaw, Jessica Nitti, Janet F. Stokes, Sylvia Dominguez-Curry, Juan Ortega, Mary Bean, Robin Carter, Sara Menke, Linda Law, Judi Bishop, Andrew Diss, Harle Glover, Pat Hutson, Mary Lee, Mary Merry, Cinthia Zermeno, Mistia Zuckerman, Jeff Eck, Bonnie Borda Hoffecker, Leslie Danihel, Patti Adams, Connie Davis, Linda Blevins, Anne Bowen, Nate Helton, Sherie Silva, Carol J. Thomsen, Janice Wright, Cynthia Wyett, Ted Zuend, John Budden, Linda Conaboy, Jennifer Dalton, Janel Davis, Nancy Davis, James Fonda, Dianne Harvey, Gina Hall, Theresa Horgan, Jacqueline Lethbridge, Sharon McCallen, Lori McCleary, Earlene Miller, Karen Pugh, Thelma Reindollar, Maysha Watson, Karyn Werner, Linda Whimple, Kate Wilson, Lynson Beaulieu, Teresa Boquiren, Michael Cabrera, Patti Flasch, Jaunice Franzen, Anni Glogovac, Patricia Hartman, Verdene Johnson, Deanna Lazovich, Gregory Martin, Marilyn McElhany, Barbara Mickle, Margaret Kelly Osborne, Jenny Polek, Sheree L. Rosevear, Paula Rudolph, Christina Salerno, Jennifer Scaffidi, Cindy Southerland, Susan Sutton, Robin Valentine-Kindred, Jackie Valley, Cindie Kusko, Olivia M. Lloyd, Sean O'Callaghan, Gariety Pruitt, Steven Sisneros, Cheryl Williams, Macy Young, Karel Ancona-Henry, Taylor Herrick, Diane Hudson, David E. Moore, Marcia Peterson, Susan Schmid, Elizabeth Saenz, Sonja Strom, and Deanna Keirstead.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

Assemblyman Horne moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 4, 2013, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ANDE ENGLEMAN, FREELANCE EDITOR/PRODUCER: Andrea Engleman; ASSOCIATED PRESS: Sandra Chereb; COVEREDGE, INC.: Tracey Frohn, Mark Materne, Robert Noble, James Parker, Matthew Sherwood, Keith Taylor, Richard Travis; ENTRAVISION COMMUNICATIONS: Anya Arechiga, Raul Delgado, Cesar Perez; FNB ENTERPRISES LLC (VIDEO CONTRACTOR TO COVEREDGE): Rhode Roberts; JUSTASKKIM: Kim Cordy; KLAS-TV: Nathan Baca, Alex Brauer, Richard Czarny; KNPB, CHANNEL 5, PUBLIC BROADCASTING: Ben Asnis, Brent Boynton, Jeremy Dunn, Ande Engelman, Alex Muench, David Santina, Chris Zangara; KOLO-TV: Sholeh Moll, Ed Pearce; KRNV-TV NEWS 4: Kausik Bhakta, Brooke Boone, Chuck King; KSNV-TV NEWS 3: Elizabeth Donatelli, Brandon Dyer, Richard Gacovino, Scott Pinkerton, Kenny Ramis, George Romero, Jim Snyder, Neb Solomon, Mackenzie Warren, Eric Wiener; KTNV-TV 13: Bradley Driver, Jay Romano, Victoria Spilabotte; KTVN-TV NEWS 2: Arianna Bennett, Michelle Boehler, Erin Breen, Jennifer Burton, Christopher Ciarlo, Wendy Damonte, Byron Ellis, Jeffrey Foss, Brad Horn, Jeff Martinez, Paul Nelson, John Potter, Adam Rasmussen, Gabriela Tafolla, Gene Vance; KUNR-FM: Kate McGee; KVVU-TV FOX 5, Las Vegas: Kevin Bolinger, Justin Grant; LAS VEGAS REVIEW-JOURNAL: Laura Myers, Sean Whaley; LAS VEGAS SUN: Cy Ryan; NEVADA APPEAL: John Barrette, Wheeler Cowperthwaite, Geoff Dornan, James Grant, Shannon Litz, Mark Raymond, Adam Trumble; NEVADA BROADCASTERS ASSOCIATION: Adrienne Abbott; RALSTON REPORTS: Jon Ralston; RECORD-COURIER, THE: Kurt Hildebrand; RENO-GAZETTE JOURNAL: Brian Duggan; RENO SPARKS VIDEO PRODUCTIONS: William Pearce; VEGAS PBS: Mitch Fox.

Motion carried.

By Assemblyman Aizley:

Assembly Joint Resolution No. 1—Expressing the support of the Nevada Legislature for the designation of the Upper Las Vegas Wash as a national monument.

WHEREAS, The Upper Las Vegas Wash contains thousands of Pleistocene mammal fossils of national importance, including Columbian mammoth, ground sloth, American lion, camel and horse fossils; and

WHEREAS, Since 1933, the Upper Las Vegas Wash has been valued by scientists because of the significant paleontological fossils demonstrative of the Pleistocene epoch, commonly referred to as the Ice Age, that are located in the area; and

WHEREAS, In 2004, during the preparation of the Las Vegas Valley Disposal Boundary Final Environmental Impact Statement, the Bureau of Land Management identified sensitive biological, cultural and paleontological resources determined to be worthy of more evaluation with respect to the protective status of the resources; and

WHEREAS, The harsh desert environment of the Upper Las Vegas Wash supports unique and imperiled plants, including the Las Vegas buckwheat, Merriam's bearpoppy, Las Vegas bearpoppy, the halfring milkvetch, Joshua trees and several species of cacti; and

WHEREAS, The Upper Las Vegas Wash provides important habitat for the threatened desert tortoise, endemic poppy bees, kit foxes, burrowing owls and a variety of reptiles; and

WHEREAS, In 2010, a National Park Service reconnaissance survey of the area determined that the area likely contains the largest continuous section of Pleistocene strata in the desert southwest; and

WHEREAS, The Upper Las Vegas Wash is significant to the culture and history of the native and indigenous people of the area, including the Southern Paiute Tribe; and

WHEREAS, Despite the findings and recommendations of the aforementioned Environmental Impact Statement and reconnaissance survey, the Upper Las Vegas Wash remains inadequately protected; and

WHEREAS, Many irreplaceable fossil specimens in the Upper Las Vegas Wash have been lost to vandalism or theft; and

WHEREAS, Designation of the Upper Las Vegas Wash site as a national monument would protect the unique resources of the area for present and future generations while allowing for public education and continued scientific research opportunities; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby recognize that the Upper Las Vegas Wash contains unique, nationally important biological, cultural and paleontological resources; and be it further

RESOLVED, That to conserve, protect, interpret and enhance for the benefit of present and future generations these unique and nationally important resources, the Nevada Legislature expresses its support for the designation of the Upper Las Vegas Wash site as a national monument; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Governor and the Director of the State Department of Conservation and Natural Resources, and to the Director of the Department of Wildlife for distribution to the various conservation groups that have participated in the effort to designate the Upper Las Vegas Wash site as a national monument; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Ellison and Senator Goicoechea:

Assembly Joint Resolution No. 2—Urging the Bureau of Land Management and the United States Forest Service to partner with the livestock industry in this State to increase livestock grazing on public lands.

WHEREAS, The State of Nevada is one of the states that is greatly affected by wildfires; and

WHEREAS, The wildfires in Nevada have burned vast areas of this State, including numerous acres of rangeland and forest located on public lands managed and controlled by the Bureau of Land Management and the United States Forest Service; and

WHEREAS, The growth of an invasive, nonnative annual grass known as cheatgrass has been a significant contributing factor to the increased extent and frequency of wildfires in this State; and

WHEREAS, Frequent wildfires and the increased presence of cheatgrass have degraded the ecosystem in this State by inhibiting the establishment of native plant species; and

WHEREAS, In addition to burning rangeland and forest which support livestock grazing, the frequent wildfires have damaged wildlife habitats, including the habitat of the sage grouse, a bird whose populations have been declining for years, and have caused a rise in the costs associated with wildfire suppression and the rehabilitation of those public lands affected by the wildfires; and

WHEREAS, In a 1,700-acre study conducted by researchers at the University of Nevada, Reno, late-season livestock grazing was shown to reduce the amount of cheatgrass, which could fuel a fire, from 500 pounds per acre to 25 pounds per acre; and

WHEREAS, Increasing livestock grazing on rangeland and forest located on public lands simultaneously serves to support the livestock industry while decreasing the costs of wildfire suppression and benefiting the ecosystem; and

WHEREAS, Limiting the closure of public lands for purposes of wildfire suppression to two growing seasons will also serve to support the livestock industry; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby urge the Bureau of Land Management and the United States Forest Service to partner with the livestock industry in this State to increase grazing on public lands; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the President of the Nevada Cattlemen's Association and the President of the Nevada Farm Bureau; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 1—AN ACT relating to public welfare; providing for the inclusion in the State Plan for Medicaid of emergency care, including dialysis, for patients with kidney failure; providing for the presumptive eligibility for Medicaid of certain applicants for assistance under the Supplemental Security Income Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 2—AN ACT relating to public lands; revising the provisions governing the Land Use Planning Advisory Council, the membership of the Advisory Council and the appointment of persons to the Advisory Council; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 3—AN ACT relating to gaming; revising provisions governing investigations and the initiation of complaints by the State Gaming Control Board for violations relating to the tax on live entertainment; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 4—AN ACT relating to governmental administration; authorizing the State or a local government, under certain circumstances, to publish a legal notice or legal advertisement on an Internet website maintained by the State or local government in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; requiring the State or a local government to publish certain information in a newspaper of general circulation if the State or local government publishes a legal notice or legal advertisement on an Internet website; authorizing a public body to charge and collect a fee for providing, upon request, a copy of certain public records under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 5—AN ACT relating to gaming; revising provisions relating to interactive gaming; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 6—AN ACT relating to taxation; requiring the State Treasurer to return a certain percentage of the revenue from the taxation of special fuel to the county in which the revenue was generated; requiring any money received by a county to be used exclusively for the construction and maintenance of county roads within that county; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 7—AN ACT relating to gaming; revising provisions relating to the Gaming Policy Committee; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 8—AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 9—AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; making various other changes to the Charter; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 10—AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a licensed gaming establishment; revising provisions relating to the unlawful possession, use, sale or manufacture of counterfeit items for the purposes of gaming or contests or promotions related to gaming; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 11—AN ACT relating to industrial insurance; repealing the provision which requires an insurer to submit to the Administrator of the

Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims for compensation; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 12—AN ACT relating to occupational safety; removing the requirement that an employee notify his or her employer before filing certain complaints with the Division of Industrial Relations of the Department of Business and Industry; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 13—AN ACT relating to relations between governments and public employees; revising provisions governing the period during which the Local Government Employee-Management Relations Board is required to conduct certain hearings; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 14—AN ACT relating to motor vehicles; revising provisions concerning temporary permits to act as a salesperson; allowing the Department of Motor Vehicles to reinstate the registration of a dormant vehicle or remove the suspension of that registration under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 15—AN ACT relating to transportation; removing the prospective expiration of the authority of the Department of Transportation to use the construction manager at risk method for the construction, reconstruction, improvement and maintenance of highways; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—AN ACT relating to the State Government; requiring the Department of Administration to compile and publish an administrative manual consisting of the policies adopted and amended by the State Board of Examiners for the Executive Branch of State Government; providing special authority and notice requirements for the adoption, amendment and repeal of such policies; ratifying the policies currently in effect; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 17—AN ACT relating to education; revising provisions governing interagency panels convened when a school district employee operating a program of education for incarcerated persons is excluded from a facility or institution operated by the Department of Corrections; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 18—AN ACT relating to transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 19—AN ACT relating to governmental administration; transferring the duties of the State Advisory Board of Trustees for the Trust Relating to the Fairground to the Nevada Junior Livestock Show Board; abolishing the State Advisory Board of Trustees for the Trust Relating to the Fairground; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 20—AN ACT relating to agriculture; deleting provisions which authorize the Director of the State Department of Agriculture to remove certain persons from office with the approval of the State Board of Agriculture; revising the classification and qualifications of certain persons appointed by the Director; expanding the purposes for which expenditures from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases may be made; requiring an inspector of the Department to notify an agricultural enforcement officer of certain findings made by the inspector concerning the actual legal owner of an animal; revising the circumstances under which a person may possess the carcass of a bovine animal; revising provisions governing certain farm products other than livestock, livestock products or poultry; revising the circumstances under which a person must obtain a license to engage in pest control; repealing provisions governing the Agricultural Loan Mediation Program, slaughtering cattle without a formal inspection, and licenses to engage in activities concerning the control of wood-destroying pests or organisms; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 21—AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 22—AN ACT relating to manufactured housing; allowing the Administrator of the Manufactured Housing Division of the

Department of Business and Industry to waive the continuing education requirements for specialty servicepersons under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 23—AN ACT relating to manufactured homes; clarifying that certain provisions governing providers of services pertinent to the sale, installation and occupancy of manufactured homes apply to persons who work on both new and used manufactured homes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 24—AN ACT relating to motor vehicles; providing for the limited issuance of special license plates to commemorate the 150th anniversary of Nevada's admission into the Union; imposing a fee for the issuance or renewal of such license plates; revising provisions relating to the number of characters required to be contained on a license plate; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 25—AN ACT relating to cities; revising provisions governing the imposition of special assessments for the abatement of certain conditions and nuisances on property within a city; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 26—AN ACT relating to the taxation of property; reducing the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of the property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 27—AN ACT relating to peace officers; expanding the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 28—AN ACT relating to public health; revising the definition of "sentinel event" for purposes of provisions relating to the health and safety of patients at certain medical facilities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 29—AN ACT relating to public health; creating the Committee to Review Suicide Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain data or information to be made available to the Committee; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 30—AN ACT relating to crimes; revising provisions governing the community notification website which provides certain information to the public concerning sex offenders and offenders convicted of a crime against a child; amending provisions concerning the confidentiality of the content of the record of registration of a sex offender or offender convicted of a crime against a child; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 31—AN ACT relating to public records; revising provisions governing requests for books and records of certain agencies of the Executive Department of the State Government; codifying a common law balancing test by which governmental entities determine whether to disclose certain books and records of the entity; revising provisions governing the information that a governmental entity is required to provide upon the denial of a request for a book or record of the entity; providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 32—AN ACT relating to taxation; revising the conditions upon and requirements for a partial abatement of the taxes imposed on certain new or expanded businesses and renewable energy facilities; tolling for the period of such an abatement the time limitations upon certain procedures for the enforcement of the abated taxes; requiring each board of county commissioners to adopt an ordinance regarding the approval or denial of an application for such an abatement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 33—AN ACT relating to energy; revising provisions governing the partial abatement of certain property taxes for certain renovated buildings and structures which meet certain energy efficiency standards; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 34—AN ACT relating to common-interest communities; authorizing the executive board of an association to act without a meeting under certain circumstances; providing for the certification of voting monitors to administer and supervise votes of units' owners; authorizing the appointment of a referee to render a decision in certain disputes involving common-interest communities; authorizing the Administrator of the Real Estate Division of the Department of Business and

Industry to issue subpoenas under certain circumstances; revising various provisions governing common-interest communities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 35—AN ACT relating to elections; revising requirements for reporting contributions, expenditures and campaign expenses relating to special elections; revising provisions governing the disposition of unspent contributions; establishing a procedure for a candidate to end his or her campaign; clarifying the existence of certain remedies and penalties relating to campaign finance; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 36—AN ACT relating to employment; making various changes concerning apprenticeships for conformity to federal regulations; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 37—AN ACT relating to public works; revising provisions relating to the enforcement of the prevailing wage requirement for public works projects; authorizing certain larger counties to enforce those provisions; authorizing the governing body of such counties to provide certain remedies and impose administrative penalties for violations of those provisions; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 38—AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property

purchased by a new or expanded business; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 39—AN ACT relating to pharmacy; making various changes concerning the sale, transfer or acquisition of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 40—AN ACT relating to victims of crime; authorizing the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 41—AN ACT relating to state purchasing; revising provisions governing contracts to provide services to state agencies; revising the thresholds governing certain actions relating to contracts for services, formal contracts and local purchasing; revising provisions concerning purchases and contracts which are contrary to the provisions governing state purchasing; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 42—AN ACT relating to cyber security; establishing the Nevada Cyber Institute within the Nevada System of Higher Education; creating the Advisory Board of the Nevada Cyber Institute; setting forth the powers and duties of the Board of Regents of the University of Nevada regarding the Nevada Cyber Institute; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 43—AN ACT relating to offenders; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—AN ACT relating to common-interest communities; requiring associations of planned communities to allow the outdoor storage of trash and recycling containers under certain circumstances; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations pertaining to the storage of trash and recycling containers; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 45—AN ACT relating to the Department of Administration; revising provisions governing the duties of the Division of State Library and Archives of the Department of Administration; eliminating the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 46—AN ACT relating to the funding of capital projects of school districts; providing for the imposition and administration of a new sales and use tax and ad valorem tax in certain counties for the capital projects of the school districts in those counties; exempting that ad valorem tax from the statutory limitation on the total ad valorem tax levy; authorizing

those school districts to use the proceeds of those taxes and certain proceeds from the governmental services tax to finance capital projects; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 47—AN ACT relating to justice courts; authorizing the board of county commissioners of larger counties to provide by resolution for a circuit justice of the peace to serve two or more small townships; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 48—AN ACT relating to elections; providing that a person who is not a qualified elector and who votes or attempts to vote knowing that fact, or a person who votes or attempts to vote using the name of another person, is guilty of a category B felony; revising certain nomination procedures; requiring county clerks to certify certain lists of candidates and nominees to the Secretary of State; extending the period in which a person may register to vote by computer; making various other changes relating to the administration and conduct of an election; expanding the definition of "campaign expenses"; amending reporting requirements relating to special elections; requiring persons and entities which make expenditures against candidates to report contributions and expenditures; requiring nonprofit corporations to report certain contributions and campaign expenditures; eliminating a requirement that the Secretary of State obtain certain advice and consent of the Legislative Commission; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 49—AN ACT relating to public defenders; imposing an additional sales and use tax to be used by counties to pay costs associated with providing legal defense for indigent persons; authorizing boards of county commissioners to impose an additional sales and use tax to be used to provide revenue for the Fund for Legal Defense of Indigent Persons;

establishing the Fund for Legal Defense of Indigent Persons to reimburse certain counties for certain extraordinary costs of providing public defender services; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 50—AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; providing specific authority for redevelopment agencies to loan money to finance the purchase of land and the construction and installation of certain improvements to real property under certain circumstances; requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the tax imposed on the revenues from the rental of transient lodging in a district created to defray the cost of improving a central business area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 51—AN ACT relating to public administrators; providing for the District Attorney of Lyon County to be ex officio Public Administrator of Lyon County; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 52—AN ACT relating to taxicabs; authorizing the Taxicab Authority to limit the geographical area from which temporarily authorized taxicabs within its jurisdiction may offer or provide service; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 53—AN ACT relating to public welfare; revising reporting requirements concerning traumatic brain injuries; abolishing the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 54—AN ACT relating to courts; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of the fees received from justice courts into a special account to be used for certain purposes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—AN ACT relating to crimes; imposing an additional penalty for attempting or conspiring to commit certain crimes against certain older or vulnerable persons; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 56—AN ACT relating to controlled substances; increasing the penalty for the first offense of selling a controlled substance to a minor; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 57—AN ACT relating to the Nevada Equal Rights Commission; requiring the Administrator of the Commission to prepare and submit the biennial report of the activities of the Commission; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 58—AN ACT relating to veterans; making the Office of Veterans Services the Department of Veterans Services; creating the Office of Veterans Policy and Coordination in the Office of the Governor; creating the Interagency Council on Veterans Affairs; revising provisions relating to donations for veterans homes; providing exceptions to provisions governing public works and lease-purchase agreements with respect to certain projects of the Department of Veterans Services; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue annual permits for the free use of state parks and other recreational areas to certain veterans; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 59—AN ACT relating to public works; formalizing and renaming existing components of the State Public Works Division of the Department of Administration to create a Public Works–Compliance and Code Enforcement Section and a Public Works–Professional Services Section within the Division; providing regulatory authority for the Administrator of the Division and the State Public Works Board of the Division; eliminating a requirement that the Division periodically inspect buildings owned by the Nevada System of Higher Education; eliminating a requirement that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation; repealing a requirement to report to the Legislature annually on projects of construction of state buildings that are financed by certain bonds or obligations; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 60—AN ACT relating to charities; requiring nonprofit corporations to register with the Secretary of State before soliciting charitable contributions in this State; prescribing the information that must be filed with the Secretary of State to register; requiring the Secretary of State to provide certain information concerning registered nonprofit corporations to the public; enacting provisions concerning the investigation of nonprofit corporations; requiring the disclosure of certain information by a person conducting a solicitation for charitable contributions for or on behalf of a

nonprofit corporation or other charitable organization; authorizing the imposition of penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 61—AN ACT relating to economic development; revising various provisions relating to regional development authorities; requiring the Board of Economic Development to approve certain contracts entered into by the Office of Economic Development; revising the duties of the Executive Director of the Office; abolishing the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 62—AN ACT relating to justice courts; authorizing the justice of the peace in each justice court in smaller counties to appoint a bailiff or deputy marshal for the court; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 63—AN ACT relating to labor; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 64—AN ACT relating to criminal justice; revising the contents of certain presentence investigations and reports to include an evaluation for substance abuse, a needs assessment and a treatment and training plan; requiring reports of presentence investigations to be maintained in an offender information system; repealing provisions governing general investigations and reports; revising various provisions relating to the duties

of the Director of the Department of Corrections; requiring documentation of an offender's performance and progress in and completion of certain programs; requiring the development of certain information systems to integrate the operations of certain agencies; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 65—AN ACT relating to public meetings; exempting certain committees and subcommittees of a public body from compliance with the Open Meeting Law in certain circumstances; prohibiting a member of a public body from designating a person to attend a meeting in the member's place without certain authority; revising provisions relating to the prosecution of an alleged violation of the Open Meeting Law; revising provisions governing the provision of supporting material for meetings to the public; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 66—AN ACT relating to property tax; revising the circumstances under which the State Board of Equalization must provide notice of a proposed increase in the valuation of property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 67—AN ACT relating to crimes; authorizing a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; revising provisions governing the waiver of a preliminary examination; amending various provisions concerning the crimes of sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the

Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 68—AN ACT relating to taxation; revising the provisions relating to the certification of populations by the Governor; revising the provisions relating to the allocation and distribution of taxes from the Local Government Tax Distribution Account; revising the provisions relating to the establishment of an alternative formula for the distribution of taxes from the Local Government Tax Distribution Account by cooperative agreement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Anderson and Senator Kihuen:

Assembly Bill No. 69—AN ACT relating to crematories; requiring a crematory for human remains to be located in a certain area; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hambrick, Oscarson and Fiore:

Assembly Bill No. 70—AN ACT relating to the use of force; revising the provisions governing justifiable homicide; revising the provisions governing civil liability in actions involving the use of force; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 71—AN ACT relating to crimes; revising provisions governing the basis and procedure for determining whether a dog is dangerous or vicious; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 72—AN ACT relating to the Nevada State Board of Veterinary Medical Examiners; increasing the membership of the Board from seven members to eight members by adding a veterinary technician; increasing from four to five the number of members needed to call a meeting of the Board and to constitute a quorum; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 73—AN ACT relating to chiropractic; revising certain provisions governing unprofessional conduct by a chiropractor or chiropractor's assistant; revising the information which must be submitted by an applicant for a license to practice chiropractic; revising provisions relating to the score which an applicant must obtain on an examination for a license to practice chiropractic; revising provisions governing temporary licenses to practice chiropractic; revising provisions governing the renewal of a license to practice chiropractic and a certificate as a chiropractor's assistant; revising provisions governing the reinstatement of a license to practice chiropractic; revising the circumstances under which a chiropractor may pierce or sever any body tissue; revising certain fees charged and collected by the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 74—AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; establishing fees; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Aizley, Carlton and Flores; Senators Parks and Segerblom:

Assembly Bill No. 75—AN ACT relating to property tax; revising provisions governing the publication of property tax rolls in larger counties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Livermore (by request):

Assembly Bill No. 76—AN ACT relating to peace officers; requiring certain state agencies to reimburse certain persons who possess some or all of the powers of peace officers for the cost to repair or replace their required uniforms and other clothing, accessories and safety equipment under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 77—AN ACT relating to the Legislature; prohibiting a former State Legislator from receiving compensation or other consideration to serve as a lobbyist to the Legislature for a period of 2 years after leaving office; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 78—AN ACT relating to public money; authorizing a county treasurer to deposit county money in certain insured deposit accounts in insured banks, insured credit unions or insured savings and loan associations; providing for the redeposit of county money into insured deposit accounts in one or more other insured banks, insured credit unions or insured savings and loan associations under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 79—AN ACT relating to children; providing for the establishment by statute of the Early Childhood Advisory Council;

prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 80—AN ACT relating to public health; creating the Task Force on Alzheimer's Disease within the Health Division of the Department of Health and Human Services; providing for its membership; setting forth the powers and duties of the Task Force; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 81—AN ACT relating to the protection of children; requiring certain committees and other bodies appointed or organized by an agency which provides child welfare services to include a member who represents the interests of natural parents; requiring an improvement plan prepared by an agency which provides child welfare services to be posted on the Internet; consolidating certain state-level entities which review the death of children; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 82—AN ACT relating to evidence; prohibiting a juvenile court from receiving evidence of the previous sexual conduct of a victim of a sexual assault; prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the protection of children; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 136 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 136 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 136, which is entitled:

> AN ACT relating to criminal laws; revising provisions governing credits for offenders sentenced for certain crimes; revising provisions governing the sealing and removal of certain records; and providing other matters properly related thereto.

This bill allows people convicted of certain category B felonies to earn credits to reduce their sentences, thereby allowing for an earlier release from prison. Under existing law, these so-called "good time credits" can be earned by offenders convicted of certain category C, D, or E felonies by acquiring vocational skills or undergoing drug treatment programs. The bill would extend the good time credit provision to Class B felons, with the exception of repeat offenders and offenders guilty of violent crimes or sexual assault. The bill also authorizes a person to petition for the sealing of records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

Assembly Bill 136 has been promoted as a cost-cutting measure that will save money by reducing the cost of housing certain non-violent criminals in Nevada's crowded prisons. However, I am concerned that the bill will allow dangerous criminals to be prematurely released from prison, thereby increasing risk to Nevada's communities and sending a message to offenders that this state is soft on crime. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 136 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 137 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 137 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 137, which is entitled:

AN ACT relating to education; requiring the implementation of a school breakfast program at certain public schools; requiring the Department of Education to report on the school breakfast program for each public school; requiring school districts to report on school nutrition programs; and providing other matters properly related thereto.

Assembly Bill 137 requires the implementation of a school breakfast program at any public school, including a charter school, that is eligible to operate a program of nutrition in accordance with federal regulations. Where a school breakfast program is implemented, the school must serve breakfast free of charge to all students and must serve breakfast after the school day starts in the following order of priority: (1) the classroom; (2) a transportable manner; or (3) the cafeteria. The bill also requires the Department of Education and board of trustees of each school district, on a biennial basis, to prepare written reports related to the school breakfast program and other nutrition programs.

The importance of providing nourishment to students who arrive at school without breakfast cannot be overlooked. To that end, the boards of trustees of school districts and governing boards of charter schools are authorized under existing law to operate or provide for the operation of nutrition programs in their schools. This includes the type of school breakfast program that Assembly Bill 137 would require at all eligible schools.

I am confident that school districts and charter schools are currently capable of determining how best to administer nutrition programs for their students. I cannot support Assembly Bill 137. Therefore, I veto it and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 137 of the 76th Session be placed on Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 152 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 13, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 152 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 152, which is entitled:

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in

any such advisory question placed on the ballot; and providing other matters properly related thereto.

Assembly Bill 152 creates an advisory committee to develop recommendations for increasing the funding of highways in the state. The committee is comprised of eight members, each of which is appointed by the leadership of the Legislature. The bill further provides that the committee may place advisory questions on the ballot relating to the recommendations developed by the committee.

This bill unnecessarily expands government and circumvents the legislative process. The purpose of the advisory committee is to develop recommendations for increasing the funding of highways in the state. The funding of highways, however, falls squarely within the jurisdiction of the Nevada Department of Transportation, which is overseen by the Board of Transportation. There is no indication that the Department is performing its planning function insufficiently. Therefore, I must conclude that the advisory committee is unnecessary and redundant. This unnecessary expansion of government would serve to make the government apparatus associated with the funding of our highways unwieldy, frustrating the efficient administration of that funding. Such a result is not the interest of the people of the state.

Moreover, the proposed committee is comprised solely of members appointed by the legislative branch, and the bill provides the committee with access to the ballot. A similar bill was processed in the 75th Legislative Session. That bill, Assembly Bill 503, similarly proposed the establishment of an advisory committee on the funding of highways. The bill was vetoed by Governor Jim Gibbons, who observed in his veto message that the bill "effectively circumvents the legislative process by allowing a small group of non-elected officials to make recommendations that have major implications on taxpayers, and to then present those recommendations to the voters." He further noted that, "[i]f such recommendations are to be submitted to the voters, they should be recommendations from the Legislature as a whole." Ultimately, Governor Gibbons concluded that the bill represented "an abdication of legislative authority." I agree. Therefore, because the bill unnecessarily expands government and abdicates legislative authority, I veto it and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 152 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 300 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 300 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 300, which is entitled:

AN ACT relating to real property; revising provisions providing for mediation in certain actions for foreclosure; and providing other matters properly related thereto.

This bill revises existing law governing foreclosures on real property, in particular, the bill makes changes to the Foreclosure Mediation Program, which was created during the 2009 Legislative Session to address the residential foreclosure crisis existing in this state. The Mediation Program is administered by the Administrative Office of the Courts, and the Nevada Supreme Court is authorized to adopt rules necessary to carry out provisions of the program. Assembly Bill No. 300 will impose additional statutory provisions related to the operation of the program.

Supporters of this bill maintain that many issues and problems with the Mediation Program have arisen since its creation two years ago, and should be addressed through statutory amendments. However, the Nevada Supreme Court, on June 1, 2011, in Docket No. ADKT 0435, issued an Order Establishing Advisory Committee on the Foreclosure Mediation Program. The Order appointed fourteen members to the Advisory Committee who will consider issues associated with the mediation program. It should also be noted that several cases dealing with various aspects of the Mediation Program are currently pending before the Nevada Supreme Court.

In light of the rapidly-developing body of law related to residential foreclosures and the fact that an advisory committee has been charged with considering ways to improve the Foreclosure Mediation Program, I cannot support a bill that represents duplicative and possibly conflicting efforts.

Therefore, I veto Assembly Bill 300 and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 300 of the 76th Session be placed on Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 301 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 301 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 301, which is entitled:

AN ACT relating to civil rights; revising provisions governing the restoration of the right to vote to persons who have been convicted of a felony; revising provisions governing the registration to vote of a person convicted of a felony; revising provisions governing the cancellation of the registration to vote of a person convicted of a felony; revising provisions governing a challenge to the right to vote

of a person convicted of a felony; and providing other matters properly related thereto.

Assembly Bill 301 revises provisions governing the restoration of civil rights to persons convicted of a felony. Under existing law, unless a person has been convicted of certain specified felonies, a person convicted of a felony is immediately restored to the right to vote upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) being released from prison upon completion of a sentence. Currently, the right to vote is not restored to a person released from prison if the person has been convicted of certain felonies, unless the person petitions a court for an order granting restoration of the right.

The bill would automatically restore voting rights upon completion of any felony sentence of imprisonment, probation or parole. Supporters of this bill argue that automatic restoration of voting rights for all felons, regardless of the severity of the offense, will streamline the voter registration process and eliminate confusion about when or how voter rights are restored. However, these arguments are not compelling reasons to overlook the severity of certain offenses and alter the just punishment that is delivered to those who commit these offenses. Notably, Assembly Bill 301 does not alter restoration of the rights to serve as a juror or hold office, which can occur only upon petition to a court (for restoration of the right to serve as a juror in a civil action) or after the passage of a certain period of time after release from prison. Like these rights, the right to vote is a privilege that should not lightly be restored to those few individuals who commit the most egregious crimes in our society.

Because Assembly Bill 301 unnecessarily revises appropriate provisions related to the restoration of civil rights for certain ex-felons, I veto it and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 301 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 416 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 17, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 416 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 416, which is entitled:

AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; revising provisions governing the Water Power Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; revising the prospective expiration of the Wind Program and the Waterpower Program;

providing for the prospective expiration of the Solar Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising certain provisions governing certain energy-related tax incentives; revising certain provisions relating to plans filed by certain utilities; authorizing a utility to recover certain costs under certain circumstances; and providing other matters properly related thereto.

This bill amends, in part, the statutory requirements associated with the submission of resource plans for the review and approval of the Public Utilities Commission ("PUC"). Resource plans account for how a public utility will meet consumer demand for electricity in our state. Under the current state of the law, utilities are required to submit these plans on a periodic basis to the PUC for approval, after a public hearing. The main purpose of the requirement is simple: to reduce electricity rates by subjecting the manner in which a utility proposes to meet consumer demand to the scrutiny of a public process and the approval of an impartial regulator. Thus, in accordance with NRS 704.741, utilities are required to submit to the PUC every three years a comparison of the best combination of sources of supply to meet projected consumer demand or the best method to reduce demand.

Resource plans help achieve rate savings not only through an analysis of the source of supply, but also through a review for the method of transmission of some sources, including renewable energy. NRS 704.741(4), for example, requires utilities to provide a plan for the construction and expansion of transmission facilities designed to serve renewable energy zones to facilitate the achievement of renewable portfolio standards. The achievement of these standards produces environmental benefits and economic development gains in renewable energy in Nevada. The law provides that where such a transmission plan is approved, the utility may recover, at the discretion of the PUC, all just and reasonable costs of planning and constructing the facility.

Insofar as the central aim of resource plan approval is rate containment, we must strive to protect the integrity of that process. Nevada's consumers are too important to our economic recovery to subject to ratemaking that does not properly account for their interests.

Assembly Bill 416, however, instead of seeking to strengthen consumer protections for the people of this state, substantially reduces the protections the resource plan approval process provides; it obscures the focus of the process by introducing new concerns not related to reducing rates for Nevadans, and it provides for cost recovery for energy exportation, in some cases without prior approval, contrary to traditional ratemaking principles.

The bill provides for the inclusion in resource plans of a utility's plan for the construction and expansion of transmission facilities to support the construction of renewable energy facilities without regard to the location of consumers, and it requires inclusion of plans for transmission facilities that are anticipated to be necessary to serve the needs of any renewable energy facility that requests interconnection with the utility and delivers energy to purchasers located outside the State or service area of the utility.

Review of the construction and expansion of transmission facilities intended to benefit electricity consumers in other states, however, does not serve the traditional purpose of resource plan approval—to exercise downward pressure on rates for Nevadans. Instead, the broadening of the scope of resource plans threatens to undermine the interests of ratepayers because once approved, under NRS 704.110(11), related expenses would be deemed prudent and the utility would be allowed, at the discretion of the PUC, to recover all just and reasonable costs. This process would mean rate increases for the people of the state to finance the construction of facilities to service out of state consumers.

What is perhaps more troubling, however, is the bill's requirement that, if proposed facilities or transmission corridor actions do not fall with a resource plan filing requirement, or, alternatively, if the utility is required pursuant to federal law to commit to such facilities within a time that does not support a resource plan filing, the PUC shall allow the utility to recover

reasonable and prudent expenses for the siting, development and permitting of the proposed facility or corridor activities conducted without inclusion in the plan.

The mandatory allowance for the recovery of such costs is entirely inapposite to the cost recovery principle expressed in the current rate case provisions, which provide, for example, for the permissive recovery of costs associated with a transmission facility linked to the attainment of renewable portfolio standards only after approval by the PUC. If such costs are permissive after approval, it is difficult to conceive of a public policy justification for mandatory costs in the absence of any approval at all.

The inconsistent policy approach would be, perhaps, reconcilable if the probability of expenses set to trigger the mandatory allowance of costs was limited. It appears, however, that is not the case. At least one public utility has made clear, during a hearing on a similar provision in a similar bill earlier this session, its intention to develop renewable transmission corridors. Under this bill, the plan for such development is not necessarily a requirement of a resource plan. Thus, it appears the utility would be entitled to the reasonable and prudent costs associated with that development. Those costs would not only be substantial, but they would reflect an unacceptable outcome: Nevada ratepayers forced to finance the transmission of renewable energy to out of state consumers without the opportunity to comment beforehand. Moreover, there is no provision in the bill to allow ratepayers, in the event any investment shouldered by them succeeds, to participate in that success through reduced rates.

This bill threatens not only to undermine the value of the resource plan approval process in maintaining reasonable electricity rates and prudent facilities approvals, but it will provide for increased rates to cover utility expenditures unrelated to the provision of electricity in this state. To increase utility rates on Nevadans struggling to emerge from a severe economic recession would result in the imposition of an unnecessary and unfair burden on our recovery. Therefore, I exercise my constitutional grant of authority to veto AB 416 and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 416 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 433 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 17, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 433 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 433, which is entitled:

> AN ACT relating to employment practices; making it unlawful for public employers to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office with certain exceptions; prohibiting any employer from taking any adverse employment action

against an employee because the employee has become a candidate for any public office with certain exceptions; providing a penalty; and providing other matters properly related thereto.

Existing Nevada law makes it unlawful for a private employer to make rules or regulations that prohibit an employee from engaging in politics or becoming a candidate for office. This bill seeks to extend those protections to the employees of public employers and labor organizations; on its face, this intent has merit. However, the bill as written goes well beyond existing law and establishes new prohibitions pertaining to an "adverse employment action" as defined in new amendatory language. These requirements go too far to be practicable, overreaching in the apparent desire to protect the employee while in fact placing an undue burden on both public and private employers. Small firms would be adversely impacted and large employers, whether public or private, would have their leave policies unworkably restricted.

Had the authors of this measure simply included public employers and labor organizations in the existing statutory framework, their concept would have been better executed. As written, this bill places unworkable restrictions on the employer/employee relationship. I therefore exercise my constitutional grant of authority to veto Assembly Bill 433 and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 433 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 546 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 15, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 546 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 546, which is entitled:

AN ACT relating to children; making various changes to provisions governing early childhood care and education; providing for the establishment by statute of the Early Childhood Advisory Council; requiring certain training of persons who are employed in early childhood care; requiring annual reports concerning such training to be submitted to the Department of Education and the Legislative Committee on education; requiring the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility; making an appropriation; and providing other matters properly related thereto.

This bill has merit, particularly as it draws attention to the importance of early childhood learning as it relates to later success in school. The bill codifies in statute an existing Advisory

Council formed by Executive Order of a prior administration; the bill also establishes needed collaboration between the State Department of Education and the State Department of Health and Human Services with regard to early childhood care and education.

However, the bill also places new training and reporting responsibilities on licensed childcare facilities and those facilities which receive reimbursement from the Program for Child Care and Development administered by the Division of Welfare and Supportive Services. In fact, the "continuing training in child care…must include, without limitation, the annual completion by each employee of not less than 24 hours of such training, not less than 16 hours of which must be training relating to early childhood development" and standards to be adopted pursuant to this bill. Such a standard sets a new, overly high bar for small businesses in the childcare industry. The cost of this annual training would either be passed through to consumers, many of whom cannot afford to pay more for their childcare, or born by employees, many of whom work for relatively low wages. It could also result in decreased wages for childcare workers. Moreover, the bill's requirement of training in "early childhood development" overlooks a more pressing need for training in the area of infant and to toddler care.

Therefore, because this bill makes it more difficult for private businesses to succeed at a time when affordable child care is of utmost importance to Nevadans, and because the training requirements reflected in the bill do not target the most pressing areas of need, I exercise my constitutional grant of authority to veto Assembly Bill 546 and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 546 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 550 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 550 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 550, which is entitled:

> AN ACT relating to transportation; directing the Legislative Commission to conduct an interim study concerning state ports of entry; and providing other matters properly related thereto.

Assembly Bill No. 550 directs the Legislative Commission to appoint a committee to conduct an interim study concerning state ports of entry. The study must examine the feasibility and cost of establishing permanent ports of entry on highways within this state, and consider the appropriate functions to be performed at or by ports of entry. In conducting the study, the committee is required to consult with agencies within Nevada and of adjoining states having jurisdiction over matters relating to transportation.

In some states, ports of entry provide an effective mechanism for monitoring and inspecting commercial vehicles and drivers to promote and enforce compliance with state and federal regulations. Ports of entry, however, are not considered the most efficient or effective means for Nevada to accomplish its compliance and safety goals in the trucking industry. A comprehensive study of ports of entry was conducted in 2004 by the Nevada Department of Transportation with the Departments of Public Safety, Motor Vehicles, Agriculture, Business and Industry, Taxation, and the Federal Motor Carrier Administration. The study concluded that annual benefits are less than annual costs for either a Nevada-only port of entry or a California/Nevada joint port of entry, making neither port of entry economically justified.

There is no indication that factors related to operating a port of entry in Nevada have significantly changed since the 2004 study was conducted. Therefore, I must conclude that an interim study on ports of entry is unnecessary and redundant.

Because this bill would require an unnecessary and duplicative study to be conducted, I veto it and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Vetoed Assembly Bill No. 550 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 578 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 16, 2011

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 578 of the 76th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 578, which is entitled:

> AN ACT relating to the Legislature; providing for the establishment of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing carious statutory committees; assigning certain powers and duties of repealed statutory committees to the Joint Interim Standing Committees; making various other changes relating to interim legislative activity; and providing other matters properly related thereto.

This bill amends existing law to provide for nine Joint Interim Standing Committees of the Legislature, each with an extensive membership component and a budget for travel and per diem expenses. These committees are empowered to review and discuss issues within their jurisdiction, and to call witnesses, prepare reports, and submit proposed legislation to each regular session of the Nevada Legislature. In short, this statutory scheme creates an interim session of the legislative body proper, meeting in joint committees that exactly mirror the regular workings of a legislative session. The people of Nevada have long provided for limited legislative sessions, occurring only once each biennium or at such times of special need as the

governor may decide. In addition, Nevada already provides for the Legislative Commission which has the following powers and duties pursuant to NRS 218E.175:

(a) Assist the Legislature in retaining status coordinate with the Executive and Judicial Branches of State Government.

(b) Investigate and inquire into subjects upon which the Legislature may act by the enactment or amendment of statutes, governmental problems, important issues of public policy or questions of statewide interest.

(c) Assure that the most effective use is made of the audit, fiscal, legal and research services and facilities provided by the Legislative Counsel Bureau to the Legislature and its members.

(d) Coordinate and oversee interim studies and other legislative committees meeting in the interim between regular legislative sessions.

This existing framework is adequate to the interim work of Nevada's citizen legislature. Assembly Bill 578 takes Nevada precipitously close to annual sessions of its legislative body, or at the very least to full-time service by its members. Because this bill encroaches upon the Constitutional restrictions imposed by the people of this state in limiting legislative power, I exercise my constitutional grant of authority to veto AB 578 and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Horne moved that Assembly Bill No. 578 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1

Read first time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 1 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Horne.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Roll call on Senate Bill No. 1:

YEAS—42

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sari Aizley, David Phillips, and Mary Phillips.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Roberta Lange and Chris Miller.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to April Anderson, Jacob Anderson, Taylor Anderson, Jordan Anderson, and Joseph Anderson.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Coral Academy: Madison Roberts-Smith, Gavan Allen, Conner Anderson, Issabella Fillipone, Samantha Hasegawa, Kai Santos, Sierra Schroeder, Sean Shipman, Lina Strand, Tanner Lack, Bethany Matthews, Zoya Vincent, Vivian Vo, Samantha Yson, Alex Vogedes, Jason Andrion, Amanda Bateman, Aries Cahigas, Danica Mae Calpo, Sarah Elfass, William Everman, Luis Gonzalez Aguilar, Carlos Guillen, Conner Malchow, Troy Manuta, Gabe Marquez, Michael Miller, Cody Morse, Alejandro Rangel, Briana Segura, Karen Villanueva, Ron Bonomo, Tekin Tuncer, Feyzi Tandogan, Ercan Aydogdu, Eray Idle, Kelley Karpchuk, Morgan Mundy, and Chastity Orr.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Jodi Brooks, Wayne Carter, Lorin Carter, Mitchell Posen, Kevin Brooks, Autumn Carter, Robin Carter, Devin Carter, and Wayne Carter Jr.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Gariety Pruitt,

Gina Hall, Brad Adams, Alaina Brown, Morgan Watson, Jordan Gregory, and Judith Bishop.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton and Ashley Smith.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Frost, Cinthia Zermeno, and Larissa Hansen.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Cohen, Aileen Cohen, and Minnie Jaroslow.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Alejandre, Gilberto Diaz, Alejandra Diaz, Xavier Carson Diaz, William Curry, and Sylvia Dominguez-Curry.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Dondero, Molly Dondero, Rob Dondero, Elise Dondero, Joan Partier, Bill Partier, Lindsey Loop Solis, Sunshine Solis, Rylie Kokoski, Noah Solis, Thalia Dondero, and Carolyn Dondero Martin.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Duncan, Harvey Duncan, and Verna Duncan.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Eisen, Jonathan Eisen, Adam Eisen, and Arika Garcia.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Ellison, Billy Ellison, Brennen Ellison, Cindy Ellison, Cynthia Ellison, Garrett Ellison, Leah Ellison, Ryeland Ellison, Shaena Ellison, Ann Green, Cynthia Green, Dick Hershey, Louise Hershey, Anthony Moseley, Josalynne Moseley, Michelle Moseley, Mike Moseley, and Allison Ulibarri.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Howard, Ana Velasquez, Lill Fiore, Savanah Kaime, Jake William Willis, and Melony Gallegos.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Peralta, Vivian Flores, and Alexis Flores.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Nathalia Frierson, Matthew Frierson, and Abigail Frierson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Cordes, Cady Cordes, Tami Harmon, Paul Harmon, Addyson Harmon, Pat Grady, Sean Cordes, Taylen Cordes, and Jace Harmon.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick, John Hambrick, Laura Sullivan, Mark Sullivan, Ted Weiss, and Kathy Weiss.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen, Sharon Hansen, Daniel Hansen, Ali Hansen, Rachel Haack, and Mallory Hansen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Harrison, Peri Hardy, Omar De La Rosa, and Sheri Bashaw.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Holman, Angie Holman, Jim Mullin, and Linda Mullin.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Shin Hickey, Shinae Hickey, John Hickey, Virginia Watterson, J. Wong, Bruce Fuh, and Joan Fuh.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Martin.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Whitney Moffet, Chloe Horne, Henry Horne, Mary Jackson, Toni Horne, Quyncee Horne, and Emmit Smith.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Giunchigliani,

Gary Gray, Mike Kirkpatrick, Tara Kirkpatrick, Emma Krumme, Jessica Kirkpatrick, Brianna Lamanna, and Whitney Morfitt.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlin Meetze, Linda Law, Cindy Southerland, and Peggy Kirner.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Livermore, Robert Morin, and Colleen Morin.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Rudolph, Dana Barooshian, Marvin Carter, Bob Bachant, and Carin Bachant.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Garcia, Teresa Boquiren, and Peggy Lear Bowen.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne Ohrenschall, Frank Daykin, Rhiana Ohrenschall, and Rhen Ohrenschall.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Hatch, Richard Hatch, Dr. King Bibby, Alex Vaisman, Susan Davila, Rebecca Oscarson, Jared Oscarson, Bren Oscarson, and Karen Oscarson.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Sasser and Janet Stokes.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Ronnie Barre and Bill Spiegel.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Margann Duke, Jeremy Duke, Zack Duke, Ian Duke, Abel Duke, Ani Duke, Ardynne Sprinkle, Thalia Routsis, Kristi Sprinkle, Devin Sprinkle, and Michael Sprinkle.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Stewart, Sara Menke, Delaney Mott, and Amanda Schweisthal.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Lynson Beaulieu, Scott Swank, and Breana Lake.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Penzel, Cindy Penzel, Marie Brummley, Eileen Thomas, Tom Starrett, Steve Donahue, and Kat Kallas.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Kenny Taylor, Missy Hardy, and Celssie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, February 6, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:59 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), February 6, 2013

Assembly called to order at 11:35 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, our Lord, the words of the Psalmist still ring true: "Blessed is the nation whose God is the Lord." As we acknowledge our great need for You, continue to bless this great nation. Bless, too, these representatives, these servants of Yours, with the light of knowledge and truth, understanding and wisdom. In Jesus' Name I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 5, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 6, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.
Assemblyman Hickey moved the adoption of the resolution.
Remarks by Assemblyman Hickey.
Resolution adopted unanimously.

Senate Concurrent Resolution No. 3.
Assemblyman Frierson moved the adoption of the resolution.
Remarks by Assemblyman Frierson.
Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Bustamante Adams:

Assembly Bill No. 83—AN ACT relating to escrow accounts; revising provisions governing certain disbursements of money from escrow accounts; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Debra March.

Assemblyman Frierson moved that the Assembly adjourn until Thursday, February 7, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 7, 2013

Assembly called to order at 12:02 p.m.
Madam Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, Your desire is that Your children enjoy abundant life. Bless these legislators who work diligently to improve the quality of life for all Nevadans, especially our children and future generations. I pray in the Name of the One who blessed children and taught of such is the Kingdom of Heaven.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker announced the appointment of the Select Committee on the Assembly, with the first named member of the committee being the Chair: Assemblymen Horne, Carrillo, Duncan, Frierson, Hickey, Neal, and Stewart.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Tabin.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bernie Anderson.

Assemblyman Frierson moved that the Assembly adjourn until Monday, February 11, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 11, 2013

Assembly called to order at 11:36 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Livermore, who were excused.

Prayer by the Chaplain, Tribal Elder Dinah Pete.

Thank you, each and every one of you, for being here for us. For all of the legislators, I will thank you in Washo. I am from the Washoe Tribe of California and Nevada, and I am going to pray in Washo that each and every one of you will have the right words to say for all of us. Thank you. I give you praise and glory and thank you.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 11, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of Senate Joint Resolution No. 14 of the 76th Session.

MARK KRMPOTIC
Fiscal Analysis Division

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 4—Amending the Assembly Standing Rules for the 77th Session of the Legislature to increase the number of members on the Committee on Legislative Operations and Elections and provide for the appointment of alternates to committees.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule No. 40 of the Standing Rules of the Assembly as adopted by the 77th Session of the Legislature is hereby amended to read as follows:

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, sixteen members.
2. Judiciary, twelve members.
3. Taxation, twelve members.
4. Education, fourteen members.

5. Legislative Operations and Elections, ~~[eight]~~ ***nine*** members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, fifteen members.
8. Commerce and Labor, fifteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, fourteen members.

And be it further

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Standing Rules of the Assembly as adopted by the 77th Session of the Legislature are hereby amended by adding thereto a new rule, designated Rule 41.5, following Rule 41, to read as follows:

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

Madam Speaker announced the appointment of Assemblywoman Kirkpatrick to the Committee on Legislative Operations and Elections.

Assemblyman Horne moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 11, 2013, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ASSOCIATED PRESS: Matt Woolbright; COX COMMUNICATIONS: Steve Schorr; ENTRAVISION COMMUNICATION: Laura Calzada; KOLO-TV: Wade Barnett, Joe Harrington; KRNV-TV NEWS 4: Ryan Coleman, Lawrence Vosper; KRXI-Fox 11 News: PJ Connolly, Jaime Hayden, Ryan Kern, Matt Rosenberg; KSNV-TV News: Reed Cowan, Erik Ho; LAS VEGAS REVIEW-JOURNAL: Steve Sebelius, Edison Vogel; LAS VEGAS SUN: Anjeanette Damon, Andrew Doughman, Matt Huffman, Sam Morris, David Schwartz; NEVADA MEDIA ALLIANCE: Jeri Chadwell, Paul George, Stephanie Glantz, Robert Jenkins Jr., Michael Marcotte, Molly Moser, Shelby Olson, Alex Pompliano, Riley Snyder, Lindsay Tosta, Natasha Vitale, Abbie Walker; RENO GAZETTE-JOURNAL: Andy Barron, Guy Clifton, Tim Dunn, Ray Hager, Tom Smedes; RENO NEWS & REVIEW: John Murphy; STEALTH REPORTER, THE: Todd Bailey; TASMAN PACIFIC MEDIA GROUP: Peter Hutchinson; THERENOGAYPAGE: Paco Poli; WE THE PEOPLE/OUR STORY INC.: Shayne Del Cohen; WENDOVER TIMES, THE: Deeanna Croasmun.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 84—AN ACT relating to criminal procedure; requiring certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Daly, Bobzien, Carrillo, Benitez-Thompson, Cohen, Hansen, Healey, and Sprinkle; Senator Smith:

Assembly Bill No. 85—AN ACT relating to contracts; revising provisions governing the use of purchasing contracts by governmental entities and the circumstances under which a board of trustees of a school district may join in contracts with another school district; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Daly, Carrillo, Elliot Anderson, Benitez-Thompson, Bobzien, Cohen, Hansen, Healey, and Sprinkle; Senator Smith:

Assembly Bill No. 86—AN ACT relating to contractors; requiring the State Contractors' Board to create a system for verifying that licensed contractors are in compliance with certain provisions governing workers' compensation and unemployment; requiring the Board to suspend the license of a contractor who is not in compliance with such provisions; requiring the information in the system to be kept confidential except in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Daly, Elliot Anderson, Bobzien, Carrillo, Benitez-Thompson, Cohen, Hansen, Hickey, Kirner, Livermore, and Sprinkle; Senator Smith:

Assembly Bill No. 87—AN ACT relating to public schools; requiring the development and adoption of an expedited process for the approval of the zoning of public schools in certain counties; revising provisions governing local approval of certain plans, designs and specifications concerning the construction of public schools in certain counties; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 88—AN ACT relating to service contracts; defining the terms "incidental costs," "road hazard" and "vehicle protection product" for certain purposes relating to such contracts; setting forth the manner in which a holder of a service contract covering a motor vehicle may be reimbursed for any incidental costs incurred by the holder; revising the definition of "service contract" to include certain services; revising the circumstances under which an insurer may issue a contractual liability insurance policy for purchase by a provider; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Bobzien, Kirkpatrick, Horne, Frierson, Hickey, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Eisen, Flores, Hardy, Healey, Ohrenschall, Spiegel, and Swank; Senators Denis, Smith, Kieckhefer, Roberson, Segerblom, Jones, and Parks:

Assembly Bill No. 89—AN ACT relating to business entities; authorizing the formation of benefit corporations; providing for the operation and governance of benefit corporations; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 90—AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 91—AN ACT relating to sentencing; revising certain provisions relating to eligibility for a program of regimental discipline; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 92—AN ACT relating to the protection of children; revising certain provisions governing the placement of children who are

taken into protective custody or placed with someone other than a parent; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 93—AN ACT relating to child welfare; requiring an applicant for a license to operate a child care facility or a licensee to notify the Health Division of the Department of Health and Human Services upon the occurrence of certain events; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Bach and Ellysia Banks.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Rogers, LaVerne Roberts, Eleanor Smith, Vernon Rogers, Len George, Delmar Stevens, John Greenhut, Laura Ijames, John Pishion, and Jackie Allen.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Swanson, Barbara Lewis, James Dold, and Charles Redmon.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Paulsen.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Camille Pentsil.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Marta Poling-Goldenne and Toshia Shaw.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Leana Garcia.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, February 13, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 13, 2013

Assembly called to order at 11:47 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Carlton, and Livermore, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Eternal God,

Grant to the members and the officers of this body a sacred moment of quiet before they take up the duties of the day. Let them not think, when this prayer is said, that their dependence on You is over and forget the counsels for the rest of the day. Rather from these moments of holy quiet, may there come such a sweetness of disposition that all may know that You are in this place. From this holy interlude may there flow light and joy and power that will remain with them until night shall bring Your whispered benediction, "Well done, good and faithful servant." We ask these things in humbleness of heart.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Select Committee on the Assembly:

Assembly Resolution No. 5—Approving and ratifying committee rules and orders of the Select Committee on the Assembly and providing further instructions and authority to the Select Committee on the Assembly.

WHEREAS, The Assembly appointed the members of the Select Committee on the Assembly to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and

WHEREAS, The Select Committee on the Assembly reports that it has commenced its proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and

WHEREAS, The Select Committee on the Assembly reports that it has adopted committee rules that are necessary, just and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct the Committee's proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and

WHEREAS, The Select Committee on the Assembly reports that its Chair has issued orders pursuant to its committee rules that are necessary, just and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct

the Committee's proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and

WHEREAS, The Select Committee on the Assembly has submitted its committee rules and orders to the Assembly for consideration and review; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the committee rules of the Select Committee on the Assembly are hereby determined to be necessary, just and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct the Committee's proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and be it further

RESOLVED, That the committee rules of the Select Committee on the Assembly are hereby approved and ratified; and be it further

RESOLVED, That the orders of the Chair of the Select Committee on the Assembly that have been issued pursuant to its committee rules are determined to be necessary, just and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct the Committee's proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and be it further

RESOLVED, That the orders of the Chair of the Select Committee on the Assembly that have been issued pursuant to its committee rules are hereby approved and ratified; and be it further

RESOLVED, That the Select Committee on the Assembly is hereby instructed to continue its proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and be it further

RESOLVED, That the Select Committee on the Assembly is hereby authorized to adopt or amend any committee rules that are necessary, just and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct the Committee's proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and be it further

RESOLVED, That the Select Committee on the Assembly and its Chair are hereby authorized to issue any orders pursuant to its committee rules that are necessary, just and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct the Committee's proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and be it further

RESOLVED, That the Select Committee on the Assembly shall make reports and recommendations to the Assembly, at such times as the Committee deems advisable, regarding its proceedings to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the Nevada Constitution; and be it further

RESOLVED, That this resolution shall be entered upon the Journal of the Assembly.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblymen Horne and Hickey.

Assemblyman Horne moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HORNE:

Assembly Resolution 5 approves and ratifies the rules and orders that have been adopted and issued by the Select Committee on the Assembly. The Assembly appointed the Select Committee to consider and investigate matters within the jurisdiction of Section 6 of Article 4 of the *Nevada Constitution*. The Select Committee has commenced its proceedings, and it has determined that its rules and orders are necessary, just, and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct its proceedings within the jurisdiction of Section 6 of Article 4 of the *Nevada Constitution*.

Assembly Resolution 5 also instructs the Select Committee to continue its proceedings, and it authorizes the Select Committee to adopt or amend any other committee rules and issue any

other orders that are necessary, just, and appropriate to preserve order and protect the integrity and decorum of the Legislature and the legislative process and to conduct its proceedings.

Finally, Madam Speaker, Assembly Resolution 5 instructs the Select Committee to make reports and recommendations to the Assembly, at such times as the committee deems advisable, regarding its proceedings.

ASSEMBLYMAN HICKEY:

Thank you, Madam Speaker. I, too, rise in support of Assembly Resolution 5. This resolution simply allows the Committee to do the job that it is tasked to do, and I urge your support.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Spiegel, Kirkpatrick, and Carrillo; Senator Parks:

Assembly Bill No. 94—AN ACT relating to the State Board of Professional Engineers and Land Surveyors; revising provisions relating to certain examinations conducted by the Board; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Spiegel, Kirkpatrick, Bobzien, Diaz, Carlton, Aizley, Elliot Anderson, Benitez-Thompson, Carrillo, Cohen, Dondero Loop, Eisen, Ellison, Hardy, Healey, Hickey, Hogan, Martin, Ohrenschall, Pierce, and Stewart; Senators Parks, Spearman, and Woodhouse:

Assembly Bill No. 95—AN ACT relating to pharmacy; requiring a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 96—AN ACT relating to vehicles; authorizing a person registering a passenger car or motorcycle to pay the original or renewal registration in installments under certain circumstances; revising the circumstances under which a person who owns a dormant vehicle may retain the license plates of the dormant vehicle for potential reinstatement; revising provisions relating to determining the valuation of certain trailers for the purpose of imposing the governmental services tax; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Aizley, Munford, Neal, and Ohrenschall:

Assembly Bill No. 97—AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Aizley and Spiegel:

Assembly Bill No. 98—AN ACT relating to common-interest communities; requiring a person nominated as a candidate for membership on the executive board of an association to be a member of the association in good standing; authorizing an association to reject a person's nomination as a candidate for membership on the executive board in certain circumstances; authorizing an association to distribute the disclosure of a potential conflict of interest on behalf of a candidate; requiring an association that solicits bids for an association project to review and compare initial bids; authorizing such an association to request revised bids; revising the definition of "association project"; revising the process by which financial statements of certain associations are reviewed or audited; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall and Horne; Senators Segerblom, Roberson, Brower, and Settelmeyer:

Assembly Bill No. 99—AN ACT relating to notarial acts; enacting the Revised Uniform Law on Notarial Acts; repealing certain provisions of the Uniform Law on Notarial Acts; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Eisen and Carlton:

Assembly Bill No. 100—AN ACT relating to courts; designating five family court judges in certain counties to hear only cases involving child abuse and neglect, adoptions of children in foster care and the termination of parental rights by an agency which provides child welfare services; and providing other matters properly relating thereto.

Assemblyman Eisen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 101—AN ACT relating to motor vehicles; providing for the registration of mopeds; requiring a fee for such registration; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Carrillo, Fiore, Daly, and Martin:

Assembly Bill No. 102—AN ACT relating to crimes; revising provisions relating to the crime of participation in an organized retail theft ring; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carrillo, Fiore, Daly, and Martin:

Assembly Bill No. 103—AN ACT relating to peace officers; making school police officers category I peace officers with unrestricted duties and jurisdiction; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hansen, Paul Anderson, Duncan, Ellison, Fiore, Grady, Hardy, Oscarson, and Wheeler; Senator Gustavson:

Assembly Bill No. 104—AN ACT relating to immigration; providing under certain circumstances for the verification of the immigration status of persons who are arrested and booked into a jail or correctional facility; requiring certain applicants for the issuance or renewal of a state business license to submit with the application a copy of certain tax forms; requiring the Office of the Attorney General to negotiate and implement a cooperative law enforcement agreement with the Attorney General of the United States regarding the enforcement of federal immigration laws by certain state and local employees; requiring public employers to use E-Verify to verify eligibility for employment for current and prospective employees; requiring contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hambrick, Fiore, Hickey, Ellison, and Wheeler:

Assembly Bill No. 105—AN ACT relating to criminal procedure; extending to United States Marshals the power to arrest without a warrant and the power to obtain and execute search warrants; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hansen, Fiore, Duncan, Ellison, Grady, Hardy, Hickey, Kirner, Oscarson, and Wheeler:

Assembly Bill No. 106—AN ACT relating to occupational safety; providing for the award of certain costs, fees and expenses to prevailing parties in actions before the Occupational Safety and Health Review Board under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hansen, Fiore, Hickey, Paul Anderson, Duncan, Ellison, Grady, Hardy, Kirner, Oscarson, Stewart, and Wheeler; Senator Gustavson:

Assembly Bill No. 107—AN ACT relating to constructional defects; revising provisions governing an award of attorney's fees in causes of action for constructional defects; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 108—AN ACT relating to elections; providing that a person is not ineligible to vote because he or she has been adjudicated mentally incompetent unless a court of competent jurisdiction makes certain specific findings concerning the person's mental capacity to vote; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Bobzien, Elliot Anderson, Kirkpatrick, Eisen, and Diaz; Senators Denis and Smith:

Assembly Bill No. 109—AN ACT relating to public welfare; setting forth the required qualifications of a licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of the child care facility; revising the amount of training that persons who are employed at certain child care facilities must complete for certain years; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 110—AN ACT relating to crimes; revising provisions concerning the criteria and procedures for determining whether a dog is dangerous or vicious; providing that a dog may not be determined to be dangerous or vicious based solely on its breed; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Kirner, Hickey, Elliot Anderson, Daly, Duncan, Ellison, Fiore, Grady, Hambrick, Kirkpatrick, Livermore, Munford, Oscarson, Sprinkle, Stewart, and Wheeler; Senators Gustavson and Parks:

Assembly Bill No. 111—AN ACT relating to motor vehicles; requiring that special license plates provided to disabled veterans of the Armed Forces of the United States bear the international symbol of access; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Kirner, Hickey, Duncan, Ellison, Fiore, Grady, Hambrick, Livermore, Munford, Oscarson, Stewart, and Wheeler; Senators Gustavson and Kieckhefer:

Assembly Bill No. 112—AN ACT relating to local governments; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 113—AN ACT relating to sex trafficking; amending provisions concerning the admissibility of certain evidence in a prosecution for sex trafficking; amending various provisions concerning the crime of sex trafficking; revising various provisions governing the penalties for sex trafficking; authorizing victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime under certain circumstances; prohibiting the consideration of certain conduct by a victim of sex trafficking in determining whether to order compensation from the Fund; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Kirkpatrick, Frierson, Healey, Bobzien, Paul Anderson, Eisen, Ellison, Flores, Hardy, Hickey, and Kirner; Senators Atkinson, Kihuen, Denis, Smith, Manendo, Ford, Hammond, and Settelmeyer:

Assembly Bill No. 114—AN ACT relating to gaming; defining certain terms related to interactive gaming; authorizing the Governor to enter into agreements with other states to conduct interactive gaming; revising provisions relating to the Gaming Policy Committee; prohibiting the issuance of licenses to operate interactive gaming to certain persons; revising provisions related to interactive gaming; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4; Senate Concurrent Resolutions Nos. 2, 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Millard and Connie Westadt.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Nitzberg and Denise Geissinger.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Rodriguez and Mike Baughman.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to John Vettel, Nora Pontes, Justin Williams, and John Tull.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Morgan Watson.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Bobby Bean and Stevan Lyon.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Don Langson and Bradley Miller.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Denney and Linda Cuddy.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Punches, Chris Bayer, Wendy Thomas, and Frank Cutrone.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Emily Carter.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Vasquez and Joey Parker.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Fox-Williams and Cheryl Knight.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Webb and Mellene Webb.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Smith and Lauren Jensen.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Preston, Tonia Porada, and Janette Dean.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Knight and Brooklyn Maw.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Murdock.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Langson.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Messina and Rob Scanland.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Brommel, Kathryn Landry, and Dennis Johnson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Bob White and Cali Thompson-Czech.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Pintar and Ron Knecht.

Assemblyman Horne moved that the Assembly adjourn until Thursday, February 14, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 14, 2013

Assembly called to order at 11:45 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Carlton, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Father of lights, You are light and in You there is no darkness. Your word is a lamp unto our feet and a light unto our path. I beseech You, therefore, to enable these servants of Yours to see clearly the issues set before them today. Grant them the wisdom and the courage necessary to make good decisions in the best interest of all the citizens of the great State of Nevada.

I pray in the name of the One whose light still shines brightly.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Benitez-Thompson, Sprinkle, Bustamante Adams, Daly, and Neal:

Assembly Bill No. 115—AN ACT relating to domestic violence; requiring the written statement provided by law enforcement to a suspected victim of domestic violence to inform the victim that an order for protection against domestic violence may include certain protections for animals; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Benitez-Thompson and Elliot Anderson:

Assembly Bill No. 116—AN ACT relating to crimes; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sprinkle, Carrillo, Bobzien, Paul Anderson, Benitez-Thompson, Cohen, Daly, Eisen, Flores, Healey, Spiegel, Swank, and Wheeler; Senator Smith:

Assembly Bill No. 117—AN ACT relating to rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Transportation.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Madam Speaker presiding.

Quorum present.

By Assemblymen Hickey, Kirner, Paul Anderson, Fiore, Grady, Hambrick, and Hardy; Senators Brower and Hutchison:

Assembly Bill No. 118—AN ACT relating to the Legislature; establishing the Legislative Open Meeting Law; providing that meetings of legislative committees must be open and public, during any period in which the Legislature is not in session; providing that any member of the general public may attend such meetings; establishing the minimum requirements for public notice of such meetings; specifying the contents of the public notice for such meetings; providing for comment by the general public on any item on which action may be taken by a committee; requiring that written minutes and an audio recording be kept of each meeting of a committee; authorizing a member of the general public to record such a meeting under certain circumstances; providing that any action taken in violation of the Legislative Open Meeting Law is void; authorizing certain persons to bring suit in district court for alleged violations of the Legislative Open Meeting Law; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Martin, Hogan, Elliot Anderson, Bobzien, Carrillo, Duncan, Ellison, Fiore, Oscarson, Spiegel, Sprinkle, and Wheeler; Senator Jones:

Assembly Bill No. 119—AN ACT relating to public accountants; revising provisions relating to the requirements concerning education and experience for a certificate of certified public accountant; and providing other matters properly relating thereto.

Assemblyman Martin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 120—AN ACT relating to insurance; requiring an insurer to provide certain information to a policyholder when an insurance score is used to determine an insurance premium; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Stewart and Hickey; Senators Hardy and Goicoechea:

Assembly Bill No. 121—AN ACT relating to common-interest communities; requiring the association of a common-interest community to make available to candidates for membership on the executive board the association's list of units' owners under certain circumstances; authorizing a candidate for membership on the executive board to request that the association send a candidate informational statement to units' owners; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 122—AN ACT relating to state revenue; imposing a fee and providing for the administration, collection and enforcement of the fee on the sale in this State by fast-food businesses of certain items of prepared food; providing for the imposition of interest and penalties under certain circumstances; prohibiting certain fraudulent acts; providing penalties; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Munford, Grady, and Hogan:

Assembly Bill No. 123—AN ACT relating to public safety; prohibiting a pedestrian from manually typing or entering text into, or sending or reading data using, a cellular telephone or other handheld wireless communications device while crossing a highway; providing exceptions for certain emergencies; providing penalties; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Munford, Elliot Anderson, Diaz, Eisen, Grady, Hansen, Hogan, Horne, Kirkpatrick, Kirner, Martin, Oscarson, Spiegel, Sprinkle, Stewart, and Swank; Senator Atkinson:

Assembly Bill No. 124—AN ACT relating to education; revising provisions governing eligibility for a Governor Guinn Millennium Scholarship; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 125—AN ACT relating to state lands; authorizing, under certain circumstances, the lease of state lands for less than market value for purposes of economic development; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Flores, Aizley, Bobzien, Eisen, and Healey; Senators Jones and Woodhouse:

Assembly Bill No. 126—AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Flores moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Horne, Healey, Elliot Anderson, Frierson, Bobzien, Bustamante Adams, Daly, Diaz, Kirkpatrick, Martin, and Munford; Senators Kihuen, Atkinson, and Denis:

Assembly Bill No. 127—AN ACT relating to gaming; authorizing the Nevada Gaming Commission to adopt a seal identifying certain licensees of interactive gaming; prohibiting the unauthorized use of such a seal; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Remarks by Assemblymen Munford, Eisen, and Oscarson.

Assemblyman Horne moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN MUNFORD:

I want to acknowledge my colleague from District 22 in Henderson for reminding us yesterday of the birthday of Abraham Lincoln. Every time I walk into our Chamber, I always look at that portrait of Lincoln. I reflect on the many contributions he made to the advancement and the freedom of African Americans, especially in terms of the Emancipation Proclamation Act, because that brought a great deal of dignity, respect, and status to black people. I can relate to that almost in a personal way. I had a great-grandmother who was born in 1858. I saw her when she died at 92 years old in Akron, Ohio, when I was 14 years old. I could have asked her a lot of questions, and she could have told me a great deal about our past.

You know, the Emancipation Proclamation Act also gave stimulus and impetus to the Thirteenth, Fourteenth, and Fifteenth Amendments. Those are the real, true freedom amendments because they solidified the status and the position of black people today in this country and of all people, really, in this country, especially the Fourteenth, if you know what the Fourteenth is about. I'm a school teacher, but I'm not going to explain it to you right now. Let me make just a few more comments and then I'll close.

This month is Black History month, declared by a man named Carter Woodson in 1925. President Lincoln's birthday is in February; Frederick Douglass' birthday is in February; one of our oldest organizations, the NAACP, was established in February; and Malcolm X was assassinated on February 21, 1965, so February is a very important month to African Americans and all of us, because we can benefit from the history of not only African Americans, but everyone.

I just want to say thank you for listening. If you do have time in your schedule, go see the movie *Lincoln*, because there is a real message and a real lesson there. Thank you.

ASSEMBLYMAN EISEN:

In observation of today being Valentine's Day and our thoughts on love, I wanted to share a thought from an American poet known for his commentary on policy and politics who took time to think about love. That thought was, "Among those whom I like or admire, I can find no common denominator, but among those whom I love, I can: All of them make me laugh." So hopefully over the next few months we can share some laughs in this Chamber as well.

ASSEMBLYMAN OSCARSON:

Thank you. In the late 1800s, Valentine's Day cards used to cost up to $35. Automated printing eventually lowered the card costs. Sweethearts, heart-shaped wafer candies which display printed messages, were first created in 1866. The Greeting Card Association estimates that approximately one billion Valentine's cards are sent annually worldwide, making it the second highest card sending holiday behind Christmas.

The name *Valentine* comes from the Latin word *valor*, meaning worthy. Consumers spend an average of over $75 on Valentine's Day gifts, the most popular being chocolates, food, wine, and flowers. This one is particularly interesting. Approximately 15 percent of U.S. women will buy themselves flowers for Valentine's Day, but on Valentine's Day, men spend approximately $160 while women spend approximately $80. An average of 110 million roses are delivered on Valentine's Day. To wrap it up, American women say they would rather receive chocolate than flowers on Valentine's Day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Jensen and Gerald Greiner.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Crandell.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Hanna and Christine Roberto.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Boline.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Hansen.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Adams.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Davila.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Maher.

Assemblyman Horne moved that the Assembly adjourn until Monday, February 18, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 18, 2013

Assembly called to order at 11:36 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Diaz, and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, we come to You this day as an Assembly that has been placed together by the citizens of Nevada to represent them in the growth and development of this state. We thank You for the growth that is beginning in finance and sales. We know, however, that the road to a complete recovery is long and hard. We ask for Your guidance that discussions occur and that comments are made to guide decisions for the good of all the citizens of Nevada. May this Assembly's work, along with the Senate, pass legislation that will be beneficial to all residents.

We thank You for making Nevada a vital part of these United States. Help us set the standard of fair legislation for not only Nevada, but the entire nation.

We lift up all these things to You and You alone, for only with You are all things possible. In the name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the persons set forth on the Nevada Legislature's Press Accreditation List of February 18, 2013, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber and allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

AHORA LATINO-JOURNAL: Mario Delarosa; ASSOCIATED PRESS: Cathleen Allison; GREENSPUN MEDIA: Steven Marcus; KOLO-TV: Samantha Boatman, Ray Kinney, Rebecca Kitchen; LAS VEGAS SUN: Matt Hufman, Steve Marcus.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Bustamante Adams:

Assembly Bill No. 128—AN ACT relating to watercraft; exempting a person from the payment of a fee for the management of an aquatic invasive species under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Livermore, Hickey, Fiore, Hambrick, Hansen, Oscarson, Stewart, and Wheeler:

Assembly Bill No. 129—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring peace officers who have received certain medals; setting forth the requirements for a person to qualify for the issuance of the special license plates; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Assemblyman Livermore moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Hardy, Fiore, Ellison, Hickey, Paul Anderson, Grady, Hambrick, Kirner, Oscarson, Stewart and Wheeler; Senators Hardy, Cegavske, Goicoechea, and Settelmeyer:

Assembly Bill No. 130—AN ACT relating to education; expanding the provisions that require the Board of Regents of the University of Nevada to pay certain fees and expenses associated with undergraduate classes taken by certain dependent children to include the children of public safety officers killed in the line of duty; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hardy, Ellison, Paul Anderson, Fiore, Grady, Hambrick, Hickey, Kirkpatrick, Kirner, Livermore, Oscarson, Stewart, and Wheeler; Senators Hardy, Cegavske, Goicoechea, Hammond, and Settelmeyer:

Assembly Bill No. 131—AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Carrillo, Eisen, Diaz, Cohen, Dondero Loop, Martin, and Wheeler:

Assembly Bill No. 132—AN ACT relating to tort actions; providing certain immunity from tort liability to persons employed by an agency to provide personal care services in the home; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Pierce, Bobzien, Benitez-Thompson, Diaz, Eisen, Hogan, Horne, and Neal; Senator Parks:

Assembly Bill No. 133—AN ACT relating to the administration of justice; restricting the use of strip and visual body cavity searches of persons who are arrested for a misdemeanor and children who are detained in custody; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Dondero Loop:

Assembly Bill No. 134—AN ACT relating to nonprofit corporations; removing the requirement that a person on the board of directors or trustee of a nonprofit corporation be at least 18 years of age; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hardy, Fiore, Kirkpatrick, Paul Anderson, Grady, Hambrick, Hickey, Kirner, Livermore, Stewart, and Wheeler; Senators Cegavske, Goicoechea, and Settelmeyer:

Assembly Bill No. 135—AN ACT relating to unincorporated towns; requiring the election of members of certain town advisory boards in a county whose population is 700,000 or more; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stewart, Hickey, Paul Anderson, and Grady; Senator Hardy:

Assembly Bill No. 136—AN ACT relating to public accountants; revising provisions relating to the requirements concerning experience for a certificate of certified public accountant; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Neal and Aizley:

Assembly Bill No. 137—AN ACT relating to common-interest communities; prohibiting the executive board and the governing documents of a common-interest community from requiring landscaping within certain areas; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sprinkle, Bustamante Adams, Kirkpatrick, Bobzien, and Neal; Senators Smith and Kihuen:

Assembly Bill No. 138—AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Daly, Kirkpatrick, Bobzien, Benitez-Thompson, Horne, Bustamante Adams, Carlton, Diaz, Frierson, Healey, Ohrenschall, Spiegel, and Sprinkle; Senator Smith:

Assembly Bill No. 139—AN ACT relating to business; revising provisions governing the state business portal; requiring certain state and local agencies and health districts to use the state business portal for certain purposes; requiring certain persons who are not required to obtain a state business license to obtain a certificate of exemption from the Secretary of State; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; providing penalties; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 140—AN ACT relating to economic development; enacting provisions governing the posting of eligibility requirements for certain abatements and contracts; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hogan, Martin, Munford, and Sprinkle:

Assembly Bill No. 141—AN ACT relating to employment; prohibiting an employer from requiring an employee, as a condition of his or her employment, to enter into an agreement to divide with other employees any tips or gratuities bestowed upon the employee; revising provisions concerning agreements to divide tips and gratuities among employees; and providing other matters properly relating thereto.

Assemblyman Hogan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Munford, Fiore, Duncan, Ellison, Hansen, Hardy, Hogan, Horne, Kirkpatrick, and Martin; Senators Segerblom, Denis, Kihuen, Atkinson, Gustavson, Jones, and Spearman:

Assembly Bill No. 142—AN ACT relating to records; revising provisions governing the sealing and removal of certain records; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Fiore, Wheeler, Paul Anderson, Hansen, Hickey, Carrillo, Duncan, Ellison, Grady, Hambrick, Hardy, Kirner, Ohrenschall, Oscarson, Stewart, and Woodbury; Senators Gustavson, Settelmeyer, Cegavske, Goicoechea, Hammond, and Hardy:

Assembly Bill No. 143—AN ACT relating to concealed firearms; authorizing a sheriff to provide certain information concerning the availability of certain courses relating to firearm safety; authorizing persons who hold permits to carry concealed firearms to carry concealed firearms on the property of the Nevada System of Higher Education under certain circumstances; authorizing the Police Department for the System to provide certain information concerning the availability of certain courses relating to firearm safety; and providing other matters properly relating thereto.

Assemblywoman Fiore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carrillo and Ohrenschall:

Assembly Bill No. 144—AN ACT relating to anatomical gifts; providing that an anatomical gift made by an unemancipated minor who is at least 16 years of age and possesses a driver's license cannot be revoked or amended by the minor's parent; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Carrillo and Ohrenschall:

Assembly Bill No. 145—AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Horne and Frierson; Senators Atkinson and Ford:

Assembly Bill No. 146—AN ACT relating to crimes; establishing the crime of involuntary servitude of a minor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Pierce, Kirkpatrick, Dondero Loop, Kirner, Aizley, Elliot Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Fiore, Frierson, Hambrick, Healey, Hickey, Horne, Martin, Munford, Neal, Spiegel, and Swank; Senators Segerblom, Denis, Manendo, Jones, Spearman, Ford, Kihuen, and Woodhouse:

Assembly Bill No. 147—AN ACT relating to mammography; requiring a notice regarding supplementary mammographic screening tests to be included in a report provided to a patient if the patient is categorized as

having dense breasts; authorizing an administrative fine for failure to provide such notice; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Grady moved that the resolution be referred to the Committee of the Whole.

Motion carried.

Assemblyman Horne moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Senate Concurrent Resolution No. 5.

Motion carried.

IN COMMITTEE OF THE WHOLE

At 11:56 a.m.

Assemblywoman Kirkpatrick presiding.

Quorum present.

Senate Concurrent Resolution No. 5 considered.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker.

As the resolution states, on October 31, 2014, Nevada will celebrate 150 years of statehood. We certainly have come a long way from our rather humble beginning as the 36th state admitted to the Union.

A brief look back in time might be helpful as we celebrate Nevada's past 150 years. It is not true—an absolute myth—that Nevada was made a state in 1864 because our gold and silver was needed by the Union to finance the Civil War. Actually, Nevada's mineral riches already were locked up by the Union, particularly upon the creation on March 2, 1861, of the Nevada Territory. Nevada was a federal territory and a part of the Union for over three years before we became a state.

The real reasons for Nevada's statehood were political, not economic. We really lacked the specific population to become a state, but our residents were excited about the prospect of statehood, and for very different reasons, President Lincoln was also. With key Union victories on the battlefields in 1863 and the first part of 1864, it became obvious to most in the North that the Civil War was winding down. President Lincoln recognized that an additional state might be

needed for his reelection in what was shaping up as a tough three-way race for the White House. Statehood for Nevada also would provide another state for ratification of the proposed Thirteenth Amendment to abolish slavery. Further, Nevada was expected to support Lincoln's moderate, rather than radical, plans for reconstructing the South.

Following statehood, Nevada would ride a roller coaster ranging from prosperity to hard times, cycles of "boom and bust," all based on the fortunes of mining. However, even during the good times, Nevada's population remained very small; it was under 100,000 until the late '30s. For over 94 years following our statehood, Nevada was the smallest state in the nation based on population. It wasn't until Alaska's admission as the 49th state on January 3, 1959, that Nevada became the second smallest state.

That was all to change for Nevada. From 1960 through 2010, Nevada was the fastest growing state in the nation. We were to grow from just over 285,000 in 1960 to 2.7 million in 2010, an increase of over 800 percent. Today we are ranked 35th among the states in population and currently have four members in the U.S. House of Representatives.

We have many reasons to be optimistic about the future. We have, hopefully, turned the corner on recovery from the recession. Gaming revenues are looking up, retail sales are up, the value of our homes are increasing over the past years, and visitation to the state continues to grow. Our traditional industry of mining has remained strong in recent years, and construction, again hopefully, is on the rebound. Believe it or not, Nevada's population grew some 58,000 people over the last two years, a reflection of our continued appeal as a state in which to move businesses or individual households.

Nevada is a special and unique state, a place that we call home. Our first 150 years must be remembered, reflected on, and celebrated as we prepare to move forward over the next 150 years. I ask for your support of this important resolution.

Thank you , Madam Speaker.

CHAIR KIRKPATRICK:

Thank you, Assemblyman Grady.

Any other remarks? The Committee will bring it to a vote.

ASSEMBLYMAN GRADY:

I move that the Committee recommend the adoption of Senate Concurrent Resolution No. 5.

CHAIR KIRKPATRICK:

All those in favor, please signify by saying aye. Any opposed? Motion carries.

On motion of Assemblyman Horne, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 12:02 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee of the Whole, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Concurrent Resolution No. 5, just reported out of committee, be placed on the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 5.

Assemblyman Grady moved the adoption of the resolution.

Resolution adopted and ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Thompson, Lily Thompson, Eli Thompson, and Dennis Roy.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Addison Clark and Shane Hogan.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Bud Hicks.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Melinda Brown, Bob Brown, and Neena Laxalt.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Nelson and Ted Olivas.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Stevens and Cassie Stevens.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Martin.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Daniela Carrillo.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Scott L. Coffee.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, February 20, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 20, 2013

Assembly called to order at 11:52 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

As a battery is recharged without sound or motion, so will You, in this quiet moment, send Your Spirit into the hearts and minds of Your servants of the Assembly of this State.

With newness of life, with spiritual power, vision and lively faith, enable them to meet all the demands of this day with glad anticipation, and give them peace through Jesus Christ, our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 23.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 3—Expressing the intent of the Legislature to establish a biomass industry to restore certain ecosystems on public lands.

Assemblyman Daly moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 4—Urging the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires in this State.

Assemblyman Daly moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 5—Urging Congress to take certain actions concerning federal public lands in Nevada.

Assemblyman Daly moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 148—AN ACT relating to facilities for skilled nursing; requiring a facility for skilled nursing to conduct, upon admission to the facility and at least annually thereafter, a comprehensive assessment of each patient who is receiving services pursuant to Medicaid; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 149—AN ACT relating to the protection of children; requiring each agency which provides child welfare services to collect and submit to the Division of Child and Family Services of the Department of Health and Human Services certain information concerning persons legally responsible for the psychiatric care of a child; requiring the Division to adopt certain regulations concerning those persons and the administration of psychotropic medication; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Daly, Kirkpatrick, Bobzien, Benitez-Thompson, Bustamante Adams, Carlton, Healey, Ohrenschall, Pierce, and Sprinkle; Senator Smith:

Assembly Bill No. 150—AN ACT relating to legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; creating the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation; prescribing the powers and duties of the Bureau; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Bustamante Adams (by request):

Assembly Bill No. 151—AN ACT relating to transportation; requiring that the Department of Transportation establish goals for the participation of disadvantaged business enterprises and local emerging small businesses in certain contracts relating to transportation projects; requiring that the Department evaluate each market in which those goals would be established before establishing the goals; requiring that the Department evaluate whether the goals remain necessary to eliminate disparities in the awarding to certain businesses of certain contracts relating to transportation; requiring that the Department submit biennially to the Governor and Legislature a report on those goals; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 152—AN ACT relating to juveniles; providing that a sexually exploited child is a child in need of supervision for the purposes of juvenile court proceedings; revising provisions governing the detention of sexually exploited children; revising provisions governing juvenile court proceedings involving sexually exploited children; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hardy, Hambrick, Ellison, Fiore, Grady, Livermore, and Wheeler:

Assembly Bill No. 153—AN ACT relating to alcoholic beverages; providing for the licensing and operation of craft distilleries in this State; setting forth the conditions under which spirits manufactured at such craft

distilleries may be sold; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Eisen, Frierson, Benitez-Thompson, Carrillo, Dondero Loop, Flores, and Healey; Senators Jones and Hardy:

Assembly Bill No. 154—AN ACT relating to the protection of children; consolidating the administrative teams that review the report and recommendations of a multidisciplinary team appointed to review the death of a child and the Executive Committee to Review the Death of Children; and providing other matters properly relating thereto.

Assemblyman Eisen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Eisen, Frierson, Benitez-Thompson, Carrillo, Dondero Loop, Duncan, Flores, Healey, Kirkpatrick, and Oscarson; Senators Jones and Hardy:

Assembly Bill No. 155—AN ACT relating to children; revising provisions governing persons who are required to report the abuse or neglect of a child; revising provisions governing the punishment for the failure of a person to report the abuse or neglect of a child; revising provisions relating to the abandonment of a newborn child to a provider of emergency services; requiring the Legislative Committee on Health Care to review certain provisions governing a person who provides a service related to health care; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Eisen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ohrenschall and Senator Segerblom:

Assembly Bill No. 156—AN ACT relating to records; revising provisions governing the sealing of certain records; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 23.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 68.
Bill read second time and ordered to third reading.

Assemblyman Frierson moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 4:46 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Bobzien and Ellison as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Brooks, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Woodhouse and Assemblyman Horne to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed Senator Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Governor Sandoval, Madam Speaker, Majority Leader Denis, members of the court.

It is really a pleasure to be back in Carson City and an honor to speak with you. It has been my good fortune to address the Nevada Legislature during 15 joint sessions. Each occasion has been an opportunity to reflect on the unique nature and responsibilities of our state and our State Legislature.

Serving in the Legislature is a blessing, but it can also be a burden. Let me tell you why. The laws of the land are written by the men and women in this Chamber—not by the Governor or judges, who only interpret the laws that you write. The word *legislator* literally means "bringer of laws." As you craft those laws—whether you're from Gerlach or Las Vegas, Searchlight or Reno, whether you're a Republican or a Democrat—the people of Nevada depend on you. As President Lyndon Johnson said, and I quote, "Many men can make many proposals. Many men can draft many laws. But few have the piercing and humane eye which can see beyond the words to the people that they touch." I pledge to do all I can to support you as you seek to see beyond the words, beyond the proposals, and even beyond the laws you write to see the people that we represent.

The last time I spoke before this body, the state was in the midst of a Great Recession—a recession that hit every state hard but our state the hardest. Thousands of Nevadans had lost their jobs, lost their homes, and many had lost their hope. As the national economy suffered, Nevada tourism bottomed out, and gaming revenue declined across the whole state. The advent of Indian gaming in California affected Reno and the rest of Nevada adversely. And while the Sierra Nevada Corporation, Amazon, and an Apple tech center have brought jobs to the region, northern Nevada families and businesses are still struggling.

In Washoe and Clark Counties, homebuilding dropped and foreclosures spiked. And while home buying has increased, foreclosures are still far too high. Although Nevada's economy is not back to full strength, progress has been made over the last two years.

Now as we emerge from those difficult times, it is crucial that we renew our investments in the future—in education, public safety, and clean energy. These investments will help us prosper in the short term and protect us against another downturn in the long term. Such investments are easy to postpone when times are hard.

Let me share this one example. In 2004, the residents of Clark County decided they needed more police officers on the streets and voted for a small sales tax increase to pay for them. This Legislature provided half the increase in 2005 but told law enforcement to return to ask for the other half. Clark County law enforcement officials have waited seven years to put more cops on their beats, and the people they protect can wait no longer. Putting more police on the streets is vital to ensuring our neighborhoods are safe. It's also vital to ensuring that the more than 40 million people from around the world who visit Las Vegas each year feel secure.

As a world-class tourist destination, we have a responsibility to protect our visitors as we protect our own families. It's time the Legislature met its pledge to grant law enforcement the second half of what the voters already approved. I congratulate Governor Sandoval for respecting the wishes of Clark County voters and supporting this tax increase.

I also applaud Governor Sandoval for his role in our state's efforts to implement the health care reform law. I was pleased I was able to facilitate conversations between the Governor and the White House, paving the way for 78,000 Nevadans who would not otherwise qualify to access affordable health insurance. The Silver State Exchange is used as a model for other states. The tax credits available in the exchanges, coupled with the expansion of Medicaid, will

bring an unprecedented level of federal funding to our state, create jobs, and provide care for tens of thousands of Nevadans who are currently living without health insurance.

Nevada takes pride in caring for visitors from across the world, as it should. But it's also crucial that we care for our fellow Nevadans—ensuring the health of all our citizens, especially those who need extra help during these very challenging times. When it comes to entertaining guests, Las Vegas is the gold standard. We have the best casinos, clubs, dining, entertainment, and shopping in the nation—and probably the world.

The city is home to some of the most exciting sporting events, including boxing, rodeos, soccer, and mixed martial arts, which Ross Miller likes, not to mention UNLV basketball. But despite a decade of rumors and several concrete proposals, Las Vegas still doesn't have a major, multi-use arena, the kind of stadium that could host anything from a big concert to a major sporting event. A new arena could be the next frontier for this pioneer town. But to make a top-notch stadium and make it a reality, it will take top-notch cooperation between Clark County stakeholders.

For proof of what just one driven person can do let's take a look at Tony Hsieh and Zappos. Tony revitalized the old City Hall and his investment has spurred new businesses by the score to relocate to downtown Las Vegas. And with the success of the new Smith Center, downtown has changed dramatically. When a community unites behind an idea, marvelous things are possible. I realize there are many hurdles to overcome to turn dreams into a dome—including finding a way to finance such a huge undertaking. Those decisions—how to finance the project and where to locate it—will be made at the local level. But it's time we united around this idea to move southern Nevada's economy forward.

Tourism has always been Nevada's lifeblood—and will continue to be its signature industry—but the recent downturn reinforced the need for Nevada to diversify its economy. To stay competitive, we must invest in the future, and the future begins in the classroom. In his first State of the Union address—long before standardized tests or Races to the Top—President George Washington spoke about the value of education. Here's what President Washington said: "There is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness." So much has changed since 1790, but those words are as true today as they were 230 years ago.

Education is not only the key to America's happiness, it is the key to America's competitiveness. Today's students will compete for tomorrow's jobs with peers from neighboring states and far away nations. But while other countries are investing in education, this nation—and Nevada in particular—is lagging.

Since 2008, state and local budget cuts have cost this country more than 300,000 education jobs, including thousands in Nevada. Our largest school district, Clark County, lost more than 2,500 education jobs, including more than 1,000 teaching positions. Washoe County schools lost more than 200 classroom jobs—a 5 percent reduction in staff since the recession began. Nevada can no longer afford to put off investments in our children. If we ever hope to compete with students from Tucson or Burbank—never mind students from Tokyo or Berlin—we must adequately fund education, now, today.

As technology changes rapidly, all the job market changes rapidly also. So do students' educational needs. If America is going to train the next generation of scientists and engineers, it will need more and better-trained science and math teachers. Nevada is no exception. Our students consistently perform below their United States peers in math and science. Nevada teens that go on to college are less likely than their peers across the country to study the STEM fields of science, technology, engineering, and mathematics. Our students are just as bright and just as inquisitive, and our teachers are as talented and dedicated as anyplace.

Landra and I had a conversation with one of our grandchildren, Piper, who goes to school in Clark County. She explained to us what she is doing in math in the third grade; this is math I never learned in high school. Her teachers—and all of Nevada's exceptional teachers—do so much with so little. Imagine what they could achieve if we gave them the resources they need and our children deserve. We ask so much of our teachers, but we don't always provide them

the support and resources they need to succeed.

Many students learn statistics or science from teachers who know more about social studies or sonnets. Many of the educators teaching our kids math and science weren't required to even study math and science. Only 1 percent of fourth grade teachers majored in math in college, although every single one of them teaches math every single day. Both teachers and students need more access to role models in the STEM fields. They need more field trips to understand how businesses operate and learn skills that successful workers possess. They need more internship opportunities to build new interest and skills.

Across the country, school districts are looking for creative ways to meet the need for STEM educators. In Wisconsin and New Jersey, it's teachers who are getting an education. Those states provide college-level math and science courses for STEM teachers. Arkansas has recruited 120 science and technology industry professionals to attend a fast-tracked teacher certification program in exchange for three years teaching in high-risk schools. And in half a dozen cities across the country, Math for America—founded in New York City by a brilliant mathematician, Jim Simons—is recruiting math and science graduates to teach in urban schools. The program offers financial incentives and very meaningful professional development to keep those recruits in the classroom, where these teachers are thriving and helping students excel in math and science.

In Nevada, the Desert Research Institute offers free professional development and training for teachers who want to learn about environmental and climate science. DRI has trained 800 teachers from 134 schools in ten Nevada counties. The Institute also sends teachers "green boxes"—hands-on science projects they can use in the classroom, with all the supplies from cotton balls to glue. These successful programs should serve as examples of how K-12 schools can partner with colleges, universities, and, yes, the private industry. But DRI's small but growing program is funded by donations from NV Energy customers. As a state, we shouldn't rely on the kindness of a few to ensure our children succeed. We must invest in creative, large-scale programs that will better prepare teachers and students.

Helping students excel also means ensuring they have the emotional support they need. The events of recent months remind us that many children experience trauma or tragedy at a real tender age. There are 500 children for every one counselor in Nevada schools—500 to 1. Schools need the resources—especially more counselors—to support the kids during their time of need, whether a crisis at home or maybe something goes wrong in school. Investing in youth, supporting their emotional development, and instilling them with knowledge means teachers win. It means our state's economy wins. And most importantly, it means Nevada children win.

President Herbert Hoover called this nation's children "its greatest natural resource." But in Nevada, the next generation isn't the only thing bright and bursting with energy. Nevada is also blessed with some of the world's richest renewable energy resources. Nevada deserts bake in the afternoon sun. Winds whip off the snow-capped mountain peaks for which our state is named. And below the soils of northern Nevada, water heated deep in the Earth bubbles to the surface.

The renewable energy industry has been a bright spot during dark economic times, helping our state attract new businesses and create thousands of jobs that can never be outsourced. For instance, construction continues outside Tonopah on the largest solar power tower project in the entire world. Rising more than 500 feet in the desert, this is a historic investment in technology that will capture the power of Nevada's sunshine, store it in molten salt, and use its heat to generate clean electricity for 75,000 homes. And in a dry lakebed not far from my home in Searchlight, 3.5 million solar panels stretch across more than three miles of desert.

In northern Nevada, Ormat's geothermal power plants provide enough electricity to power every home in Reno, and in Spring Valley near Ely, a successful wind developer has erected enough wind turbines to power 45,000 homes. Nearby, construction continues on a transmission line that will connect the northern and southern Nevada electrical grids for the first time, making it possible to transfer power from where the wind blows the hardest, the sun shines brightest, to where demand for electricity is highest. These successes didn't happen by accident. They are

the result of more than a decade of coordination between businesses, utilities, and all levels of government.

The linchpin for this progress is a state law that guarantees a market for Nevada's clean, renewable energy resources. This law, better known as the renewable portfolio standard, requires a minimum percentage of electricity to come from renewable sources. Coupled with federal energy, public lands, and tax policies that strive to even the playing field with fossil fuels, this law has given Nevada an opportunity to take control of its energy future.

Nevada's renewable energy portfolio standard was signed into law by Governor Bob Miller in 1997. It was written by Senator Randolph Townsend, a leading advocate for renewable energy in Nevada. Senator Townsend would no doubt still be serving in the Legislature—and continuing to advocate for renewable energy—if not for the wrong-headed and counterproductive term limit law. In my view, arbitrary term limits purge a part-time legislature of full lifetimes of experience. I urge you to reverse this; I'll help any way I can, publicly, privately—if it helps, I'll stay out of it—but we should do something. I urge you to reverse this, which denies our constituents the right to select their own leaders. Elections are the only term limits Nevada needs.

If Senator Townsend were still in the Legislature today, he would agree it's time to revisit the renewable portfolio standard and update it to match the changed reality of Nevada's energy landscape. The Legislature most recently updated the law in 2009, requiring Nevada utilities to produce 18 percent of their energy from a combination of renewable resources and energy efficiency measures by 2013. By 2025, a quarter of the energy used in Nevada homes and businesses must come from renewable sources, and although the standard has helped vastly increase the percentage of green energy flowing through Nevada's grid, there are problems with the statute. Loopholes allow utilities to evade the spirit of the law. In fact those loopholes are so large, Nevada's major utility could meet the standard without building a single megawatt of new renewable energy for the rest of the decade.

It's time the Legislature made meaningful changes to strengthen the standard. Those changes could be as simple as closing loopholes which eliminate the motivation for utilities to invest in green power, or as robust as increasing the percentage of our power that comes from renewables. We should no longer allow the major utility in Nevada to meet the portfolio standard with energy credits from a Utah hydroelectric dam built in 1896—the same year Utah was admitted to the Union. We should no longer allow them to meet the portfolio standard by handing out energy efficient lightbulbs at Home Depot. Closing these loopholes will strengthen the law and send a powerful signal that Nevada remains committed to kicking our dependence on out-of-state fossil fuels.

Nevada has an opportunity not only to create jobs, but also to create history by becoming completely energy independent. Most states don't have that ability; we do. We have a chance to put Nevadans to work building a smarter transmission grid and solar, wind, and geothermal facilities that will power Nevada and our neighbors and make this state a healthier place to live. In Pahrump, Valley Electric is already proving this possible. Valley Electric recently became the first utility primarily located outside California to join the Golden State's electric grid. This groundbreaking alliance will create a market in California for Nevada renewable energy.

We must prove Nevada is serious about creating a vital Western clean energy grid by developing our state's own market for renewable energy. Strengthening our renewable portfolio standard would be a good start. Over the next two decades, renewable energy technology and generation will become a $7 trillion market in the United States. Nevada has a head start to capture much of that market, but we must stay serious about attracting new investment and creating customers for our renewable power. We shouldn't think of the renewable portfolio standard as a benchmark we have to meet, but as an opportunity we can exploit. The standard isn't a ceiling. It's the minimum we should be doing for Nevada's future. Since God blesses us with sunshine, wind, and hot water powerful enough to light the Las Vegas Strip and brighten The Biggest Little City in the World, we shouldn't take it for granted. As we recognize our

state's natural, renewable gifts, we should certainly celebrate the energy and determination of our citizens.

We saw that energy and excitement on display last November. For the first time in our state's history, more than 1 million Nevadans voted—shattering records set in 2008. Statewide, more than 80 percent of all registered voters cast a ballot, the highest rate since 1992. We should be proud of that enthusiasm. By comparison, only 60 percent of eligible voters cast ballots nationwide in 2012. Our high turnout is thanks in part to one of the most modern election systems in the nation—a system that makes it easy for eligible voters to make their voices heard. With two weeks of early voting and simple online registration, Nevada has made voting easy and accessible.

But we can still do more to ensure every eligible Nevadan casts a ballot on Election Day. Do you realize more than 600,000 Nevadans are eligible to vote but not registered to vote? To increase participation, I'm suggesting you pass legislation allowing same-day voter registration in Nevada. Instead of requiring Nevadans to register 30 days before an election, we should allow eligible voters to register on the day they decide to vote, whether that's during early voting or on Election Day.

Eight states currently permit same-day registration. Wisconsin, Maine, and Minnesota have successfully allowed same-day voting since the '70s. California and Connecticut passed same-day voter registration laws just last year. Allowing same-day registration does encourage participation in the democratic process, and it doesn't increase incidents of supposed fraud, a canard repeated by those who would prefer to keep minorities, the poor, and the elderly away from the polls.

In fact, voter fraud is as common as being struck by lightning. In the last eight election cycles, there have been only ten documented cases of voter fraud—ten—not in Nevada, but ten cases in the entire country. The system in place to protect Nevada's ballot boxes is so successful, last year the Election Integrity Task Force arrested a Clark County woman when she attempted to cast ballots at two different polling locations.

Here's what President Franklin Roosevelt said: "Nobody will ever deprive the American people of the right to vote except the American people themselves, and the only way they could do this is by not voting." If that were only true. In several states, legislatures have passed photo identification laws to intimidate eligible voters. Nevada should resist this harmful trend. We shouldn't fix what isn't broken. This session, the Nevada Legislature will consider a number of election reforms, including a photo ID proposal. This proposal is a solution looking for a problem. Any change to our state's voting process should be enacted to encourage voter turnout, not discourage Nevadans from taking part in democracy. Our elections belong to the citizens, and when their voices are heard at the ballot box, we all win. Nevada has no resource more powerful than its people.

Wallace Stegner, the Pulitzer Prize-winning Western novelist and outdoorsman, had Nevada's pioneer spirit in mind when he wrote, "One cannot be pessimistic about the West. This is the native home of hope." I believe Nevada is that native home of hope.

Throughout the last century, that hope attracted people from every corner of the country to our high deserts, alpine lakes, and mountain peaks—sometimes for a visit, but often for a lifetime—just as the Las Vegas Valley's artesian waters and the Carson and Truckee Rivers once attracted pioneers to Nevada.

I am confident that same hope of our pioneer predecessors will carry us forward in this young century—a century that has already been full of challenges, but also successes. We have met the challenges together. But now is not the time to stop striving. It is the time to redouble our efforts to make every Nevada business profitable, every Nevada family prosperous, and every Nevada story positive. The decisions you will make in these legislative chambers will not be easy—I know that—but each new test is another opportunity to make lives safer and more secure for all Nevadans.

Wallace Stegner also urged us to draw strength from our shared history even as we invest in our collective future. Here's what he said, and I quote: "When [the West] fully learns that

cooperation, not rugged individualism, is the quality that most characterizes and preserves it, then it will have achieved itself and outlived its origins. Then it has a chance to create a society to match its scenery." So it is up to us, public servants, to follow the wisdom of Wallace Stegner and, through cooperation and coordination, create a society to match Nevada's breathtaking scenery.

Thank you all very much.

Senator Spearman moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able, and constructive message.

Seconded by Assemblyman Horne.

Motion carried.

The Committee on Escort escorted Senator Reid to the bar of the Assembly.

Assemblywoman Swank moved that the Joint Session be dissolved.

Seconded by Senator Settelmeyer.

Motion carried.

Joint Session dissolved at 5:33 p.m.

ASSEMBLY IN SESSION

At 5:34 p.m.

Madam Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sari Aizley.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Diss.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Davis, Scott Rutledge, Darcie Goodman-Collins, Shannon Eckmeyer, John Tull, Greg Smith, Tim Healion, and Annie Healion.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Ford, Oscar Peralta, and Javier Trujillo.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Lawson Fox, Lisa Howfield, Bob Fisher, and Ramiro Lopez.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Donahue, Mason Simons, and Paul Gardner.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Ortega.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Peri Hardy.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Lieberman, Megan Jones, Thom Porterfield, Frank Mueller, Jerry McKenna, and Kurt Mische.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Johnson, Bobby Droodiani, Patty Kelly, Brandy Newman, and Dale Davidson.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Segerblom and Dean Baker.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Kitty Jung, Katy Simon, Cathy Erskine, Andrea Black, Tina Frias, and Whitney Morffit.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Brown, Tom Axtell, Tony Bonnici, and Lori Heeren.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Merrill and Linda Law.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Crowell and Sue Crowell.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Marvin Carter.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Valentine-Kindred.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Brady.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Bonnici, Viola Cody, John Burkavage, and Patrick Fisher.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Anni Glogovac and Kate Wilson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Lynson Beaulieu and Adele Moore.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Walsh, Lee Bonner, Daphne Girod, and Kara Cole.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Frierson moved that the Assembly adjourn until Thursday, February 21, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:35 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 21, 2013

Assembly called to order at 12:02 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Cohen, and Hambrick, who were excused.

Prayer by the Chaplain, Pastor Norm Milz.

Heavenly Father, we come again to You this day asking for Your guidance as we strive to make decisions that will be for the good of this state and its people. Each side of this Assembly has been meeting together in committee to hammer out bills for this Legislature to consider. May today be the beginning of a time of unity between both sides to make decisions for the growth and betterment of Nevada.

As the deadline for bill presentations are always before this Assembly, may the time be well-spent focusing on the work that is before it.

May the work we do together today, and this month, in this Assembly prove beneficial to all of our represented communities and the state of Nevada as a whole.

All these things we bring to You trusting in Your grace and mercy, in the name and power of Your Son, our Savior, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hickey moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 114 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

Assembly Bill No. 114.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1.

AN ACT relating to gaming; defining certain terms related to interactive gaming; **requiring the Nevada Gaming Commission to adopt regulations** authorizing the Governor to enter into agreements with other states to conduct interactive gaming; ~~[~~revising provisions relating to the Gaming Policy Committee;~~]~~ prohibiting the issuance of licenses to operate interactive gaming to certain persons; revising provisions related to interactive gaming; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain gaming establishments to obtain a license to operate interactive gaming. (NRS 463.750) **Sections 2-5** of this bill define certain terms for the purposes of determining whether a person may be found suitable for a license to operate interactive gaming. **Section 6** of this bill ~~[~~authorizes~~]~~ **requires the Nevada Gaming Commission to adopt regulations authorizing** the Governor to enter into agreements with other states to allow patrons of those states to participate in interactive gaming.

~~[~~ Existing law establishes the Gaming Policy Committee and provides for the composition and duties of the Committee. (NRS 463.021) Section 8 of this bill: (1) adds to the Committee a representative of academia who possesses knowledge of matters related to gaming; (2) authorizes the Governor, as Chair of the Committee, to appoint a subcommittee on gaming education; and (3) specifies the duties of the subcommittee.~~]~~

Existing law requires the ~~[~~Nevada Gaming~~]~~ Commission to establish by regulation that a license to operate interstate interactive gaming does not become effective until: (1) the passage of federal legislation authorizing interactive gaming; or (2) the United States Department of Justice notifies the Commission or the State Gaming Control Board that interactive gaming is permissible under federal law. (NRS 463.750) **Section 10** of this bill removes the condition that a license to operate interactive gaming does not become effective until the passage of federal legislation or notice providing that interactive gaming is permissible under federal law. **Section 10** also prohibits the issuance of a license to operate interactive gaming for a period of ~~[~~10~~]~~ **5** years after the effective date of this bill for certain entities that, after December 31, 2006, operated interactive gaming involving patrons located in the United States. Finally, **section 10** authorizes the Commission to waive such prohibition if the Commission determines that those entities complied with all applicable provisions of federal law or the law of any state when,

after December 31, 2006, those entities operated interactive gaming involving patrons located in the United States.

Section 11 of this bill ~~[increases]~~ **authorizes the Commission to adopt regulations to increase or decrease** the fees for the initial issuance and the renewal of a license for an establishment to operate interactive gaming ~~[.]~~ **under certain circumstances.** (NRS 463.765)

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Covered asset" means any tangible or intangible asset specifically designed for use in, and used in connection with, the operation of an interactive gaming facility that, after December 31, 2006, knowingly and intentionally operated interactive gaming ~~[involving]~~ that involved patrons located in the United States, unless and to the extent such activity was licensed at all times by a state or the Federal Government, including, without limitation:***

1. Any trademark, trade name, service mark or similar intellectual property under which an interactive gaming facility was identified to the patrons of the interactive gaming facility;

2. Any information regarding persons via a database, customer list or any derivative of a database or customer list; and

3. Any software or hardware relating to the management, administration, development, testing or control of an interactive gaming facility.

Sec. 3. ***1. "Covered person" means any person who:***

(a) Has at any time owned, in whole or in significant part, an interactive gaming facility or an entity operating an interactive gaming facility that ~~[:~~

~~*(1) After]*~~ ***after December 31, 2006, knowingly and intentionally operated interactive gaming ~~[involving]~~ that involved patrons located in the United States ~~[; and~~***

~~*(2) Acted with knowledge of the fact that such operation of interactive gaming involved patrons located in the United States;]*~~ ***, unless and to the extent such activity was licensed at all times by a state or the Federal Government;***

(b) After December 31, 2006, acted, or proposed to act, on behalf of a person described in paragraph (a) and knowingly and intentionally provided, or proposed to provide, to such person any services as an interactive gaming service provider, with knowledge that the interactive gaming facility's operation of interactive gaming involved patrons located in the United States; or

(c) Purchased or acquired, directly or indirectly:

(1) In whole or in significant part, a person described in paragraph (a) or (b); or

(2) Any covered assets, in whole or in part, of such person.

2. As used in this section:

(a) "Interactive gaming service provider" has the meaning ascribed to it in NRS 463.677.

(b) "Significant part" means with respect to ownership, purchase or acquisition of an entity, interactive gaming facility or person, holding 5 percent or more of the entity, interactive gaming facility or person, or any amount of ownership that provides control over the entity, interactive gaming facility or person.

Sec. 4. ***1. "Interactive gaming facility" means any Internet website, or similar communications facility in which transmissions may cross any state's boundaries, through which any person operates interactive gaming through the use of communications technology.***

2. As used in this section, "communications technology" has the meaning ascribed to it in NRS 463.016425.

Sec. 5. ***"Operate interactive gaming" means to operate, carry on, conduct, maintain or expose for play interactive gaming.***

Sec. 6. ***1. The Commission shall, by regulation, authorize the Governor, on behalf of the State of Nevada, ~~[is authorized]~~ to:***

~~[1.]~~ (a) Enter into agreements with other states, or authorized agencies thereof, to enable patrons in the signatory states to participate in interactive gaming offered by licensees in those signatory states; and

~~[2.]~~ (b) Take all necessary actions to ensure that any agreement entered into pursuant to this section becomes effective.

2. Any regulations adopted pursuant to subsection 1 must:

(a) Set forth provisions for any potential arrangements to share revenue between this State and any other state or agency within another state.

(b) Be adopted in accordance with the provisions of chapter 233B of NRS.

Sec. 7. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. ~~**[**NRS 463.021 is hereby amended to read as follows:~~

~~463.021 1. The Gaming Policy Committee, consisting of the Governor as Chair and **[**10**]** ***11*** members, is hereby created.~~

~~2. The Committee must be composed of:~~

~~(a) One member of the Commission, designated by the Chair of the Commission;~~

~~(b) One member of the Board, designated by the Chair of the Board;~~

~~(c) One member of the Senate appointed by the Legislative Commission;~~

~~(d) One member of the Assembly appointed by the Legislative Commission;~~

~~(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and~~

~~(f) Five members appointed by the Governor for terms of 2 years as follows:~~

~~(1) Two representatives of the general public;~~

~~(2) Two representatives of nonrestricted gaming licensees;~~ **[**and**]**

~~(3) One representative of restricted gaming licensees~~ **[**.**]** ***; and***

~~***(4) One representative of academia who possesses knowledge of matters related to gaming.***~~

~~3. Members who are appointed by the Governor serve at the pleasure of the Governor.~~

~~4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.~~

~~5. Except as otherwise provided in subsection 6, the Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are advisory and not binding on the Board or the Commission in the performance of their duties and functions.~~

~~6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (c) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.~~

~~***7. The Governor, as Chair of the Committee, may appoint a subcommittee on gaming education. A subcommittee appointed pursuant to this subsection must:***~~

~~***(a) Contain not more than five members who serve at the pleasure of the Governor; and***~~

~~***(b) Be chaired by the person selected by the Governor as chair of the subcommittee.***~~

~~***8. A subcommittee created pursuant to subsection 7 shall:***~~

~~***(a) Review and evaluate all public gaming-related educational entities in this State, including, without limitation, the Institute for the Study of Gambling and Commercial Gaming of the University of Nevada, Reno, and the UNLV International Gaming Institute of the William F. Harrah***~~

~~*College of Hotel Administration of the University of Nevada, Las Vegas, to determine how to align such entities with the needs of the gaming industry in this State;*~~

~~*(b) Study and analyze the workforce and technology needs of the gaming industry in this State to determine how the public gaming-related educational entities may satisfy those needs;*~~

~~*(c) Study the potential for leveraging gaming-related competencies and technologies developed by public gaming-related educational entities into other industries; and*~~

~~*(d) Report any findings and recommendations to the Committee.]*~~ **(Deleted by amendment.)**

Sec. 9. NRS 463.745 is hereby amended to read as follows:

463.745 The Legislature hereby finds and declares that:

1. The State of Nevada leads the nation in gaming regulation and enforcement, such that the State of Nevada is uniquely positioned to develop an effective and comprehensive regulatory structure related to interactive gaming.

2. A comprehensive regulatory structure, coupled with strict licensing standards, will ensure the protection of consumers, ***including minors and vulnerable persons,*** prevent fraud, guard against underage and problem gambling ***, avoid unauthorized use by persons located in jurisdictions that do not authorize interactive gaming*** and aid in law enforcement efforts.

3. To provide for licensed and regulated interactive gaming ***,*** ~~[and to prepare for possible federal legislation,]~~ the State of Nevada must develop the necessary structure for licensure, regulation and enforcement.

Sec. 10. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems;

(3) A license for a manufacturer of equipment associated with interactive gaming; and

(4) A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware;

(2) A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming; and

(3) A person must hold a license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(c) ~~[Set]~~ ***Except as otherwise provided in subsections 6 to 10, inclusive, set*** forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems, manufacturer of equipment associated with interactive gaming or a service provider as described in paragraph (b) of subsection 5 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

The initial fee for a license for a service provider as described in paragraph (b) of subsection 5 of NRS 463.677.

(2) The fee for the renewal of such a license for such a service provider and any renewal requirements for such a license.

(3) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which a service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define "equipment associated with interactive gaming," "interactive gaming system," "manufacturer of equipment associated with interactive gaming," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

~~[(h) Provide that any license to operate interstate interactive gaming does not become effective until:~~

~~A federal law authorizing the specific type of interactive gaming for which the license was granted is enacted; or~~

~~(2) The United States Department of Justice notifies the Board or Commission in writing that it is permissible under federal law to operate the specific type of interactive gaming for which the license was granted.~~]

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. ***Except as otherwise provided in subsections 7, 8 and 9:***

(a) A covered person may not be found suitable for licensure under this section within ~~[10]~~ 5 years after the effective date of this act;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within ~~[10]~~ 5 years after the effective date of this act if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of section 3 of this act:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of section 3 of this act, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall ~~*[initiate a proceeding to]*~~ ***afford the person an opportunity to be heard and present relevant evidence.*** ~~*[Such proceeding must be conducted pursuant to NRS 463.3125 to 463.3145, inclusive, except to the extent inconsistent with this subsection.]*~~ ***The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.***

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. ~~*[Any person applying for a waiver pursuant to subsection 7 may seek judicial review of the Commission's determination pursuant to NRS 463.315 to 463.318, inclusive.*~~

~~*11.]*~~ It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

~~**[**7.**]**~~ ~~*[12.]*~~ ***11.*** A person who violates subsection ~~**[**6**]**~~ ~~*[11]*~~ ***10*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 11. NRS 463.765 is hereby amended to read as follows:

463.765 1. ***Unless a different fee is established pursuant to this section:***

(a) Before issuing an initial license for an establishment to operate interactive gaming, the Commission shall charge and collect from the establishment a license fee of $500,000. ~~*[$1,000,000.*~~

~~2.**]**~~ ***(b)*** Each initial license for an establishment to operate interactive gaming must be issued for a 2-year period beginning on January 1 of the first year and ending on December 31 of the second year.

~~[3.]~~ ***(c)*** Notwithstanding the provisions of ~~[subsections 1 and 2]~~ ***paragraphs (a) and (b)*** to the contrary, a license for an establishment to operate interactive gaming may be issued after January 1 of a calendar year for a period beginning on the date of issuance of the license and ending on the second December 31 following the date of issuance of the license. Before issuing an initial license pursuant to this subsection, the Commission shall charge and collect from the establishment a license fee of $500,000 ~~*[$1,000,000]*~~ prorated by 1/24 for each full month between January 1 of the calendar year and the date of issuance of the license.

~~[4.]~~ ***(d)*** Before renewing a license issued pursuant to this section, but in no case later than the second December 31 after the license was issued or previously renewed, the Commission shall charge and collect a renewal fee of $250,000 ~~*[$500,000]*~~ for the renewal of the license for the immediately following 1-year period.

2. The Commission may, by regulation, increase the license fee pursuant to this section to not more than $1,000,000 and the renewal fee to not more than $500,000 if the Commission determines one or more of the following:

(a) A higher fee is necessary to ensure licensees have the financial capacity to operate interactive gaming;

(b) Regulatory costs to carry out the duties of the Commission and the Board, outside of investigative costs, require additional personnel or other regulatory expenditures;

(c) A higher fee is necessary because of costs incurred or other conditions associated with entering into an interactive gaming agreement with one or more other states; or

(d) Federal legislation requires a higher fee or imposes requirements necessitating the higher fee or making it advisable.

3. The Commission may, by regulation, reduce the license fee pursuant to this section to not less than $150,000 and the renewal fee to not less than $75,000 in the manner provided in this subsection. Any regulation adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS, and the Commission must not reduce the fees unless it determines two or more of the following:

(a) The fee is not competitive with fees charged in other jurisdictions;

(b) The low number of applicants demonstrates that the fee is too high;

(c) A lower fee would generate greater competition in the market;

(d) A lower fee is necessary because of conditions associated with entering into an interactive gaming agreement with one or more other states; or

(e) Federal legislation requires a lower fee or makes a lower fee advisable.

4. Any increase or decrease in fees established by the Commission pursuant to this section applies to the issuance or renewal of a license on or after the effective date of the increase or decrease.

Sec. 12. ~~[NRS 463.770 is hereby amended to read as follows:~~

~~463.770 1. [Unless federal law otherwise provides for a similar fee or tax, all]~~ ***All*** ~~gross revenue from operating interactive gaming received by an establishment licensed to operate interactive gaming, regardless of whether any portion of the revenue is shared with another person, must be attributed to the licensee and counted as part of the gross revenue of the licensee for the purpose of computing the license fee required by NRS 463.370.~~

~~2. A manufacturer of interactive gaming systems who is authorized by an agreement to receive a share of the revenue from an interactive gaming system from an establishment licensed to operate interactive gaming is liable to the establishment for a portion of the license fee paid pursuant to subsection 1. The portion for which the manufacturer of interactive gaming systems is liable is 6.75 percent of the amount of revenue to which the manufacturer of interactive gaming systems is entitled pursuant to the agreement.~~

~~3. For the purposes of subsection 2, the amount of revenue to which the manufacturer of interactive gaming systems is entitled pursuant to an agreement to share the revenue from an interactive gaming system:~~

~~(a) Includes all revenue of the manufacturer of interactive gaming systems that is the manufacturer of interactive gaming systems' share of the revenue from the interactive gaming system pursuant to the agreement; and~~

~~(b) Does not include revenue that is the fixed purchase price for the sale of a component of the interactive gaming system.]~~ **(Deleted by amendment.)**

Sec. 12.5. **NRS 233B.039 is hereby amended to read as follows:**

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 ~~[,]~~ ***and 463.765 and section 6 of this act,*** the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 13. This act becomes effective upon passage and approval.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Assemblyman Horne requested that his remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HORNE:

The amendment basically changes the licensing fee that is in the original bill back to its original base numbers of $500,000 and $250,000 and allows the Nevada Gaming Commission to raise or lower those fees under certain conditions and bring them before the Legislative Commission. It also deletes section 8 of the bill. In addition, it retains an existing provision of NRS regarding a fee or taxation that was proposed to be stricken in the original bill so that a company would not be subjected to double taxation if federal law were to provide for a similar fee or tax.

Amendment adopted.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly dispense with the reprinting of Assembly Bill No. 114.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblymen Horne, Wheeler, Spiegel, Duncan, and Ohrenschall.

ASSEMBLYMAN HORNE:

This is a bill that has been worked on for a great deal of time. My involvement in online gaming began last session. This bill is a supplement to the efforts of Senate Bill 258, and today I am happy to stand before you, having presented this bill.

This bill will allow Nevada to continue to be the leader in gaming, and particularly online gaming. I want to thank the Governor for his tremendous leadership and involvement in this. We have worked well together, and we spent a lot of time, not only this short time of session, but also during the interim on the Gaming Policy Committee. What you have before you today is that collaboration.

I mentioned on opening day that it was important to reach across the aisle and across chambers to get good things done for the people of Nevada. I'd like to think that this bill and the efforts that Governor Sandoval and I have made to bring a good bill before you is an example of that very thing. We have seen how we can come together with good legislation and get it done quickly. We're going to pass this, hopefully today, and get it over to the Senate, and they will do the same thing and get it before the Governor to sign. Not only are we showing Nevadans

that we can work well together, but we will be showing the nation and the world that Nevada is serious about its gaming and gaming regulations. I urge your support.

ASSEMBLYMAN WHEELER:

Distinguished members of the Nevada State Assembly. I rise today in support of A.B. 114. Since the inception of legalized gaming, Nevada has always led the way in sensible, yet strict regulation. As new technology has entered the gaming arena, Nevada has continued to lead the way. We now have the opportunity to once again show the world that this bipartisan bill will ensure that the great state of Nevada is the true gold standard in gaming. I urge my colleagues to unanimously pass A.B. 114, as your Committee on Judiciary did, and send it on to our upper house with the recommendation that they do the same.

ASSEMBLYWOMAN SPIEGEL:

I, too, rise in support of Assembly Bill 114. On a very personal note, I'd like to share with you something about myself. In 1994, I became the founding chairperson of what later became the Internet industry's public policy committee. We began working on online gaming issues around 1996–1997, and it has been over the past 15-plus years that many people in the industry have looked for ways for there to be legalized online gaming in the United States. I cannot tell you how much it thrills me to be in this house and to be rising in support of this bill, which will keep Nevada at the forefront and take all of those early efforts to their fruition. I urge your support of this bill.

ASSEMBLYMAN DUNCAN:

As a new member of this body, I just want to say that it was encouraging today to see not only my colleague from Assembly District 34 working together with our Governor of this great state, but also I want to commend my colleague from Assembly District 8, who not only chaired a joint hearing today, he did a wonderful job yesterday on another bill, as well. So I'd like to commend him for his efforts for doing that, as well.

I just echo what my colleague from Assembly District 34 said—that we really did work on this in a bipartisan manner. It's really what Nevadans expect and it's something that I think we should all be proud of. We have the opportunity here to blaze the trail in this Internet gaming area. I urge us all to pass this unanimously, just as we did in the Judiciary Committee this morning.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 114. Madam Speaker, today in your Judiciary Committee, there was compelling testimony from our Governor, from our Majority Leader, from the Chairman of the Gaming Control Board, from the Chairman of the Gaming Commission, and from industry leaders that this bill has the potential to bring jobs to Nevada and to increase revenue for our treasury. If this legislation does not pass, then I think we might miss the boat and Nevadans will be hurt. There are a lot of commendations going around, and its well-deserved. I think our Majority Leader and the Governor have crossed party lines and worked on a piece of legislation that is truly good for our state. I urge approval.

Roll call on Assembly Bill No. 114:

YEAS—39.

NAYS—None.

EXCUSED—Brooks, Cohen, Hambrick—3.

Assembly Bill No. 114 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.
Madam Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wheeler, Kirkpatrick, Ellison, Fiore, Martin, Oscarson, and Woodbury; Senators Goicoechea, Gustavson, and Settelmeyer:

Assembly Bill No. 157—AN ACT relating to water; revising provisions relating to water furnished by a municipal water system for domestic use in certain counties; authorizing a consumer of water furnished by a municipal water system to drill a well for domestic use, use a preexisting well for that use or obtain alternative water service under certain circumstances; limiting the amount of revenue that a municipal water system may generate; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 158—AN ACT relating to public health; renaming the Advisory Council on the State Program for Fitness and Wellness as the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease; expanding the membership of the Advisory Council; revising the duties of the Advisory Council and the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Flores, Neal, Ohrenschall, Aizley, Bobzien, Bustamante Adams, Carlton, Cohen, Dondero Loop, Healey, Horne, Munford, Pierce, and Sprinkle; Senators Atkinson, Segerblom, Parks, Jones, Kihuen, Manendo, and Spearman:

Assembly Bill No. 159—AN ACT relating to criminal offenders; establishing a diversion program for certain defendants who have been charged with committing certain offenses; and providing other matters properly relating thereto.

Assemblywoman Flores moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 160—AN ACT relating to criminal procedure; revising provisions concerning sentencing in cases in which the death penalty is sought; revising provisions concerning the circumstances by which murder of the first degree may be aggravated; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblymen Hardy, Ellison, Hickey, Bustamante Adams, and Madam Speaker.

ASSEMBLYMAN HARDY:

Assembly Bill 68 makes various changes to the distribution of revenue from the Local Government Tax Distribution Account, also known as the Consolidated Tax Distribution, or CTX. These changes were proposed as a result of an interim study conducted during the 2011-2012 interim. Assembly Bill 68 makes various changes to the Consolidated Tax by using a five-year average percentage of change to the Consumer Price Index. It revises the method by which the local government or special district's annual base allocation is calculated, and it modifies the excess distribution formula.

MADAM SPEAKER:

I rise in support of Assembly Bill 68. I urge the support of my colleagues in this room. We worked as an interim committee in a bipartisan fashion—I guess that is the theme for the day—to ensure that the formula was the best policy for the entire state. We took politics out and worked on policy and the rules so that southern Nevada and Washoe County have a formula that works best for them.

This is a very complicated formula. It is based on taxes that are distributed back to our local governments, for which we have three components. I believe this is good for the entire state going forward, and I would urge your support.

ASSEMBLYMAN ELLISON:

I stand before you today and ask you for the support of Assembly Bill 68. For almost a year, the committee has worked hard to craft the working bill draft request that it would later present to Taxation. It was amazing how everyone came together on this bill. This would not have been done without the leadership from our colleague from District 1 of North Las Vegas. I stand and ask for the support of this bill.

ASSEMBLYMAN HICKEY:

I, too, stand in accordance with our colleague from Elko in his support of the hard work. This bill is not a result of the work of this body during this session, but the work of over 40 meetings in the interim that were chaired by the Speaker. They truly were the hardest working committee in the off-season on this, and I think it warrants all of our support.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I just wanted to let our members know that we did have a joint meeting with our members in the Senate on this, and in the Assembly, it was a unanimous vote out of our committee.

Roll call on Assembly Bill No. 68:

YEAS—39.

NAYS—None.

EXCUSED—Brooks, Cohen, Hambrick—3.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 161—AN ACT relating to education; requiring schools to identify pupils enrolled in kindergarten or grade 1, 2 or 3 who do not achieve proficiency in reading; requiring school districts and charter schools to develop certain programs which are designed to improve the proficiency in reading of certain pupils; requiring certain pupils to enroll in such a program; prohibiting the promotion of certain pupils to grade 4; requiring school districts to prescribe intensive instructional services in reading for certain pupils; making various other changes relating to the advancement of certain pupils to higher grade levels; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 162—AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 163—AN ACT relating to education; providing for the distribution of money to school districts that include one or more Title I elementary schools to provide early childhood prekindergarten education programs; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 1:11 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 21, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 114; Senate Bill No. 15.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 15.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 114 and Senate Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Cass Palmer.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Judi Kosterman.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sepulveda Elementary School: Eddie Barker, Alex Batter, Kindle Brown, Sierra Buonacorsi, Makenna Carpinella, Lucas Christie, Jalyssa Curlee, Johnny Gill, Benjamin Hoang, Ilyssa Iyulores, Leo Martinez, Jesus Melendrez, Brandon Michel, Jacob Miles, Sarah Nattress, Jack Nowling, Hannah Pienkoski, Trenton Player, Jaden Reeves, Paloma Rice, Riley Robinson, Irene Schwartz, Jordan Washington, China Westbay, Ariana Wilson, Clovis Wong, Zachary Alessa, Aramus Anderson, Trinity Anderson, Leslie Ayala, Amy Bassi, Peter Bertolino, Nicholaus Bland, Tianna Collins, Liam Hayes, Olivia Jenkins,
Haylie Johnson, Tylee Kareck, Derek Livingston, Bailey Martin, Brooklynn McCoy, Mirical McKinney, Johnny Montalvo, Carter Munson, Sarah Phillips, Roman Ramos, Emily Rogerson, Ivan Sanchez, Karissa Wright, Haleigh Brewer, and Piers Radford-Price.

Assemblyman Horne moved that the Assembly adjourn until Monday, February 25, 2013, at 11:30 a.m., and that it do so in memory of Elko resident Ted McBride, former El Aero helicopter pilot.

Motion carried.

Assembly adjourned at 1:17 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 25, 2013

Assembly called to order at 11:38 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Duncan, and Flores, who were excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Eternal God Our Father,

We come to You this morning with hearts that are grateful for Your care and compassion, which are made available to us new and fresh every day. We thank You that You have made this day for us to enjoy and to use. May we use it wisely. Thank You also for men and women who are committed to public service. Thank You for their willingness to serve the people of this state in this body. I ask that You give them guidance, strength, and wisdom in the matters that come before this body on this day.

In the name of the Sovereign Lord, Our Savior.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2803

February 22, 2013

THE HONORABLE MARILYN KIRKPATRICK, *Speaker*, Nevada State Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER KIRKPATRICK:

This letter serves as a formal request to address the Nevada Legislature at the joint session held on the evening of Wednesday, April 3, 2013, at 5:30 p.m. My understanding is that this date and time is available.

If further action or information is necessary, please do not hesitate to contact me or district director Keith Hughes in my Las Vegas district office at 702-387-4941.

Thank you for your consideration of this request.

Sincerely,
DR. JOE HECK
Member of Congress

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Kirner, Hickey, Duncan, Fiore, Grady, Hambrick, Healey, Kirkpatrick, Munford, and Stewart; Senators Hammond and Kieckhefer:

Assembly Bill No. 164—AN ACT relating to education; requiring the State Board of Education to prescribe an assessment to determine the proficiency in reading of pupils enrolled in grades 1, 2 and 3; requiring the board of trustees of each school district and the governing body of each charter school that enrolls pupils in grade 1, 2 or 3 to administer the assessment; requiring the development of an academic plan for certain pupils who exhibit a substantial deficiency in reading; prescribing the contents of the academic plan; requiring, with certain limited exceptions, the academic retention of a pupil in grade 3 if the pupil does not demonstrate reading proficiency on the assessment prescribed by the State Board; requiring the principal of a school or a person designated by the governing body of a charter school in which certain pupils are retained in the same grade to provide intervention services; requiring the board of trustees of each school district and the governing body of each charter school to submit certain reports to the Department of Education; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 165—AN ACT relating to the Department of Motor Vehicles; limiting the purposes for which the Director of the Department is allowed to release certain personal information; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 166—AN ACT relating to motor vehicles; revising requirements for the registration of a motor vehicle of a nonresident who is employed in this State and operates the motor vehicle on the highways of this State; requiring that such a motor vehicle comply with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 167—AN ACT relating to motor vehicles; revising requirements for the registration of a motor vehicle that is operated on the highways of this State for a business purpose within this State; requiring that such a motor vehicle complies with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 168—AN ACT relating to wildlife; requiring the membership of each county advisory board to manage wildlife to include one qualified member who represents the interests of the general public; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Neal, Horne and Daly; Senator Atkinson:

Assembly Bill No. 169—AN ACT relating to public financial administration; establishing additional requirements and imposing limitations on certain contracts of State and local agencies for the performance of services; requiring such an agency to submit certain reports about its contracts to the Purchasing Division of the Department of Administration; requiring a public body which awards a contract for a public work to gather and maintain certain information about bidders and persons who apply for employment on the public work; requiring the Department of Transportation to post information about contracts between the Department and architects, engineers and other professionals; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 170—AN ACT relating to the advanced practice of nursing; replacing the term "advanced practitioner of nursing" with "advanced practice registered nurse"; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ellison, Grady, and Wheeler; Senators Hardy, Goicoechea and Gustavson:

Assembly Bill No. 171—AN ACT relating to manufactured housing; altering the continuing education requirements for certain personnel of manufactured home parks; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Horne, Kirkpatrick, Bobzien, Benitez-Thompson, Hickey, and Bustamante Adams:

Assembly Bill No. 172—AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Micha Marie Stevens.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Trojian, Orion Cuffe, Kathryn Bywaters, and David Braekett.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Tera Burbank.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Gonzales-Black.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Carlin Combined School: Dalton Adamson, Lateasha Anderson, Roger Anderson, Karla Baum, Kaitlyn Browning, Jacob Burris-Blaine, Hannah Clancy, Hanna Fetters, Amie Gillespie, Joseph Johnson, Blade Lester, Hannah McClellan, Chance Moen, Dylan Newman, Karlyn Odle, Shawna Parker, Jaime Pichardo, Nikeyna Robinson,

Matthew Simler, Randi Smith, Jordan Stills, Caroline Tarvin, Dana Watson, Desiree Williams, Katelyn Williams, Martina Wilson, and Luis Zazueta.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Virgin Valley High School: Tiffany Hunt, Nathan Hughes, and Brooke Robinson.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Moapa Valley High School: Dylan Jones, Brodey Blackwell, and Devin Mortensen.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, February 26, 2013, at 11:30 a.m., and that it do so in memory of Phyllis Lien, mother-in-law of Assemblyman Randy Kirner.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 26, 2013

Assembly called to order at 11:37 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Horne, and Hogan, who were excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Gracious God, our Heavenly Father,

At the beginning of another legislative session, we pause to recognize Your presence with us.

You are the giver of every good and perfect gift. We say with the Psalmist, "Great is the Lord and greatly to be praised." There is much to be grateful for. Especially, we are grateful for the blessings of freedom that so many have fought for, many having made the ultimate sacrifice for. They enable us to live in this great land and govern ourselves freely. Grant us the wisdom to govern wisely, with compassion and justice.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

February 22, 2013

SPEAKER MARILYN KIRKPATRICK, Nevada Legislature, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER KIRKPATRICK:

Pursuant to past protocol, I would like to request permission, as Representative in the United States Congress of the Second District of Nevada, to address a joint session of the Nevada Legislature on March 25, 2013, at 5:30 p.m.

Please contact Sarah Rogers at 202-225-6155 to coordinate the details of my visit, or if you have any further questions.

Your consideration of this request is greatly appreciated.

With all the best wishes,

Sincerely,
MARK E. AMODEI
Congressman (NV-02)
United States House of Representatives

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Healey, Kirkpatrick, Elliot Anderson, Bustamante Adams, Carrillo, Diaz, Frierson, Livermore, Martin, Neal, Oscarson, Pierce, and Spiegel:

Assembly Bill No. 173—AN ACT relating to electric utilities; prohibiting certain electric utilities from requiring that residential customers pay certain electric service rates based on the time of use of electricity; prohibiting the Public Utilities Commission of Nevada from approving any change of schedule or imposition of an electric service rate by an electric utility which requires residential customers to pay rates based on the time of use of the electricity; and providing other matters properly relating thereto.

Assemblyman Healey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 174—AN ACT relating to the protection of children; revising provisions governing the procedure following a hearing to determine whether a child should remain in protective custody pending further action by the court; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Elliot Anderson, Ohrenschall, Eisen, Bustamante Adams, Healey, Aizley, Paul Anderson, Benitez-Thompson, Bobzien, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, and Woodbury; Senators Jones, Kihuen, Spearman, Parks, Brower, Atkinson, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Manendo, Roberson, Segerblom, Settelmeyer, Smith, and Woodhouse:

Assembly Bill No. 175—AN ACT relating to elections; authorizing uniformed-service voters, their spouses and overseas voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots with digital signatures or electronic signatures; requiring the Secretary of State to prescribe by regulation certain duties of local elections officials; making various other changes to the Uniformed Military and Overseas Absentee Voters Act; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 26, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 17, 32, 71.

SUSAN WHITFORD
Communications Clerk

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 17.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 32.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 71.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Rafael Garcia.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Varela.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Puente.

Assemblyman Frierson moved that the Assembly adjourn until Wednesday, February 27, 2013, at 11:15 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 27, 2013

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

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Almighty God,

The Psalmist said, "Oh our Lord, how majestic is Your name in all the earth. You have set Your glory above the heavens." In Your divine majesty, You have made us, each and every one, an image of You. You have endowed us with gifts, talents, and abilities. Help us to use these with the compassion and fairness that You have shown to us. May we humbly accept Your guidance this day.

In the Name of Him who continues to love us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510

February 26, 2013

THE HONORABLE MARILYN KIRKPATRICK, Nevada State Assembly, Legislative Building, Carson City, Nevada 89701

DEAR SPEAKER KIRKPATRICK,

This letter serves as a formal request to address the joint session of the Nevada Legislature on Thursday, March 28, at 5 p.m. PT. It is my understanding that this date and time are available. Should you have any questions or comments, please contact Ashley Carrigan, my state director, at 775.686.5770.

I thank you in advance for this opportunity.

Sincerely,
DEAN HELLER
U.S. Senator

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 27, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 173.

MARK KRMPOTIC
Fiscal Analysis Division

February 27, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 3, 21, 22, 26, 30, 31, 36, 44, 50, 52, 56, 63, 83, 84, 89, 92, 95, 96 and 99.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carrillo, Eisen, Hansen, and Munford:

Assembly Bill No. 176—AN ACT relating to the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 177—AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hickey and Senator Brower:

Assembly Bill No. 178—AN ACT relating to campaign practices; requiring certain persons who do not file declarations of candidacy, acceptances of candidacy or appear on an election ballot within a certain period to dispose of unspent contributions; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Oscarson, Hickey, Ellison, Elliot Anderson, Bobzien, Bustamante Adams, Daly, Eisen, Grady, Healey, Kirkpatrick, Kirner, Livermore, Martin, Neal, Swank, Wheeler, and Woodbury; Senators Cegavske and Goicoechea:

Assembly Bill No. 179—AN ACT relating to audits; revising requirements for certain regulatory boards of this State to prepare a balance sheet and hire a public accountant or accounting firm to conduct an audit of the board for a fiscal year; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 180—AN ACT relating to estates; providing that a dependent adult child of a decedent is eligible to receive from the decedent's estate certain support for family members; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Hansen requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, M. Esther Chalmers-Council, having lived a full life to the age of 99, passed away on February 4, 2013, and she will be greatly missed by family and friends; and

WHEREAS, Esther was born July 1, 1913, in Garrison, North Dakota, and after graduating from Garrison High School in 1930, with $30 in her pocket, she and a friend hitchhiked to Minneapolis to enter the nursing program at the University of Minnesota; and

WHEREAS, After completing her nursing studies and while working at the University Hospital in Minneapolis, Esther met her first love, C. Oden Chalmers, and they traveled to California to marry and settle there; and

WHEREAS, In 1959, Esther moved to Reno with her husband to accept a position with Washoe Medical Center (now called Renown Regional Medical Center) to teach practical nursing. Later in the early 1970s when the community college system was formed, Esther was transferred to the University of Nevada system, and after teaching 19 years, she was the first retiree of that system; and

WHEREAS, After retirement, Esther and Oden spent time with friends, traveled, gardened, and enjoyed life together until he passed away in 1987. Although greatly saddened by his death, Esther was comforted by close friends and family and continued to enjoy life to the fullest; and

WHEREAS, To her joy, in September 1989, Esther met her second husband, John "Red" Council, and experienced a whirlwind courtship at age 76, marrying three months later, and enjoyed nine wonderful years together before Red passed away; and

WHEREAS, Esther's lifelong commitment to teach nursing began with her first class at Washoe Western School of Practical Nursing in 1960, and during the course of her career, her students, which numbered in the hundreds, have influenced thousands over time; and

WHEREAS, Esther was well-known and very active in the nursing field in Reno, and many of her former colleagues and students remember her professionalism, high standards, and positive influence on students' nursing careers; and

WHEREAS, Esther is survived by many relatives, friends, and others who will dearly miss her; now, therefore, be it

PROCLAIMED, That it is especially befitting on Nurses Day at the Legislature to recognize M. Esther Chalmers-Council for her vitality and long life and express sincerest thanks and appreciation for her many years of worthy service in the nursing and teaching fields; and be it further

PROCLAIMED, That the State of Nevada and its citizens offer their heartfelt sympathy to the family and friends of M. Esther Chalmers-Council, a woman who touched the lives of many and who will be greatly missed.

DATED this 27th day of February, 2013.

IRA HANSEN
Nevada State Assemblyman

Assemblyman Hansen requested that his remarks be entered in the Journal.

ASSEMBLYMAN HANSEN:

Mrs. Chalmers-Council has quite a following here today. I would like them all to stand so we can recognize them for their friendship with her. I would also like to give a copy of the Proclamation to Maya Marie Cooney, who was a close friend of Mrs. Chalmers-Council for many years. Madge, on behalf of the state of Nevada, I would like to give recognition to Esther Chalmers-Council and to all of her friends.

Madam Speaker, we did leave out one person I would also like to recognize. Before I do so, I would like to state that my daughter, Sarah, is a recent graduate of the University of Southern Nevada, School of Nursing. She is now an RN. My daughter-in-law, Ali Hansen, is also an RN and is currently working on her practical nursing degree.

One person I would like to single out, though, started her nursing career at the age of 12 at Washoe Medical Center as a candy striper in 1956. She then went on to graduate from the Washoe Western School of Practical Nursing at Washoe Medical Center in 1962, where Mrs. Chalmers-Council was her instructor. She then received her associate's degree in 1975 from what is now Truckee Meadows Community College, where she received the highest grade in the state on the Nursing Board's exam. This person then graduated in 1994 from UNR's Orvis School of Nursing with a bachelor's degree. She was named the top senior scholar in 1994. The top in the class! She worked at Washoe Medical Center from 1962 to 1977, and then worked at St. Mary's from 1977 to the present. During her career, she was a supervisor, floor nurse, and lactation consultant, and is currently teaching for the nursing program at Truckee Meadows Community College. She has approximately 130 students and has graduated over 300 students.

She also has 7 great grandchildren, 46 grandchildren, and 8 children. I would like to introduce my mother, Sharon Hansen. Please give her a warm welcome.

Way to go, Mom.

Thank you.

Assemblyman Frierson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, on October 31, 1864, Nevada was admitted as the 36th state in the Union; and

WHEREAS, Section 17 of the Nevada Constitution strongly provides that "Neither slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this state"; and

WHEREAS, the Great State of Nevada was the fifteenth state to ratify both the Thirteenth and Fourteenth Amendments to the U.S. Constitution, and on March 1, 1869, was the first state to ratify the Fifteenth Amendment which provides that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude"; and

WHEREAS, in 1865 the African-American citizens of Virginia City, Gold Hill, and Silver City, Nevada, formed the Nevada Executive Committee to "petition the next Legislature for the Rights of Suffrage and Equal Rights before the Law to all Colored Citizens of the State of Nevada" and named Dr. W. H. C. Stephenson of Virginia City as its chair; and

WHEREAS, Dr. Stephenson, one of Nevada's first civil rights leaders, petitioned the 1866 Legislature requesting "Colored people be allowed to testify in civil cases" and have access to public schools; and

WHEREAS, Black History Month began as part of an initiative by writer and educator Dr. Carter G. Woodson, who launched Negro History Week in 1926; and

WHEREAS, over the ensuing years and the struggle for civil rights in Nevada, Governor Grant Sawyer signed a proclamation originating Black History Week in 1959, which became Black History Month in 1976; and

WHEREAS, the Nevada Equal Rights Act of 1961 established that all citizens would be treated equally in education, housing, employment, and daily life; and

WHEREAS, in 1966, Woodrow Wilson was elected as an Assemblyman from Clark County, the first African-American elected to the Nevada Legislature; and

WHEREAS, for 46 years the proud legacy of public service by members of the African-American community has continued with the election to both the Assembly and Senate individuals whose courage and dedication have assisted in our state's success and prosperity;

NOW, THEREFORE, we proudly recognize and honor those African-American legislators, past and present, who have provided leadership and demonstrated their commitment to building a better future for all Nevadans:

Assemblyman Woodrow Wilson (1966-1972)
Assemblyman Rev. Marion D. Bennett (1972-1982)
Assemblyman Cranford L. Crawford (1972-1974)
Senator Joseph M. Neal (1972-2004)
Assemblyman Lonie Chaney (1974-1984)
Assemblyman Eugene Collins (1982-1986)
Assemblyman Morse Arberry Jr. (1984-2010)
Assemblyman Wendell P. Williams (1986-2004)
Assemblyman Thomas Batten (1994-1996)
Senator Bernice Mathews (1994-2010)
Senator Maurice E. Washington (1994-2010)
Assemblyman Kelvin D. Atkinson (2002-2012) and Senate (2012-current)
Assemblyman William C. Horne (2002-current)
Assemblyman Harvey J. Munford (2004-current)
Senator Steven A. Horsford (2004-2012)
Assemblyman Steven J. Brooks (2010-current)

Assemblyman Jason M. Frierson (2010-current)
Assemblywoman Dina Neal (2010-current)
Senator Aaron D. Ford (2012-current)
Senator Patricia Spearman (2012-current)

DATED this 27th day of February, 2013.

SENATOR MOISES DENIS
Majority Leader, Nevada State Senate

ASSEMBLYWOMAN MARILYN KIRKPATRICK
Speaker, Nevada State Assembly

SENATOR KELVIN ATKINSON
Nevada State Senate

ASSEMBLYMAN JASON M. FRIERSON
Assistant Majority Leader
Nevada State Assembly

Assemblyman Frierson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FRIERSON:

I am humbled today to be able to acknowledge Black History Month and to pay homage to those who came before us, from 1966 through today, to provide an opportunity for those of us who are serving, reflecting the various aspects of Nevada's communities. I think it's telling that we have had so many legislators since 1966, both from southern as well as northern Nevada, and I think that it reflects the true spirit of our Legislature.

I certainly appreciate those who I had gotten to know before I ever thought about running for office. I attended hearings to name a school after Senator Bernice Martin Mathews. I went to college and served as an advisor for Senator Maurice Washington's oldest child. Of course, I went to law school with my colleague from Assembly District 34. I sought out tutelage from my colleague from Assembly District 7, and I joined the Legislature with my colleague from Assembly District 6. I believe that Assemblyman Wendell Williams was able to pass racial profiling legislation. I sent him a letter from law school regarding a law review article.

I am honored to be here and privileged to have been part of that legacy, and I think that the face of our Legislature, in reflecting the diversity of our state, is certainly a reflection of those who came before us. I thank you all for joining me in honoring Black History Month and those legislators that came before us, as well as those who are serving today. Thank you very much.

ASSEMBLYMAN HORNE:

I, too, am honored, by this proclamation today. But I first want to say that after looking at those pictures, we need to bring the 'fro back. I think we can work that out by the end of session.

It is truly an honor to serve here. Looking at those pictures, and myself having grown up in Las Vegas on the west side, who didn't know Senator Neal at that time? Assemblyman Morse Arberry and I have roots to Western High School. You saw Reverend Bennett; and his daughter currently serves on the bench in Las Vegas, and I've appeared before her a number of times. As the Assistant Majority Leader stated, he and I not only attended law school together, but we served on the law school's student government together. Now we get to serve together in this legislative body.

I'm proud to say that I'm amongst those pictures up there, and I look forward to more people of color serving in this legislative body. It brings a unique tapestry of experience that Nevada is only going to be better for. Hopefully, one day a lot of you will see my kids grow up since I've been here. And that's really neat; I've had nieces and nephews come through and point out to their friends on their field trips pictures of their uncle, and I think that's a good thing. We're building our history and another line in Nevada. Thank you.

ASSEMBLYWOMAN NEAL:

I just wanted to make a statement. It has been an interesting saga for me. I'm honored that I've been elected and that my father came before me and he served.

It's important to recognize the contributions of African-American men and women. As you can see from the display, African-American men dominate, but women are making our way through. It is very important to understand that we share a common destiny in the development of public policy and that we cannot stand alone. Our diversity in thought must be cherished and it must be used. Furthermore, the destiny of this state and the social and economic welfare of the African-American and Latino community are linked, not only in this nation, but in the state of Nevada. I hope that as we move forward in the celebration of the African-American history month, we remember that people of color have a lot to offer and a lot to say in terms of public policy in this state. Thank you.

ASSEMBLYMAN MUNFORD:

I stand here as one of the senior members of the Assembly from West Las Vegas. Most of the early representatives were from West Las Vegas—all of them going back to 1966–and that's exactly when I arrived in West Las Vegas. I voted for Woodrow Wilson and I voted for Dina Neal's father, Joe Neal. That is when we first began to realize we had representation, not only in the Assembly but in the Senate. We felt at that time, in West Las Vegas, that we were really going to go forward and things were really going to happen. Some things did happen, and it's because of the efforts of some of those early representatives to the Legislature. Our community has made some improvements. We have elevated ourselves, and things have happened—positive things—but we are looking for more things to happen. We discussed that today in my committee with the Las Vegas representatives here today, including the mayor.

As I say, we're looking at the future now, and I hope that we'll continue to work together in a collaborative effort to try to make things better for not only West Las Vegas, but for all of us and the state of Nevada. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Pontius.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Diane McGinnis.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Dorsey.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Susanne Byrne, Alix Goddard, and Melody Mericle.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Wilson and Lindsay Eaton.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Lamprecht.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Curley.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Drake.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Fries, Melissa Washabaugh, Melissa Gonzalez, Sharon Hansen, Madge Cooney, and Mimi Moser.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Aubrey Murrell, Casidy Hansen, and Jakob Newton.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Flaviano Gonzalez-Juarez.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Miner, M.B. Hodgkiss, and Jessica Wenzell.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Betsey Fretwell and Carolyn Goodman.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Amie Ruckman and Danielle Barcia.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Razor.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Franklin Akioyame.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Glassco.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Tanya Avery.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Feth.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Rah Abdullah and Linda Wilcox.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Daphne Girod, Kara Cole, Carol Swanson, and Carla Brutico.

Assemblyman Horne moved that the Assembly adjourn until Friday, March 1, 2013, at 11 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 1, 2013

Assembly called to order at 11:09 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Pierce, who were excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Gracious and Sovereign Lord,

We come before You this day and give You praise for Your loving kindness. We acknowledge You as the giver of every good and perfect gift. We also acknowledge that You have blessed us with men and women who sacrificially serve their communities and this state. We thank each one for their service. I ask that You give them strength when the hours are long, wisdom when the problems are great, the ability to treat each other with respect no matter how great the differences, and most of all, the wisdom which comes from above. Please bless each member of this body today.

In the strong name of a Loving God.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Madam Speaker appointed Assemblywoman Flores and Assemblyman Duncan as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Kristina Pickering.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 29.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the following persons as set forth on the Nevada Legislature's Press Accreditation List of March 1, 2013, be accepted as accredited press representatives, that they be assigned space at the press table, and that they be allowed use of appropriate broadcasting facilities:

KOLO-TV: Chris Buckley; RENO GAZETTE-JOURNAL: Marilyn Newton; UNIVISION TELEVISION: Jose Gonzalez.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bobzien, Kirkpatrick, Eisen, Elliot Anderson, Frierson, Aizley, Benitez-Thompson, Carlton, Cohen, Daly, Dondero Loop, Healey, Ohrenschall, Pierce, Spiegel, and Swank; Senators Denis, Atkinson, Jones, and Smith:

Assembly Bill No. 181—AN ACT relating to employment; prohibiting employers from conditioning employment on access to an employee's social media account; prohibiting a person from requesting or considering a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze; providing civil remedies; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 182—AN ACT relating to liens; authorizing owners of storage facilities to impose a reasonable late fee if rent for a storage space is not paid when due; requiring a peace officer of a local law enforcement agency to remove a person residing in a storage facility within 24 hours after a request by the owner of the storage facility; authorizing the owner of a storage facility to deny an occupant access to his or her storage space if rent owed by the occupant remains unpaid for 5 days or more; revising various provisions governing liens of owners of storage facilities; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:19 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymen Brooks and Pierce, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Hammond and Assemblyman Frierson to escort the Justices of the Supreme Court into the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Hutchison and Assemblyman Horne to wait upon The Honorable Chief Justice Kristina Pickering and escort her to the Assembly Chamber.

The Committee on Escort in company of the Justices of the Nevada Supreme Court appeared before the bar of the Assembly.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice Kristina Pickering, appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Madam Speaker welcomed Chief Justice Pickering and invited her to deliver her message.

Chief Justice Pickering delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Governor Sandoval, Madam Speaker, Mr. President, distinguished members of the Legislature, constitutional officers, and honored guests. Thank you for giving me the opportunity to speak to you on behalf of the Nevada judiciary.

First, let me introduce my colleagues on the Supreme Court: Associate Chief Justice Mark Gibbons, Justice Hardesty, Justice Douglas, and Justice Saitta. Justice Parraguirre is in Las Vegas today attending to a family medical emergency, and Justice Cherry is in San Francisco participating in an indigent defense panel. They asked that I send their regards and their regrets that they could not be here personally. I would also like to introduce the Clerk of the Supreme Court, Tracie Lindeman, and the Director of the Administrative Office of the Courts, Robin Sweet. I count myself privileged to speak on their behalf.

I am also privileged to speak on behalf of the 82 district court judges, 67 justices of the peace, 30 municipal court judges, and the nearly 2,000 Judicial Branch employees who make up our Nevada court system. Together, the Judicial Branch officers and employees work to provide a fair and safe place for resolving family, criminal, civil, and juvenile disputes according to the rule of law. Every day, we strive to fulfill our constitutional obligation to provide timely access to justice; to resolve disputes fairly, impartially, efficiently, and as quickly as budgets and caseloads permit; and to preserve, in the process, community welfare and safety. I am proud to

serve with these dedicated public servants, and I thank them for their commitment to the administration of justice in Nevada.

My task today is to report on the work of Nevada's courts over the past biennium. In doing so, I hope to lay the groundwork for a productive dialogue with you concerning the funding and legislation needed to continue to deliver adequate judicial services to the citizens we mutually serve. I will first discuss the work of the trial courts and then turn to that of the Supreme Court. Finally, I will comment on S.J.R. 14, its importance to Nevada, and outline the work it will take to make a court of appeals a reality in our state.

I'd like to frame the discussion with reference to the important work by the American Bar Association [ABA] in 2011. On August 9, 2011, the American Bar Association House of Delegates met to consider the report of the ABA Task Force on Preservation of the Justice System. Led by former Solicitor General Theodore Olson and attorney David Boies, the Task Force reports that:

> . . . over the past few years, the courts of virtually every state have been forced into debilitating combinations of hiring freezes, pay cuts, . . . furloughs, staff layoffs, . . . and outright closures. These reductions in court staff and related resources have come at the very time when the demand for the judicial resolution of economic claims has increased dramatically. . . .
>
> Since judicial budgets consist almost entirely of personnel costs, the courts do not have the ability simply to postpone expensive items to a more robust economic time; and thus reductions in court funding directly and immediately curtail meaningful access to the justice system.
>
> When that happens, the costs to society are great. The undue delay or outright denial of effective judicial action results not only in further harm to those who need prompt and fair resolution of their disputes, but also, in many instances, to more overcrowded prisons, threats to public safety, and harm to those, such as broken families, in greatest need of legal support.

These are the direct costs. But there are indirect costs, as well. Indirect costs include the economic loss that follows when businesses and citizens are stymied by delays in resolving civil and family disputes. With their assets tied up in litigation and their financial future uncertain, they cannot invest, hire, or put their resources to other, more productive uses. Using the Los Angeles Superior Court system as an example, the report makes the point that court budget cuts and the consequent reduction in court services involve direct and indirect costs that far exceed the savings these cuts achieve—that they can be penny-wise and pound-foolish, in other words.

In response to this report, the American Bar Association has adopted resolutions that call for action on three fronts. First, state and local legislative bodies must establish a stable, predictable, and adequate funding system for their courts. Second, tradition is not an excuse for waste; today's courts must work smarter to ensure efficient delivery of court services and financial accountability. Third, those who use, fund, and serve the court system must seek out ways to better communicate to political decisionmakers and the public what the court system does and why it matters. I hope by these remarks to contribute to that goal.

The ABA Task Force Report I am referring to is entitled "Crisis in the Courts." It is only 20 pages, yet arguably the most significant study of our nation's courts in years, and I commend it to you.

Let me turn now to the work of Nevada's courts. Broadly, the court's job is to resolve disputes. What that means and why it matters enough to qualify the judiciary as one of the three, coequal branches of government is less clear. Again, quoting former Solicitor General Olson again, here is how he sums it up:

> Every day, thousands and thousands of judges—jurists whose names we never hear, from our highest court to our most local tribunal—resolve controversies,

> render justice, and help keep the peace by providing a safe, reliable, efficient and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge's decision is bound to be unpopular with someone.
>
> But in this country we accept the decisions of judges, even when we disagree with them on the merits, because the process is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, evenhanded, and respected rule of law.

Our judiciary in Nevada is small in relation to the number of cases filed annually and the population, both resident and visitor, that we serve.

Nevada has 82 district court judges. These judges sit in ten judicial districts throughout the state and decide civil, criminal, family, and juvenile disputes. They also review arbitration awards, administrative law rulings, and petitions for judicial review arising out of Nevada's foreclosure mediation program.

We have, in addition, 67 justice courts and 30 municipal courts. The justice courts determine whether felony and gross misdemeanor cases have enough evidence to be bound over to the district court for trial. They also hear civil cases involving up to $10,000, small claims, summary evictions, requests for temporary protective orders, and many traffic matters. The municipal courts hear matters that involve violation of city ordinances, including traffic violations within the municipality.

Nine individuals serve as both justices of the peace and municipal court judges. Thus, Nevada has 88 justices of the peace and municipal court judges. The math works out this way: Adding our 82 district court judges and 7 Supreme Court justices to the justices of the peace and municipal court justices, we have 177 judges total in this state, trial and appellate.

The chief judges of Nevada's two biggest judicial districts, Judge Jennifer Togliatti of the Eighth Judicial District Court in Clark County and Judge David Hardy of the Second Judicial District Court in Washoe County, are here today, and I would ask that they stand and be recognized. They, and we, appreciate the 2009 Legislature's support in passing A.B. 64, which added nine district judges in Clark County and one in Washoe County. Elected in November 2010, the new judges took office in January 2011. Their addition enabled the Eighth Judicial District Court in Fiscal Year 2012 to clear more cases—104,363 to be exact—than were filed, 94,740, reversing recent years' backlogging trends. In numerical terms, Clark County's 104,000-plus dispositions in FY 2012 amount to almost 20,000 more case dispositions than the preceding year.

Statewide, in Fiscal Year 2012, Nevada's district, justice, and municipal court judges disposed of almost 365,000 nontraffic matters. This works out to 1,000 nontraffic dispositions per calendar day, an extraordinary number given the small number of judicial officers and Judicial Branch employees that we have.

I am not telling you something new when I say that Nevada has been hit hard by the recession. But demand for court services does not slacken in hard economic times; it intensifies. The changing composition of our trial courts' caseloads shows this clearly. In recent years, increasing numbers of Nevadans have turned to the courts for help with family relationships ruined by unemployment, foreclosures, and substance abuse; with landlord-tenant disputes; and with business disputes made the more urgent by financial need. As an example, the number of family-related cases has steadily trended upwards. In Fiscal Year 2012, family-related cases made up more than half—fully 55 percent—of the statewide district court docket.

Adding to the trial courts' challenges, many citizens who need judicial services today cannot afford a lawyer. At the same time, rising demand and cuts in legal service provider budgets have reduced the availability of free legal help. This leaves citizens to either forego access to the courts altogether or to proceed on a *pro se*, or self-represented, basis. When parties represent themselves, judges and their staffs must devote additional time to provide the additional

guidance a lawyer would, at least to the extent they can do so without compromising their role as unbiased dispute resolvers.

Our trial courts are funded both locally and at the state level. Decreased funding, reduced workforces, mandatory furloughs, and the changing composition of our trial courts' caseloads has forced our trial courts to do more with less than ever before.

Our Nevada trial courts have risen to these challenges through resilience, innovation, and openness to change. This was brought home to me by an exchange I had with the President of the Nevada District Judges Association, Chief Judge Hardy, whom I introduced a moment ago. He submits that the financial challenges of recent years have created opportunities for improvement. In his words, and I quote:

> We who serve in the trenches of justice are constantly innovating to realize better results for the citizens we serve. We are experimenting with calendar efficiencies, technological enhancements, specialized dockets, and alternative dispute resolution. [Nevada's trial court] judges are responding to the changing times by changing the way we do business.

Let me share a few, among many, examples of what Chief Judge Hardy is talking about.

In Clark County, a telecourt program has been put in place so mental health court proceedings can be conducted remotely by video link. Two hospitals in Clark County now have virtual courtrooms, allowing the proceedings to take place by audiovisual transmission rather than face-to-face court appearance. In many cases, this eliminates the need to transport mental health patients, which can be logistically challenging, costly, and potentially dangerous.

Another great example is Nevada's specialty courts. Throughout the state, Nevada's trial courts have been pioneers in the effective use of specialty courts. These courts focus on the root causes of certain kinds of crime—drug and alcohol addiction and mental illness—and they work to rehabilitate, rather than incarcerate, chronic offenders. Often, these programs involve multi-agency collaboration. Not all participants in these programs succeed, but for those who do succeed, a miracle happens, too, by which they come to claim their place as productive members of society.

Take the case of Adam A. He came into the Clark County DUI Court's serious offender program in October of 2009. He had to relocate from Ohio to participate. He came to Las Vegas with the clothes on his back and a wallet with a few dollars in it. He found a place to live in a sober living house. Days later, his wallet was stolen. He started the program pursuant to his plea bargain, nonetheless, and was able to get a job as a food server. He earned enough to pay his living expenses and for public transportation to get to counseling, support group meetings, and court appearances. Adam worked hard in treatment and within a year and a half, he got a job in sales, where he flourished. He became one of the top salesmen in his company, earning an income of more than six figures a year. District Judge Linda Bell, who worked with Adam A., writes "Today Adam has successfully completed the program and is happy, healthy, and sober. He is a productive member of society and . . . grateful for the program, the discipline it took to adhere to the requirements, and the opportunity to truly invest in his life and learn from his wrong choices."

If you have not been to a drug, youthful offender, or habitual offender graduation ceremony, I urge you to do so—the hard work, joy, and pride of accomplishment are radiant and overwhelming. These programs do not just benefit the participants and their families; they benefit the counties and the taxpayers by reducing the prison population and decreasing recidivism rates.

We have also pressed into service Nevada's senior or retired judges. There has been an unusually high number of trial court vacancies the past biennium owing to death or mid-term retirements. We have kept those dockets moving thanks to the help of 22 senior judges. In 2012, the senior judges provided the equivalent coverage of eight full-time district court judges, expediting cases that otherwise would have languished. Our senior judges have also done a yeoman's job covering the rural specialty courts and conducting settlement conferences. As an example, in December of 2011, senior judges engaged in a marathon settlement conference at

the Family Court in Clark County. Of the 94 cases heard, 71 were settled, a 75 percent success rate.

Now I would like to talk to you about the Nevada Supreme Court. As you know, the *Nevada Constitution* provides for a single appellate court: the Supreme Court. Because parties have a right to appellate review, the Supreme Court must—is constitutionally obligated to—hear and decide all direct appeals from all civil and criminal judgments entered by our 82 district court judges. We also consider writs, both original and appellate; administer the Nevada judicial system; supervise the Supreme Court Law Library, which is one of only three significant law libraries in the state; provide appellate review of judicial discipline; oversee the licensure and discipline of lawyers; participate in and oversee the work of important statewide commissions, such as those on access to justice, indigent defense, and juvenile justice reform; and discharge statutorily mandated obligations—a recent example: writing the rules for the foreclosure mediation program (FMP) and setting up FMP operations under the auspices of the Administrative Office of the Courts, as directed by the 2009 Legislature.

Historically, it took a trip to the courthouse to review a court record or hear an oral argument. Information technology has changed that, resulting in much greater public access and visibility. Oral arguments are webcast live on the Supreme Court's website, so anyone with access to a computer can see and hear them in real time, as they occur. The podcasts are stored on the website so they can be reviewed later, conveniently, or copied to DVD.

And the court has gone to electronic filing. Each justice and staff member has immediate access to the briefs and appellate record through the Court's C-Track appellate case management system. We also have a public portal, through which the public can access the briefs, motions, orders, and opinions in any given case. No longer do copies of these materials have to be obtained at $1 a page from the clerk of the court, who in turn had to devote staff to copying jobs. They are available online and can be downloaded and printed for free.

While technology has facilitated the work of the court, it has not changed it fundamentally. Our court, as Nevada's only appellate court, hears and decides three main types of cases. These case types are the same as those Justice Cardozo wrote about in 1921, describing his work on the New York Court of Appeals. First, there are the pure error correction cases—appeals that, in Cardozo's words, "could not, with any semblance of reason, be decided in any way but one. The law and its application are plain." Second, also a type of error correction case, are those in which "the rule of law is certain but the application alone doubtful." In these cases, the "record must be dissected, the narratives of witnesses, more or less incoherent and unintelligible, must be analyzed. . . .Often these cases . . . provoke differences of opinion among judges. But jurisprudence remains untouched, regardless of the outcome in these cases." Finally there are cases "where a decision one way or the other will count for the future, will advance or retard—sometimes much, sometimes little—the development of the law." It is in this third category of cases that we find our work most demanding. We are called on in these cases to interpret unsettled issues of constitutional and statutory law and to add to the body of decisional law by creating and publishing precedential dispositions. These dispositions resolve the individual case, but they also create precedent by which future disputes can be decided or avoided altogether.

The subject matter of our Nevada Supreme Court's published dispositions is varied and complex. Consider, for example, the last biennium. In that biennium, we have published opinions on water rights, tort law, gun rights under the *Nevada Constitution* and Second Amendment, state taxation, government finance, corporate governance, criminal law in both capital and noncapital cases, evidence, procedure, and election and ballot initiatives.

The Supreme Court's caseload has increased year after year. It took 112 years—from statehood on October 31, 1864, until August 12, 1977—for the first 10,000 cases to be filed in the Nevada Supreme Court. Over the next 30 years, 40,000 more cases were filed; 10,000 of them were filed between 2002 and 2007. The 60,000th case was filed on January 9, 2012.

In 2012 alone, 2,500 cases were filed in our court. This works out to almost 365 cases per justice per year. Since we sit in panels of three or seven, in reality that number is at least three times higher than that, working out to three cases per justice per day, day in and day out,

throughout the year. This is one of the highest—perhaps the highest—caseloads of mandatory review cases per justice in the country.

The court is doing what it can to manage its caseload. We have a mandatory settlement program which applies to most civil appeals. In many error correction cases, we utilize staff attorneys to present recommended dispositions to three-justice panels. Despite these measures, the number of published dispositions, as a percentage of the total docket, has fallen and will likely continue to fall. It is quicker to write a memorandum disposition briefly explaining to the parties why one side lost and one side won than to author a published disposition. In 2012, filings exceeded the dispositions and will likely continue to do so. Delayed dispositions and lack of precedent by which citizens can predict outcomes and regulate their affairs are the result. This hurts not only citizens whose cases are delayed, but Nevada's nascent economic recovery as well. In 2012 the U.S. Chamber of Commerce reported that more than two-thirds—70 percent—of the counsel and senior executives surveyed stated that the quality of a state's judicial system is an important factor in deciding where to locate and where to do business.

Which brings me to S.J.R. 14. If passed by you this session and approved by the voters in 2014, S.J.R. 14 would amend the *Nevada Constitution* to provide for a court of appeals. My colleague, Justice Hardesty, and I took great heart in the Senate Judiciary Committee unanimously approving this measure as its first order of business. We thank the committee and its chair, and we also thank the Governor, whose office attended the Senate Judiciary hearing to express his wholehearted support for this measure.

The principal, perhaps only, argument I have heard against S.J.R. 14 is that a similar ballot measure did not pass statewide in 2010. To this criticism, I offer three responses. First, regardless of criticism, it would be irresponsible of me and my colleagues on the court not to report to you, the Nevada Legislature and to our citizens, just how serious a problem the court's growing caseload and backlog pose to individual litigants, small and large businesses, and the state as a whole. Second, Nevada's demographics are changing, as the poll released earlier this week by the Retail Association of Nevada shows. That poll was conducted by Glen Bolger, a very respected polling firm, and it shows that today's Nevadans, by a margin of 48 percent to 42 percent, favor amending the Constitution to provide for a court of appeals. In other words, attitudes have changed. Third, we can and must do a better job explaining the court of appeals to the voters—that it would speed up dispositions, not delay them, because the error correction cases assigned to the court of appeals, the first category of cases I alluded to a moment ago, will stop there, at the court of appeals. And we also need to do a better job of acquainting the voters with the push-down model the court of appeals would follow. Under this model, cases would be filed centrally in a clerk's office and either kept in the Supreme Court or pushed down to the court of appeals, depending on the category into which they fall. As a result, there are few added costs beyond the three court of appeals judges and their chambers staff. Just as adding district court judges helped expedite case resolution in Clark County, adding appellate judges will help expedite the appeal process.

As the chair of the Senate Judiciary Committee said, the key to S.J.R. 14's success is "for us to get behind it once it is on the ballot and make sure that there is a united voice explaining to the citizens of Nevada that this matter is critical. Nevada is at a turning point where voters are starting to realize that we are no longer that little state that we all grew up in. We have to move into the twenty-first century, and S.J.R. 14 will be a major part of that." Thank you, Senator.

Standing before you this morning, with Lincoln's portrait at my back, it is impossible not to feel the press of history, to imagine the footfalls of those who came before and will follow us. Next year marks Nevada's 150th birthday, its sesquicentennial. To put time in perspective, our Constitution was adopted, and Nevada's judiciary established, just months before Lincoln was assassinated. History will not long remember most of us, perhaps not even any of us. But it will judge us by the legacy we leave. We in the judiciary deeply appreciate the cooperation we have historically enjoyed with our Legislative and Executive Branch partners, and we hope that, together, we make positive, lasting contributions to Nevada's future in the remaining weeks of this session.

Thank you and God speed.

Senator Jones moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Pickering for her timely, able, and constructive message.

Seconded by Assemblyman Ohrenschall.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Pickering to the bar of the Assembly.

The Committee on Escort escorted the Justices of the Nevada Supreme Court to the bar of the Assembly.

Assemblywoman Cohen moved that the Joint Session be dissolved.

Seconded by Senator Gustavson.

Motion carried.

Joint Session dissolved at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Duncan, Paul Anderson, Sprinkle, Hickey, Aizley, Cohen, Ellison, Fiore, Flores, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Martin, Munford, Ohrenschall, Oscarson, Spiegel, Stewart, Wheeler, and Woodbury:

Assembly Bill No. 183—AN ACT relating to blood donation; allowing a person who is 16 years of age to donate his or her blood with the consent of his or her parent or guardian; and providing other matters properly relating thereto.

Assemblyman Duncan moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Duncan, Hickey, Hardy, Fiore, Hansen, Paul Anderson, Ellison, Grady, Hambrick, Kirner, Livermore, Oscarson, Stewart, Wheeler, and Woodbury; Senators Cegavske and Gustavson:

Assembly Bill No. 184—AN ACT relating to constructional defects; revising the definition of “constructional defect”; providing that a claimant may not recover attorney’s fees as damages; requiring an attorney to obtain an affidavit from a claimant and file the affidavit with the court under certain circumstances; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; and providing other matters properly relating thereto.

Assemblyman Duncan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 185—AN ACT relating to labor; authorizing the Labor Commissioner to enter into a memorandum of understanding with the United States Department of Labor to promote compliance with labor laws of common concern; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 186—AN ACT relating to labor; creating the Wage Claim Restitution Account; requiring an employer to provide to his or her employees at the time of hire written notice containing certain employment-related information on a form prescribed by the Labor Commissioner; requiring an employer to obtain from an employee acknowledgment of receipt of the notice; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 187—AN ACT relating to retail installment contracts; revising provisions relating to retail installment contracts; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 188—AN ACT relating to optometry; revising provisions governing the practice of optometry; revising provisions relating to accreditation by the Nevada State Board of Optometry of schools of optometry; revising provisions relating to the suspension of licenses of certain licensees; authorizing the Board to impose administrative fines for certain violations by any person; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 189—AN ACT relating to motor vehicles; providing for the issuance of special license plates to advance the research, early detection and treatment of neurological diseases; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 190—AN ACT relating to the Legislature; requiring legislative lobbyists to file reports concerning lobbying activities after the end of each calendar quarter in which the Legislature is not in session; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Stewart, Ellison and Kirner:

Assembly Bill No. 191—AN ACT relating to the Legislature; revising the number of legislative measures that Legislators are authorized to request; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Cohen, Diaz, Kirkpatrick, Flores, Carlton, Elliot Anderson, Bustamante Adams, Carrillo, Dondero Loop, Eisen, Frierson, Healey, Martin, Ohrenschall, Oscarson, Pierce, Spiegel, Stewart, and Swank:

Assembly Bill No. 192—AN ACT relating to county clerks; repealing the prospective expiration of the authority of county clerks to charge and collect an additional fee for filing and recording a bond of a notary public; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 29.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Davis and Todd Westergard.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Dalton and Andres Moses.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Amerika Young and Ken Eastman.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Grierson.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to James Todd Russell.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Marvin Carter, Dana Barooshian, and Paula Rudolph.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie McCletchie.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara McCarthy.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Schweisthal.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to James Wilson, Thomas Perkins, and Michael Gibbons.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Monday, March 4, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 4, 2013

Assembly called to order at 11:43 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Aizley, Brooks, Cohen, and Flores, who were excused.

Prayer by the Chaplains, Bishop Randolph R. Calvo and Bishop Anthony Pepe.

O God, our Creator, source of life and goodness,

We pray for the gift of wisdom. As is said in the Book of Proverbs: "If you find wisdom, you will have a future, and your hope will not be in vain."

Grant us wisdom, so that our efforts done for the welfare of all citizens might secure a bright future for Nevada.

Let wisdom be a light amid the great challenges that face our state and nation; may it guide our deliberations, shape our decisions, and inspire us to rise beyond our differences and work together for the common good.

Let our actions be so enlightened that they stir a measure of hope in the hearts of our brothers and sisters.

May the spirit of wisdom fill this Assembly today and throughout this legislative session.

We ask this, O God, confident in Your love and mercy,

To which we say,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 4, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 113, 132, 142, 147, 149, 150, 151, 156, 165, 171, 172, 182 and 183.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Kirner, Hardy, Hickey, Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Healey, Hogan, Livermore, Oscarson, Sprinkle, Stewart, Wheeler, and Woodbury:

Assembly Bill No. 193—AN ACT relating to labor; revising provisions relating to payment for each hour of work by an employee; authorizing an employer to round the time actually worked by an employee; authorizing an employer to disregard certain time recorded by an employee; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ellison, Hambrick, Fiore, Grady, Healey, Hickey, Livermore, Neal, Oscarson, Stewart, Wheeler, and Woodbury; Senators Goicoechea and Settelmeyer:

Assembly Bill No. 194—AN ACT relating to crimes; clarifying that a person who holds a leasehold interest in the real property of another person may be criminally liable for the destruction or injury of that real property; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ellison, Wheeler, Oscarson, Fiore, Carrillo, Grady, Hambrick, Hansen, Hickey, Livermore, Martin, Munford, Ohrenschall, Stewart, and Woodbury; Senators Gustavson and Goicoechea:

Assembly Bill No. 195—AN ACT relating to firearms; providing that certain persons who possess a permit to carry a concealed firearm may submit an application to renew the permit at any time before the permit expires; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Wheeler, Ellison, Paul Anderson, Fiore, Oscarson, Duncan, Grady, Hansen, Hardy, Hickey, Kirner, Livermore, Stewart, and Woodbury; Senators Gustavson, Cegavske and Settelmeyer:

Assembly Bill No. 196—AN ACT relating to the Attorney General; requiring the Attorney General, under certain circumstances, to commence an action to protect and secure the rights of residents of this State under the Second Amendment to the United States Constitution; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Government Affairs.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.
Madam Speaker presiding.
Quorum present.

Motion carried.

By Assemblymen Hambrick, Aizley, Paul Anderson, Ellison, Grady, Hardy, Livermore, Oscarson, and Wheeler; Senator Gustavson:

Assembly Bill No. 197—AN ACT relating to juvenile delinquents; revising the manner in which certain children who are adjudicated delinquent for certain acts are required to register as a juvenile sex offender; requiring the Attorney General to establish guidelines and procedures for community notification concerning juvenile sex offenders; revising which juvenile sex offenders may be subject to registration and community notification in the manner provided for adult sex offenders; requiring the juvenile court to retain jurisdiction over all children who are subject to registration and community notification as sex offenders and to determine when such children may be relieved of such requirements; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hambrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ellison, Hambrick, Fiore, Hansen, Hickey, Livermore, Martin, Oscarson, Stewart, Wheeler, and Woodbury; Senators Gustavson and Goicoechea:

Assembly Bill No. 198—AN ACT relating to taxicabs; eliminating the requirement that a vehicle acquired for use as a taxicab in certain counties must be new or must have not more than 30,000 miles on its odometer; eliminating the requirement that a taxicab operated in certain counties must be removed from operation after a certain period of use; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 199—AN ACT relating to energy; authorizing the Colorado River Commission of Nevada to sell electricity and provide transmission service and distribution service to certain new customers; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hardy, Grady, Carlton, Hickey, Oscarson, Kirner, Livermore, and Wheeler; Senators Hardy and Cegavske:

Assembly Bill No. 200—AN ACT relating to food establishments; revising the definition of "food establishment" for purposes of provisions regulating such establishments; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 201—AN ACT relating to taxation; increasing the rate of assessment of property; temporarily providing for the allocation and use of certain revenue attributable to the increase in the rate of assessment; revising the provisions governing the distribution of the proceeds of certain taxes through the Local Government Tax Distribution Account; revising the provisions governing certain partial abatements of property taxes; repealing the prohibition against certain agreements between local governments regarding the establishment of a combined property tax rate; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 202—AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring a child who is sentenced to a term of imprisonment to serve the term in a state juvenile detention facility until he or she reaches the age of 18 years; providing for parole eligibility at the age of 25 years for certain prisoners; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Livermore, Ellison, Hickey, Hambrick, Aizley, Diaz, Duncan, Fiore, Grady, Hansen, Hardy, Kirner, Martin, Munford, Neal, Oscarson, Spiegel, Stewart, Swank, Wheeler, and Woodbury:

Assembly Bill No. 203—AN ACT relating to domestic relations; revising provisions governing the granting of the right to visit a child to grandparents and great-grandparents of the child; and providing other matters properly relating thereto.

Assemblyman Livermore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 76, 81, 121.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 76.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 81.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 121.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Leora Olivas and Howard Watts.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Mariana Dubose, Sarah Galetti, Yeeymmy Giron, and Nancyann Leeder.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Valorraine Dattan.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Boszak, Alison Ormaas, and Maddie Poore.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Reisinger.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Moessner and Chrissi Sponsler.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Dietrich, Molly Henderson, Judie Henderson, and Caroline Tripp.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Gaulden, Diane Loper, Nancy Podewils, and Pam Russell.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Teri Thomas.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Destefanis, Patty Elzy, and Pam Roberts.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh and Barbara Wall.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Dawn Johnson.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Tara Brosnan, Keith Reisinger, and Susan Taylor.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to C. J. Miller.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Lemma.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Britanni Squires-Hart.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Hoelscher Day and Katherine Winans.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, March 5, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 5, 2013

Assembly called to order at 11:38 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Cohen, and Spiegel, who were excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Our God in Heaven,

Father, we thank You for these leaders here today. We ask for Your wisdom and blessing to be on each of them. We pray that You give them understanding as they seek to serve. We pray that You would give each of them courage to always seek the best for the state of Nevada and its people. We invite Your presence here to work in us and through us. We pray all this in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 204—AN ACT relating to appraisers of real estate; restricting the use in an appraisal of information relating to the sale of certain distressed properties; requiring an appraiser to maintain an office in this State; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 205—AN ACT relating to education; requiring the sponsor of a charter school to develop a performance framework for the charter school and incorporate that performance framework into the charter contract; revising the procedure for reviewing an application to form a charter school; setting forth requirements for the execution and renewal of charter contracts; setting forth the grounds for termination of a charter contract; revising provisions relating to the enrollment of pupils in charter

schools; making various other changes relating to charter schools; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 206—AN ACT relating to industrial insurance; providing that volunteer members of a county search and rescue organization shall be deemed to be employees of the county at a wage specified by statute for certain purposes relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 207—AN ACT relating to juveniles; revising the definition of an act of domestic violence as it relates to a person who is less than 18 years of age; establishing a maximum period of time for which a juvenile court may order an adult who has been placed on probation by the juvenile court or released on parole to be placed in county jail for a violation of probation or parole; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Kenneth William Dalton was born in Sioux City, Iowa, on August 1, 1946, to Donald and Norma Dalton; and

WHEREAS, Ken Dalton attended Cal Poly at San Luis Obispo where he played football and ran track; and

WHEREAS, Ken began his coaching career at Archbishop Mitty High School in San Jose, California, before moving on to start the football program at North Tahoe High School, staying there until 1982 when he started the football program at Robert McQueen High School; and

WHEREAS, In the course of his coaching career, Ken amassed over 300 victories, including 6 Nevada State Championships, 11 regional titles, 5 undefeated seasons and a .794 career win percentage; and

WHEREAS, Not only was Ken a gifted coach on the field, he was first and foremost an educator for over 30 years; and

WHEREAS, Ken's dedication to his students and his athletes was immeasurable, touching countless lives as he taught them to have the "right mental attitude" and "Lancer Pride"; and

WHEREAS, Ken Dalton is survived by his wife of 44 years, Patty Dalton, daughter Jennifer Sees and her husband Eric, daughter Amy Carter and her husband Cale, son Matt Dalton and his wife Tawney, grandchildren Emma and Samantha Sees and Dalton and Cooper Carter, and his sister Marilyn Utterback; and

WHEREAS, With the passing of Coach Ken Dalton in Reno on January 3, 2013, Nevada lost one of its greatest teachers and coaches; now, therefore, be it

PROCLAIMED, That the members of the 77th Session of the Nevada Legislature note with admiration this awe-inspiring man's life and, with sorrow, this great loss.

DATED this 5th day of March, 2013.

TERESA BENITEZ-THOMPSON
Nevada State Assemblywoman

Assemblyman Horne moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I had the distinct honor, earlier this morning in my office, to present a proclamation to the two guests I have here today, Ms. Patty Dalton and Mr. Jim Snelling. I wanted to read just a couple of pieces from the proclamation so that you understand the significance of why my guests are here today:

> WHEREAS, Kenneth William Dalton was born in Sioux City, Iowa, on August 1, 1946, to Donald and Norma Dalton; and
>
> WHEREAS, Ken began his coaching career at Archbishop Mitty High School in San Jose, California, before moving to North Tahoe High School, staying there until 1982 when he . . .

started the football program at the newly opened Robert McQueen High School. Now, this is where you sports enthusiasts really need to listen:

> WHEREAS, In the course of his coaching career, Ken amassed over 300 victories, including 6 Nevada State Championships, 11 regional titles, 5 undefeated seasons, and a .794 career win percentage; and
>
> WHEREAS, Ken is survived by his wife of 44 years, Patty Dalton, daughter Jennifer Sees and husband Eric, daughter Amy Carter and her husband Cale, son Matt Dalton and his wife Tawney, grandchildren Emma and Samantha Sees and Dalton and Cooper Carter, and his sister Marilyn Utterback; and,
>
> WHEREAS, With the passing of Coach Kenneth Dalton in Reno on January 3, 2013, Nevada lost one of its greatest teachers and coaches; now therefore, be it
>
> PROCLAIMED, that the members of the 77th Session of the Nevada Legislature note with admiration the awe-inspiring life of Mr. Ken Dalton, teacher and mentor.

We have his spouse, Patty, here and one of his coaches with us. It was a pleasure for me, as a McQueen Lancer alumnae, to have the ability to recognize the hard work and the service that her husband gave as an educator and coach. Please make them feel welcome.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Dalton and Jim Snelling.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Gardner and Andrew Priest.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Dalton, Michael Harter, and Schyler Richards.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Atiyeh, Glenn Barnes, and Lauren Crutcher.

Assemblyman Horne moved that the Assembly adjourn until Thursday, March 7, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 7, 2013

Assembly called to order at 11:39 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Our God in Heaven,

Father, we thank You for these leaders here today. We thank You for the sacrifices they have made to both their families and their careers to serve their communities as Assembly members. We ask that You especially bless their families who have allowed them the time they need to serve. Give each one of our Assembly members Your wisdom and understanding. We invite Your presence here today to comfort, guide, and provide direction. We pray all this in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 12, 23, 72, 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 89, 115, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 86.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 68; Senate Bill No. 175.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 6, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 1, 6, 24, 31, 39, 42, 46, 49, 58, 67, 79, 96 and 101.

CINDY JONES
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 57 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Munford, Healey, Carlton, Frierson, Paul Anderson, Diaz, Fiore, Grady, Horne, Kirner, Livermore, Neal, and Swank; Senators Atkinson, Gustavson, Settelmeyer, and Spearman:

Assembly Bill No. 208—AN ACT relating to taxation; prohibiting the Department of Taxation from considering the provision of meals by employers to their employees to constitute sales to which sales taxes apply; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Aizley and Ohrenschall; Senator Segerblom:

Assembly Bill No. 209—AN ACT relating to dairy products; revising certain provisions governing the sale of milk and milk products to be consistent with federal law; providing that raw milk certified by the county milk commission of the county in which the raw milk is produced may be sold anywhere in this State; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 210—AN ACT relating to education; requiring an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment; requiring that minimum standards for the special education of pupils with hearing impairments prescribed by the State Board of Education

include certain provisions; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hansen, Wheeler, Ellison, Hambrick, Paul Anderson, Grady, Kirner, Livermore, and Stewart; Senator Gustavson:

Assembly Bill No. 211—AN ACT relating to public works; revising provisions relating to the requirement for the payment of prevailing wages on certain contracts for public works; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hansen, Hambrick, Paul Anderson, Ellison, Grady, Kirner, Livermore, Stewart, and Wheeler; Senator Gustavson:

Assembly Bill No. 212—AN ACT relating to correctional institutions; prohibiting the possession of portable telecommunications devices by certain prisoners; providing penalties; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Bobzien:

Assembly Bill No. 213—AN ACT relating to service contracts; allowing a provider to qualify for the issuance of a certificate of registration by maintaining a reserve account and depositing certain security with the Commissioner of Insurance; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Eisen and Carrillo:

Assembly Bill No. 214—AN ACT relating to contractors; requiring the State Contractors' Board to adopt regulations providing a classification of licensure for persons who install or maintain building shell insulation or thermal system insulation; requiring such persons to be licensed in that classification; and providing other matters properly relating thereto.

Assemblyman Eisen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 215—AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; providing that state and local governmental agencies must not require a permit for or prohibit the collection and application of graywater for a single-family residence that meets certain requirements; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hansen, Wheeler, Ellison, Hambrick, Fiore, Paul Anderson, Grady, Livermore, and Stewart; Senator Gustavson:

Assembly Bill No. 216—AN ACT relating to elections; requiring registered voters to provide photographic identification to vote in person; requiring county clerks to issue photographic identification under certain circumstances; revising provisions concerning provisional ballots; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 217—AN ACT relating to protection of children; requiring the department of juvenile justice services of certain larger counties and agencies which provide child welfare services to obtain a background investigation of the criminal history of applicants for employment; requiring such a department or agency to terminate or deny employment of certain persons based on the results of an investigation of the person's criminal history; authorizing such a department or agency to terminate or deny employment if certain criminal charges are pending against an employee or applicant for employment; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 218—AN ACT relating to public works; defining the term "bona fide fringe benefit" for certain provisions applicable to the payment of wages for public works; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 86.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 175.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tami Berg and Kim Tate.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to J. J. Goicoechea.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Joylyn Harmer.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Jackson, Tillie Jackson, and Ron Cerri.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Millington and Darlene Millington.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Martin Dean Dupalo.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Hardy and Jim Hardy.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Julian Smith and Larry Pedrett.

Assemblyman Horne moved that the Assembly adjourn until Friday, March 8, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 8, 2013

Assembly called to order at 11:35 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Woodbury, who were excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Lord God,

We pray that our hearts and minds are opened today. That each of us know right from wrong; good from bad. That our leaders can see the good for the state of Nevada and the good for the people of Nevada. Assist our State Assembly members to serve faithfully and work towards improving the life of others. We pray a blessing on each one assembled here today, in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 26, 2013

THE HONORABLE MARILYN KIRKPATRICK, *Speaker of the Nevada Assembly*, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER KIRKPATRICK:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Thursday, April 4, 2013. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be addressing in the upcoming months and how they will affect the state of Nevada.

I thank you in advance for your consideration of my request and I look forward to seeing you soon.

Sincerely,
DINA TITUS
United States Congresswoman (NV-01)

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 7, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 164, 174, 202 and 204.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Flores:

Assembly Bill No. 219—AN ACT relating to civil actions; providing that damages for which a person or corporation is liable to another person in certain actions for personal injury must not be reduced by any amount payable or otherwise applied as a benefit to the person injured; and providing other matters properly relating thereto.

Assemblywoman Flores moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 220—AN ACT relating to credit cards; prohibiting certain payees from applying a surcharge to the purchase by credit card of any goods or services; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Dondero Loop, Kirkpatrick, and Eisen:

Assembly Bill No. 221—AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to issue a request for information to determine the availability, cost and appropriateness of certain measures to revise the manner in which payments are reviewed and made to providers under Medicaid and the Children's Health Insurance Program; requiring the Director to enter into any appropriate contracts; and providing other matters properly related thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Diaz, Bustamante Adams, Flores, Neal, Carrillo, and Benitez-Thompson; Senators Denis, Kihuen, and Segerblom:

Assembly Bill No. 222—AN ACT relating to education; requiring the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District to adopt pilot programs for the establishment of reading skills development centers; making appropriations for the establishment, operation and support of reading skills development centers; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 223—AN ACT relating to constables; providing that a constable may perform certain evictions only in his or her township; revising provisions governing the powers and duties of a constable with respect to the service of process and the execution of writs and warrants; revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Elliot Anderson, Bustamante Adams, and Dondero Loop; Senators Woodhouse, Spearman, Parks, and Atkinson:

Assembly Bill No. 224—AN ACT relating to education; requiring that the automated system of accountability information for Nevada established and maintained by the Department of Education include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, or has served as such and was discharged or released on or after September 11, 2001; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time and ordered to third reading.

Assembly Bill No. 23.
Bill read second time and ordered to third reading.

Assembly Bill No. 72.
Bill read second time and ordered to third reading.

Assembly Bill No. 83.
Bill read second time and ordered to third reading.

Assembly Bill No. 89.
Bill read second time and ordered to third reading.

Assembly Bill No. 115.
Bill read second time and ordered to third reading.

Assembly Bill No. 127.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 57 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan W. Harris.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Cissy Cheng and the following students, teachers, and chaperones from Roy Gomm Elementary School: Duncan Brown, Jesse Bunuel, Derek Chien, James Debarger, Skylar Hales, Ellie Huh, Hayley Johnson, Celeste Neahusan, Isabella Oh, Coleman Schmidt, Logan Sternberg, Joseph Story, Logan Strand, Alita Tull, Adaline Armon, Ethan Barber, Nico Brunelli, Dominic Burke, Soren Campbell, Camile Franke, Amelia Futch, Gelina Geis, Dillon Greenan, Hunter Grimm, Hana Hackbusch, Savannah Hahn, Nathan Hunsberger, Kendall Johnson, Tyler Jones, Alexander Khorshidi, Lauren Kinder, Tristin Kjoll, Elizabeth McKibben, Quinn Means, Michael Mondragon, Malia Old, Skyler Petrilla, Piper Pfau, Tobias Pfau, Emery Rowe, Erica Schwab, Christopher Shaffer, Anna Smith, Trevor Tolotti, Kierstyn Bradford, Eryn Casey, Nicholas Cohen, Hayden Lance, Sydney Barber, Rachel Boucher, Ana Cisneros, Natalie Colfer, Kiera Escalante, Katie Fielder, Thomas Frank, Jack Freeman, Ella Fry, Addyson Fye, Brett Grimm, Jeremy Guevin, Savanna Guidas, Sierra Hall, Cooper Jackson, Iziah Marin, Althea Mayberry, Ava Scarlet Miller,

Gabriel Munoz, Alexandria Mustard, Hannah Penberthy, Genelle Shonnard, Jericho-Arven Tirona, Mary Verner, Madison Wanco, Halla Wand-Mansfield, Zoe Wand-Mansfield, Aydan White, Melony Dunn, Brett Jensen, Mona Melton, Sharon Miller, Peter Grimm, Alisa Armon, Kurt Franke, and Scott Johnson.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Mimi Tremo and Rachel Millsap.

Assemblyman Horne moved that the Assembly adjourn until Monday, March 11, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 11, 2013

Assembly called to order at 11:39 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Livermore, Neal, and Sprinkle, who were excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Well, Lord, it's Monday. Monday doesn't have a good reputation, and few of us look forward to it. But it's a new week! So I ask today for the attitude of King David of old who wrote, "This is the day the Lord has made; let us rejoice and be glad in it." May this day and this week bring with it the expectation of good things as we endeavor to serve You and the people of Nevada. Thank You for the opportunity.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 12, 23, 57, 72, 83, 89, 115, and 127 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Stewart, Grady, Hardy and Hickey:

Assembly Bill No. 225—AN ACT relating to business brokers; revising the definition of the term "business broker"; limiting the application of the term to the performance of certain acts; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 226—AN ACT relating to insurance; requiring an insurer to request certain information from its insureds, annuity holders and

retained asset account holders; requiring an insurer to perform a comparison of the insurer's life insurance policies, annuities and retained asset accounts against the Death Master File from the Social Security Administration or other approved database; requiring an insurer to perform certain actions if a comparison with the Death Master File results in a match with an insured, annuity holder or retained asset account holder; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ellison, Wheeler, Hansen, Hickey, Hardy, Paul Anderson, Bustamante Adams, Carrillo, Duncan, Fiore, Flores, Grady, Hambrick, Healey, Kirkpatrick, Kirner, Livermore, Neal, Ohrenschall, Oscarson, Spiegel, Stewart, and Woodbury; Senators Goicoechea, Gustavson, Roberson, Hutchison, Hammond, Atkinson, Brower, Cegavske, Denis, Hardy, Jones, Kieckhefer, Kihuen, Manendo, Parks, Settelmeyer, Spearman, and Woodhouse:

Assembly Bill No. 227—AN ACT relating to public lands; creating the Nevada Land Management Implementation Committee to conduct a study addressing the transfer of public lands in Nevada from the Federal Government to the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Grady, Hardy, Hambrick, Hickey, Kirner, Aizley, Elliot Anderson, Paul Anderson, Bustamante Adams, Diaz, Duncan, Eisen, Ellison, Fiore, Hansen, Healey, Horne, Kirkpatrick, Livermore, Ohrenschall, Oscarson, Pierce, Sprinkle, Stewart, Wheeler, and Woodbury; Senators Hardy, Goicoechea, Gustavson, Denis, Hammond, Parks, and Settelmeyer:

Assembly Bill No. 228—AN ACT relating to health care; authorizing a provider of health care who is licensed or certified in this State or in another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization; establishing certain restrictions on the provision of voluntary health care service by a provider of health care; requiring a sponsoring organization to register and file certain reports with the Health Division of the Department of Health and Human Services; requiring each contract of professional liability insurance offered in this State to include certain coverage relating to the provision of voluntary health care service; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Commerce and Labor.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.
Madam Speaker presiding.
Quorum present.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 229—AN ACT relating to crimes; expanding the list of persons who are required to report the abuse, neglect, exploitation or isolation of an older person; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bobzien, Eisen, Sprinkle, Elliot Anderson, Hambrick, Aizley, Benitez-Thompson, Horne, and Kirkpatrick; Senators Spearman, Parks, Segerblom, and Manendo:

Assembly Bill No. 230—AN ACT relating to education; requiring the board of trustees of each school district to establish a comprehensive, age-appropriate and medically accurate course of instruction in sex education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Oscarson, Ellison, Hardy, and Wheeler; Senators Goicoechea and Settelmeyer:

Assembly Bill No. 231—AN ACT relating to local governing bodies; providing for the filling of vacancies in the membership of certain local governing bodies; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Oscarson, Ellison, Wheeler, Fiore, Hickey, and Hardy; Senators Goicoechea and Settelmeyer:

Assembly Bill No. 232—AN ACT relating to concealed firearms; removing the prohibition against carrying a concealed firearm; repealing certain provisions relating to permits to carry concealed firearms; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 233—AN ACT relating to genetic marker analysis; authorizing the appeal of an order dismissing a petition for genetic marker analysis; and providing other matters properly relating thereto.

Assemblywoman Flores moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Frierson, Flores, Eisen, Bustamante Adams, Carlton, Healey, and Pierce; Senators Segerblom, Spearman, Atkinson, and Kihuen:

Assembly Bill No. 234—AN ACT relating to firearms; requiring certain persons to request a background check before transferring a firearm to another person under certain circumstances; prohibiting the possession of certain bullets, projectiles or ammunition; establishing a civil cause of action for injuries arising from the unlawful transfer of a firearm; providing for the imposition and administration of a tax on firearms dealers for the privilege of selling firearms and ammunition to consumers; establishing the Fund for Treatment of Persons with Mental Illness; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 68.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Marcus Kelley, Daneya Kelley, Sarah Kornfeld, and Madison Zalesny.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to David Bobzien, Cathy Bobzien, Luca Kornze Bobzien, and Finnegan Kornze Bobzien.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Rebekah Hill and Breanna Lake.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Garrett Tomera, Nolan Cumming, Jared Cumming, and Rosemary Little.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Richard L. Cohn, Linda M. Cohn, and Christina F. Zalesny.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Reed, Aaron Reed, and Abby Williams.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cassia Reed, Nora Streng, and Zoie Harmer.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Barber, Chris Hill, and Katie Nicholes.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Matthews, Ryan Lucky, and Kaitlin Lucky.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Tannier Bendickson, Olivia Maestes, and Shelby Hibbs.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Bottom, Brendan Eason, and Caitlin Katzenbach.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Sophia Ruedy, Julian C. Smith, and Grace Bonafede.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, March 12, 2013, at 11:30 a.m., where it would reconvene in the old Assembly Chamber in the historic Capitol Building.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 12, 2013

Assembly called to order at 11:38 a.m. in the old Assembly Chambers at the historic Capitol Building.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, it's a historical day. The history of our state is all around us. We are grateful for these hallowed chambers and those who have gone before us serving the state of Nevada. In just a moment, as we pledge allegiance to our flag, we will be reminded that we are "One nation under God." The Psalmist once wrote, "Blessed is the nation whose God is the Lord."

Father, may it be so.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblyman Horne moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 57 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 23, 72, 83, 89, 115, and 127; Assembly Joint Resolution No. 1, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

March 11, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 34, 74, 76, 84, 86, 91, 104, 106, 111, 113, 122, 130, 138, 139, 140, 145, 146, 151, 161, 163, 164, 166, 167, 186, 195, 196 and 222.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hambrick:

Assembly Bill No. 235—AN ACT relating to crimes; revising provisions governing the prohibition against possessing certain weapons while on certain property; and providing other matters properly relating thereto.

Assemblyman Hambrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Daly, Carrillo, and Healey:

Assembly Bill No. 236—AN ACT relating to motorcycles; allowing lane splitting in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 237—AN ACT relating to State Government; adjusting the compensation of certain members of certain state boards, commissions and similar bodies; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Kirner, Hardy, Ellison, Fiore, Grady, Oscarson, Stewart, and Wheeler:

Assembly Bill No. 238—AN ACT relating to education; requiring the State Board of Education, in consultation with the Board of Regents of the University of Nevada, to select a college entrance examination to determine the achievement and proficiency of pupils enrolled in grade 11 in public high schools; requiring the board of trustees of each school district to use the results of the examination to identify any subject areas in which a pupil may be deficient; revising the requirements to receive a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 239—AN ACT relating to energy; authorizing the Director of the Office of Energy to charge and collect certain fees from applicants for certain energy-related tax incentives; revising provisions relating to eligibility for and approval of applicants for certain energy-related tax incentives; revising provisions relating to the granting of permits for the construction of certain utility projects; establishing the Economic Development Electric Rate Rider Program; requiring the Public Utilities Commission of Nevada, in consultation with the Office of Economic Development, to administer the Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 240—AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 57 requires the Administrator of the Nevada Equal Rights Commission, instead of the Commissioners, to prepare and submit a biennial report concerning the activities of the Commission to the Governor and Director of the Legislative Counsel Bureau.

Roll call on Assembly Bill No. 57:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 57 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 12 removes a provision requiring an employee to provide notice to his or her employer before filing a complaint with the Division of Industrial Relations of the Department of Business and Industry regarding retaliatory action by the employer.

Madam Speaker, in your Commerce and Labor Committee, there was extensive testimony on this bill. This will bring us into compliance with standards that are recommended in the Whistleblower [Investigations] Manual, which is a federal manual. Furthermore, there seemed to be some misunderstanding during the hearing. This does not keep an employer in the dark; the complaint as to a safety or health concern has already been made by the employee. This chapter has to do with if the employee feels that there has been retaliatory action taken against him because of that complaint.

Thank you, Madam Speaker. I urge everyone's support.

Roll call on Assembly Bill No. 12:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 12 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Horne moved that the following remarks be entered in the Journal.

Motion carried.

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

I am honored to continue this tradition dating back to 2003 when I first spoke to the Assembly members as State Archivist in this Chamber. I want to thank Chief Clerk Susan Furlong. She has been very helpful in preparing my remarks.

I retired as State Archivist over four years ago after working for the state of Nevada for 32 years. I'm much younger than I look. I hope you think so; I think so. I observe there are only three members of the Assembly today who witnessed my inaugural presentation ten years ago. I'm making that statement to talk about longevity, continuity, and the kind of dynamics that I see in our Legislature today versus the days when people served 30 and 40 years.

Now in 1969 when the last floor session of the Nevada Assembly met here, after meeting for virtually 100 years in the historic State Capitol, I was preparing to graduate from Edward W. Clark High School in Las Vegas and would soon be attending Syracuse University in New York on a wrestling scholarship. I want to recognize one of my high school teachers, Assemblyman Harvey Munford. Thanks again, Harvey, for all you did for me. I should also recognize my elementary school and junior high school cohort, Assemblywoman Marilyn Dondero Loop.

Long-time Assembly Speaker Joe Dini—36 years of service—and a great friend to the State Archives, retired from the State Assembly in 2001 and was the last Assembly member to serve in the 1969 Session in this Chamber. Conspicuously, only 15 Assembly members today have three or more sessions of legislative experience.

I also note, according to the 2013 *[Nevada] Legislative Manual*, 11 Assembly members weren't born yet when the Assembly last met here.

The Nevada Legislative Building, along with the Arizona and North Carolina legislative buildings, are the only three freestanding legislative buildings in the nation, and all enjoy commodious surroundings with the latest in technology.

By dictionary definition, a capitol building is where the legislature meets. Carson City has had four capitols: the Warm Springs Hotel, where the 1861 Territorial Legislature met, which was later the Nevada Territorial and State Prison that has just been closed; the first Ormsby County Courthouse, before the one across the street at the southwest corner of Musser and Carson Streets, where the Territorial and State Legislatures met on the second floor from 1862 until 1869, as well as the two constitutional conventions that were held in 1863 and 1864; this building, now more properly called the old or historic State Capitol, where the Legislature did business from 1871 until 1969; and since 1971, the current state capitol where the Legislature meets is known as the Legislative Building. The state of Nevada refers to the many state buildings in downtown Carson City as the Capitol Complex. I'm just defining very closely that technically, this is the state capitol today for the Assembly, but where you meet, according to the definition in the dictionary, that is the state capitol.

As you know, today there are 42 members of the Assembly, 41 apparently in this room. Can you imagine 53 members of the Assembly in 1913 squeezed into these Chambers "cheek by jowl" before it was expanded to its current size in 1915? Half this room—53 people in it. I hope you enjoy those offices over there. So half the size, 53 members, the desks served as their offices. Imagine again how the respective committees handled their business without committee rooms—very differently.

Would you believe the remodel bill to expand the wings of the Capitol in 1915 was lost on Third Reading in the Assembly and was passed only after a motion was made to reconsider and several more days of argument over the cost? You can imagine that. This is Nevada.

We are fortunate to be able to conduct this floor session in the old Assembly Chambers today. In 1955, it was agreed that the State Capitol be torn down and four so-called modern buildings be constructed on the Capitol grounds to conduct the state's business. With the completion of the Blasdel Building next door, the 1957 Legislature decided no more modern, arguably ugly and cheap buildings like the Blasdel Building be constructed and that the State Capitol should be saved for posterity. Could you imagine four of those? One was enough to deal with in my 32 years.

The Capitol sustained a major seismic retrofit and renovation in the late 1970s and early 1980s. The tin-coated steel cupola was replaced with a lightweight fiberglass one. Contrary to popular lore that the dome was made of silver, the dome was never made of silver. Imagine the state of Nevada paying for something as expensive as a silver dome. I don't think so. We'd like to believe so, but we didn't do it.

Thank goodness for historic preservation and archival records used for research; we are once again here to do the state's legislative business and celebrate Nevada's colorful history.

Speaking of political history, I would be remiss if I didn't share with you the names of the members of the Assembly who served in this Chamber and went on to serve as governors and members of Congress.

Governors of Nevada who served in the Assembly and sat in the old Assembly Chambers include Fred B. Balzar, Esmeralda County, 1905; Richard Kirman, Ormsby County, previous to Carson City, 1899, who was elected to the Assembly at the tender age of 21 and later served as Reno mayor in his twenties; Charles H. Russell, White Pine County, 1935-1939; and Richard H. Bryan, Clark County, who served his freshman term in 1969.

Nevada members of the U.S. House of Representatives who served in the Assembly and sat in these Chambers include Thomas Wren, Eureka County, 1875. He sponsored ground-breaking legislation in Nevada that required the state to pay for legal counsel for the indigent to address U.S. Sixth Amendment and Nevada constitutional provisions for right to counsel—very progressive at the time. Clarence Dunn Van Duzer, Humboldt County, 1901, who served as Speaker and later, thanks to congressional immunity, escaped being arrested on the U.S. Capitol grounds on his last day in office in 1905 for bilking investors in wildcat mining schemes. Charles L. Richards, Nye County, 1919; Berkeley Bunker, Clark County, 1937-1939, who served as Speaker in 1939; Charles H. Russell, White Pine County, 1935-1939; Walter S. Baring, Washoe County, 1937; and Harry Mason Reid, Clark County in his freshman term in 1969.

Nevada U.S. Senators who served in the Assembly and sat in the old Assembly Chambers included George S. Nixon, Humboldt County, 1891, for whom the community of Nixon on the Pyramid Lake Reservation is named; William A. Massey, Elko County, 1893; Charles B. Henderson, Elko County, 1905, for whom the city of Henderson is named; Patrick A. McCarran, Washoe County, 1903, the namesake of Las Vegas' International Airport—U.S. Sen. Majority Leader Harry Reid wants to drop McCarran's name from the airport and he also wants that statue out of [National] Statuary Hall; Berkeley L. Bunker, Clark County, 1937-1939; Ernest S. Brown, Washoe County, 1933; the Honorable Harry M. Reid, Clark County, 1969; and Richard H. Bryan, Clark County, 1969.

There have also been two other U.S. Senators of note that spoke in this Chamber during 1960, the only annual session in modern Nevada history, when the state's population was a mere 285,000 residents.

The two most prominent Senators running for the Democratic nomination for the U.S. President spoke to a joint session in this Chamber. They were John Fitzgerald Kennedy of Massachusetts, on February 1, 1960, and Hubert Heratio Humphrey of Minnesota, on February 9, 1960. Vice President Richard Milhous Nixon, running for the Republican presidential nomination, was also invited to speak to the Legislature. However, he sent his regrets that he could not accommodate another area engagement after recently flying into Reno with Second Lady Patricia Nixon, a native of Ely, to preside over the opening of the Squaw Valley Winter Olympics on February 18, 1960.

In closing, I want to share with you the story behind the 1895 statute, now NRS 331.190, which I know you all know, which prohibits the sale, gift, or disposal of liquor in the State Capitol building.

Prior to this law being passed, the most lucrative concession in Carson City was running the bar, or "the well" as it was commonly known, in the Capitol during the legislative session. Prodigious amounts of alcohol were consumed during the course of the legislative process, and some legislators were known to carry guns.

Reformers were concerned about the example set for Nevadans and apparently the quality of the legislation produced during the sessions. In 1893, Senator John Forbes of Esmeralda County introduced Senate Bill 14, "An act to prohibit the sale of intoxicating liquors in the state capitol." Violation of the proposed law was a misdemeanor and included a fine not to exceed $100 and/or imprisonment not to exceed 50 days. The bill easily passed the Senate with a vote of 11 yeas and 2 nays. However, the Assembly, in this Chamber and presumably with some of its members under the influence, killed the anti-well bill by a vote of 16 against and 13 for. Undaunted, the reformers returned to fight another day.

In 1895, Assemblyman J. I. Wilson of Lyon County introduced Assembly Bill 14, "An act to prohibit the sale of ardent spirits within the Capitol building of the State of Nevada." The misdemeanor penalty associated with the proposed legislation included a fine of not less than $100 and not exceeding $500 or imprisonment in the county jail for not less than one month and not exceeding six months.

The bill received a "do pass" from the Assembly Committee on Public Morals, and a petition from the Women's Christian Temperance Union, who were praying for the passage of Assembly Bill 14, was presented and read on February 5. However, the bill lost by a tie vote. Assemblyman S. L. McNaughten of Esmeralda County gave notice that on the next legislative day he would move a reconsideration of the vote.

The Assembly voted to reconsider the bill on February 6 and after much parliamentary maneuvering—an amendment to the bill proposed by J. A. Conboie of Storey County—Assembly Bill 14 passed the Assembly on February 8 by a vote of 26 to 3 and 1 absent.

Annie Hudnall Martin, pioneer owner and editor of the *Carson City News*, in 1895 wrote:

> McNaughten moved a reconsideration of the vote by which the "anti well" bill was lost the preceding day. He did not pose as a prohibitionist but urged the passage of this bill for the benefit of the rising generation and in the interest of good morals and decency and all that was respectable and commendable. The motion to reconsider was carried by a vote of 16 to 11. When the bill came up for the final vote, Constant moved for indefinite postponement. Lost. The motion to make the bill a specific order for Monday was lost. Conboie moved to amend by having the bill take effect after April 1, 1895. Amendment adopted and the whole proceeding thus turned into a farce.

The Senate easily passed the bill, and Governor John E. Jones signed it. The Women's Christian Temperance Union's prayers were answered.

The 1895 Legislature, because of the amendment, could spend the rest of the session drinking, and beginning in 1897, legislators were compelled to walk across the street to patronize Carson City's bars and saloons to do their drinking. And it has never changed.

Now you know the story as to why we are not drinking booze in the old Assembly Chambers today. Here is to a memorable day in the history of Nevada.

Thank you and my best in the 2013 Legislative Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Consul General of Canada David Fransen, Staff Sergeant Gerald Gervais, Alain Hoode, Marta Moszczenska, Consul Nadia Scipio del Campo, and Omeed Mosavat.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sage Ridge High School: E.B. Armstrong, Mac Cronin, Grant Gabriel, Xieyi Huang, John Dewald, Corrine Lowe, and Kristen Lowe.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, March 13, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 13, 2013

Assembly called to order at 11:44 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Well, Lord, this week we've had 4-H Day and Canada Day. I have also led prayers this session for United Way Day and Nurses' Day. I am told that tomorrow is special, too, but I've never led a prayer for Indian Taco Day.

It reminds me, though Lord, of the great diversity in our state. We thank You for that. And I echo the words our Lord prayed when He asked that we all be one, as You and He are one. We pray, Lord, for such unity even in the midst of our diversity.

I pray in His name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 11, 24, 46, 53, 73, 80, 110, 114, 136, 178.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Joint Resolution No. 4.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 25.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 4.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hambrick, Paul Anderson, Carrillo, Grady, Hardy, Livermore, and Wheeler:

Assembly Bill No. 241—AN ACT relating to juvenile justice; providing that a sexually exploited child is in need of supervision for the purposes of juvenile court proceedings; revising provisions governing juvenile court proceedings involving sexually exploited children; requiring the Division of Child and Family Services of the Department of Health and Human Services and the directors of juvenile services to develop programs and services for sexually exploited children; imposing an administrative assessment on a person convicted of prostitution or solicitation of prostitution; revising provisions governing children engaged in prostitution or solicitation of prostitution; and providing other matters properly relating thereto.

Assemblyman Hambrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 242—AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 243—AN ACT relating to license plates; requiring all special license plates designed, prepared and issued after July 1, 2013, to have a uniform design and background color; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 244—AN ACT relating to special license plates; revising the circumstances under which the Director of the Department of Motor Vehicles must issue certain notices and orders to stop the issuance of those plates; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Hickey, Hardy, Paul Anderson, Hambrick, Duncan, Ellison, Grady, Hansen, Livermore, and Stewart; Senators Hardy and Brower:

Assembly Bill No. 245—AN ACT relating to civil actions; limiting, under certain circumstances, the recovery of damages arising from a civil action relating to a motor vehicle accident; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 246—AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Carlton, Kirkpatrick, Spiegel, Hardy, Hickey, Aizley, Elliot Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Daly, Diaz, Eisen, Frierson, Hansen, Healey, Horne, Livermore, Martin, Pierce, and Swank; Senators Manendo, Segerblom, Parks, Woodhouse, and Denis:

Assembly Bill No. 247—AN ACT relating to public works; requiring under certain circumstances that any iron or steel products or manufactured goods used or supplied for a public work or in the performance of a contract for a project of the Department of Transportation be manufactured in the United States; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Fiore, Hickey, Hardy, Frierson, Bobzien, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Flores, Grady, Hambrick, Hansen, Healey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Stewart, Swank, Wheeler, and Woodbury; Senators Atkinson, Segerblom, Hutchison, Cegavske, Hammond, Denis, Ford, Goicoechea, Gustavson, Hardy, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Settelmeyer, Spearman, and Woodhouse:

Assembly Bill No. 248—AN ACT relating to vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for violations of certain traffic laws and certain laws relating to vehicles; and providing other matters properly relating thereto.

Assemblywoman Fiore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Munford, Paul Anderson, Diaz, Hogan, and Livermore; Senator Parks:

Assembly Bill No. 249—AN ACT relating to district attorneys; revising provisions governing the filling of vacancies in the office of district attorney; requiring that an office of district attorney which has been vacated be placed on the ballot at the next ensuing biennial election under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Munford, Paul Anderson, Ellison, Hansen, Hickey, and Hogan; Senator Goicoechea:

Assembly Bill No. 250—AN ACT relating to civil liability; providing immunity from civil liability to certain persons for injuries or death resulting from certain risks inherent in equine activities; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.
Madam Speaker presiding.
Quorum present.

By Assemblymen Hansen, Ellison, Hambrick, Fiore, Grady, Hardy, Hickey, Kirner, Livermore, and Wheeler:

Assembly Bill No. 251—AN ACT relating to public records; requiring the disclosure to the public, under certain circumstances, of the individual electronic mail address or telephone number, or both, of a member of certain public bodies; providing exceptions; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hansen, Kirkpatrick, Hardy, Fiore, Hambrick, Paul Anderson, Benitez-Thompson, Duncan, Frierson, Grady, Hickey, Kirner, Livermore, Oscarson, and Wheeler; Senators Gustavson, Goicoechea, and Settelmeyer:

Assembly Bill No. 252—AN ACT relating to administrative regulations; revising provisions governing the posting of certain notices concerning regulations by agencies; requiring regulations to be adopted within a certain period; requiring certain information to be included on the informational statement submitted with an adopted regulation; making various other changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hansen, Hardy, Ellison, and Grady:

Assembly Bill No. 253—AN ACT relating to state financial administration; requiring certain state agencies to report to the Chief of the Budget Division of the Department of Administration and the State Controller concerning the federal revenues received by those agencies; requiring the agencies to develop contingency plans for potential reductions in federal revenues; requiring similar reports relating to the federal revenues

of school districts, charter schools and certain institutions of higher education; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hansen, Hickey, Hambrick, Fiore, Hardy, Kirner, Livermore, and Wheeler; Senator Gustavson:

Assembly Bill No. 254—AN ACT relating to education; authorizing certain parents and legal guardians to submit to the board of trustees of a school district a petition to implement certain intervention actions at a public school that is designated as demonstrating need for improvement; requiring the board of trustees of a school district that receives a petition signed by a certain percentage of parents and legal guardians to implement the intervention actions within a prescribed time; revising provisions governing the apportionment of money from the State Distributive School Account and the count of pupils for the purposes of basic support to provide for the payment of vouchers for certain pupils to attend nonsectarian private schools; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Livermore, Hickey, Hambrick, Aizley, Paul Anderson, Bustamante Adams, Ellison, Fiore, Grady, Hansen, Hardy, Kirner, Munford, Oscarson, Stewart, Wheeler, and Woodbury; Senators Jones and Settelmeyer:

Assembly Bill No. 255—AN ACT relating to state financial administration; requiring the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties to the Department; and providing other matters properly relating thereto.

Assemblyman Livermore moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Carrillo, Daly, Benitez-Thompson, Eisen, Fiore, Hansen, and Wheeler:

Assembly Bill No. 256—AN ACT relating to motorcycles; revising provisions pertaining to trimobiles; revising provisions relating to the equipment that is required on a motorcycle or moped operating on the highways of this State; revising provisions concerning the protective equipment that a person is required to wear when driving or riding on a motorcycle or moped; increasing the amount the Director of the Department

of Public Safety is authorized to charge for a course of motorcycle safety; revising other provisions related to certain courses of motorcycle safety; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Hardy, Ellison, Hickey, Hambrick, Duncan, Fiore, Grady, Hansen, Kirner, Livermore, Stewart, and Wheeler; Senator Hardy:

Assembly Bill No. 257—AN ACT relating to public works; revising provisions concerning contracts for public works; revising provisions pertaining to the payment of prevailing wages on public works projects; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hickey, Hardy, Ellison, Wheeler, Hambrick, Paul Anderson, Duncan, Fiore, Grady, Hansen, Kirner, Livermore, Stewart, and Woodbury; Senator Hardy:

Assembly Bill No. 258—AN ACT relating to public works; revising provisions governing the use of certain administrative procedures for complaints concerning violations of the prevailing wage requirements for public works; prohibiting the commencement of a civil action against an employer for a violation of the prevailing wage requirement for public works unless certain administrative remedies have been exhausted; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 259—AN ACT relating to education; revising the membership and duties of the P-16 Advisory Council; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 11.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 24.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 25.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 46.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 53.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 73.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 80.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 110.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 114.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 136.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 178.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 23 clarifies that a provider of services related to the sale, installation, and occupancy of a manufactured home includes any person who provides such a service, regardless of whether the manufactured home is new or used.

Roll call on Assembly Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 23 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Roll call on Assembly Bill No. 72:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 72 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 83 provides that in order for money to be disbursed by an escrow agent the same day it is deposited, a money order, certified check, or cashier's check must be drawn from a financial institution authorized to do business in this state.

Roll call on Assembly Bill No. 83:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 83 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 89 authorizes the formation of benefit corporations. A benefit corporation is a close corporation, nonprofit cooperative corporation, private corporation, or professional association that elects to be subject to the laws regarding benefit corporations. The measure also allows an existing domestic corporation to become a benefit corporation by amending its articles of incorporation.

The bill also requires a benefit corporation to have as its purpose the creation of general public benefit, and the measure deems the creation of such benefits in the corporation's best interests. The bill requires the board of directors to prepare an annual report indicating whether the corporation failed in any material respect to pursue its purpose, and it authorizes the corporation or another person authorized by the articles of incorporation to initiate a benefit enforcement proceeding in court for any failure. However, the bill provides that the corporation is not liable for any money damages for such a failure.

Roll call on Assembly Bill No. 89:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 89 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 115.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 115 makes changes to the written statement that a peace officer investigating an act of domestic violence must provide to a suspected victim. The bill adds language to the written statement regarding an animal owned or kept by the suspected victim, the person who committed or threatened the act of domestic violence, or the minor child of either such person. The additional language in the written statement notifies the suspected victim that he or she may seek a court order for the protection of the animal; the protective order may require the offender to stop injuring, taking possession of, or threatening the animal; and the court may issue future protective orders requiring compliance with arrangements for care or possession of the animal.

Roll call on Assembly Bill No. 115:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 115 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 127. The bill authorizes the Nevada Gaming Commission to adopt a seal for its use in identifying various licenses related to interactive gaming. The bill makes unauthorized use of the seal a misdemeanor, except for circumstances in which a person fraudulently counterfeits or forges and makes use of a seal, which then would be a category D felony. This measure also makes a person convicted of unauthorized use of the seal liable for a $5,000 civil penalty for each violation, which is to be remitted to the Gaming Commission.

Madam Speaker, this is just a piece of the framework of all the hard work that our Majority Leader, the chairman of Judiciary, you, and the Governor put together in terms of trying to keep Nevada at the forefront of this great new industry. Assembly Bill 127 will help make sure that our Gaming Control Board can police it the way it should be policed. I urge everyone's support.

Roll call on Assembly Bill No. 127:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 127 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblymen Aizley and Ohrenschall.

ASSEMBLYMAN AIZLEY:

Assembly Joint Resolution No. 1 recognizes the Upper Las Vegas Wash as a unique and nationally important paleontological, cultural, and biological site. The resolution expresses legislative support for designating the Wash as a national monument in order to conserve, protect, interpret, and enhance the site's resources for the benefit of present and future generations.

The Wash is very unique, even though that is grammatically incorrect to say. It is unique. We found more than 10,000 fossils in the area when the power company constructed a power line through there. These relics are stored in San Bernardino because we do not have the appropriate facilities for storage. It is hoped that this will become a very important tourist attraction and benefit the entire state. La Brea Tar Pits is an example. Nevada and Arizona have national monuments that attract many visitors, so I would urge the support for this national monument. It is located on the north side of Las Vegas, the Upper Las Vegas Wash. Many of you may be familiar with other places in the nearby area. There is the Wildlife Refuge, the Ice Age Park, the Floyd Lamb State Park, Tule Springs, and the Gilcrease Bird Sanctuary, all of which have had fossils discovered in them. The University of Nevada, Las Vegas, has had a recent student receive a PhD in digging and finding sites and locating, I believe, what's called a dire wolf. Anyway, I would urge your support on this.

It might have been more appropriate to introduce it yesterday when we were going over the history of Nevada. This certainly dates the history quite a bit before what we were talking about, but I remember when the glaciers melted. I urge your support.

ASSEMBLYMAN OHRENSCHALL:

I also rise in support of Assembly Joint Resolution No. 1. The Lower Las Vegas Wash runs through my district, and Clark County has established a wetlands park down there. It is very popular. Families come to see wildlife. I just think this will be a great project, so I wanted to remind everybody that monuments matter. I urge your support.

Roll call on Assembly Joint Resolution No. 1:

YEAS—40.

NAYS—Ellison.

EXCUSED—Brooks.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Elliot Anderson and Bustamante Adams; Senator Spearman:

Assembly Bill No. 260—AN ACT relating to the Nevada System of Higher Education; clarifying provisions governing tuition charges assessed against certain students; providing that tuition charges must not be assessed against veterans of the Armed Forces of the United States who were honorably discharged within a certain period; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to John Stevens and Theo McCormick.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Ruggerio.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Felix Cox.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Johnson.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Juanita Gonzalez.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Charla Hales and Cathylee James.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Lou Basanez and Dan Mahlberg.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Skorkowsky.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Jamee Wohle.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Evans.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Dolezal and Jeff Zander.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Alexa Cooper, Lauren Marshall, and Avery Laub.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Reuetten, Alicia Barchus, Gary Gazaway, and Bus Scharmann.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Fox and Dave Jensen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Pedro Martinez and Dylan Jones.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Besson and Nicki Simon.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Stokes and Keith Savage.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah McDougall.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Wade Poulsen.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Johnson.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Norton and Nykki Holton.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Crim and John Seeliger.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following teachers, students, and chaperone from Whittell High School: Anders Chaplin, Derek Heldt-Werle, Lakin Smith, Lisa Noonan, Rob Slaby, and the following students from George Whittell High School: Jordana Addeo, Rodney Aguirre-Rodriguez, Kristian Aynedter, Lilyanne Ballard, Jacob Benitez, Katie Besson, Brianna Brewer, Garrett Bronken, Austin Buyak, Anders Chaplin, Veronica Charles, Alexa Cooper, Ana Laura Cortez, Colette Craig, Kody Dangtongdee, Christopher Flammer, Sierra Forvilly, Cody Gibson, Jessica Greener, Amanda Harris, Emily Harris, Derek Heldt-Werle, Avery Laub, Jessica Lietz, Alan Manzano, Lauren Marshall, Austin Neil, Marshall Neil, Hughston Norton, Joseph Petty, Chelsea Pfotenhauer, Robert Poet, Alex Sanchez, Amanda Shull, Nicki Simon, Lakin Smith, Sarah Tencher, Nolan Thoma, and Joshua Welch.

Assemblyman Horne moved that the Assembly adjourn until Friday, March 15, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:36 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 15, 2013

Assembly called to order at 11:45 a.m.
Madam Speaker presiding.
Roll called.
All present except Assemblymen Brooks and Healey, who were excused.
Prayer by the Chaplain, Pastor Bruce Henderson.

Father,

I have noticed a couple of things this week that need to be in my prayer. The crocuses are up and blooming! Thank You for the hope of Spring and new life it brings. I have also noticed on our north wall, a copy of the Bible. It seems both appropriate and symbolic that it is in our presence, for it, too, promises us a new and vibrant life. Thank You.

I pray in the Name of The Way, The Truth and The Life.

AMEN.

Pledge of allegiance to the Flag.

Madam Speaker announced if there were no objections, the Assembly would recess in order to receive a special presentation by the following members of the Truckee River Dance Company: Christiana Cabrera, Hannah Myers, and Sienna Shane.

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ellison, Hickey, Fiore, Wheeler, Hambrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bustamante Adams, Carrillo, Cohen, Daly, Duncan, Eisen, Grady, Hardy, Healey, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Spiegel, Sprinkle, Stewart, Swank and Woodbury; Senators Cegavske, Gustavson, Brower, Hardy, Hutchison, Atkinson, Goicoechea, Hammond, Jones, Kieckhefer, Kihuen, Manendo, Roberson, Settelmeyer, Spearman, and Woodhouse:

Assembly Joint Resolution No. 6—Recognizing the strategic partnership and bond of friendship with, and expressing the Nevada Legislature's support for, the State of Israel.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 2—Encouraging boards of county commissioners to make available in their respective counties a program for single-stream recycling as soon as practicable.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 3—Expressing support for the programs, partnerships and recycling efforts of the America's Schools Program.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Frierson:

Assembly Bill No. 261—AN ACT relating to crimes; revising provisions governing the crime of sexual conduct between certain school employees or volunteers and a pupil to include former school employees, volunteers and pupils; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Cohen, Eisen, Ohrenschall, Kirkpatrick, Aizley, Elliot Anderson, Bustamante Adams, Frierson, Healey, Spiegel, and Swank:

Assembly Bill No. 262—AN ACT relating to child custody; authorizing a court to award costs and the reasonable fees of attorneys and experts to a party in certain actions concerning child custody or visitation; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Neal, Aizley, Bustamante Adams, Flores, Frierson, Horne, and Munford:

Assembly Bill No. 263—AN ACT relating to highways; revising provisions relating to the experience and financial ability of a prospective bidder on a highway project; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Grady, Wheeler, Ellison, Kirner and Livermore; Senators Goicoechea, and Settelmeyer:

Assembly Bill No. 264—AN ACT relating to livestock; increasing the penalty for certain crimes relating to estrays and feral livestock; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Livermore, Hambrick, Ellison, Hardy, Kirner, Wheeler, and Woodbury:

Assembly Bill No. 265—AN ACT relating to crimes; providing that certain employees of a school or volunteers at a school who are convicted of engaging in sexual conduct with a pupil are subject to various statutory provisions relating to sex offenders; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Livermore, Hambrick, Healey, Elliot Anderson, Paul Anderson, Duncan, Ellison, Fiore, Grady, Hardy, Kirner, Munford, Stewart, Swank, Wheeler, and Woodbury:

Assembly Bill No. 266—AN ACT relating to veterans; defining the term "veteran" for the purpose of certain privileges and benefits related to military service; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Spiegel, Carrillo, Cohen, Healey, and Swank:

Assembly Bill No. 267—AN ACT relating to public notices; authorizing the publication of a legal notice or legal advertisement on an Internet website maintained by a newspaper or broadcaster in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; requiring the publication of certain information in a newspaper of general circulation if a legal notice or legal advertisement is published on an Internet website; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Livermore, Hickey, Paul Anderson, Ellison, Fiore, Grady, Hambrick, Hardy, Kirner, Munford, Stewart, Wheeler, and Woodbury:

Assembly Bill No. 268—AN ACT relating to taxation; authorizing certain counties to enter into cooperative agreements to provide for the creation of tax increment areas to defray the costs of certain joint undertakings; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Woodbury, Paul Anderson, Ellison, Fiore, Hambrick, Hardy, Kirner, Livermore, and Wheeler; Senator Hardy:

Assembly Bill No. 269—AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations relating to certain disposal sites for solid waste; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Neal, Bustamante Adams, Flores, Frierson, Horne, and Munford; Senator Atkinson:

Assembly Bill No. 270—AN ACT relating to minority affairs; requiring the Director of the Department of Business and Industry to provide investigative services to the Ombudsman of Consumer Affairs for Minorities; revising the duties of the Nevada Commission on Minority Affairs; providing

a procedure for the allocation of additional money to the Commission; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Wheeler, Hickey, Elliot Anderson, Paul Anderson, Carrillo, Daly, Diaz, Frierson, Hardy, Kirner, Martin, and Oscarson:

Assembly Bill No. 271—AN ACT relating to domestic relations; revising provisions governing the award of alimony or spousal support and the division of property in cases involving veterans with a service-connected disability; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Diaz, Horne, Kirkpatrick, Benitez-Thompson, Bustamante Adams, Carrillo, Dondero Loop, Flores, Frierson, Munford, Neal, Pierce, and Swank:

Assembly Bill No. 272—AN ACT relating to education; creating the English Mastery Council; prescribing the membership and duties of the Council; requiring the board of trustees of each school district to develop a program to teach English to pupils who are limited English proficient; prescribing certain requirements for those programs; requiring a teacher who is employed by a school with a certain percentage of pupils who are limited English proficient to hold an endorsement to teach English as a second language; amending provisions relating to certain courses of study required to obtain an endorsement to teach English as a second language; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Eisen and Frierson:

Assembly Bill No. 273—AN ACT relating to real property; revising provisions governing enrollment in the Foreclosure Mediation Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Bustamante Adams (by request):

Assembly Bill No. 274—AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment after the

foreclosure of a mortgage or a deed of trust; revising provisions governing the amount of certain judgments against guarantors, sureties or other obligors of obligations secured by real property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ellison, Fiore, Duncan, Paul Anderson, Grady, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler, and Woodbury:

Assembly Bill No. 275—AN ACT relating to public works; revising certain definitions relating to the payment of wages for public works; providing that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions governing the determination of a prevailing wage in each county; specifying that certain provisions governing the payment of prevailing wages do not apply to a school district, a charter school or the Nevada System of Higher Education; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ellison, Paul Anderson, Grady, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler, and Woodbury:

Assembly Bill No. 276—AN ACT relating to State Government; consolidating the Manufactured Housing Division of the Department of Business and Industry within the Housing Division of the Department; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywomen Benitez-Thompson and Carlton:

Assembly Bill No. 277—AN ACT relating to dental hygienists; imposing certain responsibilities and duties on certain dental hygienists who own or operate programs that provide public health dental hygiene; authorizing dental hygienists who are authorized to practice public health dental hygiene to perform certain procedures without the supervision or approval of a licensed dentist; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Munford, Diaz, Elliot Anderson, Paul Anderson, Benitez-Thompson, Cohen, Daly, Eisen, Fiore, Healey, Hickey, Hogan, Kirkpatrick, Martin, Neal, Ohrenschall, Stewart, and Swank; Senators Segerblom, Spearman, Goicoechea, Manendo, Parks, and Woodhouse:

Assembly Bill No. 278—AN ACT relating to education; requiring the State Board of Education to adopt a program of multicultural education for certain pupils; requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Pierce:

Assembly Bill No. 279—AN ACT relating to taxation; providing for the imposition, administration, collection and enforcement of a tax on certain income of business entities engaged in business in this State; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hambrick, Hickey, Paul Anderson, Grady, Hansen, Hardy, Hogan, Kirner, Livermore, Munford, Neal, Stewart, Wheeler, and Woodbury; Senators Gustavson and Manendo:

Assembly Bill No. 280—AN ACT relating to crimes; enhancing the punishment for certain acts relating to living from the earnings of a prostitute; increasing the penalty for soliciting a child for prostitution; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hogan, Munford, Aizley, Bustamante Adams, Daly, Horne, Kirkpatrick, Martin, Neal, Ohrenschall, Pierce, Sprinkle, Stewart, and Swank; Senators Parks, Manendo, Segerblom, Atkinson, Ford, Denis, and Kihuen:

Assembly Bill No. 281—AN ACT relating to public works; revising provisions requiring that certain records pertaining to workers be kept by a contractor and a subcontractor on a public works project; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Aizley, Ohrenschall, and Pierce; Senator Segerblom:

Assembly Bill No. 282—AN ACT relating to motor vehicles; providing that certain persons may recover on the bond or deposit that each manufacturer, distributor, dealer and rebuilder of motor vehicles is required to procure or make with the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Daly, Healey, Benitez-Thompson, Carrillo, Neal, Pierce, and Sprinkle:

Assembly Bill No. 283—AN ACT relating to public works; amending certain requirements governing contractors involved in public works; amending certain requirements governing bidding for public works when a public body decides to contract with a construction manager at risk; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Flores and Elliot Anderson:

Assembly Bill No. 284—AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of domestic violence under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 285—AN ACT relating to writs; requiring the performance of certain contracts to be stayed upon petition for certain writs; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 286—AN ACT relating to emergency medical services; requiring a host organization of a special event to provide emergency medical personnel and emergency medical services at the site of the special event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Stewart, Hickey, Eisen, Hardy and Kirkpatrick; Senators Hardy, Goicoechea, Hammond, and Woodhouse:

Assembly Bill No. 287—AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; requiring a peace officer to take into custody and deliver a person to such a program in certain circumstances; removing the provision which generally requires a person and his or her responsible relatives to pay for certain costs relating to the person's involuntary admission to such a program; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Flores, Dondero Loop, and Elliot Anderson:

Assembly Bill No. 288—AN ACT relating to education; requiring the Superintendent of Public Instruction to select a standardized, curriculum-based achievement college entrance examination for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Stewart, Hambrick, Hardy, Hogan, and Livermore (by request):

Assembly Bill No. 289—AN ACT relating to electric utilities; prohibiting an electric utility from requiring the installation of a smart meter on the residential property of a customer of the electric utility; requiring an electric utility to provide written notice to a customer of the electric utility before installing a smart meter on the residential property of the customer; authorizing a customer of an electric utility to decline the installation or request the removal of a smart meter by the electric utility; authorizing an electric utility to install certain meters in lieu of a smart meter under certain circumstances; requiring an electric utility to keep confidential certain information obtained from the installation and use of a smart meter;

prohibiting an electric utility from increasing the cost of electric service to certain customers under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Stewart, Elliot Anderson, Hambrick, Hardy, Hogan, Kirner, Livermore, and Ohrenschall; Senators Hardy, Goicoechea, Hammond, and Woodhouse:

Assembly Bill No. 290—AN ACT relating to taxation; revising provisions regarding property taxes and the governmental services tax to provide that certain veterans qualify for the maximum allowable exemption from those taxes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Stewart, Hardy, Elliot Anderson, Bobzien, Bustamante Adams, Grady, Hambrick, Healey, Hogan, and Livermore; Senators Manendo, Spearman, Hutchison, Hammond, Hardy, Brower, Goicoechea, and Woodhouse:

Assembly Bill No. 291—AN ACT relating to veterans; revising provisions relating to preferences in state purchasing for businesses owned by a veteran with a service-connected disability; revising provisions relating to preferences in public works for businesses owned by a veteran with a service-connected disability; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stewart and Eisen; Senators Hardy and Hammond:

Assembly Bill No. 292—AN ACT relating to medicine; revising provisions governing the postgraduate education and training requirements for licensure as a physician or an osteopathic physician; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hansen, Paul Anderson, Carrillo, Duncan, Fiore, Grady, and Wheeler; Senators Cegavske, Gustavson, and Settelmeyer:

Assembly Bill No. 293—AN ACT relating to off-highway vehicles; making failure to register an off-highway vehicle a secondary offense; providing for the temporary registration of an off-highway vehicle by officers of the Department of Motor Vehicles and other peace officers under certain circumstances; providing for exclusive enforcement of provisions governing off-highway vehicles by certain officers of this State; revising provisions relating to renewal of the registration of an off-highway vehicle; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 294—AN ACT relating to economic development; requiring the submission of certain reports concerning local emerging small businesses to the Office of Economic Development; increasing the threshold for requiring formal contracts for certain purchases by the State; providing for the certification of local emerging small businesses by the Office; requiring the Office to establish goals for the participation of local emerging small businesses in certain contracts relating to purchasing and public works projects; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 295—AN ACT relating to local governments; requiring the board of trustees of a school district to consider the performance evaluations of a teacher or administrator when determining whether to lay off the teacher or administrator; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Healey, Oscarson, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Daly, Ellison, Neal, Stewart, and Swank:

Assembly Bill No. 296—AN ACT relating to taxation; providing that certain persons who have served on active military duty after a certain date or who have served in the National Guard for 6 years or more are exempt from certain taxes on property and the governmental services tax; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ellison, Paul Anderson, Grady, Hardy, Kirner, Livermore, Oscarson, and Wheeler:

Assembly Bill No. 297—AN ACT relating to industrial relations; providing that the term "person" includes governmental entities for the purposes of certain fraudulent practices pertaining to industrial insurance; clarifying the definition of "police officer" for purposes relating to occupational diseases by replacing obsolete job titles with current job titles; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 298—AN ACT making an appropriation to the City of Las Vegas for allocation to the New Ventures Capital Development Company to encourage the creation of small businesses in the minority community; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Fiore, Hickey, Hardy, Paul Anderson, Duncan, Ellison, Grady, Hambrick, Hansen, Kirner, Livermore, Oscarson, Wheeler, and Woodbury; Senators Hammond, Cegavske, Gustavson, Kieckhefer, and Settelmeyer:

Assembly Bill No. 299—AN ACT relating to the Department of Corrections; requiring the Director of the Department to contract with physicians and dentists who provide medical and dental services to offenders serving terms of imprisonment in an institution or facility of the Department; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 300—AN ACT relating to real property; revising provisions governing the affidavit of authority to exercise the power of sale under a deed of trust which must be included with a notice of default and election to sell; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oscarson, Ellison, Swank, and Wheeler; Senator Goicoechea:

Assembly Bill No. 301—AN ACT relating to water; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Kirner, Hickey, Hansen, Livermore, and Wheeler; Senator Gustavson:

Assembly Bill No. 302—AN ACT relating to fire protection districts; providing for the merger of certain fire protection districts in certain counties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 303—AN ACT relating to the Public Employees' Benefits Program; revising provisions relating to the subsidy for coverage of certain retired persons under the Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 304—AN ACT making an appropriation to the Eighth Judicial District Court for the salary of a Veterans Court Coordinator; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Horne and Carrillo (by request):

Assembly Bill No. 305—AN ACT relating to outdoor advertising; revising provisions relating to the promulgation of regulations by the Board of Directors of the Department of Transportation regarding permits for certain signs; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Horne, Bustamante Adams, Carrillo, Cohen, Frierson, Hickey, Martin, Munford, and Sprinkle; Senators Segerblom and Atkinson:

Assembly Bill No. 306—AN ACT relating to certain regulated professions; revising the definition of "private investigator"; exempting certain activities from the applicability of provisions of existing law governing private investigators and related professions; revising provisions governing employees of certain licensees; requiring certain licensees to maintain a principal place of business in this State; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Horne, Sprinkle, Healey, Pierce, Aizley, Elliot Anderson, Benitez-Thompson, Carlton, Carrillo, Cohen, Hogan, Livermore, Munford, Neal, and Swank; Senators Segerblom, Atkinson, and Ford:

Assembly Bill No. 307—AN ACT relating to victims of crime; providing certain definitions relating to the assistance of victims of sexual assault; authorizing a guardian ad litem to apply to the Fund for Compensation of Victims of Crime on behalf of a minor; revising provisions governing the payment of compensation from the Fund; authorizing certain persons to apply for treatment for emotional trauma as a result of a sexual assault; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Neal and Bustamante Adams:

Assembly Bill No. 308—AN ACT relating to economic development; directing the Southern Nevada Enterprise Community Board to develop additional neighborhood revitalization projects; revising the membership of the Board; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 111.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Chanda Cabrera, Melodi Buckio, Theresa Shane, Sienna Shane, Christiana Cabrera, and Hannah Myers.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Jackpot Combined School: Yucare Camacho, Nickolas Cox, Cinthya Espinoza, Deise Flores, Marissa Garrett, Melisa Gonzalez, Matthew Hugill, Jason Koch, Thomas Mendoza, Enolie Perez, Gerardo Puente Sanchez, Alexis Verduzco, Christina Westlake, Vanessa Zabala, Fatima Aguilar, Patricia Alvarez, Jasmine Beltran, Nykole Burt, Mariana Gaeta, Dalia Gonzalez, Emily Hall, Miguel Malagon, Betzabeth Martinez, Crystal Martinez, Esther Martinez, Jhonnathan Plascencia, Darren Hester, Tyler Burt, and Juan Pelaez.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Ann-Marie Fenner.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Bellonova.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Elissa Couch.

Assemblyman Horne moved that the Assembly adjourn until Monday, March 18, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 18, 2013

Assembly called to order at 11:59 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks, Flores, and Horne, who were excused.

Madam Speaker announced a moment of silence for former Assemblyman John W. Marvel, who passed away on Saturday, March 16, 2013, at the age of 86.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, these are challenging times. Sometimes our daily tasks seem nearly impossible. Still, it is impossible for the impossible to be impossible with You. Provide all that is needed for us to perform well today. I pray in the Name of the One who gives strength to do all things, Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Flores, Bobzien, and Diaz:

Assembly Bill No. 309—AN ACT relating to the Department of Motor Vehicles; requiring the Department to establish and implement a system to process security interests electronically; requiring the Department to contract with a supplier to establish and implement such a system; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Grady and Hansen; Senators Settelmeyer, Goicoechea, and Gustavson:

Assembly Bill No. 310—AN ACT relating to irrigation districts; authorizing an irrigation district to purchase and maintain insurance or make

other financial arrangements for any liability asserted against an officer of the irrigation district and certain other persons; setting forth certain duties owed by an officer of an irrigation district to the irrigation district; authorizing an irrigation district to indemnify an officer of the irrigation district and certain other persons for any debt, obligation or other liability incurred by the officer or person under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Sprinkle, Hambrick, Horne, Frierson, Bobzien, Dondero Loop, Duncan, Kirkpatrick, and Oscarson:

Assembly Bill No. 311—AN ACT relating to victims of crime; creating the Contingency Account for Victims of Human Trafficking in the State General Fund; authorizing the Interim Finance Committee to allocate money from the Account to nonprofit corporations and agencies and political subdivisions of this State for the purposes of establishing or providing programs and services to victims of human trafficking; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Livermore, Hickey, Hambrick, Paul Anderson, Bustamante Adams, Fiore, Grady, Hardy, Healey, Kirner, Munford, Oscarson, Stewart, and Wheeler; Senator Atkinson:

Assembly Bill No. 312—AN ACT relating to the Charter of Carson City; revising provisions of the Charter relating to the Charter Committee; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Pierce:

Assembly Bill No. 313—AN ACT relating to criminal procedure; generally prohibiting the installation or use of a pen register, trap and trace device or mobile tracking device without a court order; authorizing certain investigative or law enforcement officers to apply to the district court for such an order or extension thereof; authorizing district courts to enter an order authorizing the use of a pen register, trap and trace device or mobile tracking device in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Spiegel, Diaz, Elliot Anderson, Carrillo, Dondero Loop, Eisen, Hambrick, Hardy, Munford, Ohrenschall, Pierce, Sprinkle, Stewart, and Swank; Senators Segerblom, Spearman, and Manendo:

Assembly Bill No. 314—AN ACT relating to lobbyists; establishing voluntary rules of conduct for lobbyists; establishing a mandatory code of ethics for lobbyists; requiring the suspension of a lobbyist's registration for certain violations; making various other changes relating to lobbyists; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 315—AN ACT relating to child welfare; establishing a procedure for use in obtaining a warrant before placing a child in protective custody; revising provisions governing investigations of reports concerning the possible abuse or neglect of a child; requiring that a warrant be obtained before placing a child in protective custody, except in certain circumstances; authorizing a master to issue a warrant to place a child in protective custody in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Dondero Loop, Sprinkle, and Kirkpatrick:

Assembly Bill No. 316—AN ACT relating to public health; requiring a person who receives a health care record from certain persons or governmental entities to maintain the confidentiality of the record; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Woodbury, Hambrick, and Stewart; Senator Hardy:

Assembly Bill No. 317—AN ACT relating to common-interest communities; revising certain provisions concerning a period of declarant's control of a unit-owners' association; requiring members of the executive board of an association to make certain disclosures; revising certain

provisions relating to elections of the members of an executive board; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hardy, Hickey, Hambrick, Duncan, Grady, Hansen, Kirner, and Stewart; Senators Hardy, Goicoechea, Hammond, and Settelmeyer:

Assembly Bill No. 318—AN ACT relating to compensation; revising provisions relating to the payment of overtime compensation and prevailing wages; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stewart, Hambrick, Hansen, Duncan, Grady, Hardy, Hickey, Kirner, and Livermore:

Assembly Bill No. 319—AN ACT relating to elections; requiring photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Stewart, Grady, Hambrick, Hardy, Hickey, Kirner, and Livermore (by request):

Assembly Bill No. 320—AN ACT relating to common-interest communities; requiring a unit owners' association to submit and the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels to maintain certain information concerning settlements and awards obtained by the association for a constructional defect claim; revising provisions governing the duties of the Ombudsman; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Paul Anderson, Hardy, Hickey, Hambrick, Carrillo, Duncan, Ellison, Fiore, Grady, Healey, Kirner, Livermore, Munford, Oscarson, Sprinkle, Stewart, Wheeler, and Woodbury; Senators Hammond, Brower, and Gustavson:

Assembly Bill No. 321—AN ACT relating to state employees; revising provisions governing the Merit Award Program; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Paul Anderson, Hardy, Fiore, Hambrick, Elliot Anderson, Duncan, Ellison, Flores, Grady, Hansen, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, and Wheeler; Senators Hammond, Brower, and Gustavson:

Assembly Bill No. 322—AN ACT relating to casualty insurance; revising provisions concerning the provision of medical reports, records and bills to a party against whom a claim is asserted for personal injury under a policy of motor vehicle insurance; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Paul Anderson, Hickey, Grady, Hardy, Livermore, Martin, Munford, and Stewart; Senator Hammond:

Assembly Bill No. 323—AN ACT relating to taxation; providing a deduction from the payroll tax for wages paid to newly hired employees under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 324—AN ACT relating to dental assistants; prohibiting a person from acting as a dental assistant except under certain circumstances; providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a dental assistant; providing that a dental assistant or registered dental assistant may perform only certain acts authorized by the Board and under the direct supervision of a licensed dentist or dental hygienist; setting forth certain requirements for the issuance and renewal of a certificate of registration as a dental assistant; requiring the Board to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Martin, Horne, and Cohen:

Assembly Bill No. 325—AN ACT relating to convicted persons; authorizing a court to commit certain convicted persons to the custody of the Department of Corrections for an evaluation; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 326—AN ACT relating to arbitration; requiring certain agreements that require arbitration of disputes arising under the agreement to include specific authorization for the arbitration; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Martin, Aizley, Elliot Anderson, Cohen, Hogan, Munford, Pierce, Spiegel, and Swank; Senators Atkinson, Manendo, Segerblom, and Spearman:

Assembly Bill No. 327—AN ACT relating to state accountability; requiring the State Controller to establish a telephone number for the purpose of receiving information relating to abuse, fraud or waste with respect to the receipt and use of public money; requiring a state agency, contractor, grant recipient or local government that receives public money to post a notice identifying the telephone number at certain locations; transferring the Division of Internal Audits from the Department of Administration to the Office of the State Controller; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 328—AN ACT relating to education; revising the calculation of the basic support guarantee for school districts to include an additional percentage for pupils who are limited English proficient based on the size of the school district; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Martin, Healey, Aizley, Cohen, Horne, Hogan, Munford, and Swank:

Assembly Bill No. 329—AN ACT relating to taxicabs; requiring the Taxicab Authority to establish a system of flat-rate fares for certain trips by taxicab to or from an international airport; authorizing the Taxicab Authority to establish a system of flat-rate fares for certain other trips by taxicab; increasing the administrative sanctions imposed on a driver of a taxicab who takes a longer route than necessary to a passenger's destination under certain circumstances; requiring the Taxicab Authority to impose a penalty on the operator of a taxicab business each time a driver employed by the operator is penalized for taking a longer route than necessary to a passenger's destination; requiring the Taxicab Authority and the Nevada Transportation Authority to authorize the conduct of a pilot program to electronically monitor the movement of certain vehicles; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Aizley, Ohrenschall, Bobzien, Martin, and Spiegel:

Assembly Bill No. 330—AN ACT relating to labeling; requiring a person who produces or sells certain genetically engineered foods or agricultural products to place a label on the package or container of the food or agricultural product disclosing that it was genetically engineered; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Spiegel and Senator Ford:

Assembly Bill No. 331—AN ACT relating to health care; revising provisions governing the billing practices of certain providers of health care; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Spiegel and Senator Ford:

Assembly Bill No. 332—AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust with respect to abandoned residential property; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Healey, Kirkpatrick, Cohen, Livermore, Pierce, Stewart, and Swank; Senator Jones:

Assembly Bill No. 333—AN ACT relating to state financial administration; requiring each state agency which approves an abatement of taxes or other incentive for economic development periodically to conduct an analysis of the costs and benefits of the incentive and report the results of its analysis to the Chief of the Budget Division of the Department of Administration; requiring that the results of the analysis, as so reported, be included in the proposed state budget; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Healey, Kirkpatrick, Cohen, Fiore, Livermore, Pierce, and Swank; Senator Jones:

Assembly Bill No. 334—AN ACT relating to contractors; exempting certain property owners, licensed real estate brokers and salespersons from provisions relating to contractors; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 335—AN ACT relating to public improvements; creating and providing for the dissolution of the University of Nevada, Las Vegas, Campus Improvement Authority; providing for the appointment of a Board of Directors thereof and prescribing the powers and duties of the Authority and the Board; providing for the financing, construction and operation of a large events center and certain other public improvements; exempting the property and transactions of the Authority from state and local taxation; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 336—AN ACT relating to vehicle registration; authorizing the registration of certain trailers for a 5-year period in lieu of a 12-month period; requiring a registrant who elects to register a trailer for the longer period to pay fees commensurate with that longer period; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 337—AN ACT relating to education; encouraging schools to establish and participate in programs that promote the consumption of fresh fruits and vegetables; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 338—AN ACT relating to human trafficking; requiring certain law enforcement officers to take certain actions upon his or her initial encounter with a possible victim of human trafficking; requiring the owner or operator of certain establishments and facilities to post an informational sign relating to the National Human Trafficking Resource Center hotline; requiring the Department of Health and Human Services to develop a statewide plan for delivery of services to victims of human trafficking; requiring the Department of Education and the State Board of Education to develop and distribute certain informational materials relating to the human trafficking of children; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Livermore, Paul Anderson, Hardy, and Wheeler:

Assembly Bill No. 339—AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 340—AN ACT relating to firearms; expanding the rights and powers reserved for the Legislature relating to the regulation of firearms and ammunition; requiring the governing bodies of certain political subdivisions of this State to repeal certain ordinances and regulations; authorizing a person adversely affected by the enforcement of such an ordinance or regulation to seek declarative and injunctive relief and damages; providing that such a person is entitled to certain damages; deleting certain provisions relating to the registration of firearms capable of being concealed; revising the applicability of certain provisions pertaining to the regulation of firearms by certain political subdivisions; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 341—AN ACT relating to homeopathic medicine; requiring an applicant for a license or certificate issued by the Board of Homeopathic Medical Examiners to submit to a criminal background check; revising provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants; revising provisions governing the membership of the Board; revising provisions governing grounds for denial or revocation of a license or certificate or initiating other disciplinary action; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 342—AN ACT relating to public employees' retirement; providing for the establishment of a hybrid retirement program for certain public employees; requiring the program to include a defined benefit plan and a defined contribution plan; setting forth the required provisions of each plan; requiring certain public employers under certain circumstances to make additional contributions to the Public Employees' Retirement System to reduce the unfunded liability of the System; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Kirner and Hickey:

Assembly Bill No. 343—AN ACT relating to education; revising provisions relating to the salaries of teachers; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Bobzien, Eisen, Sprinkle, Stewart, Dondero Loop, Benitez-Thompson, Carlton, Daly, Diaz, Fiore, Flores, Frierson, Hardy, Hickey, Horne, Kirkpatrick, Livermore, Martin, Munford, Neal, Oscarson, Pierce, and Swank; Senators Segerblom, Parks, Atkinson, Manendo, Settelmeyer, and Woodhouse:

Assembly Bill No. 344—AN ACT relating to public health; enacting provisions to authorize the use of Physician Orders for Life-Sustaining Treatment in this State; allowing the deposit of any Physician Order for Life-Sustaining Treatment form (POLST form) or other advance directive in the statewide health information exchange system and the Registry of Advance Directives for Health Care; providing penalties; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Bobzien, Eisen, Daly, Diaz, Flores, Kirkpatrick, and Sprinkle; Senator Smith:

Assembly Bill No. 345—AN ACT relating to wildlife; declaring that wildlife in this State must be managed according to the best scientific data available; requiring the Department of Wildlife to use money in the Wildlife Fund Account in the State General Fund for costs related to programs to improve the habitat of sage grouse in this State and to conduct a study of predatory wildlife in this State; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Bobzien, Pierce, Daly, Diaz, and Sprinkle; Senator Segerblom:

Assembly Bill No. 346—AN ACT relating to mining; revising the duties of the Division of Environmental Protection of the State Department of Conservation and Natural Resources concerning the approval of a plan for reclamation for an exploration project or mining operation; requiring the State Environmental Commission to adopt regulations necessary to assist the Division and the Commission to carry out certain provisions governing mining reclamation; requiring each plan for reclamation to provide for the reclamation of a pit lake; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Eisen and Senator Hardy:

Assembly Bill No. 347—AN ACT relating to the practice of medicine; prohibiting, with limited exceptions, the corporate practice of medicine; prohibiting an employer of a physician or osteopathic physician from interfering with, limiting or otherwise impeding certain medical duties of a physician or an osteopathic physician; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Frierson, Spiegel, Carrillo, Diaz, Dondero Loop, Cohen, and Fiore:

Assembly Bill No. 348—AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to submit reports on its programs and services to the licensing authority; allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Bustamante Adams, Healey, and Elliot Anderson; Senator Spearman:

Assembly Bill No. 349—AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States and who are active members or veterans of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for a license by endorsement to practice in this State; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Benitez-Thompson and Kirkpatrick:

Assembly Bill No. 350—AN ACT relating to governmental administration; imposing requirements on legislation which requires the submission of a report to the Legislature; requiring the Legislative Commission to review certain requirements to submit reports to determine the need to repeal, revise or continue those requirements; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Horne, Frierson, Grady, Martin, Pierce, and Swank; Senator Parks:

Assembly Bill No. 351—AN ACT relating to controlled substances; providing that a person who engages in the lawful use of marijuana for medical purposes is exempt from state prosecution for driving, operating or being in actual physical control of a vehicle or vessel with a certain amount of marijuana or marijuana metabolite in his or her blood or urine; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Horne, Frierson, Hambrick, Grady, Martin, Pierce, and Stewart; Senators Parks, Gustavson, and Jones:

Assembly Bill No. 352—AN ACT relating to crimes; revising provisions relating to the unlawful use of a hoax bomb; providing penalties; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Diaz, Spiegel, Frierson, Bustamante Adams, Carrillo, Cohen, Dondero Loop, Eisen, Ohrenschall, Pierce, and Swank; Senator Kieckhefer:

Assembly Bill No. 353—AN ACT relating to education; requiring the Board of Regents of the University of Nevada to establish a program for the award of need-based scholarships to certain students enrolled in the Nevada System of Higher Education; creating an account administered by the Board of Regents for the purpose of providing money for the award of such scholarships; requiring the State Treasurer annually to transfer certain money from the Abandoned Property Trust Account to the scholarship account; requiring an institution at which a scholarship recipient is enrolled to award a scholarship to the student in an amount equal to 25 percent of the amount of the scholarship awarded by the Board of Regents; requiring the Board of Regents to establish certain criteria and procedures relating to the scholarship program; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Diaz, Bobzien, Pierce, and Swank:

Assembly Bill No. 354—AN ACT relating to consumer protection; prohibiting the use of Bisphenol A (BPA) in certain products; prohibiting the use of toxic flame retardants in any children's product or residential furniture; requiring the Health Division of the Department of Health and Human Services to identify a list of harmful chemicals; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Livermore, Hickey, Ellison, Grady, Hansen, Hardy, Healey, Oscarson, and Woodbury:

Assembly Bill No. 355—AN ACT relating to motor vehicles; providing a grace period of 24 hours before the Department of Motor Vehicles may impose a reinstatement fee, fine, suspension or other penalty against a person for allowing a policy of motor vehicle liability insurance to lapse; requiring the Department to create an appeal process for any penalties imposed by the Department against a person for allowing a policy of motor vehicle liability insurance to lapse; requiring certain policies of insurance to remain in effect until the end of the day upon which the policy is terminated; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Livermore, Hickey, Ellison, Grady, Hansen, Hardy, Healey, Oscarson, Swank, and Woodbury:

Assembly Bill No. 356—AN ACT relating to the Nevada State Prison; encouraging the development of a plan to preserve the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Bobzien:

Assembly Bill No. 357—AN ACT relating to education; abolishing the Statewide Council for the Coordination of the Regional Training Programs and the governing body of each regional training program; transferring the powers and duties of the Council and governing bodies concerning the regional training programs to the Department of Education; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 358—AN ACT relating to domestic relations; enacting the Uniform Deployed Parents Custody and Visitation Act; repealing provisions governing custody and visitation orders concerning children of members of the military; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 359—AN ACT relating to gaming; revising certain definitions relating to gaming; revising provisions governing the regulation of gaming; revising provisions governing the collection of revenue related to gaming; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Healey, Bobzien, and Kirkpatrick:

Assembly Bill No. 360—AN ACT relating to gaming; providing certain restrictions governing restricted licenses to operate gaming; providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oscarson, Benitez-Thompson, Ellison, Grady, Hardy, Kirkpatrick, and Swank:

Assembly Bill No. 361—AN ACT relating to health care; directing the Legislative Committee on Health Care to conduct an interim study to determine the benefits and feasibility of providing for the establishment of community paramedicine programs in this State; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Stewart, Hickey, and Munford:

Assembly Bill No. 362—AN ACT relating to health care; providing for the establishment of the HIV/AIDS Drug Donation Program; requiring the State Board of Pharmacy to adopt regulations to carry out the Program; providing immunity from liability to certain persons who participate in the Program; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 111 be taken from the General File and placed on General File for the next legislative day.

Motion carried.

Assemblyman Frierson moved that the Assembly recess until 5:45 p.m.

Motion carried.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 6 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 187.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Swank, Elliot Anderson, Carrillo, Frierson, Hambrick, Aizley, Bobzien, Cohen, Eisen, Hogan, Martin, Oscarson, Pierce, Spiegel, and Wheeler; Senators Segerblom, Manendo, Jones, Spearman, Parks, Hutchison, and Smith:

Assembly Joint Resolution No. 7—Urging the National Park Service of the United States Department of the Interior to recognize the importance of mid-20th century architecture in Nevada and urging the Governor to proclaim May 20, 2014, as the day to acknowledge and celebrate mid-20th century architecture in Nevada.

Assemblyman Frierson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carrillo:

Assembly Bill No. 363—AN ACT relating to local governments; authorizing certain local governments to abate public nuisances and conditions involving abandoned, unregistered, inoperable or junk vehicles by requesting the operator of a tow car to abate the public nuisance or condition; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Paul Anderson, Hansen, Duncan, Ellison, Grady, Hardy, Kirner, Oscarson, and Wheeler:

Assembly Bill No. 364—AN ACT relating to public employees; increasing the maximum period during which certain public officers and employees who are active members of the military must be relieved from their duties to serve under orders without loss of compensation; authorizing certain members of the Public Employees' Retirement System to purchase service credit under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywomen Diaz and Flores:

Assembly Bill No. 365—AN ACT relating to interpreters; revising certain provisions relating to court interpreters; requiring that interpreters be appointed in judicial proceedings where a person with a language barrier is a witness, defendant or litigant; requiring that an interpreter be provided upon the arrest of a person with a language barrier before any interrogation or the taking of a statement; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Benitez-Thompson and Bobzien:

Assembly Bill No. 366—AN ACT relating to nonprofit corporations; revising certain provisions governing nonprofit cooperative corporations; revising certain provisions governing mergers, conversions and exchanges of nonprofit cooperative corporations; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Daly, Benitez-Thompson and Bobzien:

Assembly Bill No. 367—AN ACT relating to constructional defects; prohibiting a controlling party from seeking indemnification from a subcontractor, supplier, design professional or other person providing a service to a development project; providing that certain indemnification and insurance provisions in certain contracts are void and unenforceable; revising provisions governing certain cross claims arising under a claim for a constructional defect; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Wheeler, Hardy, Hickey, and Livermore:

Assembly Bill No. 368—AN ACT relating to business associations; exempting certain businesses whose annual gross earnings are less than a certain amount from the requirement of obtaining a state business license; exempting businesses whose annual gross earnings are less than a certain amount from paying certain fees; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Woodbury, and Dondero Loop:

Assembly Bill No. 369—AN ACT relating to insurance; revising the requirement for certain policies of health insurance and health care plans to provide coverage or provide an option of coverage for autism spectrum disorders; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 370—AN ACT relating to real property; revising provisions governing the mediation and arbitration of certain claims involving certain residential property; revising provisions governing persons who collect past due obligations owed to an association; authorizing the Commissioner of Financial Institutions to interpret certain provisions of law and regulations governing the collection of past due obligations owed to an association; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Duncan, Hickey, Hardy, Paul Anderson, Ellison, Hansen, Livermore, Oscarson, Stewart, and Woodbury:

Assembly Bill No. 371—AN ACT relating to state government; authorizing the Governor to designate any department within the Executive Department of the State Government as a charter agency; providing that all employees of a department designated as a charter agency become employees in the unclassified service of the State; requiring the Governor and the director of a charter agency to enter into annual performance agreements; requiring the removal of the director of a charter agency under certain circumstances; authorizing the payment of bonuses to the director and employees of a charter agency; providing a limitation on annual appropriations to a charter agency; authorizing a charter agency to retain for its use certain unobligated balances remaining at the end of a fiscal year; exempting a charter agency from certain provisions governing state buildings, state purchasing and public works; authorizing a charter agency to propose a waiver or suspension of an administrative regulation, subject to approval or disapproval by the Legislative Commission; requiring certain reporting concerning a charter agency to the Legislature or Legislative Commission; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 372—AN ACT relating to abuse of substances; creating the Substance Abuse Prevention and Treatment Agency within the Division of Mental Health and Developmental Services of the Department of Health and Human Services and the Governing Board of the Agency; requiring the Agency and the Governing Board to perform certain duties relating to the award of certain grants; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Duncan, Hickey, Hardy, Paul Anderson, Fiore, Hambrick, and Livermore:

Assembly Bill No. 373—AN ACT relating to education; establishing a tax credit for certain taxpayers and holders of state gaming licenses that donate money to a school tuition organization; setting forth certain requirements for a school tuition organization; requiring such an organization to submit an annual report to the Department of Taxation; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Concurrent Committees on Education and Taxation.

Motion carried.

By Assemblymen Bobzien, Aizley, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Daly, Dondero Loop, Eisen, Fiore, Frierson, Healey, Hickey, Kirkpatrick, Martin, Pierce, Spiegel, and Sprinkle; Senators Kihuen, Smith, Segerblom, Parks, and Kieckhefer:

Assembly Bill No. 374—AN ACT relating to counties; prohibiting a board of county commissioners from regulating or licensing, or requiring a permit or fee relating to, assemblies, events or activities occurring on federal lands; providing that certain requirements and prohibitions relating to assemblies do not apply to assemblies that occur on federal lands; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Dondero Loop, Ohrenschall, Bobzien, Woodbury, Aizley, Elliot Anderson, Carrillo, Frierson, Kirkpatrick, Spiegel, and Swank; Senator Woodhouse:

Assembly Bill No. 375—AN ACT relating to public health; revising provisions relating to certified autism behavior interventionists; including social communication disorder as a disorder covered by the Autism

Treatment Assistance Program; requiring certain policies of health insurance and health care plans to provide coverage for social communication disorder on the same basis as autism; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Dondero Loop, Diaz, Kirkpatrick, Elliot Anderson, Bobzien, Aizley, Benitez-Thompson, Carrillo, Eisen, Frierson, Spiegel, and Swank; Senator Woodhouse:

Assembly Bill No. 376—AN ACT relating to education; requiring the State Treasurer to maintain a subaccount in the State Supplemental School Support Account for the purpose of reimbursing teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct; providing for an annual apportionment from the subaccount to each school district; authorizing teachers to submit claims to the school districts by which they are employed for reimbursement for certain out-of-pocket expenses; requiring the Department of Education to adopt by regulation the procedure for submission and approval of the claims; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Dondero Loop, Aizley, Carrillo, Diaz, Eisen, and Spiegel; Senator Woodhouse:

Assembly Bill No. 377—AN ACT relating to crimes; revising the provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dondero Loop, Frierson, and Bustamante Adams; Senator Segerblom:

Assembly Bill No. 378—AN ACT relating to spendthrift trusts; prohibiting certain persons from being a distribution trustee of a spendthrift trust; repealing certain provisions governing the powers of a settlor; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ellison, Fiore, Hambrick, Hansen, and Oscarson:

Assembly Bill No. 379—AN ACT relating to vehicles; authorizing a person to apply for a letter of abandonment for an abandoned recreational vehicle under certain circumstances; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ellison, Fiore, Livermore, Stewart, and Woodbury:

Assembly Bill No. 380—AN ACT relating to state personnel; exempting certain persons from the restrictions on contracts with or the employment of certain employees by a state agency; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hickey, Hardy, Hambrick, Kirkpatrick, and Stewart; Senators Hardy, Hutchison, Denis, Parks, and Roberson:

Assembly Bill No. 381—AN ACT relating to historic preservation; encouraging the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, Nevada; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Hardy and Senator Hardy:

Assembly Bill No. 382—AN ACT relating to cities; authorizing the governing bodies of certain cities to impose a fee on the construction of a structure or the grading of land for certain purposes; authorizing, ratifying, approving and confirming certain ordinances enacted by Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas which impose such a fee; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Bustamante Adams; Senators Kieckhefer and Smith:

Assembly Bill No. 383—AN ACT relating to governmental administration; authorizing the Sunset Subcommittee of the Legislative Commission to recommend the auditing of certain boards or commissions; providing that certain members of the Sunset Subcommittee are nonvoting members; decreasing the number of boards and commissions that the Sunset Subcommittee is required to review; removing the requirement that the Sunset Subcommittee submit a written assessment to a board or commission setting forth the costs of a review; requiring the Sunset Subcommittee to submit to the Legislative Commission a proposed list of boards and commissions to be reviewed; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hickey, Hambrick, Paul Anderson, Bobzien, Duncan, Fiore, Grady, Hansen, Hardy, Kirkpatrick, Livermore, Munford, Pierce, Stewart, and Wheeler; Senators Hardy and Gustavson:

Assembly Bill No. 384—AN ACT relating to historic preservation; requiring the State Library and Archives Administrator to create and maintain a database for the purpose of providing public access to material of historical value in this State; requiring a state agency to submit certain material of historical value to the Administrator upon request; authorizing the Division of Museums and History of the Department of Tourism and Cultural Affairs to enter into a contract with a nonprofit organization for certain purposes; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hickey, Hambrick, Bobzien, Paul Anderson, Duncan, Fiore, Grady, Hardy, Kirkpatrick, Kirner, Livermore, Munford, and Stewart; Senators Hardy and Gustavson:

Assembly Bill No. 385—AN ACT relating to electronic information; establishing provisions relating to the deposit of data with a provider of information services; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Woodbury, Ohrenschall and Stewart:

Assembly Bill No. 386—AN ACT relating to education; establishing a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in selected secondary schools within each school district; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Wheeler, Fiore, and Neal; Senators Gustavson and Segerblom:

Assembly Bill No. 387—AN ACT relating to public financial administration; requiring that certain proposals relating to bonding by a municipality in certain smaller counties be approved by two-thirds of the electors of the municipality; requiring such a municipality to discontinue the collection of certain taxes under certain circumstances; requiring a local government in certain smaller counties to use the proceeds of certain taxes for the specific purpose for which the tax was levied; establishing a limit on the amount of revenue that may be raised or collected by such a local government in a fiscal year; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Bobzien:

Assembly Bill No. 388—AN ACT relating to renewable energy; authorizing the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant to certain businesses partial abatements of certain property taxes and local sales and use taxes imposed on certain renewable energy systems; revising provisions governing net metering; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Cohen, Frierson, Diaz, Dondero Loop, Duncan, Fiore, Healey, and Spiegel:

Assembly Bill No. 389—AN ACT relating to parentage; providing that a child is not required to be made a party to certain actions to determine the paternity of the child; revising provisions governing the representation of a child in such an action; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hickey and Kirkpatrick; Senators Smith and Denis:

Assembly Bill No. 390—AN ACT relating to the Knowledge Fund; requiring the Executive Director of the Office of Economic Development to create a corporation for public benefit for the purposes of administering the Knowledge Fund; establishing a board of directors to govern the Corporation; requiring the board of directors to appoint the President of the Corporation; authorizing the President, as the appointed executive head of the Corporation, to oversee the administration of the Knowledge Fund; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Daly and Bobzien:

Assembly Bill No. 391—AN ACT relating to energy; revising provisions relating to wages paid to certain employees by persons who intend to locate certain renewable energy facilities in this State and who apply to the Director of the Office of Energy for a partial abatement of certain taxes; providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy systems on property owned or occupied by a public body may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Fiore, Aizley, Paul Anderson, Bobzien, Bustamante Adams, Cohen, Diaz, Duncan, Ellison, Hambrick, Hansen, Healey, Hickey, Kirner, Livermore, Martin, Stewart, Wheeler, and Woodbury; Senator Gustavson:

Assembly Bill No. 392—AN ACT relating to juvenile justice; requiring a district attorney to file a petition with the juvenile court if a pupil is cited for habitual truancy or prepare a written statement of the reason for not filing a petition; requiring district attorneys to file a report each session concerning such petitions; requiring a school police officer or law enforcement agency to deliver to the district attorney a copy of a citation issued to a pupil who appears to be a habitual truant; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Fiore, Kirkpatrick, Hambrick, Aizley, Elliot Anderson, Paul Anderson, Bobzien, Bustamante Adams, Cohen, Diaz, Ellison, Frierson, Hansen, Healey, Hickey, Kirner, Livermore, Martin, Ohrenschall, Spiegel, Stewart, Swank, Wheeler, and Woodbury; Senators Segerblom and Gustavson:

Assembly Bill No. 393—AN ACT relating to children; expanding the rights of children placed in foster care with respect to their siblings; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Bobzien, Kirkpatrick, Frierson, Diaz, Bustamante Adams, Carlton, and Ohrenschall:

Assembly Bill No. 394—AN ACT relating to governmental administration; requiring that statements of financial disclosure filed by a Legislator or a candidate for the office of Legislator provide certain information relating to lobbyists; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Fiore, Ellison, Aizley, Paul Anderson, Bobzien, Duncan, Hambrick, Healey, Hickey, Kirner, Livermore, Martin, Ohrenschall, Stewart, Wheeler, and Woodbury; Senator Gustavson:

Assembly Bill No. 395—AN ACT relating to common-interest communities; prohibiting bullying, intimidation, threats and harassment among persons within a common-interest community; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bobzien, Benitez-Thompson, Daly, Martin, Ohrenschall, Oscarson, and Sprinkle; Senators Smith and Jones:

Assembly Bill No. 396—AN ACT relating to water; providing persons with access to certain waters in this State for certain activities that use water; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 397—AN ACT relating to real property; providing for the issuance of cease and desist orders by the Administrator of the Real Estate Division of the Department of Business and Industry under certain circumstances; revising provisions governing the powers and duties of an association; revising provisions governing the executive board of an association and the members of the executive board; revising provisions governing construction penalties; revising provisions governing sanctions for violations of the governing documents; revising provisions governing the collection of certain past due financial obligations; revising provisions governing meetings of the units' owners and of the executive board; revising provisions governing the resolution of disputes on common-interest communities; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Munford, Hogan, Livermore, Neal, Pierce, Stewart, and Swank:

Assembly Bill No. 398—AN ACT making an appropriation from the State Highway Fund to the Department of Motor Vehicles for the creation and maintenance of a branch office in Assembly District No. 6 in Clark County; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Munford, Bobzien, Carlton, Daly, Duncan, Eisen, Hogan, Neal, Ohrenschall, Pierce, Spiegel, Stewart, and Swank:

Assembly Bill No. 399—AN ACT relating to unarmed combat; creating the Advisory Board for Fair and Accurate Judging in Boxing; establishing the duties of the Advisory Board; establishing the salary of the Executive Director of the Nevada Athletic Commission; providing for the collection of fees on each ticket sold for admission to certain events; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Munford, Bobzien, Daly, Hogan, Livermore, Neal, Pierce, and Stewart:

Assembly Bill No. 400—AN ACT relating to criminal offenders; revising provisions governing genetic marker analysis of certain evidence relating to the conviction of certain offenders; revising provisions concerning violations of probation; requiring offenders who are committed to the custody of the Department of Corrections to submit to tests relating to the detection of the hepatitis C virus; authorizing an elected official to tour and inspect a facility or institution of the Department under certain circumstances; revising provisions concerning violations of parole; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Munford, Paul Anderson, Pierce, and Stewart:

Assembly Bill No. 401—AN ACT relating to elections; providing that elective city offices other than municipal judges are partisan offices; requiring certain cities to hold primary elections; making conforming changes; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hogan, Martin, and Swank:

Assembly Bill No. 402—AN ACT relating to controlled substances; providing in skeleton form for the decriminalization of the possession, use and delivery of marijuana by certain persons under certain circumstances; providing in skeleton form for the taxation of the production, processing and sale of marijuana; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 403—AN ACT relating to county school districts; authorizing the board of trustees of a county school district to impose a fee on each acre of real property located in the county for the purposes of constructing, maintaining or operating a vocational school in the county; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Frierson:

Assembly Bill No. 404—AN ACT relating to time shares; amending provisions relating to licensing and registration of sales agents, representatives, managers, developers, project brokers and time-share resale brokers; revising provisions relating to permits to sell time shares; amending provisions relating to time-share instruments; revising provisions governing public offering statements; amending provisions governing the sale and resale of time shares; revising provisions governing the management and development of time-share plans and time-share projects; prohibiting certain acts; amending various other provisions relating to time shares; providing penalties; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 405—AN ACT relating to motor vehicles; providing for the issuance of special indicia of the registration of a motor vehicle to a seasonal resident; modifying the provisions pertaining to the issuance of an identification card to a seasonal resident; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Duncan:

Assembly Bill No. 406—AN ACT relating to the State Executive Department; creating the Office of the State Auditor; establishing the State Auditor as the executive head of the Office; providing for the qualifications, election and salary of the State Auditor; establishing the powers, duties and

responsibilities of the State Auditor; abolishing the position of the Legislative Auditor and the Audit Division of the Legislative Counsel Bureau; transferring the powers, duties and responsibilities of the Division of Internal Audits of the Department of Administration to the Office; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hickey and Kirkpatrick:

Assembly Bill No. 407—AN ACT relating to public officers; revising provisions relating to residency requirements with reference to eligibility for public office; prohibiting a district court from issuing a declaratory judgment determining a question of residency of a candidate for certain offices after a certain date; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 408—AN ACT relating to business impact statements; revising provisions governing the small business impact statements prepared by state agencies when proposing regulations; requiring a copy of those statements to be submitted to the Legislative Commission; authorizing a business to commence an action to declare a regulation void when the statement is not prepared properly; authorizing the Legislative Commission to reject a regulation if the statement is not prepared properly; revising provisions governing the business impact statement prepared by the governing body of a local government when proposing a rule; authorizing a business to commence an action to declare a rule void when the statement is not prepared properly; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 409—AN ACT relating to economic development; creating the Nevada Business Development Fund; providing, with limited exceptions, that money in the Fund must be distributed to local governments for the purpose of making below-market rate loans for business development projects; setting forth the duties and powers of the Executive Director of the Office of Economic Development with respect to the Fund; setting forth the duties and powers of a local government that makes loans of money

distributed to the local government from the Fund; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 410—AN ACT relating to economic development; directing the Office of Economic Development within the Office of the Governor to create a pilot program to encourage the growth and expansion of existing businesses that are located in this State; setting forth the goals and functions of the pilot program; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Paul Anderson:

Assembly Bill No. 411—AN ACT relating to taxation; requiring a seller of a newly constructed residential building to provide the Department of Taxation with a written notice before selling the property stating the outstanding balance, if any, of sales and use taxes which remain due and owing for materials used to construct the residential building; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 412—AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission of legislative measures; prohibiting certain Legislators from requesting the drafting of legislative measures; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 187.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Proulx.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Young.

Assemblyman Frierson moved that the Assembly adjourn until Wednesday, March 20, 2013, at 11:30 a.m., and that it do so in memory of former Assemblyman John W. Marvel.

Motion carried.

Assembly adjourned at 6:23 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 20, 2013

Assembly called to order at 12:05 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, these are still lean days for the state of Nevada. Resources are stretched to the limit. Grant us wisdom to use wisely what we have and to trust You to multiply our fish and loaves. I pray in Jesus' Name.

AMEN.

Presentation of the Colors by the Nevada National Guard Color Guard.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 13, 39, 43, 189.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 19, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 8, 28, 48, 153.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Grady, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler, and Woodbury; Senators Goicoechea, Atkinson, Brower, Cegavske, Denis, Ford,

Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman, and Woodhouse:

Assembly Concurrent Resolution No. 4—Honoring Nevadans who have lost their lives in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through Operation Iraqi Freedom, Operation Enduring Freedom and Operation New Dawn, 6,618 Americans have lost their lives, including 56 Nevadans; and

WHEREAS, The service of these men and women required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That we honor every American who served and extend our heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice; and be it further

RESOLVED, That we continue to honor the fifty-three Nevadans who we have recognized in previous legislative sessions; and be it further

RESOLVED, That we pause today to reflect on the supreme sacrifice of the three Nevadans who have given their lives since the 76th Legislative Session: Marine Corporal Jon-Luke Bateman, Pahrump; Army Sergeant Ken K. Hermogino, Henderson; and Army Sergeant Timothy Sayne, Reno; and be it further

RESOLVED, That the members of the 77th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit three copies of this resolution to Caleb S. Cage, Executive Director of the Office of Veterans' Services, for transmittal to the family of each of those being honored.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady and Elliot Anderson.

ASSEMBLYMAN GRADY:

It is my honor, along with my fellow Senator from District 19, to be sponsoring this year's resolution. We all pray for the day when these resolutions are no longer needed, when our brave warriors will be home with family and friends. The members of the Nevada Legislature extend our deepest sympathy to the families of Marine Corporal Jon-Luke Bateman of Pahrump, Army Sergeant Ken K. Hermogino of Henderson, and Army Sergeant Timothy Sayne of Reno. These young men are fellow Nevadans who heeded the call to duty and gave the ultimate, their lives, to protect what so many of us take for granted—our freedom. They are all truly our heroes, and we honor their service and their memory.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of this resolution. This is now the third session that I have had the opportunity to see this, twice in the Legislature and once when I was here interning in this body, and each and every time is never easy. If there is one saving grace, it is that the list keeps getting shorter. For each and every person that we lose, it is very, very difficult for many of us. I thought that we would be remiss if we did not mention the incident that happened yesterday in Hawthorne. It is important to remember that even as these lists keep getting shorter, the military remains a dangerous place, even in peace time. It is incumbent on us, even as the headlines stop dropping, that we remember the military are out there every day putting themselves at risk, as

are those who are returning from service. Madam Speaker, thank you, and thank you to the members of this body who are considering supporting this resolution.

Resolution adopted.

Assemblyman Grady moved that all rules be suspended and that Assembly Concurrent Resolution No. 4 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:33 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Elliot Anderson moved that the Assembly suspend section 4 of Assembly Standing Rule No. 57 for the purpose of allowing the Assembly Committee on Education to consider and take final action on Senate Bill No. 187 this legislative day.

Remarks by Assemblyman Elliot Anderson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 413—AN ACT relating to taxation; authorizing certain larger counties to impose additional taxes on fuels for motor vehicles; providing for the administration, allocation, disbursement and use of the additional taxes; exempting the sale of revenue bonds secured by county fuel taxes from certain requirements; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 8.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 13.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 28.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 39.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 43.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 48.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 153.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 189.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 111 requires that special license plates for disabled veterans be inscribed with the international symbol of access.

Madam Speaker and colleagues, this bill authorizes the addition of the universally recognized handicapped symbol to our Nevada disabled veteran license plates. Holders of these plates must be 100 percent service-connected disabled, as rated by the Veterans' Department. Our veterans have experienced harsh treatment from our neighbors to the West, including parking tickets of

up to a thousand dollars for parking in handicapped spaces, simply because they do not display the universally recognized handicapped symbol on their license plates. This bill does not ask for a new plate, but for a simple redesign. The bill was unanimously voted "do pass" in the committee, and now I am asking you to unanimously send this bill to the Senate, demonstrating our support for those service veterans and members who, through honorable service, are now 100 percent disabled.

Roll call on Assembly Bill No. 111:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 111 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Baumann and Robert Garlow.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Schweisthal, Aaron Moss, and Sherandra Owen.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Warner.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jana L. McElhaney.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Miller and Caleb Cage.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Musgrove and Ken Gray.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Brigadier General William Burks and Sally Wiley.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Helms.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis DeMille and Laura Bledsoe.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Harton and Ron Gutzman.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Tod Jennings.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Johnson, Nate Cerniglia, and Roger Diez.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Thursday, March 21, 2013, at 11:30 a.m., and that it do so in memory of Marine Corporal Jon-Luke Bateman, Army Sergeant Ken K. Hermogino, Army Sergeant Timothy Sayne, and the seven Marines who were killed in a training exercise yesterday in Hawthorne, Nevada.

Motion carried.

Assembly adjourned at 12:49 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 21, 2013

Assembly called to order at 11:42 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, You are the light and in You there is no darkness. Your word is a lamp unto our feet and a light unto our path. Light our path today with truth, knowledge, understanding, and wisdom. I pray in the Name of the One who is the Light of the World, Jesus. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 94, 181; Senate Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
4TH DISTRICT, NEVADA

March 20, 2013

DEAR SPEAKER KIRKPATRICK:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Tuesday, April 2, 2013. As the Representative for Nevada's 4th Congressional District, I look forward to sharing information from the halls of Congress and the communities from the district that will affect Nevada.

I am honored, and look forward to this opportunity. Thank you in advance for your consideration.

Sincerely,
STEVEN HORSFORD
Member of Congress
Nevada's 4th District

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 21, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 139.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 187, just reported out of committee, be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 414—AN ACT relating to education; requiring instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator to be included within the course of study for health for pupils enrolled in middle schools, junior high schools and high schools; requiring private secondary schools to include similar instruction in a course of study for health; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 139.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 187.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblyman Livermore moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN LIVERMORE:

Members of the Assembly, I am deeply saddened by the loss of one of Carson City's favorite citizens, Joy Amodei. Joy was the mother of Representative Mark Amodei and his sister, Denise Boyden. Joy worked for many years as a physician assistant and was active in many organizations and charities, including the First Presbyterian Church. She will be missed by many in Carson City who enjoyed her cheerful smile and sense of humor. Please join me in sending our sympathies to the Congressman; his sister Denise; her husband John Boyden; and the grandchildren: Ryanne, Erin, Abby, and Riley.

Thank you very much.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Helms.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to John Ekman and Dominic Pappalardo.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Peri Hardy and Jazmine Hardy.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Bohn.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and teachers from Bordewich-Bray Elementary School: Kelly McCready, Brooke Robinson, Cole Johnson, Ryan Heidt, Hannah Grundy, Lillian Sanders, Gabe Crossman, Kyla West, Olivia Frank, Gabrielle Frank, Stacy Ferrel, Jonathan Francone, Elisah Romero, Pru Knox, Linda Hurzel, and Laura Valley.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Jared Oscarson.

Assemblyman Horne moved that the Assembly adjourn until Monday, March 25, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:55 a.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 25, 2013

Assembly called to order at 11:49 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

Please pray with me:

O Lord God, You who have made the heavens by Your great power and outstretched arm—there is nothing too difficult for You.

As we gather in these days, representing the people of this great state of Nevada, we ask for Your grace and wisdom. Give us understanding and discerning hearts. Instruct us in the way, and help us to humbly walk together in what we have been called to do.

We give You thanks and praise as we trust in You, O God Most High, as we hope in You, and stand firm without wavering in the convictions of our hearts. Let us not seek our own good, but that of each other.

We pray for our troops in harm's way; protect those who serve and sacrifice their lives for freedom and peace.

In Your Most Holy Name,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 28, 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 43, 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 6—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Julie Kellen is elected as an additional attaché of the Assembly for the 77th Session of the Nevada Legislature.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

Assemblyman Horne moved that persons as set forth on the Nevada Legislature's Press Accreditation List of March 5, 2013, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers, that they be allowed use of appropriate broadcasting facilities:

ELKO DAILY FREE PRESS: Dylan Harris; HUMBOLDT-SUN: Steve Lyon; KOLO-TV: Terri Russell, Kevin Thompson; KTVN-TV NEWS 2: Rachel Mosley; RENO GAZETTE-JOURNAL: John Maher, Geralda Miller; TASMAN PACIFIC MEDIA GROUP: Donna Andres.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.
Madam Speaker presiding.
Quorum present.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 94.
Bill read second time and ordered to third reading.

Assembly Bill No. 181.
Bill read second time and ordered to third reading.

Senate Bill No. 15.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 187.
Bill read third time.
Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 187 revises the standards and provisions for service on the Nevada Youth Legislature.

I have the privilege of serving on the board of the Nevada Youth Legislature, which is a brain child of former Senator Valerie Wiener. It was established in 2007. There are 21 members of the Nevada Youth Legislature. They are appointed by each of the Nevada State Senators. This is a very worthwhile organization, and this bill will simply make it easier to fill vacancies and clarify other things.

Roll call on Senate Bill No. 187:

YEAS—40.

NAYS—None.

EXCUSED—Brooks, Woodbury—2.

Senate Bill No. 187 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 4:57 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 415—AN ACT relating to criminal justice; revising provisions governing the crime of burglary; authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; revising provisions governing credits for offenders sentenced for certain crimes; requiring the suspension of proceedings for certain violations relating to controlled substances; revising provisions governing the crime of trafficking in certain controlled substances; requiring the Commission to study and report on certain issues; authorizing Clark County to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 416—AN ACT relating to vehicles; authorizing a local law enforcement agency to appoint volunteers to issue citations for parking violations; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 417—AN ACT relating to redevelopment; requiring the legislative body of each community in which a redevelopment area has been established to create a revolving loan account administered by the redevelopment agency; authorizing a redevelopment agency to use money in a revolving loan account to make loans at or below market rate to new or existing small businesses in the redevelopment area; setting forth certain requirements relating to loans made from a revolving loan fund; requiring a redevelopment agency to adopt certain regulations and prepare certain reports relating to loans of money from a revolving loan account; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 418—AN ACT relating to local financial administration; revising provisions relating to the distribution of proceeds from certain taxes ad valorem in larger counties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 419—AN ACT relating to the Public Employees' Benefits Program; revising provisions governing the Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 420—AN ACT relating to cities; amending the Charters of the City of Las Vegas and the City of North Las Vegas to revise

provisions governing the appointment and service of the fire chief of each city; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 421—AN ACT relating to parentage; revising provisions relating to assisted reproduction; revising provisions relating to gestational carrier arrangements; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 422—AN ACT relating to offenders; requiring an autopsy upon the death of an offender under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 423—AN ACT relating to criminal procedure; establishing certain time limitations regarding the disclosure of the factual content of reports of presentence investigations, the objections to such reports and the submission of such reports to a court; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 424—AN ACT relating to the State Fire Marshal; authorizing the State Fire Marshal and the State Board of Fire Services to issue administrative citations; establishing provisions for the contest of such citations; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 425—AN ACT relating to insurance; establishing licensure provisions for certain enrollment facilitators by the Commissioner of Insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 426—AN ACT relating to mortgage lending; requiring the Commissioner of Mortgage Lending to adopt regulations for the licensing of residential mortgage loan servicers; authorizing fees for such licensure; directing the Legislative Commission to appoint a committee to conduct an interim study concerning the laws of this State governing the mortgage lending industry; providing penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 427—AN ACT relating to industrial insurance; allowing wages from certain employment in another jurisdiction to be included in calculating average monthly wage of an injured employee for the purposes of industrial insurance; removing provisions authorizing benefit penalties to be imposed against insurers and third-party administrators; revising provisions relating to the payment of benefits; establishing various requirements relating to claims; repealing the prohibition against bringing or maintaining a cause of action against an insurer or third-party administrator for certain violations relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 428—AN ACT relating to energy; revising provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program;

requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising certain provisions relating to the portfolio standard for renewable energy; providing for aggregate net metering on low-income residential property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 429—AN ACT relating to industrial insurance; requiring a physician who treats an injured employee who is covered under a policy of industrial insurance to provide certain information to the employer of the injured employee and the employer's insurer if the physician prescribes certain narcotic drugs to the injured employee; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 430—AN ACT relating to title loans; revising certain requirements for the issuance of a title loan; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 431—AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 432—AN ACT relating to intoxicating liquor; revising the definition of "supplier" as that term applies to certain purchases of liquor; prohibiting an importer or wholesale dealer of alcoholic beverages from operating or locating its business on the premises or other property of any supplier; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 433—AN ACT relating to health care; requiring that advertisements for health care services include certain information; requiring certain health care practitioners to communicate certain information to the public; limiting the use of the term "board certified" by certain health care practitioners; providing for the professional discipline of health care practitioners under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 434—AN ACT relating to interior designers; revising certain requirements for an application for a certificate of registration to practice as a registered interior designer; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 435—AN ACT relating to insurance; revising the manner in which an assessment imposed on insurers in this State is calculated; revising requirements concerning reinsurance; exempting certain prepaid limited health service organizations from a requirement to submit certain information to the Commissioner of Insurance; revising provisions governing the Nevada Life and Health Insurance Guaranty Association, the Interstate Insurance Product Regulation Compact, insurance holding companies and requirements that certain groups submit information to the Commissioner; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 436—AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to consider certain information in reviewing certain applications and plans submitted to the Commission by a public utility which furnishes, for compensation, any water for municipal,

industrial or domestic purposes; requiring the Commission to adopt regulations which authorize such a public utility to recover an amount based on the effects of the implementation of a plan of water conservation; requiring the Commission to adopt regulations which authorize such a public utility to recover, outside of a general rate application, certain costs relating to the planning, acquisition or construction of certain utility facilities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 437—AN ACT relating to title insurance; revising provisions authorizing a title insurer to provide a closing letter to certain parties to a real estate transaction for which the title insurer will issue or has issued a policy of title insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 438—AN ACT relating to public servants; requiring a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies; providing for certain exceptions; providing civil remedies and penalties; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 439—AN ACT relating to elections; revising provisions governing the dates for certain city elections; revising deadlines for the submission of certain campaign contribution and expenditure reports relating to city elections; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 440—AN ACT relating to elections; authorizing an elector to register to vote on the day of certain elections and setting forth

requirements for such registration; extending the period during which an elector can register to vote in person or by computer; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 441—AN ACT relating to voting; authorizing a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 442—AN ACT relating to campaign practices; setting forth factors that the Secretary of State may consider when determining whether good cause has been shown to waive a civil penalty imposed for filing late certain campaign reports; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 443—AN ACT relating to ethics in government; revising provisions governing ethical standards for public officers and employees concerning gifts; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 444—AN ACT relating to the death penalty; providing for an audit of the fiscal costs of the death penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 445—AN ACT relating to meetings of public bodies; requiring that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 446—AN ACT relating to legislative measures; revising provisions governing requests for the drafting of legislative measures; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 447—AN ACT relating to highways; revising provisions relating to the construction, operation and maintenance of certain facilities to provide information and assistance to the traveling public; increasing fines for certain violations committed in roadside parks or rest areas; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 448—AN ACT relating to the state militia; authorizing the Adjutant General to accept certain property; revising certain provisions relating to the rental of an armory or facility of the Office of the Military; revising certain provisions relating to the Patriot Relief Account; repealing certain provisions concerning the state militia; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 449—AN ACT relating to vital statistics; providing that certain proceeds accruing to this State may be used by the Health Division of the Department of Health and Human Services for certain purposes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 450—AN ACT relating to public welfare; transferring authority for the Children's Health Insurance Program from the Division of Health Care Financing and Policy in the Department of Health and Human Services to the Division of Welfare and Supportive Services in the Department; revising provisions relating to the electronic submission of applications for Medicaid and the Children's Health Insurance Program; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 451—AN ACT relating to persons with disabilities; consolidating the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation within the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 452—AN ACT relating to theft; prohibiting a person from stealing a lawfully placed trap or similar device used in the commercial taking of crayfish or any other taking of aquatic life in this State; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 453—AN ACT relating to motor vehicles; exempting certain fleet vehicles from the Department of Motor Vehicles insurance verification system; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 454—AN ACT relating to the Department of Motor Vehicles; requiring certain sellers, lessors, dealers and rebuilders of vehicles to transmit certain information to the Department in an electronic format; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 455—AN ACT relating to special license plates; revising the role of the Commission on Special License Plates to advise the Department of Motor Vehicles with respect to certain matters; requiring that applicants for special license plates furnish to the Department certain amended information; requiring that the Commission compile and make publicly available certain information regarding special license plates which the Commission has recommended for approval; revising provisions governing the procedure for taking adverse action against a charitable organization that receives additional fees from a special license plate; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 456—AN ACT relating to health care; requiring that advertisements for health care services include certain information; requiring certain health care professionals to communicate certain information to the public; limiting the use of the term "board certified" by certain health care professionals; providing that a health care professional is subject to disciplinary action under certain circumstances; providing for the submission to the State Board of Health of certain proposals for the modification of the scope of practice of a health care profession; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 457—AN ACT relating to medical facilities; requiring a hospital to provide certain information upon discharge to certain older patients; requiring a hospital to provide certain information to certain social

service agencies before discharging certain older patients; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 458—AN ACT relating to education; authorizing the parents and legal guardians of pupils enrolled in a public school, or who are expected to be enrolled in the public school, to submit to the board of trustees of the school district a petition requesting the board of trustees to convert the public school to an empowerment school; prescribing the duties of a board of trustees that receives such a petition; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 459—AN ACT relating to school property; authorizing the board of trustees of a school district to donate surplus personal property of the school district to another school district; eliminating oversight panels for school facilities; eliminating the duty of certain boards of trustees of school districts to submit to the Legislature written recommendations for financing the costs of construction of school facilities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 460—AN ACT relating to education; requiring the Department of Education to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements necessary to receive federal funding under the Elementary and Secondary Education Act of 1965; prescribing certain requirements for a uniform statewide system of accountability for public schools; repealing provisions relating to adequate yearly progress and the designation of public schools and school districts based upon an annual determination of whether the public schools and school districts have made adequate yearly progress; repealing provisions governing the consequences and sanctions for public schools and school districts designated as needing improvement; repealing provisions governing the

creation and duties of school support teams for certain public schools designated as needing improvement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 461—AN ACT relating to management of land; authorizing the Division of State Lands of the State Department of Conservation and Natural Resources to establish and carry out programs to conserve certain sagebrush ecosystems; requiring the Division to coordinate the establishment of a program to improve certain sagebrush ecosystems; establishing the Account to Restore the Sagebrush Ecosystem in the State General Fund; establishing the Sagebrush Ecosystem Council within the Department; prescribing the duties of the Council; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 462—AN ACT making an appropriation to the Desert Regional Center within the Division of Mental Health and Developmental Services of the Department of Health and Human Services for a new computer system for medical records, provider invoices and claims processing; authorizing the Desert Regional Center to expend certain other money for the same purpose; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 463—AN ACT relating to state financial administration; revising provisions relating to claims presented by a state agency to the State Board of Examiners after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which it was appropriated; authorizing a person designated by the Clerk of the State Board of Examiners to carry out certain duties of the Clerk; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 464—AN ACT relating to the tax on special fuel; authorizing the Department of Motor Vehicles to establish by regulation and collect a fee from certain licensed special fuel users for the issuance of the identifying device required by the International Fuel Tax Agreement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 465—AN ACT relating to state administration; renaming the Records and Technology Division of the Department of Public Safety as the General Services Division; expanding the duties of the renamed Division; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 466—AN ACT relating to governmental financial administration; requiring the Director of the Department of Administration to prepare and send a report of tax expenditures to the Governor and the Legislature; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 467—AN ACT making an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources to replace public safety equipment and worn and obsolete equipment; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 468—AN ACT making an appropriation to the Department of Corrections for an upgrade to and end-user training for the

Nevada Offender Tracking Information System; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 469—AN ACT making appropriations to the State Department of Conservation and Natural Resources for the replacement and maintenance of emergency response, firefighting and other critical equipment and vehicles; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 470—AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety to replace fleet vehicles and motorcycles that have exceeded the mileage threshold; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 471—AN ACT making a supplemental appropriation to the Department of Health and Human Services for an unanticipated shortfall relating to the operation of the vital records and statistics program in Fiscal Year 2012-2013; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 472—AN ACT relating to motorcycles; increasing the maximum amount of the fee that the Director of the Department of Public Safety is required to establish for the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 473—AN ACT relating to license plates; authorizing the Department of Motor Vehicles to charge an additional fee to defray the cost of producing license plates; creating the License Plate Production Account in the State Highway Fund; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 474—AN ACT making appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Account; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 475—AN ACT making appropriations to the Legislative Fund for dues and registration costs for national organizations, building maintenance projects and information technology purchases; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 476—AN ACT relating to unemployment insurance; revising provisions relating to penalties for unemployment insurance fraud; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 477—AN ACT making an appropriation to the Office of the State Controller to replace computer servers for the statewide financial system; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 478—AN ACT making supplemental appropriations to the Nevada Highway Patrol Division of the Department of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments and for an unanticipated shortfall resulting from an increase in fuel costs; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 479—AN ACT making a supplemental appropriation to the Investigation Division of the Department of Public Safety for an unanticipated shortfall resulting from increases in fuel costs; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 480—AN ACT relating to the Tahoe Regional Planning Agency; requiring the Agency annually to submit certain information to the Governor and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 481—AN ACT relating to governmental administration; requiring the Division of State Library and Archives of the Department of Administration to provide digital imaging services to any local government; providing that money received by the Division for such services does not revert to the State General Fund at the end of any fiscal year; requiring the Division to use such money for certain purposes; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 482—AN ACT relating to unemployment compensation; creating the Interest Repayment Fund for the payment of interest accruing and payable on advances received by this State from the

Federal Government relating to unemployment benefits; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish an assessment to be imposed on certain employers; requiring certain employers to pay a proportionate share of such an assessment; requiring any money received from such employers to be deposited into the Fund; providing for the termination of the Fund in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 483—AN ACT relating to water; limiting the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Carlton and Stewart as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Mark Amodei.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:34 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Bobzien, Brooks, and Woodbury, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Goicoechea and Assemblyman Grady to wait upon Representative Amodei and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Mark Amodei, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Amodei and invited him to deliver his message.

Representative Amodei delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SEVENTY-SEVENTH SESSION, 2013

Thank you, Madam Speaker. For those of you that leave the way I usually left at this point, please feel free to do so.

Madam Speaker, Mr. President, Chief Clerk, Secretary of the Senate, Governor, Judge. I've just been in time-out in the Speaker's office for a while, and I haven't been in time-out in the Speaker's office since 2003. It was a bit of an intimidating thing. So thank you all for coming.

I've got to tell you, it's fairly embarrassing to be here to give one of these talks which I routinely skipped for the majority of my legislative career. I'm sure it comes as no secret what my plan was. They always brought the person in through that door, so I sat in the empty desk up there with my picture— it doesn't get better when it's bigger, does it? I just slipped right out that door. I was very bipartisan; I left for the Democrats and Republicans alike, so I was never picking on anybody.

First of all, thank you for your kind words and your remembrances of my mother. That means a lot, and I don't know if I'll ever be able to repay you. I can assure you that you've got an overweight left-hander in Carson City Who has your back if you ever need anything.

You don't need to get too comfortable because I'm not a total hypocrite; I'm not going to keep you here very long for this. So you can time Heller and see if he or Reid went longer or Horsford or Titus, but we're moving and getting out of here.

As the only member of the delegation having served in both houses, I look up there and see the Eisen seat, which was my seat when I was here and where they put the troublemakers in the back row on that side–so I hope you're upholding the tradition—and then think about going to the Senate for 12 years with the rookie class of Maggie Carlton and Terry Care and myself. There's a rumor out that Maggie Carlton is chairing some fairly important committee in the Assembly. You know, it's amazing what you can do without a high school education. The both of us are just doing great, aren't we, Madam Chair?

Of course, I remember that living over my back fence was now—Majority Leader Horne and—I'm having a hard time with this—*Senator* Atkinson? How are you doing, baby? I just got to do this because I think, no matter what kind of shape those of you from out of the Carson City area keep your bedrooms in—and even if there's a picture of how you keep house while you're here during the legislative session in the paper—you can still continue to be

reelected and prosper and succeed in the Nevada Legislature. So go back to—I don't know if it was the *Nevada Appeal* or the *Reno Gazette-Journal*—but these guys let a photographer into their house, and they took pictures. Mo, keep an eye on him. I hope someone is keeping his picture appointments.

One of the reasons I used to skip this is that I really didn't need somebody from the federal delegation coming in and telling me what to do. Thanks a lot, but come walk in my shoes; come feel my pain, that sort of stuff. I've just got a couple things I want to share with you. One is—and it's hard to do while you're doing it, and I know I didn't do it—value your process. Value your process. For as much as all of the pundits and the folks that get paid to write and blog and Twitter and tweeter and whatever all that other stuff is. The fact that you have a finite time limit and when you leave, despite whatever fights you engaged in, you have a balanced budget; and the fact that you have the intimacy with your colleagues that you do in this process, is something you should value. I think it allows a state like ours to get the work done, with asterisks, in our procedure and our process. I can tell you that in reflecting on my time here in terms of the work done in committee and on the floor with the issues, the depth that is brought to bear in the Nevada Legislature on the north and south sides of the building has, most days, much more depth than what I experience in another place about 2,500 miles east of here. I know that it's going to be hard to do at times, but please take that for what it's worth.

I don't have to tell any of you that our state is 86 percent owned by the federal government, so whether you are talking about economic development, natural resources, or the tax base, that is a challenge that no other state in the lower 48 faces. Every time we want to do something—whether you agree or not—that involves land use or resources, we are coordinating with someone in the federal government for the most part. Governor, hats off to your administration and your folks, the Leo Drozdoffs, the Colleen Crippses, the Jason Kings, the folks that work in resources in the state—phenomenal resources. While I didn't always agree with them, they do a great job, and their credibility is outstanding.

I commit to you that as long as I am there, we will continue to do everything in our power every day, in an oversight sense, to make sure that the input from the state level, the county level, and the community level on the issues that these people deal with is something that is taken into account. We have several pieces of legislation that we are going to try to do more than take it into account—say that if you haven't got the association of counties on board with you or the state administrative folks, then your decision doesn't stand. Now I'm sure there won't be any opposition to that in a town like Washington, D.C., but you know what? We're going to have the conversation and we're going to start pushing it. We're also going to push for more federal land to go through an auction process that is similar in many ways to the Southern Nevada Public Lands Management Act that we had great success with so that we can return jurisdiction over planning and zoning in our urban and city areas to the people who are elected in Nevada to deal with those issues. We're not going to tell you what decision to make—just going to say it's our decision and that it should be a decision that is taken in Nevada.

I can tell you that each and every day that we wake up, if the federal government is trying to take control of ground water in Nevada we will win that battle or they will be carrying us out on our shield if we lose it. Absolutely, positively, the biggest lever we've got—jealously guard it, please—we ought to be making those decisions, and that's our best lever.

Finally, I want to say this: We are a resource. This is a service business, just like yours, and I hope you will never wake up on the day where somebody says, "Here's what Amodei's office is trying to tell us what to do." That is not our place. Our place is to make the federal government as responsible to the people of Nevada as possible and to return as much of the decision making process over resources and land use decisions to people in Nevada, and that's what we're going to do. So we're here to help you.

I'm looking forward to working with Steven Horsford—two of us on the Natural Resources Committee; Dina Titus—two of us on the Veterans' Affairs Committee. We occupy some

unique space in those committees with two members from a small western state, so we are looking forward to the ability to do something.

I want to say again thank you very much. I am sorry for keeping you as long as I did. Governor, I hope I didn't go too far over the agreed time.

You're almost at the halfway point, so I'll look forward to coming back and wandering around the building, although I was told to wait, Madam Speaker, in your conference room. I said, "I was in time-out in the Speaker's office before I came in here. I haven't been in time-out in the Speaker's office since the 2003 Session, so it's a little bit humbling." And then when you see some people that you know when you walk around the building and you're flanked by the Legislative Police, they're asking, "So are you the next one that's under arrest for something to do with whatever?" I said, "No, it's not like the old days." I think I stole everything I wanted out of the building when I was here as an officeholder. Check my pockets or whatever. But it's nice to come home. It's nice to see those new and not so new. I'm learning not to use the word *old*, Maggie, so please make a note of that.

Thank you very much for your courtesies and good luck in the rest of it. I look forward to working with you all.

Senator Smith moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Amodei for his timely, able, and constructive message.

Seconded by Assemblyman Livermore.

Motion carried.

The Committee on Escort escorted Representative Amodei to the bar of the Assembly.

Assemblywoman Spiegel moved that the Joint Session be dissolved.

Seconded by Senator Cegavske.

Motion carried.

Joint Session dissolved at 5:51 p.m.

ASSEMBLY IN SESSION

At 6:21 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 484—AN ACT relating to health care; authorizing the creation of a county subsidiary corporation in certain counties to provide public health care services; prescribing the functions, powers and duties of the corporation; requiring the corporation to be governed by a board of directors and prescribing their powers and duties; defining the legal status of the corporation and exempting the corporation and its directors, officers and employees from certain legal requirements; prescribing the powers and duties of the board of county commissioners regarding the corporation; authorizing

agreements to transfer certain property, rights, powers, duties and liabilities to the corporation; transferring certain employees of the county to the corporation; requiring the corporation to take certain actions regarding labor issues; authorizing the issuance of bonds and other methods of financing for the corporation; providing for the acquisition, improvement and disposal of property for the corporation; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 485—AN ACT relating to transportation; authorizing the Department of Transportation to enter into a public-private partnership to plan, design, construct, improve, finance, operate and maintain an eligible transportation facility; authorizing the Board of Directors of the Department of Transportation to establish user fees, administrative fines and other penalties and charges relating to the use of such a facility; providing for the disposition of money which is received and is to be retained by the Department of Transportation pursuant to a public-private partnership; authorizing the Department of Transportation to grant to a private partner the use of certain real property; exempting such use of real property from all real property and ad valorem taxes; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay a user fee; authorizing the Department of Motor Vehicles to establish certain administrative fees; authorizing the Department of Transportation to approve, upon request, the construction of a toll bridge or toll road by a person; providing penalties; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 486—AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to elect to be relieved of the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; providing that certain assessments and surcharges are applicable to providers of Voice over Internet Protocol services; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 487—AN ACT relating to recycling; increasing the goal for the amount of total solid waste generated within a municipality to be recycled; requiring each board of county commissioners to report to the 78th Session of the Nevada Legislature concerning its efforts and progress in establishing programs of single-stream recycling; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 488—AN ACT relating to governmental administration; consolidating the Health Division and the Division of Mental Health and Developmental Services of the Department of Health and Human Services into the Division of Public and Behavioral Health of the Department; transferring the powers and duties concerning certain services to children with autism spectrum disorders from the Health Division to the Aging and Disability Services Division of the Department; transferring the authority for developmental services in the Division of Mental Health and Developmental Services to the Aging and Disability Services Division; providing for the appointment of a Chief Medical Officer in certain circumstances; requiring the directors of certain facilities to report to the Chief Medical Officer and to operate under his or her oversight; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 489—AN ACT relating to state financial administration; requiring an agency in the Executive Department of State Government to charge a convenience fee for the use of a credit card to make a payment to the agency under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 490—AN ACT making an appropriation to Communities in Schools of Nevada, Inc. to coordinate the provision of student and family services to youth in this State; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 491—AN ACT relating to state financial administration; temporarily extending the allocation of a portion of the proceeds of the basic governmental services tax to the State General Fund; transferring certain commissions collected and penalties retained by the Department of Motor Vehicles with respect to the governmental services tax during Fiscal Year 2014-2015; temporarily increasing for Fiscal Year 2014-2015 the limitation on the percentage of the proceeds of certain fees and charges collected by the Department of Motor Vehicles that are authorized for the Department's costs of administration associated with the collection of those fees and charges; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 492—AN ACT relating to credit unions; revising provisions governing the Credit Union Advisory Council; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 493—AN ACT relating to State Government; abolishing the Nevada Commission on Sports; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 494—AN ACT relating to the Nevada State Funeral Board; revising provisions governing the Board and transferring its powers and duties to the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 495—AN ACT relating to public health; abolishing the Committee on Co-Occurring Disorders; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 496—AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 497—AN ACT relating to the Department of Corrections; creating the Correctional Community Services Division of the Department of Corrections; transferring the parole functions of the Division of Parole and Probation of the Department of Public Safety to the Correctional Community Services Division of the Department of Corrections; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to require the Legislature to provide for the appointment of a Student Regent to serve as a voting member of the Board of Regents of the University of Nevada, and to provide the qualifications and term of office of the Student Regent.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 7 of Article 11 of the Nevada Constitution be amended to read as follows:

Sec. 7. ~~[The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute]~~

1. There is hereby created a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. ~~[But the]~~

2. The Legislature shall ~~[at its regular session next preceding the expiration of the term of office of said Board of Regents provide]~~ ***, by law:***

(a) Provide for the election of a ~~[new]~~ Board of Regents ***;***

(b) Provide for the appointment by the Board of Regents of a Student Regent to serve as a voting member of the Board of Regents, and provide the qualifications and term of office of the Student Regent; and ~~[define their]~~

(c) Define the duties ~~[.]~~ ***of the Board of Regents.***

Assemblyman Horne moved that the resolution be referred to the Committee on Education.

Motion carried.

Assemblyman Horne moved that Assembly Joint Resolution No. 6 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Elmcrest Elementary School: Edwin Arellano Galvan, Brandon Codman, Isaac Codman, Kinsey Collins, Zachary Dey, Rain Fixico, Jesse Free, Raegan Fry, Chloe Hale, Anne Head, Rudy Hernandez Galvan, Boda Huo, Alexa Martin, Shriti Parajuli, Joseph Pollard, Steven Portillo, Irma Quezada, Charles Rigutto, Maria Rubio Galvan, Saul Ruiz Silva, Nadine Savelly, Sage Stewart, Felix Velasquez, Eric Vermillion, Tyler Waters, Brian Hernandez, Jasmine Campos, Consuelo Mora, Rogelio Piceno, Haley Anderson, Rheon DeLaCruz, Justice Trujillo, Rafel Flores, Josias Partida,

Darlynn Wallin-Reed, Lisseth Florida, Luis Aguilar, Jose Mederos, Haley Wichert, Michel Martinez, Rene Herrera, Hailey Bihl, Alexa Zuniga, Tristen Dawson, Walter Chavez, Isis Gonzalez, Shantel Magoay, Rakshya Aryal, Jason Bonilla, Dustin Robinson, Jerry Rangel, Lizbeth Vivar, Joanna Sosa, Angel Aguilera, Juan Alvarez, Travis Bacigalupi, Isaiah Dearmore, Javier Gandara, Hunter Gowins, Sage Hansen, Mariah Jimenez Hernandez, Kody King, Nathan Lock, Lorenia Lopez, Courtney May, Madison McKellips, Diego Mederos, Cristian Mora, Marielle Paras, Keyana Peguese, Jasmin Ramos, Felipe Verdin, Xavier Wilson, Ruben Austin, Anthony Campos, Natalie Drummond, Marissa Earl, Thomas Enk, Yessenia Fernandez, Oliva Flores, Jordan Giombetti, Devan Haffner, Allan Hernandez, Sam Hormozian, Mya Jefferies, Haide Luna Jimenez, Madison McCaskey, Josie Pacheco, Pedro Perez, Oscar Portillo-Mejia, Jonathon Ramos, Josiah Servi, Terrence Silva, Qualik Tuliva, George Wallin-Reed, Chaz Webb, Izaac Zorn, Christina Botelho, Amy Collins, Heather Fixico, Maggie Flores, Shamia Gandara, Marco Horta, Tina Kinsey, Claudia Pollard, Amy Trujillo, Sheryln Hayes-Zorn, Jack Green, Mary Labuda, Sherry Magee, and Lori Wilson.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Gastonguay and Barbara Gastonguay.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Aubrey Murrell and Cinthia Zermeno.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Evan Flores, Dylan Jones, and Todd Westergard.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Wes Henderson and Gratton Miller.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Juanita Gonzalez, Jamee Wohle, Larry Seedig, and Chuck Searle.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Morton, Trinity St. Clair, and Blaise Morton.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Allott and Ralph John Champion.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Mogensen and Denise Davis.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Brase.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Scott, Paul Scott, Dana Barsoohian, and Marvin Carter.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Julian Vivas and Rafael Garcia.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Price, Frank Daykin, and Genie Daykin.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Sutton and Tim Bloom.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Spiegel.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Anni Glogovac.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Katelyn Gray, Ken Gray, Lee Bonner, and the following students, chaperones, and teachers from Faith Christian Academy: Madison Braz, Faye Carnes, William Chappell, Luke Glover, Emily Hicks, Alexia Hunter, Thomas Jackson, Lindsey James, Craig Moe, Zayza Plante, Cole Contreras, Natasha Culpepper, Caleb Klubben, Tamra Koopsen, Tyrale Luken, Sara Rutherford, Ryan Salerno, Savannah Watterson, Elizabeth Contreras, Jennifer Carnes, Micah Salerno, Chris Salerno, Kimbre Plante, Amy Jackson, Marylee Berger, Stacie Cobb, Sherrie Watterson, and Jill Crandall.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy and Tomas Hammond.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, March 26, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:35 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 26, 2013

Assembly called to order at 11:36 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Louis Locke.

Our Father in Heaven, we give You thanks and praise. We ask for Your wisdom and guidance in the deliberations and decisions that are being made on the many items of legislation that are before this body. May they be right and just in Your eyes and helpful and beneficial to the people of Nevada.

I pray Your blessings on each Assembly person and their families. We also pray for Your protection on those serving our nation in the military.

Knowing that You hear us, we give You thanks.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 77.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 25, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 80, 265, 273, 276, 298, 299, 304, 308, 376 and 398.

CINDY JONES
Fiscal Analysis Division

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Colter Thomas is elected as an additional attaché of the Assembly for the 77th Session of the Nevada Legislature.

Assemblyman Horne moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 77.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 53.

Bill read second time and ordered to third reading.

Assembly Bill No. 151.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 151 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 181 makes it unlawful for an employer to require an employee or prospective employee to disclose a user name, password, or any other information that provides access to the person's social media account. It also prohibits an employer from discharging, disciplining, or discriminating against an employee or prospective employee who refuses to disclose this information. The bill expressly allows an employer to require disclosure of such information for the purpose of accessing the employer's own internal computer or information system. The bill also prohibits an employer from requiring employees and applicants to provide a consumer credit report for the purposes of hiring, promotion, reassignment, or retention unless certain criteria are met.

This has been dubbed the "Facebook Bill," and we will be one of a handful of states that are taking this proactive measure to update privacy protections for people in the digital age. I would urge passage.

Roll call on Assembly Bill No. 181:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 181 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 94 removes the requirement that examinations for licensure as a professional engineer or professional land surveyor be eight hours long.

This bill just changes how the test is administered and allows our professional land surveyors and professional engineers to be able to take a test that's given the way the professional organization administers the exam. I urge your support.

Roll call on Assembly Bill No. 94:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 94 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Joint Resolution No. 6 recognizes the longstanding relationships of the United States and the state of Nevada with Israel and expresses the Legislature's support for Israel and Governor Sandoval's upcoming trade mission to Israel.

April 4, 2013, is Jewish Federation of Las Vegas Day at the Legislature. There will be a holocaust remembrance event at the Governor's Mansion that evening. In 1948, Israel became a nation. We have enjoyed a strong relationship ever since. I ask for your passage.

Roll call on Assembly Joint Resolution No. 6:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 15 authorizes certain public utilities to request a waiver from the requirement to submit a resource plan to the Public Utilities Commission of Nevada. The utilities include those that furnish water for municipal, industrial, or domestic purposes or sewage disposal services, or both, and that have an annual gross operating revenue of $1 million or more for at least one year during the immediately preceding three years. The request for a waiver must include proof that the public utility will not experience a significant increase in demand for its services or require the acquisition or construction of additional infrastructure during the three-year period covered by the resource plan the public utility would have submitted.

The measure requires the Commission to issue an order approving or denying the request within 45 days after receiving the request for a waiver. Additionally, the Commission is prohibited from approving a request for a waiver for consecutive three-year periods.

Roll call on Senate Bill No. 15:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Senate Bill No. 15 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Clewett, Jeff Thompson, and the following students and volunteers from Westergard Elementary School: Kyler Arnds, Amy Bakker, Gabriel Bennion, Alex Cabrales, Ariana Carney, Skylee Cecil, Tyler Dean, Ronie Dumaguing, Jr., Blake Engkraf, Maribel Galvan Navarro, Kassandra Gonzalez, Jacob Greene, John Gutierrez, Kaleigh Hinkle, Kara Hucks, Tristan Iveson, Jeana Lesher, Ronald Leyva III, Jaisyn McCarthy-Flux, Elizabeth Ricketts, Elias Roller, Samantha Sheppard-Moore, Sander Smith, Ashlynne Springer, Alyssa Joy Sweeney, Ethan Tesmer, Anthony Thomas II, Swaea Walker, Tristin Weber, Logan Anderson, Russell Berry, Cheyenne Bousquet, Kiara Brandstatter, Rachel Carolus, Nicholas Decuir, Jesus Diaz Sanchez, Marissa Duarte, Emily Duvall, Matthew Emerson, Thomas Jeffery, Hon Jimenez, Olivia Johnston, Emma Jurischk, Rylee Manning,

Julian Markley, Kaylee Moore, Saylor Naves, Shane Pineda, Caleb Ramsey, Larson Rivera, Osmar Sandoval, Philip Seges, Kathryn Smith, Jagger Suter, Khaleah Vawters, Charlotte Wertz, Nicholas Wilber, Madison Winship, Kristen Luedtke, Kadon Mroczkowski, Olivia Antipa, Christian Haynes, Steven Brannen, Jr., Maya Dampier, Kyle Denney, Catherine Dyer, Talia Fisher-Wormser, Logan Grange, Jermey Hall, Kaitlyn Harris, Emily Hays, Terence Hejny, Jared Hilson, Sierra Hirae, Min Haum, Pravan Landry, Reese Lowery, Julianne Maghirang, Deaven Musicant, Isabelle Nelson, Katherine Newberry, John Nunley, Abigail Reid, Conall Sahler, Allexis Stevenson, Anastashia Sturgis, Bailey Taylor, Riley Upton, Aiden Vestbie, Wade Walters, Susie Paul Darby Weber, Lauren Jackson, Shae Freitas, Christie Loar, Heather Mahoney, Sharon Winship, Jeanne Wontkowski, Sarah Ledon, Kim Nunley, Steven Brannen, Allison Dampier, Melainie Hilson, Easpree Landry, and Allyson Denney.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Christiana Cabrera and Alex Bybee.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Rayne Hayes, Paige McBride, Juliette Rowe, and Caroline Rowe.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Yujin Seo.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Tierra Patmavanu.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Moen.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Kim.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Torrey Barber.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Borzage.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Elste and David Espinosa.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Weiner.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to David Byerman.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Davie Faye Basichis, Katelyn Couturier, Jordan de la Garza, Kalen de la Garza, Pamela Donohue, Cheyanne Echler, Faith Koehler, Hannah Norvelle, Bryana Ramirez, Alexandria Testut, Alexis Tricoli, Erin Wollerton, Mollye Inhaber, Victoria Garcia, Carolina Gonzalez, Lois Basichis, Patricia Elliott, Davina Koehler, Ashley de la Garza, and Emily Smith.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Grant Gabriel and Ronni Hannaman.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Natasha Greene and Loretta Harper.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlin Tucci.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Glogovac, Paula Glogovac, and Anni Glogovac.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Miranda Rosen.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, March 27, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 27, 2013

Assembly called to order at 11:38 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Louis Locke.

Lord, as we gather today, we give You thanks and praise because Your mercies are new every morning and Your thoughts towards us are gracious, long suffering, and abounding in goodness and truth.

In the midst of the pressures and demands of this session, may we be encouraged by King David's advice from Psalm 55 which says, "Cast your burden on the Lord, and He will sustain you. He will never permit the righteous to be moved."

May the people of Nevada benefit because of the wisdom and understanding You give to our legislators in their deliberations and decisions. Bless the men and women of this Assembly, their families, and staff.

In the name of the One Who is alive forevermore.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 203.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 27, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 203.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 28 revises the definition of "sentinel" event to mean an event in Appendix A of the *Serious Reportable Events in Healthcare—2011 Update: A Consensus Report,* or subsequent revisions to the list of events, as published in the *National Quality Forum.* If the *National Quality Forum* ceases to exist, the last version of the publication will be considered the most current version.

Roll call on Assembly Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 28 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 43 provides that an offender sentenced to prison may not earn more credits for good behavior, labor, or study than the amount required to expire his or her sentence. The bill also states that this limitation must not be construed as retroactively reducing earned credits if doing so would be unconstitutional under the *Constitution of the United States* or the *Nevada Constitution.*

Basically, this bill just cleans up language in the current statute and was unanimously passed by our Judiciary Committee.

Roll call on Assembly Bill No. 43:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 43 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 53 repeals the requirement that hospitals report information on traumatic brain injuries to the Aging and Disability Services Division with the Department of Health and Human Services. This bill also abolishes the Subcommittee on Traumatic Brain Injuries of the Nevada Commission on Services for Persons with Disabilities.

Just for some background information, the Subcommittee on Traumatic Brain Injuries was established a few years back in order to get some grant funding. That came through, and this part of it is no longer necessary.

Roll call on Assembly Bill No. 53:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 53 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN, COHEN:

Assembly Bill 192 removes the sunset date on the existing statute that authorizes a county clerk to charge a $5 technology fee for filing and recording a bond of a notary public.

Roll call on Assembly Bill No. 192:

YEAS—40.

NAYS—Wheeler.

EXCUSED—Brooks.

Assembly Bill No. 192 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblyman Hickey moved the adoption of the resolution.

Remarks by Assemblymen.

Hickey, Carlton, Bobzien, Stewart, Grady, Ohrenschall, Elliot Anderson, Horne, and Madam Speaker.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Concurrent Resolution No. 6.

Thank you, Madam Speaker and members of this body. I have a prepared statement. Much of it was in the resolution and much of it was in the biography of Senator Raggio that we either have read or should read, so I won't repeat those things. I had the privilege of serving with Senator Raggio in 1997 and sat on an interim Committee on Education with him. There were

lessons and teachable moments that I'm still learning from. He was a giant in terms of integrity, of being a noble person, and being a smart person, and as everybody in this state knows, we owe a debt of gratitude to him. It's an honor to have served with him. We are still serving with him because his legacy influences us, to this day, in Nevada. Madam Speaker, I do, of course, want to urge this body to adopt this concurrent resolution in honor of the late Senator Bill Raggio.

ASSEMBLYWOMAN CARLTON:

Madam Speaker, I had the honor to serve with Senator Raggio. He was number one, I was number twenty-one. I was reminded of that on a regular basis. He actually came to my office every once in a while to sit down and have a talk. I think he was trying to hide because I had a little office in the corner and he was down on the first floor. So every once in a while he would knock on my door and say, "Hey, Red, can we talk about something?" And I think there was somebody downstairs that he didn't want to meet with so he came to talk to me.

He only tried to get the $20 out of me a couple of times, and then he figured out he wasn't going to get it from me. I did tell him if he really wanted it, I had a bunch of pennies at home that I'd be glad to put on a plane and bring up north for him.

He taught me a lot, and I'm still learning. When I received the assignment for Ways and Means that you so graciously gave me, one of the first things I thought about was, boy, I wish I could call Bill.

We've got a lot to do this session. He's still in my thoughts almost every day, and we do miss him.

ASSEMBLYMAN BOBZIEN:

Madam Speaker. I had the privilege of serving with Senator Raggio my freshman session in 2007, and it's the little things, it's the vignettes that I remember. We all know the $20 stories. I never experienced that myself, but my little thing that I almost every day remember is driving in from Reno coming down Carson. The uninitiated would just go all the way down past the Capitol and then make the left on Fifth and then turn into the garage. But one morning as I'm driving down, I see the Senator's big black vehicle behind me; I don't know if Senator Townsend was driving in with him that morning or not, but likely he was. There I was in traffic trying to get in ten minutes ahead of the gavel coming down. He's behind me. He slips out, gets into the center lane, dives that left on John Street, and then comes in on Stewart. I said, "Aha. That is brilliant." Ever since then, that is my commute. He showed me the way, literally, so I think about him every day.

Senator Smith, I'm sure, told the story about the long night that she had negotiations, I think in her freshman session, and then awakened the next morning to go back into negotiation with Senator Raggio and feeling utterly demoralized when presented with this man in a fresh suit and a crisp shirt, always looking his best. That class, that commitment to professionalism, that commitment to grace under fire are things that we can all learn from, but it really is the big things. He was and always will be the dictionary definition of a statesman.

I am grateful that we have this day of remembrance for someone who always did the right thing as he saw it—even though I disagreed with him often—for what was the best for this state. I think if we can all aspire to his model, this institution will be better off for many years to come.

ASSEMBLYMAN STEWART:

I had the honor of serving with Senator Raggio for two sessions, and I was always impressed with his wit and charm and his great intelligence. My colleague to my left mentioned that you only have to say one word when it comes to Raggio, and that is "statesman." That's true.

I have three treasures—one of them I had to get rid of. One is a personal note from the Senator, another is the autographed copy of his book, and finally, a campaign contribution, which I reluctantly cashed after about two months. By the way, I'd like to give Dale $20 because I never got the opportunity to loan him the $20. So I'd be happy to do that after the session.

ASSEMBLYMAN GRADY:

I had the honor and the privilege of meeting the Senator when he was the District Attorney in Washoe County and I was a young banker, so it was many, many years ago for both of us. I enjoyed calling him my friend. I guess some of the best times, were when I would run into the Senator when he was in Winnemucca bird hunting. He thoroughly enjoyed getting out there with Mr. Sullivan and some of his buddies to do a little bird hunting.

When I decided to run for this office, he was one of the first people I called, and I asked him, "Bill, should I do it?" And he said, "Well, wait a minute. First, I'll have to see if I have any money in my account, and then I'll call you back and tell you if you should or not." He did call back and I did run, and I've been forever grateful that I could call him my friend. And he didn't get $20 out me either. Thank you.

ASSEMBLYMAN OHRENSCHALL:

I am uniquely positioned to speak to this, because I had the opportunity to spend so much time with Senator Raggio, both, with my service and with my mother's. I would describe him as someone who was devoted to family, devoted to church, devoted to the state of Nevada. I remember when Senator Raggio lost his son and how terrible that was for him. I was not sure he would be able to carry on, but he did, and he had some of his greatest moments after that. I got to know him after his retirement as a family friend, and he was a very caring man and someone I truly valued as a friend. I deeply miss him.

ASSEMBLYMAN ELLIOT ANDERSON:

Thank you, Madam Speaker.

I had a couple of interactions with Senator Raggio that gave me a few important lessons that I thought I would share. Last session, I did not have the opportunity to serve with him because of his resignation, but I did ask him if we could grab some breakfast together. I just wanted to speak with him, and one of the number one things he left with me was, "Elliot, I've been in the building forever. I've been a practicing attorney forever. And every day that I walk into that building, I open up one of those blue books, and I learn something new about the NRS that I didn't know." That, to me, spoke volumes, and it is an important lesson for all of us to know that we are never going to know everything out there. We always have to be willing to learn new things and to do our due diligence.

Secondly, he taught me another important lesson when I met him. As an intern in this body in 2009, I had the opportunity to share an elevator with him— and him alone—from floor one to floor four, so I broached a conversation, and I said, "Senator, I'm Elliot; it's nice to meet you. You're a legend around here."

He looked at me with this scowl on his face, and said, "Legend? That sounds like old fart to me!"

The important lesson there was to never take yourself too seriously and to always have a little bit a fun because we get busy around here, and we need that fun every once in a while.

ASSEMBLYMAN HORNE:

I rise in support of Senate Concurrent Resolution 6.

I had the pleasure of serving with Senator Raggio, and my first encounter with the Senator was my freshman session. He says to me, "Oh yeah, you're that Horne gentleman. I heard good things about you." But then he said, "I don't have the influence I used to have, but feel free to come and see me anytime you want." Having grown up here, I looked at him and I said, "You know, nice try Senator. I also have my hand on my wallet; you're not getting $20 from me." What was funny about that is when he said he did not have the influence he once had, he was the Senate Majority Leader.

Senator Raggio still wields influence in this building. His influence is found in many of us who are still here who served with him as legislators, staff, et cetera. We remember not only his

love for Nevada, but also his work ethic for the process. That is why you constantly hear people cite Senator Raggio in these halls. He does still wield influence in this building.

MADAM SPEAKER:

If I could take a moment of personal privilege here.

I also had the privilege of serving with Senator Raggio. Yesterday I was walking over to the Nugget to speak at something, and I said, "I can't take the elevator, because I've always taken the elevator with Senator Raggio when I've come to this building." My partner here asked me why. I said, "Because every time that I go over to the Nugget, I always seem to get in the elevator with Senator Raggio."

My very first session I was scared to death to be in the elevator with him. I know you all are talking about this $20 thing, but I did not get that one; he never asked for 20 bucks. He did, though, have a smile that, when you looked at it, you did not know if it was a good smile or a bad smile. So I stood in the elevator with him, and you know I am a shy person so I try not to say anything, but I said to him, "So, any advice you could give me?"

He looked at me and he said, "Well, are you a freshman?"

And I asked, "Is that a good thing or is that a bad thing?"

He responded, "I have one piece of advice," and for the next three sessions that I served with him, he gave me the same advice every single time we rode in that elevator. The last time I was in that elevator with him, Assemblywoman Spiegel was a freshman and also present, and I said, "Can you give her some advice, too?"

The advice that he gave me was: "Don't let your next vote be about your next election." I have never forgotten that. Then he said, as we got off the elevator, "You have to have a little bit of fun in this building because it'll get to you."

Those are two things that I take to heart very much, and I think that is really what is important in this building. Do the right thing, feel good about it, and it is okay to smile and have a little bit of fun. To me, those are very important, and that is really what our state is about.

As a statesman, which I felt that he was, he was tough. You did not get anything for nothing, and you did not get away with anything, but if you knew your policy and you went to his office, he would work with you. I think that says a lot about the kind of people that represent our state. So with that, I also urge your support for this resolution.

Resolution adopted, and ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 187; Assembly Resolution No. 6.

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 12:27 p.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Anderson.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Meredith Tanzer and the following students and chaperones from The King's Academy: Nevaeh Allen, Savannah Claerbout, Raquel Johnson, Emily Nelson, Mattea Pope, Hunter Smith, Paul Stribling, Demi Thormodsgaard, Ricky Castro, Andy Durano, Justyne Johnson, Cliff Lynam, Alanah McCarty, Courtney Moya, Carlton Mwalili, Jillian Panganiban, Margaret Pope, Myra Smith, Eoin Williams, Kacie Estrada, Lauryn Gammel, Jaeden Hadley, Olivia Lujan, Madeline Phelps, Mary White, Savanna Zaniel, Erich Brilliant, Sophie Dawson, Bob DeYoung, James Downs, Jamison Gray, Adam Nelson, Elizabeth Parr, Tonyo Rivas, Zachary Schneider, Emily Yamada, Anita Dennis, Lisa Johnson, Louise Feiler, Irene Miller, Kristin Ward, Bettie Mae Liedkie, Kelli Zaniel, Audrey Phelps, Christina Nelson, Won Mi Brilliant, and Kristen Rivas.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Gibson, Alison Gaulden, and Alyson Kendrick.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Negar Hosseini and Sara Lemma.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Juarez and Phillip Matthews.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Eikelberger.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Edwin Gutierrez, Jose Macias, and Martin Macias-Rivera.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Tara Brosnan and Ken Solis.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Gerber-Winn and Sean Cavanaugh.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Baldock.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Monique Mason-Sawyer, Carlos Jimenez-Morales, Dana Barooshian, and Marvin Carter.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Muntean, Loretta Harper, and Caitlyn Anderson.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to former Senator Sue Lowden, Paul Lowden, and Carol DeCarlo.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Candice Nichols, Suzanne Miele, and Ken Solis.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Raggio and former Senator Randolph Townsend.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Cameron Catton, Dominick Pizorno, Mary Engstrom, and Genevieve Duchensau.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to former Governor Bob Miller and former First Lady Sandy Miller.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Alonso.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Raggio Righetti and Michael Righetti.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from the Carson High School Gay Straight Alliance: Miranda Barraza-Lee, Nicole Bertholf, Sean Cavanaugh, Ashley Donovan, Frankie Esquer, Alissa Hayes, Tyler Gerber-Winn, Monique Mason-Sawyer, Kenzie Tillitt, Danielle Greene, and Angilia Golik.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Jimenez.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Eddy.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Padron and Erica Ramos.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Alissa Hayes, Danielle Greene, and Jennifer Reed.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Z. Zaldivar, Yevonne Allen, Ashley VanBrocklin, and Alison Dubose.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan M. Birds and Monica Moradkhan.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Wilfred Moore.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Raggio Chew, Sommer Fernandes, and Anthony Woodring.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Lynda Tache and Grant Tache.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 10:58 a.m. [March 28, 2013]
Madam Speaker presiding.
Quorum present.

Assemblyman Horne moved that the Assembly adjourn until Thursday, March 28, 2013, at 11 a.m.
Motion carried.

Assembly adjourned at 10:59 a.m. [March 28, 2013]

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 28, 2013

Assembly called to order at 11 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, let us never be afraid of a new idea or unreceptive to a new thought, lest we pull down the shades of our minds and exclude Your Holy Light. When confronted by mystery, help us to remember that we do not have to explain all we know or understand all we believe. But give us the grace of humility and the spirit of the open mind, the courage to persist in face of difficulties and in the power of the truth.

Help us all to learn something this day, that we shall be wise at its close and more ready for our eternal home when we are one step nearer. Through Jesus Christ our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF SELECT COMMITTEES

Madam Speaker:

Your Select Committee on the Assembly, to which was referred the matter concerning Nevada State Assemblyman Steven J. Brooks II pursuant to Article 4, Section 6 of the *Constitution of the State of Nevada*, has had the same under consideration and begs leave to report the same back with the recommendation that Assemblyman Brooks be expelled from the Assembly.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly adopt the Report from the Select Committee on the Assembly concerning Nevada State Assemblyman Steven J. Brooks II pursuant to Article 4, Section 6 of the *Constitution of the State of Nevada*, and that Steven J. Brooks II be expelled from the Assembly.

Remarks by Assemblymen Horne, Duncan, Neal, and Hickey.

Motion carried.

Assemblyman Horne requested that the following remarks be entered in the Journal:

ASSEMBLYMAN HORNE:

Your Select Committee on the Assembly has considered the matter involving Assemblyman Steven Brooks and is prepared to make a recommendation to this body.

Pursuant to the direction of this body, the Select Committee caused a full investigation to be conducted regarding Assemblyman Steven Brooks and his fitness to serve as Assemblyman. Remember that we all felt it necessary to engage in this investigation because of the nature of the complaints against Assemblyman Brooks. His conduct leading up to the investigation caused many rational thinking individuals in this building, perhaps even yourself, to fear for their own safety and for the safety of Assemblyman Brooks. We had an obligation to ensure the safety of the people in this building, and it would have been irresponsible to ignore the numerous reports of conduct indicating that Assemblyman Brooks was unstable and perhaps unfit to serve as Assemblyman. Politically, it would have been easier and more advantageous to conduct a quiet investigation or try to smooth this over. But the truth is that we did not feel safe having him in this building. We wanted to protect the people in this building, and we wanted to ensure that we could carry out our very important business. It was also important to us to allow Assemblyman Brooks to obtain any help that he needed. In fact, Speaker Kirkpatrick and I made numerous offers of help to Assemblyman Brooks. We also do not employ Assemblyman Brooks; we have a duty to the people who work here, to the lobbyists, the press, and all visitors to our chambers. Therefore, we made a bipartisan decision to fully investigate this matter and to allow the facts to dictate whether those fears were valid and whether the facts indicated that Assemblyman Brooks could return to these chambers and represent his constituents and carry out his legislative duties.

To conduct the investigation, we chose to retain independent counsel who worked with investigators to prepare a report which included a 900-page appendix to document support for the conclusions in the report. During the investigation, staff members, legislators, police officers, family members, and others were interviewed. Notably, Assemblyman Brooks refused to be interviewed, and although he consented to provide a release of his medical information, he never provided such a release. The report itself has been kept confidential because it was felt necessary to maintain the integrity of the process, protect the privacy of Assemblyman Brooks, and reach a fair conclusion. The Constitution acknowledges the need to keep some information private where the information is related to character, alleged misconduct, professional competence, or physical or mental health. Since that list provides precisely the information we were considering, we felt it most appropriate, with the advice of our independent counsel, to protect the privacy of Assemblyman Brooks in that regard. When possible, the proceedings have been held in a public forum. In fact, Tuesday night, we took public comment first and then held a portion of the meeting open to the public. After that, we went into a closed session with only committee members, legal counsel, and the attorney for Assemblyman Brooks present to consider confidential matters. The Select Committee then conferred with legal counsel before going back into an open session during which we deliberated and voted in public.

Independent counsel agreed that it would have been negligent and potentially actionable to allow Assemblyman Brooks to return to the Legislature without conducting a thorough investigation, given his behavior and the allegations made against him. Ultimately, the report from independent counsel painted a picture of a man who is volatile, prone to angry outbursts, and potentially dangerous. Although we cannot discuss the particulars of the report, we can inform you that the conclusions in the report were based upon interviews with more than 50 witnesses and reports from government agencies, including law enforcement.

After reviewing the report and the accompanying 900-page appendix of the independent counsel, members of the Select Committee had a more complete image of our troubled colleague. Not only did Assemblyman Brooks refuse to be interviewed, he also chose not to appear at our hearing, instead relying on his attorney. While that was his prerogative, we had no opportunity to discuss the matter with Assemblyman Brooks, nor did he convey to us in any manner, either directly or through his attorney, that he had taken any actions to make us feel confident that it was safe for him to return to the Assembly or that he was capable of adequately

carrying out his duties as Assemblyman. In fact, since the odd events which led to these proceedings, Assemblyman Brooks has continued to engage in questionable and unpredictable behavior. He has failed to acknowledge any responsibility for the problems he has caused. Instead of seeking help and assistance as many, including myself, have said that we hoped he would receive, we heard, as did all of you through the media, that Assemblyman Brooks had tried to purchase a rifle with a scope, night vision goggles, and a bulletproof vest. Again, there have not been any media reports that have shown any change in Assemblyman Brooks that have made anyone feel more comfortable about his state of mind. Assemblyman Brooks has not taken any ameliorative actions to alleviate the very real fears that caused us to undertake this investigation in the first place. In the end, the matter of Assemblyman Brooks has seriously disrupted our process, has expended our resources, and made the Legislature appear, on some days, to be more like a circus or daytime drama than a serious legislative body. We need to move forward, we need to carry out the work of the state, and we need to protect ourselves, our staff, and Assemblyman Brooks himself.

As I stand before you today, I do not feel any more comfortable than I did at the beginning of the investigation. I actually feel less comfortable. We did not receive assurances that Assemblyman Brooks is capable of controlling his angry outbursts or that such outbursts will not become violent. As you have seen in the press, Assemblyman Brooks continues to struggle with various issues that have made him unfit to serve with this body. It also did not appear from the facts before us that those issues will be resolved before the adjournment of this legislative session. Assembly District 17 deserves to have a representative advocating on their behalf during this legislative session. We deserve to carry out our important business without fear that something may cause Assemblyman Brooks to have an outburst of a nature that is unacceptably disruptive. Our staff and the other people in this building deserve to feel safe to come to our chambers. The Select Committee deliberated for hours and struggled to determine the most appropriate recommendation in light of the facts as they were presented to us. In the end, we all agreed during our public deliberation that Assemblyman Brooks was not fit to return to the Assembly right now. Six members voted for expulsion, and one member preferred to continue the suspension of the Assemblyman and therefore voted against expulsion. But we all agreed that it is not appropriate to have Assemblyman Brooks in this building. It was not easy to reach the decision to recommend expulsion, but those of us who voted for that recommendation believed that to be the most responsible action to ensure that we can return to the people's business, free of fear of the unpredictable and potentially dangerous action that Assemblyman Brooks may take in these chambers should he return, and to provide Assembly District 17 with proper representation during this legislative session.

For all of these reasons, your Select Committee on the Assembly reports back with the recommendation that this body expel Assemblyman Steven Brooks from the Assembly.

ASSEMBLYMAN DUNCAN:

Madam Speaker, esteemed members of this body, let me start by saying this was certainly not an easy task for any of us. We entered this process with both humility and caution, but for these reasons, I felt our colleague from Assembly District 17 needed to be expelled. I would like to explain the reasoning that went through my mind and also the reasoning my colleague from Assembly District 34 just explained.

I want to start my remarks by framing this with a constitutional and a legal argument, because like many of you who I have spoken with—colleagues from my caucus, colleagues from the Democratic caucus—I struggled, because we did not have an adjudicated decision about Mr. Brooks from another branch of government; we did not have a conviction. We only had allegations and what we saw of his life as it was played out in the media over these last few months. The question really is, what does this body do with that? I struggled with that myself. I met with our great attorneys here at LCB, looked up the case law myself, and at the end of the day, the beauty about our system of government is that we have a separation of powers. We

have three branches of government, and these decisions, as decided by the United States Supreme Court and also the Nevada Supreme Court, are within the province of this body. Within the province of this body, we have the discretion to be, essentially, the judge and the jury in this case. This is because we are the only body that can make the decision about the character, the competence, and the ability to serve the state. I will talk about why that ability to serve the state and to serve others makes this an important day for our body and why we ultimately recommended expulsion.

We are, which we do so with humility, given absolute discretion to decide this as a body; our Constitution lays this out. Article 4, Section 6 states: "Each House shall judge of the qualifications, elections, and returns of its own members, choose its own officers . . . determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." That is it. That is the guidance that we are given, but again, that is the beauty of the separation of the powers; we get to make these determinations. Over our history as Nevadans, this sort of proceeding has never happened, so we are not using this process to expel members in a perfunctory fashion. I would not say that the process that took us to this day, right now, was in any way perfunctory, nor was it in any way done without great deliberation.

The things that went through my mind and the actual committee's mind when we looked at this were the reasons for expulsion. First of all, the mental health issues—the mental health issues that we saw play out in the media, and then the compelling mental health issues that we saw in the closed hearing. Again, the Constitution provides that all these hearings are to be public except for when we are judging the character, the qualifications, and the competence of those who we are thinking about expelling from this body. So the question was asked of Mr. Brooks' attorney whether or not he would waive that right to make everything public, and he did not do so. There were questions about redacting, there were questions about trying to release as much as possible, and those efforts were made, but again, the Constitution provides that those circumstances are to be held private, and it is understandable. The things that we read and the compelling things that were before the body, again, really compelled me to say that there is a serious problem. As my colleague from Assembly District 34 mentioned, with the purchase of a long rifle, night vision goggles, and a bulletproof vest; the two arrests; the alleged threats on our Madam Speaker; the paranoia, the mood swings, and the violent outbursts, there was, of course, a propensity for violence that I saw in those documents that would give everyone here pause.

Another thing that was telling on the evening of the Assembly Select Committee on the Assembly is that there was no inclination from Mr. Brooks that there was an understanding on his part that he needs help or that he is moving in a direction of getting that help. It left us with nothing but the record in front of us to make a decision about whether or not to expel him. That was compelling, and it really showed me, and I think it showed to the other members, that there was an inability for him to serve.

We talked about the misconduct. Article 4, Section 15 of our Constitution lays out that we judge the professional competence, and by looking at professional competence, it was clear that Mr. Brooks would not be able to come back to this body and serve the way that this body deserves or the staff deserves. More importantly, he would not be able to serve the people that elected him, nor the entire state, in the way they expect of anybody who has the honor of sitting in these chairs. It was also compelling that much of the staff here is uneasy with him. There are many staff that fear Mr. Brooks, and it is incumbent upon us—and this is only my first term serving in this body—but it is incumbent upon us as legislators to cultivate and foster an environment where not only people feel comfortable, but that the state can be confident that we are going to get the state's business done within the 120 days that is constitutionally required of us. It is very difficult to get that done when you have that sort of distraction, you have that sort of fear that is in peoples' hearts in this building. That too, was compelling to me.

I want to talk about the integrity of the body. It is a privilege, not a right, to be in these seats. Not only do we need integrity as we are running for these seats and getting involved in politics,

but we also need it after we take our seats. Each one of us is elected to serve others, to be servant leaders, but the main take away is that these seats do not belong to us; we are not entitled to be here. These seats belong to the people that sent us here. That was very compelling to me as I thought, "Is Mr. Brooks serving not only his constituents, but is he serving the state?" And that answer was "No." It is clear to me from the emails I receive, and the emails and phone calls that I am sure you receive, that the people in Assembly District 17 currently do not have a voice, and they deserve to have a voice. They deserve to have a seat at the table, and while we are all looking out for their interests, they put someone there that would be their voice who is not their voice.

I thought about the position this situation has put the body in, and as a new member of this body, this was very difficult. I put a lot of prayer into this. I put a lot of talking to people and seeking wisdom into this, but at the end of the day, it matters how the public perceives us. It matters what 3 million Nevadans think about this process. It matters that it does not appear that this body treats its own members differently than any other person that is just a regular Nevadan. It shows that we hold our members to a line of integrity, and we hold our members to the same line of excellence that we should expect not only of Nevadans, but of ourselves. Mr. Lincoln once said, "The legitimate object of government, is to do for a community of people, whatever they need to have done, but cannot do, at all . . . for themselves in their separate, and individual capacities." Members, we are here to serve. Mr. Brooks is not here to serve. The evidence shows that he is not competent to serve, and although it is very difficult to do this, I would ask that we take all this into account when we are to vote whether or not to expel him.

Thank you.

ASSEMBLYWOMAN NEAL:

I wrote this myself, but the power of the words may not come.

We are at a point in history where being silent is unacceptable. The statements made today stand as the record that comes after us. When we leave this building and when we are no longer serving, our words and the way in which we deliberated will stand on its words, and the only merit given will be the words that stood on the journal pages. I made the decision that on this historic vote, I needed my presence to be felt and I needed it to be understood.

Courage is something found; it is not given. There are times when, as an elected individual, you have to stand on your own conscience. And you have to find the courage to stand alone or the courage to stand with someone. You have to hold fast to what you believe and not be moved.

I received emails that called me racist because of my decision, but I need this body and the public to understand. I had to examine my allegiance to the *Nevada Constitution* and I found that my allegiance to the Constitution was paramount and very real, and furthermore, that I respected Article 4, Section 6, however unpleasant the task may have been. I have an allegiance to constitutional law, but I also have an allegiance to the breadth and width it provided me that allowed me to determine that I had within my right to review the degrees of discipline offered to me.

My decision today is being made because I understand the power, the depth, and the width of it. I understand that expulsion is the highest disciplinary form that this body can deliver, and I believe in degrees of discipline. I also understand that the action is nothing short of political death on all levels, whether it be suspension or expulsion.

I cannot move for the action of expulsion. I cannot move for that action because I believe in the human form in all its frailties and in all of its faults. I also believe in the power of human recovery. I believe in it so deeply that I cannot be moved from the depth of what it means to have the audacity to hope.

I believe that there are degrees of discipline, and based on the confidential records I saw, my decision remains that Steven be suspended from this body.

I thank you, Madam Speaker.

ASSEMBLYMAN HICKEY:

This is both an historic decision for the body and it's also one that is taken with the utmost consideration of the precedent that is being set and the person that is being affected by it. Both of these facts make the vote we are about to take one of the most serious matters we will take up as elected representatives of Nevadans that we represent this session.

As the Assemblyman from down south said, we are both the judge and the jury on judging the qualifications of one of our members.

As a representative of this body who served on the Select Committee that reviewed the report on the Assemblyman from District 17, I can assure you all here that your colleagues labored long and hard over the decision to recommend expelling one of our own. But as important as the individual is in the system of law in our country and in our state, no person can or should be larger than the process itself, especially when it involves doing the work of the public such as we are involved in here today in the Nevada Assembly.

I would also like to add that no one person has felt the burden of this difficult decision any more than our Speaker. She and the Majority Leader have carried the weight of this entire matter with diligence and dignity. For this reason, the body, regardless of how we may vote, owes both of them a debt of gratitude for their leadership on this matter.

And finally, I think I speak for all of us when I say we wish nothing but the best for our former colleague, if in fact that becomes our decision. Many here are his friends, many of us here were friendly with him. But we all wish him and his family the best, regardless of this outcome, and hope that he will be able to take care of the personal matters that have made this decision the difficult one that it is, land in our laps here today.

Thank you, Madam Speaker.

Motion carried by a constitutional two-thirds majority vote.

Madam Speaker declared Steven J. Brooks II expelled from the Assembly and Assembly District 17 vacant.

Assemblyman Horne moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 5 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Benitez-Thompson and Hardy as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Dean Heller.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:07 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Daly, who was excused

The President of the Senate appointed a Committee on Escort consisting of Senator Settelmeyer and Assemblyman Hickey to wait upon United States Senator Dean Heller and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Dean Heller, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the Chief Clerk's rostrum.

The Speaker of the Assembly welcomed United States Senator Dean Heller and invited him to deliver his message.

Senator Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Thank you and good evening. It is truly an honor to have this opportunity to address you tonight. I am mindful of the busy schedules each of you have, and I realize you are all working very hard on the critical issues facing this state. It's not lost on me how tough some of your decisions were today, and they are important, and very, very difficult decisions. So, thank you very much for having me here this evening.

Governor Sandoval, Madam Speaker, Lieutenant Governor, thank you for having me here. The Majority Leaders of both houses, Minority Leaders, thanks to you as well and all that are assembled in the Chamber this evening.

To the constitutional officers and members of the Court, thank you for your attendance and thank you for being here.

Mom and Dad are in the house. You know that does change the tone of your message. Probably a few words, too. But it's great to have my wife here and my sister and her husband. Thank you very much for taking time.

Now it's been a quite a while since I've spoken to the Legislature, so I did ask a few of my colleagues for some input to include how long this speech should last. I went to Senator Paul Rand of Kentucky for his strategy, but I think 13 hours is a little too long, so I went to Congressman Amodei. Congressman Amodei said, "The bar is high." He set the bar high on

Monday. He said, "Just tell the same joke a couple of times the same way and then sneak out the back door." Of course, that's what Mark always says.

In any case, I'll try to find some middle ground between these two approaches. But before I do that, I'd like to take a moment to reflect on the tragedy that took the lives of seven Marines last week during a training exercise at the Hawthorne Army Depot. On Monday, I had the honor of visiting five Marines and a sailor who are currently being treated at Renown Hospital. What I find most remarkable about these young men is their positive, upbeat attitudes and their tenacity for life. We owe these soldiers a great deal of respect.

I'd also like to commend the professionalism and commitment from our first responders at Care Flight, the doctors and nurses at Renown, the Army Depot, Hawthorne, Southwest Airlines, and all of the other entities who did an outstanding job attending to those who were injured. Thank you for your support of our servicemen and women.

I know that yesterday you all took time to honor a friend and mentor to many of us, Senator Bill Raggio. Tonight I also want to remember another friend whom I, like many of you, deeply respect, and that is Assemblyman John Marvel. No question, John was as much a statesman and a leader here in this body and this Assembly as the esteemed Bill Raggio was in the Senate. Nevada lost great public servants with the passing of both of these men.

Coming back to Carson City is particularly special for me, not because this is where I began my time in public office, but because I grew up here. I've made a lot of memories here in Carson City, and this is familiar territory for me.

This is where I began forming the philosophy that I bring to my role in public service. This is where I learned what it means to work hard, to play by the rules, and how one committed person can make a difference with perseverance and dedication.

I learned a lot of those values from my father, a mechanic who owned and operated an automotive shop just across the street. I spent a lot of time at that garage as a kid working with my father, sweeping floors, and fixing transmissions. I watched him wake up early and stay at the garage late. That's where I learned the value of hard work and responsibility. It's where I saw first-hand what it takes to run a small business, the sacrifice and discipline involved, and sometimes the tough decisions that have to be made in order to succeed.

Many here have heard this story before. But I like to tell it because I think it's important for all of us to remember what brought us into public service. At a time when our state is still struggling, when our constituents are still feeling the effects of the economic downturn, we need to get back to the basics and focus on the reasons why we decided to serve.

That perspective will help us identify opportunities for state and federal collaboration, in order for us to do the most good for those whom we represent, and I'd like to share some thoughts on that partnership with you this evening.

I believe there are three basic functions of the federal government: (1) provide for a strong defense; (2) enable and encourage free-market commerce through infrastructure, through roads and bridges; and (3) provide a safety net for those who need it most.

To me, these are the basics. These are the essential functions of the federal government. I believe when the government takes these responsibilities seriously and takes responsible steps to make sure the job is getting done, the economy can thrive and Americans can be optimistic about the future.

The important question is not necessarily how much government we have, but rather how the government is operating. Regulations aren't all bad, but unreasonable regulations and red tape can be burdensome and will stifle growth. Not all taxes are bad. But over taxation can be devastating. So it comes down to reasonable government, reasonable regulations, and reasonable tax measures. That's the kind of governing that our nation needs, and it's what Nevada needs.

My staff will tell you, because they hear me say this all the time: My approach to reasonable government is summed up in three words—more, higher, less.

When legislation hits my desk, I ask, "Does this bill provide more competition at a higher quality for less cost?" If the bill passes that basic test, then I'll be inclined to support it. If the federal government approaches problems through this entrepreneurial perspective, we could have a more efficient and reasonable government at less cost to the taxpayers. And this is not just a Republican approach—it's a commonsense approach that we should all agree on.

Unfortunately, it seems at times as if Washington is the place where reasonable, commonsense ideas die and where the basic functions of the government are sometimes put on the back burner or even neglected.

For example, when I joined the Senate, I was told that I had to change the drapes, repaint, and recarpet the space in my office, even though it had already been done two weeks prior. I didn't care. It all looked fine to me. But I was told I had to, and all at taxpayers' expense. How is the Senate supposed to help impose fiscal responsibility if the institution itself is wasting dollars? That's unreasonable, and here's one way we can fix it: Let's audit the Senate. Let's take a look at how the Senate budgets, where taxpayers' dollars are being spent. Let's examine ways to cut wasteful spending and streamline the current system. My office had to talk to four different departments simply to mount a television in my office, and it took three months. I feel sure there are ways to cut costs, just like Nevadans are doing with their own family budgets. After all, the House of Representatives found $20 million in savings when it conducted an audit in 1995.

I know this is not an end-all solution to problems in the federal government, but it's a basic first step, and it's an idea that may cut costs and save money, and that makes sense to everyday Americans.

In order for Congress to do its part to help turn Nevada's economy around, Democrats and Republicans must work together. Washington has gotten in the habit of prioritizing their party above all else. That will not work for Nevada.

Members from both sides of the aisle must come together to get things done to help us here at home. That's one reason why I joined the nonpartisan group No Labels. We are a group of 50 to 60 lawmakers committed to getting things done. Whether it's a Democratic idea or a Republican idea, it shouldn't matter. Congress needs to adopt a No Labels attitude.

I'm proud of the fact that my family is a No Labels family. My son-in-law, Eddie Ableser, is a Democratic State Senator from Arizona, and I don't hold it against him that he's an Arizonan or that he's a Democrat. We're a No Labels family living in a No Labels city, and I'm from a No Labels state.

It doesn't make any sense to support or oppose legislation based on the party label it's wrapped in. The ongoing budget debate is a perfect example of how necessary it is for Democrats and Republicans to work together to find common ground and get the job done. And passing a budget is one of those basic, fundamental jobs the government cannot afford to ignore.

Earlier this year, Congress passed a version of my "No Budget, No Pay" legislation. This measure requires members of Congress to pass a budget in order to receive their pay. It just makes sense. Like all Americans, members of Congress, if they do not do their jobs, should not get paid. Of course, the media made light of the proposal. Many called it a gimmick and said it could never work. Even after Congress passed a version of my "No Budget, No Pay" into law and the President signed it, many were quick to pass judgment.

But this year, for the first time in four years, both the House and the Senate have passed their own budgets and are working through the budget process. On the Senate side, this year marks the first time the Senate Majority introduced a long-term plan in four years.

The problem is that both of these proposals are highly partisan. With multiple budgets working through Congress, I had high hopes this would be an opportunity for a grand deal. Instead, these plans are getting caught up in the politics of the day. Rather than serving as productive tools for long-term solutions, they are being tarnished by partisan bickering and grandstanding. But I remain optimistic for that grand deal, and I continue to hope for leadership and commonsense cooperation from both parties, something that our constituents expect. Our

nation is desperate for it. Our nation depends on it. The future of our children and grandchildren demand it.

"No Budget, No Pay" isn't the first time, by the way, that I've tried to hold Congress accountable for bad decisions. During the discussion on ObamaCare, I introduced legislation that required lawmakers to take part in the same healthcare exchanges that we were forcing on all Americans. Well, that idea was adopted into law, and now news reports are documenting that members are extremely uneasy about the idea. That's how silly things have gotten in Washington, D.C. Fighting a bill meant I had to threaten lawmakers with the consequences of their own legislation.

I believe we can find common ground for the good of the country. But unless Congress works together, there will not be agreement on important issues for Nevada, issues such as immigration reform. I am a proponent for legal immigration. I also recognize that our current system needs reform. I am pleased that Senate Democrats and Senate Republicans have come together to draft a plan for a reasonable approach to immigration reform. I support many of the principles included in this proposal and look forward to reviewing specific details in the months ahead. Most importantly, this issue must not get lost in politics. Any immigration reform legislation should be considered on the Senate floor, subject to regular order, and allow for amendments. This way, Washington can address this problem transparently, solve it with input from both sides of the aisle, and move on.

Another important issue that requires both parties to work together is the current debate on gun control. Before I go any farther, let me be very clear. I am a strong supporter of our Second Amendment rights. Nevadans have the right to bear arms, and regardless of what the commercials might say, I will not support legislation that jeopardizes the basic and fundamental right to bear arms.

At the same time, we must take care to keep guns out of the hands of felons and the mentally ill. We cannot turn a blind eye to the fact that mental illness, coupled with cultural violence, is a dangerous mix. Rather than limiting our access to guns or nitpicking high-capacity magazine clips, Congress should take on a larger issue: Hollywood. If Washington is not talking about the violence in movies, on television, and in video games, then what are we doing? If the conversation is only about guns, then this entire discussion is nothing but pure politics.

I know we can work together on these issues in a reasonable and commonsense way, because there are several areas where Congress is already working together in ways that will help us right here at home. I've mentioned some of the basic functions of our government, and another one of those basic responsibilities our government owes to our citizens is to care, most importantly, for our heroes in uniform.

I consider it a great privilege to serve Nevada in the 113th Congress on the Senate Veterans' Affairs Committee. On that committee, I'm able to directly address the crisis of unemployment among veterans, which is one of the committee's gravest concerns. Here in Nevada, more than 13 percent of the veteran population is unemployed. That's compared to 9.7 percent of the general population. For post-9/11 veterans, 18 percent of our former military men and women are looking for jobs.

There is a commonsense fix that will address this issue. Right now, veterans who have been trained in our military—the greatest military in the world—cannot use these skills as civilians.

For example, a service member who drives a truck in the Army for 10, 20 years can't just leave the service and get a job as a truck driver. Instead, he or she has to go through even more training to get the right certification. Combat medics are another example. These highly skilled professionals cannot get good-paying jobs in the civilian world. These are men and women who know how to inflate a lung or care for traumatic injuries, but despite their valuable skills, these professionals cannot find a job. Instead, they must endure more tests, more training, more credentialing. That makes no sense. Shouldn't our military men and women be more valuable because of their service? That, to me, seems like a basic, fundamental concept. I've

cosponsored legislation to address this problem. I look forward to continuing to push that specific bill in order to help Nevada's veterans.

In the meantime, there is much more we can do to help. For example, Nevada has a backlog of 10,000 veterans' claims. I'm hearing it takes up to one and a half to two years to file a single claim. Sometimes veterans are receiving multiple apology letters from the VA before the claim is processed. I am committed to continuing to advocate for Nevada veterans on this specific issue.

I also believe it's my responsibility to ensure those who served this nation receive excellent health care. News reports have indicated that TRICARE Prime will be cut for many military men and women and their families, especially those in northern Nevada. I have written multiple letters to the Department of Defense on this issue and have spoken to Department of Veterans' Affairs Secretary Shinseki personally. We cannot allow our state's veterans to pay higher costs for less care, and I think both parties here today agree on that issue.

Commonsense should always lead the way as I work with my colleagues in Washington, D.C. to address exciting opportunities and challenging issues concerning our public lands. Without a doubt, our biggest challenge right now is the threat of an Endangered Species Act listing for the sage grouse. If the bird is listed, it will jeopardize our way of life and our economic recovery statewide, and it would thwart investments in Nevada for some of our most important industries, including mining and renewable energy. Last week, I led the Senate in passing an amendment reaffirming the importance of preventing a listing for the sage grouse, and I am committed to working with the Governor, the federal agencies, and other stakeholders to protect our state.

We need to enact policies that will allow us to harness our vast natural resource potential in a responsible manner. That is why I support the development and deployment of renewable energy, as long as those policies will not put an undue burden on consumers.

One hundred fifty years ago, President Lincoln gave one of the most famous speeches in American history. When he addressed those gathered on that Pennsylvania battlefield, he reminded his listeners of the basic, fundamental promises for which their brothers-in-arms had fallen. His words ring true today when he said, "It is for us, the living, to be dedicated to that unfinished work which they who fought here have so nobly advanced." That challenge is still compelling, and that work remains unfinished.

While we all may not be members of the same political party or share the same philosophy of government, we are all here to make a difference, to make our state and country better, to help complete that unfinished work President Lincoln spoke of, and to do what's right for those we represent from the great state of Nevada.

In these difficult times, it is more important than ever that we work together, find common ground, and make the tough decisions required to create jobs and get people back to work. So let me assure you that helping Nevadans during this tough economic recession is a top priority for me, and I am sure it is for each of you.

And make no mistake, if we will remain dedicated to the great task that is before us and if we remain focused on finding solutions for those we represent, we will forge a stronger and brighter future for our state and for this country, and we'll do it together.

Thank you very much for having me here this evening.

Assemblyman Hansen moved that the Senate and Assembly in Joint Session extend a vote of thanks to United States Senator Heller for his timely, able, and constructive message.

Seconded by Senator Hutchison.

Motion carried.

The Committee on Escort escorted United States Senator Heller to the bar of the Assembly.

Senator Jones moved that the Joint Session be dissolved.
Seconded by Assemblyman Martin.
Motion carried.

Joint Session dissolved at 5:35 p.m.

ASSEMBLY IN SESSION

At 5:37 p.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Mamie Towles Elementary School: Eli Amptman, Brianna Apolinar, Ivette Apolinar, Israel Carrillo, Kayla Castillo, Ali Crudo, Austin Currie, Layla Fox, Malina Frank, Jada Gomez, Vivian Lin, Isabel Majano, Jeremy Mamaril, Gabby Martucci, Aiden Meeks, Hailey Melrose, Austin Niedfeldt, Cory Paden, Jema Quintero, Daisy Sandoval, Sharar Shahed, Abby Thomas, Lauren Victors, Amber Wadleigh, Michael Wallace, Christopher Stocking, Chris Alis, Alexis Almond, Isiah Brown, Stacia Conely, Adrianna Cortez, Emely Eligio-Gonzalez, Ashely Gomez, Darian Grammer, Steven Hart, Dylan Jackson, Austin Kennedy, Kayla Kominsky, Doug Martin, Spencer Mojica, Taylor Moniz, Candice Montero, Malachi N'Dolo-Terry, Kelly Ortiz, Celeste Parker, Clark Porter, Anjali Riedel, Miranda Santana, Jason Trujillo-Betancourt, Sandra Villanueva-Chavez, Thomas Walsh, Ethan White and Ashlene Gosal.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Scot Rutledge and Kyle Davis.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Tricoli, Cheyanne Echler, and Emily Smith.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Katelyn Courturier, Faith Koehler, and Patricia Elliot.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Carrillo.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan De La Garza, Bryanna Ramirez, and Davina Koehler.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Mollye Inhaber and Hannah Norvelle.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Wes Henderson, Kim Scott, and Gerald Grenier.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Davie Faye Baschis, Pamela Donahue, Lois Baschis, Rana Goodman, Virginia Bear-Finnigan, Daryll Ann Sulliman, and Lynn Armanino.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Coppa, Dannielle Silva, Dana Silva, and Carrie Silva.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Gustavson, Alexis Hansen, and Cindy Southerland.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Peri Hardy and Lisa Mayo.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Lieberman.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Garcia and Mike Kirkpatrick.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Law, Jan Brase, and Peggy Kirner.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Ronni Hannaman.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Barsoohian and Marvin Carter.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Kindred and Jake Holder.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Davila.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Kalen de la Garza and Ashley de la Garza.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Carolina Gonzalez and Erin Wollerton.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Anni Glogovac.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Hardy, Mary Crawford, and Ashley Ricks.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Celeste Russell and Alexandria Testut.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Bonner and Shawn Meehan.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy and Tomas Hammond.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 2, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:39 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), April 2, 2013

Assembly called to order at 11:34 a.m.

Madam Speaker presiding.

Roll called.

All present and one vacancy.

Prayer by the Chaplain, Bishop Russell Stoddard.

Our kind and loving Father in Heaven,

We come before Thee this day, in sincere humility and gratitude for all that Thou has blessed us with. We thank Thee for this great state that we live in and for this country where freedoms abound and opportunities to learn, work, and provide for our loved ones are plentiful. We recognize that all of our blessings come from Thee.

Father, we ask a special blessing to be upon this Nevada State Assembly, upon these elected members who serve us, and upon those who work hard to support these good men and women. We pray that Thou would bless this Assembly with wisdom and the ability to accomplish great things together. We pray that they can be instruments in Thy hands as they represent the people of the state of Nevada. We pray that Nevada can be a model for other states in this great country.

We ask Thee to bless those who serve in the military, to watch over and protect them as they stand for what is good and right.

Father, please bless the children and youth in this state, that they will be protected from evils that aim to destroy them, that they will work hard and desire to do good and become great. Wilt Thou bless them to filter out all of the distractions of immorality, entertainment, and peer pressures and focus on their educations, families, and becoming all that we know they are capable of becoming.

Wilt Thou please continue to protect our freedoms, our families, and strengthen our faith.

Father, we express our love to Thee and to Thy Son, Jesus Christ, and thank Thee for Thy loving guidance and happiness found in His gospel. We now pray that Thou would continue to be with this Assembly during this session, and do so in the name of Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 13, 16, 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 69, 80, 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 19, 128; Assembly Joint Resolutions Nos. 3, 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 117, 233, 285.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Joint Resolutions Nos. 9, 12; Senate Joint Resolution No. 15 of the 76th Session.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 1, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 226, 230, 247, 253, 260, 267, 285, 288, 290, 297, 309, 311, 320, 324, 325, 328, 330, 335, 336, 338, 342, 344, 346, 354, 355, 359, 362, 364, 368, 371, 372, 373, 384, 399, 405, 406, 409, 410, 411, 419, 424, 427, 428, 435, 436, 447, 448, 449, 450, 451, 461, 463, 464, 465, 472, 473, 481, 482, 488, 491, 494 and 497.

CINDY JONES
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Senator Denis.
For: A new BDR No. R-1208 (S.J.R. 15)
SJR: Urges Congress to enact comprehensive immigration reform
To Waive:
Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Has been granted effective: Monday, April 1, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

ASSEMBLYWOMAN MARILYN K. KIRKPATRICK
Speaker of the Assembly

Senate Joint Resolution No. 9.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 15 of the 76th Session.

Assemblyman Horne moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 403 be rereferred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 117.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 233.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 285.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Carrillo and Oscarson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Steven Horsford.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 12:02 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present and one vacant.

The President of the Senate appointed a Committee on Escort consisting of Senator Denis and Assemblywoman Pierce to wait upon Representative Horsford and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Steven Horsford, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Horsford and invited him to deliver his message.

Representative Horsford delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Good afternoon. It is indeed an honor to be back home and to be with all of you, my former colleagues, today.

Governor, thank you very much for being here today. We appreciate you. Lieutenant Governor, thank you as well. To Madam Speaker, Majority Leader Horne, as well as Senate Majority Leader Denis and Minority Leaders Hickey and Roberson; to the Chief Justice and the Justices who are here, and to all of you, the members of the Assembly and the Senate, thank you for joining us and inviting me to speak this afternoon.

Thank you to my wife for being here and for supporting me through this ongoing journey. I could not do this without your love and understanding, and I appreciate you very much.

I'd also like to thank the many volunteers here who are advocating for our children as part of Nevada Children's Week at the Nevada Legislature. And to the women of Alpha Kappa Alpha (AKA), I know its AKA Day at the capital, so it's good to have you back as well.

Before I begin, I'd like to ask for a moment of silence to honor those who we recently lost due to the injuries at the live-fire training accident just a few hours away in Hawthorne.

Thank you. The wounds from this accident are still very fresh for the close-knit community of Hawthorne, and the tragedy has affected the lives of everyone in town. I had the opportunity to tour the Hawthorne Army Depot in January and had the honor of meeting the fine men and women who work on-site. Two weeks ago under very different circumstances, I visited five brave men in the hospital in Reno: four Marines and one Navy corpsman. The corpsman suffered serious injuries from the explosion, but as the medic responsible for the health of his unit, he refused medical assistance for over an hour until his Marines were treated first. He is alive today because he was able to treat his own wounds while others received care. That is a true lesson in courage. While his life has changed forever because of the accident, his bravery and loyalty will stand unchanged as an example for all of us. When I visited this young man in Reno, he could not speak, but he wrote me a note. It is something I will continue to carry with me as a reminder of the sacrifices of our men and women in the military. His story makes clear that, while we face challenges as public servants, they pale in comparison to those who truly sacrifice and struggle.

As someone who grew up in poverty in West Las Vegas, I can honestly say that addressing the Nevada Legislature as a Congressman was never part of my plan. But a difficult past is something I never tried to shake. My experiences remind me why I serve to help the hard working and the less fortunate. It has been quite a journey from the Nevada Legislature to the United States Congress. You know, I started in this building as an intern. I remember the first time I came to the floor. I didn't even have a tie to wear, and several members took me down to the old Woolworth's to pick one up so I could actually come on to the floor. Having served in the other chamber for eight years and now to be here as a member of Congress is somewhat surreal.

I know we joke about it, but the Assembly usually did have more fun than the Senate. I think the most fun I had was when I did a call of the house at four in the morning that prevented then-Senator Warren Hardy from using the restroom. It's that way in Congress, too. The People's House is a lot less stuffy than the upper body across the Capitol.

I now represent one of the most diverse districts in the United States, both geographically and demographically. Nevada's 4th Congressional District is 52,000 square miles, roughly the size of Alabama, and includes Nevadans from all walks of life. No city or town in this district is the same. They all have different perspectives, different economies, and different needs. From the Walker River Paiute Tribe in Mineral County, to the workers at the solar plant in Tonopah, to the residents of North Las Vegas, and every community in between, these diverse constituencies reflect the changing face of our state and our country. While our state continues to become more diverse, more unites us than divides us. Nevadans want to get back to work, they want their children to have a shot at the American Dream, and they want peace of mind in their golden years.

Although progress is slow and I shake my head at some of the nonsense in Washington sometimes, I am optimistic about what can be accomplished in Washington. The 113th Congress has picked up the pace compared to the previous class, and I'm hopeful that we are going to get things done. I was glad to see congressional gridlock break on the first bill I cosponsored, the Violence Against Women Act. This law ensures that victims and their families have access to the services they need to be safe and to rebuild their lives. The 2013 reauthorization of this law expands protections to LGBT victims, immigrants, and Native Americans. While the previous Congress stonewalled reauthorization for over 500 days, we were able to pass this law in just two months. I'm proud to have voted for and pushed this important legislation from day one.

After one month into my term, I introduced my first bill, the Lyon County Economic Development and Conservation Act, which will create upwards of 800 jobs in Nevada. This jobs bill will help the people of Yerington and the Lyon County region grow their economy and create desperately needed work for a county struggling with high unemployment. The legislation is a work of compromise. It encourages economic development and protects an important forest known as the Wovoka Wilderness while promoting the rights of ranchers and miners who earn their living on the land. I'm proud to have bipartisan support from the entire Nevada delegation and a willingness to work across the aisle from both parties in Washington for the sake of preserving the environment for future generations and creating good-paying jobs for working families. I hope, moving forward, that we can find common ground and protect Gold Butte, Tule Springs, and other natural treasures as well.

When we return next week, Congress will move forward on immigration reform. I'm honored to serve as a co-chair of the Congressional Black Caucus' Task Force on Immigration Reform and contribute to the pursuit of a fair, just, and humane immigration policy. Comprehensive immigration reform is the civil and human rights issue of our time that affects everyone from all communities, including our veterans. Let me tell you a story about one of these families. James and Sharon Courtney are constituents of mine, and they recently traveled to Washington to share their story during a people's hearing in the House. James is a veteran. He served three tours in Iraq, he is disabled, and he suffers from post-traumatic stress disorder. His wife does not have a green card. In 2003, Sharon was detained and held for hours in El Paso by Border Patrol. She was denied a phone call and wasn't allowed to speak with anyone. Without explanation, she was instructed to sign a document. If she did that, she would be free to go. So she signed the papers. Now Sharon stands accused of falsely claiming to be a U.S. citizen, and at age 35, a deferred action program cannot help her. James' and Sharon's future together, their children's future, depends on the outcome of comprehensive immigration reform. James is a man who fought for our country, who survived seven IED explosions. He is a living profile of courage. While he was fighting abroad, he said he worried more about protecting his family from deportation than his own personal safety. James has a family. He has put his life on the line for his country, and it's time we repay him and pass comprehensive immigration reform.

Surely his request to keep his family together is not too great a burden for this country, given what he has done to honor and protect all of us.

So when an immigration bill is unveiled, I will fight for the Courtney family and the countless other families that are counting on Washington to show just a fraction of James' courage. I will fight for a pathway to citizenship. Immigrant families in Nevada and across the United States should not be forced to live in the shadows any longer.

While I am optimistic about the prospect of fixing our broken immigration system, I am not saying there is an abundance of courage in Congress, either. By now, you've heard the numbers. As the slow grind of the sequester continues, it will cost Nevada 10,000 jobs, it will result in the furlough of 20,000 FAA employees and the shuttering of nearly 150 air traffic control towers, and it will mean 300 kids in Nevada's Head Start program will be booted from the classroom. This battle typifies what is congressional ineptness. A legislative trigger that everyone deemed devastating when it was agreed to, now is being re spun by those opposing a balanced approach to deficit reduction as "trimming the fat." Now, look, I am not a defender of every federal government program or every federal agency. I am a defender of my constituents and the services that they need to lead healthy and productive lives. Unfortunately, many of those programs have been targeted for draconian cuts under the sequester and under the Republican House budget, which I voted against.

When I travel my district, I see schools like Matt Kelly Elementary, a school standing to lose more than half of its allocation of Title I federal funding. That means fewer teacher aides and fewer meals for hungry kids. When I hear about efforts to reduce spending on nursing home care, I know that means services for 68,000 seniors in Nevada are on the chopping block. That's not trimming the fat; that's cutting to the bone.

The challenge of legislating, at its core, is balancing the courage to stand up for your beliefs with the courage to come together and find common ground and agreement. This Legislature has made serious bipartisan efforts to tackle tough issues. For that, I applaud your leadership and the members of the Assembly and Senate for working together.

For the first time in Nevada's history, we have a strategic vision for the future of our state that is in the first stages of being implemented. We have an economic development strategy, under the direction of the Governor, which is laying the groundwork for new companies to create new jobs in Nevada. We are moving in the right direction. Creating jobs and growing the economy must be the first priority of all public officials serving Nevada at every level. But investing in economic development also means funding our schools. They are two sides of the same coin.

One thing we can all agree on is that Nevada does not receive its fair share of federal funding. We are not doing enough to leverage the federal dollars offered to states. According to the Brookings Institute, we are fiftieth in grants per capita and forty-ninth in grant dollars per capita. For decades, we have received around 70 cents for every dollar we send to Washington. No matter which way you slice it, Nevadans are losing out. If Mississippi and Tennessee can get their fair share from the federal government under arguably conservative Governors, then surely Nevada can do better.

There are two cyclical causes of this dilemma. First, we don't pursue the grants we need. Second, we don't invest enough in our schools and universities to qualify. That's why I urge you to work together to expand the grant-writing capacity of Nevada. Invest more in the Office of Grant Procurement, Coordination, and Management we created in 2011. Hire more experts. Identify more opportunities. Connect with our local leaders, nonprofits, and faith-based organizations. Help those seeking grants to apply. These funds are already appropriated. Grants for research and development, early childhood education, training for workers at community colleges, and health institute grants for medical education are on the table. If we don't go after the funding we need, another state will happily take it from us. We shouldn't just chase grant money because it's there, either. We should pursue federal funds because it is a critical missing piece of our economic development strategy and because the people of Nevada deserve it. My office is here to help seek out these opportunities, which is why I have appointed

a designated grants coordinator for this purpose. I look forward to working with state officials and grant writers at every level to leverage the funds that are due to Nevada.

But the bottom line is that Nevada is still a state that suffers from the chronic shortages in funding for schools and social services. We must develop a long-term, stable budget that funds our schools not 20 years from today, but now.

So as you consider options to make Nevada a better place to live and tackle our perennial budget shortfall, I ask both parties to remember those who came before them and those who stepped up to the plate. The Nevada Legislature has a rich history of compromise and agreement when it seems unlikely. Assemblyman Marvel, a man inspired to serve by the Sagebrush Rebellion, a successful rancher and rural legislator, knew what it meant to find agreement during divisive dispute. In 2003, he cast a decisive vote in favor of revenue to fund our schools. He knew he would take heat for it. Before casting his vote, he explained that the schools in his district simply didn't have the money to hire the teachers they needed. When asked if it was a tough vote, Assemblyman Marvel responded that it was the right vote. "If you're going to be a statesman," he said, "be a good one. If I was going to do something, let's do it right. It turned around and got me in the end, but at the same time, it was for the right reason." Assemblyman Marvel lost his bid for reelection, but that's not the story we know of him in the Legislature. His story and his lesson to all of us is that survival should not be the first instinct of politicians. People like Assemblyman Marvel and Senator Raggio are remembered for the tough decisions they made. In an era of term limits, it is more important than ever to learn the lessons of those who came before us.

I wish I could have joined you last week when you commemorated the life's work of Senator Raggio. I enjoyed the weekly lunches I had with Bill. Sometimes we would talk legislative issues and moving the process along. Oftentimes, we would just talk about our families or Bill would share a piece of Nevada legislative history with me. In many ways Bill was a mentor to me and helped me learn the process and what it means to be a leader. He transcended politics and partisanship, and that is what made him a true statesmen. His commemoration is also a reminder that, sooner than you think, new legislators will take your place or become your colleagues. Time carries on and the people's business carries on, and the reality is that you have just a sliver of time every two years to get something done.

So my message to you is not to pass a specific bill or enact a certain law, but to remember that public service absent courage is nothing more than loitering in the People's House. There are tough decisions ahead, and the public has placed trust in you—in us—to stand for those not capable of always standing for themselves, to remain true to our values, and to find common ground when first glance only reveals division.

Courage takes different forms. For many Nevadans, it means fighting to put food on the table and keeping their families together while tirelessly searching for work. For those confronting a broken immigration system, it means standing up and making their voices heard despite the possible consequences.

Many of you represent constituents who live hundreds of miles away. For me, I fight for Nevada in a building thousands of miles from home. But I carry with me, every day, the stories of those who struggle. I remember that the success or failure of a policy is not about egos or political points, but about people. I think of James and Sharon Courtney. I think of Senator Raggio and Assemblyman Marvel. I think of the Navy corpsman in Hawthorne.

True public service means never letting this Chamber become a bubble. It means understanding the lives of others. It means seeing how the struggles our constituents face every day are affected by the choices or non-choices we make. And if we work together and remind ourselves who we are here for, I have confidence we can make the tough but courageous decisions that Nevadans need us to make.

Thank you very much. God bless Nevada, and God bless the United States of America.

Senator Atkinson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Horsford for his timely, able, and constructive message.

Seconded by Assemblyman Elliot Anderson.

Motion carried.

The Committee on Escort escorted Representative Horsford to the bar of the Assembly.

Assemblywoman Neal moved that the Joint Session be dissolved.

Seconded by Senator Hardy.

Motion carried.

Joint Session dissolved at 12:31 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 7; Senate Bill No. 15; Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Segerblom.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gebriel Taye and Bradley Thompson.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Buddy Borden and Tom Akers.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Alisa Nave-Worth and Julie Morgensen.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Esther Langston.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Park and Reashita Manuel.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Duncan, Ollie Hernandez, Sylvia Lazos, and Denise Davis.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Lieberman, Codi Greening-Sheinost, D'Angelo Dittimus, Richard Brown, and Wendy Thomas.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Douglass Morgan.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Dyhr.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Carroll and Madison Sandoval-Lunn.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Martin.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Ireland.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Barooshian.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Holder.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Sanson.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Markeeta Araujo.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Bianca Palacios, Anni Glogovac, Robert Bransen, and the following students and chaperones from Dilworth STEM Academy: Brooklyn Anthony, Anthony

Arteaga-Brevick, Jennifer Cano-Ramirez, Leslye Cordoba, Ana Corral, Jaime Cramer, Courtney Crowson, Angeles Hernandez Najera, Juan Izquierdo Campuzano, Brayan Lomeli, Marcos Lopez, Kendra Lopez Reyes, Lesly Medina Ibanez, Joshua Moyer, Vashisth Patel, Nathaniel Perez, Karla Ramos, Mariana Rizo-Lopez, Kaylee Robinson, Raul Sanchez Padilla, Zachary Tequillo, Juan Valtierra, Alejandra Vazquez Kely, Jorge Vieyra Estrada, Sofya Aguero, Jessenia Araiza, Martha Carranza, Cameron Clendening, Sara Gonzales Calzada, Fay Guerrero-Bernardino, Carla Hernandez-Vasquez, Diego Huezo Ceren, Aliya Lange, Julian Mejia, Miguel Mejia Romero, Autumn Montecino, Jesus Muniz Toribio, Tiffany Nila Herrera, Sandra Ramos Rodriguez, Miriam Vargas-Cabral, Dominique Abuan-Rodriguez, Eloisa Aquino, Morgan Bennett, Yocelyn Castillo, Ethan Chao, Ismael Diaz, Ronaldo Diaz, Kiara Druley, Diana Esquivel Cerda, Alan Garcia, Marcos Gonzalez, Hidy Ibarra-Duran, Cassidy Johnson, James Lafeldt, Cracilia Lusk, Gustavo Ortiz Aguilar, Maria Ramirez, Sarah Ramirez, Yeisa Rios Ramirez, Travis Rubio, Christopher Ruiz, Cameryn Sather, Christopher Segura Oliva, Julianne Smith, Devein Thomas, James Westin, Ivan Barajas Covarrubias, William Boston III, Joseph Buzick, Jorge Carrillo, Chloe Carter, Andres Corral Solorio, Eric Cureno, Jannesa Duran, Andrea Escobar Martinez, Ricardo Figueroa, Tia Krisstina Fredrickson, Ronald Frias, Carissa Garcia, Esmeralda Gomez Murillo, Krystal Hernandez Andrade, Alexandria Hutchison, Mylya Jackson, Daniela Marquez, Jose Mejia Navarrete, Austin Parawan, Dakota Perez, Crystal Pichardo Uribe, Silia Pooi, Rodrigo Reynoso, Da'Von Richards-Sankey, Claudia Rivera, Angela Russell, Luis Samaniego, Joanna Sarmiento Aguirre, Preetkaran Singh, Dylan Tuttle, Jody Vice, Akilah Barajas-Richardson, Angie Fuerte-Ramirez, Roger Huizar, Angelica Hurtado, Amber Johnson, Isaiah Johnson, Kaige Lewis, Jacob Martinez, Damon McGrogan, Martin Mena Jr., James Mullins, Dylan Neel, Rilee Nelson, Nathaniel Pascual, Jamir Silis Estrada, Nicole Vanderkelen, Amanda Hutton, Jesus Magdaleno Magdaleno, Maricarmen Salvador Ornelas, Johnathon Alcaraz, Salvador Ayala Dimas, Alejandra Barajas, Jose Barrera-Garcia, Roberto Bibriezca Martinez, Maria Chiu Martinez, Esmeralda Espana Quinones, Destiny Garcia, Nicolas Gonzalez Jr., Carlos Guerrero, Vanessa Linan Saldana, David Marfil, Malachai Martindale, Cody McAbee, Stephanie Murillo-Rodriguez, Aleksander Misael Oregon, Polet Osuna Torres, Robert Pascual Jr., Zakariah Peppers, Leonardo Perez, Alejandro Rojas, Aaron Searight, Brenda Soto Lopez, Henry Fournier, Michelle Fournier, Hardeep Kaur, Sheila Po'oi, Laniece Primus, Vicki Rannow, Alicia Johnson, Maria Murillo,

Karen Pfennig, Mayra Reyes, Mleny Avila-Lopez, Annie Rubio, Keelie Killian, and Dawn Baugh.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Richelle Snodgrass and Joshua Brennan.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, April 3, 2013, at 5 p.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 3, 2013

Assembly called to order at 5:12 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Benitez-Thompson and Hardy, who were excused, and one vacant.

Prayer by the Chaplain, Bishop Russell Stoddard.

Our Father in Heaven,

We come before Thee this afternoon in continuance of the 77th Session of the Nevada State Assembly. We ask for Thy blessings to be upon these Assembly members as they faithfully serve and represent the citizens of this great state. We are truly thankful for their service. We pray that they will be inspired to act in accordance to Thy will and help Nevada remain a place where children can be raised in safety and righteousness and where quality family life will be encouraged and protected. We recognize that families are the foundation of our society and that this state and country can only be as strong as our families.

Father, we love Thee, we thank Thee for all that Thou has blessed us with and now ask for Thy continued blessings upon these public servants and their families.

In the sacred name of Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 134, 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 7, 30, 82, 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bill No. 2; Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 66, 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 118, 163.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 191, 298; Assembly Joint Resolution No. 6; Senate Joint Resolution No. 15.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 9, 14, 30, 37, 54, 99, 154, 199; Senate Joint Resolution No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 3, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 105, 200, 270, 271, 292, 293, 398, 412, 435, 459, 460, 461, 462, 466, 469, 472, 474, 475, 480, 481, 483, 484, 485, 486, 487, 488 and 490.

MARK KRMPOTIC
Fiscal Analysis Division

April 3, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 67, 128, 201, 205, 207, 209, 210, 212, 226, 232, 236, 238, 239, 240, 241, 244, 252, 255, 261, 275, 277, 282, 291 and 430.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Joint Resolution No. 5.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 15.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 9.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 14.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 30.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 37.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 54.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 99.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblywomen Dondero Loop and Woodbury as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Joe Heck.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 118.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 154.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 163.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 191.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 199.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 298.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:31 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Jones, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Benitez-Thompson and Hardy, who were excused, and one vacant.

The President of the Senate appointed a Committee on Escort consisting of Senator Roberson and Assemblyman Kirner to wait upon Representative Heck and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Joe Heck, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Heck and invited him to deliver his message.

Representative Heck delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Good evening. It is a great honor and my distinct pleasure to come before you today as the representative for Nevada's third congressional district.

Governor Sandoval, Lieutenant Governor Krolicki, Speaker Kirkpatrick, my thanks for the opportunity to come and address this joint session this evening. Majority Leader Denis, Minority Leaders Roberson and Hickey, my thanks to you, as well, and to all those assembled here for your service to our great state as you deal with difficult—and what seems to be somewhat historic—issues this session. To the constitutional officers and honorable members of the honorable Judiciary, thank you for taking the time to be here this evening.

My thanks to your families, as well. The calling to public service takes a great deal of sacrifice on the parts of our loved ones that often goes unrecognized, and so tonight, I want to publicly thank my wife Lisa, who is here with me, for standing beside me over the past 20 years.

I had the privilege of serving as a member of this body, and from my time in Carson City, I learned that in Nevada we do our best to work across the aisle to do the things that are best for our state and for the people we represent. The lessons I learned in Carson City have had an influence on me in Washington, D.C.

It is interesting to note that Nevada's entire delegation in the House of Representatives has actually served together here in the State Senate. We have worked together in the past, and we are working together now to advance pro-Nevada policies that will improve our economy; get people back to work; and make Nevada a better place to live, do business, and raise a family. In fact, the entire federal delegation, both House and Senate, have agreed to have regularly scheduled meetings where we can identify areas of agreement and find ways we can get folks back to work and stimulate our economy.

It is clear to all of us that while there are many issues that need attention, the most pressing issue remains jobs and the economy. We have seen some positive economic trends recently, and that's welcomed news. But the Great Recession has taught us that we cannot consistently rely

on the same industries year after year to keep Nevada prosperous. We have to have true economic diversification if we are going to be successful in the twenty-first century.

I commend Governor Sandoval and the Industry Sectors Initiative for recognizing the need to be flexible and adaptable to a changing global marketplace. The Industry Sector Council has provided me with a road map for how I develop legislation and for trying to identify areas where bills that I introduce dovetail into the strategic vision put forth by the industry council. I believe that if state and local policies are working in concert with federal laws, together we can make great strides in ensuring Nevada remains prosperous.

Mining and energy are two areas identified by the Industry Sector Council that overlap when it comes to public lands. Nevadans in every corner of our state deal with issues related to federal land usage and development. Because it affects so many, the delegation has actually come together with a commitment to work cooperatively on public lands issues. So much of our state is owned by the federal government, and allowing Nevada to benefit from that unique situation for economic development purposes will create valuable jobs right here in our state.

A number of lands bills are moving right now that will help accomplish those goals, including my Three Kids Mine Reclamation and Remediation Act. The Three Kids Mine is an abandoned mine site in Henderson that poses significant environmental and safety risks to the surrounding area. Most of the land that comprises the old manganese mine is controlled by the Bureau of Land Management. The proposed legislation—supported, again, by the entire delegation, the City of Henderson, and the BLM—would allow for the reclamation, cleanup, and redevelopment of this site through a public-private partnership, at no cost to taxpayers, and create an estimated 3,000 jobs.

Now another public lands issue is renewable energy development. From what I understand, there was a hearing this afternoon in which this may take on a whole new urgency. Nevada is truly positioned to lead the nation in renewable energy. Publicly held lands offer some of the best development opportunities. So, I'm working across the aisle as an original cosponsor of a bipartisan bill called the Public Lands Renewable Energy Development Act that will help move us closer to the goal of becoming a national leader in renewable energy. Currently, when projects are first conceived and penciled out, it seems like everything will work out okay. Then the bureaucratic, tedious process to actually get access to those public lands to reach the point of breaking ground results in inordinate delays that impact the viability of those projects. The bill would help to speed up the process of getting access to public lands and also provide local governments increased revenue and certainty by establishing a more predictable and direct royalty system from energy production.

Another area, tourism and gaming, will always be key to our economy, and we need to continually look for ways to strengthen this economic sector. Nevada has so much to offer tourists. From Lake Tahoe to the Hoover Dam, our attractions are second to none. But an outdated, bureaucratic visa processing system is actually preventing us from achieving our full potential. Between 2000 and 2010, the global long-haul travel market increased by 40 percent, but the portion of that travel to the United States actually decreased from 17 to 12 percent due to an outdated, inefficient tourist visa application process that can have some applicants actually waiting up to 180 days just to get their interview for a tourist visa.

A bill I introduced, the JOLT [Jobs Originated Through Launching Travel] Act, would allow us to recapture the market share we lost and allow us to grow. JOLT would expand access to visa services for potential visitors to the U.S. without reducing necessary security procedures. Faster visa processing, expedited entry for priority visitors, and the establishment of a visa videoconferencing pilot program are innovative ways to address the increasing demand for tourist visas. The JOLT Act could attract as many as 98 million more visitors to the U.S., create 1 million American jobs, and generate as much as $859 billion in revenue by 2020. Many of those visitors would come to Las Vegas and Reno. JOLT would give our economy a shot in the arm. More international travelers, who on average spend $4,000 per person per visit, will mean more jobs and more revenue into the state.

I've also joined with Congressman Bennie Thompson, Democrat from Mississippi, to cochair the Congressional Gaming Caucus. The goal of this bipartisan caucus is to keep gaming issues at the forefront of the congressional dialogue by seeking input from everyone who has an interest: industry, representatives from progaming states, and even those who may not be as friendly to gaming. Last year we were unable to move legislation on Internet poker, but that does not mean there is no role for the federal government in this area. In fact, with more and more states moving ahead with regulations of their own on Internet poker and sports gambling, we need a federal law to make sure Nevada maintains its place as a national leader in both live and Internet gaming. Congressman Thompson and I are committed to making progress on these issues in a bipartisan way.

Mining, renewable energy, tourism: Those industries will always be crucial to the overall health of our economy, but much of our future strength depends on new, emerging industries. These new areas offer Nevada a chance to take the national lead in fields that most agree are where the greatest job growth will occur in the future.

As our population continues to age, health care and medical services are going to be an increasingly important sector of our economy. Two areas that I am working on that are vital to the health professional pipeline are Graduate Medical Education and the Sustainable Growth Rate [SGR], which is the formula used to determine payments to Medicare providers. Graduate Medical Education is crucial to our ability to staff our hospitals, doctors' offices, and clinics. But there is a bottleneck in the supply line that needs to be addressed at the federal level because most of the funding for GRE comes from Medicare. We are teaching medical students right here in Nevada who want to do their residency here, who want to stay and treat patients here, who want to make our communities healthier. But because of the caps on residency slots, many of our medical students have to leave the state to do their training. Many of them will not return, because most physicians are far more likely to stay in the state or city where they do their residency. So, I am working with members of the Doctors Caucus to identify ways we can ensure the funding stream for Graduate Medical Education and update the GME system, including the out-of-date cap limits.

The Sustainable Growth Rate, or SGR, is another federal policy that threatens the professional pipeline and could hurt access to care for our seniors. As a physician, I believe there is no greater threat to the Medicare program than the Sustainable Growth Rate. Every year, due to the flawed SGR formula, our Medicare providers face an increasing threat to reimbursement cuts—this year close to 30 percent. Due to this uncertainty, mature providers are limiting their Medicare practice, and medical students and residents are considering practices that take fewer Medicare patients or they are considering careers in medical research and academics, not direct patient care. If we allow the next generation of Medicare doctors to leave traditional medical practice, who is going to take care of the baby-boomer generation as they enroll in Medicare? I have joined with Congresswoman Allyson Schwartz, Democrat of Pennsylvania, in introducing legislation to repeal the flawed SGR formula and replace it with a more sustainable, predictable payment model that rewards quality of care and not quantity of care. Such a system would give both current and future practitioners the stability and predictability they need to stay in the Medicare system and continue providing care to our seniors.

Aerospace and defense is another area where Nevada is poised to be a national leader in an exciting, emerging field. Having served in the military for more than 20 years, I am keenly aware of this sector's importance to our state and our state's economy, as well as the great opportunity we have to expand in this sector.

The Federal Aviation Administration is in search of six locations to test and develop unmanned aerial systems, or drones, to explore potential domestic uses for the hardware currently used for protecting our forces in theaters of operations overseas. As a member of the unmanned aerial systems [UAS] caucus, I think Nevada is uniquely positioned to be a host site, and again, I applaud the Governor for moving us forward on this important project.

Nevada already possesses great expertise in the field of military aeronautics and defense; has the needed infrastructure for testing and development; and has the necessary geographic resources, including the greatest swath of restricted airspace in the country, to be the ideal site. The UAS caucus has hosted meetings between industry leaders and civil liberties organizations to discuss ways all parties can come together to find a way to use these unmanned systems for domestic purposes while ensuring that our fundamental constitutional rights remain protected. I encourage this body to foster the development of these systems and bring the testing to Nevada, which will help grow our defense industrial base and great jobs, and I will continue to do what I can in Congress to make this a reality for our state.

Information technology, and more specifically data security/cyber protection, might be the most critical industry on the council's list from a national security perspective. In both the House Armed Services Committee and the House Committee on Intelligence, I hear constantly about the growing threat of cyber attacks that are posed to our national and economic security. In fact, many believe that the next major battlefield will be the Internet, while others think World War III is already taking place via the web in the form of intellectual property theft and espionage from state actors like Iran, China, and Russia. Whether you think that war is here or not, we can all agree that there is an urgent need to protect America against a cyber attack on our critical infrastructure.

From the Nevada National Security Site [NNSS] to the SuperNap operated by Switch Communications, there are programs up and running to develop the necessary technological advances that are going to keep not just Nevada, but the entire nation safe from cyber attack. Storing and securing sensitive data is becoming a big business and will only get bigger if cyber threats to the U.S. proliferate. Switch has developed data storage facilities and technologies that are revolutionizing the industry and are the reason so many top companies want their data stored here in Nevada. At the Nevada National Security Site, the Oak Ridge National Laboratory, partnering with our universities, is looking to study ways we can provide nationwide power utility security and improved protection from cyber attack. The Extreme Cyber Test Bed at NNSS can leverage a broad range of research and testing sponsored by the Departments of Defense, Homeland Security, and Energy along with the utility industry. These activities will grow high–paying, high–tech jobs in Nevada and reinvigorate our science, technology, engineering, and math communities.

Now while aerospace and defense and information technology represent the next frontiers for our state, we need to continue to develop and improve existing infrastructure to strengthen our logistics and operations sector. Nevada sits at the center of the Mountain West, and we can leverage our geography to become a major warehousing and distribution hub for western states. I had the chance to visit Spread Shirt t-shirt company in Henderson a few months ago. Spread Shirt is an international company that decided to put one of its two American production sites in Henderson for precisely this reason. They do a lot of West Coast business, and they wanted their production operation close to where their customers are located, and they decided Nevada was the perfect location.

To realize our full potential, completion of the I-11 corridor is critical. Phoenix and Las Vegas are the only metropolitan areas of more than a million people not connected by an interstate. Now in the spring of 2012, there were two different transportation bills—one passed by the House and one passed by the Senate—and there were concerns that the I-11 designation would not make the final bill. I led a joint Nevada-Arizona delegation letter to the House and Senate conferees urging them to include the federal designation of the I-11 corridor in the final transportation bill and worked closely with the committee chairman to make sure that it was included. We pointed out that the completion of this corridor would provide total commerce connectivity between the United States, Mexico, and Canada throughout the Intermountain West, which is vital to the continued economic growth of the region. When the conferees reported the final bill, I was proud to support the legislation that designated the I-11 corridor as eligible for future federal funding.

As we develop our infrastructure, we will attract more manufacturers–companies like Spectrum Pharmaceuticals, which researches and develops new cancer-fighting drugs, and Vada Tech, which manufactures leading-edge circuit boards for critical defense systems, both of which are currently located in Henderson. What these possibilities in each of our specific industry sectors make clear is that the future of Nevada is bright. We are primed and ready to diversify in order to compete in the national and global marketplace, but we are also poised to maintain our stature as the national leader in industries like tourism and gaming, mining, and renewable energy development.

One of the keys to the success of the Industry Clusters Initiative is having workers trained with the skills to fill the jobs of today and tomorrow. We all know that we lost jobs in this state that are unlikely to come back to the levels where they were previously. Our objective must be to help those displaced workers find jobs in this new economy. There are two main ways we can do that: improving education and reforming job training programs. I'll start with the latter.

We have seen some positive trends in our economic recovery lately, with a slowly decreasing unemployment rate. But we must constantly remind ourselves that there are still far too many Nevadans who are out of work or looking for better work. Too often these folks are the most economically vulnerable members of our community—the older worker, the single mom, or young people. Now the Department of Labor estimates 12 million unemployed Americans, yet they also say there are 3.6 million jobs that are currently unfilled. So why does this mismatch exist? It exists because we need a skilled workforce that is trained and ready to do the jobs that do and will exist, not the jobs that did exist. Our current workforce development system and job training programs are wasteful, duplicative, and inefficient.

In 2009, the federal government spent $18 billion to administer 47 programs across nine different agencies. My colleagues and I on the House Committee for Workforce and Education recently passed the SKILLS [Support Knowledge and Investing in Lifelong Skills] Act, which will help connect out-of-work Americans with job opportunities by creating a flexible workforce investment fund to serve as a single source of support for workers, employers, and job seekers. The SKILLS Act streamlines and eliminates 35 ineffective and duplicative programs, while strengthening the roles of employers in workforce development decisions and facilitating greater cooperation with our community colleges—our best way to quickly develop needed training programs for these new jobs. I was also pleased to see a piece of legislation I introduced last Congress, the local JOBS [Jumpstart Our Business Startups] Act, included in this important bill. Making commonsense, meaningful improvements to federal job training programs and workforce development will help staff the jobs the Industry Sector Council initiative will attract to Nevada—the jobs of today and tomorrow, not the jobs of yesterday.

But we cannot stop there. The foundation upon which all of this is based will always be education. We cannot forget that the next generation of teachers, engineers, scientists, computer programmers are in our schools right now. Again, Governor Sandoval and members of this legislative body are rightly focused on improving education, and I want to continue to work with all of you to ensure the federal government is a willing and cooperative partner as we work on education issues. I believe that we need to put our students in a position to receive a high-quality education which will prepare them for a good job in today's competitive global marketplace, and that means they must graduate career- or college-ready.

All three of our children are products of the Clark County School District, with the third currently at Coronado High School, home of the Cougars, so I approach these issues not just as a lawmaker, but as a father. In the Education and Workforce Committee, we are committed to giving students every opportunity to access a great education, and that means reauthorizing the Elementary and Secondary Education Act [ESEA]. ESEA is now five years overdue, and the shortcomings of No Child Left Behind [NCLB] are well-identified. Now is our chance in Washington to have a great impact on the education of our children. Currently, only about 10 percent of a school district's operating budget comes from the federal government, but that funding comes with all sorts of strings attached as to how the districts are able to use the funds.

Based on the issues we face, something needs to be done to provide flexibility to states and school districts and empower educators and parents at the local level to make decisions in the allocation of federal funds to best educate their students. We can no longer stovepipe federal funds and force districts to spend them in places where they are not needed, but where they are told by the federal government. Through a combination of effective state and local education policies and the federal government providing funding with fewer strings attached, we can and will have a real impact on what happens in Nevada's classrooms.

I hope that if you take one thing away from my remarks tonight, it is that you have an advocate and willing partner in Washington to champion policies that are going to benefit Nevada. While we serve in different legislative bodies, we are all colleagues. We have a shared interest—a better Nevada for all of our constituents, our families, and future generations. The Nevada I envision for my children and grandchildren is one full of opportunity and prosperity, where people have the same access to the opportunities we have had. And the best way we can achieve that shared goal is if we—state, local, and federal officials—work together and are pulling on the same side of the rope to lift Nevada to new heights.

Together, we have already made great strides to create a Nevada primed for the twenty-first century. I look forward to continuing that work together.

I thank you for your time tonight and for your service, dedication, and commitment to the Silver State. May God bless each of you and provide you with wisdom, discernment, and guidance as you serve our great state. Good night.

Assemblyman Wheeler moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Heck for his timely, able, and constructive message.

Seconded by Senator Goicoechea.

Motion carried.

The Committee on Escort escorted Representative Heck to the bar of the Assembly.

Senator Woodhouse moved that the Joint Session be dissolved..

Seconded by Assemblywoman Fiore.

Motion carried.

Joint Session dissolved at 5:58 p.m.

ASSEMBLY IN SESSION

At 6:03 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 13, 16, 19, 69, 80, 85, 95, 128, 158, 249; Assembly Joint Resolutions Nos. 3, 5; Senate Bill No. 121, be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jaelee Greiner and Gerald Greiner.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Rachael Guerrero, Nehemiah Guerrero, Angelina Guerrero, Alfredo Navarro, Kaitlyn Nichols, Dana Paredes, Kevin Paredes, Benjamin Paredes, and Brendan Webb.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Barooshian.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Joshua Brennan.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Thursday, April 4, 2013, at 4:45 p.m.

Motion carried.

Assembly adjourned at 6:08 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 4, 2013

Assembly called to order at 5:40 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Benitez-Thompson, Duncan, and Munford, who were excused, and one vacant.

Prayer by the Chaplain, Rabbi Bradley Tecktiel.

May it be Your will, O God, to bestow upon us blessing and kindness.

Each week on the Sabbath in synagogues around the state, we ask for God's blessing for our government, its leaders and advisors, and all who exercise just and rightful authority. We ask that God teach them insights from the Bible, that they may administer all affairs of state fairly.

We pray that citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions, which are the pride and glory of our country.

We ask these things of You Almighty God, because the work this State Legislature does on a daily basis is holy work.

May God guide our Representatives in this body to put aside all pettiness and enmity that might prevent them from success. May God grant our leaders the wisdom to legislate for the best interests of the citizens of Nevada.

May the guiding principle of the Torah, "Love thy Neighbor as thyself, " be ever on the minds of our legislators as they go about their daily labor of establishing laws for the public.

We thank our leaders who have given their time, talent, and effort in public service to the state of Nevada.

Finally, May God protect us from all trouble and travail, and when our task is done, may God guide us home safely to our family and friends.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 260, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 40, 262, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 393.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 20, 97, 100, 159.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 4, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 58 and 330.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 300, 303, 305, 308, 320, 321, 322, 326, 327, 328, 329, 331, 340, 345, 346, 349, 353, 354, 355, 357, 358, 362, 363, 367, 370, 374, 375, 376, 379, 380, 385, 386, 387, 390, 391, 394, 395, 404, 407, 408, 415, 423, 431, 445, 446, 454, 455, 463, 464, 465, 468, 470, 471, 473, 501, 502 and 504.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblyman Horne moved that persons as set forth on the Nevada Legislature's Press Accreditation List of April 4, 2013, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, and that they be allowed use of appropriate broadcasting facilities:

KTNV-TV13: Don Guevara, Ken Johnson; KVVU-TV: Robbie Hunt; TELEMUNDO LAS VEGAS: Rosana Romero.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 2, 7, 13, 16, 19, 30, 66, 69, 75, 80, 82, 84, 85, 95, 128, 134, 158, 170, 224, 249, 352; Assembly Joint Resolutions Nos. 3, 4, 5; Senate Bill No. 121 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Madam Speaker appointed Assemblymen Bustamante Adams and Paul Anderson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dina Titus.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 20.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 97.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 100.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 159.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 393.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker’s rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:54 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Kieckhefer, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Benitez-Thompson, Duncan, and Munford, who were excused, and one vacant.

The President of the Senate appointed a Committee on Escort consisting of Senator Parks and Assemblyman Daly to wait upon Representative Titus and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dina Titus, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Titus and invited her to deliver her message.

United States Representative Dina Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Madam Speaker, Chamber leaders, Governor: Thank you for hosting us earlier at Nevada's first Holocaust Memorial service. We should give the Governor a round of applause.

Distinguished guests, one and all. Thank you for allowing me to come and address you this evening. I know how valuable your time is and how very busy you've been and are going to be in the next couple of months. I also appreciate the fact that some of you are on your way to Reno to help with the fund-raiser for the Humane Society. This is a cause very dear to my heart. Senator Townsend and I worked on a lot of animal protection issues, and I thank Senator Manendo for carrying that on with your horse-tripping bills.

I've been following your work lately with both admiration and interest. Just in the last few weeks, you have dealt with an unprecedented personal matter, you voted to tax an industry that's been protected since it wrote the state Constitution, you have moved towards repealing the Nevada version of DOMA [Defense of Marriage Act], and you have visited a marijuana market with really good buds.

Madam Speaker, when you said this was not going to be business as usual this session, you really meant it. You have my admiration for all that you're up to. Thank you for that.

I cut my political teeth in this building. I learned a lot about Nevada, its great resources, and its many challenges. I made some lifelong friends. Mags, you're one of them, and Marlene Lockhard, just to name a few. Don Williams—how do ya'll manage without the staff? And I hope I did some good for the people of Nevada.

I miss the old timers who are no longer with us, and that's especially the case with Jack Vergiels and Bill Raggio. But it's very exciting to look out at all the new faces. The faces of this Legislature are the faces of diversity. They are the faces of Nevada, and I congratulate you all for being here.

Speaking of diversity, that's one of the really exciting things about representing District 1 in southern Nevada. It's the most diverse district in the whole state. We've got the Hispanic east side and the Asian west side; it is home to the Armenian and Greek churches, the Ethiopian cab drivers, Buddhist temples, Indian markets, and Irish pubs. International food festivals are going to be the death of me before this is over. African Americans make up 10 percent of the population, and the Las Vegas Paiute Tribe's reservation is also located in District 1.

I'm also honored to tell you that I serve in the most diverse Congress in history. Just among the women Democrats alone, there is great diversity. We have the first Hindu, who is Tulsi Gabbard from Hawaii. We have a Tai–American veteran who lost both of her legs in Iraq–that's Tammy Duckworth from Illinois. We have a bisexual, former state legislator from Arizona, of all places, Kyrsten Sinema, and an African-American, Harvard educated lawyer from Alabama, Terri Sewell. Now that's diversity to be proud of, and it honors me to be part of that group.

The last time I came before you was four years ago. In 2009, our state faced unprecedented challenges. Unemployment was at a record high and the worst in the country, along with our foreclosure rate. We saw our friends, our neighbors, our family members have to close their businesses, lose their jobs, and have their homes taken right out from under them. Construction projects were closing down and disappearing overnight, and tourism and gaming revenues were struggling. But thanks to the hard work and determination of the Nevada people, much progress has been made since that time. Unemployment fell for the eighteenth straight month in February, Las Vegas welcomed a record number of visitors in 2012, and gaming revenues increased over 2 percent from the previous year. Nevada's export businesses are also expanding, thanks in large part to the Governor's international trade initiatives. Housing values are now going up, and in District 1 there are some very exciting new commercial projects that are coming online that will create jobs and further boost our economy. We've got our entrepreneurial spirit back.

Downtown Las Vegas is undergoing an incredible revitalization that epitomizes the best of public-private partnerships. Mayor Caroline Goodman and Zappos executive Tony Hsieh are turning downtown into a new, hip area. It's attracting small businesses, high–tech companies, and real estate investors. For example, in one day downtown, you can have lunch at Eat, shop at the Container Park, buy fresh produce at the Downtown3rd Farmer's Market, get a drink at the mobile Cycle Pub, hear a lecture at the Construction Zone, and walk your pet at the dog park on Fremont at Eighth. And there's lots more that's coming really fast.

Nearby in the Arts District, you can enjoy a performance at the fabulous Smith Center or take your family to the new Discovery Children's Museum. You can visit many of the small art galleries or you can participate in what they call the Color Run. That's exciting.

On the Strip, a lot of things are going on that are in District 1. We find SLS remodeling the old Sahara into a boutique hotel with a known brand that will attract a new demographic of tourists. The Genting Group is developing Resorts World, a major City Center-like project on the Strip that will attract Asian businesses and tourists. The MGM is building a 20,000 seat arena, and Caesars will soon complete its Linq Project with all the new retail and the—I call it a Ferris wheel but they call it an observation wheel, a rose by any other name—it's going to be a nice addition.

These projects welcome jobs. They bring good jobs in our construction and hospitality industries so badly needed. In addition to that, lots of family-owned and operated small businesses are popping up all over the heart of the Las Vegas Valley. We've got Viva Las Arepas, World of Feng Shui, and the Stitch Factory. In fact, if it's happening in Nevada, it's very likely happening in District 1, so I'm proud to brag about the recovery. We have slowly

begun to move in the right direction. But while we're bragging, we've got to remember that we still have a long way to go. It's a given that everyone benefits when the economy is growing, so we must ensure this growth continues, with policies that are reasonable, fair, and balanced. We must reform our tax code and adopt a budget that is not just an accounting tool, but really is a reflection of our nation's priorities. We shouldn't spend hard-earned taxpayers' money on programs we don't need, but instead we should keep promises to, and create opportunities for, the most vulnerable in our communities. For example, I agree that we don't need funding to build a robot squirrel to see how it interacts with rattlesnakes, but we must feed our children. Hungry children can't learn. Educated children can achieve their potential, and unfilled promise results in a nation that falls back. Likewise, it's true that we don't need to fund a NASA [National Aeronautics and Space Administration] study of menu options for trips to Mars. But we must protect Social Security and Medicare for our seniors. And while we can surely do without research on whether or not stressed-out birds make good parents, we must invigorate our manufacturing sector, because if you make it in America, you can make it in America.

The good news is that we have some very exciting options to choose from. We are at a crossroad in this state and in this nation, and I truly believe if elected officials work together to find creative solutions to our problems, this country can become greater than ever in the course of the next decade. So let's not blow this opportunity. Let's take advantage of what is out there to offer.

To begin with, I believe we have to make smart investments—investments in people, investments in energy, and investments in transportation infrastructure. First, let's invest in our people because they are our greatest resource. We must provide a quality education for all children, strengthen our schools, and commit to preparing our students for those jobs of the future. Towards this end, we must fund Head Start and Pell grants, we must promote STEM [Science, Technology, Engineering, and Mathematics] learning, and we must find a way to help professional students pay off their loans by working in underdeveloped communities.

We must also pass the Dream Act. This has to be not only an education goal, but part of comprehensive immigration reform. We also need to further revise the visa program so that we do not educate the best and brightest and then make them leave. We want the next Microsoft and the next Google to be developed right here in the United States, not somewhere far away.

Third, we need to invest in people in more ways than just education and immigration. We have to do everything that we possibly can to help our brave servicemen and women and their families who sacrifice so much, so that we can protect our democratic way of life. As ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, I am committed first and foremost to reducing the backlog. You hear that from all the veterans—the backlog of filing for benefits. Do you know that right now, the average length of time that a veteran in Nevada has to wait to have his application processed is 485 days? That is just not acceptable. Neither should any veteran be homeless or in need of a job that we can't help.

Besides investing in people, let's also invest in renewable energy. I commend the Legislature for all the work that it has done to encourage the development of wind, solar, geothermal, and biomass sources, which in turn create good jobs for Nevada. As a result of your work, we are on the cutting edge nationwide of some of the policies that the Legislature has enacted. There are also exciting programs that are being developed all around the state which put us on the path of becoming a world leader in production and distribution of green energy. I pledge that I will continue to work with you at the federal level on these issues by supporting energy tax credits, low-interest loans, and funding for state energy offices, so count on that.

Our fourth investment I want to point out is in infrastructure, transportation infrastructure. I am proud, once again, to serve on the Transportation Committee, because Nevada's economy depends on moving people and products in ways that are quicker, friendlier, easier, and cheaper. From tourists to lobsters, we import almost everything in this state, so we need to have a twenty-first century transportation infrastructure system to make it all work and keep it all moving. The longer we wait, the further we fall behind.

I say, "Go big or go home." That is my mantra, and that is my recommendation. Let us build Interstate 11, the interstate highway between Phoenix and Las Vegas and possibly further down the road. Let us deploy NextGen [The Next Generation Air Transportation System], which is a program that will increase safety for the flying public, decrease the cost of fuel, and help airlines become more efficient. Let us increase TIFIA [Transportation Infrastructure Finance and Innovation Act] and WIFIA [Water Infrastructure Finance and Innovation Act] funding, which is the first step towards creating an infrastructure bank, another public-private partnership that the President has talked about.

And it is great to speed the visa process, but let's open up the Visa Waiver Program. Let's invite more tourists from Brazil and Israel and India and China, middle-class folks with money in their pockets who want to come to Nevada for a holiday. That is what we should be doing. We should also make Reno and Las Vegas multimodal inland ports so we can facilitate the flow of people and goods from the Pacific Rim and South America. Go big or go home.

In addition to investing wisely, Nevada has got to get its fair share of federal dollars. I know you have heard a lot about getting more money through better grant applications–and many of the state and local governments are doing a good job at being more aggressive about that, which is great–but let's also think outside the box for other sources of revenue from the federal government. For example, we have to fight against efforts by the federal government to take our SNPLMA [Southern Nevada Public Land Management Act] money from sale of public lands. These are critical funds that take care of Lake Tahoe, they protect other water sources, they build bike paths and hiking trails, and fund clean environment programs, and we cannot let the federal government take that Nevada money.

I will tell you something else we need to go after: Let us go after all, or at least some, of that so-called "handle tax." You know sports books pay the federal government 0.25 percent on every wager placed. Since more gambling on sports events takes place in Nevada than anywhere else, we pay the lion's share of that money. In fact, we contributed $8.7 million in 2012, and that figure is expected to continue to grow. This tax was originally developed at the federal level to be used to go after illegal sports betting—bookmakers—but now that money just goes into the IRS general fund to be used on programs that have no nexus to gaming, and there is no separate accounting. That is our money. We have got to go get it and bring it back, and I think that is what we should do.

You can see these proposals I have mentioned are not partisan issues, they are not ideological issues, and they are not blue or red issues. I think they are truly Nevada issues, so we in Congress can and should work together on them for the good of the state. I commend you very much for doing just that here in Carson City. You are very good at working across the aisle, working across the houses, and working across the lawn with the Governor, so thank you for doing that. You set an example for us, and we should follow that example in Washington.

It is a good thing that the members of Nevada's House delegation have worked together before. We have all served, along with Senator Heller, as members of this august body, so we know each other, we have worked together, and we have in the past put aside party affiliations to get things done. I am confident that back there—with Senator Reid at the helm and you guarding our flank—we can do just that and move Nevada forward.

So again, let me thank you for your attention and for your courtesy. I appreciate very much being here. I look forward to continuing to work with you, and I hope you will let me return the hospitality and come see me in the exciting District 1 or back in Washington. The latch string is always out. Thank you very much.

Assemblyman Healey moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able, and constructive message.

Seconded by Senator Spearman.

Motion carried.

The Committee on Escort escorted Representative Titus to the bar of the Assembly.

Senator Cegavske moved that the Joint Session be dissolved..

Seconded by Assemblyman Hambrick.

Motion carried.

Joint Session dissolved at 6:19 p.m.

ASSEMBLY IN SESSION

At 6:21 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Bailey and Julie Mogensen.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinithia Zermeno and Randy Soltero.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Westergtard and Denise Davis.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Bradley Tecktiel.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to John Kraintz, Priscilla Kraintz, Joshua Kraintz, and Elliot Karp.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Peri Hardy.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Martin and Steven Frye.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Bailey.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Bobby Droodiani.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Dana Barooshian.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Anni Glogovac and the following students, teachers, and chaperones from Dilworth STEM Academy: Luis Cervantes Garcia, Makenzie Cherti, Camron Colbert, Alexia Cruz, Arianna Estrada Jasso, Angela Galvez Arceo, Daniela Garcia Gregorio, Daisy Gil, Megan Gresham, Daisy Guzman, Victor Horta Monrroy, Evelyn Izquierdo Oregel, Aubrey Jensen, Haley Kraus, Morell Luke, Alison Maldonado, Benito Martinez Deras, Teresita Meno Ignacio, Adam Moore, Lolo Nau, Amaya Newton, Jessica Perez, Odalis Perez Duenez, Priya Prasad, Jorge Ramos, Omar Silva Ramos, Brenden Susanno, Evan Terry, Jade Trevino, Jan Miles Trinidad, Kelvorius Turner, Nikolas Vanloo, Julian Villicana, Alberto Barajas-Hernandez, Leo Camarena Nunez, Carson Conant, Oscar Garcia, William Garibaldo, Aracely Hinojosa, Moses Ibarra, Weston Kuehn, Theresa Lopez, Keara Lowry, James Anthony Magpantay, Alejandro Martinez Hernandez, Syann Mateo, Tyrese Moore, Brianna Mosqueda Sandoval, Byran Munoz, Katy Navarro Lopez, Saul Oaxaca, Stephanie Olivares, Brandon Paz Grajeda, Citlalli Sanchez, Alejandro Valencia Sanchez, Saul Valladares, Christopher Vaughan, Bianca Yanez-Flores, Alberto Barajas-Hernandez, Monique Zamora, Giselle Abad Robles, Christian Badillo, Alfredo Chavez Chavez, Eduard Fonseca Garcia, Samantha Gijon, Gysel Hernandez, Cheyenne Johnson, James Lopez-Hernandez, Montana Marsh, Luis Martinez, Michelle Mejia Romero, Jasmine Radigan, Tanaya Roberts, Rocio Sandoval Ornelas, Chelsea Thierry, April Tovar-Barajas, Luis Ambrocio Contreras, Gerardo Fernando Batalla, Gage Bennett,

Siara Cairns, Rosa Camarena Cervantes, Miguel Campana Chavez, Carlos Castro, Kayla Cortez, Kelsey Flores-Zaragoza, Stephanie Fregoso, Jeffery Friedmann, Brandon Garcia, Miguel Gonzalez, Adolfo Gonzalez Falcon, Alvaro Guevara Bilbao, Elizabeth Henriquez, Roberto Hernandez Jr., Alesah Jim, Marc Kluge, Cristian Martinez Gonzalez, Fiona McCloskey, Jennifer Medina Caldera, Pedro Navarro Olivarez, Jose Perez, Jose Ramirez Alvarez, Neftali Rea Aguilar, Nayeli Rodriguez, Vivian Sanchez, Maureen Santillan, Uriel Senda, Digvijay Singh, Jeremy Smith, Madison Zucco, Steven Felsing, Warren Zinser, Naomi McColl, Jo Ella Barrie, Maricella Ibarra, Laura Hinjosa, Xiomara Sandoval, Roy Ford, Nev Trevino, and Prakashni Patel.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celessie Hardy.

Assemblyman Horne moved that the Assembly adjourn until Friday, April 5, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:23 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 5, 2013

Assembly called to order at 11:50 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Duncan and Munford, who were excused, and one vacant.

Prayer by the Chaplain, Pastor Albert Tilstra.

In the midst of all the pressures we face this session, Lord on this legislative day, I offer the ancient priesthood blessing upon Your Old Testament people. Please hear us and continue to bless.

"The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious to you; the Lord turn His face toward you and give you peace."

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 135, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 14, 24, 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 3, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 162, 169, 197, 201, 213, 215, 216, 224, 228, 234, 237, 239 and 242.

CINDY JONES
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 78.

AN ACT relating to public lands; revising the provisions governing the Land Use Planning Advisory Council, the membership of the Advisory Council and the appointment of persons to the Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Land Use Planning Advisory Council, consisting of 17 members appointed by the Governor, advises the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources on matters relating to land use planning and the development of plans and policy statements involving the acquisition of lands under federal management. (NRS 321.740, 321.750) The Executive Council of the Land Use Planning Advisory Council, which includes four persons selected by the Advisory Council from among its members, makes recommendations for land use planning in areas of critical environmental concern and to resolve

inconsistencies between the land use plans of local government entities. (NRS 321.755)

Section 1 of this bill makes various changes to provisions governing the Advisory Council and specifically provides for the addition to the Advisory Council of 1 nonvoting member, to be appointed by the Nevada Association of Counties. **Section 1** also provides that the remaining 17 voting members of the Advisory Council are to be nominated by the boards of county commissioners of the various counties in this State and appointed by the Governor, with 1 member being appointed from each county.

Pursuant to **section 2** of this bill, the term of each current member of the Advisory Council and current member of the Executive Council of the Advisory Council expires on December 31, 2013. **Section 2** further provides that the 17 voting members must be nominated and appointed to initial terms that begin on January 1, 2014, and that current members of the Advisory Council are eligible for appointment to the Advisory Council in accordance with the amendatory provisions of **section 1**. In addition, **section 2** provides for the staggering of the terms of the voting members.

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

Section 1. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council, consisting of 17 ***voting*** members appointed by the Governor ~~[.]~~ ***and 1 nonvoting member appointed by the Nevada Association of Counties, or its successor organization,*** is hereby created. ***The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council*** ~~[.]~~ ***who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.***

2. ***One voting member must be appointed to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor.*** The Governor shall appoint ~~[members who are elected officials or representatives of local political subdivisions, one member from each county.~~

~~3. Members are~~] ***the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.***

3. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 2, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

(a) If one person has been nominated, that person; or

(b) If two or more persons have been nominated, the person listed by the board first in order of preference,

➥ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.

4. After the initial terms, each voting member serves a term of 3 years and is eligible for reappointment to the Advisory Council.

5. The nonvoting member of the Advisory Council serves at the pleasure of the Nevada Association of Counties, or its successor organization.

6. At its first meeting each year, the Advisory Council shall elect a Chair from among its members.

7. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

8. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive ***from the county he or she represents*** the ***per diem allowance and*** travel expenses ~~[and subsistence allowances]~~ provided by law for ~~[their positions from the local political subdivisions.]~~ ***state officers and employees generally.***

Sec. 2. 1. Notwithstanding the provisions of NRS 232A.020 and 321.755 to the contrary, the term of each member of the Land Use Planning Advisory Council and each member of the Executive Council of the Land Use Planning Advisory Council expires on December 31, 2013. Each such member is eligible for nomination and appointment as a voting member of

the Advisory Council in accordance with the provisions of NRS 321.740, as amended by section 1 of this act.

2. On or after July 1, 2013, the board of county commissioners of each county shall nominate, and the Governor shall appoint, a voting member to the Advisory Council in accordance with the provisions of NRS 321.740, as amended by section 1 of this act, to a term that begins on January 1, 2014.

3. The initial term of the members appointed to the Advisory Council pursuant to subsection 2 as the representatives of:

(a) Carson City, Clark, Douglas, Elko, Lyon and Nye Counties expires on December 31, 2014.

(b) Churchill, Humboldt, Lander, Pershing, Washoe and White Pine Counties expires on December 31, 2015.

(c) Esmeralda, Eureka, Lincoln, Mineral and Storey Counties expires on December 31, 2016.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2013.

2. Section 1 of this act becomes effective on January 1, 2014.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

AN ACT relating to gaming; revising provisions relating to the Gaming Policy Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Gaming Policy Committee and provides for the composition and duties of the Committee. (NRS 463.021) This bill: (1) adds to the Committee a representative of academia who possesses knowledge of matters related to gaming; (2) authorizes the Governor, as Chair of the Committee, to appoint ~~[a subcommittee]~~ **an advisory committee** on gaming education; and (3) specifies the duties of the ~~[subcommittee.]~~ **advisory committee.**

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

Section 1. NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chair and ~~[10]~~ ***11*** members, is hereby created.

2. The Committee must be composed of:

(a) One member of the Commission, designated by the Chair of the Commission;

(b) One member of the Board, designated by the Chair of the Board;

(c) One member of the Senate appointed by the Legislative Commission;

(d) One member of the Assembly appointed by the Legislative Commission;

(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and

(f) ~~[~~Five~~]~~ ***Six*** members appointed by the Governor for terms of 2 years as follows:

(1) Two representatives of the general public;

(2) Two representatives of nonrestricted gaming licensees; ~~[~~and~~]~~

(3) One representative of restricted gaming licensees ~~[~~.~~]~~ ***; and***

(4) One representative of academia who possesses knowledge of matters related to gaming.

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. Except as otherwise provided in subsection 6, the Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are advisory and not binding on the Board or the Commission in the performance of their duties and functions.

6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (e) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.

7. The Governor, as Chair of the Committee, may appoint ~~***[a subcommittee]***~~ ***an advisory committee on gaming education.*** ~~***[A subcommittee]***~~ ***An advisory committee appointed pursuant to this subsection must:***

(a) Contain not more than five members who serve at the pleasure of the Governor; and

(b) Be chaired by the person selected as chair ~~***[of the subcommittee]***~~ ***by the Governor.***

8. ~~***[A subcommittee]***~~ ***An advisory committee created pursuant to subsection 7 shall:***

(a) Review and evaluate all ~~[public]~~ gaming-related educational entities in this State, including, without limitation, the Culinary Academy of Las Vegas, the Institute for the Study of Gambling and Commercial Gaming of the University of Nevada, Reno, and the UNLV International Gaming Institute of the William F. Harrah College of Hotel Administration of the University of Nevada, Las Vegas, to determine how to align such entities with the needs of the gaming industry;

(b) Study and analyze the workforce and technology needs of the gaming industry to determine how the gaming-related educational entities may satisfy those needs;

(c) Study the potential for leveraging gaming-related competencies and technologies developed by gaming-related educational entities into other industries; and

(d) Report any findings and recommendations to the Committee.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 13.

Bill read second time.

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

Amendment No. 11.

AN ACT relating to relations between governments and public employees; revising provisions governing the period during which the Local Government Employee-Management Relations Board is required to conduct certain hearings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 288 of NRS, the Local Government Employee-Management Relations Act, creates the Local Government Employee-Management Relations Board. (NRS 288.080) In carrying out its duties under the Act, the Board is authorized to hear and determine complaints arising out of the interpretation of, or performance under, the Act by any local government employer, local government employee or employee organization. Existing law requires the Board to conduct a hearing within 90 days after the Board decides to hear a complaint. (NRS 288.110) This bill ~~[removes the requirement that]~~ **requires the Board to conduct** such a hearing ~~[be conducted]~~ within ~~[90]~~ **180** days after the Board decides to hear a complaint.

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

Section 1. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition of employee organizations; and

(d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by any local government employer, local government employee or employee organization. The ~~*[If the Board decides to hear a complaint, the]*~~ Board shall conduct a hearing ~~*[,]*~~ within ~~[90]~~ ***180*** days after it decides to hear a complaint. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 16.

Bill read second time.

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

Amendment No. 12.

SUMMARY—Provides for the ~~[~~adoption,~~]~~ compilation and publication of ~~[~~policies of operation for state agencies by the State Board of Examiners.~~]~~ **the State Administrative Manual.** (BDR 18-212)

AN ACT relating to the State Government; ~~[~~requiring the Department of Administration to compile and publish an administrative manual~~]~~ **providing for the compilation and publication of the State Administrative Manual,** consisting of the policies **and procedures** adopted and amended by the State Board of Examiners for the Executive Branch of State Government; ~~[~~providing special authority and~~]~~ **establishing** notice requirements for the adoption, amendment and repeal of such policies **~~[~~;~~]~~ and procedures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Administration currently publishes the State Administrative Manual, a compilation of policies governing the internal operation of all agencies of the Executive Branch of the State Government. This bill provides specific statutory authority and notice requirements for adopting, amending and repealing these policies and provides specific requirements for compiling and publishing such a manual.

Section 1 of this bill requires the **Director of the** Department ~~[~~of Administration~~]~~ **, or the Chief of the Budget Division of the Department if the Director does not serve as the Chief,** to compile and publish an administrative manual consisting of the policies ~~[~~described above, as~~]~~ **and procedures** adopted or amended by the State Board of Examiners. **Section ~~[~~3 of this bill provides that the special provisions of section 7 of this bill, authorizing the Board to adopt, amend or repeal such policies, prevail over the general provisions of the Nevada Administrative Procedure Act to the extent of any conflict between those provisions. Section 7~~]~~ 1** also establishes certain procedural requirements to be met by the ~~[~~Board in adopting, amending or repealing~~]~~ **Director or the Chief, as applicable, in connection with the adoption, amendment or repeal of** such policies **~~[~~.~~]~~**

~~Section 9 of this bill approves and ratifies the policies set forth in the State Administrative Manual as those policies existed before the effective date of this bill.~~] **and procedures.**

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[Department]~~ State Administrative Manual is hereby created. The Director, or the Chief of the Budget Division of the Department if the

Director does not serve as the Chief, shall compile and publish ~~[an administrative manual consisting of the]~~ in the State Administrative Manual any policies and procedures adopted or amended by the State Board of Examiners pursuant to ~~[section 7 of this act.~~

~~*2. The Department shall cause a copy of the current version of the administrative manual to be posted on the primary Internet website maintained by the State Government. The copy must be accessible through a conspicuous link to the manual that appears on the main page of that website.]~~ ***NRS 353.040.***

2. In addition to complying with the requirements of NRS 241.020, the Director or the Chief, as applicable, shall, not later than 30 days before presenting to the State Board of Examiners any policy or procedure for adoption, amendment or repeal, cause notice of the proposed action to be posted on the Internet website used by the State Board of Examiners to provide public notice of its meetings. The notice must:

(a) Be accessible through a conspicuous link that appears on the main page of that website;

(b) Include the full text of the policy or procedure proposed to be adopted, amended or repealed, clearly setting forth any language proposed for addition to or deletion from the policy or procedure;

(c) Solicit the submission of written comments by any interested person to the Director or the Chief, as applicable, for transmittal to the State Board of Examiners, concerning its proposed action and set forth the address for the submission of such comments and the deadline for submission applicable pursuant to subsection 3; and

(d) Set forth the date on which the adoption, amendment or repeal of the policy or procedure becomes effective if action is taken as proposed.

3. Any written comments submitted to the Director or the Chief, as applicable, pursuant to subsection 2 must be submitted not later than 5 working days before the meeting at which the proposed adoption, amendment or repeal is to be considered by the State Board of Examiners and must be entered into the record of the Board.

Sec. 2. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, ***and section 1 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Administration.
2. "Director" means the Director of the Department.

Sec. 2.5. **NRS 353.040 is hereby amended to read as follows:**

353.040 The State Board of Examiners shall have authority to establish ~~[rules and regulations]~~ ***policies and procedures*** for its government not inconsistent with law.

Sec. 3. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.~~

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The State Gaming Control Board.~~

~~(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.~~

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.~~

~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.~~

~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.~~

~~(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.~~

~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.~~

~~(n) The Silver State Health Insurance Exchange.~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; [and]~~

~~(d) NRS 90.800 for the use of summary orders in contested cases [,] ; *and*~~

~~*(c) Section 7 of this act for the adoption, amendment and repeal of policies by the State Board of Examiners,*~~

~~" prevail over the general provisions of this chapter.~~

~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~

~~(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or~~

~~(d) The judicial review of decisions of the Public Utilities Commission of Nevada.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~**] (Deleted by amendment.)**

Sec. 4. **[**~~NRS 285.016 is hereby amended to read as follows:~~

~~285.016 "State agency" has the meaning ascribed to it in NRS 281.195, except that the term does not include a board which is~~ **[**~~exempt from the provisions of chapter 353 of NRS pursuant to~~**]** ***described in*** ~~NRS 353.005.~~**] (Deleted by amendment.)**

Sec. 5. **[**~~NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law except for any buildings, grounds or other properties owned or leased by boards that are~~ **[**~~exempt from the provisions of chapter 353 of NRS pursuant to~~**]** ***described in*** ~~NRS 353.005.~~

~~2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~3. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied~~

~~by such officers, departments, boards, commissions or agencies.~~**] (Deleted by amendment.)**

Sec. 6. **[**~~NRS 331.120 is hereby amended to read as follows:~~

~~331.120 1. Except as otherwise provided in NRS 331.130 and 331.135, the Administrator shall assign the rooms in the Capitol Building, and rooms elsewhere used by the State, and shall determine the occupancy thereof in such manner as the public service may require.~~

~~2. The executive and administrative officers, departments, boards, commissions and agencies of the State must be provided with suitable quarters which must, so far as is expedient, be in Carson City. As used in this subsection, "boards" does not include boards that are~~ **[**~~exempt from the provisions of chapter 353 of NRS pursuant to~~**]** ***described in*** ~~NRS 353.005.~~

~~3. The Administrator shall provide suitable office space for the use of the Governor-Elect and expend money for incidental expenses connected therewith. The provisions of this subsection do not apply if the incumbent Governor is elected to succeed himself or herself.~~

~~4. The Administrator may provide suitable space in the Capitol Building for the permanent use of accredited members of the press and for the installation of communication equipment.~~**] (Deleted by amendment.)**

Sec. 7. **[**~~Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:~~

1. The State Board of Examiners may adopt, amend and repeal policies, not inconsistent with applicable law, governing the internal operation of:

(a) Any agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government, including, without limitation, any agency, board or commission which has the authority to regulate an occupation or profession pursuant to title 54 of NRS; and

(b) Except to the extent any such policy conflicts with a regulation adopted by the Board of Regents of the University of Nevada, the Nevada System of Higher Education.

2. In addition to complying with the requirements of NRS 241.020, the State Board of Examiners shall, not less than 30 days before adopting, amending or repealing any policy pursuant to this section, cause notice of its proposed action to be posted on the Internet website used to provide public notice of its meetings. The notice must:

(a) Be accessible through a conspicuous link that appears on the main page of that website;

(b) Include the full text of the policy proposed to be adopted, amended or repealed, clearly setting forth any language proposed for addition to or deletion from the policy;

~~*(c) Solicit the submission of written comments by any interested person to the Board concerning its proposed action, setting forth the address for the submission of such comments and the deadline for submission applicable pursuant to subsection 3; and*~~

~~*(d) State the date on which the adoption, amendment or repeal of the policy becomes effective if action is taken as proposed.*~~

~~*3. Any written comments submitted to the State Board of Examiners pursuant to subsection 2 must be submitted to the Board not less than 5 working days before the meeting at which the proposed adoption, amendment or repeal is to be considered by the Board. Any such comments must be entered into the record of the Board.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 353.005 is hereby amended to read as follows:~~

~~353.005 [The]~~ ***Except as otherwise provided in section 7 of this act, the*** ~~provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[The Legislature hereby approves, confirms and ratifies the policies adopted by the State Board of Examiners before the effective date of this act, as set forth in the State Administrative Manual as most recently published by the Department of Administration before that date.]~~ **(Deleted by amendment.)**

Sec. 10. This act becomes effective ~~[upon passage and approval.]~~ **on January 1, 2014.**

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 41.

SUMMARY— ~~[Transfers the duties of the State Advisory Board of Trustees for the Trust Relating to the Fairground to]~~ **Revises provisions governing** the Nevada Junior Livestock Show Board. (BDR 50-322)

AN ACT relating to governmental administration; **providing for the nomination and appointment of an additional member to the Nevada Junior Livestock Show Board;** transferring the duties of the State Advisory Board of Trustees for the Trust Relating to the Fairground to the Nevada

Junior Livestock Show Board; abolishing the State Advisory Board of Trustees for the Trust Relating to the Fairground; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the **Nevada Junior Livestock Show Board, consisting of seven members appointed by the Governor. (NRS 563.020, 563.030) Section 1 of this bill increases the number of members on the Board to eight. Section 2 of this bill requires the additional member of the Board to be a member of the Reno Rodeo Association nominated by its President.**

Existing law also creates the State Advisory Board of Trustees for the Trust Relating to the Fairground and requires the Advisory Board to perform certain duties relating to the real property leased to Washoe County for use as a fairground. (NRS 551.020) **Section ~~[2]~~ 4** of this bill abolishes the Advisory Board. **Section ~~[1]~~ 3** of this bill transfers the duties of the Advisory Board to the Nevada Junior Livestock Show Board.

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

Section 1. **NRS 563.020 is hereby amended to read as follows:**

563.020 The Nevada Junior Livestock Show Board ~~[shall be composed]~~ ***consists*** of ~~[seven]~~ ***eight*** members ~~[to be]~~ appointed by the Governor.

Sec. 2. **NRS 563.030 is hereby amended to read as follows:**

563.030 1. One member of the Board must be a member of the teaching staff of the College of Agriculture, Biotechnology and Natural Resources of the University of Nevada, Reno.

2. One member of the Board must be a member of the staff of the University of Nevada Cooperative Extension.

3. One member of the Board must be a secondary agriculture educator nominated by the agriculture education program professional at the Department of Education.

4. ***One member of the Board must be a member of the Reno Rodeo Association nominated by its President.***

5. Four members of the Board must be persons concerned with the raising and improving of livestock in the State of Nevada, not necessarily stock raisers, selected as follows:

(a) Two persons whose interest is in cattle and sheep;

(b) One person whose interest is in general agriculture; and

(c) One person whose interest is in dairying.

~~[5.]~~ ***6.*** All members must be residents of the State of Nevada.

~~[Section 1.]~~ ***Sec. 3.*** NRS 563.080 is hereby amended to read as follows:

563.080 1. The Board shall have possession and care of all property of the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show and shall be entrusted with the direction of the entire business and financial affairs of these exhibitions.

2. The Board may:

(a) Appoint employees and define their duties.

(b) Adopt bylaws, rules and regulations for the government of the Nevada Junior Livestock Show Board, the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show and for all exhibitions of livestock.

(c) Acquire or lease real and personal property, buildings and improvements.

3. The Board shall review:

(a) All uses of the real property leased to Washoe County for use as a fairground; and

(b) Any physical improvements or changes to the facilities at the fairground,

➥ to ensure that the use of the property for purposes related to agriculture and livestock continues to comply with the provisions of the trust relating to the fairground imposed upon the conveyance.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 551.020 is hereby repealed.

Sec. 5. **1. As soon as practicable after the effective date of this act, the President of the Reno Rodeo Association shall:**

(a) Nominate the member of the Nevada Junior Livestock Show Board described in subsection 4 of NRS 563.030, as amended by section 2 of this act; and

(b) Submit the name and address of the person nominated to the Governor.

2. Upon receipt of the name and address of the person nominated pursuant to subsection 1, the Governor shall appoint that person to serve as a member of the Nevada Junior Livestock Show Board.

~~[Sec. 3.]~~ ***Sec. 6.*** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

551.020 State Advisory Board of Trustees for Trust Relating to Fairground: Creation; number, appointment and qualifications of members; duties.

1. The State Advisory Board of Trustees for the Trust Relating to the Fairground, consisting of ten members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) As representatives of the Nevada State Fair Board, its President and Manager.

(b) As representatives of the Reno Rodeo Association, its President and Vice President.

(c) A representative of the 4-H Club Leaders' Council.

(d) A representative of the Nevada Junior Livestock Show Board.

(e) A member of the Legislature.

(f) A representative of the Nevada State Horsemen's Association.

(g) A prominent member of one of the cattle breeders' associations in the State, to represent those associations.

(h) A person engaged in a business related to farming or ranching.

3. The Board shall review:

(a) All uses of the real property leased to Washoe County for use as a fairground.

(b) Any physical improvements or changes to the facilities at the fairground,

➥ to ensure that the use of the property for purposes related to agriculture and livestock continues in compliance with the trust provisions imposed upon the conveyance.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 65.

AN ACT relating to crimes; revising provisions governing the community notification website which provides certain information to the public concerning sex offenders and offenders convicted of a crime against a child; amending provisions concerning the confidentiality of the content of the record of registration of a sex offender or offender convicted of a crime against a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Public Safety to establish and maintain a community notification website to provide the public with certain information concerning certain sex offenders and offenders convicted of a crime against a child. (NRS 179B.250) **Section 1** of this bill establishes the community notification website as the source of record for information concerning sex offenders and offenders convicted of a crime against a child. **Section 1** also removes the requirement that the Central Repository for Nevada Records of Criminal History maintain a log of each inquiry to the community notification website.

Existing law authorizes, except as otherwise provided by specific statute, only a law enforcement officer or the offender named in the record to inspect the record of registration of a sex offender or offender convicted of a crime against a child. (NRS 179D.160) **Section 2** of this bill provides that, except as otherwise provided by specific statute, the contents of a record of registration are confidential and not subject to ~~[subpoena, discovery or]~~ public inspection.

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

Section 1. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. The community notification website ***is the source of record for information available to the public concerning offenders listed in the statewide registry, and*** must:

(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;

(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;

(c) Include, to the extent practicable, links to sex offender safety and education resources;

(d) Include instructions on how to seek correction of information that a person contends is erroneous; and

(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.

3. For each inquiry to the community notification website, the requester may provide:

(a) The name of the subject of the search;

(b) Any alias of the subject of the search;

(c) The zip code of the residence, place of work or school of the subject of the search; or

(d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

4. For each inquiry to the community notification website made by the requester, the Central Repository shall:

(a) Explain the levels of registration and community notification that are assigned to sex offenders pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository shall disclose to the requester information in the statewide registry concerning the offender as provided pursuant to subsection 6.

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; or

(c) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in subsection 7, if a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides or will reside.

(6) The address of any location where the offender is or will be:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The license plate number and a description of any motor vehicle owned or operated by the offender.

(8) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to and the text of the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

(9) The tier level of registration and community notification assigned to the offender pursuant to NRS 179D.010 to 179D.550, inclusive.

(10) Any other information required by federal law.

7. If a search of the statewide registry results in a match pursuant to paragraph (c) of subsection 6, the Central Repository shall not provide the requester with:

(a) The identity of any victim of a sexual offense or crime against a child;

(b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;

(c) The social security number of the offender;

(d) The name of any location where the offender is or will be:

(1) A student, as defined in NRS 179D.110; or

(2) A worker, as defined in NRS 179D.120;

(e) Any reference to arrests of the offender that did not result in conviction;

(f) Any other information that is included in the record of registration for the offender other than the information required pursuant to paragraph (c) of subsection 6; or

(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.

8. ~~[~~For each inquiry to the community notification website, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~9.]~~ A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~[10.]~~ ***9.*** The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

~~[11.]~~ ***10.*** As used in this section, "Tier I offender" has the meaning ascribed to it in NRS 179D.113.

Sec. 2. NRS 179D.160 is hereby amended to read as follows:

179D.160 1. Except as otherwise provided by specific statute, ***the contents of*** a record of registration ~~[may]~~ ***:***

(a) Are confidential ~~[, not subject to subpoena or discovery,]~~ ***and not subject to inspection by the general public.***

(b) May be inspected only by a law enforcement officer in the regular course of the law enforcement officer's duties or by the offender named in the record of registration.

2. As used in this section, "law enforcement officer" includes, but is not limited to:

(a) A prosecuting attorney or an attorney from the Office of the Attorney General;

(b) A sheriff of a county or a sheriff's deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city;

(d) An officer of the Division;

(e) An officer of the Department of Corrections;

(f) An officer of a law enforcement agency from another jurisdiction; or

(g) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, if the person is seeking information as part of a criminal investigation.

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 40.

Bill read second time and ordered to third reading.

Assembly Bill No. 45.

Bill read second time.

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

Amendment No. 13.

AN ACT relating to the Department of Administration; revising provisions governing the duties of the Division of State Library and Archives of the Department of Administration; eliminating the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the

Operation of Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a list of specific items that the State Library and Archives Administrator is required to keep custody of and preserve. (NRS 378.245) **Section 1** of this bill eliminates the description of the State Seal and other such seals and expired official bonds approved by the Governor from the list.

Existing law allows the Administrator to inspect the physical nature of governmental records in the custody of a state or local governmental agency that are not confidential or privileged. (NRS 378.255) **Section 2** of this bill expands the ~~[inspection]~~ authority of the Administrator to ~~[include confidential or privileged]~~ **inspect** information in records in the custody of state or local governmental agencies **and to inspect the physical nature of and information contained in such records that are confidential or privileged under certain circumstances. Section 2 also requires an inspection of confidential or privileged records to be logged** and prohibits the Administrator from disclosing any such confidential or privileged information.

Under existing law, the Division of State Library and Archives of the Department of Administration is required to provide microfilming services to state agencies and local governments. (NRS 239.070, 378.280) **Sections 3 and 7** of this bill require the Division to also provide digital imaging services to those governmental entities. **Section 2** of this bill authorizes the Division to provide microfilming and digital imaging services for the records of the Legislative and Judicial Branches of State Government, upon request.

Section 10 of this bill eliminates the authority of the Administrator to enter into an agreement with the Secretary of State to keep and preserve material for the Secretary of State. (NRS 378.260) **Section 10** also eliminates certain fees that are duplicative of fees that a governmental entity is generally authorized to charge. (NRS 239.052, 239.055) Finally, **section 10** eliminates the Repository for Records Concerning Programs, Activities and Events Related to the Participation of Citizens in the Development of Public Policy and the Improvement of the Operation of Government, which was created to store and maintain information submitted concerning ways to increase citizen participation in government. (NRS 378.400) **Sections 4-6, 8 and 9** of this bill make conforming changes relating to the elimination of the Repository, including requiring that documents and information currently submitted to the Repository be sent to the Division of State Library and Archives.

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

Section 1. NRS 378.245 is hereby amended to read as follows:

378.245 1. The State Library and Archives Administrator has custody of and shall carefully preserve in the Division:

(a) The enrolled copy of the Constitution of the State of Nevada.

(b) ~~[The description of the State Seal and other seals of which a description may be required to be deposited in the Division.~~

~~(c)]~~ The proceedings and all papers of the two Constitutional Conventions held for the purpose of framing a Constitution of this State.

~~[(d)]~~ ***(c)*** The manuscripts containing the enrolled acts and joint resolutions and journals of the Legislature of this State and the Territory of Nevada.

~~[(e)]~~ ***(d)*** The records, papers and documents of Carson County, Utah Territory, and all other books, records and documents which, by the laws of the Territory of Nevada, were required to be deposited and kept in the office of the Secretary of the Territory of Nevada.

~~[(f)]~~ ***(e)*** All the books, records, parchments, maps, registers, papers and other material required to be deposited or kept in the Division.

~~[(g) All expired official bonds approved by the Governor.]~~

2. The State Library and Archives Administrator shall not permit the original papers and other material to be taken out of the archives unless he or she determines that the circumstances ensure the safety and integrity of the papers and other material.

Sec. 2. NRS 378.255 is hereby amended to read as follows:

378.255 The State Library and Archives Administrator may:

1. Adopt regulations and establish standards, procedures and techniques for the effective management of records.

2. Make continuing surveys of current practices for the management of records and recommend improvements in those practices, including the use of space, equipment and supplies to create, maintain and store records.

3. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposition of state records which no longer possess sufficient administrative, fiscal, legal or research value to warrant their further retention.

4. Establish, maintain and operate a center for storing and retrieving records for state agencies pending the acceptance of the records by the Division or the disposition of the records in any other manner prescribed by law.

5. Establish a program for ~~[the control and management of forms, files, reports, directives and correspondence.]~~ ***providing microfilming and digital***

imaging services for the records of the Legislative and Judicial Branches of State Government, upon request.

6. Establish a program of planning and preparation to assist state agencies and local governments in providing protection for records essential for the continuation or re-establishment of government in the event of a disaster.

7. Provide advice and technical assistance to state agencies, local governmental ~~[entities]~~ ***agencies*** and, if requested, the Legislative and Judicial Branches of State Government concerning any aspect of managing records.

8. Through the Division, inspect the physical nature of ***, and information contained in,*** governmental records in the custody of a state or local governmental agency ~~*[, including, without limitation, information in governmental records]*~~ which are not ~~*[is]*~~ confidential or privileged.

9. ***Through the Division, inspect the physical nature of, and information contained in, confidential or privileged governmental records in the custody of a state or local governmental agency if the inspection is necessary to carry out the provisions of subsection 3, 5, 6 or 7 and if the inspection is not prohibited by any federal law or regulation. Inspections must be logged as required pursuant to NRS 239C.230. The*** ~~*[Administrator]*~~ ***Division shall not disclose any confidential or privileged information in governmental records inspected pursuant to this subsection, and such inspection does not alter, affect, abrogate or waive the confidential or privileged status of the information.***

10. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, bring an action to obtain possession of the records of a state or local governmental agency which are:

(a) Of historical value and are not being properly cared for; or

(b) Privately held.

➥ In an action to recover a record which is privately held, it is rebuttably presumed that a governmental record which appears to be the original of a document received or the file copy of a document made by a governmental agency is governmental property.

Sec. 3. NRS 378.280 is hereby amended to read as follows:

378.280 1. Except as otherwise provided in subsection 2, the State Library and Archives Administrator shall establish and administer a program for the efficient and economical creation, use, maintenance, retention, preservation ***, including, without limitation, microfilming and digital imaging,*** and disposition of the records of the Executive Branch of the Government of the State of Nevada.

2. The Director of the Department of Transportation may establish a program for the management of the Department's records, if the Director confers with the State Library and Archives Administrator regarding the program. The program must incorporate generally accepted practices for managing records.

Sec. 4. NRS 225.200 is hereby amended to read as follows:

225.200 As used in NRS 225.200 to 225.270, inclusive, unless the context otherwise requires, the words and terms defined in NRS 225.210 ~~[,]~~ ***and*** 225.220 ~~[and 225.230]~~ have the meanings ascribed to them in those sections.

Sec. 5. NRS 225.250 is hereby amended to read as follows:

225.250 1. The Advisory Committee shall:

(a) ~~[Advise the Director of the Department of Administration concerning the Repository and make recommendations to support greater use of the Repository and collection of materials for the Repository;~~

~~(b)]~~ Assist the Secretary of State in identifying and proposing programs that support participatory democracy and solutions to any problem concerning the level of participatory democracy, including, without limitation, proposing methods to involve the news media in the process of addressing and proposing solutions to such a problem;

~~[(c)]~~ ***(b)*** Make recommendations to and discuss recommendations with the Secretary of State concerning matters brought to the attention of the Advisory Committee that relate to a program, activity, event or any combination thereof designed to increase or facilitate participatory democracy, including, without limitation, the interaction of citizens with governing bodies in the formulation and implementation of public policy;

~~[(d)]~~ ***(c)*** Establish a "Jean Ford Democracy Award" to honor citizens who perform exemplary service in promoting participatory democracy in this State;

~~[(e)]~~ ***(d)*** Support projects by national, state and local entities that encourage and advance participatory democracy, including programs established by the National Conference of State Legislatures, the State Bar of Nevada, and other public and private organizations; and

~~[(f)]~~ ***(e)*** Advise the Secretary of State and the Governor concerning the substance of any proclamation issued by the Governor pursuant to NRS 236.035.

2. The Advisory Committee may establish a panel to assist the Advisory Committee in carrying out its duties and responsibilities. The panel may consist of:

(a) Representatives of organizations, associations, groups or other entities committed to improving participatory democracy in this State, including, without limitation, representatives of committees that are led by youths and

established to improve the teaching of the principles of participatory democracy in the schools, colleges and universities of this State; and

(b) Any other interested persons with relevant knowledge.

Sec. 6. NRS 236.035 is hereby amended to read as follows:

236.035 1. The Governor may annually proclaim the third week in September to be "Constitution Week" and September 17 to be "Constitution Day" to commemorate the historical contributions that the United States Constitution has made to citizens and its significance in preserving the individual freedoms, liberties and common welfare of the people who live in the United States of America.

2. The proclamation may:

(a) Call upon the news media, educators, state and local officers, professional, business and labor leaders, and others in positions of authority or influence to bring to the attention of the citizens of this State the importance of the United States Constitution in shaping and articulating the basic values that underlie the unique character of American civilization and culture, based on the belief that sovereignty emanates from the people who comprise a society and that governmental authority is based upon the consent of the governed;

(b) Encourage elected and appointed officers and employees at all levels of government and in all public and educational institutions to develop new programs and new ideas by which the citizens of this State and nation can:

(1) Better understand and improve the effectiveness of all branches of government established within the American constitutional system; and

(2) Increase the extent and quality of their participation in the development of public policy and the improvement of the operation of government at all levels;

(c) Encourage citizens of this State to assist elected and appointed officers and employees at all levels of government, and in all public and educational institutions, to develop new programs and new ideas to increase the extent and quality of the participation of the citizens of this State in the development of public policy and the improvement of the operation of government at all levels;

(d) Direct interested citizens and appropriate officers and agencies to develop recommendations by which federal, state and local policies for the preservation of historical records can be formulated and put into effect, so that the cultural and informational resources that are essential to a constitutional form of government are preserved and made accessible to present and future generations of citizens;

(e) Remind all citizens that the preservation of the American constitutional form of government, and the freedom and liberty guaranteed

by the United States Constitution, are based upon the responsibility of each citizen to uphold and defend the Constitution; and

(f) Request all citizens to submit any information they may have concerning a program, activity, event, proposal or any other action to increase the extent and quality of participation of citizens in the:

(1) Development of public policy; and

(2) Improvement of the operation of government at all levels,

➥ to the ~~[repository created pursuant to NRS 378.400.]~~ ***Division of State Library and Archives of the Department of Administration.***

Sec. 7. NRS 239.070 is hereby amended to read as follows:

239.070 1. In lieu of or in addition to the method of recording required or allowed by statute, the county recorder may use microfilm ***or digital images*** for such recording.

2. The Division shall provide microfilming ~~[service]~~ ***or digital imaging services*** to any local government. The charge for the service must not exceed the actual cost ~~[.]~~ ***of providing the services.***

3. If microfilming ***or digital imaging*** is used:

(a) The microphotographs ***,*** ~~[or]~~ micronegative films ***or digital images*** must be properly indexed and placed in conveniently accessible files.

(b) Each film ***or digital image*** must be designated and numbered.

(c) Provision must be made for preserving, examining and using the films ~~[.]~~ ***or digital images.***

4. A duplicate of each such film ***or digital image*** must be made and kept safely in a separate place.

5. Duplicates of each such film ***or digital image*** must be made available by the county recorder for sale at a price not exceeding cost upon the request of any person, firm or organization. Subject to the approval of the board of county commissioners, the county recorder may, at any time, make additional duplicates of each such film ***or digital image*** available for sale to the public at a price not exceeding cost.

6. The Division shall provide services for recording other than microfilming ***or digital imaging*** to any local government if the Division has the equipment necessary to provide the services. The services provided are subject to the requirements of this section relating to microfilming ~~[.]~~ ***or digital imaging.***

Sec. 8. NRS 244.1615 is hereby amended to read as follows:

244.1615 A board of county commissioners may institute a program or sponsor an activity, event or any other action designed to increase the extent and quality of participation of the residents of the county in the development of public policy and the improvement of the operation of government at all levels. The board may submit a report of any action taken pursuant to this

section to the ~~[repository created pursuant to NRS 378.400.]~~ ***Division of State Library and Archives of the Department of Administration.***

Sec. 9. NRS 268.920 is hereby amended to read as follows:

268.920 The city council or other governing body of an incorporated city may institute a program or sponsor an activity, event or any other action designed to increase the extent and quality of participation of the residents within the incorporated city in the development of public policy and the improvement of the operation of government at all levels. The city council or other governing body of an incorporated city may submit a report of any action taken pursuant to this section to the ~~[repository created pursuant to NRS 378.400.]~~ ***Division of State Library and Archives of the Department of Administration.***

Sec. 10. NRS 225.230, 378.120, 378.260 and 378.400 are hereby repealed.

Sec. 11. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

225.230 "Repository" defined.

378.120 Charges for copy of papers and documents and duplicate of roll of microfilm.

378.260 Agreement to maintain material of Secretary of State in archives.

378.400 Creation; contents; powers and duties of Director; Advisory Committee.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 37.

SUMMARY—Revises the ~~[circumstances under]~~ **manner in** which the State Board of Equalization must provide notice of a proposed increase in the valuation of property. (BDR 32-301)

AN ACT relating to property tax; revising the ~~[circumstances under]~~ **manner in** which the State Board of Equalization must provide notice of a proposed increase in the valuation of property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Equalization is required to give notice to interested persons if it proposes to increase the valuation of any property on the assessment roll. (NRS 361.395) This bill ~~[limits]~~ **requires** the Board to give notice ~~[only]~~ **: (1) by first-class mail to interested persons if the Board proposes to increase the property values of a class or group of properties; and (2) by registered or certified mail** to interested persons **if the Board proposes to increase property values** in a proceeding to resolve an appeal or other complaint before the Board **.** ~~[.]~~ **pursuant to NRS 361.360, 361.400 or 361.403.**

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

Section 1. NRS 361.395 is hereby amended to read as follows:

361.395 1. During the annual session of the State Board of Equalization beginning on the fourth Monday in March of each year, the State Board of Equalization shall:

(a) Equalize property valuations in the State.

(b) Review the tax rolls of the various counties as corrected by the county boards of equalization thereof and raise or lower, equalizing and establishing the taxable value of the property, for the purpose of the valuations therein established by all the county assessors and county boards of equalization and the Nevada Tax Commission, of any class or piece of property in whole or in part in any county, including those classes of property enumerated in NRS 361.320.

2. If the State Board of Equalization ~~*[, in a proceeding to resolve an appeal or other complaint before the Board,]*~~ proposes to increase the valuation of any property on the assessment roll **.** ~~[,]~~ **:**

(a) Pursuant to paragraph (b) of subsection 1, it shall give 10 days' notice to interested persons by first-class mail.

(b) In a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403, it shall give 10 days' notice to interested persons by registered or certified mail or by personal service. ~~[The]~~

➥ ***A*** notice ***provided pursuant to this subsection*** must state the time when and place where the person may appear and submit proof concerning the valuation of the property. A person waives the notice requirement if he or she personally appears before the Board and is notified of the proposed increase in valuation.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 69.

Bill read second time.

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

Amendment No. 74.

SUMMARY— ~~[Requires]~~ **Revises provisions governing the location of** a crematory for human remains **.** ~~[to be located in a certain area.]~~ (BDR 40-25)

AN ACT relating to crematories; ~~[requiring]~~ **revising provisions governing the location of** a crematory for human remains **;** ~~[to be located in a certain area;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not cremate any human remains except in a crematory whose operator is licensed by the Nevada State Funeral Board. (NRS 451.635) Existing law further provides that a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location of the crematory is zoned for commercial or industrial use or at any other location where local zoning permits. (NRS 451.645) **Section 1** of this bill imposes an additional ~~[requirement]~~ **restriction** upon the operation of a crematory **that is proposed to be located in an incorporated city whose population is 60,000 or more (currently Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or in an unincorporated town that is contiguous to such an incorporated city** by prohibiting ~~[a person from cremating any human remains in the crematory unless the crematory is located in an area which is zoned for industrial use and which is at least 1,000 feet from any area which is not zoned for that use.]~~ **the Board from issuing a license to the applicant unless the proposed location of all structures associated with the crematory are: (1) in an area which is zoned for mixed, commercial or industrial use; and (2) at least 1,500 feet from the boundary line of any parcel zoned for residential use.** **Section 1** also requires the Board to examine the location of ~~[such]~~ a crematory when issuing a license to the operator of the crematory **~~[.]~~ to determine whether any restriction relating to the location of the crematory is applicable.** **Section 2** of this bill ~~[revises]~~ **makes** the ~~[requirements for the operation of]~~ **additional restriction relating to the location of a crematory apply to** a crematory which is **proposed to be erected** on or adjacent to a cemetery or funeral home ~~[by requiring the crematory to be in a location specified in section 1.]~~ **in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated**

city. Section 3 of this bill provides that the new ~~[requirements for the operation of a crematory for human remains do]~~ **restriction relating to the location of a crematory does** not apply to a crematory whose operator is the holder of a license issued or renewed by the Board before October 1, 2013.

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

Section 1. NRS 451.635 is hereby amended to read as follows:

451.635 1. No person may cremate human remains except in a crematory whose ~~*[:*~~

~~*(a) That is located in an area which is zoned for industrial use and which is at least 1,000 feet from any area which is not zoned for that use; and*~~

~~*(b) Whose]*~~ operator is licensed by the Nevada State Funeral Board.

2. ***If a crematory is proposed to be located in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city, the Board shall not issue a license to the applicant unless the proposed location of all structures associated with the crematory are:***

(a) In an area which is zoned for mixed, commercial or industrial use; and

(b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

3. The Board shall prescribe and furnish forms for application for licensing. An application must be in writing and contain:

(a) The name and address of the applicant and the location or proposed location of the crematory;

(b) A description of the structure and equipment to be used in operating the crematory; and

(c) Any further information that the Board may reasonably require.

~~[3.]~~ ***4.*** An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

~~[4.]~~ ***5.*** The Board shall examine the ~~*[location,]*~~ structure and equipment ***and, if applicable, the location*** and shall issue the license if:

(a) It appears that the proposed operation will meet the requirements of NRS 451.600 to 451.715, inclusive; and

(b) The applicant has paid all fees related to the application.

~~[5.]~~ ***6.*** If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

Sec. 2. NRS 451.645 is hereby amended to read as follows:

451.645 1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. ~~[A]~~ ***Except as otherwise provided in subsection 2 of NRS 451.635, a*** crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. ~~*[crematory is in a location specified in NRS 451.635.]*~~ A crematory must conform to all local building codes and environmental standards.

3. The operator of a crematory may contract with or employ a licensed funeral director to:

(a) Deal with the public in arranging for cremations;

(b) Transport human remains to the crematory; or

(c) Distribute, fill out or obtain the return of necessary papers.

➥ This subsection does not require the performance of any act by a licensed funeral director unless other law requires that such an act be performed only by him or her.

Sec. 3. The amendatory provisions of this act do not apply to a crematory which has been lawfully and continuously operated as a crematory since before October 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 36.

AN ACT relating to property tax; revising provisions governing the publication of property tax rolls **;** ~~[in larger counties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county assessor is required to prepare and publish in a newspaper of general circulation in the county a list of all the taxpayers on the secured roll in the county and the total value of the property on which they pay taxes ~~[.]~~ **or print and deliver or mail such a list and valuations to each taxpayer in the county.** (NRS 361.300) This bill ~~[provides that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the]~~ **authorizes a board of county commissioners to direct the** county assessor ~~[may]~~ **to** publish this list ~~[in a newspaper of general circulation or]~~ **and valuations** on an Internet website maintained by the county assessor ~~[.]~~ **or the county. This bill also authorizes a board of county commissioners to direct the county assessor in a county whose population is less than 100,000 (currently counties other than Clark and**

Washoe Counties) to make not fewer than 10 copies of this list and valuations available to the public free of charge.

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

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause ***, on or before January 1 of the fiscal year in which assessment is made,*** such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her ~~[on or before January 1 of the fiscal year in which assessment is made]~~ to each taxpayer in the county; ~~[or]~~

(2) Published once ~~[on or before January 1 of the fiscal year in which assessment is made]~~ in ~~[:~~

~~(I) In]~~ a newspaper of general circulation in the county; ***or***

~~[(II) In a county whose population is 100,000 or more,]~~

(3) Published on an Internet website that is maintained by the county assessor ~~[,]~~ ***or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county;*** and

(b) To cause ***, on or before January 1 of the fiscal year in which assessment is made,*** such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) ~~[Published]~~ ***If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published*** on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county ~~[.]~~ ***;***

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county, on or before January 1 of the fiscal year in which assessment is made, which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; and

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll ~~[is]~~ ***will be*** available for inspection ***on or before January 1***

as specified in paragraph (b) of subsection 3 ~~[.]~~ ***and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax roll may be accessed or retrieved.*** If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

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

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 80.

Bill read second time.

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

Amendment No. 10.

SUMMARY—Creates the Task Force on Alzheimer's Disease within ~~[the Health Division of]~~ the Department of Health and Human Services. (BDR 40-546)

AN ACT relating to public health; creating the Task Force on Alzheimer's Disease within ~~[the Health Division of]~~ the Department of Health and Human Services; providing for its membership; setting forth the powers and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Concurrent Resolution No. 10 of the 2011 Legislative Session directed the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease and to submit the state plan to the 77th Session of the Nevada Legislature. (File No. 42, Statutes of Nevada 2011, p. 3868) **Section 5** of this bill creates the Task Force on Alzheimer's Disease within ~~[the Health Division of]~~ the Department of Health and Human Services and sets forth the composition of the Task Force. **Section 7** of this bill requires the Task Force to take certain actions to carry out the state plan that was developed pursuant to Assembly Concurrent Resolution No. 10, including, without limitation, reviewing and revising the state plan as necessary and researching and reviewing any other issues relevant to Alzheimer's disease.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"State plan" means the state plan to address Alzheimer's disease developed pursuant to section 7 of this act.***

Sec. 4. ***"Task Force" means the Task Force on Alzheimer's Disease created by section 5 of this act.***

Sec. 5. ***1. The Task Force on Alzheimer's Disease is hereby created within the ~~[Health Division.]~~ Department of Health and Human Services.***

2. The Director shall appoint to the Task Force the following ~~[seven]~~ eight voting members:

(a) A representative from an association that provides services to persons with Alzheimer's disease;

(b) A medical professional with expertise in cognitive disorders;

(c) A representative of caregivers for persons with cognitive disorders;

(d) A representative of the Nevada System of Higher Education with expertise in cognitive disorders;

(e) A representative of providers of service for persons with cognitive disorders;

(f) A representative from a rural area of this State;

[(f)] (g) A representative from the Department; and

[(g)] (h) A member at large.

3. The Legislative Commission shall appoint to the Task Force the following two voting members:

(a) One member of the Senate; and

(b) One member of the Assembly.

4. After the initial terms, the members of the Task Force serve terms of 2 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation, except that each member is entitled, while engaged in the business of the Task Force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

6. Not later than 30 days after appointment, each member of the Task Force appointed pursuant to subsection 2 shall nominate two persons to serve as his or her alternate members and submit the names of the persons nominated to the Director for appointment. An alternate member shall serve as a voting member of the Task Force when the appointed member who nominated the alternate is disqualified or unable to serve.

Sec. 6. *1. The members of the Task Force shall elect a Chair and a Vice Chair by a majority vote. After the initial election, the Chair and Vice Chair serve for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Task Force shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.*

2. The members of the Task Force shall meet at least once each quarter at the call of the Chair. The Task Force shall prescribe regulations for its own management and government.

3. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

4. Each member of the Task Force who is appointed pursuant to subsection 2 of section 5 of this act serves at the pleasure of the Director.

Sec. 7. *1. The Task Force shall:*

(a) Develop a state plan to address Alzheimer's disease;

(b) Monitor the progress in carrying out the state plan;

(c) Review and revise the state plan as necessary;

(d) Develop and prioritize the actions necessary to carry out the state plan;

(e) Research and review any other issues that are relevant to Alzheimer's disease; and

(f) On or before February 1 of each year, prepare and submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning its findings and recommendations.

2. For the purpose of carrying out the provisions of sections 2 to 7, inclusive, of this act, the Department:

(a) Shall provide the personnel, facilities, equipment and supplies required by the Task Force;

(b) May accept any gifts, grants and donations; and

(c) May enter into contracts and award grants.

Sec. 8. As soon as practicable after July 1, 2013, the appointed members of the Task Force on Alzheimer's Disease created by section 5 of this act must be appointed to initial terms as follows:

1. The Director of the Department of Health and Human Services shall appoint:

(a) ~~[Three]~~ **Four** members pursuant to subsection 2 of that section to initial terms that expire on June 30, 2014; and

(b) Four members pursuant to subsection 2 of that section to initial terms that expire on June 30, 2015; and

2. The Legislative Commission shall appoint:

(a) One member pursuant to subsection 3 of that section to an initial term that expires on June 30, 2014; and

(b) One member pursuant to subsection 3 of that section to an initial term that expires on June 30, 2015.

Sec. 9. For the purposes of this act, the state plan developed pursuant to Assembly Concurrent Resolution No. 10, File No. 42, Statutes of Nevada 2011, p. 3868, shall be deemed to be the initial state plan to address Alzheimer's disease required by section 7 of this act.

Sec. 10. This act becomes effective on July 1, 2013, and expires by limitation on June 30, 2017.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 29.

SUMMARY—Revises provisions governing evidence in certain court proceedings. (BDR ~~[5-78)]~~ **11-78)**

AN ACT relating to evidence; ~~[prohibiting a juvenile court from receiving evidence of the previous sexual conduct of a victim of a sexual assault;]~~ prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the protection of children; **prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the termination of parental rights;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that in a criminal proceeding involving a defendant who is an adult, a defendant accused of sexual assault or attempt or conspiracy to commit such a crime is prohibited from presenting evidence of any previous sexual conduct of the victim to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct. (NRS 50.090) **Section 1** of this bill prohibits the introduction of such evidence in a juvenile court proceeding.]~~

Existing law ~~[also]~~ provides that evidence may be presented in certain civil proceedings related to the protection of children. (Chapter 432B of NRS) **Section 2** of this bill ~~[similarly]~~ prohibits, in any proceeding related to the protection of children, the introduction of evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the child's attorney has presented evidence or the child has testified concerning such conduct. **Section 1.5 of this bill similarly prohibits the introduction of such evidence in proceedings regarding the termination of parental rights.**

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

Section 1. ~~[NRS 62D.420 is hereby amended to read as follows:~~

~~62D.420 1. [In] *Except as otherwise provided in subsection 2, in* each proceeding conducted pursuant to the provisions of this title, the juvenile court may:~~

~~(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and~~

~~(b) Rely on such evidence to the extent of its probative value.~~

~~2. *In any prosecution for a delinquent act that would constitute the offense of sexual assault or attempt or conspiracy to commit sexual assault if the delinquent act were committed by an adult, the accused may not*~~

~~*present evidence of any previous sexual conduct of the victim of the delinquent act to challenge the victim's credibility as a witness unless the district attorney has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused's cross-examination of the victim or rebuttal must be limited to the evidence presented by the district attorney or victim.*~~

~~*3.* The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.~~

~~**[**3.**]** *4.* In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.~~

~~**[**4.**]** *5.* Except when a record described in subsection **[**3**]** *4* would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection **[**3**]** *4* to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection **[**3.**]** *4.* Except as otherwise provided in subsection **[**5,**]** *6,* such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.~~

~~**[**5.**]** *6.* The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection **[**3.~~

~~6.**]** *4.*~~

~~*7.* As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.**]**~~ **(Deleted by amendment.)**

Sec. 1.5. **Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:**

In any proceeding held pursuant to this chapter involving a child who has been the subject of a proceeding pursuant to chapter 432B of NRS, a party may not present evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the attorney for the child has first presented evidence or the child has testified concerning such conduct, or the absence of such conduct, on direct examination by the district attorney or the attorney for the child, in which case the scope of the cross-examination of the child or rebuttal must be limited to the evidence presented by the child's attorney or the child.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

In any proceeding held pursuant to this chapter, a party may not present evidence of any previous sexual conduct of a child to challenge the child's credibility as a witness unless the attorney for the child has first presented evidence or the child has testified concerning such conduct, or the absence of such conduct, on direct examination by the district attorney or the attorney for the child, in which case the scope of the cross-examination of the child or rebuttal must be limited to the evidence presented by the child's attorney or the child.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 66.

AN ACT relating to criminal procedure; requiring certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military **[.] if funds are available for the establishment of such a program; requiring a district court to consider the facts and circumstances surrounding the offense committed by an offender eligible for such a program in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district court may establish an appropriate program for the treatment of certain offenders who are veterans and members of the military. (NRS 176A.280) **[This] Section 1 of this** bill requires **, to the extent that funds are available,** a district court in a county whose population is 700,000 or more (currently Clark County) to establish such a program. A district court in a county whose population is less than 700,000 (currently all counties other than Clark County) retains the option to establish such a program.

Existing law authorizes a district court to place certain offenders who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of such a program. However, the court may not assign an offender to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the offender involved the use or threatened use of force or violence; or (2) the offender was previously

convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Section 1.5 of this bill provides that in determining whether an offense involved the use or threatened use of force or violence, the court must consider the facts and circumstances surrounding the offense, including, without limitation, whether the offender intended to place another person in reasonable apprehension of bodily harm.

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

Section 1. NRS 176A.280 is hereby amended to read as follows:

176A.280 ~~[A]~~

1. In a county whose population is 700,000 or more, a court ~~[may]~~ ***shall , to the extent that funds are available,*** establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290.

2. In a county whose population is less than 700,000, a court may establish a program described in subsection 1.

3. The assignment ***of a defendant to a program established pursuant to this section*** must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 1.5. **NRS 176A.290 is hereby amended to read as follows:**

176A.290 1. Except as otherwise provided in subsection 2, if a defendant who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as described in NRS 176A.285 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. ***For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the court***

shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

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

Amendment No. 14.

AN ACT relating to contracts; ~~[revising provisions governing the use of purchasing contracts by governmental entities and the circumstances under which]~~ **prohibiting a local government, the Administrator of the Purchasing Division of the Department of Administration and** a board of trustees of a school district ~~[may join in contracts with another school~~

~~district;~~ **from joining, using or entering into certain contracts or agreements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) a local government and the State of Nevada to join or use contracts of local governments located within this State or another state if authorized by the contracting vendor; and (2) a local government to join or use the contracts of the State of Nevada or another state if authorized by the contracting vendor. (NRS 332.195) **Existing law also authorizes the Administrator of the Purchasing Division of the Department of Administration to enter into an agreement for supplies, materials or equipment with a vendor who has entered into an agreement with the federal General Services Administration or certain other governmental agencies under certain circumstances. (NRS 333.480)** Existing law ~~[also]~~ **further** provides that, if a board of trustees of a school district enters into an agreement with another school district for the consolidation or sharing of services, functions or personnel, the board of trustees may join in any applicable contracts of the other school district. (NRS 386.353) This bill ~~[exempts]~~ **prohibits a local government, the Administrator and the board of trustees of a school district** from **joining, using or entering into a contract or agreement pursuant to** those provisions ~~[contracts for which]~~ **if** a license issued pursuant to chapter 624 of NRS governing contractors is required ~~[.]~~ **for any portion of the contract or agreement.**

Existing law provides that any contract for the purchase of any supplies, materials or equipment by any state officer, department, institution, board, commission or agency is void if it is contrary to the statutory and regulatory provisions governing state purchasing. Existing law further provides that the head of the using agency and the employee who entered into such a contract are personally liable for the costs of the supplies, materials or equipment. (NRS 333.810) Section 2 of this bill makes this provision applicable to an agreement entered into by the Administrator which is contrary to the amendatory provisions of that section.

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

Section 1. NRS 332.195 is hereby amended to read as follows:

332.195 1. ***Except as otherwise provided in this section:***

(a) A governing body or its authorized representative and the State of Nevada may join or use the contracts of local governments located within or outside this State with the authorization of the contracting vendor. The originally contracting local government is not liable for the obligations of the governmental entity which joins or uses the contract.

~~[2.]~~ ***(b)*** A governing body or its authorized representative may join or use the contracts of the State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which joins or uses the contract.

~~*[3. The provisions of this section do not apply to contracts for which]*~~

2. A governing body or its authorized representative or the State of Nevada shall not join or use a contract pursuant to this section if a contractor's license issued pursuant to chapter 624 of NRS is required ~~*[.]*~~ ***for any portion of the work to be performed under the contract.***

Sec. 2. **NRS 333.480 is hereby amended to read as follows:**

333.480 ~~[The]~~ ***1. Except as otherwise provided in subsection 2, the*** Administrator may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the Executive Department of the State Government, volunteer fire departments, local governments as defined in NRS 354.474, conservation districts or irrigation districts of the State of Nevada, any supplies, materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in NRS 354.474, conservation districts or irrigation districts that may be available pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another governmental agency dealing in supplies, materials, equipment or donable surplus material if:

~~[1.]~~ ***(a)*** The prices for the supplies, materials or equipment negotiated in the agreement that the Administrator enters into with the vendor are substantially similar to the prices for those supplies, materials or equipment that the vendor had negotiated with the General Services Administration or other governmental agency; and

~~[2.]~~ ***(b)*** The Administrator determines that such an agreement would be in the best interests of the State.

2. The Administrator shall not enter into an agreement pursuant to subsection 1 if a contractor's license issued pursuant to chapter 624 of NRS is required for any portion of the agreement.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 386.353 is hereby amended to read as follows:

386.353 1. The board of trustees of each school district in this State shall determine whether any services, functions or personnel may be feasibly consolidated or shared with one or more other school districts in this State. Services, functions or personnel that the board of trustees may consolidate or share with another school district include, without limitation:

(a) Purchasing;
(b) Accounting;
(c) Recruiting;
(d) Transportation;
(e) Chief financial officer;
(f) Human resources director; and
(g) Superintendent of schools.

2. Based on the determination made pursuant to subsection 1, the board of trustees may consolidate or share any service, function or personnel with another school district. Nothing in this section requires a board of trustees of a school district to enter into a cooperative agreement for the consolidation or sharing of services, functions or personnel with one or more school districts. The board of trustees may establish any cost-effective and efficient method for the sharing or consolidation of services or personnel.

3. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the board of trustees enters into an agreement with one or more school districts for the consolidation or sharing of services, functions or personnel, the board of trustees may join in any applicable contracts of the other school district. ~~*[The provisions of this subsection do not apply to contracts for which]*~~ ***The board of trustees shall not join in a contract pursuant to this subsection if a contractor's license issued pursuant to chapter 624 of NRS is required*** ~~*[.]*~~ ***for any portion of the work to be performed under the contract.***

4. The Committee on Local Government Finance created pursuant to NRS 354.105 shall adopt such regulations that are necessary or proper to assist the boards of trustees in carrying out the provisions of this section. Such regulations must include, without limitation:

(a) Procedures and guidelines for how boards of trustees may efficiently and effectively consolidate or share services, functions and personnel with other school districts. Such procedures and guidelines should provide direction to the boards of trustees on ways to prepare contracts or other agreements necessary to implement the provisions of this section.

(b) In the case of sharing personnel with other school districts, procedures for sharing the costs of the payment of premiums or contributions for employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

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

Amendment No. 62.

AN ACT relating to pharmacy; requiring **, with limited exceptions,** a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication in every circumstance where a generic drug is substituted for a drug prescribed by brand name **[.] unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.**

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

Section 1. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner **[**:

~~1. Shall note~~**]** ***shall:***

1. ***Note*** the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. **[**~~Unless prohibited by the practitioner, may indicate~~**]** ***Indicate*** the substitution by writing or typing on the label the words "substituted for" ***, or substantially similar language,*** following the generic name and preceding the brand name of the drug **[.]** ***unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.***

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

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 53.

AN ACT relating to watercraft; exempting a person from the payment of a fee for the management of an aquatic invasive species under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not operate a vessel on the waters of this State without paying to the Department of Wildlife an aquatic invasive species fee and displaying on the vessel a decal issued by the Department as evidence of payment. (NRS 488.536) This bill exempts a person from the requirement to pay the fee and display the decal on the vessel if the person operates the vessel on the waters of: (1) the Colorado River, Lake Mead or Lake Mohave and, as determined by the Department, the vessel is registered in Arizona and ~~[the person has paid a fee]~~ **Arizona has a program in effect** for the management of aquatic invasive species **;** ~~[in Arizona;]~~ or (2) Lake Tahoe or Topaz Lake and, as determined by the Department, the vessel is registered in California and ~~[the person has paid a fee]~~ **California has a program in effect** for the management of aquatic invasive species **.** ~~[in California.]~~

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

Section 1. NRS 488.536 is hereby amended to read as follows:

488.536 1. ~~[A]~~ ***Except as otherwise provided in subsection 6, a*** person shall not operate a vessel on the waters of this State unless the person has:

(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.

4. The Commission shall establish by regulation an aquatic invasive species fee, which:

(a) For a motorboat which is owned or operated by a person who is a resident of this State, must not exceed $10;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, must not exceed $5;

(c) For a motorboat which is owned or operated by a nonresident of this State, must be $20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, must be $10.

5. The aquatic invasive species fee established pursuant to subsection 4 must be paid annually for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife Fund Account in the State General Fund and used by the Department for enforcement of this section, NRS 488.530, 488.533 and 503.597 and for education about and management of aquatic invasive species.

6. The provisions of this section do not apply to a person who operates a vessel on the waters of:

(a) The Colorado River, Lake Mead or Lake Mohave if, as determined by the Department, the vessel is registered in Arizona and ~~[the person has paid a fee]~~ Arizona has a program in effect for the management of aquatic invasive species ; ~~[in Arizona;]~~ or

(b) Lake Tahoe or Topaz Lake if, as determined by the Department, the vessel is registered in California and ~~[the person has paid a fee]~~ California has a program in effect for the management of aquatic invasive species . ~~[in California.]~~

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time and ordered to third reading.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 73.

AN ACT relating to public health; renaming the Advisory Council on the State Program for Fitness and Wellness as the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease; expanding the membership of the Advisory Council; revising the duties of the Advisory Council and the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division of the Department of Health and Human Services is required to establish, within the limits of available money, the State Program for Fitness and Wellness and the Advisory Council on the State Program for Fitness and Wellness. The purpose of the Advisory Council is to advise and make recommendations to the Health Division concerning the Program. (NRS 439.517, 439.518) **Section 3** of this bill changes the name of the Program to the State Program for Wellness and the Prevention of Chronic Disease, and **section 4** of this bill makes the corresponding change to the name of the Advisory Council. **Section 4** also increases the membership of the Advisory Council by adding ~~[three]~~ **two** additional representatives of organizations committed to the prevention and treatment of chronic diseases **,** ~~[and]~~ one representative of a local health authority **[.] and one representative of the Nevada System of Higher Education.** (NRS 439.518) **Section 5** of this bill limits the service of the members of the Advisory Council to not more than two additional, consecutive terms of 2 years each. (NRS 439.519) **Section 6** of this bill revises the duties of the Health Division in various ways, including requiring the Health Division, with the advice and recommendations of the Advisory Council, to prepare burden reports that quantify the impact of certain health problems and chronic diseases on Nevada. (NRS 439.521)

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

Section 1. NRS 439.515 is hereby amended to read as follows:

439.515 "Advisory Council" means the Advisory Council on the State Program for ~~[Fitness and]~~ Wellness ~~[.]~~ ***and the Prevention of Chronic Disease.***

Sec. 2. NRS 439.516 is hereby amended to read as follows:

439.516 "Program" means the State Program for ~~[Fitness and]~~ Wellness ~~[.]~~ ***and the Prevention of Chronic Disease.***

Sec. 3. NRS 439.517 is hereby amended to read as follows:

439.517 Within the limits of available money, the Health Division shall establish the State Program for ~~[Fitness and]~~ Wellness ***and the Prevention of Chronic Disease*** to increase public knowledge and raise public awareness relating to ~~[physical fitness and]~~ wellness ***and chronic diseases*** and to educate the residents of this State ~~[on matters relating to physical fitness and wellness, including, without limitation:]~~ ***about:***

1. ~~[Programs for physical fitness;~~

~~2. Nutrition; and~~

~~3.~~] ***Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and***

2. The prevention of [~~obesity,~~] chronic diseases [~~and other diseases.~~] ***, including, without limitation, asthma, cancer, diabetes, cardiovascular disease and oral disease.***

Sec. 4. NRS 439.518 is hereby amended to read as follows:

439.518 1. Within the limits of available money, the Health Division shall establish the Advisory Council on the State Program for [~~Fitness and~~] Wellness ***and the Prevention of Chronic Disease*** to advise and make recommendations to the Health Division concerning the Program.

2. The Administrator shall appoint to the Advisory Council the following [~~nine~~] ***13*** voting members:

(a) The State Health Officer or the designee of the State Health Officer;

(b) The Superintendent of Public Instruction or the designee of the Superintendent;

(c) One representative of the health insurance industry;

(d) One provider of health care;

(e) One representative of the Nevada Association for Health, Physical Education, Recreation and Dance or its successor organization;

(f) [~~One representative~~] ~~*[Four]*~~ ***Three representatives*** of [~~an organization~~] ***organizations*** committed to the prevention ***and treatment*** of chronic diseases;

(g) One registered dietitian;

(h) One representative who is a member of a racial or ethnic minority group appointed from a list of persons submitted to the Administrator by the Advisory Committee of the Office of Minority Health within the Office for Consumer Health Assistance of the Department; [~~and~~]

(i) One representative of private employers in this State who has experience in matters relating to employment and human resources [~~.~~] ***;*** ~~*[and]*~~

(j) One representative of a local health authority ~~*[.]*~~ ***; and***

(k) One representative of the Nevada System of Higher Education from a list of persons submitted to the Administrator by the Board of Regents of the University of Nevada.

3. The Legislative Commission shall appoint to the Advisory Council the following two voting members:

(a) One member of the Senate; and

(b) One member of the Assembly.

4. A majority of the voting members of the Advisory Council may appoint nonvoting members to the Advisory Council.

Sec. 5. NRS 439.519 is hereby amended to read as follows:

439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed ~~[.]~~ ***to serve not more than two additional, consecutive terms.***

2. A majority of the voting members of the Advisory Council shall select a Chair and a Vice Chair of the Advisory Council.

3. A majority of the voting members of the Advisory Council may:

(a) Appoint committees or subcommittees to study issues relating to ~~[physical fitness and]~~ wellness ~~[.]~~ ***and the prevention of chronic disease.***

(b) Remove a nonlegislative member of the Advisory Council for failing to carry out the business of, or serve the best interests of, the Advisory Council.

4. The Health Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.

5. A majority of the voting members of the Advisory Council constitutes a quorum to transact all business, and a majority of those voting members present, physically or via telecommunications, must concur in any decision.

6. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chair or a majority of the voting members of the Advisory Council quarterly or as is necessary.

7. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6. NRS 439.521 is hereby amended to read as follows:

439.521 To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Health Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

1. ~~[Establish a solid scientific database of the most current information on]~~ ***Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of*** physical fitness, ***poor*** nutrition ~~[and the prevention of]~~ ***, tobacco use and exposure to tobacco smoke,*** obesity, chronic diseases and other diseases, ***as determined by the Health Division,*** using ***the most recent*** information obtained through surveillance, epidemiology and research ***.*** ~~[, and use the database in carrying out the Program.]~~ ***As used in this subsection, "burden report" means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Health Division.***

2. Identify ***,*** ~~[and]~~ review ~~[,]~~ ***and encourage,*** in coordination with the Department of Education, ***the Nevada System of Higher Education and other appropriate state agencies,*** existing ***evidence-based*** programs related to nutrition ***,*** ~~[and]~~ physical fitness ~~[,]~~ ***and tobacco prevention and cessation,*** including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

3. ~~[Encourage local community efforts to increase opportunities for physical fitness.~~

~~4.]~~ Develop ***, promote*** and coordinate ~~[a]~~ ***recommendations for*** model ~~[program for proper]~~ ***and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:***

(a) Proper nutrition, physical fitness and health ~~[for implementation by state employees and agencies.~~

~~5. Develop and coordinate, in cooperation with the Department of Education, recommendations for model programs to encourage proper nutrition, physical fitness and health in the schools of this State, including, without limitation, physical fitness testing which can be administered through the schools.~~

~~6. Develop and coordinate recommendations for model programs that would encourage proper nutrition, physical fitness and health]~~ among the residents of this State, including, without limitation, parents and children, senior citizens ***, high-risk populations*** and persons with special needs ~~[.~~

~~7.]~~ ***; and***

(b) Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

4. Assist on projects within this State as requested by, and in coordination with, the President's Council on ~~[Physical]~~ Fitness ***,*** ~~[and]~~ Sports ~~[.~~

~~8.]~~ ***and Nutrition.***

5. Identify and review methods for reducing health care costs associated with ***tobacco use and exposure to tobacco smoke,*** obesity, chronic diseases and other diseases ~~[.~~

~~9. Identify and review methods for increasing the effectiveness and efficiency of the workforce of this State.~~

~~10.]~~ ***, as determined by the Health Division.***

6. Maintain a website to provide information ***and resources*** on nutrition, physical fitness, health, wellness and the prevention of obesity and chronic diseases.

~~[11. Provide educational materials and information on research concerning matters relating to physical fitness, wellness, and the prevention of obesity, chronic diseases and other diseases, including, without limitation, materials and information concerning programs and services available to the public and strategies for achieving and maintaining physical fitness and preventing obesity, chronic diseases and other diseases.~~

~~12.]~~ ***7.*** Solicit information from and, to the extent feasible, coordinate its efforts with:

(a) Other governmental agencies;

(b) National health organizations and their local and state chapters;

(c) Community and business leaders;

(d) Community organizations;

(e) Providers of health care;

(f) Private schools; and

(g) Other persons who provide services relating to ***tobacco use and exposure,*** physical fitness and wellness and the prevention of obesity, chronic diseases and other diseases.

8. Establish, maintain and enhance statewide chronic disease surveillance systems.

9. Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other publications that highlight chronic diseases and the key risk factors of those diseases.

10. Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

11. Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

(a) Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

(b) Oral screenings; and

(c) Tobacco cessation counseling.

12. Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

13. Review and revise the Program as needed.

Sec. 7. NRS 439.522 is hereby amended to read as follows:

439.522 The Health Division may, within the limits of available money, hold public hearings at such times and places as it determines necessary to

provide the general public and representatives of governmental agencies and organizations interested in the Program or issues affecting ~~[physical fitness and]~~ wellness ***and the prevention of chronic disease*** an opportunity to present relevant information and recommendations.

Sec. 8. Notwithstanding the provisions of subsection 1 of NRS 439.519, as amended by section 5 of this act:

1. The term of the member of the Advisory Council on the State Program for Fitness and Wellness appointed pursuant to paragraph (f) of subsection 2 of NRS 439.518 before July 1, 2013, expires on that date.

2. As soon as practicable after July 1, 2013, the Administrator of the Health Division of the Department of Health and Human Resources shall appoint to the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease:

(a) Two members pursuant to paragraph (f) of subsection 2 of NRS 439.518, as amended by section 4 of this act, to initial terms of 4 years;

(b) ~~[Two members]~~ **One member** pursuant to ~~[that paragraph,]~~ **paragraph (f) of subsection 2 of NRS 439.518,** as amended by ~~[that section,]~~ **section 4 of this act,** to **an** initial ~~[terms]~~ **term** of 2 years; ~~[and]~~

(c) ~~[The]~~ **One** member ~~[required]~~ pursuant to paragraph (j) of subsection 2 of NRS 439.518, as amended by section 4 of this act, to an initial term of 2 years ~~[.]~~ **; and**

(d) One member pursuant to paragraph (k) of subsection 2 of NRS 439.518, as amended by section 4 of this act, to an initial term of 4 years.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 30.

AN ACT relating to the advanced practice of nursing; replacing the term "advanced practitioner of nursing" with "advanced practice registered nurse"; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of

nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses. **Section 1.5 of this bill authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board. Section 39** of this bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse.

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

Section 1. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, certified registered nurse anesthetist or an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 1.5. **Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Board may require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Sec. 2. NRS 632.012 is hereby amended to read as follows:

632.012 "Advanced ~~[~~practitioner of nursing"~~]~~ ***practice registered nurse"*** means a registered nurse who:

1. Has specialized skills, knowledge and experience; and

2. Is ~~[authorized]~~ ***licensed*** by the Board to provide services in addition to those that other registered nurses are authorized to provide.

Sec. 3. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 4. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 5. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~[practitioner of nursing;]~~ ***practice registered nurse;*** or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~[~~practitioner of nursing.~~]~~ ***practice registered nurse.***

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced ~~[~~practitioner of nursing.~~]~~ ***practice registered nurse.***

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~[~~grant a certificate of recognition~~]~~ ***issue a license to practice*** as an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices,

➥ and who meets the other requirements established by the Board for such ~~[~~certification.~~]~~ ***licensure.***

2. An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices **. [**~~,~~

~~➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.~~]**

3. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for **[**~~certification~~**]** ***licensure*** as an advanced **[**~~practitioner of nursing.~~**]** ***practice registered nurse.***

(b) Delineating the authorized scope of practice of an advanced **[**~~practitioner of nursing.~~**]** ***practice registered nurse.***

(c) Establishing the procedure for application for **[**~~certification~~**]** ***licensure*** as an advanced **[**~~practitioner of nursing.~~**]** ***practice registered nurse.***

Sec. 7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may **[**~~grant a certificate of recognition~~**]** ***issue a license to practice*** as an advanced **[**~~practitioner of nursing~~**]** ***practice registered nurse*** to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection 4, submits proof that he or she is certified as an advanced **[**~~practitioner of nursing~~**]** ***practice registered nurse*** by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such **[**~~certification.~~**]** ***licensure.***

2. An advanced **[**~~practitioner of nursing~~**]** ***practice registered nurse*** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices **. [**~~,~~**]**

➥ **[**~~pursuant to a protocol approved by a collaborating physician. A protocol must not include and an~~**]** ***An*** advanced **[**~~practitioner of nursing~~**]** ***practice registered nurse*** shall not engage in any diagnosis, treatment or other conduct which the advanced **[**~~practitioner of nursing~~**]** ***practice registered nurse*** is not qualified to perform.

3. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for ~~[~~certification~~]~~ ***licensure*** as an advanced ~~[~~practitioner of nursing.~~]~~ ***practice registered nurse.***

(b) Delineating the authorized scope of practice of an advanced ~~[~~practitioner of nursing.~~]~~ ***practice registered nurse.***

(c) Establishing the procedure for application for ~~[~~certification~~]~~ ***licensure*** as an advanced ~~[~~practitioner of nursing.~~]~~ ***practice registered nurse.***

4. The provisions of paragraph (b) of subsection 1 do not apply to an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who obtains a ~~[~~certificate of recognition~~]~~ ***license*** before July 1, 2014.

Sec. 8. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

(a) Orally;

(b) Topically;

(c) By the use of drops in the eye, ear or nose;

(d) Vaginally;

(e) Rectally;

(f) Transdermally; and

(g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:

(a) Receive, have access to or administer any controlled substance;

(b) Administer parenteral or enteral medications;

(c) Administer any substances by nasogastric or gastronomy tubes;

(d) Calculate drug dosages;

(e) Destroy medication;

(f) Receive orders, either in writing or verbally, for new or changed medication;

(g) Transcribe orders from medical records;

(h) Order or administer initial medications;

(i) Evaluate reports of medication errors;

(j) Perform treatments;

(k) Conduct patient assessments or evaluations;

(l) Engage in teaching activities for patients; or

(m) Engage in any activity prohibited pursuant to subsection 4.

4. The Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified.

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	$45	$100
Application for license to practice practical nursing	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for ~~[recognition]~~ ***a license to practice*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse***	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of ~~[recognition]~~ ***a license to practice*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50

Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 10. NRS 637A.243 is hereby amended to read as follows:

637A.243 1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** licensed pursuant to ~~[chapter 632 of NRS,]~~ ***NRS 632.237,*** an audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) The hearing aid specialist has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

Sec. 11. NRS 639.0015 is hereby amended to read as follows:

639.0015 "Advanced ~~[~~practitioner of nursing"~~]~~ ***practice registered nurse"*** means a registered nurse who holds a valid ~~[~~certificate of recognition~~]~~ ***license*** as an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** issued by the State Board of Nursing ~~[.]~~ ***pursuant to NRS 632.237.***

Sec. 12. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 13. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** may dispense controlled substances, poisons, dangerous drugs and devices if the advanced ~~[~~practitioner of nursing:~~]~~ ***practice registered nurse:***

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a ~~[~~certificate~~]~~ ***license*** issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced ~~[~~practitioners of nursing~~]~~ ***practice registered nurses*** in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced ~~[~~practitioners of nursing.~~]~~ ***practice registered nurses.***

2. The State Board of Pharmacy shall consider each application from an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** to dispense; and

(4) The practice of the advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the ~~[~~certificate~~]~~ ***license*** issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[~~certificate~~]~~ ***license*** issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Effects on the health, safety and welfare of the public; and

(e) Other factors which the Board considers important to the regulation of the practice of advanced ~~[practitioners of nursing]~~ ***practice registered nurses*** who hold certificates from the Board.

Sec. 14. NRS 639.2351 is hereby amended to read as follows:

639.2351 1. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if the advanced ~~[practitioner of nursing:]~~ ***practice registered nurse:***

(a) Is authorized to do so by the State Board of Nursing in a ~~[certificate]~~ ***license*** issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[certificate]~~ ***license*** issued by the State Board of Nursing.

Sec. 15. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

Sec. 16. NRS 640E.260 is hereby amended to read as follows:

640E.260 1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

Sec. 17. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~[practitioner of nursing]~~ ***practice registered nurse licensed pursuant to NRS 632.237*** at any location where such a physician, physician assistant or advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician ***,*** ~~[or]~~ physician assistant ~~[licensed pursuant to chapter 630 or 633 of NRS or an]~~ ***or*** advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced ~~[practitioners of nursing]~~ ***practice registered nurses*** or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 18. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced ~~[practitioner of nursing]~~ ***practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and*** who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

Sec. 19. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~[practitioner of nursing]~~ ***practice registered nurse licensed pursuant to NRS 632.237 who is*** under the supervision of a licensed physician.

Sec. 20. NRS 453.023 is hereby amended to read as follows:

453.023 "Advanced ~~[practitioner of nursing"]~~ ***practice registered nurse"*** means a registered nurse who holds a valid ~~[certificate of recognition]~~ ***license*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** issued by the State Board of Nursing ~~[.]~~ ***pursuant to NRS 632.237.***

Sec. 21. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 22. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 23. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who holds ~~[~~a certificate from the State Board of Nursing and~~]~~ a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 24. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 25. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 26. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 27. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. ~~[~~"Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

~~2.]~~ "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~[3.]~~ ***2.*** "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~[4.]~~ ***3.*** "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~[5.]~~ ***4.*** "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a license issued pursuant to NRS 633.433.

Sec. 28. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced ~~[~~practitioner of nursing,~~]~~ ***practice registered***

nurse, or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee

designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 29. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 30. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced ~~[~~practitioner of nursing,~~]~~ ***practice registered nurse,*** veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 31. NRS 454.0015 is hereby amended to read as follows:

454.0015 "Advanced ~~[~~practitioner of nursing"~~]~~ ***practice registered nurse"*** means a registered nurse who holds a valid ~~[~~certificate of recognition~~]~~ ***license*** as an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** issued by the State Board of Nursing ~~[.]~~ ***pursuant to NRS 632.237.***

Sec. 32. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who holds ~~[~~a certificate from the State Board of Nursing and~~]~~ a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

Sec. 33. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. A medication aide - certified at a designated facility under the supervision of an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, "designated facility" has the meaning ascribed to it in NRS 632.0145.

6. Except as otherwise provided in subsection 7, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

7. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

Sec. 34. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 35. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or the State Health Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 36. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:

(a) For use in the treatment of persons having asthma or diabetes.

(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.

(c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.

(d) For the injection of drugs in animals or poultry.

(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.

(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

Sec. 37. NRS 454.695 is hereby amended to read as follows:

454.695 ~~[~~1.~~]~~ An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~[~~:

~~(a) The certificates~~] ***the certificate*** he or she holds from the Board and the ***license issued by the*** State Board of Nursing **.** ~~[~~**;** ~~and~~

~~(b) The protocol which is approved by the State Board of Nursing.~~

~~2. For the purposes of this section, "protocol" means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:~~

~~(a) Patients which the advanced practitioner of nursing may serve;~~

~~(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and~~

~~(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.~~]

Sec. 38. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2, a physician or advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. A physician or advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 39. A person who, on July 1, 2013, possesses a valid certificate of recognition as an advanced practitioner of nursing that was granted on or before June 30, 2013, by the State Board of Nursing pursuant to NRS 632.237 shall be deemed to hold a license as an advanced practice registered nurse issued by the Board pursuant to NRS 632.237, as amended by section 6 of this act.

Sec. 39.5. **The provisions of this act are not intended to expand the scope of practice of an advanced practice registered nurse beyond the scope of practice delineated by the State Board of Nursing in regulations adopted pursuant to NRS 632.237 or otherwise authorized by specific statute.**

Sec. 40. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references to "advanced practitioner of nursing" are replaced with "advanced practice registered nurse."

Sec. 41. 1. This section and sections 1 to 6, inclusive, and 8 to 40, inclusive, of this act become effective on July 1, 2013.

2. Section 7 of this act becomes effective on July 1, 2014.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time and ordered to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 112.

AN ACT relating to education; requiring **, to the extent money is available,** that the automated system of accountability information for Nevada established and maintained by the Department of Education include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard **[, or has served as such and was discharged or released on or after September 11, 2001,]** **; requiring the board of trustees of each school district to take the actions necessary during the 2013-2014 school year to implement a data system which includes a unique identifier for those pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada. In part, existing law requires that the system have: (1) a system of unique identification of each pupil; (2) the capacity to track and compare the academic achievement, rate of attendance and rate of graduation of pupils over time throughout the State; and (3) the capacity to perform analyses of the results of individual pupils on assessments. (NRS 386.650) **[**This**]** **Section 1 of this** bill requires **, to the extent money is available for this purpose,** that the system include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard **. [, or has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and has been discharged or released therefrom on or after September 11, 2001.] Section 2 of this bill requires the board of trustees of each school district during the 2013-2014 school year to: (1) take the actions necessary to implement a data system which includes a unique identifier to track those pupils; and (2) submit a report on the status of the implementation of such a data system to the Legislative Committee on Education. In addition, section 2 requires the Department of Education to submit a report to the Legislative Committee on Education and the 78th Session of the Nevada Legislature on the status of the implementation of the data system required by section 1.**

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

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; ~~[and]~~

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; ***and***

(3) Which must , to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard ~~*[, or has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and has been discharged or released therefrom on or after September 11, 2001,]*~~ ***in a manner that will allow for the disaggregation of each category;***

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and

improving classroom instruction. The information must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated

system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 2. **1. During the 2013-2014 school year:**

(a) The board of trustees of each school district shall take the actions necessary to implement a data system which includes fields that will allow for a unique identifier to track pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category.

(b) The board of trustees of each school district shall submit a report to the Legislative Committee on Education concerning the status of implementing a data system as set forth in paragraph (a).

(c) The Department of Education shall submit a report to the Legislative Committee on Education concerning the status of implementing a data system which includes a unique identifier to track pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category.

2. On or before February 1, 2015, the Department of Education shall submit a report on the status of implementing the data system set forth in NRS 386.650, as amended by section 1 of this act, to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

~~[Sec. 2.]~~ ***Sec. 3.*** ~~[This]~~

1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2014.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time and ordered to third reading.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 114.

AN ACT relating to the Nevada System of Higher Education; clarifying provisions governing tuition charges assessed against certain students; providing that tuition charges must not be assessed against veterans of the Armed Forces of the United States who were honorably discharged within a certain period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges against students who are not residents of Nevada at all campuses of the Nevada System of Higher Education. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of Nevada. Existing law also provides that tuition must be free for certain students and veterans. (NRS 396.540) This bill clarifies the statutory provisions governing the assessment of tuition charges. Additionally, this bill revises the group of veterans against whom tuition charges must not be assessed by: (1) removing the requirement that such veterans were, at some point, on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State; and (2) requiring that such veterans were honorably discharged within the ~~[3]~~ **2** years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents,

to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition ***charges*** must ***not*** be ~~[free to:]~~ ***assessed against:***

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full-time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours;

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

(g) Veterans of the Armed Forces of the United States who were honorably discharged ~~[and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge.]~~ ***within the*** ~~*[3]*~~ ***2 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.***

3. The Board of Regents may grant ~~[tuitions free]~~ ***exemptions from tuition charges*** each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

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

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.
Bill read second time and ordered to third reading.

Assembly Bill No. 311.
Bill read second time and ordered to third reading.

Assembly Bill No. 352.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.
Resolution read second time.
The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:
Amendment No. 42.
ASSEMBLY JOINT RESOLUTION—Expressing the intent of the Legislature to establish a biomass industry to restore certain ecosystems on public lands.
WHEREAS, The Nevada Pinyon-Juniper Partnership estimates that currently ~~[one quarter]~~ **9 million acres** of Nevada's landscape is pinyon-juniper woodlands, with over 100,000 acres ~~[of such forest]~~ each year converting to the highest density of pinyon-juniper; and
WHEREAS, Such expanding, aging, overgrown pinyon-juniper woodlands adversely affect ~~[forest]~~ **ecosystem** health with increased disease and insect infestations, negatively impact wildlife diversity by crowding out **herbaceous vegetation and** shrubs such as sagebrush, and are highly susceptible to catastrophic fire, which adversely affects watersheds and causes erosion; and
WHEREAS, ~~[Proactive]~~ **Environmentally sound and scientifically based proactive** management of ~~[overgrown]~~ **the expansion and overgrowth of** pinyon-juniper stands may reduce fire suppression and restoration costs, reduce the introduction of invasive species such as cheat grass that are detrimental to the ecosystem, enhance the wildlife habitat for sagebrush obligate species such as greater sage grouse and mule deer, improve watershed health and reduce the risk of catastrophic wildfire by reducing high fuel loads; and
WHEREAS, Biomass from pinyon-juniper management may be used for commercial purposes, including the production of renewable energy ~~[,]~~ **and wood products,** and the promotion of ~~[that use]~~ **those uses** may strengthen communities by creating rural industries and jobs in counties whose private sector economies are affected by the dominant presence of public lands; and

WHEREAS, The Nevada Legislature recognizes the cultural importance of pinyon-juniper woodlands to Native Americans and the need for thorough consultation with tribal governments when woodland management projects are planned; and

WHEREAS, The Nevada Legislature recognizes that pinyon-juniper treatments on public land may be subject to the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq., thereby requiring public input and participation; and

WHEREAS, The federal Stewardship End Result Contracting program, most recently authorized by section 323 of Public Law No. 108-7 and set to expire on September 30, 2013, if extended by the United States Congress, may provide a valuable resource by facilitating agreements with private contractors for treatment and management of pinyon-juniper woodlands that would benefit rural communities ~~[and forest]~~ **, ecosystem resilience** and rangeland health; and

WHEREAS, It is the policy of this State to encourage participation with all levels of government and private enterprise in cooperative state, regional and national programs to assure adequate supplies of energy resources **and wood products** and markets for those energy sources ~~[,]~~ **and wood products;** and

WHEREAS, The Nevada Legislature encourages both government and private enterprise to maximize the use of indigenous energy resources **and wood products** to the extent **such use is environmentally sound and** competitively and economically feasible; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby expresses its intent to establish and encourage the creation of a biomass industry in Nevada to expand efforts to manage pinyon-juniper woodlands and restore pinyon-juniper and sagebrush ecosystems at a landscape scale on public lands **based on sound scientific principles** for the benefit of **ecosystem resiliency,** economic stability, ~~[energy]~~ production ~~[,]~~ **of biomass energy and wood products,** hydrologic function, rangeland health **,** ~~[and]~~ wildlife habitat ~~[,]~~ **and reduction of hazardous fuels;** and be it further

RESOLVED, That the Nevada Legislature hereby encourages the Congress of the United States to extend the authority of the Bureau of Land Management of the United States Department of the Interior and the United States Forest Service under section 323 of Public Law No. 108-7 to enter into stewardship contracts or agreements for management and restoration projects on public lands beyond the current expiration date, and to extend the maximum length of those stewardship contracts or agreements to 20 years; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Governor, the President of the United States,

the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Director of the Bureau of Land Management and the Chief of the United States Forest Service; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 52.

SUMMARY—Urges the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires **and repeat wildfires** in this State. (BDR R-209)

ASSEMBLY JOINT RESOLUTION—Urging the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires **and repeat wildfires** in this State.

WHEREAS, The State of Nevada is one of the states that is greatly affected by wildfires; and

WHEREAS, The wildfires in Nevada have burned vast areas of this State, including numerous acres of rangeland and forest located on public lands managed and controlled by the Bureau of Land Management and the United States Forest Service; and

WHEREAS, The growth of an invasive, nonnative annual grass known as cheatgrass has been a significant contributing factor to the increased extent and frequency of wildfires in this State; and

WHEREAS, Frequent wildfires and the increased presence of cheatgrass have degraded the ecosystem in this State by inhibiting the establishment of native plant species ~~[,]~~ **and increasing the highly volatile fuel load of the nonnative cheatgrass, which substantially increases the chance of a repeat wildfire in the same area;** and

WHEREAS, A repeat wildfire in the same area is often more devastating to the ecosystem of the rangeland than the first wildfire; and

WHEREAS, In addition to burning rangeland and forest which support ~~[livestock grazing,]~~ **multiple uses,** the frequent wildfires have damaged wildlife habitats, including the habitat of the sage grouse, a bird whose populations have been declining for years, and have caused a rise in the costs

associated with wildfire suppression and the rehabilitation of those public lands affected by the wildfires **~~[,]~~ and repeat wildfires;** and

WHEREAS, In a 1,700-acre study conducted by researchers at the University of Nevada, Reno, late-season livestock grazing was shown to reduce the amount of cheatgrass, which could fuel a fire, from 500 pounds per acre to 25 pounds per acre; and

WHEREAS, Among other options to decrease the extent and frequency of wildfires occurring in Nevada, the Bureau of Land Management and the United States Forest Service **should partner with local agencies and other interested parties and** may consider partnering with the livestock industry to **~~[increase]~~ determine whether the timing and intensity of increased** livestock grazing **~~[on]~~ based on the actual condition of the rangeland and the cheatgrass fuel load would reduce the frequency of wildfires and repeat wildfires and enhance the overall condition of the** rangeland and forest located on public lands in this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby urge the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires **and repeat wildfires** in this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Bureau of Land Management, the Chief of the United States Forest Service and the President of the Nevada Cattlemen's Association; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 43.

ASSEMBLY JOINT RESOLUTION—Urging Congress to take certain actions concerning federal public lands in Nevada.

WHEREAS, The Federal Government manages and controls over 85 percent of the land in Nevada; and

WHEREAS, Nevada has an abundance of natural resources, including vast areas of land suitable for raising livestock **~~[,]~~ and for conservation and general recreational use,** large deposits of gold, silver, copper and other

minerals, and plentiful renewable resources, including, without limitation, sun, wind and geothermal resources that may be used to generate electricity; and

WHEREAS, Many of those renewable resources are located on public lands managed and controlled by the Federal Government; and

WHEREAS, Activities that occur on those public lands increase the demand for services provided by the State of Nevada and local governments in Nevada; and

WHEREAS, The State of Nevada and local governments in Nevada are limited in their ability to collect taxes or other fees from the Federal Government or from the users of public lands to fund services provided by the State and local governments; and

WHEREAS, The Federal Government receives revenue from the licensing and permitting of activities that occur on those public lands, including mining, grazing livestock **, general recreational use** and generating electricity from renewable resources; and

WHEREAS, In recent years, efforts have been made to curtail the practice by the Federal Government of sharing a portion of that revenue with the State of Nevada and local governments, including curtailing the practice of sharing with the counties a portion of the revenue derived from the lease of public lands and royalties from the generation of electricity from geothermal resources; and

WHEREAS, Recent legislation introduced in the 111th and 112th United States Congress would have, if enacted, required the Secretary of the Interior to establish a leasing program for wind and solar energy development on federal public lands; and

WHEREAS, Such legislation would also have required the sharing of a portion of the revenue from the competitive leasing program with the counties from which the revenue is derived, thereby creating a beneficial and meaningful role for counties in Nevada; and

WHEREAS, The members of the 113th Congress are now considering the budget submitted by the United States Department of the Interior for federal Fiscal Year 2014, and its possible effects on the counties' share of royalties derived from the generation of electricity from geothermal resources; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature hereby urge Congress:

1. To ensure that the public lands in Nevada that are managed and controlled by the Federal Government remain open **and accessible** to multiple uses **~~[.]~~ , such as raising livestock, mining, conservation, general recreational use and the use of renewable resources, including, without**

limitation, sun, wind and geothermal resources that may be used to generate electricity; and

2. To enact legislation ensuring that the State of Nevada and the affected local governments in Nevada receive a portion of the revenue received by the Federal Government for activities conducted on the federal public lands in Nevada and ensuring that such sharing includes, without limitation, the continuation of federal laws and policies whereby local governments receive appropriate rents and royalties for activities which generate electricity from geothermal resources; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 121.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 80, 224, 260, and 311 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Spiegel moved that upon return from the printer, Assembly Bill No. 95 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that the Assembly suspend section 4 of Assembly Standing Rule 57 through April 12, 2013, for the purpose of allowing the committees to take final action on bills and resolutions on the same day they are heard.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Rumford and Mert Rumford.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Hoffman and Lynne Hoffman.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Heryet, Diana Orrock, Carl Bunce, Jeff Campbell, and Priscilla Campbell.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Titus.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick, Eddie Facey, and Jo Ellen Facey.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Roe Rothwell.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Edward Hamilton.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Dixon and Kathie Dixon.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to LisaMarie Johnson, Kenneth Bent, and Pat Kerby.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Kennedy and Juanita Cox.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 9, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 9, 2013

Assembly called to order at 11:44 a.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Father Chuck Durante.

We stand before You, Holy Spirit, conscious of our weaknesses but aware that we are gathered before You.

Come to us, remain with us, and enlighten our hearts.

Give to this Assembly light and strength to know Your will, to make it their own, and to live it in their lives.

Guide them by Your wisdom, support them by Your power, for You are the source of all that is good.

You desire justice for all. Enable this Legislature always to uphold the rights of others; do not allow them to be misled by ignorance or corrupted by fear or favor.

Unite all of us to Yourself in the bond of love and keep us faithful to all that is true.

As this Assembly gathers, discerns, and legislates, may they temper justice with love, so that all their decisions may be pleasing to You, that they may know all that is promised to good and faithful servants.

We make this prayer as Your holy and humble people.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 22, 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 39, 173, 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Concurrent Committee on Commerce and Labor, to which was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 169, 252, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 183, 255, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 1, 79, 154, 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 55, 102, 110, 116, 132, 156, 174, 195, 212, 217, 240, 300, 365, 366, 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 20, 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

SKIP DALY, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

AMENDED NOTICE OF EXEMPTION

April 5, 2013

The Fiscal Analysis Division hereby amends its Notice of Exemption dated March 25, 2013, as follows:

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 298, 304, 376, and 398.

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills 80, 265, 273, 276, 299, and 308.

CINDY JONES
Fiscal Analysis Division

April 5, 2013

The Fiscal Analysis Division hereby amends its Notice of Exemption dated April 1, 2013, as follows:

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills 328, 342, 448, 449, 450, 451, 461, 463, 464, 465, 472, 473, 481, 482, 488, 491, and 497.

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 226, 230, 247, 253, 260, 267, 285, 288, 290, 297, 309, 311, 320, 324, 325, 330, 335, 336, 338, 344, 346, 354, 355, 359, 362, 364, 368, 371, 372, 373, 384, 399, 405, 406, 409, 410, 411, 419, 424, 427, 428, 435, 436, 447, and 494.

CINDY JONES
Fiscal Analysis Division

NOTICE OF EXEMPTION

April 8, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 7.

CINDY JONES
Fiscal Analysis Division

April 9, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 400, 401, 406, 467, 479 and 499.

MARK KRMPOTIC
Fiscal Analysis Division

By Assemblymen Kirkpatrick, Horne, and Hickey:

Assembly Resolution No. 8—Adding former Assemblywoman Gene Wines Segerblom to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, The members of the Nevada Assembly are saddened by the loss of one of their own, former Assemblywoman Gene Wines Segerblom; and

WHEREAS, Gene Segerblom served Nevada and her constituents in Boulder City, Laughlin and Searchlight in Assembly District No. 22 in Clark County for over four regular sessions; and

WHEREAS, Gene began her career as an elected public official as a councilwoman on the Boulder City Council from 1978 through 1983; and

WHEREAS, In 1992, upon her election to the Legislature, she held the record as having the "latest start" of any woman elected to the Legislature and was only 1 year shy of being Nevada's oldest "freshman" legislator in the history of the State of Nevada; and

WHEREAS, In addition to her public life, Gene taught school in Nevada for many years and traveled the State with her husband Cliff, writing articles on Nevada history and geography while he photographed the wonderful and unique places they visited; and

WHEREAS, Gene was active in numerous civic organizations and served on many foundations to benefit causes ranging from the Boulder City Museum and Historical Association to the Boulder City Chamber of Commerce; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblywoman Gene Wines Segerblom is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of former Assemblywoman Gene Wines Segerblom.

Assemblywoman Flores moved the adoption of the resolution.

Remarks by Assemblymen Flores, Stewart, Ohrenschall, Grady, Dondero Loop, and Madam Speaker.

ASSEMBLYWOMAN FLORES:

We are here today to honor one of our own and a pioneer for women everywhere. Gene spent most of her life in Nevada, and we can only imagine what it must have been like to be born in the Ruby Valley in eastern Nevada at the end of World War I, and to be a young wife during the Second World War, watching the building of Hoover Dam, along with the growth of Las Vegas into a gambling Mecca and a top travel destination that it currently is. Long before women's liberation in the sixties, Gene Segerblom was already living life by her own rules. With a career and a family in Boulder City, Nevada, and as a freelance writer, she traveled the state with her husband Cliff, a photographer, writing about her love of Nevada and its history, which is chronicled in the many articles the Segerblom family has written and illustrated over the years.

Early on, she rose above the crowd in finding time to volunteer for civic organizations representing a wide variety of causes, including the Chamber of Commerce, Boulder City Museum and Historical Society, Nevada State Museum and Historical Society, Boulder City Boys and Girls Club, the Nevada Council of Senior Citizens, and that's just to name a few. She was elected to the Boulder City Council at the very young age of 61, which led to her election as an Assemblywoman at age 74, serving four full Assembly terms. And as an Assemblywoman, she worked on just about every issue that came before this body and served on virtually every committee.

A champion of women's issues and the control of health care costs during her legislative career, she also worked on education issues, harkening back to her time as a teacher, and she worked on preserving Nevada's unique history and special places.

Truly, Gene Segerblom had a remarkable life and left many wonderful legacies including, even though some people might not agree, Senator Tick Segerblom, and her beautiful daughter Robin Liggett, who is sitting here with me and the Majority Leader from District 34. I had the opportunity to meet Gene many, many times, and she was always so incredibly wonderful, always so empowering, always so energetic. I used to look at her and wish that I could have that amount of energy at that age. Her life was truly remarkable, and it is a distinct honor for me—after all of that inspiration that I personally felt with Gene—to be introducing and supporting this Assembly resolution. I urge your enthusiastic and respectful support of Assembly Resolution 8.

Thank you.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Resolution 8.

In 1970, I was hired as a teacher at Boulder City High School. I was in a conversation with a man about a week after the hiring, and he said, "What are you doing here?"

I said, "Well, I replaced Gene Segerblom in the faculty."

He said, "Stewart, nobody can replace Gene Segerblom." So from then on, I was always very careful to say, "I filled the slot that Gene Segerblom once had," but I realized throughout my career there that no one could replace Gene Segerblom. So I'm very much in support of this resolution.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Resolution 8.

I had the privilege of knowing Assemblywoman Segerblom for a long time, back to when I was a kid and when she was on the Boulder City Council. I know she was active in many civic causes that a lot of the activists that my family was around also got involved with, like the Equal Rights Amendment going back to the seventies. Coming up here for the 1995 Session, I got to know her very well because there was a group of four Assemblywomen who spent a lot of time together. It was Gene Segerblom, Marcia de Braga, my mother, and Vonne Chowning, and they were very, very close. I know that she was really a role model for them.

There are a couple of anecdotes that my mom and Assemblywoman Chowning wanted me to share with everyone. Gene could make folks stop their foul language with, "Watch your French." The media would never publish her age, nor did she ever disclose it. Gene would always say, "You never ask a woman her weight or her age." She was a Nevada representative, all Nevada, but we used to say that she thought all roads led to Boulder City, and everyone knew that she liked red wine and dark chocolate. If one of her bills didn't pass, she was famously known to say, "Those bums," but then smile and take it with a good heart.

I whole-heartedly rise in support of this resolution. She was a wonderful person to know, and I wish she was still serving with us.

ASSEMBLYMAN GRADY:

I rise in support of Assembly Resolution 8.

I had the pleasure of working with Gene a couple of sessions or longer here, and in a committee meeting you could always count that she had one question she would always ask: "How is this going to affect Boulder City?" If you could get by that, you usually had her vote. One time there was a voice vote, and Gene told the chairman, "I'd like to vote again." She was on the losing end of that vote and he said, "Why do you want to vote again?" And she said, "This time I'll vote louder." That was the Gene that we all knew and loved.

Thank you, Madam Speaker.

ASSEMBLYWOMAN DONDERO LOOP:

I rise in support of Assembly Resolution 8.

My personal story about the Segerblom family in general is that the Donderos and Segerbloms are long-time Nevada families, all of us natives, and our parents, too. We were

intertwined through education, art, and philanthropy, and so very often the two families saw each other and did things together, even though we lived in different little cities. I remember fondly my parents talking about the Segerbloms and my mother certainly taking art classes and doing art with Senator Segerblom's father. Having a mother who is 93 and who will be here next week, I say they just don't make them like that anymore. It was a pleasure to know her.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I'd just like to say I met Mrs. Segerblom when Tick came to the Legislature. She was very helpful and told me, "There are no bad days in this building—just keep on going." I think that Tick definitely has taken that motto on for the whole session, and it's great to have such strong people within the Legislature. She taught something to so many in this building that they will carry on and share with our future legislators.

Resolution adopted unanimously.

By Assemblymen Kirkpatrick, Horne, and Hickey

Assembly Resolution No. 9—Adding Terry Sullivan to the Assembly Wall of Distinction

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, The Nevada Assembly wishes to add to its Wall of Distinction those past staff members who are selected by leadership to be acknowledged for their exemplary service; and

WHEREAS, Terry Sullivan was born in Lovelock, Nevada, in 1937 and began a career as a stock clerk in the classified service of the State of Nevada in 1960 at the age of 22; and

WHEREAS, After several promotions, Terry Sullivan was appointed by Governor Mike O'Callaghan as Purchasing Director in 1972 and continued to serve in that job until 1983; and

WHEREAS, Terry accomplished many things during his tenure in state service, such as writing the grant for funds to rebuild the former Stewart Indian School; reestablishing the state tradition of the Christmas tree lighting; producing the history of the Capitol Building and the Governor's Mansion in magazine form in 1985; coproducing *Nevada, a History of the Silver State* in 1987; selecting the first colors for the Great Seal of Nevada; and protecting Nevada's governmental antiquities by having them placed in museums and state institutions; and

WHEREAS, Terry Sullivan loved rural Nevada and worked to preserve Nevada's traditions and promote the cowboy way through cow punchin' and performing his true labor of love at the Cottonwood Ranch in Jarbidge, Nevada; and

WHEREAS, After his retirement from state service, the cowboy in Terry wouldn't let him sit still for long, and he joined the Assembly's Sergeant at Arms staff in 1995 and was appointed as the Sergeant at Arms in 1997; and

WHEREAS, During Terry's service as Assembly Sergeant at Arms, he worked with Assemblyman John Carpenter to create the Assembly's Cowboy Hall of Fame; began and promoted school tours of the Nevada Legislature; brought the first art exhibition to the Legislative Building, with an emphasis on art of Nevada students; and established the Assembly's lunch program, which coincided with the start of the 120-day session; and

WHEREAS, Terry Sullivan's tenure with the Nevada Assembly lasted nine regular sessions, eight of those as Sergeant at Arms; and

WHEREAS, Nevada owes a great debt of gratitude to Terry Sullivan for 50 years of distinguished service to the State of Nevada; and

WHEREAS, Mr. Sullivan can take pride for his efforts to maintain the honor, traditions and decorum of the Assembly and its Chamber for nine legislative sessions and for being a stalwart

steward of the process and a friend and mentor to the many people he met and worked with over the years; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That former Assembly Sergeant at Arms Terry Sullivan is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Sergeant at Arms Terry Sullivan.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady, Horne, Ohrenschall, Stewart, Elliot Anderson, Dondero Loop, and Madam Speaker.

ASSEMBLYMAN GRADY:

My first thought for Terry is should this be a roast or a toast? I decided it must be the cowboy way.

Next, what would Speaker Emeritus Joe Dini, who selected Terry for the Sergeant-at-Arms post, say? Then it came to Assemblyman John Carpenter, Senator Pete Goicoechea, or our present Sergeant-at-Arms, Robin Bates. What would they say about Terry?

The cowboy way would be to say Terry is a friend, Terry is a father, Terry is a grandfather, Terry is a gentleman, and always, Terry is a cowboy.

Working for the Governor or here in this building, he was always a professional first. He cares about the state and about the traditions established over the years in the Legislature.

He was very proud to work with Assemblyman Carpenter, Assemblyman Wendell Williams, Steve Watson, and others on the Cowboy Hall of Fame. Over the years, people lobbied hard to get into this very select fraternity. As he was known, Terry "Biscuit Roller" Sullivan was proud to be selected into this group.

As the resolution states, Terry was born in Lovelock, worked for Governors Mike O'Callaghan and Richard Bryan in various posts before retiring, then for 16 years served with the Assembly Sergeant-at-Arms staff—14 years as the head of this group.

Terry's aim and the cowboy way was always to serve the legislators and guests in a very professional and unbiased manner. Before introducing dignitaries at the bar of the Assembly as Senators, Congressmen, Governors or the Supreme Court, it was always with a tag line, "from the great state of Nevada." Whether fixing oatmeal for John Carpenter or maybe an egg in the morning for Marcus Conklin, it was always with a smile.

Terry loves his time at Jarbidge as a wrangler, a cook, a storyteller, or a guide for the many tourists over the years.

Madam Speaker, I could go on and on about our friend Terry Sullivan, but let me close by saying that Nevada and the Legislature are better places today because of Terry "Biscuit Roller" Sullivan and his cowboy way.

Thank you, Madam Speaker.

ASSEMBLYMAN HORNE:

I rise in support of Assembly Resolution 9.

Hello, Mr. Sullivan. Good to see you here. This coming from William "Trust Me" Horne, a member of the Cowboy Hall of Fame. Anyone who has ever met Terry knows he is a true Nevadan, and yes—cowboy, absolutely—but most importantly he embodies a true, true gentleman. It's a pleasure.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Resolution 9.

Terry, I had the privilege of meeting you many years ago, and I could never forget all the kindness you've shown to my family. As a second generation Cowboy Hall of Famer, which I don't think many people can stake claim to, I rise in support of this resolution. There was one session where my mother busted her leg and was in a wheelchair, and every day during the Assembly session, Terry and the other Sergeants at Arms would lift her wheelchair up to her

seat, there where my colleague from the Mason Valley is sitting, and let her get into her seat so that she could fulfill her role as a representative for Clark County. That's just one example of the kind of person you are Terry, and it was a pleasure serving with you. Whatever trails you follow, I hope they'll be happy ones.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Resolution 9.

When I first came into the Assembly, Terry was one of those who welcomed me, and I really appreciated that. I was honored to be selected for the Cowboy Hall of Fame, and I'll never forget the cowboy saying that always goes along with your selection. It goes like this: "Never judge a man until you've walked a mile in his boots. That way, you're a mile away from him and you've still got his boots." Terry is a true son of Nevada and a true example of the cowboy way. Thank you very much for all you've done for me, Terry.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of this resolution.

Terry, I just wanted to say that you can tell the measure of a person in how they treat folks who aren't in power, and when I was an intern in 2009, I was really grateful for all the advice you gave me and all the help that you gave me. I wanted to tell you that my biggest regret is that I won't be able to be in the Cowboy Hall of Fame. Thank you very much.

ASSEMBLYWOMAN DONDERO LOOP:

I rise in support of Assembly Resolution 9.

When I was first elected, I met Terry and I cannot tell you what a pleasure it was, first of all to meet somebody who was similar in age, but more importantly knew how to cook, which were two of the things that I valued. I also noticed right away that not only did he give respect, but everyone respected him. I cannot tell you what a privilege it is to be a member of the Cowboy Hall of Fame, mostly because I knew that Battle Mountain had small fences. I appreciate the fact that we are all Nevadans, and we are here together honoring you today. Thank you for everything you've done.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I will just say, for myself coming into this body, he was the first bright spot that I saw. He walked in, he was pleasant—"What can I do to help you?" And that means a lot because it is pretty intimidating walking into this building for your very first time. To walk in and see Terry first was a relief—knowing that he really was personable. He taught me all about cowboy coffee. I thought I knew everything, but now I know better. And for me, it was nice having the cowboys come in the morning and just having conversation. Terry was quick to get here in the morning to make sure that he beat us, and we had real conversations about the state as a whole. I learned a lot about the whole state, with Terry just saying, "Have you thought about this? And have you ever been out here?" I think he was really instrumental in making me appreciate the state as a whole, because without those days—and trust me, there's some tough days ahead, but there were tough days then—he just stood in the hallway and said, "Would you like some coffee? What can I do for you?" He just wanted to make you feel more comfortable and make your day a little bit easier, whether it was at night, in the morning, throughout the day. He really wanted to make everybody love and appreciate Nevada. So I personally thank you for your service. I called him and said, "Hey, I've got a big favor. Can you help me out?' And he said, "Favor? Okay, sure, whatever." I said, "Can you be our Hall of Famer for the staff?" We have some great staff in our building, and I really think that what he brought to my first session, everybody should experience for the day. With that, I thank you for the opportunity to know you and be a part of this building.

Resolution adopted unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Horne moved that Assembly Bills Nos. 14, 24, 108, 117, 135, 493; Senate Joint Resolution No. 4 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.
Motion carried.

Assemblyman Elliot Anderson moved that the action whereby Assembly Bill No. 373 was concurrently referred to the Committee on Taxation be rescinded.
Motion carried.

Assemblyman Elliot Anderson moved that Assembly Bill No. 373 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 2, 7, 13, 16, 19, 30, 40, 45, 66, 69, 75, 82, 84, 85, 128, 134, 158, 170, 206, 249, 262, 352; Assembly Joint Resolutions Nos. 3, 4, 5; Senate Bill No. 121 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Horne moved that the following remarks be entered in the Journal.
Motion carried.

ASSEMBLYMAN BOBZIEN:

This is, indeed, a very, very special day. Today is the twentieth anniversary of our legislative day for the noble Order of the Clampers. If I could have all the brethren please rise.

While many only know the E Clampus Vitus organization for the red shirts and their love of a good time, this organization does have a serious side. The E Clampus Vitus organization originated in the early 1800s and became famous in the gold fields of California in the 1850s. Chapters quickly sprung up throughout the Mother Lode, in places like Downieville, Mokelumne Hill, and Sierra City, and of course over on our side of the hill in Virginia City and other areas.

One of the purposes of the organization was to provide relief for miners' "widders" and orphans—though some say the interest in widows was more personal than charitable, but we will never know. As more people moved West, formal fraternal organizations came along too. Many

of those fraternal organizations—Masons, Shriners, et cetera—tended to be rather clannish and serious when compared to the rowdy Clampers and their love of the absurd. To poke fun at the pomp and ceremony of these later organizations—and the fancy sashes and bejeweled vests worn by some of their members—the Clampers cut tin can lids into odd shapes and pinned them to their own simple vests. They called this "wearing your tin," a practice continued to this day, although badges, ribbons, and pins have taken the place of tin can lids.

The organization was revitalized in San Francisco in 1931, and today it is a nonprofit organization for men involved in humanitarian and public help programs, with a strong program of historical preservation. There are numerous active chapters throughout the Southwest dedicated to preserving Western and mining history, including researching and dedicating plaques to sites, incidents, and people in Western history that might otherwise be overlooked. When traveling throughout the West, and particularly through the Mother Lode country, you will see these plaques. Those of us who love history owe them a debt of gratitude for finding these locations and preserving them before they are lost forever to the past.

Please make them feel welcome.

ASSEMBLYWOMAN DONDERO LOOP:

To this honorable body, I join many of the members of the Nevada Assembly Women's Caucus, who sadly must rise in opposition. In the continuing, proud tradition of Marcia de Braga, I found no better words than hers to speak today:

> Every odd-numbered year, a resolution supporting E Clampus Vitus comes before the Assembly. It asks us to endorse an ancient and mystical order that has at its philosophical core the Goldwater Theorum regarding God-given rights. We have looked for some redeeming social value in the Clampers' resolution that would enable us to support it. But we were not successful. Instead, we have come to the conclusion, [Madam] Speaker, that their reality check bounced.
>
> Proponents would try to make us believe their compassion, education, and the preservation of history are the principles this society was founded on and upholds. We submit to you that the facts are these:
>
> E Clampus Vitus was started prior to 1800 and has existed in some form or other ever since, allegedly for the purpose of protecting "widders and orphans," but, preferably, widders.
>
> Clampers' interest in education seldom goes beyond periodic research on why "lite" beer weighs the same as regular beer.
>
> They are patrons of sports, literature and the arts, favoring anything with one ball, two folds, or three stooges.
>
> All members have standing of equal indignity, but obviously, some members are more equal and/or indignant than others. Those who have achieved mediocrity, and therefore leadership, are reverently referred to as Clampatriarchal Humbugs.
>
> Within their own organization is a strong support group to help Clampers in times of severe difficulty. This is vital to their safety because, following the regular meetings, very few of them can remember the number for 911.
>
> The history of E Clampus Vitus is shrouded in mystery. Is it a historical drinking society or a drinking historical society? No one knows; the debate continues.
>
> To preserve their surreptitious activities, they developed their own secret language which can be deciphered easily by anyone with an IQ higher than celery. For example, their motto translates to "Never let the

fact that the widders do not want to be protected deter you," and their creed means, "Beer: It isn't just for breakfast, any more."

Although E Clampus Vitus has existed for more than 200 years, almost none of the history of the order has been recorded. And two theories exist to explain this:

Most Clampers prefer to do their protecting anonymously. In the thousands of meetings held by chapters of ECV, seldom, if ever, has anyone remained functional long enough to take intelligible minutes. In fact, the only meeting notes ever found are now in the Smithsonian or some other institution. They were written by the Utmost High Extremely Illustrious Exalted Supreme Grand Secretarial Humbug, who may have been more than a little squiffed, himself, at the time he wrote, "The roll was called and the members were asked to respond present or not present, as best befitted their circumstances. And many of them appeared to have been stricken with some sort of mental confusion. And they answered with unintelligible remarks."

The very name of their club may also have been incorrectly recorded. E Clampus Vitus sounds like a disease—a combination, if you will, of the word for a form of dementia coupled with the word for a form of instability, with which many of its members are, from time to time, afflicted. No one knows how the disease is spread. And, [Madam] Speaker, no one wants to know how the disease is spread.

In opposing this resolution, we do so not because we wish to be equal to men—that would show a lack of ambition. However, in the interest of fairness, we have tried our best to understand men. Like so many other women before us, we failed in that endeavor.

Since time immemorial, there has only ever been one woman who actually figured men out. But, [Madam] Speaker, she died laughing before she could tell anyone.

We were going to move that all rules be suspended, that reading so far be considered more than enough, that there be no further consideration of this measure, and that the proclamation be immediately concurrently referred to Health and Human Resources, NATRAM, Government Affairs, and the Ways and Means Committees in some other state.

So, instead, we are discussing forming our own counter-organization of E Clampus, whose members will be known as the "Lady Bugs" as soon as we decide what we want to protect.

Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Segerblom.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Liggett and Emma Day.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Johnson, Scarlett Rose Johnson, Brandon Wilding, Jeremy Wilson, and Jordan Wilson.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman and current Senator Tick Segerblom.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman and current Senator Pete Goicoechea and former Assemblyman John Carpenter.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Carson Cessna, Teak Dopf, and Matthew Ebert.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Fitzsimmons.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Clare Day and Carl Segerblom.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Gwen Barrett, Liz Sullivan Lopez, Julie Sullivan Ikonen, Terry Sullivan, Leta Ikonen, Bethy Ikonen, Mario Lopez, and Dominique Lopez.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to the following Boy Scouts from Troop 11: Paul Wolz, Brocken Roelofs, Mason Fisher, Ammon Bishop, Benjamin Gibbons, Nikolas Gibbons, and Timothy Roberts.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Scruggs and Jerry Scoop Robich.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Sergio Lemus.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Widaman and Jack Priew.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Liggett.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman John Oceguera, former Assemblyman David Goldwater, and Nora Enos.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bob Price, Nancy Price, Frank Daykin, Eugenia Daykin, and former Assemblywoman Vonne Chowning.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Lyon.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to David Liggett.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Nina Ornstein.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn McElhany.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, April 10, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:46 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 10, 2013

Assembly called to order at 11:39 a.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father in Heaven.

Today, we pray for Your gift of contentment, that we may not waste our time desiring more but learn to use and enjoy what we have.

We may not know everything, but we may know You and Your will. We need not be rich to be generous nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have a good conscience, and having that, we shall have peace of mind and need fear no man.

May we be kind to one another, tenderhearted, forgiving one another, even as You for Christ's sake have forgiven us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 276, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 46, 290, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

IRENE BUSTAMANTE ADAMS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 9, 2013

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 118, 150, 190, 191, 301, 314, 361, 412, 444, 446; and

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measure is not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bill No. 203; and

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 499 is not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 451, 500; Senate Joint Resolution No. 8; Bill Draft Request 17-515.

RICHARD S. COMBS
Director

April 9, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 38, 78, 153, 202, 220, 238, 241, 270, 272, 275, 278, 279, 293, 296, 303, 307, 323, 345, 365, 388, 390, 402, 404, 426, 453; Assembly Joint Resolution No. 8.

CINDY JONES
Fiscal Analysis Division

April 10, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 476, 480 and 489.

CINDY JONES
Fiscal Analysis Division

Assembly Concurrent Resolution No. 3.

Resolution read.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 127.

SUMMARY—Expresses support for the **educational** programs **[,]** **and** partnerships **[and recycling efforts]** of the **International Environmental Youth Campaign of the** America's Schools Program. (BDR R-122)

ASSEMBLY CONCURRENT RESOLUTION—Expressing support for the **educational** programs **[,]** **and** partnerships **[and recycling efforts]** of the **International Environmental Youth Campaign of the** America's Schools Program.

WHEREAS, The mission of the **International Environmental Youth Campaign of the** America's Schools Program is to **help** fund **environmental education** programs **[and extracurricular activities]** in the K-12 schools in this State and **across** the United States through the **[sale of officially licensed consumer products and services under its nationally recognized brand;]** **establishment of partnerships with businesses, organizations and institutions which support the development and distribution of a curriculum of environmental education;** and

WHEREAS, In furtherance of its mission, the **International Environmental Youth Campaign of the** America's Schools Program **[sells officially licensed products and services to promote and fund extracurricular activities such as drama, music and athletics, in addition to school programs concerned with promoting social awareness, humanitarianism and]** **has created an educational curriculum to increase the awareness and understanding of students concerning critical environmental issues, to promote the** environmental responsibility **[;]** **of those students and to motivate those students to take action at home, at school and in their community;** and

WHEREAS, The **[establishment of a recognizable brand which is exclusively associated with K-12 schools in the United States allows consumers to fund schools and educational programs by purchasing licensed products and services which are sold under the national brand]** **International Environmental Youth Campaign** of the America's Schools Program **[,]** **also seeks to educate this nation's youth concerning the personal actions, public policy initiatives and available technologies which may reduce the negative effects of human activities on the environment and which may protect wildlife and the health of humans now and in the future;** and

WHEREAS, The **International Environmental Youth Campaign of the** America's Schools Program **[supports extracurricular activities such as drama, music and athletics through a recycling program which partners with**

~~thousands of businesses and organizations across the country to recycle used inkjet and toner cartridges and cellular telephones;~~] **provides information and methods to this nation's youth to allow them to be agents for environmental protection and to progress through various activities, including, without limitation, participation in annual state and national environmental youth summits, selection as environmental youth ambassadors from each participating state for domestic and overseas student exchange programs and engaging in research, creative design and writing contests that reward learning and promote responsible actions concerning the environment;** and

WHEREAS, The **educational programs of the International Environmental Youth Campaign of the** America's Schools Program ~~[has partnered with Jet Plastics, Inc., to produce marketable products using recycled plastics which are sold at retail and for which participating schools receive a royalty;~~] **provide knowledge and skills to students to assist those students in becoming more responsible citizens who have an increased ability to engage in communication and take action concerning environmental issues;** and

WHEREAS, ~~[The]~~ **In addition to its mission, the goal of the educational programs of the International Environmental Youth Campaign of the** America's Schools Program ~~[has partnered with Major League Soccer, Youth for Human Rights International and the Nevada Parent Teacher Association to promote awareness of the United Nation's Universal Declaration of Human Rights and other important social issues affecting]~~ **is to teach the** youth in this State and across the United States ~~[such as diversity, respect, fair play, leadership, education, health and wellness;]~~ **about environmental conservation and sustainability;** and

WHEREAS, The ~~[America's Schools Program has partnered with the Earth Organization to bring educational programs about the environment and conservation to this nation's schools;]~~ **recycling of plastics is a critical component of environmental conservation and sustainability;** and

WHEREAS, The **International Environmental Youth Campaign of the** America's Schools Program ~~[seeks to create a "Youth Learning Platform" to educate this nation's youth about conservation and sustainability;]~~ **partners with leading recycling companies that have the technology to recycle plastic waste and create environmentally safe and useful products;** and

WHEREAS, The **International Environmental Youth Campaign of the** America's Schools Program ~~[seeks to educate this nation's youth about recycling and advancing environmental technologies to address natural environmental change and the human impact on the environment;]~~ **recognizes the potential of its partners to increase greatly the recycling of plastic waste in this State and across the United States;** and

WHEREAS, The **businesses, organizations and institutions that partner with the International Environmental Youth Campaign of the** America's Schools Program ~~[gives]~~ **recognize the value and importance of educating** this nation's youth ~~[a voice and a vehicle by which they can promote environmental conservation and sustainability on a local, state and national level through recycling; and~~

~~Whereas, The America's Schools Program sponsors an Environmental Youth Summit in this State and other states to empower, inform and develop youth environmental ambassadors by increasing their knowledge of the environment and providing a platform by which youth can conduct a dialogue with the environmental sciences community, businesses, political leaders and other organizations to promote and support conservation and environmental responsibility; and~~

~~Whereas, The America's Schools Program has partnered with thousands of businesses and organizations in the United States to fund education in the United States, promote social awareness among the students of this nation's schools and promote environmental responsibility through recycling programs and partnerships;]~~ **concerning the environment and, through those partnerships, support the International Environmental Youth Campaign of the America's School Program and its educational programs and activities in this State and across the United States;** now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 77th Session of the Nevada Legislature express their support **for the International Environmental Youth Campaign** of the America's Schools Program in its efforts to **develop and** fund **environmental education programs in** K-12 schools in this State and across the United States through ~~[the development and promotion of a national brand which is identified with the nation's schools;]~~ **the establishment of partnerships with businesses, organizations and institutions;** and be it further

RESOLVED, That the Nevada Legislature urges the **International Environmental Youth Campaign of the** America's Schools Program **and its partners** to continue ~~[its]~~ **their** efforts to educate and inspire this nation's youth with respect to ~~[social]~~ **environmental** issues ~~[, humanitarianism]~~ and **personal** environmental responsibility; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Nevada Congressional Delegation, the Governor of the State of Nevada, the Superintendent of Public Instruction and each member of the State Board of Education.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assemblywoman Diaz moved that the action whereby Assembly Bill No. 353 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

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

Amendment No. 168.

AN ACT relating to public welfare; providing for the inclusion in the State Plan for Medicaid of emergency care, including dialysis, for patients with kidney failure; ~~[providing for the presumptive eligibility for Medicaid of certain applicants for assistance under the Supplemental Security Income Program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 2 of this]~~ **This** bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a requirement that the State cover certain costs of emergency care, including dialysis, provided to patients with kidney failure.

~~[Existing federal law stipulates that persons with disabilities who receive assistance pursuant to the Supplemental Security Income Program are also eligible for Medicaid coverage. (42 U.S.C. § 1396a(a)(10)(II)(aa)) Section 3 of this bill requires the Director of the Department to include in the State Plan for Medicaid a program to provide a preliminary determination of eligibility for a person with a disability who applies for assistance under the Supplemental Security Income Program. Section 3 also provides that if a preliminary determination is made that the person is eligible for the Supplemental Security Income Program, the person must be made eligible for Medicaid.]~~

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State shall pay the nonfederal share of expenses***

incurred in the administration of dialysis that is provided to stabilize a patient with kidney failure and further emergency care necessary for the treatment of such kidney failure.

2. For the purposes of this section, "dialysis" means the method by which a dissolved substance is removed from the body of a patient by diffusion, osmosis and convection from one fluid compartment to another fluid compartment across a semipermeable membrane.

Sec. 3. ~~[*1. The Director shall include in the State Plan for Medicaid:*~~

~~*(a) A program for making a preliminary determination about whether an applicant who is a person with a disability is eligible for assistance under the Supplemental Security Income Program; and*~~

~~*(b) A requirement that a person for whom a preliminary determination has been made that the person is eligible for assistance under the Supplemental Security Income Program is eligible for Medicaid.*~~

~~*2. If a person is made eligible for Medicaid pursuant to subsection 1, the person remains eligible for Medicaid if there is a final determination that he or she is eligible for the Supplemental Security Income Program. If it is determined that the person is not eligible for the Supplemental Security Income Program, he or she is no longer eligible for Medicaid.*~~

~~*3. A person who is determined not eligible for the Supplemental Security Income Program must not be required to reimburse Medicaid for any expenses incurred by Medicaid in providing coverage to the person pending that determination.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 422.270 is hereby amended to read as follows:~~

~~422.270 The Department shall:~~

~~1. Administer all public welfare programs of this State, including:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development;~~

~~(g) The Program for the Enforcement of Child Support;~~

~~(h) The Children's Health Insurance Program; and~~

~~(i) Other welfare activities and services provided for by the laws of this State.~~

~~2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.~~

~~3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration~~

~~found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.~~

~~4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.~~

~~5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.~~

~~6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program~~ **[.] ,** ***including, without limitation, any agreement which may be necessary to carry out the provisions of section 3 of this act.***

~~7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.~~**] (Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 34.

AN ACT relating to motor vehicles; revising provisions concerning temporary permits to act as a salesperson; **revising provisions concerning licenses of salespersons;** allowing the Department of Motor Vehicles to reinstate the registration of a dormant vehicle or remove the suspension of that registration under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when a person holding a temporary permit to act as a salesperson of vehicles ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the permit is automatically suspended, the

person's right to act as a salesperson immediately ceases and the person's application for licensure must be denied by the Department of Motor Vehicles unless the person has: (1) paid a $20 transfer fee; (2) submitted a certificate of employment indicating that the person has been reemployed with a licensed and bonded dealer, lessor or rebuilder; and (3) presents a current temporary permit or new salesperson's license to the person's employer. Existing law further provides that, if a person's application for a salesperson's license has been denied, the person must wait at least 6 months to reapply. (NRS 482.362) **Section 1** of this bill deletes the provision requiring that the application for licensure of a person holding a temporary permit be denied if that person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, thus allowing that person to resume the application process upon finding employment elsewhere. **Section 1** also expressly prohibits the person from engaging in the activity of a salesperson during the period in which the person is unemployed. **Section 1 provides additionally that, if a person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, the salesperson is not required to physically surrender his or her license, but the dealer, lessor or rebuilder, as applicable, is required to notify the Department that the employment has ceased, and the person is not allowed to engage in the activity of a salesperson until he or she is reemployed by a licensed and bonded dealer, lessor or rebuilder.**

Under existing law, the Department is required to suspend the registration of any motor vehicle for which the Department cannot verify coverage of liability insurance. If the registered owner of the motor vehicle proves to the satisfaction of the Department that the motor vehicle was a dormant vehicle during the period in which the Department was unable to verify liability insurance coverage, the Department is required to reinstate the registration and, if applicable, reissue the license plates for the motor vehicle only after the owner of the motor vehicle pays a fee of $50. (NRS 485.317) **Section 4** of this bill allows the Department to remove the suspension of the registration without requiring the owner of the vehicle to pay a fee or administrative fine.

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

Section 1. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesperson of vehicles, trailers or semitrailers, or act in the capacity of a salesperson as defined in this chapter, in the State of Nevada without first having received a license or temporary permit from the Department. Before issuing a license or

temporary permit to engage in the activity of a salesperson, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesperson, his or her residence address and social security number, and the name and address of the applicant's employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of $75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of $40.

(e) For initial licensure, the applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesperson of vehicles, trailers or semitrailers, or to act in the capacity of a salesperson as defined in this chapter, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesperson's license may be denied and a salesperson's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that the applicant is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) Evidence of unfitness as described in NRS 482.3255.

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesperson of vehicles shall not engage in any sales activity, or act in any other capacity as a salesperson as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesperson's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesperson's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder ~~[for whom]~~ ***who employs*** the salesperson ~~[is licensed]~~ to sell vehicles. ***If a licensed salesperson ceases to be employed by the dealer, lessor or rebuilder, the dealer, lessor or rebuilder, as applicable, shall surrender the salesperson's license to the salesperson by the end of the next business day after the employment ceases.***

8. If a licensed salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder ~~[, the license to act as a salesperson is automatically suspended and the right to act as a salesperson thereupon immediately ceases, and the]~~ ***:***

(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and

(b) The person shall not engage in the activity of a salesperson until he or she has ~~[paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has]~~ been reemployed by a licensed and bonded dealer, lessor or rebuilder ***.*** ~~[, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.]~~ ***The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.***

9. If a licensed salesperson changes his or her residential address, the salesperson shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. If a person who holds a temporary permit to act as a salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder ~~[, the permit to act as a salesperson is automatically suspended, the right to act as a salesperson thereupon immediately ceases , and the]~~ ~~[person's application for licensure must be denied unless]~~ ***:***

(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and

(b) The person shall not engage in the activity of a salesperson until he or she has ~~[paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has]~~ been reemployed by a

licensed and bonded dealer, lessor or rebuilder**. [**, and has thereafter presented a current temporary permit or a new salesperson's license to the employer.**]** ***The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.***

11. **[**A licensed dealer, lessor or rebuilder who employs a licensed salesperson shall notify the Department of the termination of his or her employment within 10 days following the date of termination by forwarding the salesperson's license to the Department.

— 12.**]** Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 2. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. Except as otherwise provided in subsection **[**7.**]** ***6*** of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

Sec. 3. NRS 482.557 is hereby amended to read as follows:

482.557 1. Except as otherwise provided in subsection ~~[7]~~ ***6*** of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

(a) For a first offense, the registered owner shall pay to the Department a registration reinstatement fee of $250, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of $250.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of $500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of $1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(b) For a second offense, the registered owner shall pay to the Department a registration reinstatement fee of $500, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of $500.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of $500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of $1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(c) For a third or subsequent offense:

(1) The driver's license of the registered owner must be suspended for a period to be determined by regulation of the Department but not less than 30 days;

(2) The registered owner shall file and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated; and

(3) The registered owner shall pay to the Department a registration reinstatement fee of $750, and if the period during which insurance coverage lapsed was:

(I) At least 31 days but not more than 90 days, pay to the Department a fine of $500.

(II) At least 91 days but not more than 180 days, pay to the Department a fine of $750.

(III) More than 180 days, pay to the Department a fine of $1,000.

2. As used in this section, "certificate of financial responsibility" has the meaning ascribed to it in NRS 485.028.

Sec. 4. NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department

does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, ~~[7,]~~ the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

6. ~~[If a registered owner proves to the satisfaction of the Department that the vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate the registration and, if applicable, reissue the license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate the registration or reissue the license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.~~

~~7.]~~ If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances ~~[,]~~ ***or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320,*** the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) ~~[Rescind]~~ ***Remove*** the suspension of the registration without the payment of a fee ~~[.]~~ ***or administrative fine.***

➥ The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 126.

AN ACT relating to agriculture; deleting provisions which authorize the Director of the State Department of Agriculture to remove certain persons from office with the approval of the State Board of Agriculture; revising the classification and qualifications of certain persons appointed by the Director; expanding the purposes for which expenditures from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases may be made; requiring an inspector of the Department to notify an agricultural enforcement officer of certain findings made by the inspector concerning the actual legal owner of an animal; revising the circumstances under which a person may possess the carcass of a bovine animal; revising provisions governing certain farm products other than livestock, livestock products or poultry; revising the circumstances under which a person must obtain a license to engage in pest control; repealing provisions governing the Agricultural Loan Mediation Program **[,]** ~~[,]~~ **and** slaughtering cattle without a formal inspection **; [**~~, and licenses to engage in activities concerning the control of wood-destroying pests or organisms;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the State Department of Agriculture to appoint certain persons to manage and carry out the activities of the Department. (NRS 561.205, 561.209, 561.214, 561.218, 561.225) **Sections 1-5** of this bill revise the qualifications and duties of those persons and the authority of the Director to remove them. Specifically, **section 4** provides that the person appointed by the Director to manage the activities of the Department relating to natural resources and land use planning will no longer manage activities relating to the control of wild horses **[.]** ~~[,]~~ **or the control of noxious weeds.**

Existing law creates the Livestock Inspection Account and the Program for the Control of Pests and Plant Diseases. (NRS 561.344, 561.375) **Sections 6 and 7** of this bill expand the purposes for which money may be expended from the Account or for the Program.

Under existing law, if a person is unable during a brand inspection to establish his or her legal ownership of any animal offered for inspection and the inspector conducting the brand inspection is able to determine the identity of the actual legal owner of the animal, the inspector is required to notify the legal owner in writing of the inspector's findings. (NRS 565.140) **Section 8** of this bill removes the requirement to place such notice in writing and requires the inspector to notify ~~[the legal owner of the animal or]~~ an agricultural enforcement officer of his or her findings. **Section 8 requires the agricultural enforcement officer who receives the notice to investigate the findings of the inspector and to provide notification of those findings to the legal owner of the animal.**

Under existing law, it is unlawful for a person to have in his or her possession all or part of the carcass of any bovine animal unless the person exhibits the hide of the animal, a certificate of inspection or a bill of sale to a certain peace officer authorized by the Department. (NRS 566.025) **Section 9** of this bill deletes the requirement that the exhibition be made to such a peace officer and instead requires the exhibition to be made to an inspector or agricultural enforcement officer of the Department.

Existing law requires the Department to adopt regulations pursuant to which a person may obtain certification that he or she is an actual producer of an agricultural product of the soil and authorizes the Department to impose fees for that certification. A person who obtains that certification is exempt from the payment of certain taxes. (NRS 576.128) **Section 14** of this bill revises existing law by providing that a person may obtain certification that he or she is an actual producer of farm products including all agricultural, horticultural, viticultural, vegetable products and hay other than any livestock, livestock product or poultry.

Existing law prohibits a person from engaging in pest control in this State or serving as an agent, operator or pilot for that purpose without obtaining a license issued by the Director. (NRS 555.280) **Section 21** of this bill expands existing law by prohibiting a person from serving as a primary principal or principal for that purpose without obtaining such a license. **Section 17** of this bill defines the term "principal" as an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more categories of pest control. **Section 16** of this bill defines the term "primary principal" as a principal who has been designated by a pest control business as the person responsible for the daily supervision of each category of pest control. **Section 19** of this bill revises the definition of "pest control" by adding certain activities to the definition.

Existing law requires any company or person employing pest control operators, agents or pilots to pay to the Director a fee established by regulation of the State Board of Agriculture. (NRS 555.310) **Section 22** of

this bill revises that requirement by requiring a company or person to pay the fee if the company or person employs a primary principal or principal. **Section 22** deletes the requirement for the payment of the fee for a pilot who is employed by the company or person.

Existing law: (1) requires each applicant for a pest control license to provide proof of insurance in an amount that is not less than $10,000, unless the license authorizes the application of pesticides by aircraft; (2) authorizes the Director to investigate any loss or damage from the application of a pesticide by a licensed pest control operator; and (3) authorizes the Director to revoke, suspend or modify a pest control license if he or she finds that the licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision or the licensee was intentionally guilty of fraud or deception in issuing an inspection report on wood-destroying pests or any other report required by regulation. (NRS 555.330, 555.350) **Section 23** of this bill: (1) increases the amount of insurance required for each applicant for a pest control license to an amount which is not less than $50,000; and (2) expands the authority of the Director to conduct an investigation by authorizing him or her to investigate any loss or damage resulting from the application of a pesticide by a primary principal or principal. **Section 24** of this bill revises the authority of the Director to revoke, suspend or modify a pest control license by authorizing him or her to revoke, suspend or modify the license if he or she finds that the licensee: (1) engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision; or (2) was intentionally guilty of fraud, falsification or deception in issuing an inspection report on wood-destroying pests or any other report or record required by regulation.

Under existing law, a person who is licensed to engage in pest control is required to ensure that each of the licensee's business locations in this State has a primary principal who is licensed in the appropriate categories of pest control. If the licensee ceases to have a primary principal at each of those locations for 30 consecutive calendar days, his or her license is automatically suspended and remains suspended until he or she obtains a primary principal for each of those locations. (NRS 555.3507) **Section 25** of this bill deletes the requirement that the licensee retain a primary principal for each of those locations and the accompanying provisions concerning the suspension of the licensee. Instead, **section 25** only requires the licensee to ensure that the licensee's business has a primary principal who is licensed in the appropriate categories of pest control.

Section 26 of this bill repeals provisions of existing law governing: (1) the ~~[issuance of licenses to engage in activities concerning the control of wood-destroying pests or organisms; (2) the]~~ establishment and administration of

the Agricultural Loan Mediation Program; ~~[(3)]~~ **(2)** the retention of hides by persons who slaughter cattle without a formal inspection system; and ~~[(4)]~~ **(3)** the conducting of inspections by inspectors of the Department and peace officers. **Section 26** also repeals the provisions of NRS 571.035, which impose a special tax upon certain classes of livestock. **Sections 10-13** of this bill reenact the provisions relating to the tax without change within chapter 575 of NRS, which governs the collection of taxes related to livestock, thereby expressing the intent of the Legislature to move those provisions to a more appropriate chapter of NRS. The reenactment of those provisions is not intended to be a substantive change to those provisions.

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

Section 1. NRS 561.205 is hereby amended to read as follows:

561.205 The Director shall appoint a person to manage the activities of the Department relating to the protection and promotion of the livestock industry of the State of Nevada. The person is in the unclassified service of the State and must:

1. Be appointed on the basis of merit;

2. Be a graduate of a veterinary school or college approved by the American Veterinary Medical Association; and

3. Have at least 5 years' experience in official work for regulating and controlling diseases in livestock.

~~[➥ The Director may remove the person from office with the approval of the Board.]~~

Sec. 2. NRS 561.209 is hereby amended to read as follows:

561.209 The Director shall appoint a person to manage the activities of the Department relating to brands and marks and brand inspection in the State of Nevada. The person must be appointed on the basis of merit and is in the unclassified service of the State. ~~[The Director may remove the person from office with the approval of the Board.]~~

Sec. 3. NRS 561.214 is hereby amended to read as follows:

561.214 The Director shall appoint a person to manage the activities of the Department relating to the protection and promotion of the agricultural industry of the State of Nevada. The person is in the ~~[unclassified]~~ ***classified*** service of the State and must ~~[:]~~ ***be:***

1. ~~[Be appointed]~~ ***Appointed*** on the basis of merit; ***and***

2. ~~[Be a]~~ ***A*** graduate of an accredited college or university with a major in ***agricultural business or in*** one of the agricultural sciences **.** ~~[; and~~

~~3. Have at least 5 years' experience in official work for regulating agriculture.~~

~~→ The Director may remove the person from office with the approval of the Board.]~~

Sec. 4. NRS 561.218 is hereby amended to read as follows:

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

2. The person appointed shall:

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

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

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

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

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

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

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

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

~~[(i)]~~ ***(g)*** Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department,

including programs for the management and control of estrays and feral livestock.

~~[(j)]~~ ***(h)*** Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.

~~[(k)]~~ ***(i)*** Perform such other duties as directed by the Director.

3. As used in this section:

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

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

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

Sec. 5. NRS 561.225 is hereby amended to read as follows:

561.225 1. The Director shall appoint such technical, clerical and operational staff as the execution of the Director's duties and the operation of the Department may require.

2. The Director may designate such department personnel as are required to be field agents and inspectors in the enforcement of the provisions of Titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS. ~~[The provisions of this subsection do not authorize any department personnel so designated by the Director to retire from the Public Employees' Retirement System before having attained the minimum service retirement age of 60 years.]~~

Sec. 6. NRS 561.344 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, ***565,*** 569, 571, 573 and 576 of NRS.

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

Sec. 7. NRS 561.375 is hereby amended to read as follows:

561.375 1. The Program for the Control of Pests and Plant Diseases is hereby established.

2. Money accepted by the Department under the provisions of NRS 555.010 to 555.460, inclusive, from the Federal Government or any federal department or agency, a county, a city, a public district or any political subdivision of this State, a public or private corporation, or a natural person, may be used in the Program for the Control of Pests and Plant Diseases.

3. Expenditures for the Program for the Control of Pests and Plant Diseases may be made only to carry out the provisions of this chapter and ~~[chapter]~~ ***chapters 552, 554,*** 555 ***and 587*** of NRS.

Sec. 8. NRS 565.140 is hereby amended to read as follows:

565.140 1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any person or persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right of possession and the inspector shall be able to determine by means of the brands or brands and marks on such animal or animals, or upon other reliable evidence, the actual legal owner or owners of such animal or animals, the inspector shall immediately notify ~~[such legal owner or owners]~~ ~~[in writing]~~ ~~*[or]*~~ ***an agricultural enforcement officer*** of the inspector's findings.

2. The inspector shall include in such notice:

(a) The date and place where such animal or animals were found.

(b) A full description of the same.

(c) The name and address of any person or persons in whose possession they were found.

(d) All other information which may aid the ***agricultural enforcement officer or the*** legal owner or owners of such animal or animals in securing the return thereof or compensation therefor, or in any civil suit or criminal prosecution relating thereto.

3. Upon receipt of the notice, the agricultural enforcement officer shall investigate the findings of the inspector and, as soon as practicable, provide notification of those findings to the legal owner or owners of such animal or animals.

4. As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.

Sec. 9. NRS 566.025 is hereby amended to read as follows:

566.025 ***1.*** It is unlawful for any person to have in his or her possession all or part of the carcass of any bovine animal unless:

~~[1.]~~ ***(a)*** The animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release; or

~~[2.]~~ ***(b)*** The person exhibits to any ~~[peace officer authorized by the Department under NRS 566.035, or to any]~~ inspector ***or agricultural enforcement officer*** of the Department, on demand:

~~[(a)]~~ ***(1)*** The hide of the animal from which the carcass was obtained, with ears and brands attached without disfiguration or alteration;

~~[(b)]~~ ***or***

(2) A certificate of inspection or release of the carcass, or of the carcass and hide, issued by an inspector of the Department ***.*** ~~[; or~~

~~(c) A bill of sale, memorandum of sale or other document, signed by the seller or donor of the meat, showing the name and address of the seller or donor.]~~

2. As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.

Sec. 10. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon approval of the report of owners of livestock and sheep pursuant to NRS 575.180, the Department shall fix the amount of the annual special tax on each head of the following specified classes of livestock, which, except as otherwise provided in subsection 2, must not exceed the following rates per head for each class:

Class	*Rate per head*
Stock cattle	***$0.28***
Dairy cattle	***.53***
Horses	***.75***
Mules	***.75***
Burros or asses	***.75***
Hogs and pigs	***.07***
Goats	***.06***

2. The minimum special tax due annually pursuant to this section from each owner of livestock is $5.

3. Upon the receipt of payment of the special tax and the report thereof by the State Controller, the Department shall credit the amount of the tax as paid on its records.

4. The special taxes paid by an owner of livestock, when transmitted to the State Treasurer, must be deposited in the Livestock Inspection Account.

5. As used in this section:

(a) "Dairy cattle" are bulls, cows and heifers of the dairy breeds that are more than 6 months old.

(b) "Stock cattle" are:

(1) Steers of any breed and other weaned calves of the beef breeds that are more than 6 months old; and

(2) Bulls, cows and older heifers of the beef breeds.

(c) The classes consisting of horses, mules, and burros and asses exclude animals that are less than 1 year old.

Sec. 11. NRS 575.080 is hereby amended to read as follows:

575.080 As used in NRS 575.080 to 575.230, inclusive, ***and section 10 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Agriculture.

2. "Department" means the State Department of Agriculture.

3. "Livestock" means the animals subject to the taxes levied pursuant to ~~[~~NRS 571.035.~~]~~ ***section 10 of this act.***

4. "Sheep" means the animals subject to the taxes levied pursuant to NRS 562.170 and 567.110.

5. "Tax" means any of the taxes levied pursuant to NRS 562.170, 567.110 and ~~[~~571.035.~~]~~ ***section 10 of this act.***

Sec. 12. NRS 575.205 is hereby amended to read as follows:

575.205 1. Except as otherwise provided in subsection 2, any person who fails to pay the tax levied by the Department pursuant to ~~[~~NRS 571.035,~~]~~ ***section 10 of this act,*** within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax that is owed, in addition to the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date the tax was due until the date of payment.

2. The Department may, for good cause shown, waive or reduce the payment of the interest or penalty, or both, that is required to be paid pursuant to subsection 1. The Department shall, upon the request of any person, disclose:

(a) The name of the person whose interest or penalty was waived or reduced; and

(b) The amount so waived or the amount of the reduction.

3. All taxes levied by the Department on livestock pursuant to ~~[~~NRS 571.035,~~]~~ ***section 10 of this act,*** and all penalties and interest accrued thereon, constitute a lien upon the livestock until paid.

Sec. 13. NRS 575.210 is hereby amended to read as follows:

575.210 Whenever any taxes, or penalties or interest for delinquencies pursuant to NRS 562.175, 575.130 or 575.205 are paid to the Department,

the Department shall record the payment and the date thereof with the name of the person liable therefor, and the amount of taxes, penalties and interest collected pursuant to NRS 562.170, 562.175, 567.110, ~~[~~571.035,~~]~~ 575.130 and 575.205, ***and section 10 of this act,*** and transmit the revenue thereof to the State Controller for deposit into the appropriate account or fund in the State Treasury.

Sec. 14. NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person may obtain certification that the person is an actual producer of ~~[an agricultural product of the soil.]~~ ***farm products other than any livestock, livestock product or poultry.*** The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The Department may impose fees for the certification of ~~[persons]~~ ***a person*** as ***an*** actual ~~[producers]~~ ***producer*** of ~~[an agricultural product of the soil]~~ ***farm products specified in subsection 1*** and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, ~~[an agricultural product of the soil]~~ ***farm products specified in subsection 1*** for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of chapter 446 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, ~~[an agricultural product of the soil]~~ ***farm products specified in subsection 1*** for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of chapter 446 of NRS relating to such a sale or offer to sell.

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.

Sec. 16. ***"Primary principal" means a principal who has been designated by a pest control business as the person responsible for the daily supervision of each category of pest control.***

Sec. 17. ***"Principal" means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more categories of pest control.***

Sec. 18. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, ***and sections 16 and 17 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, ***and sections 16 and 17 of this act*** have the meanings ascribed to them in those sections.

Sec. 19. NRS 555.2667 is hereby amended to read as follows:

555.2667 "Pest control" means ***publicly holding oneself out as being in*** the business of ***detecting, preventing, controlling or exterminating pests or otherwise*** engaging in, advertising or soliciting for:

1. The use for hire of pesticides or mechanical devices for the extermination, control or prevention of infestations of pests.

2. The inspection for hire of households or other structures and the submission of reports of inspection, estimates or bids, written or oral, for the inspection, extermination, control or prevention of wood-destroying pests.

Sec. 20. NRS 555.277 is hereby amended to read as follows:

555.277 1. The provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 16 and 17 of this act*** relating to licenses and requirements for their issuance, except a certificate or permit to use a restricted-use pesticide, do not apply to any farmer-owner of ground equipment applying pesticides for himself, herself or his or her neighbors, if:

(a) The farmer-owner operates farm property and operates and maintains equipment for applying pesticides primarily for his or her own use.

(b) The farmer-owner is not regularly engaged in the business of applying pesticides ***or performing pest control*** for hire as ~~[a]~~ ***an operator, primary principal or*** principal or ***as a*** regular occupation, and the farmer-owner does not ***advertise or solicit pest control or*** publicly hold himself or herself out as ***being in the business of pest control or as*** a pesticide applicator.

(c) The farmer-owner operates his or her equipment for applying pesticides only in the vicinity of the farmer-owner's own property and for the accommodation of the farmer-owner's neighbors for agricultural purposes only.

2. The provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 16 and 17 of this act,*** except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to any person using hand-powered equipment, devices or contrivances to apply pesticides to ~~[lawns or to ornamental shrubs and trees]~~ ***any landscaped area*** as an incidental part of the person's business of taking care of ~~[lawns and yards]~~ ***a landscaped area*** for remuneration, if that person does not ***advertise or solicit pest control or*** publicly hold himself or herself out as being in the business

of ***pest control or*** applying pesticides and the cost of applying the pesticides does not exceed 20 percent of the total remuneration received.

Sec. 21. NRS 555.280 is hereby amended to read as follows:

555.280 A person shall not engage in pest control or serve as an agent, operator ***,*** ~~[or]~~ pilot ***, primary principal or principal*** for that purpose within this State at any time without a license issued by the Director.

Sec. 22. NRS 555.310 is hereby amended to read as follows:

555.310 1. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the State Board of Agriculture.

2. Upon the successful completion of the testing, the Director shall, before the license is issued, collect from each person applying for a license for pest control an annual fee established by regulation of the State Board of Agriculture. Any company or person employing ***primary principals, principals,*** operators ~~[, pilots]~~ or agents shall pay to the Director a fee established by regulation of the Board for each ***primary principal, principal,*** operator ~~[, pilot]~~ or agent licensed.

Sec. 23. NRS 555.330 is hereby amended to read as follows:

555.330 1. The Director shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount of:

(a) Except as otherwise provided in paragraph (b), not less than ~~[$10,000.]~~ ***$50,000.***

(b) If the license would authorize the application of pesticides by aircraft:

(1) Not less than $100,000 for bodily injury to or death of one person in any one accident;

(2) Subject to the limit for one person, not less than $300,000 for bodily injury to or death of two or more persons in any one accident; and

(3) Not less than $100,000 for each occurrence of damage to property in any one accident.

➥ The Director may accept a liability insurance policy or surety bond in the proper amount.

2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to humans, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any

pesticide by a licensed pest control operator ~~[.]~~ ***, primary principal or principal.*** A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint.

Sec. 24. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under NRS 555.2605 to 555.460, inclusive, ***and sections 16 and 17 of this act*** if the Director finds that:

(a) The licensee is no longer qualified;

(b) The licensee has engaged in fraudulent business practices in pest control;

(c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;

(d) The licensee has applied known ineffective or improper materials;

(e) The licensee operated faulty or unsafe equipment;

(f) The licensee has made any application in a faulty, careless or negligent manner;

(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 16 and 17 of this act*** or regulations adopted pursuant thereto;

(h) The licensee engaged in the business of pest control without having a licensed ~~[applicator or]~~ ***agent,*** operator ***, primary principal or principal*** in direct on-the-job supervision;

(i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, ***and sections 16 and 17 of this act,*** combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of his or her license;

(k) The licensee was intentionally guilty of fraud ***, falsification*** or deception in the issuance of an inspection report on wood-destroying pests or other report ***or record*** required by regulation; or

(l) The licensee has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving moral turpitude in any court of competent jurisdiction in the United States or any other country.

2. A license is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed

pursuant to NRS 555.330 is cancelled, and the license remains suspended until the insurance is re-established.

3. A licensee against whom the Director initiates disciplinary action to revoke, suspend or modify the license of the licensee pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director, submit to the Director a complete set of the licensee's fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. A willful failure of a licensee to comply with the requirements of subsection 3 constitutes an additional ground for the revocation, suspension or modification of the license of the licensee pursuant to this section.

5. The Director has additional grounds to revoke, suspend or modify a license pursuant to this section if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of a felony or crime specified in paragraph (l) of subsection 1.

Sec. 25. NRS 555.3507 is hereby amended to read as follows:

555.3507 ~~[1.]~~ A person licensed to engage in pest control shall ensure that ~~[each of]~~ the licensee's business ~~[locations in this State]~~ has a primary principal who is licensed in the appropriate category or categories of pest control.

~~[2. If a licensee ceases to have a primary principal at each of the licensee's business locations in this State for 30 consecutive calendar days, his or her license for pest control is automatically suspended, without action of the Director, and remains suspended until such time as the licensee obtains a primary principal for each business location.~~

~~3. As used in this section, "primary principal" means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more of the categories of pest control and who has been designated by the pest control business as the person responsible for the daily supervision of the category or categories of pest control performed by a business location of the pest control business within this State.]~~

Sec. 26. NRS ~~[555.285,]~~ 561.247, 566.027, 566.035 and 571.035 are hereby repealed.

Sec. 27. Any person who, before the effective date of this act, has obtained certification that the person is an actual producer of an agricultural product of the soil in accordance with regulations adopted by the State Department of Agriculture pursuant to NRS 576.128 shall, if he or she is otherwise qualified for that certification, be deemed to be certified as an actual producer of farm products other than any livestock, livestock product or poultry in accordance with NRS 576.128, as amended by section 14 of this act.

Sec. 28. 1. Any regulations adopted by the State Department of Agriculture pursuant to NRS 561.247 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.

2. Any information or document made confidential by the regulations specified in subsection 1 remains confidential.

3. Any agreement for the resolution of an agricultural debt entered into pursuant to the regulations specified in subsection 1 remains in effect in accordance with the provisions of the agreement.

4. If the State Department of Agriculture receives any fees from a participant in the Agricultural Loan Mediation Program before the effective date of this section, and if any portion of those fees remains unused on that date, the Department shall, as soon as practicable after that date, return the unused portion of those fees to the participant.

Sec. 29. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

~~**[** 555.285 License required to engage in activities concerning control of wood-destroying pests or organisms.**]**~~

561.247 Establishment and administration of Agricultural Loan Mediation Program; fees for participation.

566.027 Persons slaughtering cattle without formal inspection system required to retain hides for 30 days; exhibition of hides or certificate of release.

566.035 Inspection by inspectors of Department and peace officers.

571.035 Maximum rate of tax; minimum tax; deposit in Livestock Inspection Account.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 22.

Bill read second time and ordered to third reading.

Assembly Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 48.

AN ACT relating to motor vehicles; providing for the limited issuance of special license plates to commemorate the 150th anniversary of Nevada's admission into the Union; imposing a fee for the issuance or renewal of such

license plates; revising provisions relating to the number of characters required to be contained on a license plate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the issuance of a special license plate to commemorate the 150th anniversary of Nevada's admission into the Union. Existing law provides that the regular fees for the initial issuance and renewal of a special license plate are $35 and $10, respectively, exclusive of any additional fees which may be added to generate funds for a particular cause. (NRS 482.265) Unlike the fees set forth in existing law, the fee set forth in this bill for the initial issuance of a special license plate to commemorate the 150th anniversary (sesquicentennial) of Nevada's admission into the Union is $7.50 and there is no basic charge for the renewal of the special license plates, other than the fee that is required to be distributed to the Nevada Cultural Affairs Foundation. Existing law also requires $35 of the fee received by the Department of Motor Vehicles for the initial issuance of a special license plate, exclusive of any additional fees which may be added to generate funds for a particular cause, to be deposited in the State Highway Fund for credit to the Revolving Account for the Issuance of Special License Plates. (NRS 482.1805) ~~[However, this]~~ **This** bill requires the Department to deposit the $7.50 received for the initial issuance of the sesquicentennial license plate with the State Treasurer for credit to ~~[the Motor Vehicle Fund.]~~ **that Revolving Account. This bill also requires that an annual report concerning the revenues received and expenditures made in connection with the issuance of the commemorative license plates be submitted to the Director of the Legislative Counsel Bureau, and provides that in no event may the commemorative license plates be issued by the Department after October 31, 2016.**

This bill also provides that the additional fees collected for the issuance of the plate must be deposited in the State General Fund. The State Treasurer is required to distribute those additional fees, on a quarterly basis, to the Nevada Cultural Affairs Foundation. This bill exempts these special license plates from: (1) the provisions that require a minimum number of applications for the plates; (2) the requirement that the Commission on Special License Plates approve or disapprove the plates; and (3) the limit on the number of separate designs of special license plates that may be issued by the Department at any one time.

Section 5 of this bill deletes the requirement that a redesign of license plates ordered by the Director of the Department: (1) be in colors that are predominately blue and silver; and (2) contain letters and numbers that are of the same size. **Sections 6 and 11-19** of this bill delete the requirement that a license plate contain a certain finite number of characters and provide instead

that the Director will determine the number of characters to be contained on each license plate.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[7,]~~ 8, the Department, in cooperation with the Nevada Cultural Affairs Foundation or its successor, shall design, prepare and issue license plates which commemorate the 150th anniversary of Nevada's admission into the Union, using any colors and designs that the Department deems appropriate.

2. The Department shall issue the commemorative license plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is $7.50, in addition to all other applicable registration and license fees and governmental services taxes. The Department shall deposit the fee collected pursuant to this subsection with the State Treasurer for credit to the ~~[Motor Vehicle Fund pursuant to the provisions of NRS 482.180.]~~ Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.

4. Except as otherwise provided in this subsection, in addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates a fee of ~~[$10,]~~ $20, to be distributed pursuant to subsection 5. The fees otherwise required to be paid pursuant to this subsection must not be charged after the date announced by the Director pursuant to subsection ~~[7.]~~ 8.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. For the duration of the collection of such fees, the State Treasurer shall, on a quarterly basis, distribute the fees to the Nevada Cultural Affairs Foundation or its successor to be used for:

(a) A celebration of the 150th anniversary of Nevada's admission into the Union;

(b) Projects relating to the commemoration of Nevada's admission to the Union, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings and structures;

(c) Education relating to the history of the State of Nevada; and

(d) Other projects relating to preserving and protecting the heritage of the State of Nevada.

6. On or before January 1 of each calendar year, the Division of Museums and History of the Department of Tourism and Cultural Affairs shall produce a report of:

(a) Revenues received from the issuance of the commemorative license plates issued pursuant to the provisions of this section; and

(b) Associated expenditures,

↳ and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature or the Legislative Commission, as appropriate.

7. If, during a registration year, the holder of the commemorative license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

~~[7.]~~ 8. The Director shall determine and, by public proclamation, announce the last date on which the Department will issue the commemorative license plates. The Department shall publish the announcement on its Internet website. In no case may the date that is determined and announced to be the last date on which the Department will issue the commemorative license plates be after October 31, 2016. The Department shall not issue:

(a) The commemorative license plates after the date announced by the Director pursuant to this subsection.

(b) Replacement commemorative license plates for those license plates more than 5 years after the date announced by the Director pursuant to this subsection.

Sec. 2. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The Revolving Account for the Issuance of Special License Plates is hereby created as a special account in the State Highway Fund. An amount equal to $35 of the fee received by the Department for the initial issuance of a special license plate, not including any additional fee

which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the State Highway Fund for credit to the Account.

2. The Department shall use the money in the Account to:

(a) Pay the expenses involved in issuing special license plates; and

(b) Purchase improved and upgraded technology, including, without limitation, digital technology for the production of special license plates, to ensure that special license plates are produced in the most efficient manner possible.

3. Money in the Account must be used only for the purposes specified in subsection 2.

4. At the end of each fiscal year, the State Controller shall transfer from the Account to the State Highway Fund an amount of money equal to the balance in the Account which exceeds $50,000.

5. The provisions of this section do not apply to section 1 of this act.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[,]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to section 1 of this act.

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates **.** ~~[with colors that are predominately blue and silver. The~~

~~Director may substitute white in place of silver when no suitable material is available.]~~

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, ***or section 1 of this act*** ~~[,]~~ without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. ~~[Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.~~

~~7.]~~ Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (e) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for ~~[coloring,]~~ lettering and design that are set forth in this section.

Sec. 6. NRS 482.272 is hereby amended to read as follows:

482.272 Each license plate for a motorcycle may contain ~~[up to six]~~ ***a number of*** characters, including numbers and letters ~~[.]~~ ***, as determined necessary by the Director.*** Only one plate may be issued for a motorcycle.

Sec. 7. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of $5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection ~~[7]~~ ***6*** of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 8. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[.]~~ ***or section 1 of this act.***

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the

assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 9. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, ***or section 1 of this act,*** a license plate that ~~[:~~

~~(1) Is~~**]** ***is*** approved by the Legislature after July 1, 2005 **.** ~~[; and~~

~~(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.~~**]**

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. ~~[Except as otherwise provided in subsection 6, if,~~**]** ***If,*** on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 10. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the

Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[.]~~ ***or section 1 of this act.***

Sec. 11. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this State and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom the person is employed,

➥ be issued license plates upon which is inscribed PRESS with ~~[three consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to members of the press.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 12. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon

signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

➥ be issued a set of license plates upon which is inscribed CONSULAR CORPS with ~~[three consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 13. NRS 482.3755 is hereby amended to read as follows:

482.3755 1. An owner of a motor vehicle who is a resident of this State and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed "CIVIL AIR PATROL" with ~~[four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.*** The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker is $10.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to the member

pursuant to subsection 1. If a member is dishonorably discharged, he or she shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 14. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L GUARD with ~~[four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.*** The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of $5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 15. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates

must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor required by the Department.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. The fee for a set of special license plates issued pursuant to this section is $25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is $5.

Sec. 16. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates inscribed with the words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran, and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and three or four consecutive numbers.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 17. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 18. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 19. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 20. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act,*** and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that

is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.*** The term includes the successor, if any, of a charitable organization.

Sec. 21. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration……..$5.00
For every substitute number plate or set of plates……...5.00
For every duplicate number plate or set of plates…….....10.00
For every decal displaying a county name ..... .50
For every other decal, license plate sticker or tab……...5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, ***and section 1 of this act,*** a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 22. **Notwithstanding the provisions of subsection 6 of section 1 of this act, the report of revenues and associated expenditures that is required to be submitted to the Director of the Legislative Counsel Bureau pursuant to those provisions must be submitted by the Nevada Sesquicentennial Commission, established by the Governor pursuant to executive order, for the period from the effective date of this act through January 1, 2015.**

Sec. 23. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 142.

AN ACT relating to pharmacy; making various changes concerning the sale, transfer or acquisition of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits any person, other than a pharmacy, from selling or transferring in the course of business or selling at retail certain products that contain materials that can be used to manufacture methamphetamine. (NRS 639.410) Existing law further requires a retail distributor of such

products to keep the products in a locked case or cabinet or behind a store counter to prevent access to the public. (NRS 453.354) Existing law also limits the quantity of certain chemicals contained in these products that may be sold or transferred to the same person during a calendar day. (NRS 453.355) **Section 6** of this bill establishes a limit on the quantity of these chemicals that can be sold or transferred to the same person during a 30-day period.

Existing law requires a retail distributor of certain products that can be used to manufacture methamphetamine to maintain a logbook of the sales and transfers of such a product and to ensure that certain information is entered in the logbook. (NRS 453.357) **Section 2** of this bill requires the ~~[~~Director~~]~~ **State Board** of ~~[~~the Department of Public Safety~~]~~ **Pharmacy** to ~~[~~determine whether~~]~~ **approve** a real-time, stop sale system ~~[~~is available and appropriate~~]~~ for use by pharmacies in this State ~~[~~to~~]~~ **if the Board determines that the real-time, stop sale system: (1) is available and appropriate for use by pharmacies in this State; and (2) the system has certain capabilities and will be available free of charge. Such a system will: (1)** allow pharmacies to electronically submit information before completing a sale or transfer of such a product to determine whether the sale or transfer would violate any law ~~[~~. The Director is authorized to approve such a system if it has certain capabilities and will be available free of charge.~~]~~ **; and (2) allow law enforcement agencies to access transaction records related to the sale or transfer, or attempted sale or transfer, of a product that is a precursor to methamphetamine.**

Section 3 of this bill requires a pharmacy to use a real-time, stop sale system that is approved by the ~~[~~Director of the Department.~~]~~ **Board.** A pharmacy is prohibited from completing a sale or transfer of a product if informed through the system that the sale or transfer will violate any law, except in certain circumstances. ~~[~~Section 4 of this bill requires the Director of the Department to request transaction records from the real-time, stop sale system and forward such records to law enforcement agencies in this State.~~]~~ **Section 4.5 of this bill provides that the failure of the real-time, stop sale system or the misuse of the system does not create any civil liability for the Board. Section 7** of this bill requires a retail distributor of certain products that can be used to manufacture methamphetamine, in addition to maintaining the logbook and checking the name and identification of a person seeking to obtain such a product, to consult with the real-time, stop sale system, if such a system is approved by the ~~[~~Director.~~]~~ **Board.**

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 4.5, inclusive,** of this act.

Sec. 2. ***1. The*** ~~*[Director of the Department of Public Safety]*~~ ***Board shall approve a real-time, stop sale system for use by pharmacies in this State if the*** ~~*[Director]*~~ ***Board determines that a real-time, stop sale system is available and appropriate for use by pharmacies in this State. The*** ~~*[Director]*~~ ***Board shall approve a real-time, stop sale system for use by pharmacies in this State only if the*** ~~*[Director]*~~ ***Board determines that the system:***

(a) Will allow pharmacies in this State to electronically submit information to the system before the sale or transfer of a product that is a precursor to methamphetamine;

(b) Will determine whether the sale or transfer of the product would violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine;

(c) Will send an alert to pharmacies to stop the sale or transfer of a product if the sale or transfer would violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine; ~~*[and]*~~

(d) Will allow law enforcement agencies in this State to access from the system transaction records of any sale or transfer or attempted sale or transfer of a product that is a precursor to methamphetamine; and

(e) Is available for use by pharmacies and law enforcement agencies in this State free of charge.

2. Before approving a real-time, stop sale system, the ~~*[Director]*~~ ***Board must adopt regulations establishing the minimum requirements for the real-time, stop sale system. The*** ~~*[Director]*~~ ***Board shall also adopt regulations establishing the requirements for use of the real-time, stop sale system by the pharmacies and law enforcement agencies of this State.***

Sec. 3. ***1. After the*** ~~*[Director of the Department of Public Safety]*~~ ***Board has approved a real-time, stop sale system pursuant to section 2 of this act and adopted regulations establishing the requirements for the use of the system pursuant to that section, the*** ~~*[Director must notify the]*~~ ***Board*** ~~*[and]*~~ ***must notify each pharmacy in this State of the real-time, stop sale system that has been approved, the manner in which to establish the system in the pharmacy and the content of the regulations.***

2. Once a pharmacy receives notification pursuant to subsection 1, the pharmacy shall obtain the real-time, stop sale system and consult the system in the manner prescribed before completing any sale or transfer of a product that is a precursor to methamphetamine, except when the purchaser has a valid prescription for such a product. The pharmacy shall obtain any information necessary from the person seeking the purchase or

transfer of the product to receive notice from the real-time, stop sale system.

3. Except as otherwise provided in this subsection, if a pharmacy receives an alert from the real-time, stop sale system that the sale or transfer of a product may violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine, the pharmacy must not allow the sale or transfer to be completed. The ~~[Department of Public Safety may]~~ Board shall provide by regulation for exceptions to allow for the completion of a sale or transfer ~~[despite]~~ :

(a) Despite such an alert ~~[when]~~ if the pharmacist or an employee of the pharmacy has a reasonable fear of imminent bodily harm.

(b) If a pharmacy experiences a mechanical or electronic failure of the real-time, stop sale system.

4. A pharmacy that complies with the provisions of this section is not liable in any civil action for using the real-time, stop sale system or for any act or omission resulting from the use of the system which is not the result of the negligence, recklessness or deliberate misconduct of the pharmacy.

5. Failure of a person to use the real-time, stop sale system as required pursuant to this section is a misdemeanor punishable by a fine of not more than $1,000.

Sec. 4. ~~***[The Director of the Department of Public Safety shall request transaction records from the real-time, stop sale system which is approved pursuant to section 2 of this act. The Director shall forward such transaction records to law enforcement agencies in this State.]***~~ **(Deleted by amendment.)**

Sec. 4.5. The failure of the real-time, stop sale system approved pursuant to section 2 of this act to send an alert to a pharmacy to stop the sale or transfer of a product that is a precursor to methamphetamine in violation of NRS 453.355, or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine, does not establish a basis for any cause of action against the Board. The Board is immune from any liability arising from or related to the unauthorized access or misuse of any information collected by or derived from the real-time, stop sale system approved pursuant to section 2 of this act.

Sec. 5. NRS 639.400 is hereby amended to read as follows:

639.400 As used in this section and NRS 639.410 and 639.420 ~~[,]~~ ***and sections 2 ~~[, 3 and 4]~~ to 4.5, inclusive, of this act,*** "product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed

lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq., as a nonprescription drug.

Sec. 6. NRS 453.355 is hereby amended to read as follows:

453.355 1. Except as otherwise provided in subsection 2, a retail distributor shall not:

(a) Sell or transfer to the same person during any calendar day, without regard to the number of transactions, more than 3.6 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.

(b) ***Sell or transfer to the same person during any 30-day period, without regard to the number of transactions, more than 9 grams of ephedrine base, pseudoephedrine base or phenylpropanolamine base or the salts, optical isomers or salts of optical isomers of such chemicals in a product that is a precursor to methamphetamine.***

(c) Sell at retail and in nonliquid form a product that is a precursor to methamphetamine, including, without limitation, gel caps, unless:

(1) The product is packaged in blister packs, each blister containing not more than two dosage units; or

(2) If the use of blister packs is technically infeasible, the product is packaged in unit dosage packets or pouches.

2. The provisions of subsection 1 do not apply if ~~[, pursuant:]~~ ***:***

(a) Pursuant to 21 U.S.C. § 830(e)(3), the Attorney General of the United States has determined that a product that is a precursor to methamphetamine cannot be used to manufacture methamphetamine and provided by regulation that the product is exempt from the provisions of 21 U.S.C. § 830(d).

(b) The person who seeks to obtain a product that is a precursor to methamphetamine has a valid prescription for the product.

Sec. 7. NRS 453.357 is hereby amended to read as follows:

453.357 1. A retail distributor shall maintain a logbook.

2. At the time of ~~[a]~~ ***the*** sale or transfer of a product that is a precursor to methamphetamine, a retail distributor shall ensure that the following information is entered in the logbook:

(a) The name of the product sold or transferred;

(b) The quantity of the product sold or transferred;

(c) The name and address of the purchaser or transferee; ~~[and]~~

(d) The date and time of the sale or transfer ~~[.]~~ ***; and***

(e) The type and number of the identification presented by the purchaser or transferee pursuant to paragraph (a) of subsection 3.

3. A retail distributor shall not sell or transfer a product that is a precursor to methamphetamine unless:

(a) The prospective purchaser or transferee:

(1) Presents an identification card ~~[that]~~ ***which*** provides a photograph and ***which*** is issued by the ***Federal*** Government ***,*** ~~[of the United States or the Government of]~~ this State or any other state, or a document that, with respect to identification, is considered acceptable pursuant to 21 U.S.C. § 830(e)(1); and

(2) Signs his or her name in the logbook ***.*** ~~[; and]~~

(b) The retail distributor ~~[determines]~~ ***:***

(1) Determines that the name entered in the logbook corresponds to the name provided on the identification presented by the prospective purchaser or transferee ~~[.]~~ ***; and***

(2) Has consulted the real-time, stop sale system, if required pursuant to section 3 of this act.

4. The retail distributor must include in the logbook or otherwise post or provide to a prospective purchaser or transferee a notice that entering a false statement or representation in the logbook may subject the prospective purchaser or transferee to criminal penalties under state law, as set forth in NRS 453.359, and under federal law, as set forth in 18 U.S.C. § 1001.

5. A retail distributor shall maintain each entry in the logbook for not less than 2 years after the date on which the entry is made.

6. A retail distributor shall not access, use or share the information in the logbook unless the accessing, using or sharing of the information is allowed by federal law or unless the purpose of accessing, using or sharing the information is to ensure compliance with this chapter or to facilitate a product recall to protect the health and safety of the public.

7. Upon a request, which is made for the purpose of enforcing the provisions of NRS 453.352 to 453.359, inclusive, ***or 639.400, 639.410 and 639.420 and sections 2*** ~~*[, 3 and 4]*~~ ***to 4.5, inclusive, of this act,*** by a law enforcement agency of this State or a political subdivision thereof or a law enforcement agency of the Federal Government, a retail distributor shall disclose the information in the logbook to the law enforcement agency.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 150.

SUMMARY—Imposes an additional penalty for ~~[an attempt or conspiracy]~~ **attempting or conspiring** to commit certain crimes against older or vulnerable persons. (BDR 15-337)

AN ACT relating to crimes; imposing an additional penalty for attempting or conspiring to commit certain crimes against certain older or vulnerable persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for additional penalties to be imposed for certain crimes that are committed against persons 60 years of age or older or against vulnerable persons. The term "vulnerable persons" is defined for the purposes of this section to mean adults with certain physical or mental limitations. (NRS 193.167) This bill adds an attempt or conspiracy to commit ~~[such]~~ **certain** crimes to that list.

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

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of ***, or attempting or conspiring to embezzle,*** money or property of a value of $650 or more;

(i) Obtaining ***, or attempting or conspiring to obtain,*** money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another ~~*[*~~ ***;*** ~~*or*~~

~~*(k) Attempting or conspiring to commit an offense listed in paragraphs (a) to (j), inclusive,]*~~

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a

misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time.

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

Amendment No. 105.

AN ACT relating to children; providing for the establishment by statute of the **Nevada** Early Childhood Advisory Council; prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The]~~ **Federal law requires, as a condition of state participation in the federal Head Start program, the Governor to designate or establish an advisory council on early childhood education and care. (42 U.S.C. § 9837b) In fulfillment of this obligation, the** Nevada Early Childhood Advisory Council was created by an executive order of the Governor on

September 11, 2009, and was continued by executive order on July 14, 2011. By the terms of the executive order signed on July 14, 2011, the Council will cease to exist on July 31, 2013. This bill statutorily ~~[provides for the establishment of]~~ **establishes** the **Nevada** Early Childhood Advisory Council by the ~~[Director of the Department of Health and Human Services.]~~ **Governor.** This bill also sets forth the membership of the Council, which must be appointed by the ~~[Director]~~ **Governor** and include ~~[: (1) one member who is a representative of the Department of Education; (2) one member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs; (3) one member who is a representative of a]~~ **membership as required by federal law, plus representatives of** nonprofit ~~[organization]~~ **organizations** located in northern **and southern** Nevada that ~~[provides]~~ **provide** early childhood education programs **.** ~~[; and (4) such other members as the Director determines appropriate.]~~ The statutory Council has substantially the same duties as the Council created by executive order but must also establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~*[Director shall establish the]*~~ ***Nevada Early Childhood Advisory Council*** ~~*[within the Department.]*~~ ***is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the*** ~~*[Director]*~~ ***Governor and include, without limitation:***

(a) One member who is a representative of the Health Division whose duties include responsibility for child care;

(b) One member who is a representative of the Department of Education;

(c) One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~*[(b)]*~~ ***(d) One member who is a representative of the boards of trustees of the school districts in this State;***

(e) One member who is a representative of the Nevada System of Higher Education;

(f) One member who is a representative of local providers of early childhood education and developmental services;

(g) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

(h) One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

(i) One member who is a representative of the Division of Mental Health and Development Services of the Department;

(j) One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;

[(e)] (k) One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs; and

[(d)] (l) Such other members as the [Director] Governor determines are appropriate.

2. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood education programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.

(h) Perform such other duties relating to early childhood education programs as designated by the ~~[Director.]~~ Governor.

3. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

Sec. 2. On or before February 1, 2015, the **Nevada** Early Childhood Advisory Council established ~~[pursuant to]~~ **by** section 1 of this act shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature on the work of the Council relating to the duties of the Council set forth in section 1 of this act.

Sec. 3. Notwithstanding the provisions of section 1 of this act, the Nevada Early Childhood Advisory Council created by the Governor by executive order on September 11, 2009, and continued by executive order on July 14, 2011, shall be deemed to be the **Nevada** Early Childhood Advisory Council ~~[required to be]~~ established ~~[by the Director of the Department of Health and Human Services]~~ pursuant to section 1 of this act until the ~~[Director]~~ **Governor** appoints the members of the Advisory Council pursuant to subsection 1 of section 1 of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 120.

AN ACT relating to crimes; revising provisions relating to the crime of participation in an organized retail theft ring; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the crime of participation in an organized retail theft ring as three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State; and (2) provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least $3,500 but less than $10,000. (NRS 205.08345) This bill replaces the crime of participation in an organized retail theft ring with the crime of organized retail theft and provides that such a crime may be committed by one or more persons who ~~[intentionally]~~ conduct a series of thefts of retail merchandise at one or more merchants in this State ~~[. This bill also reduces the threshold amount, from $3,500 to $2,500, for purposes of determining whether the crime of organized retail theft has been committed.]~~ **with the intent to return the merchandise for value or resell, trade or barter the merchandise for value.**

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who participates in ~~[an]~~ organized retail theft ~~[ring]~~ is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed ~~[by]~~ ***in*** the organized retail theft ~~[ring]~~ in this State during a period of 90 days is at least $3,500 ~~*[$2,500]*~~ but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property or services involved in all thefts committed ~~[by]~~ ***in*** the organized retail theft ~~[ring]~~ in this State during a period of 90 days is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed ~~[by an]~~ ***in the*** organized retail theft ~~[ring]~~ in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ~~[ring]~~ must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in ~~[an]~~ ***the*** organized retail theft ~~[ring]~~ was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ***"*** ~~[ring"]~~ means ~~[three or more persons who associate for the purpose of engaging in the conduct of]~~ ~~*[intentionally]*~~ committing ***, either alone or with any other person or persons,*** a series of thefts of retail merchandise against ~~[more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant]~~ ***one or more merchants*** in this State ~~[.]~~ ***with the intent to:***

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 38.

AN ACT relating to elections; providing that a person is not ineligible to vote because he or she has been adjudicated mentally incompetent unless a court of competent jurisdiction makes certain specific findings concerning the person's mental capacity to vote; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who has been adjudicated mentally incompetent is not eligible to vote. (Nev. Const. Art. 2, § 1) This bill enacts a standard to be used by courts to adjudicate a person mentally incompetent for the purpose of voting. Under **section 1** of this bill, a person is not ineligible to vote on the ground that the person has been adjudicated mentally incompetent unless a court of competent jurisdiction specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process. **Section 5** of this bill specifically provides that a person for whom a court has appointed a guardian retains his or her right to vote unless the court makes such a finding.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

A person is not ineligible to vote on the ground that the person has been adjudicated mentally incompetent unless a court of competent jurisdiction specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process and includes the finding in a court order.

Sec. 2. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the ~~[insanity or mental incompetence of]~~ ***county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that*** the person registered ~~[is legally established.]~~ ***lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.***

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 3. NRS 293.542 is hereby amended to read as follows:

293.542 Within 30 days after ***a court of competent jurisdiction issues an order stating that the court specifically finds by clear and convincing evidence that*** a person ~~[~~is adjudicated insane or mentally incompetent by a district court, the clerk of the district~~]~~ ***lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process, the*** court shall provide a certified copy of the order ~~[~~or judgment of insanity or mental incompetency~~]~~ to:

1. The county clerk of the county in which the person is a resident ~~[~~, if the person is not a resident of the county in which the district court is located; or~~]~~ ***; and***

2. The ~~[~~registrar of voters of the county, if the person is a resident of the county in which the district court is located and the county has created the office of registrar of voters pursuant to NRS 244.164.~~]~~ ***Office of the Secretary of State.***

Sec. 4. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been ~~[~~declared sane or mentally competent~~]~~ ***found*** by the district court ~~[~~.~~]~~ ***to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.***

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 5. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ward retains his or her right to vote unless the court specifically finds by clear and convincing evidence that the ward lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

2. If the court makes a finding pursuant to subsection 1, the court must include the finding in a court order and provide a certified copy of the order to the county clerk or the registrar of voters, as applicable, of the county in which the ward resides ~~[or the registrar of voters of that county, as applicable,]~~ and to the Office of the Secretary of State, in the manner set forth in NRS 293.542.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 121.

AN ACT relating to crimes; ~~[revising provisions concerning the criteria and procedures for determining whether a dog is dangerous or vicious;]~~ providing that a dog may not be determined to be dangerous or vicious based solely on its breed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the circumstances under which a dog may be deemed dangerous or vicious and provides criminal penalties for a person

who knowingly owns or keeps a vicious dog after notice that the dog is vicious or who knowingly transfers ownership of such a vicious dog. (NRS 202.500) This bill: (1) ~~[revises the criteria by which a dog may be determined to be dangerous or vicious; (2) requires that, before a dog is determined to be dangerous or vicious, a designated animal control agency conduct an investigation and the owner or keeper of the dog, if known, be given notice and an opportunity for a hearing; and (3)]~~ provides that a dog may not be determined to be dangerous or vicious based solely on the breed of the dog ~~[.]~~ **; and (2) prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.**

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

Section 1. NRS 202.500 is hereby amended to read as follows:

202.500 1. ~~[As used in]~~ ***For the purposes of*** this section, a dog is:

(a) "Dangerous" if : ~~*[, after an investigation conducted by an animal control agency designated by a local authority and the owner or keeper of the dog, if known, is given notice and an opportunity for a hearing, it is determined by a preponderance of the evidence that:]*~~

(1) It is so declared pursuant to subsection 2; ~~*[The dog injured a person while being used in the commission of a crime by its owner or keeper;]*~~ or

(2) Without provocation, on two separate occasions within 18 months, it ~~[behaves]~~ ~~*[the dog]*~~ ***behaved*** menacingly, to a degree that would lead a reasonable person to defend himself or herself ~~*[, or a domestic animal,]*~~ against substantial bodily harm, when the dog ~~[is:]~~ ***was:***

(I) Off the premises of its owner or keeper ; ~~*[and not on a leash or otherwise controlled;]*~~ or

(II) Not confined in a cage, pen or vehicle.

(b) "Provoked" when it ~~*[the dog]*~~ is tormented ~~*[, abused]*~~ or subjected to pain.

(c) "Vicious" if : ~~*[, after an investigation conducted by an animal control agency designated by a local authority and the owner or keeper of the dog, if known, is given notice and an opportunity for a hearing, it is determined by clear and convincing evidence that:]*~~

(1) Without being provoked, it ~~[kills or inflicts]~~ ~~*[the dog]*~~ ***killed or inflicted*** substantial bodily harm upon a human being;

~~*[(2) While off the premises of its owner or keeper, the dog killed a domestic animal;]*~~ or

(2) ~~*[(3)]*~~ After its owner or keeper ~~[has]~~ ***had*** been notified by a law enforcement agency ~~*[or animal control agency]*~~ that ~~[it]~~ ***the dog*** is

dangerous, ~~[it continues]~~ ***the dog continued*** the behavior described in paragraph (a).

2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.

3. A dog may not be found dangerous or vicious ~~[because]~~ ***:***

(a) Based solely on the breed of the dog; or

(b) Because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

4. ~~*[3.]*~~ A person who knowingly:

(a) Owns or keeps a vicious dog, for more than 7 days after the person has actual notice that the dog is vicious; or

(b) Transfers ownership of a vicious dog after the person has actual notice that the dog is vicious,

➥ is guilty of a misdemeanor.

5. ~~*[4.]*~~ If substantial bodily harm results from an attack by a dog known to be vicious, its owner or keeper is guilty of a category D felony and shall be punished as provided in NRS 193.130. In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.

~~*[5.]*~~ ***6. A local authority shall not adopt or enforce an ordinance or regulation that deems a dog dangerous or vicious based solely on the breed of the dog.***

~~[6.]~~ ***7.*** This section does not apply to a dog used by a law enforcement officer in the performance of his or her duty.

~~*[7.]*~~ ***8. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact laws or ordinances or promulgate regulations relating to dogs.***

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

AN ACT relating to crimes; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that anyone who is not the husband or wife, brother or sister, parent or grandparent, child or grandchild of an offender and who

harbors, conceals or aids the offender after the commission of a crime is an accessory to the crime. (NRS 195.030) ~~[This]~~ **Section 1 of this** bill removes every person other than the husband and wife **or a domestic partner** from that exception ~~[.]~~ **if the crime is a felony. Section 1 also revises the acts which constitute being an accessory to a crime after the commission of the crime by specifically stating that a person acts as such an accessory if he or she destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals the offender.**

Existing law provides that an accessory to a felony is guilty of a category C felony. (NRS 195.040) Section 2 of this bill revises this penalty to provide that a person who harbors, conceals or aids the offender after the commission of a felony and who is the brother or sister, parent or grandparent, child or grandchild of the offender is guilty of a gross misdemeanor.

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

Section 1. NRS 195.030 is hereby amended to read as follows:

195.030 ***1.*** Every person not standing in the relation of husband or wife ~~[, brother or sister, parent or grandparent, child or grandchild,]~~ ***or domestic partner*** to the offender, who ~~[:~~

~~1. After]~~ **,** ***after*** the commission of a felony **,** ***destroys or conceals, or aids in the destruction or concealment of, material evidence, or*** harbors ~~[,]~~ ***or*** conceals ~~[or aids]~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

2. ~~[After]~~ ***Every person not standing in the relation of husband or wife, domestic partner, brother or sister, parent or grandparent, child or grandchild to the offender, who, after*** the commission of a gross misdemeanor **,** ***destroys or conceals, or aids in the destruction or concealment of, material evidence, or*** harbors ~~[,]~~ ***or*** conceals ~~[or aids]~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a gross misdemeanor or is liable to arrest, is an accessory to the gross misdemeanor.

3. As used in this section, "domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.

Sec. 2. **NRS 195.040 is hereby amended to read as follows:**

195.040 1. An accessory to a felony may be indicted, tried and convicted either in the county where he or she became an accessory, or where

the principal felony was committed, whether the principal offender has or has not been convicted, or is or is not amenable to justice, or has been pardoned or otherwise discharged after conviction. Except ***as otherwise provided in this subsection and except*** where a different punishment is specially provided by law, the accessory is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***An accessory to a felony who is standing in the relation of brother or sister, parent or grandparent, child or grandchild to the principal offender and who is an accessory to a felony pursuant to subsection 1 of NRS 195.030 is guilty of a gross misdemeanor.***

2. An accessory to a gross misdemeanor may be indicted, tried and convicted in the manner provided for an accessory to a felony and, except where a different punishment is specially provided by law, shall be punished by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by a fine of not less than $100 nor more than $500, or by both fine and imprisonment.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 51.

AN ACT relating to rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; **specifying that a violation resulting in an injury to another person is conclusive evidence of all facts necessary to impose civil liability for the injury under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person driving a motorcycle or moped upon a highway or riding a bicycle or an electric bicycle upon a roadway is subject to all the duties applicable to the driver of a motor vehicle, with certain exceptions. (NRS 484B.763, 486.331) Existing law makes it unlawful for any driver, including the driver of a trimobile, to disobey the instructions of any official traffic-control device under certain conditions. (NRS 484A.080, 484B.300) Existing law also prohibits vehicular traffic from proceeding into or through an intersection that is controlled by an official traffic-control device exhibiting different colored lights when the signal is red.

(NRS 484B.307) **Section 2** of this bill allows a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red signal if: (1) the person stops as required by the signal and waits for a reasonable time; (2) the signal does not change because of a malfunction or the failure of the signal to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle; and (3) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. **Section 2 also provides that, if the person commits certain violations while driving the motorcycle, moped or trimobile or riding the bicycle or electric bicycle which result in an injury to another person, the violations are conclusive evidence of all facts necessary to impose civil liability for the injury.**

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

Section 1. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. ~~[It]~~ ***Except as otherwise provided in NRS 484B.307, it*** is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows,

successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as ***otherwise*** provided in ~~[paragraph (c),]~~ ***paragraphs (c) and (d),*** must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) ***After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:***

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

8. Where the signal is a steady red with a green turn arrow:

(a) ~~[Vehicular]~~ ***Except as otherwise provided in paragraph (b), vehicular*** traffic facing the signal may enter the intersection only to make the

movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) ***A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:***

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

9. ***If a person violates paragraph (d) of subsection 7 or paragraph (b) of subsection 8 and that violation results in an injury to another person, the violation is conclusive evidence of all facts necessary to impose civil liability for the injury.***

10. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~[10.]~~ ***11.*** Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~[11.]~~ ***12.*** A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 113.

AN ACT relating to education; expanding the provisions that require the Board of Regents of the University of Nevada to pay certain fees and expenses associated with undergraduate classes taken by certain dependent children to include the children of public safety officers killed in the line of duty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Regents of the University of Nevada is required, to the extent money is available, to pay certain fees and expenses associated with undergraduate classes taken at a school within the Nevada System of Higher Education by the dependent children of a police officer, firefighter, officer of the Nevada Highway Patrol, volunteer ambulance driver or attendant who was killed while performing his or her duties. (NRS 396.545) This bill expands the applicability of this provision to include the payment of those fees and expenses for dependent children of a public safety officer killed in the line of duty. This bill further defines the term "public safety officer" to mean a person serving a public agency in an official capacity, with or without compensation, as a peace officer, firefighter or as a member of a rescue or emergency medical services crew.

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

Section 1. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of money available for this purpose, the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of **[**:

~~(a) A police officer, firefighter or officer of the Nevada Highway Patrol~~**]** ***a public safety officer*** who was killed in the line of duty **,** ~~**[**; or~~

~~(b) A volunteer ambulance driver or attendant who was killed while engaged as a volunteer ambulance driver or attendant,~~

~~➥~~**]** for classes taken towards satisfying the requirements of an undergraduate degree at a school within the System. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State General Fund a Trust Account for the Education of Dependent Children. The Board of Regents shall administer the Account. The Board of Regents may accept gifts and grants for deposit in the Account. All money held by the State Treasurer or received by the Board of Regents for that purpose must be deposited in the Account. The money in the Account must be invested as the money in other state accounts is invested. After deducting all applicable charges, all interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. For each fiscal year, the Board of Regents shall estimate:

(a) The amount of money in the Trust Account that is available to make payments pursuant to subsection 1 for that fiscal year; and

(b) The anticipated amount of such payments for that fiscal year.

➥ If the anticipated amount of payments estimated for the fiscal year exceeds the estimated amount of money available in the Account in the fiscal year for such payments, the Board of Regents may request an allocation from the Contingency Account created in the State General Fund pursuant to NRS 353.266 to cover the projected shortfall.

4. As used in this section:

(a) "Firefighter" means a person who is a salaried employee or volunteer member of a ~~**[**fire~~**]** ***:***

(1) Fire prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires ~~**[**.~~**]** ***; or***

(2) Fire-fighting agency.

(b) ***"Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.***

(c) "Local government" means a county, city, unincorporated town or metropolitan police department.

~~**[**(c) "Police officer" means a person who is a salaried employee of a police department or other law enforcement agency organized or operated by a local government and whose principal duty is to enforce the law.~~

~~(d) "Volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:~~

~~(1) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this State; or~~

~~(2) A political subdivision of this State.~~]

(d) "Member of a rescue or emergency medical services crew" means:

(1) A member of a search and rescue organization in this State under the direct supervision of any county sheriff;

(2) A person licensed as an attendant ~~[or]~~ pursuant to chapter 450B of NRS if the person is a salaried employee of a public agency and is not retained under contract to perform services for the public agency;

(3) A person certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS ~~[;]~~ if the person is a salaried employee or volunteer of a public agency and is not retained under contract to perform services for the public agency; or

~~[(3)]~~ (4) A volunteer attendant as that term is defined in NRS 450B.110.

(e) "Peace officer" means a category I peace officer, category II peace officer or category III peace officer as those terms are defined in NRS 289.460, 289.470 and 289.480, respectively.

(f) "Public agency" means an agency, bureau, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, firefighting, rescue or emergency medical services.

(g) "Public safety officer" means a person serving a public agency in an official capacity, with or without compensation, as a peace officer, a firefighter or a member of a rescue or emergency medical services crew.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 154.

SUMMARY—Provides ~~[certain]~~ immunity from ~~[tort]~~ **civil** liability to persons employed by an agency to provide personal care services in the home ~~[.]~~ **in certain circumstances.** (BDR ~~[3-151)]~~ **40-151)**

AN ACT relating to ~~[tort actions;]~~ **personal care services;** providing ~~[certain]~~ immunity from ~~[tort]~~ **civil** liability to persons employed by an

agency to provide personal care services in the home **~~[.]~~** **in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing laws provide immunity from certain tort liability to governmental entities and persons under various circumstances. (Chapter 41 of NRS) This bill provides immunity from **~~[tort]~~** **civil** liability for the rendering of emergency care or assistance to an elderly person or a person with a disability by a person employed by an agency to provide personal care services in the home if that person: (1) has completed certain courses or training in cardiopulmonary resuscitation or first aid; (2) rendered the care or assistance in the course of his or her regular employment or profession; and (3) rendered the care or assistance in good faith and in accordance with his or her training.

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

Section 1. Chapter **~~[41]~~** **449** of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ Any person who is employed by an agency to provide personal care services in the home who:

~~[(a)]~~ 1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

~~[(b)]~~ 2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

~~[(c)]~~ 3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,

➥ and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

~~*[2. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.]*~~

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

Assembly Bill No. 154.

Bill read second time.

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

Amendment No. 104.

AN ACT relating to the protection of children; **authorizing a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes in certain circumstances;** consolidating the administrative teams that review the report and recommendations of a multidisciplinary team appointed to review the death of a child and the Executive Committee to Review the Death of Children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the director or other authorized representative of an agency which provides child welfare services and the Executive Committee to Review the Death of Children are authorized to appoint a multidisciplinary team to review certain records concerning the death of a child. (NRS 432B.403-432B.407, 432B.409) **Section 1 of this bill authorizes a multidisciplinary team to review the death of a child to use data collected concerning the death of a child for research and prevention purposes if the data is aggregated and does not allow for the identification of any person.**

An administrative team consisting of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety is required to review the report and recommendations of a multidisciplinary team. (NRS 432B.408) ~~[~~This~~]~~ **Section 2 of this** bill consolidates the administrative team into the Executive Committee and requires the Executive Committee to review the report and recommendations of a multidisciplinary team. ~~[~~This~~]~~ **Section 3 of this** bill ~~[~~also~~]~~ provides that **certain** members of the Executive Committee who are administrators of agencies which provide child welfare services, and agencies responsible for ~~[~~vital statistics, public health,~~]~~ mental health and public safety **,** must serve as nonvoting members of the Executive Committee.

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

Section 1. **NRS 432B.407 is hereby amended to read as follows:**

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. ***A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.***

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

~~[Section 1.]~~ ***Sec. 2.*** NRS 432B.408 is hereby amended to read as follows:

432B.408 1. The report and recommendations of a multidisciplinary team to review the death of a child must be transmitted ~~[to an administrative team]~~ for review ~~[.~~

~~2. An administrative team must consist of administrators of agencies which provide child welfare services, and agencies responsible for vital statistics, public health, mental health and public safety.~~

~~3.~~ ***to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409.***

2. The ~~[administrative team]~~ ***Executive Committee*** shall review the report and recommendations and respond in writing to the multidisciplinary team within 90 days after receiving the report.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 432B.409 is hereby amended to read as follows:

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of ~~[representatives]~~ ***:***

(a) Representatives from multidisciplinary teams formed pursuant to paragraph (a) of subsection 1 of NRS 432B.405 and NRS 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

~~[2.]~~ ***(b) Administrators of agencies which provide child welfare services, and agencies responsible for mental health and public safety, to the extent that such administrators are not already appointed pursuant to paragraph (a). Members of the Executive Committee who are*** ~~*[administrators of agencies which provide child welfare services and of agencies responsible for vital statistics, public health, mental health and public safety]*~~ ***appointed pursuant to this paragraph shall serve as nonvoting members.***

~~*[3.]*~~ ***2.*** The Executive Committee shall:

(a) Adopt statewide protocols for the review of the death of a child;

(b) Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive;

(c) Adopt bylaws to govern the management and operation of the Executive Committee;

(d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;

(e) Oversee training and development of multidisciplinary teams to review the death of children; ~~[and]~~

(f) Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes ~~[.~~

~~3.]~~ ***; and***

(g) Carry out the duties specified in NRS 432B.408.

~~*[4.]*~~ ***3.*** The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 432B.4095 is hereby amended to read as follows:

432B.4095 1. Each member of a multidisciplinary team organized pursuant to NRS 432B.405, a multidisciplinary team organized pursuant to NRS 432B.4075 ~~[, an administrative team organized pursuant to NRS 432B.408]~~ or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.

2. The Administrator of the Division of Child and Family Services:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 1 against a member of a multidisciplinary team organized pursuant to NRS 432B.4075 ~~[, an administrative team]~~ or the Executive Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

3. Each director or other authorized representative of an agency which provides child welfare services that organized a multidisciplinary team pursuant to NRS 432B.405:

(a) May bring an action to recover a civil penalty pursuant to subsection 1 against a member of the multidisciplinary team; and

(b) Shall deposit any money received from the civil penalty in the appropriate county treasury.

~~[Sec. 4.]~~ ***Sec. 5.*** As soon as practicable after July 1, 2013, the Administrator of the Division of Child and Family Services of the Department of Health and Human Services shall appoint to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 the additional members of the Executive Committee required by paragraph (b) of subsection 1 of NRS 432B.409, as amended by section ~~[2]~~ **3** of this act.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 155.

Bill read second time.

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

Amendment No. 115.

AN ACT relating to children; revising provisions governing persons who are required to report the abuse or neglect of a child; revising provisions governing the punishment for the failure of a person to report the abuse or

neglect of a child; **revising provisions governing investigations of reports concerning the possible abuse or neglect of a child;** revising provisions relating to the abandonment of a newborn child to a provider of emergency services; requiring the Legislative Committee on Health Care to review certain provisions governing a person who provides a service related to health care; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, persons in certain professions and occupations are required, if the person in his or her professional or occupational capacity knows or has reasonable cause to believe that a child has been abused or neglected, to report the abuse or neglect to an agency which provides child welfare services or to a law enforcement agency. (NRS 432B.220) **Section 2** of this bill revises the manner in which those persons are specified in existing law and provides that those persons must be informed in writing or by electronic communication of their duty as mandatory reporters. Those persons must also provide a written acknowledgment or an electronic record of having been so informed. The party responsible for informing the person and maintaining a copy of the acknowledgment or record is: (1) the entity responsible for the licensure, certification or endorsement of the person in this State if such licensure, certification or endorsement is required in the person's professional or occupational capacity; or (2) the employer of the person if no licensure, certification or endorsement in this State is required. **Section 5** of this bill requires those mandatory reporters currently holding a license, certificate or endorsement in this State to be informed of their duty as mandatory reporters at the next renewal of their license, certificate or endorsement and requires those current mandatory reporters who are not required to be licensed, certified or endorsed by this State to be informed of their duty as mandatory reporters by their employer on or before December 31, 2013.

Section ~~[1]~~ 1.5 of this bill requires the Legislative Committee on Health Care to review, after each regular session of the Nevada Legislature, any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to report the abuse or neglect of a child. **Section ~~[1]~~ 1.5** also requires the Committee, before the next regular session of the Legislature, to prepare and submit to the Legislature a report concerning the findings of the Committee. The report must include, without limitation, any recommended legislation.

Existing law requires an attorney to report the abuse or neglect of a child unless the attorney acquired the knowledge of the abuse or neglect from a

client who is or may be accused of the abuse or neglect. (NRS 432B.220) **Section ~~[2 also]~~ 1.7 of this bill** provides that an attorney is not required to report the abuse or neglect of a child if the attorney acquired the knowledge of the abuse or neglect from a client **~~[who]~~ during a privileged communication if the client: (1) has been or may be accused of committing the abuse or neglect; or (2)** is the victim of the abuse or neglect and **~~[who]~~** is in foster care, except that the attorney may report the abuse or neglect with the consent of the child.

Under existing law, a failure to report the abuse or neglect of a child by a person with a duty to report the abuse or neglect is punishable as a misdemeanor. (NRS 432B.240) **Section 3** of this bill provides that a first violation of the duty to report is punishable as a misdemeanor, and any subsequent violation is punishable as a gross misdemeanor.

Existing law requires an agency which provides child welfare services to immediately initiate an investigation upon receipt of a report concerning the possible abuse or neglect of a child if the report indicates that: (1) the child is 5 years of age or younger; (2) there is a high risk of serious harm to the child; (3) the child has died; or (4) the child is living in a household in which another child has died, been seriously injured or shows signs of abuse. (NRS 432B.260) Section 3.5 of this bill deletes the requirement for an immediate investigation when the report concerns the possible abuse or neglect of a child who is 5 years of age or younger.

Under existing law, a parent may voluntarily leave a child who is not more than 30 days old with a provider of emergency services under certain circumstances, thereby presumably abandoning the child. That law is commonly referred to as Nevada's "Safe Haven Law." (NRS 432B.630) **Section 4** of this bill expands the definition of "provider of emergency services" to include a volunteer fire department and any ambulance service holding a permit issued in this State.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto **~~[a new section to read as follows:]~~ the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. The Legislative Committee on Health Care shall:

1. After each regular session of the Legislature, review any chapter added to title 39, 40 or 54 of NRS that authorizes or requires the issuance of a license, permit or certificate to a person who provides any service related to health care to determine if the person should be included as a person required to make a report pursuant to NRS 432B.220; and

2. Before the beginning of the next regular session of the Legislature, prepare a report concerning its findings pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, any recommended legislation.

Sec. 1.7. 1. Notwithstanding the provisions of NRS 432B.220, an attorney shall not make a report of the abuse or neglect of a child if the attorney acquired knowledge of the abuse or neglect from a client during a privileged communication if the client:

(a) Has been or may be accused of committing the abuse or neglect; or

(b) Is the victim of the abuse or neglect, is in foster care and did not give consent to the attorney to report the abuse or neglect.

2. Nothing in this section shall be construed as relieving an attorney from:

(a) Except as otherwise provided in subsection 1, the duty to report the abuse or neglect of a child pursuant to NRS 432B.220; or

(b) Complying with any ethical duties of attorneys as set forth in the Nevada Rules of Professional Conduct, including, without limitation, any duty to take reasonably necessary actions to protect the client of the attorney if the client is not capable of making adequately considered decisions because of age, mental impairment or any other reason. Such actions may include, without limitation, consulting with other persons who may take actions to protect the client and, when appropriate, seeking the appointment of a guardian ad litem, conservator or guardian.

Sec. 2. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A ~~[~~physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, music therapist, athletic trainer, advanced emergency medical technician or other~~]~~ person providing ~~[~~medical~~]~~ services licensed or certified in this State ~~[~~.~~]~~ ***pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.***

(b) Any personnel of a ~~[~~hospital or similar institution~~]~~ ***medical facility licensed pursuant to chapter 449 of NRS who are*** engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of ~~[~~a hospital or similar institution~~]~~ ***such a medical facility*** upon notification of suspected abuse or neglect of a child by a member of the staff of the ~~[~~hospital.~~]~~ ***medical facility.***

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A ~~[social worker and an administrator, teacher, librarian or counselor of]~~ ***person working in*** a school ~~[.]~~ ***who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.***

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed ***pursuant to chapter 424 of NRS*** to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) ~~[An]~~ ***Except as otherwise provided in section 1.7 of this act, an*** attorney ***.*** ~~[, unless the attorney has acquired the knowledge of the abuse or neglect from a client who]~~ ~~[is]~~ ~~[:~~

~~(1) Is or may be accused of the abuse or neglect]~~ ~~[.]~~ ~~[; or~~

~~*(2) Is the victim of the abuse or neglect, is in foster care and has not first given his or her consent to report the abuse or neglect.]*~~

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 3. NRS 432B.240 is hereby amended to read as follows:

432B.240 Any person who knowingly and willfully violates the provisions of NRS 432B.220 is guilty of ***:***

1. For the first violation, a misdemeanor.

2. For each subsequent violation, a gross misdemeanor.

Sec. 3.5. **NRS 432B.260 is hereby amended to read as follows:**

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

(a) ~~[The child is 5 years of age or younger;~~

~~(b)]~~ There is a high risk of serious harm to the child;

~~[(c)]~~ ***(b)*** The child has suffered a fatality; or

~~[(d)]~~ ***(c)*** The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;

(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any

such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

➥ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall delete all references to the matter from its records.

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 4. NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency ~~[or]~~ ***, a volunteer fire department,*** a law enforcement agency ~~[,]~~ ***or an ambulance service,*** the provider shall immediately cause the safe delivery of the child to

a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall notify the Clearinghouse and investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section:

(a) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(b) "Provider of emergency services" means:

(1) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(2) A public fire-fighting agency ~~[; or]~~ ***, including, without limitation, a volunteer fire department;***

(3) A law enforcement agency ~~[.]~~ ***; or***

(4) An ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS.

Sec. 5. 1. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 of NRS 432B.220, as amended by section 2 of this act, who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State and who is already licensed, certified or endorsed on October 1, 2013, shall, upon the next renewal of the license, certificate or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to that section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to that section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

2. The employer of a person who is described in subsection 4 of NRS 432B.220, as amended by section 2 of this act, who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State and who is already employed on October 1, 2013, must, on or before December 31, 2013:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to that section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to that section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 122.

AN ACT relating to records; revising provisions governing the sealing of certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to certain convictions. (NRS 179.245) **Section 1** of this bill prohibits a person from petitioning the court to seal records relating to certain offenses related to driving, operating or controlling a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance.

Existing law authorizes a person arrested for alleged criminal conduct to petition for the sealing of all records relating to the arrest if the charges were dismissed or the person was acquitted of the charges. (NRS 179.255) **Section 2** of this bill authorizes such a person to petition for the sealing of all records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

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

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a ~~[:~~ ~~*(a) A]*~~ conviction of ~~[a]~~ **:**

(a) A crime against a child ~~[or a]~~ ***;***

(b) A sexual offense ~~[.]~~ ***;***

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 2. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed ***, the prosecuting attorney having jurisdiction declined prosecution of the charges*** or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; ~~[or]~~

(b) ***The court having jurisdiction in which the charges were declined for prosecution, at any time*** ~~*[180 days after the date of the declination;]*~~ ***after the applicable statute of limitations has run or pursuant to a stipulation between the parties; or***

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal ***, declination*** or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court;

(b) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal ***, declination*** or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed ***, declined for prosecution*** or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed ***, declined for prosecution*** or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

6. If, after the hearing on a petition submitted pursuant to subsection 1, the court finds that there has been an acquittal ***, that the prosecution was declined*** or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal ***, declination*** or dismissal which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

7. If, after the hearing on a petition submitted pursuant to subsection 2, the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

8. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 6, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 3. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court

may order such inspection. Except as otherwise provided in this section **, *subsection 8 of NRS 179.255*** and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 95.

SUMMARY—Revises provisions relating to contracts with a governmental entity. (BDR ~~[23-793)]~~ **27-793)**

AN ACT relating to public financial administration; establishing additional requirements and imposing limitations on certain contracts of ~~[State and local]~~ **state** agencies for the performance of services; requiring ~~[such an agency]~~ **state and local agencies** to submit certain reports about ~~[its]~~ **their** contracts to the Purchasing Division of the Department of Administration; requiring a public body which awards a contract for a public work to gather and maintain certain information about bidders and persons ~~[who apply for employment]~~ **employed** on the public work; **requiring the Board of Regents of the University of Nevada to adopt rules relating to certain contracts of the Nevada System of Higher Education;** requiring the Department of Transportation to post information about contracts between

the Department and architects, engineers and other professionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill requires the Purchasing Division of the Department of Administration to prescribe a code of conduct for independent contractors who enter into a contract with a ~~[public body]~~ **state agency** which requires such an independent contractor to abide by all state ethics laws, maintain records of all work done pursuant to such a contract and make these records available for **inspection or** audit. **Section 9** of this bill requires such an independent contractor to disclose to the ~~[public body]~~ **state agency** any fees charged by the independent contractor for services within the scope of the contract to a person who is not a party to the contract and to annually report the total dollar amount of such fees. **Section 10** of this bill requires an independent contractor to disclose certain information relating to any subcontractor used to perform a contract with a ~~[public body.]~~ **state agency.** **Section 15** of this bill provides that if an independent contractor violates any provision of **sections 8-10**, the ~~[public body]~~ **state agency** may terminate the contract.

Section 11 of this bill: (1) prohibits a ~~[public body]~~ **state agency** from entering into a sole source contract for a ~~[period]~~ **term** exceeding ~~[2]~~ **5** years unless the longer ~~[period]~~ **term** is necessary for the recovery of capital costs; and (2) prohibits a ~~[public body]~~ **state agency** from renewing a sole source contract unless the ~~[governing body of the public body]~~ **State Board of Examiners** approves the renewal by a two-thirds vote. **Section 12** of this bill **generally** authorizes a ~~[public body]~~ **state agency** to enter into a contract with an independent contractor, other than a sole source contract, for a ~~[period]~~ **term** of not more than ~~[4]~~ **5** years and to extend the ~~[period]~~ **term** of such a contract if the ~~[governing body of the public body]~~ **State Board of Examiners** approves the extension by a two-thirds vote.

Section 13 of this bill requires each ~~[public body]~~ **state agency or the governing body of a local government** that enters into a sole source contract to ~~[disclose]~~ **transmit** certain information to the Purchasing Division, which must then post that information on its Internet website. **Section 14** of this bill requires each ~~[public body]~~ **state agency or the governing body of a local government** that enters into a sole source contract or renegotiates a contract with an independent contractor to report information relating to the number and dollar amount of the sole source contracts and competitively bid contracts with an independent contractor to the Purchasing Division, which must then report that information to the Interim Finance Committee.

Section 16 of this bill requires a person who is awarded a contract for a public work **, under certain circumstances,** to report to the public body

awarding the contract certain information concerning the race, ethnicity, age and gender of certain employees ~~[and applicants for employment]~~ on the public work. **Section 16** also requires a public body awarding a contract for a public work to gather, compile, maintain and enter on the Internet website of the State Public Works Division of the Department of Administration certain information concerning the ~~[cost of the public work,]~~ **amount of each bid,** the awarding of the contract, the race, ethnicity, age ~~[,]~~ **and** gender ~~[, number of employees and length of time in business]~~ of ~~[the]~~ **certain** bidders for the contract, and the information received from the person awarded the contract concerning the ~~[applicants for employment]~~ **persons employed** on the public work. Finally, **section 16** requires that the Division create an application on its Internet website for the entry of the information that each public body is required to enter on the Internet website in accordance with **section 16**, make the information available to the public and report the information annually to the Director of the Legislative Counsel Bureau.

Section 16.5 of this bill requires the Board of Regents of the University of Nevada to adopt rules relating to contracts between the Nevada System of Higher Education and independent contractors, including rules providing increased opportunities for certain persons and businesses to obtain such contracts.

Section 17 of this bill requires the Department of Transportation to post certain information relating to certain contracts for the provision of professional services entered into by the Department on or after July 1, 2013.

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

Section 1. Chapter ~~[281]~~ **333** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***As used in NRS 333.700 and sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[6,]~~ 6.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Independent contractor" means a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.***

Sec. 4. ***"Public body" means ~~[a:~~***

~~*1. County;*~~

~~*2. City;*~~

~~*3. School district; or*~~

~~*4. State agency, bureau, board, commission, department or division or any other unit of the Legislative, Judicial or Executive Department of the State Government, including the Nevada System of Higher Education.]*~~ ***the governing body of a county, city or other local government.***

Sec. 5. ~~**[***"Purchasing Division" means the Purchasing Division of the Department of Administration.]***~~ **(Deleted by amendment.)**

Sec. 6. ***"Sole source contract" means a contract entered into between a using agency or public body and an independent contractor to provide services for which the independent contractor is the only source capable of providing the services.***

Sec. 6.5. "Using agency" has the meaning ascribed to it in NRS 333.020, except that the term does not include the Division of Health Care Financing and Policy of the Department of Health and Human Services.

Sec. 7. ~~*[Sections]*~~ ***Except as otherwise provided in sections 13 and 14 of this act, the provisions of sections 2 to 15, inclusive, of this act:***

1. Apply to any contract for services of a person as an independent contractor entered into between a ~~*[public body]*~~ ***using agency and an independent contractor, unless the contract for services is negotiated as part of a contract for the sale of goods with the same independent contractor.***

2. Do not apply to any contract:

(a) For a public work governed by the provisions of chapter 338 of NRS; or

(b) ~~*[Relating to a franchise entered into by a local government.]*~~ ***Between a using agency or public body and a person, firm or corporation that is subject to regulation pursuant to the provisions of title 57 of NRS.***

Sec. 8. ***1. The Purchasing Division shall prescribe by regulation a code of conduct for independent contractors. The code of conduct must include, without limitation, provisions stating that the independent contractor:***

(a) Knows and agrees to abide by all applicable state ethics laws;

(b) Agrees to maintain accurate internal records of all work done pursuant to a contract with a ~~*[public body;]*~~ ***using agency; and***

(c) Agrees to make the records kept pursuant to paragraph (b) available for inspection or audit by the Legislative Auditor ~~*[and]*~~ ***the Division of Internal Audits of the Department of Administration*** ~~*[.]*~~ ***and the State Controller.***

2. A ~~*[public body]*~~ ***using agency may not enter into a contract with an independent contractor unless the independent contractor signs and agrees to abide by the code of conduct for contractors prescribed by the Purchasing Division pursuant to this section.***

Sec. 9. *An independent contractor who enters into a contract with a ~~[public body]~~ using agency shall:*

1. Fully disclose to the ~~[public body]~~ using agency any fees that will be charged by the independent contractor for services within the scope of the contract to a person who is not a party to the contract.

2. Report annually to the ~~[public body]~~ using agency the total dollar amount generated by such fees.

Sec. 10. *1. An independent contractor who enters into a contract with a ~~[public body]~~ using agency shall:*

~~[1.]~~ (a) Fully disclose to the ~~[public body:]~~ using agency:

~~[(a)]~~ (1) The name of any subcontractor used by the independent contractor to perform the contract.

~~[(b)]~~ (2) The dollar amount that each subcontractor will be paid by the independent contractor.

~~[(c)]~~ (3) Any fees that will be charged by the subcontractor for services within the scope of the contract to a person who is not a party to the contract.

~~[2.]~~ (b) Report annually to the ~~[public body]~~ using agency the total dollar amount generated by the fees disclosed pursuant to ~~[paragraph (c) of subsection 1.]~~ subparagraph (3) of paragraph (a).

2. Nothing contained in this section shall be deemed to require the disclosure or reporting of any proprietary information.

Sec. 11. *1. Except as otherwise provided in subsection 2, a ~~[public body]~~ using agency may not enter into a sole source contract unless the ~~[period]~~ term of the sole source contract does not exceed ~~[2]~~ 5 years.*

2. A ~~[public body]~~ using agency may enter into a sole source contract whose ~~[period]~~ term exceeds ~~[2]~~ 5 years if the longer ~~[period]~~ term is necessary for the recovery of capital costs through extended amortization.

3. A ~~[public body]~~ using agency may not renew a sole source contract unless the ~~[governing body of the public body]~~ State Board of Examiners approves the renewal by a two-thirds vote. ~~[For the purposes of this subsection, the governing body of a state agency is the State Board of Examiners.]~~

Sec. 12. *~~[A public body]~~*

1. Except as otherwise provided in subsection 2, a using agency may enter into a contract with an independent contractor, other than a sole source contract, for a ~~[period]~~ term of not more than ~~[4]~~ 5 years. ~~[Such]~~ Except as otherwise provided in this subsection, a contract may be extended if the ~~[governing body of the public body that awarded the contract]~~ State Board of Examiners approves the extension by a two-thirds vote. ~~[For the purposes of this section, the governing body of a state agency is the State Board of Examiners.]~~ The Board may authorize its Clerk or a

designee to approve an extension of a contract for not more than 1 year if the extension does not require an authorization for the expenditure of any money.

2. With the prior written approval of the Administrator, a using agency may enter into a contract with an independent contractor, other than a sole source contract, for a term longer than 5 years if the Administrator determines that such action is in the best interest of the State.

3. On or before September 1 of each year, the Purchasing Division shall submit a written report to the Interim Finance Committee setting forth the number of contracts described in subsection 2 which are currently in effect and, for each such contract entered into during the immediately preceding fiscal year:

(a) The names of the parties to the contract;

(b) The total amount to be paid by the using agency pursuant to the contract while it remains in effect; and

(c) An explanation of the determination made by the Administrator pursuant to subsection 2.

Sec. 13. *1. A using agency or public body that enters into a sole source contract shall transmit to the Purchasing Division information relating to the sole source contract, including, without limitation, the name of the using agency or public body, as applicable, the name of the independent contractor and a brief description of the services for which the using agency or public body entered into the sole source contract.*

2. The Purchasing Division shall post any information received pursuant to this section on its Internet website.

Sec. 14. *1. A using agency or public body that enters into a sole source contract or renegotiates a contract with an independent contractor shall report to the Purchasing Division before August 1 of each year, for the immediately preceding fiscal year:*

(a) The number of sole source contracts entered into by the using agency or public body;

(b) The number of competitively bid contracts with an independent contractor entered into by the using agency or public body;

(c) The dollar amount of each sole source contract entered into by the using agency or public body;

(d) The dollar amount of each competitively bid contract with an independent contractor entered into by the using agency or public body; and

(e) The dollar amount of savings generated by renegotiations of all contracts with an independent contractor.

2. The Purchasing Division shall, on or before September 1 of each year, prepare and submit to the Interim Finance Committee a report

detailing the information received pursuant to subsection 1 for the ~~[previous]~~ immediately preceding fiscal year for all using agencies and public bodies.

Sec. 15. ***If an independent contractor violates any provision of section 8, 9 or 10 of this act, the ~~[public body]~~ using agency may terminate the contract with the independent contractor.***

Sec. 15.1. **NRS 333.700 is hereby amended to read as follows:**

333.700 1. Except as otherwise provided in NRS 284.1729 ~~[,]~~ ***and sections 2 to 15, inclusive, of this act,*** a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. ~~[An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.~~

~~3.]~~ For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

(1) Withholding of income taxes by the State;

(2) Coverage for industrial insurance provided by the State;

(3) Participation in group insurance plans which may be available to employees of the State;

(4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;

(5) Accumulation of vacation leave or sick leave; or

(6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

~~[4.]~~ ***3.*** An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

~~[5.]~~ ***4.*** If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

~~[6.]~~ ***5.*** Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as

otherwise provided in subsection ~~[8,]~~ ***7,*** an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than $2,000.

~~[7.]~~ ***6.*** Except as otherwise provided in subsection ~~[8.]~~ ***7,*** and except for contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

(a) For amounts less than $10,000 or, in contracts necessary to preserve life and property, for amounts less than $25,000; or

(b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

~~[8.]~~ ***7.*** Copies of the following types of contracts need not be filed or approved as provided in subsections ~~[6]~~ ***5*** and ~~[7.]~~ ***6:***

(a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

~~[9.]~~ ***8.*** The State Board of Examiners shall review each contract submitted for approval pursuant to subsection ~~[7]~~ ***6*** to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

➥ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

~~[10.]~~ ***9.*** If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

10. Notwithstanding the provisions of subsection 2 of section 7 of this act and without limiting the provisions of this section, the provisions of this section are applicable to a contract between a using agency and an independent contractor who is subject to regulation pursuant to the provisions of title 57 of NRS.

11. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

Sec. 15.3. **NRS 333.710 is hereby amended to read as follows:**

333.710 1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to NRS 333.700, ***and sections 2 to 15, inclusive, of this act,*** contract with one or more independent contractors to provide such services.

2. If the Chief Justice of the Supreme Court determines that additional security is needed for the safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may contract with one or more independent contractors to provide security services for the facility or building. Any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.

3. An independent contractor with whom a using agency contracts pursuant to subsection 1 must:

(a) Be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

4. An independent contractor with whom the Supreme Court contracts pursuant to subsection 2 must be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed.

Sec. 15.5. **NRS 41.0307 is hereby amended to read as follows:**

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 392A of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700 ~~[.]~~ ***and sections 2 to 15, inclusive, of this act;*** and

(b) Contracts to provide medical services for the Department of Corrections.

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 15.7. **NRS 176.0129 is hereby amended to read as follows:**

176.0129 The Department of Administration shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, ***and sections 2 to 15, inclusive, of this act,*** to:

1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

(a) In a facility or institution of the Department of Corrections;

(b) On probation;

(c) On parole; and

(d) Serving a term of residential confinement,

➥ during the 10 years immediately following the date of the projection; and

2. Review preliminary proposals and information provided by the Commission and project annually the number of persons who will be:

(a) In a facility or institution of the Department of Corrections;

(b) On probation;

(c) On parole; and

(d) Serving a term of residential confinement,

➥ during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the Commission and enacted by the Legislature.

Sec. 15.9. **NRS 232.548 is hereby amended to read as follows:**

232.548 1. Except if a particular procedure for resolving a dispute is required by a specific statute, and except as otherwise provided in subsection

2, the Director may authorize any entity within the Department or any natural person who is subject to the authority of the Director to use alternative means of dispute resolution in any proceeding if the alternative means can be:

(a) Carried out by the available personnel of the Department or persons under contract with the Department; and

(b) Paid for with money that is available in the existing budget of the affected entity of the Department.

2. Before authorizing an entity of the Department to use alternative means of dispute resolution, the Director must notify the Attorney General. The Attorney General, within 30 days after receiving the notification from the Director, shall respond to the Director concerning the advisability of using alternative means of dispute resolution to resolve the dispute at issue. The Director shall consider the advice of the Attorney General but may authorize an entity of the Department to use alternative means of dispute resolution unless the Attorney General indicates in his or her response that he or she officially opposes the use of such means. If the Attorney General fails to respond within 30 days after receiving the notification, the Director may authorize the use of alternative means of dispute resolution.

3. The alternative means of dispute resolution may include, without limitation, evaluation of the facts and issues in a dispute by a neutral person, fact-finding, mediation, arbitration or other collaborative problem-solving processes designed to encourage persons to work together to develop agreeable solutions to disputes in lieu of litigation or adjudication of contested cases in administrative hearings.

4. Any entity which, or natural person who, has received authorization from the Director to use alternative means of dispute resolution may enter into a contract to facilitate the use of such means, subject to the approval of the Attorney General, the limitations set forth in subsection 1 and the provisions of NRS 333.700 ~~[.]~~ ***and sections 2 to 15, inclusive, of this act.***

Sec. 16. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public body which awards a contract for a public work shall:

(a) Gather and maintain, for ~~[every person who submits a bid or otherwise competes]~~ each bid submitted for the contract, the following information:

(1) The ~~[cost of the public work;]~~ amount of the bid; and

(2) Whether the ~~[person]~~ bidder was awarded the contract . ~~[;~~

~~(3) The race, ethnicity, age and gender of the person;~~

~~(4) The number of employees of the person at the time the person submitted the bid; and~~

~~(5) The length of time for which the person had been in business at the time the person submitted the bid;]~~

(b) If the provisions of paragraph (b) of subsection 1 of NRS 338.141 are applicable, gather and maintain information about the race, ethnicity, age and gender of each person identified as a principal of:

(1) Each of the three contractors described in that paragraph; and

(2) Each first tier subcontractor identified by those contractors pursuant to that paragraph,

↪ on the license issued to the contractor or first tier subcontractor, as applicable, pursuant to chapter 624 of NRS. Each such contractor shall submit the information described in this paragraph within 2 hours after the completion of the opening of the bids.

(c) Include in the contract a clause requiring the person who is awarded the contract to gather, maintain and report to the public body the information required by subsection 2 [,]

[(c)] , if the provisions of that subsection are applicable.

(d) Compile and maintain the information reported to the public body pursuant to subsection 2 , if the provisions of that subsection are applicable, by the person who is awarded the contract . [,]

[(d)] (e) Enter or cause to be entered through the application on the Internet website of the Division created pursuant to paragraph (a) of subsection 3 the information which the public body:

(1) Gathers and maintains pursuant to [paragraph] paragraphs (a) and (b), as applicable, within 30 days after the opening of bids; and

(2) Compiles and maintains pursuant to paragraph [(c); and

[(e)] (d).

(f) Deem a bid that does not contain the information that the public body is required to gather and maintain pursuant to paragraph [(a)] (b), if the provisions of that paragraph are applicable, to be not responsive [.] if the information is not submitted within the time required by that paragraph.

2. [The] If the provisions of paragraph (b) of subsection 1 of NRS 338.141 are applicable, the person who is awarded the contract by the public body shall, for himself or herself and for each subcontractor [and other person who provides labor, equipment, materials, supplies or services for the public work:] identified pursuant to that paragraph:

(a) Identify the race, ethnicity, age and gender, if known, of every [person] employee who, during the duration of the contract for the public work, is on the certified payroll of:

(1) The person who is awarded the contract; and

(2) Each such subcontractor ; [or other person who provides labor, equipment, materials, supplies or services for the public work;

(b) Identify the race, ethnicity, age and gender, if known, of every person who, during the duration of the contract for the public work, applies for

~~*employment on the public work and the wage or salary of the job for which the person applies;]*~~ ***and***

~~*[(c)]*~~ ***(b) Submit a report to the public body following the completion of the public work which compiles the information required by*** ~~*[paragraphs (a) and (b).*~~

~~*→ The provisions of paragraph (b) apply only with respect to an applicant for employment who applies directly to the person who is awarded the contract, subcontractor or other person for employment rather than applying for employment through another entity such as an employment agency or trade union.]*~~ ***paragraph (a).***

3. The Division shall:

(a) Create an application on its Internet website for a public body to enter or cause to be entered the information gathered and maintained by the public body pursuant to subsection 1 that does not allow for the entry of any personal information, as that term is defined in NRS 603A.040;

(b) Make available to the public the information entered pursuant to paragraph (a); and

(c) Report annually the information entered pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau in any format requested by the Director.

4. For the purposes of subsection 1, if a person who submits a bid or otherwise competes for the contract is:

(a) A design-build team, the public body must gather and maintain the required information for each member of the design-build team.

(b) Not a natural person, the public body must gather and maintain the required information, if known, for each natural person who holds a controlling interest in the person who submits the bid or otherwise competes for the contract.

Sec. 16.5. **NRS 396.110 is hereby amended to read as follows:**

396.110 1. The Board of Regents may prescribe rules for:

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules ~~[for]~~ **:**

(a) For the granting of permission to carry or possess a weapon pursuant to NRS 202.265.

(b) Requiring vendors and independent contractors who enter into contracts with the System to understand and abide by all applicable state ethics laws.

(c) Providing increased opportunities for women, minorities and small, disadvantaged or local businesses, as independent contractors, to obtain contracts with the System.

(d) Providing for the disclosure to the public of information relating to the cost of contracts between the System and independent contractors and any fees charged pursuant to any such contract to a person who is not a party to the contract.

(e) Requiring the maintenance of accurate records relating to the matters set forth in paragraphs (c) and (d).

(f) Requiring the preparation and submission by the System of an annual written report to the Board of Regents concerning the activities and progress of the System in complying with the rules described in paragraphs (b) to (e), inclusive.

3. On or before December 31 of each year, the Board of Regents shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislative Commission, the written report prepared pursuant to paragraph (f) of subsection 2.

4. As used in this section, "independent contractor" has the meaning ascribed to it in section 3 of this act.

Sec. 17. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For any contract with a professional who is not a member of a design-build team for the provision of services entered into by the Department on or after July 1, 2013, within 30 days after entering into the contract, the Department shall post information relating to the contract on its Internet website, including, without limitation, the name of the professional, a brief description of the services for which the Department entered into the contract and the cost of the contract.

2. As used in this section, "professional" includes, without limitation, an architect, an attorney, an engineer, a landscape architect and a surveyor.

Sec. 17.5. **NRS 590.505 is hereby amended to read as follows:**

590.505 1. The Board may adopt a seal for its own use which must have imprinted thereon the words "Board for the Regulation of Liquefied Petroleum Gas." The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.

2. The Board may appoint an Executive Secretary and may employ or, pursuant to NRS 333.700, ***and sections 2 to 15, inclusive, of this act,*** contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.

3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:

(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.

(b) May adopt such regulations as it deems necessary.

4. The Board shall submit to the Legislature and the Governor a biennial report before September 1 of each even-numbered year, covering the biennium ending June 30 of that year, of its transactions during the preceding biennium, including a complete statement of the receipts and expenditures of the Board during the period and any complaints received by the Board.

5. The Board shall keep accurate records, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.

Sec. 18. The Purchasing Division of the Department of Administration shall adopt any regulations required by section 8 of this act before October 1, 2013.

Sec. 19. 1. Contracts entered into before October 1, 2013, are not subject to the provisions of sections 2 to 15, inclusive, **of this act, and the amendatory provisions of sections 15.1 to 15.9, inclusive, and 17.5** of this act.

2. Contracts entered into before July 1, 2013, are not subject to the provisions of sections 16 and 17 of this act.

Sec. 20. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 21. 1. This section and sections **16.5,** 18, 19 and 20 of this act become effective upon passage and approval.

2. Sections 1 to ~~[15,]~~ **15.9,** inclusive, **and 17.5** of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On October 1, 2013, for all other purposes.

3. Sections 16 and 17 of this act become effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

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

Amendment No. 61.

AN ACT relating to electric utilities; prohibiting certain electric utilities from requiring that residential customers pay certain electric service rates based on the time of use of electricity; prohibiting the Public Utilities Commission of Nevada **, except under certain circumstances,** from approving any change of schedule or imposition of an electric service rate by an electric utility which requires residential customers to pay rates based on the time of use of the electricity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a public utility from making changes to any schedule of rates or imposing any rate on its customers without the approval of the Public Utilities Commission of Nevada. (NRS 704.061-704.140) **Section 4** of this bill prohibits an electric utility which, in the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State, from making changes in any schedule or imposing any rate which requires a residential customer to purchase electric service at a rate which is based on the time during which the electricity is used. **Section 4** also prohibits the Commission from approving any such changes in any schedule or authorizing the imposition of any such rate by an electric utility **~~[.]~~ , except that the Commission may approve such a change in a schedule or authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.**

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

Section 1. NRS 703.130 is hereby amended to read as follows:

703.130 1. The Commission shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require.

2. The Commission shall appoint an Executive Director, who must be:

(a) Knowledgeable and experienced in public administration and fiscal management;

(b) Knowledgeable in the areas of utility regulation by the Commission; and

(c) Independent of and have no pecuniary interest in any entity regulated by the Commission.

3. The Executive Director shall:

(a) Serve as Chief Financial Officer for the Commission;

(b) Direct the daily operation of the Commission, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Commission; and

(5) Contracts and leases entered into by the Commission;

(c) Develop and implement policies and procedures to ensure the efficient operation of the Commission;

(d) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Commission; and

(3) Compliance with and enforcement of statutes and regulations pertaining to utilities which are regulated by the Commission; and

(e) Authenticate documents and serve as custodian of all agency records.

4. The Executive Director is in the unclassified service of the State.

5. The Executive Director, with the approval of the Commission, shall designate a Secretary who shall perform such administrative and other duties as are prescribed by the Executive Director. The Executive Director, with the approval of the Commission, shall also designate an Assistant Secretary.

6. The Executive Director may employ such other clerks, experts or engineers as may be necessary.

7. Except as otherwise provided in subsection 8, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

8. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, ***and section 4 of this act*** in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

9. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 2. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in subsections 9 and 11 of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

(a) The manner of giving notice in each type of proceeding; and

(b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in paragraph (f) of subsection 1 of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, ***and section 4 of this act*** in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application pursuant to NRS 704.187.

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days' notice of the hearing.

4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 3. NRS 703.374 is hereby amended to read as follows:

703.374 1. A court of competent jurisdiction, after hearing, may issue an injunction suspending or staying any final order of the Commission if:

(a) The applicant has filed a motion for a preliminary injunction;

(b) The applicant has served the motion on the Commission and other interested parties within 20 days after the rendition of the order on which the complaint is based;

(c) The court finds there is a reasonable likelihood that the applicant will prevail on the merits of the matter and will suffer irreparable injury if injunctive relief is not granted; and

(d) The applicant files a bond or other undertaking to secure the adverse parties in such manner as the court finds sufficient.

2. The decision of the Commission on each matter considered shall be deemed reasonable and just until set aside by the court. In all actions for an injunction or for any other relief, the burden of proof is upon the party attacking or resisting the order of the Commission to show by clear and satisfactory evidence that the order is unlawful or unreasonable.

3. If an injunction is granted by the court and the order complained of is one which:

(a) Disapproves a public utility's proposed changes in a schedule of rates, or any part thereof, pursuant to NRS 704.061 to 704.110, inclusive ~~[.]~~ ***, and section 4 of this act;*** or

(b) Otherwise prevents the proposed changes in the schedule, or any part thereof, from taking effect,

➥ the public utility complaining may place into effect the proposed changes in the schedule, or any part thereof, pending final determination by the court having jurisdiction, by filing a bond with the court in such an amount as the court may fix, conditioned upon the refund to persons entitled to the excess amount if the proposed changes in the schedule, or any part thereof, are finally determined by the court to be excessive.

Sec. 4. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An electric utility shall not make changes in any schedule or impose any rate, and the Commission shall not approve any changes in any schedule or authorize the imposition of any rate by an electric utility, which requires a residential customer to purchase electric service at a rate which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used ~~[.]~~ ***, except that the Commission may approve such a change in a schedule or authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.***

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 5. NRS 704.061 is hereby amended to read as follows:

704.061 As used in NRS 704.061 to 704.110, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.062, 704.065 and 704.066 have the meanings ascribed to them in those sections.

Sec. 6. NRS 704.068 is hereby amended to read as follows:

704.068 For the purposes of NRS 704.061 to 704.110, inclusive, ***and section 4 of this act,*** a public utility shall be deemed to make changes in a

schedule if the public utility implements a new schedule or amends an existing schedule.

Sec. 7. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in subsections 9 and 11 of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, ***and section 4 of this act*** in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 8. NRS 228.360 is hereby amended to read as follows:

228.360 1. The Consumer's Advocate:

(a) Shall intervene in and represent the public interest in:

(1) All proceedings conducted pursuant to NRS 704.7561 to 704.7595, inclusive; and

(2) All proceedings conducted pursuant to NRS 704.061 to 704.110, inclusive, ***and section 4 of this act*** in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

(b) May, with respect to all public utilities except railroads and cooperative utilities, and except as otherwise provided in NRS 228.380:

(1) Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

(2) Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the Public

Utilities Commission of Nevada in the same manner and to the same extent as authorized by law for members of the Public Utilities Commission of Nevada and its staff.

(3) Except as otherwise provided in paragraph (a), petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the Public Utilities Commission of Nevada or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the Consumer's Advocate may bring before or has brought before the Public Utilities Commission of Nevada or in which the public interest or the interests of any particular class of utility customers are involved. The Consumer's Advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and the Consumer's Advocate is a real party in interest in the proceeding.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 9. This act becomes effective upon passage and approval.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 165.

AN ACT relating to the protection of children; revising provisions governing the procedure following a hearing to determine whether a child should remain in protective custody pending further action by the court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency which provides child welfare services that has taken a child into protective custody: (1) to file a petition alleging that the child is in need of protection within 10 days after the hearing on protective custody, if the death of the parent of the child is or may be the result of an act of the other parent that constitutes domestic violence; or (2) in all other cases, to file a petition alleging that the child is in need of protection within 10 days after the hearing on protective custody, unless good cause exists to extend that time, or recommend against further action. **(NRS 432B.490)** This bill provides that **in cases which do not involve the death of the parent of a child as a result of an act of the other parent that constitutes domestic violence,** if the agency which provides child welfare services fails to file a

petition alleging that the child is in need of protection within 10 days after the hearing on protective custody **[.]** **: (1)** the agency **[must either]** **may** recommend against further action **and return the child to the custody of the person responsible for the welfare of the child;** or **[file a motion]** **(2) any party to the proceeding may schedule an additional hearing with the court** to determine whether it is in the best **[interest]** **interests** of the child to return the child to the person responsible for the welfare of the child pending further action by the court. This bill further provides for notice of the hearing to a parent or other person responsible for the welfare of the child.

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

Section 1. NRS 432B.490 is hereby amended to read as follows:

432B.490 1. An agency which provides child welfare services:

(a) In cases where the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, shall within 10 days after the hearing on protective custody initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510;

(b) In **[other]** cases where a **[hearing on]** ***court issues an order keeping the child in*** protective custody **[is held,]** ***pursuant to paragraph (b) of subsection 1 of NRS 432B.480,*** shall within 10 days after the hearing on protective custody, unless good cause exists, initiate a proceeding in court by filing a petition which meets the requirements set forth in NRS 432B.510 or recommend against any further action in court; or

(c) **[If a child is not placed in protective custody, may, after]** ***In cases where*** an investigation is made under NRS 432B.010 to 432B.400, inclusive, ***and a determination is made that the child is in need of protection but is not in imminent danger, may*** file a petition which meets the requirements set forth in NRS 432B.510.

2. If the agency recommends against further action, the court may, on its own motion, initiate proceedings when it finds that it is in the best interests of the child.

3. If a child has been placed in protective custody and if further action in court is taken, an agency which provides child welfare services shall make recommendations to the court concerning whether the child should be returned to the person responsible for the welfare of the child pending further action in court.

4. If , in a case described in paragraph (b) of subsection 1, an agency which provides child welfare services fails to initiate a proceeding in court by filing a petition which meets the requirements set forth in

NRS 432B.510 within 10 days after the hearing on protective custody : ~~[, the agency shall:]~~

(a) ~~[Recommend]~~ The agency may recommend against further action and return the child to the custody of the person responsible for the welfare of the child; or

(b) ~~[File a motion.]~~ Any party to the proceeding may schedule an additional hearing with the court which must take place before the next scheduled court date to determine whether the child should be returned to the person responsible for the welfare of the child pending further action by the court.

5. Except as otherwise provided in this subsection, notice of the time and place of ~~[the]~~ a hearing ~~[on a motion filed]~~ scheduled pursuant to paragraph (b) of subsection 4 must be given to a parent or other person responsible for the welfare of the child:

(a) By personal service of a written notice;

(b) Orally; or

(c) If the parent or other person responsible for the welfare of the child cannot be located after a reasonable effort, by posting a written notice on the door of the residence of the parent or other person.

➥ If the child was delivered to a provider of emergency services pursuant to the provisions of NRS 432B.630 and the location of the parent is unknown, the parent shall be deemed to have waived any notice of any hearing conducted pursuant to this section.

6. If notice of a hearing ~~[on a motion filed]~~ scheduled pursuant to paragraph (b) of subsection 4 is given by means of paragraph (b) or (c) of subsection 5, a copy of the notice must be mailed to the parent or other person responsible for the welfare of the child at his or her last known address within 24 hours after the petition is filed.

7. The court shall hold a hearing ~~[on a motion filed]~~ scheduled pursuant to paragraph (b) of subsection 4 ~~[and may]~~ to decide whether ~~[to return the child to the person responsible for the welfare of the child as it determines is in]~~ there remains reasonable cause to believe that it would be:

(a) Contrary to the welfare of the child for the child to reside at his or her home; or

(b) In the best ~~[interest]~~ interests of the child ~~[.]~~ to keep the child outside of his or her home.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 97.

AN ACT relating to elections; authorizing uniformed-service voters, their spouses and overseas voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots with digital signatures or electronic signatures; requiring the Secretary of State to prescribe by regulation certain duties of local elections officials; making various other changes to the Uniformed Military and Overseas Absentee Voters Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Uniformed Military and Overseas Absentee Voters Act (chapter 293D of NRS) authorizes members of the Armed Forces of the United States, their spouses and dependents, and certain other electors of this State who reside outside the United States (collectively known as "covered voters") to apply for and receive through a system of approved electronic transmission established by the Secretary of State applications to register to vote and military-overseas ballots.

Sections 13 and 15-19 of this bill authorize covered voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots using digital or electronic signatures. **Section 15** requires the system of approved electronic transmission to include a method by which a covered voter may provide his or her digital or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot. **Sections 11 and 12** of this bill, respectively, define the terms "digital signature" and "electronic signature."

Section 15 also requires the Secretary of State to prescribe by regulations the duties of a local elections official upon receipt of a military-overseas ballot. **Sections 1-9** of this bill make various conforming changes.

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

Section 1. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have

signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in ~~[this subsection,]~~ ***subsection 5,*** the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If ~~[, pursuant]~~ ***:***

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer ~~[.]~~ ***; or***

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

➥ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

~~[5.]~~ ***6.*** In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[8,]~~ ***9,*** upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

~~[7.]~~ ***8.*** A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

~~[8.]~~ ***9.*** For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

~~[9.]~~ ***10.*** The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 2. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and NRS 293D.200,*** when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent

ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. ~~[If]~~ ***Except as otherwise provided in NRS 293D.200, if*** an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 3. NRS 293.333 is hereby amended to read as follows:

293.333 ~~[On]~~ ***Except as otherwise provided in NRS 293D.200, on*** the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 4. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to precinct or district election boards have been voted or rejected, ***except as otherwise provided in***

NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 5. NRS 293.340 is hereby amended to read as follows:

293.340 1. In counties in which an absent ballot central counting board is appointed the county clerk shall provide a ballot box in the county clerk's office for each different ballot listing in the county.

2. On each such box there ~~[shall]~~ ***must*** appear a statement indicating the precincts and district for which such box has been designated.

3. ~~[Each]~~ ***Except as otherwise provided in NRS 293D.200, each*** absent ballot voted ~~[shall]~~ ***must*** be deposited in a ballot box according to the precinct or district of the absent voter voting such ballot.

Sec. 6. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and NRS 293D.200,*** when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. ~~[If]~~ ***Except as otherwise provided in NRS 293D.200, if*** an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 7. NRS 293C.332 is hereby amended to read as follows:

293C.332 ~~[On]~~ ***Except as otherwise provided in NRS 293D.200, on*** the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 8. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to precinct or district election boards have been voted or rejected, ***except as otherwise provided in NRS 293D.200,*** the empty envelopes and the envelopes containing rejected ballots must be returned to the city clerk. On all envelopes containing the rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 9. NRS 293C.340 is hereby amended to read as follows:

293C.340 1. In cities in which an absent ballot central counting board is appointed, the city clerk shall provide a ballot box in the city clerk's office for each different ballot listing in the city.

2. On each box there must appear a statement indicating the precincts and district for which the box has been designated.

3. ~~[Each]~~ ***Except as otherwise provided in NRS 293D.200, each*** absent ballot voted must be deposited in a ballot box according to the precinct or district of the absent voter voting that ballot.

Sec. 10. Chapter 293D of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.

Sec. 11. ***"Digital signature" has the meaning ascribed to it in NRS 720.060.***

Sec. 12. ***"Electronic signature" has the meaning ascribed to it in NRS 719.100.***

Sec. 13. ***A covered voter may sign any document or other material that is necessary for the covered voter to register to vote, apply for a military-***

overseas ballot or cast a military-overseas ballot pursuant to this chapter using his or her digital signature or electronic signature.

Sec. 14. NRS 293D.020 is hereby amended to read as follows:

293D.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 293D.030 to 293D.090, inclusive, ***and sections 11 and 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for ***,*** ~~[and]~~ receive ***and send*** documents and other information pursuant to this chapter. ***The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.***

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

Sec. 16. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to apply to register to vote.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the seventh day before the election. If the declaration is received after the seventh day before the election, it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting ~~[both]~~ ***:***

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official ~~[.]~~ ***; and***

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 17. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, pursuant to this section.

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of ~~[both]~~ ***:***

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official ~~[. The]~~ ***; and***

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. ***A*** covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

~~[4.]~~ ***5.*** A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

~~[5.]~~ ***6.*** To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

~~[6.]~~ ***7.*** This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 18. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. § 1973ff-1(g)(2), not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by ~~[facsimile]~~ ***:***

(a) Facsimile transmission ~~[or electronic]~~ ***;***

(b) Electronic mail delivery ~~[.]~~ ***; or***

(c) The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.

➥ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

Sec. 19. NRS 293D.420 is hereby amended to read as follows:

293D.420 ***1.*** Each military-overseas ballot must include or be accompanied by a declaration signed by the covered voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

2. The covered voter may sign the declaration required pursuant to subsection 1 using his or her digital signature or electronic signature.

Sec. 20. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations; and

2. On January 1, 2014, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 195, 212, 217, 233, 240, 252, 255, 277, 300, 344, 350, 364, 365, 366, 377, 381, 383, 492, 493; Assembly Joint Resolution No. 8; Senate Bill No. 139; Senate Joint Resolution No. 4 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 2, 7, 13, 16, 19, 30, 40, 45, 66, 69, 75, 82, 84, 85, 128, 134, 158, 170, 206, 249, 262, 352; Assembly Joint Resolutions Nos. 3, 4, 5; Senate Bill No. 121 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 1, 20, 24, 130, and 169 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Madam Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Diamond.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Alvarez-Hyman.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Deidre McCormick, Ana Seiler, and Sage Seiler.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Norine Clark.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Lydia Rigby, Linda Kwong, Delaney Polchan, and Ava Gochnour.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jerrod Williams and Diane O'Connor.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Yazinka.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Lion.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Pruitt and Elisabeth Stott.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Madison Roberts-Smith.

Assemblyman Horne moved that the Assembly adjourn until Friday, April 12, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 12, 2013

Assembly called to order at 12:05 p.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Father Chuck Durante.

Great and Gracious God, author of all that is good, we thank You for the beauty of this day and for the gift of life within and all around us.

As we dedicate this day to You, help us use it to the fullest so that at day's end, we may rest in the assurance that this, our home, is just a little bit better than when the day began.

We lift up to You both our successes and our failures this day, trusting that You can bring forth good even from bad, wheat even from weeds.

Bless the Nevada Assembly this day and all their deliberations and all their work. May they be strengthened in their relationships and their leadership and in doing good for all whom they serve. May obstacles in their work this day not be overwhelming, but challenge them to new possibilities.

And as the week comes to a close, may they, and all Your people, find some rest in the Sabbath days ahead and some time to praise and give thanks.

We make this prayer as Your instruments of peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 322, 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 239, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 27, 76, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 31, 65, 139, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 56, 362, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 8, 29, 109, 144, 221, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 194, 274, 395, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Concurrent Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 198, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 10, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 20.

CINDY JONES
Fiscal Analysis Division

April 10, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 377.

MARK KRMPOTIC
Fiscal Analysis Division

April 11, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 251, 287, 291, 413, 422, 425 and 454.

CINDY JONES
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 294, 319, 353, 369, 375, 400, 408, 414, 423, 440, 456, 466 and 485.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 319.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 353.

CINDY JONES
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 452.

MARK KRMPOTIC
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 34, if the amendment proposed by the Committee on Government Affairs is adopted.

MARK KRMPOTIC
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 123, if the amendment proposed by the Committee on Commerce, Labor and Energy is adopted.

MARK KRMPOTIC
Fiscal Analysis Division

April 12, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 416, if the amendment proposed by the Committee on Judiciary is adopted.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Smith.
For: Senate Bill No. 482.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Wednesday, April 10, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

ASSEMBLYWOMAN MARILYN KIRKPATRICK
Speaker of the Assembly

Assembly Concurrent Resolution No. 3
Assemblyman Daly moved the adoption of the resolution.
Resolution adopted as amended, and ordered transmitted to the Senate.

Assemblyman Horne moved that Assembly Bills Nos. 60, 195, 212, 217, 240, 252, 277, 300, 364, 365, 366, 367, 381, and 383 be taken from their positions on the Second Reading File and placed at the top of the Second Reading File.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 60.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 151.
AN ACT relating to charities; requiring nonprofit corporations to ~~[register]~~ **file certain information** with the Secretary of State before soliciting charitable contributions in this State; ~~[prescribing the information that must be filed with the Secretary of State to register;]~~ requiring the Secretary of State to provide **to the public** certain information concerning ~~[registered]~~ nonprofit corporations ~~[to the public; enacting provisions concerning the investigation of nonprofit corporations;]~~ **that solicit charitable contributions in this State;** requiring the disclosure of certain information by a person conducting a solicitation for charitable contributions for or on behalf of a nonprofit corporation or other charitable organization; authorizing

the imposition of penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of nonprofit corporations within the State. (Chapter 82 of NRS)

Section 3 of this bill requires every nonprofit corporation that intends to solicit tax-deductible charitable contributions in this State to file ~~[a registration statement]~~ **certain information** and **a** financial report with the Secretary of State ~~[. Section 3 also requires the registration statement to include certain information concerning the nonprofit corporation and]~~ **at the time the corporation files its articles of incorporation and its annual list. Section 3** authorizes the financial report to be a copy of the nonprofit corporation's Form 990 IRS filing for the most recent fiscal year. ~~[The registration and financial statement must be filed annually.]~~ **Section 5** of this bill ~~[requires]~~ **provides that if** a nonprofit corporation ~~[to pay a delinquency fee of $50 if the nonprofit corporation]~~ fails to file the ~~[annual registration]~~ **information** and financial statement ~~[on or before the due date and]~~ **with its annual list, the nonprofit corporation is required to pay the $50 penalty for a default in the requirement for filing an annual list. Section 5 further** authorizes the ~~[imposition of additional penalties]~~ **Secretary of State to issue a cease and desist order** if the nonprofit corporation fails to file the ~~[registration]~~ **information** and financial statement **and pay the penalty for default** within 90 days ~~[of]~~ **after** notice of the ~~[delinquency.]~~ **default. If the nonprofit corporation fails to comply with the cease and desist order, section 5 authorizes the Secretary of State to: (1) forfeit the right of the nonprofit corporation to transact business in this State; and (2) refer the matter to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Section 4** of this bill requires the Secretary of State to publish certain information provided by the nonprofit corporation on the Secretary of State's Internet website.

~~[Section 6 of this bill authorizes the Secretary of State to investigate the transactions, solicitations and relationships of a nonprofit corporation required to register with the Secretary of State to determine whether: (1) the purposes of the nonprofit corporation are being carried out in accordance with its articles of incorporation or other instrument setting forth its purposes; (2) the nonprofit corporation or its directors, trustees, officers or executive personnel are complying with existing law governing nonprofit corporations and the solicitation of charitable contributions; and (3) any fiduciary duties arising under law have been breached. Section 6 also authorizes the Secretary of State to order certain remedial measures if the Secretary of State finds that a nonprofit corporation or any of its directors,~~

~~trustees, officers or executive personnel have violated a provision of existing law imposing a fiduciary duty or governing the solicitation of charitable contributions.~~

~~Section 8 of this bill requires the award of costs and attorney's fees to the State in certain actions relating to nonprofit corporations and authorizes a court to require a responsible officer of a nonprofit corporation to pay a judgment obtained against the nonprofit corporation.~~**]**

Section 6.5 of this bill requires the Secretary of State to provide written notice to a person who is alleged to have violated certain provisions of law governing the solicitation of charitable contributions if the Secretary of State believes such a violation has occurred. Section 6.5 further authorizes the Secretary of State to refer a violation of certain provisions of law governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Under section 6.5, in such a proceeding, the Attorney General may seek an injunction or other equitable relief and a civil penalty of not more than $1,000. If the Attorney General prevails in the proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, investigation costs and reasonable attorney's fees.

Existing law prohibits a person soliciting contributions for or on behalf of a charitable organization from making a false, deceiving or misleading claim or representation. (NRS 598.1305) **Section 12** of this bill requires a person representing that he or she is soliciting contributions for or on behalf of a charitable organization or nonprofit corporation to disclose: (1) the name of the charitable organization or nonprofit corporation as registered with the Secretary of State; (2) the state or jurisdiction in which the charitable organization or nonprofit corporation is formed; (3) the purpose of the charitable organization or nonprofit corporation; and (4) ~~[whether the charitable organization or nonprofit corporation is exempt from income tax]~~ **certain information relating to whether the contribution or donation is tax deductible** pursuant to section ~~[501(c)(3)]~~ **170(c)** of the Internal Revenue Code. Under **section 12**, the failure to make this disclosure is a deceptive trade practice.

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

Section 1. Chapter 82 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, "charitable contribution" means a contribution that is recognized as a tax deductible contribution pursuant to the***

provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), future amendments to that section and the corresponding provisions of future internal revenue laws.

Sec. 2.5. The provisions of sections 2 to 9, inclusive, of this act do not apply to a corporation that is a unit or instrumentality of the United States government.

Sec. 3. ***1. [A] Except as otherwise provided in section 2.5 of this act, a corporation shall not solicit charitable contributions in this State by any means, or have charitable contributions solicited in [the] this State on its behalf by another person or entity, unless the corporation is registered with the Secretary of State pursuant to this section. Each chapter, branch or affiliate of a corporation may register separately.***

2. [To register initially, a] A corporation which intends to solicit charitable contributions must , at the time of filing its articles of incorporation pursuant to NRS 82.081, file [with the Secretary of State :

(a) A registration statement] on a form prescribed by the Secretary of State [,] :

(a) The information required by subsection 3; and

(b) A financial report . [on a form prescribed by the Secretary of State.]

3. The [registration statement] form required by subsection 2 must include, without limitation:

(a) The exact name of the corporation as registered with the Internal Revenue Service;

(b) The federal tax identification number of the corporation;

(c) The name of the corporation as registered with the Secretary of State or, if a foreign nonprofit corporation, the name of the foreign nonprofit corporation as filed in its jurisdiction of origin;

(d) The purpose for which the corporation is organized;

(e) The name or names under which the corporation intends to solicit charitable contributions;

(f) The address and telephone number of the principal place of business of the corporation and the address and telephone number of any offices of the corporation in this State or, if the corporation does not maintain an office in this State, the name, address and telephone number of the custodian of the financial records of the corporation;

(g) The names and addresses, either residence or business, of the officers, directors, trustees and executive personnel of the corporation;

(h) The last day of the fiscal year of the corporation;

(i) The jurisdiction and date of the formation of the corporation;

(j) The tax exempt status of the corporation; and

(k) Any other information deemed necessary by the Secretary of State ~~*[.]*~~ ***, as prescribed by regulations adopted by the Secretary of State pursuant to section 9 of this act.***

4. Except as otherwise provided in this subsection, a financial report must contain the financial information of the corporation for the most recent fiscal year. In the discretion of the Secretary of State, the financial report may be a copy of the Form 990 of the corporation, with all schedules except the schedules of donors, for the most recent fiscal year. If a corporation was first formed within the past year and does not have any financial information or a Form 990 for its most recent fiscal year, the corporation must complete the financial report using good faith estimates for its current fiscal year on a form prescribed by the Secretary of State.

5. ~~*[Except as otherwise provided in subsection 6, to maintain its registration, a]*~~ ***A corporation which intends to solicit charitable contributions in this State must,*** ~~*[on or before the last day of the month in which the anniversary date of its initial registration pursuant to subsection 2 in each year,]*~~ ***at the time the corporation files the annual list required by subsection 3 of NRS 82.193, file with the Secretary of State:***

(a) If the purpose for which the corporation is organized has changed, a statement of that purpose.

(b) A new financial report pursuant to subsection 4.

6. ~~*[Not later than 45 days before the date on which the filing required by subsection 5 is due, a corporation may file a written application requesting additional time to file the information required by subsection 5 and stating the reason that additional time should be allowed for the filing. If the Secretary of State finds that good cause exists to grant an extension of time for the filing of the information required by subsection 5, the Secretary of State may grant the extension. If the Secretary of State denies the application, the corporation must file the information required by subsection 5 not later than the due date of the filing.*~~

~~*7. A registration statement, financial report or other statement filed by a corporation pursuant to this section is not valid unless signed under oath or affirmation by an officer of the corporation.*~~

~~*8. The Secretary of State shall examine each registration statement, financial report or other statement to determine whether the applicable requirements of this section are satisfied. The Secretary of State shall notify the corporation of any deficiencies in its registration statement, financial report or other statement. The Secretary of State shall issue a registration number to each corporation registered pursuant to this section.*~~

~~*9.]*~~ ***All information filed pursuant to this section are public records.***

~~[10. Registration]~~ ***The filing of information pursuant to this section is not an endorsement of any corporation by the Secretary of State or the State of Nevada.***

~~[11.]~~ ***7. As used in this section ~~[,]~~ :***

(a) "Form 990" means the Return of Organization Exempt from Income Tax (Form 990) of the Internal Revenue Service of the United States Department of the Treasury, or any equivalent or successor form of the Internal Revenue Service of the United States Department of the Treasury.

(b) "Solicit charitable contributions" means to request a contribution, donation, gift or the like that is made by any means, including, without limitation:

(1) Mail;

(2) Commercial carrier;

(3) Telephone, facsimile, electronic mail or other electronic device; or

(4) A face-to-face meeting.

➥ The term includes requests for contributions, donations, gifts or the like which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State, but does not include a request for contributions, donations, gifts or the like which is directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the corporation.

Sec. 4. ***The Secretary of State shall make available to the public and post on the official Internet website of the Secretary of State the information provided by each corporation pursuant to section 3 of this act.***

Sec. 5. ***1. If the Secretary of State finds that a corporation required to file information pursuant to subsection 5 of section 3 of this act is soliciting charitable contributions in this State, or is having charitable contributions solicited in this State on its behalf by another person or entity, without filing the information required by subsection 5 of section 3 of this act on or before the due date for the filing, the Secretary of State shall impose ~~[a delinquency fee of $50]~~ on the corporation the penalty for default set forth in subsection 3 of NRS 82.193 and notify the corporation of the violation by providing written notice to its registered agent. The written notice:***

(a) Must include a statement indicating that the corporation is required to file the information required by subsection 5 of section 3 of this act and pay the ~~[delinquency fee imposed pursuant to this]~~ penalty for default set forth in subsection ~~[.]~~ 3 of NRS 82.193.

(b) May be provided electronically.

2. Not later than 90 days after receiving notice from the Secretary of State pursuant to subsection 1, the corporation must file the information

required by subsection 5 of section 3 of this act and pay the ~~[delinquency fee imposed pursuant to]~~ penalty for default set forth in subsection ~~[1.]~~ 3 of NRS 82.193. If the corporation fails to file the information required by subsection 5 of section 3 of this act and pay the ~~[delinquency fee]~~ penalty for default set forth in subsection 3 of NRS 82.193 within 90 days ~~[of]~~ after receiving the notice, the Secretary of State may, in addition to imposing the ~~[delinquency fee,]~~ penalty for default set forth in subsection 3 of NRS 82.193, take any or all of the following actions:

(a) Impose a civil penalty of not more than $1,000.

(b) Issue an order to cease and desist soliciting charitable contributions ~~[,]~~ or having charitable contributions solicited on behalf of the corporation by another person or entity.

3. An action taken pursuant to subsection 2 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS. ~~[In a judicial review of an action taken pursuant to subsection 2, the court may reverse or modify an action of the Secretary of State only if the court finds that the Secretary of State lacked authority to take the action or that the amount of a civil penalty imposed by the Secretary of State is unconscionable under the circumstances.]~~

4. If a corporation fails to pay a civil penalty imposed by the Secretary of State pursuant to subsection 2 or comply with an order to cease and desist issued by the Secretary of State pursuant to subsection 2, the Secretary of State may:

(a) If the corporation is organized pursuant to this chapter, revoke the charter of the corporation. If the charter of the corporation is revoked pursuant to this paragraph, the corporation forfeits its right to transact business in this State.

(b) If the corporation is a foreign nonprofit corporation, forfeit the right of the foreign nonprofit corporation to transact business in this State.

(c) Refer the matter to the Attorney General for a determination of whether to institute proceedings pursuant to section 6.5 of this act.

Sec. 6. ***~~[1. The Secretary of State may investigate the transactions, solicitations and relationships of a corporation subject to the requirements of sections 2 to 9, inclusive, of this act to ascertain whether:~~***

~~(a) The purposes of the corporation are being carried out in accordance with the articles of incorporation or any other instrument setting forth the purposes of the corporation.~~

~~(b) The corporation is soliciting charitable contributions, or having charitable contributions solicited on its behalf by another person or entity, in accordance with sections 2 to 9, inclusive, of this act and any other provision of the laws of this State governing the solicitation of charitable contributions.~~

~~*(c) The corporation, or any director, trustee, officer or executive personnel of the corporation, has breached a fiduciary duty arising under law.*~~

~~*2. The Secretary of State, when conducting an investigation pursuant to subsection 1, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation.*~~

~~*3. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 2, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:*~~

~~*(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or*~~

~~*(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.*~~

~~*4. If the Secretary of State finds that a corporation, or any director, trustee, officer or executive personnel of the corporation, has violated any provision of the laws of this State governing the solicitation of charitable contributions or any provision of the laws of this State imposing a fiduciary duty on the corporation or the director, trustee, officer or executive personnel of the corporation, the Secretary of State may issue an order requiring the corporation or the director, trustee, officer or executive personnel to take actions deemed appropriate by the Secretary of State to remedy the violation. If the corporation or the director, trustee, officer or executive personnel do not take the actions ordered by the Secretary of State, the Secretary of State may:*~~

~~*(a) If the corporation is organized pursuant to this chapter, revoke the charter of the corporation. If the charter of the corporation is revoked pursuant to this paragraph, the corporation forfeits its right to transact business in this State.*~~

~~*(b) If the corporation is a foreign nonprofit corporation, forfeit the right of the foreign nonprofit corporation to transact business in this State.*~~

~~*5. The Secretary of State may request the Attorney General to institute appropriate proceedings in a court of competent jurisdiction to secure compliance with the provisions of sections 2 to 9, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 6.5. 1. If the Secretary of State believes that a person has violated NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions, the Secretary of State shall notify the person in writing of the alleged violation.

2. The Secretary of State may refer an alleged violation of NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions. The Attorney General may institute and prosecute the appropriate proceedings to enforce NRS 598.1305 or sections 2 to 9, inclusive, of this act, or any other provision of the laws of this State governing the solicitation of charitable contributions.

3. In a proceeding instituted by the Attorney General pursuant to subsection 2, the Attorney General may seek an injunction or other equitable relief, and may recover a civil penalty of not more than $1,000 for each violation. If the Attorney General prevails in such a proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

Sec. 7. ***The powers and duties of the Secretary of State and the Attorney General pursuant to sections 2 to 9, inclusive, of this act are in addition to other powers and duties of the Secretary of State and Attorney General with respect to corporations and charitable contributions.***

Sec. 8. ~~*[In any suit or action brought in the name of the State of Nevada against a corporation, or a director, trustee or officer of a corporation, to enforce a fiduciary duty or any other duty arising under the laws of this State governing corporations or the laws of this State governing the solicitation of charitable contributions, if the State of Nevada prevails, the court shall award the State of Nevada court costs and attorney's fees. The costs awarded pursuant to this subsection may include, without limitation, reasonable investigative expenses and reasonable expert witness fees. In the discretion of the court, a judgment in a suit or action pursuant to this section may be a judgment against the responsible officers of the corporation.]*~~ **(Deleted by amendment.)**

Sec. 9. ***The Secretary of State may adopt regulations to administer the provisions of sections 2 to 9, inclusive, of this act.***

Sec. 10. NRS 82.131 is hereby amended to read as follows:

82.131 Subject to such limitations, if any, as may be contained in its articles, ***and except as otherwise provided in section 3 of this act,*** every corporation may:

1. Borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation, issue bonds, promissory notes, drafts, debentures and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. Guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by any person, government, governmental agency or political subdivision of government, and exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. Issue certificates evidencing membership and issue identity cards.

4. Make donations for the public welfare or for community funds, hospital, charitable, educational, scientific, civil, religious or similar purposes.

5. Levy dues, assessments and fees.

6. Purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

7. Carry on a business for profit and apply any profit that results from the business to any activity in which it may lawfully engage.

8. Participate with others in any partnership, joint venture or other association, transaction or arrangement of any kind, whether or not participation involves sharing or delegation of control with or to others.

9. Act as trustee under any trust incidental to the principal objects of the corporation, and receive, hold, administer, exchange and expend funds and property subject to the trust.

10. Pay reasonable compensation to officers, directors and employees, pay pensions, retirement allowances and compensation for past services, and establish incentive or benefit plans, trusts and provisions for the benefit of its officers, directors, employees, agents and their families, dependents and

beneficiaries, and indemnify and buy insurance for a fiduciary of such a benefit or incentive plan, trust or provision.

11. Have one or more offices, and hold, purchase, mortgage and convey real and personal property in this State, and in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia and any foreign countries.

12. Do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation, or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation of the corporation, except that:

(a) A corporation does not, by any implication or construction, possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

Sec. 11. NRS 82.5231 is hereby amended to read as follows:

82.5231 ~~[If]~~ ***Except as otherwise provided in section 3 of this act, if*** a foreign nonprofit corporation has filed the initial or annual list in compliance with NRS 82.523 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign nonprofit corporation constitutes a certificate authorizing it to transact its business within this State until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.

Sec. 12. NRS 598.1305 is hereby amended to read as follows:

598.1305 1. ***A person representing that he or she is conducting a solicitation for or on behalf of a charitable organization or nonprofit corporation shall disclose:***

(a) The full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to section 3 of this act;

(b) The state or jurisdiction in which the charitable organization or nonprofit corporation was formed;

(c) The purpose of the charitable organization or nonprofit corporation; and

(d) ~~*[Whether]*~~ ***That the*** ~~*[charitable organization or nonprofit corporation is]*~~ ***contribution or donation may be tax*** ~~*[exempt]*~~ ***deductible pursuant to the provisions of section*** ~~*[501(c)(3)]*~~ ***170(c) of the Internal Revenue Code*** ~~*[.]*~~ ***of***

1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.

2. A person, in planning, conducting or executing a solicitation for or on behalf of a charitable organization ~~[,]~~ ***or nonprofit corporation,*** shall not:

(a) Make any claim or representation concerning a contribution which directly, or by implication, has the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances; or

(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.

~~[2.]~~ ***3. Any solicitation that is made in writing for or on behalf of a charitable organization or nonprofit corporation, including, without limitation, an electronic communication, must contain the full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to section 3 of this act*** ~~*[, the registration number issued by the Secretary of State pursuant to section 3 of this act]*~~ ***and a disclaimer stating*** ~~*[whether]*~~ ***that the*** ~~*[charitable organization or nonprofit corporation is]*~~ ***contribution or donation may be tax*** ~~*[exempt]*~~ ***deductible pursuant to the provisions of section*** ~~*[501(c)(3)]*~~ ***170(c) of the Internal Revenue Code*** ~~*[.]*~~ ***of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.***

4. Notwithstanding any other provisions of this chapter, the Attorney General has primary jurisdiction to investigate and prosecute a violation of this section.

~~[3.]~~ ***5.*** Except as otherwise provided in NRS 41.480 and 41.485, a violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~[4.]~~ ***6.*** As used in this section:

(a) "Charitable organization" means any person who, directly or indirectly, solicits contributions and who ~~[:~~

~~(1) The~~ ***the*** Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code ***.*** ~~[; or~~

~~(2) Is, or holds himself or herself out to be, established for a charitable purpose.~~

~~]~~ The term does not include an organization which is established for and serving bona fide religious purposes.

(b) "Solicitation" means a request for a contribution to a charitable organization ***or nonprofit corporation*** that is made by ~~[:]~~ ***any means, including, without limitation:***

(1) Mail;
(2) Commercial carrier;
(3) Telephone, facsimile***, electronic mail*** or other electronic device; or
(4) A face-to-face meeting.

➥ The term includes solicitations which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State. ***For the purposes of subsections 1 and 3, the term does not include solicitations which are directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit corporation.***

Sec. 13. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 166.

AN ACT relating to firearms; providing that certain persons who possess a permit to carry a concealed firearm may submit an application to renew the permit at any time before the permit expires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a sheriff to conduct an investigation of an applicant for a permit to carry a concealed firearm, including an applicant who wishes to renew his or her permit, to determine the applicant's eligibility for a permit. Within 120 days after an applicant submits a complete application for a permit, the sheriff to whom the application is submitted must grant or deny the application. (NRS 202.366) **Section 1** of this bill provides that any person who possesses a valid permit that was issued on or before June 30, 2011, and who has not since renewed the permit may submit an application to renew the permit at any time before the permit expires. **Section 1 also provides that if such a person submits a complete application to renew the permit 180 days or more before the permit expires, the sheriff to whom the application is submitted must grant or deny the application within 180 days after the application is submitted.**

Section 2 of this bill provides that the amendatory provisions of this bill expire by limitation on June 30, 2016.

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

Section 1. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to NRS 202.3677, the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. ~~[Within]~~ ***Except as otherwise provided in subsection 6, within*** 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County…….	Permit Number……
Expires……	Date of Birth……...
Height……..	Weight……
Name……	Address……...
City……...	Zip……...
	Photograph
Signature……..	
Issued by……...	
Date of Issue…….	

Semiautomatic firearms authorized …….Yes…….No

Revolvers authorized……...Yes…….No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. ***Any person who possesses a valid permit that was issued on or before June 30, 2011, and who has not since renewed the permit may submit an application for the renewal of the permit pursuant to NRS 202.3677 at any time before the date on which the permit expires.***

6. If a person who meets the requirements set forth in subsection 5 submits a complete application for the renewal of a permit pursuant to NRS 202.3677 180 days or more before the date on which the permit expires, the sheriff to whom the application is submitted shall, within 180 days after the application is submitted, grant or deny the application in accordance with the provisions of this section.

7. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on June 30, 2016.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 123.

AN ACT relating to correctional institutions; prohibiting the possession of portable telecommunications devices by certain prisoners; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the possession of portable telecommunications devices by prisoners in state institutions and facilities. (NRS 212.165) This bill extends that prohibition to include any prisoner in a jail, branch county jail or other local detention facility and provides that a prisoner who violates the prohibition is guilty of: (1) a category D felony if he or she was confined as a result of a ~~[gross misdemeanor or a]~~ felony; ~~[or]~~ (2) **a gross misdemeanor if he or she was confined as a result of a gross misdemeanor; or (3)** a misdemeanor if he or she was confined as a result of a misdemeanor.

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

Section 1. NRS 212.165 is hereby amended to read as follows:

212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. ***A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:***

(a) A ~~[gross misdemeanor or]~~ felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A gross misdemeanor is guilty of a gross misdemeanor.

(c) A misdemeanor is guilty of a misdemeanor.

5. A sentence imposed upon a prisoner pursuant to subsection 3 ~~[.]~~ ***or 4:***

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 ~~[.~~ ~~5.]~~ ***or 4.***

6. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

(c) ***"Jail" means a jail, branch county jail or other local detention facility.***

(d) "Telecommunications device" has the meaning ascribed to it in subsection 3 of NRS 209.417.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 305.

SUMMARY—Revises provisions governing criminal background checks of **employees and** applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (BDR 5-993)

AN ACT relating to protection of children; requiring the department of juvenile justice services of certain larger counties and agencies which provide child welfare services to obtain a background investigation of the criminal history of **employees and** applicants for employment; requiring such a department or agency to terminate or deny employment of certain persons based on the results of an investigation of the person's criminal history; authorizing such a department or agency to terminate or deny employment if certain criminal charges are pending against an employee or applicant for employment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law requires certain types of facilities which provide residential services to children, including, without limitation, a public institution or agency to which a juvenile court commits a child, to obtain a background investigation of employees of the facilities. (NRS 62B.270, 424.031, 432A.170, 433B.183, 449.123) **Sections 2, 4 and 12** of this bill require a department of juvenile justice services in a county whose population is 700,000 or more (currently Clark County) and an agency which provides

child welfare services to obtain a background investigation of applicants for employment with **, and employees of,** the department or agency. **Sections 2, 4 and 12** further require such a department or agency to obtain a background investigation of each employee of the department or agency at least once every 5 years after the initial investigation. Under **sections 2, 4 and 12**, an applicant for employment or an employee required to submit to a background investigation must submit a complete set of his or her fingerprints to the department or agency and written authorization permitting the department or agency to obtain certain information concerning the background of the applicant or employee.

Sections 3, 5 and 13 of this bill: (1) require a department of juvenile justice services and an agency which provides child welfare services to deny employment to an applicant, or terminate the employment of an employee, who has been convicted of certain crimes or who has had a substantiated allegation of child abuse or neglect made against him or her; and (2) authorize a department of juvenile justice services and an agency which provides child welfare services to deny employment to an applicant, or terminate the employment of an employee, against whom certain criminal charges are pending. Under **sections 3, 5 and 13**, a department of juvenile justice services and an agency which provides child welfare services must provide an applicant for employment or an employee a certain period to correct any information that the applicant or employee believes to be incorrect. During the period in which an applicant or employee seeks to correct information, the applicant or employee **: (1)** must not have contact with a child or the family or guardian of a child in the course of any duties as an employee of a department of juvenile justice services or an agency which provides child welfare services **[.] ; (2) may be placed on administrative leave without pay; and (3) may be subject to the internal disciplinary procedures of the department of juvenile justice services or the agency which provides child welfare services.**

Section [14] 15 of this bill provides that the provisions of this bill **[apply only to a person who,] become effective** on **[or after]** July 1, 2013, **[applies for employment with a department of juvenile justice services in a county whose population is 700,000 or more (currently Clark County) or an agency which provides child welfare services.] and, thus, apply to existing employees and applicants for employment beginning on that date.**

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

Section 1. Chapter 62G of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services*** ***,*** ~~*[who is required to submit to an investigation pursuant to this section,]*~~ ***to determine:***

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any ~~*[crime]*~~ ***felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;***

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services , *~~[who is required to submit to an investigation pursuant to this section,]~~ to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and*

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years *~~[.]~~ to ensure satisfactory clearance with that registry.*

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services , *~~[who is required to submit to an investigation pursuant to this section,]~~ must submit to the department of juvenile justice services:*

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 3. ***1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 2 of this act, the information received by the department of juvenile justice services pursuant to subsection 2 of section 2 of this act or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:***

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 2 of this act, the department of juvenile justice services may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 2 of this act **,** ~~*[or]*~~ ***has had a substantiated report of child abuse or neglect made against him or her*** **,** ~~*[,]*~~ ***or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 2 of this act, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.***

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 2 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of section 2 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~*[shall]*~~ **:**

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

Sec. 4. *1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services , ~~[who is required to submit to an investigation pursuant to this section,]~~ to determine:*

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any ~~[crime]~~ felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services **,** ~~*[who is required to submit to an investigation pursuant to this section,]*~~ ***to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and***

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years ~~*[.]*~~ ***to ensure satisfactory clearance with that registry.***

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services **,** ~~*[who is required to submit to an investigation pursuant to this section,]*~~ ***must submit to the department of juvenile justice services:***

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 5. ***1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 4 of this act, the information received by the department of juvenile justice services pursuant to subsection 2 of section 4 of this act or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:***

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 4 of this act, the department of juvenile justice services may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 4 of this act **,** ~~***[or]***~~ ***has had a substantiated report of child abuse or neglect made against him or her*** **_** ~~***[.]***~~ **_** ***or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 4 of this act, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.***

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of section 4 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of section 4 of this act is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~*[shall]*~~ **:**

(a) Shall ***not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the department of juvenile justice services.***

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing a department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.

Sec. 6. NRS 62G.200 is hereby amended to read as follows:

62G.200 1. The provisions of NRS 62G.200 to 62G.240, inclusive, ***and sections 2 and 3 of this act*** apply only to a county:

(a) Whose population is 700,000 or more; and

(b) Which constitutes a judicial district.

2. If a department of juvenile justice services has been established by ordinance in a judicial district pursuant to NRS 62G.200 to 62G.240, inclusive, ***and sections 2 and 3 of this act,*** the provisions of NRS 62G.300 to 62G.370, inclusive, ***and sections 4 and 5 of this act*** do not apply to that judicial district for the period the ordinance is in effect.

Sec. 7. NRS 62G.300 is hereby amended to read as follows:

62G.300 The provisions of NRS 62G.300 to 62G.370, inclusive, ***and sections 4 and 5 of this act*** apply to a judicial district which includes a county whose population is 700,000 or more, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.200 to 62G.240, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

Sec. 8. NRS 62G.330 is hereby amended to read as follows:

62G.330 1. From a list of candidates recommended by the probation committee, the juvenile court shall appoint a director of the department of juvenile justice services.

2. The director of the department of juvenile justice services:

(a) Is directly responsible to the juvenile court and shall administer the functions of the juvenile court.

(b) Shall coordinate the services of and serve as liaison between the juvenile court and all agencies in the judicial district dealing with children, including, but not limited to:

(1) The Division of Child and Family Services;

(2) The public schools of the judicial district;

(3) All law enforcement agencies of the judicial district;

(4) The probation committee; and

(5) All local facilities for the detention of children within the judicial district.

(c) May carry out preventive programs relating to juvenile delinquency.

3. ~~[The]~~ ***Except as otherwise provided in section 5 of this act, the*** director of the department of juvenile justice services serves at the pleasure of the juvenile court and is subject to removal or discharge by the juvenile court. ~~[Before]~~ ***Except as otherwise provided in section 5 of this act, before*** the juvenile court may remove or discharge the director of the department of juvenile justice services, the juvenile court shall provide to the director:

(a) A written statement of the reasons for the removal or discharge; and

(b) An opportunity to be heard before the juvenile court regarding the removal or discharge.

4. The director of the department of juvenile justice services is entitled to such staff or employees to assist in the performance of the duties of the director as is advised by the probation committee, approved by the juvenile court, and consented to by the board or boards of county commissioners.

5. With the advice of the probation committee and the consent of the board or boards of county commissioners of the county or counties, the juvenile court shall determine the salary of the director of the department of juvenile justice services.

Sec. 9. NRS 62G.360 is hereby amended to read as follows:

62G.360 1. Pursuant to the provisions of this section, the director of the department of juvenile justice services may demote or dismiss, only for cause, any probation officer, employee of the department of juvenile justice services or employee of a local facility for the detention of children.

2. Before the director of the department of juvenile justice services may demote a probation officer or employee, the director shall provide to the probation officer or employee:

(a) A written statement of the reasons for the demotion; and

(b) An opportunity to be heard before the director regarding the demotion.

3. Before the director of the department of juvenile justice services may dismiss a probation officer or employee with less than 12 months of service, the director shall provide to the probation officer or employee:

(a) A written statement of the reasons for the dismissal; and

(b) An opportunity to be heard before the director regarding the dismissal.

4. If a probation officer or employee with 12 months or more of service is dismissed pursuant to this section:

(a) Not later than 15 days after the dismissal, the probation officer or employee may request a written statement from the director of the department of juvenile justice services specifically setting forth the reasons for the dismissal. The director shall provide the written statement to the probation officer or employee not later than 15 days after the date of the request.

(b) Not later than 30 days after receipt of the written statement from the director, the probation officer or employee may make a written request for a public hearing before the probation committee. The probation committee shall adopt rules for the conduct of such public hearings.

(c) The probation officer or employee may appeal the decision of the probation committee to the board or boards of county commissioners.

5. The provisions of this section do not apply to a dismissal required by section 5 of this act.

Sec. 10. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so

notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123 ~~[;]~~ ***and sections 2, 4 and 12 of this act;*** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central

Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031,

427A.735, 432A.170, 433B.183, 449.122 or 449.123 ~~[.]~~ ***or section 2, 4 or 12 of this act.***

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 11. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. *1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency* , ~~*[who is required to submit to an investigation pursuant to this section,]*~~ *to determine:*

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any ~~*[crime]*~~ *felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;*

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency , ~~[who is required to submit to an investigation pursuant to this section,]~~ to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years ~~[.]~~ to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services , ~~[who is required to submit to an investigation pursuant to this section,]~~ must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 13. ***1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection 5 of section 12 of this act, the information received by an agency which provides child welfare services pursuant to subsection 2 of section 12 of this act or evidence from any other source indicates that an applicant for employment with the agency, or an employee of the agency:***

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of section 12 of this act, the agency may deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of section 12 of this act **,** ~~*[or]*~~ ***has had a substantiated report of child abuse or neglect made against him or her*** ~~*[.]*~~ ***or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of section 12 of this act, the agency shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.***

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the agency which provides child welfare services pursuant to subsection 5 of section 12 of this act is incorrect, the applicant or employee must inform the agency immediately. An agency that provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an applicant for employment or an employee believes that the information received by an agency which provides child welfare services pursuant to subsection 2 of section 12 of this act is incorrect, the applicant or employee must inform the agency immediately. An agency which provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, the applicant or employee ~~*[shall]*~~ **:**

(a) Shall ***not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the agency which provides child welfare services.***

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing an agency which provides child welfare services from initiating internal disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

Sec. 14. ~~[The provisions of this act apply only to a person who applies for employment with a department of juvenile justice services or an agency which provides child welfare services on or after July 1, 2013.]~~ **(Deleted by amendment.)**

Sec. 15. This act becomes effective on July 1, 2013.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Frierson moved the adoption of the amendment.
Remarks by Assemblyman Frierson.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 240.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 216.

AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in any action to recover damages for death or injury to persons or property where comparative negligence is asserted as a defense, the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties against whom recovery is sought. Where recovery is allowed against more than one defendant in such an action, except in certain cases, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant. (NRS 41.141) This bill clarifies that where recovery is allowed against more than one defendant, the liability of the defendants is joint and several, rather than several, unless

the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent.

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

Section 1. NRS 41.141 is hereby amended to read as follows:

41.141 1. In any action to recover damages for death or injury to persons or for injury to property in which ***the trier of fact finds*** comparative negligence ~~[is asserted as a defense,]~~ ***on the part of the plaintiff or the plaintiff's decedent,*** the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties to the action against whom recovery is sought.

2. In ~~[those]~~ cases ~~[,]~~ ***in which comparative negligence is asserted as a defense,*** the judge shall instruct the jury that:

(a) The plaintiff may not recover if the plaintiff's comparative negligence or that of the plaintiff's decedent is greater than the negligence of the defendant or the combined negligence of multiple defendants.

(b) If the jury determines the plaintiff is entitled to recover, it shall return:

(1) By general verdict the total amount of damages the plaintiff would be entitled to recover without regard to the plaintiff's comparative negligence; and

(2) A special verdict indicating the percentage of negligence attributable to each party remaining in the action.

3. If a defendant ~~[in such an action]~~ settles with the plaintiff before the entry of judgment, the comparative negligence of that defendant and the amount of the settlement must not thereafter be admitted into evidence nor considered by the jury. The judge shall deduct the amount of the settlement from the net sum otherwise recoverable by the plaintiff pursuant to the general and special verdicts.

4. Where recovery is allowed against more than one defendant in ~~[such]~~ an action ~~[,]~~ ***in which the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent,*** except as otherwise provided in subsection 5, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant.

5. This section does not affect the joint and several liability, if any, of the defendants in an action based upon:

(a) Strict liability;

(b) An intentional tort;

(c) The emission, disposal or spillage of a toxic or hazardous substance;

(d) The concerted acts of the defendants; or

(e) An injury to any person or property resulting from a product which is manufactured, distributed, sold or used in this State.

6. As used in this section:

(a) "Concerted acts of the defendants" does not include negligent acts committed by providers of health care while working together to provide treatment to a patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

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

Amendment No. 111.

AN ACT relating to administrative regulations; revising provisions governing the posting of certain notices concerning regulations by agencies; requiring regulations to be adopted within a certain period; requiring certain information to be included on the informational statement submitted with an adopted regulation; making various other changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act is set forth in existing law to establish the procedures for agencies of the Executive Branch of the State Government to promulgate administrative regulations. (Chapter 233B of NRS) **Section 1** of this bill requires an agency to submit a notice of any meeting or workshop relating to the adoption of a regulation to the Director of the Legislative Counsel Bureau at the same time that the agency posts notice of the meeting or workshop for posting on the Internet website maintained by the Legislative Counsel Bureau. **Section 2** of this bill ~~[~~provides that~~]~~ **requires an agency to adopt** a regulation ~~[~~will be deemed withdrawn if the agency has not adopted the regulation~~]~~ within 2 years after submitting the regulation to the Legislative Counsel**.** ~~[~~, unless the agency has petitioned and received approval for an extension from the Legislative Commission.~~]~~ **If the regulation is not adopted within that time, section 2 requires that the executive head of the agency appear personally before the Legislative Commission to explain the reason for the failure. Section 3** of this bill revises the requirements for the informational statement which is

submitted under existing law with the adopted regulation by requiring the agency to include an explanation of the need for the regulation.

Existing law provides that the Legislative Commission or the Subcommittee to Review Regulations may object to a regulation: (1) if it is determined that the regulation is not required by federal law if it is adopted for that purpose; (2) if the regulation does not conform to statutory authority; or (3) if the regulation does not carry out legislative intent. **Section 4** of this bill further allows an objection to be made to a regulation if the agency did not provide a satisfactory explanation of the need for the regulation or if the informational statement is insufficient or incomplete. If an objection is raised, under existing law, the regulation is returned to the agency. (NRS 233B.067)

Section 5 of this bill makes the provisions of this bill applicable retroactively to any regulation which has been proposed but not adopted before July 1, 2013, and to any regulation adopted on or after July 1, 2013.

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

Section 1. Chapter 233B of NRS is hereby amended by adding thereto a new section to read as follows:

At the same time that an agency provides notice of any meeting or workshop relating to the adoption of a proposed regulation pursuant to this chapter or NRS 241.020, the agency shall submit an electronic copy of the notice to the Director of the Legislative Counsel Bureau. The Director shall cause the notice to be posted on the same day on the Internet website maintained by the Legislative Counsel Bureau.

Sec. 2. NRS 233B.040 is hereby amended to read as follows:

233B.040 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

(a) The Nevada Administrative Code; and

(b) Temporary and emergency regulations.

➥ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

(a) A citation of the authority pursuant to which it, or any part of it, was adopted; and

(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library and Archives Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

➥ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. ~~*[Except as otherwise provided in this subsection, an]*~~ ***An agency shall adopt a proposed regulation not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt a proposed regulation within the time prescribed by this subsection,*** ~~*[the regulation shall be deemed withdrawn unless, before the expiration of 2 years, the agency petitions the Legislative Commission for and receives an extension of time by which to adopt the proposed regulation.]*~~ ***the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted.***

Sec. 3. NRS 233B.066 is hereby amended to read as follows:

233B.066 1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:

(a) ***A clear and concise explanation of the need for the adopted regulation.***

(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.

~~[(b)]~~ ***(c)*** The number of persons who:

(1) Attended each hearing;

(2) Testified at each hearing; and

(3) Submitted to the agency written statements.

~~[(c)]~~ ***(d)*** For each person identified in subparagraphs (2) and (3) of paragraph ~~[(b),]~~ ***(c),*** the following information if provided to the agency conducting the hearing:

(1) Name;
(2) Telephone number;
(3) Business address;
(4) Business telephone number;
(5) Electronic mail address; and
(6) Name of entity or organization represented.

~~[(d)]~~ ***(e)*** A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

~~[(e)]~~ ***(f)*** If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

~~[(f)]~~ ***(g)*** The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(1) Both adverse and beneficial effects; and
(2) Both immediate and long-term effects.

~~[(g)]~~ ***(h)*** The estimated cost to the agency for enforcement of the proposed regulation.

~~[(h)]~~ ***(i)*** A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

~~[(i)]~~ ***(j)*** If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

~~[(j)]~~ ***(k)*** If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

2. The requirements of paragraphs ~~[(a)]~~ ***(b)*** to ~~[(e),]~~ ***(f),*** inclusive, of subsection 1 do not apply to emergency regulations.

Sec. 4. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether ***to approve*** the regulation **.** ~~[conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.]~~ The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative

Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,

➥ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. Except as otherwise provided in subsection 4, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.

4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.

5. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred, approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission or Subcommittee objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority; ~~[or]~~

(c) The regulation does not carry out legislative intent ~~[.]~~ ***; or***

(d) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,

➥ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.

6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review

Regulations consisting of at least three members or alternate members of the Legislative Commission.

Sec. 5. The provisions of this act apply to:

1. Any proposed regulation of an agency which was submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063 before, on or after July 1, 2013, and which has not been adopted as of July 1, 2013; and

2. Any regulation adopted on or after July 1, 2013.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time.

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

Amendment No. 143.

AN ACT relating to dental hygienists; ~~[imposing certain responsibilities and duties on]~~ **exempting** certain ~~[dental hygienists who own or operate]~~ programs that provide public health dental hygiene ~~[;]~~ **from requirements relating to supervision by a licensed dentist;** authorizing dental hygienists who are authorized to practice public health dental hygiene to perform ~~[certain]~~ procedures without the **authorization or** supervision ~~[or approval]~~ of a licensed dentist ~~[;]~~ **as specified by regulations adopted by the Board of Dental Examiners of Nevada;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a dental hygienist to obtain from the Board of Dental Examiners of Nevada a special endorsement of the dental hygienist's license that authorizes the dental hygienist to practice public health dental hygiene. A dental hygienist with such a special endorsement may perform such services for the promotion of public health dental hygiene as deemed appropriate by the State Dental Health Officer. (NRS 631.287) ~~[Sections 2-4 of this bill authorize a dental hygienist with a special endorsement to practice public health dental hygiene to perform a variety of services without the approval or supervision of a licensed dentist.]~~ **Existing law further provides that an entity which owns or operates certain dental offices or clinics must designate an actively licensed dentist as the dental director to supervise the dental office or clinic. (NRS 631.3452)**

Section 1 of this bill ~~[imposes certain responsibilities and duties on a dental hygienist who has a special endorsement of his or her license to practice public health dental hygiene and who owns or operates]~~ **exempts** a program that provides public health dental hygiene ~~[.]~~ **from the provisions requiring the designation of a licensed dentist as the dental director if: (1) the program is owned or operated by a dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene; and (2) each dental hygienist employed to provide public health dental hygiene pursuant to the program holds a special endorsement of his or her license to practice public health dental hygiene. Section 3 of this bill provides for the biennial renewal of such a special endorsement and authorizes a dental hygienist who holds such a special endorsement to provide services without the authorization or supervision of a dentist as specified by regulations adopted by the Board.**

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[Any]*~~ ***The provisions of NRS 631.3452 requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene if:***

1. The program is owned or operated by a dental hygienist who holds a special endorsement of his or her license ~~*[allowing him or her]*~~ ***to practice public health dental hygiene pursuant to NRS 631.287*** ~~*[and who owns or operates a program that provides public health dental hygiene:*~~

~~*1. Is responsible for the clinical practice of public health dental hygiene provided pursuant to the program, including, without limitation:*~~

~~*(a) The overall quality of patient care that is rendered or performed pursuant to the program.*~~

~~*(b) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by regulations adopted by the Board.*~~

~~*(c) Providing to a patient receiving services pursuant to the program a referral for any treatment or service which is appropriate for the patient and which a dental hygienist with a special endorsement of his or her license is not authorized to perform pursuant to subsection 2 of NRS 631.287.*~~

~~*(d) Retaining patient dental records as required by regulations adopted by the Board.*~~

~~*2. Shall maintain current records of the names of dental hygienists who hold special endorsements of their licenses to practice public health dental hygiene pursuant to NRS 631.287 and who supervise the clinical activities of dental hygienists, dental assistants and other personnel involved in direct patient care provided pursuant to the program. The records must be available to the Board upon written request.]*~~ ***; and***

2. Each dental hygienist employed to provide public health dental hygiene pursuant to the program holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287.

Sec. 2. ~~[NRS 631.215 is hereby amended to read as follows:~~

~~631.215 1. Any person shall be deemed to be practicing dentistry who:~~

~~(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;~~

~~(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;~~

~~(c) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;~~

~~(d) Extracts teeth;~~

~~(e) Corrects malpositions of the teeth or jaws;~~

~~(f)~~ **[**~~Takes~~**]** ~~***Except as otherwise provided in NRS 631.287, takes***~~ ~~impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;~~

~~(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;~~

~~(h) Places in the mouth and adjusts or alters artificial teeth;~~

~~(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;~~

~~(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;~~

~~(k)~~ **[**~~Uses~~**]** ~~***Except as otherwise provided in NRS 631.287, uses***~~ ~~X ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;~~

~~(l) Determines:~~

~~(1) Whether a particular treatment is necessary or advisable; or~~

~~(2) Which particular treatment is necessary or advisable; or~~

~~(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:~~

~~(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or~~

~~(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.~~

~~2. Nothing in this section:~~

~~(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.~~

~~(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.~~

~~(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.~~

~~(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.~~

~~(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.~~

~~(f) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:~~

~~(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. 254b or 254c.~~

~~(2) A federally-qualified health center as defined in 42 U.S.C. 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.~~

~~(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.~~

~~(g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:~~

~~(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;~~

~~(2) The dentist treats the patient only during a course of continuing education involving live patients which:~~

~~(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and~~

~~(II) Meets all applicable requirements for approval as a course of continuing education; and~~

~~(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.~~

~~(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:~~

~~(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or~~

~~(2) Exercise any authority or control over the clinical practice of dentistry.~~

~~3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:~~

~~(a) Exert authority or control over the clinical judgment of a licensed dentist; or~~

~~(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.~~

~~Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.~~**]** **(Deleted by amendment.)**

Sec. 3. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene **.** **[**~~pursuant to subsection 2.~~**]** ***The special endorsement*** ~~*[is valid for as long as the person is licensed as a dental hygienist in this State.]*~~ ***may be renewed biennially upon the renewal of the license of the dental hygienist.***

2. **[**~~The State Dental Health Officer may authorize a person~~**]** ***A dental hygienist*** who holds a special endorsement issued pursuant to subsection 1

~~[~~to provide or cause to be provided such services for the promotion of public health dental hygiene as the State Dental Health Officer deems appropriate. Such services:~~]~~ ***may*** ~~(:~~

~~*(a) Remove stains, deposits and accretions, including dental calculus.*~~

~~*(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces to create an environment in which hard and soft tissues can be maintained in good health by the patient.*~~

~~*(c) Provide dental hygiene care that includes:*~~

~~*(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.*~~

~~*(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients.*~~

~~*(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan to identify the subsequent treatment, continued care and referral needs of the patient.*~~

~~*(d) Take the following types of impressions:*~~

~~*(1) Those used for the preparation of diagnostic models;*~~

~~*(2) Those used for the fabrication of temporary crowns or bridges; and*~~

~~*(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.*~~

~~*(e) Perform subgingival curettage.*~~

~~*(f) Expose radiographs.*~~

~~*(g) Place and remove a periodontal pack.*~~

~~*(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.*~~

~~*(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.*~~

~~*(j) Recement and repair temporary crowns and bridges.*~~

~~*(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.*~~

~~*(l) Place a temporary restoration with nonpermanent material as a palliative treatment.*~~

~~*(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:*~~

~~*(1) Antimicrobial agents;*~~
~~*(2) Fluoride preparations;*~~
~~*(3) Topical antibiotics;*~~
~~*(4) Topical anesthetics; and*~~
~~*(5) Topical desensitizing agents.*~~
~~*(n) Apply pit and fissure sealant to the dentition for the prevention of decay.*~~
~~*3. The services authorized by subsection 2:*~~
~~(a) May be provided *without supervision or approval by a licensed dentist* at~~**]** ~~[~~schools, community centers, hospitals, nursing homes and such other locations~~]~~ ~~*[any:*~~
~~*(1) School.*~~
~~*(2) Community center.*~~
~~*(3) Hospital.*~~
~~*(4) Nursing home.*~~
~~*(5) Other location* as the~~**]** **[**~~State Dental Health Officer~~**]** ~~*[Board* deems appropriate.~~
~~(b) May not be provided at a dental office that is not operated by a public or nonprofit entity.~~**]** ***provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.***

Sec. 4. **[**~~NRS 631.310 is hereby amended to read as follows:~~
~~631.310 1. Except as otherwise provided in NRS 631.271 and 631.287, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:~~
~~(a) In the office of any licensed dentist.~~
~~(b) In a clinic or in clinics in the public schools of this State as an employee of the Health Division of the Department of Health and Human Services.~~
~~(c) In a clinic or in clinics in a state institution as an employee of the institution.~~
~~(d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.~~
~~(e) In an accredited school of dental hygiene.~~
~~(f) In other places if specified in a regulation adopted by the Board.~~
~~2.~~ **[**~~A~~**]** ***Except as otherwise provided in NRS 631.287, a*** ~~dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.~~
~~3. Except as otherwise provided in NRS 631.287 or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not~~

~~provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.~~] **(Deleted by amendment.)**

Sec. 4.5. **NRS 631.3452 is hereby amended to read as follows:**

631.3452 ~~[An]~~ ***Except as otherwise provided in section 1 of this act, an*** entity that owns or operates a dental office or clinic as described in paragraph (f) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental assistants and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental assistants and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental assistants or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 5. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 300.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 164.

JOINT SPONSOR: SENATOR ROBERSON

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

Legislative Counsel's Digest:

Existing law requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit based on the personal knowledge of the affiant setting forth certain information concerning the deed of trust, the amounts due, the possession of the note secured by the deed of trust and the authority to foreclose. (NRS 107.080) ~~[This]~~ **Section 1 of this** bill provides that certain information provided in the affidavit may be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State. ~~[This bill]~~ **Section 1** also revises the information required to be stated in the affidavit. **Under sections 2 and 3 of this bill, the amendatory provisions of this bill become effective upon passage and approval and apply to a notice of default and election to sell recorded on or after the effective date of this bill.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) The holder of the instrument constituting the obligation or debt;

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

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

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

~~(5) The]~~

(4) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, void the exercise of the power of sale and reinstate the underlying obligation or debt, as of the date of the statement;

(II) The amount in default ~~[~~, the~~]~~ ***;***

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

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

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

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

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

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

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

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of

trust, which business records must meet the standards set forth in NRS 51.135;

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

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

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

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

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

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

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

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

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

by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

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

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

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

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

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

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

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

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

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

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

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

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

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

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

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

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

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

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

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

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

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

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

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the

organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

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

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

14. As used in this section:

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

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

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

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

Sec. 2. The amendatory provisions of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by this act, on or after ~~[October 1, 2013.]~~ **the effective date of this act.**

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

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

Amendment No. 183.

AN ACT relating to public employees; increasing the maximum period during which certain public officers and employees **of the State** who are active members of the military must be relieved from their duties to serve under orders without loss of compensation; ~~[authorizing certain members of the Public Employees' Retirement System to purchase service credit under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this]~~ **This** bill increases, from not more than 15 working days to not more than 39 working days in a calendar year, the period during which certain public officers and employees of the State who are active members of the military must be relieved from their duties as public officers and employees to serve under orders without loss of compensation.

~~[Section 2 of this bill authorizes such public officers and employees who are members of the Public Employees' Retirement System to purchase service credit under certain circumstances.]~~

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

Section 1. NRS 281.145 is hereby amended to read as follows:

281.145 ~~[Any]~~

1. Except as otherwise provided in subsection 2, any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders without loss of the officer's or employee's regular compensation for a period of not more than 15 working days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law.

2. Any public officer or employee of the ~~[Department of Corrections or the Department of Public Safety]~~ State or any agency thereof whose work schedule includes Saturday or Sunday and who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders without loss of the officer's or employee's regular compensation for a period of not more than 39 working

days in any 1 calendar year. No such absence may be a part of the employee's annual vacation provided for by law.

Sec. 2. ~~[NRS 286.300 is hereby amended to read as follows:~~

~~286.300 Except as otherwise required as a result of NRS 286.537:~~

~~1. Any member of the System may, except as otherwise provided in subsection~~ **[**~~5,~~**]** ***6,*** ~~purchase all previous creditable service performed with the member's present employing agency if that service was performed before the enrollment of the member's agency in the System, even if the service is still creditable in some other system where it cannot be cancelled. The public employer must certify the inclusive dates of employment and number of hours regularly worked by the member to validate the service. The member must pay the full actuarial cost as determined by the actuary.~~

~~2. In addition to the purchases authorized pursuant to the provisions of subsections 1~~ **,** **[**~~and~~**]** ~~3~~ **[**~~,~~**]** ***and 4,*** ~~any member who has 5 years of creditable service may, except as otherwise provided in subsection~~ **[**~~5,~~**]** ***6,*** ~~purchase up to 5 years of service. The member must pay the full actuarial cost of the service as determined by an actuary of the System.~~

~~3. In addition to the purchases authorized pursuant to the provisions of subsections 1~~ **,** **[**~~and~~**]** ~~2~~ ***and 4,*** ~~and in addition to any free credit received pursuant to NRS 286.303 and 286.479, any member who has 5 years of creditable service, served on active military duty during the period beginning on the date proclaimed by the President of the United States as the date on which Operation Desert Storm, Operation Enduring Freedom or Operation Iraqi Freedom began and was honorably discharged or released from active duty may, except as otherwise provided in subsection~~ **[**~~5,~~**]** ***6,*** ~~purchase a number of months of service equal to the number of full months the member served on active military duty, but in no case may the service purchased pursuant to this subsection exceed 3 years. The member must pay the full actuarial cost of the service as determined by an actuary of the System.~~

~~4.~~ ***In addition to the purchases authorized pursuant to the provisions of subsections 1, 2 and 3, any member who, on or after October 1, 2013:***

(a) Has 5 years of creditable service;

(b) Serves military duty under orders without loss of regular compensation as described in subsection 2 of NRS 281.145; and

(c) Loses regular compensation by serving such duty in excess of the period described in subsection 2 of NRS 281.145,

↵ may, except as otherwise provided in subsection 6, purchase service credit not to exceed 11 days or the number of days of regular compensation lost in any 1 calendar year, whichever is less. The member must pay the full actuarial cost of the service as determined by an actuary of the System.

~~5. In addition to the purchases authorized pursuant to the provisions of subsections 1~~ **,** **[**~~and~~**]** ~~3~~ **[**~~,~~**]** ***and 4,*** ~~any member who:~~

~~(a) Is a licensed teacher;~~

~~(b) Has 5 years of creditable service;~~

~~(c) Is, pursuant to statute, regulation or contract, entitled to payment for unused sick leave; and~~

~~(d) Is employed by the board of trustees of a school district that has, pursuant to subsection 5 of NRS 391.180, provided for the payment of unused sick leave in the form of purchase of service,~~

~~may, except as otherwise provided in subsection [5,] 6, cause to be purchased on the member's behalf service credit, not to exceed the number of hours of unused sick leave or 1 year, whichever is less. The full actuarial cost of the service as determined by an actuary of the System must be paid for such a purchase. Any service credit purchased pursuant to this subsection must be included as a part of, and is not in addition to, service purchased pursuant to subsection 2.~~

~~[5.] 6. A person who becomes a member of the System for the first time on or after January 1, 2000, may, on or after July 1, 2001, purchase creditable service pursuant to subsection 1, 2 , [or] 3 [,] or 4, or cause to be purchased on the person's behalf service credit pursuant to subsection [4,] 5, only if, at the time of the purchase, the person is employed by a participating public employer in a position eligible for membership in the System.~~

~~[6.] 7. Any member of the System may use:~~

~~(a) All or any portion of the balance of the member's interest in a qualified trust pursuant to section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a); or~~

~~(b) The money contained in an individual retirement account or an individual retirement annuity of a member, the entire amount of which is:~~

~~(1) Attributable to a qualified distribution from a qualified trust pursuant to section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a); and~~

~~(2) Qualified as an eligible rollover distribution pursuant to section 402 of the Internal Revenue Code, 26 U.S.C. 402,~~

~~to purchase creditable service pursuant to subsection 1, 2 , [or] 3 [.] or 4.~~

~~[7.] 8. A member of the System who purchases creditable service pursuant to subsection 1, 2 , [or] 3 or 4 is entitled to receive a refund of any contributions paid toward the purchase of the service only if the member is no longer in the employ of a participating public employer.~~

~~[8.] 9. If a member of the System enters into an agreement whereby the member agrees to pay for the purchase of service credit in installments and the member defaults on that agreement, the member is entitled to receive service credit in the proportion that the principal paid bears to the principal due under the agreement.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 391.180 is hereby amended to read as follows:~~

~~391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.~~

~~2. A school month in any public school in this State consists of 4 weeks of 5 days each.~~

~~3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.~~

~~4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.~~

~~5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection [4.] 5 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.~~

~~6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:~~

~~(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and~~

~~(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.~~

~~7. Subject to the provisions of subsection 8:~~

~~— (a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.~~

~~— (b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.~~

~~— 8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.~~

~~— 9. If any subject referred to in this section is included in an agreement or contract negotiated by:~~

~~— (a) The board of trustees of a school district pursuant to chapter 288 of NRS; or~~

~~— (b) The governing body of a charter school pursuant to NRS 386.595,~~

~~→ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.~~**]** **(Deleted by amendment.)**

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 124.

AN ACT relating to interpreters; revising certain provisions relating to court interpreters; requiring that interpreters be appointed in **certain** judicial proceedings where a person with a language barrier is a witness, defendant or litigant; ~~[requiring that an interpreter be provided upon the arrest of a person with a language barrier before any interrogation or the taking of a statement;]~~ **requiring the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning**

language access in the courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Court Administrator to adopt regulations which, subject to the availability of funding, establish a program for the certification of court interpreters. (NRS 1.510) **Sections 1 and 2** of this bill require **and authorize** the Court Administrator to adopt regulations which, subject to the availability of funding, establish criteria and procedures for the appointment of alternate court interpreters under certain circumstances. **Sections 4-6 ~~[~~, 8 ~~and 9]~~** of this bill require a certified court interpreter or an alternate court interpreter to be provided in various judicial proceedings for a person with a language barrier. A person with a language barrier is defined in this bill as a person who speaks a language other than English and who cannot readily understand or communicate in the English language. ~~[Section 7 of this bill revises existing law concerning the interrogation or the taking of a statement of certain persons to provide that an interpreter be made available to a person with a language barrier before any such interrogation or taking of a statement.]~~ **Section 10 of this bill requires the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning language access in the courts.**

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

Section 1. NRS 1.510 is hereby amended to read as follows:

1.510 1. The Court Administrator shall, in consultation with the committee established pursuant to NRS 1.530, adopt regulations which, subject to the availability of funding, establish ~~[~~a~~]~~ ***:***

(a) A program for the certification of court interpreters for ***persons with language barriers who are*** witnesses, defendants and litigants ~~[~~who speak a language other than English and do not know the English language.~~]~~ ***; and***

(b) Criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants.

2. The regulations ***established pursuant to paragraph (a) of subsection 1*** must set forth:

(a) The specific languages for which court interpreters may obtain certification, based upon the need for interpreters of those languages.

(b) Any examination and the qualifications which are required for:

(1) Certification; and

(2) Renewal of the certification.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate.

(d) The circumstances under which the Court Administrator will take disciplinary action against a ***certified*** court interpreter ~~[.]~~ ***or an alternate court interpreter.***

(e) The circumstances under which a court ~~[must require the services of]~~ ***may appoint*** an ***alternate court*** interpreter ***.*** ~~[who is certified.]~~

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified court interpreter ~~[.]~~ ***or an alternate court interpreter.***

3. An application for a certificate as a court interpreter ***pursuant to paragraph (a) of subsection 1*** must include the social security number of the applicant.

4. Except as otherwise provided by a specific regulation of the Court Administrator, it is grounds for disciplinary action for a certified court interpreter ***or an alternate court interpreter*** to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

5. The criteria and procedures established pursuant to paragraph (b) of subsection 1 must set forth an order of preference, subject to the direction of a court for the appointment of a certified court interpreter before an alternate court interpreter.

6. As used in this section, "person with a language barrier" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 2. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. In consultation with the committee established pursuant to NRS 1.530, adopt any regulations necessary to ~~[carry]~~ ***:***

(a) Carry out a program for the certification of court interpreters.

(b) Establish criteria and procedures for the appointment of alternate court interpreters.

2. Impose on a certified court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a regulation of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 3. NRS 47.020 is hereby amended to read as follows:

47.020 1. This title governs proceedings in the courts of this State and before magistrates, except:

(a) To the extent to which its provisions are relaxed by a statute or procedural rule applicable to the specific situation; and

(b) As otherwise provided in subsection 3.

2. Except as otherwise provided in subsection 1, the provisions of chapter 49 of NRS with respect to privileges apply at all stages of all proceedings.

3. The other provisions of this title ***, except with respect to provisions concerning a person with a language barrier,*** do not apply to:

(a) Issuance of warrants for arrest, criminal summonses and search warrants.

(b) Proceedings with respect to release on bail.

(c) Sentencing, granting or revoking probation.

(d) Proceedings for extradition.

4. As used in this section, "person with a language barrier" has the meaning ascribed to it in NRS 1.510.

Sec. 4. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An interpreter must be appointed at public expense for a person with a language barrier who is a defendant or a witness in a criminal proceeding.

2. As used in this section:

(a) "Interpreter" means a person who:

(1) Has a certificate as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520; or

(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.

(b) "Person with a language barrier" has the meaning ascribed to it in NRS 1.510.

Sec. 5. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a regulation of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

(a) The spouse of a witness;

(b) Otherwise related to a witness;

(c) Biased for or against one of the parties; or

(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, translate accurately to the ~~[witness,]~~ ***person with a language barrier*** in the language of the ~~[witness,]~~ ***person,*** questions and statements addressed to the ~~[witness;]~~ ***person;***

(b) Make a true interpretation of the statements of the ~~[witness]~~ ***person with a language barrier*** in an understandable manner; and

(c) Repeat the statements of the ~~[witness]~~ ***person with a language barrier*** in the English language to the best of his or her ability.

3. ~~*[2.]*~~ While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the ~~[witness,]~~ ***person with a language barrier,*** including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the ~~[witness.]~~ ***person with a language barrier.***

4. ~~*[3.]*~~ ***If an interpreter appointed for a person with a language barrier is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.***

~~*[4.]*~~ ***5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.***

~~*[5. If the judicial proceeding is civil in nature, the reasonable fees of an interpreter must be paid by the requesting party.]*~~

6. As used in this section ~~[, "interpreter"]~~ ***:***

(a) "Interpreter" means a person who ~~[is readily able to communicate with a person who speaks a language other than English and does not know the English language, translate the proceedings for him or her and accurately repeat and translate the statements of the person in a language other than English to the court, magistrate or other person presiding. The term does not include an interpreter for a person with a communications disability as that term is defined in NRS 50.050.]~~ ***:***

(1) Has a certificate as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520; or

(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.

(b) "Person with a language barrier" has the meaning ascribed to it in NRS 1.510.

Sec. 6. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

1. The juvenile court shall appoint at public expense an interpreter for a person with a language barrier in all proceedings conducted pursuant to the provisions of this title if the person with a language barrier is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. As used in this section:

(a) "Interpreter" means a person who:

(1) Has a certificate as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520; or

(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.

(b) "Person with a language barrier" has the meaning ascribed to it in NRS 1.510.

Sec. 7. ~~[NRS 171.1536 is hereby amended to read as follows:~~

~~171.1536 Upon the arrest of a person with a communications disability , as defined in NRS 50.050, *or a person with a language barrier, as defined in NRS 1.510,* and before any interrogation or the taking of a statement, the peace officer in actual charge of the station, headquarters or other facility to which the person with a communications disability *or person with a language barrier* has been brought shall make an interpreter available at public expense to that person in accordance with the provisions of NRS 50.050 to 50.053, inclusive **.] , *or 50.054 and section 4 of this act, as applicable.]*** **(Deleted by amendment.)**

Sec. 8. ~~[NRS 213.055 is hereby amended to read as follows:~~

~~213.055 An applicant or a witness at a hearing upon an application for clemency who is a person with a communications disability , as defined in NRS 50.050 *, or a person with a language barrier, as defined in NRS 1.510,* is entitled to the services of an interpreter at public expense in accordance with the provisions of NRS 50.050 to 50.053, inclusive **.] , *or 50.054 and section 4 of this act, as applicable.*** The interpreter must be appointed by the Governor or a member of the Board designated by the Governor.~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 213.128 is hereby amended to read as follows:~~

~~213.128 A prisoner, parolee or a witness at the hearing of a case who is a person with a communications disability , as defined in NRS 50.050 *, or is a person with a language barrier, as defined in NRS 1.510,* is entitled to the services of an interpreter at public expense in accordance with the provisions of NRS 50.050 to 50.053, inclusive *, or 50.054 and section 4 of this act, as applicable.* The interpreter must be appointed by the Chair of the Board or other person who presides at the hearing.~~ **(Deleted by amendment.)**

Sec. 10. **1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall appoint a subcommittee**

to conduct an interim study concerning language access in the courts of the State of Nevada, and make a report thereof.

2. The study and report must include, without limitation:

(a) An evaluation of:

(1) The current system used in this State to provide court interpreters in criminal and civil proceedings;

(2) The systems used in other states to provide court interpreters in criminal and civil proceedings; and

(3) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.

(b) Recommendations regarding, without limitation:

(1) Necessary statutory changes to facilitate language access in the courts;

(2) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(3) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 78th Session of the Nevada Legislature and the Supreme Court.

~~[Sec. 10.]~~ ***Sec. 11.*** 1. This act becomes effective on July 1, 2013.

2. Section 1 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 125.

AN ACT relating to nonprofit corporations; revising certain provisions governing nonprofit cooperative corporations; revising certain provisions governing mergers, conversions and exchanges of nonprofit cooperative corporations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a nonprofit cooperative corporation from paying dividends on stock or membership certificates in excess of 8 percent annually. Existing law also prohibits such corporations from dealing in the products of nonmembers in amounts greater in value than it handles for its members. (NRS 81.020) **Section 1** of this bill provides that a nonprofit cooperative corporation may distribute surplus funds and may issue refunds to its members in accordance with its articles of incorporation. **Section 1** revises existing law to authorize a nonprofit cooperative corporation to deal in the products of nonmembers in amounts greater in value than it handles for its members, if not prohibited by its articles of incorporation.

Existing law requires that the name of a nonprofit cooperative corporation be included in its articles of incorporation. (NRS 81.040) **Section 2** of this bill requires that the name of a such a corporation contain the word "Cooperative," the word "Co-op" or the abbreviation "N.C.C."

Existing law requires a majority vote by the members of a nonprofit cooperative corporation to adopt the initial code of bylaws of the nonprofit cooperative corporation. The authority to amend such bylaws is conferred upon the members or may, under certain circumstances, be conferred upon the directors. (NRS 81.080) **Section 3** of this bill **: (1) authorizes the initial code of bylaws to be adopted by a majority vote of either the members or the directors of the nonprofit cooperative corporation; (2) provides that the authority to amend the bylaws is conferred on the group of persons who adopted the initial code of bylaws but may, under certain circumstances, be conferred upon the other group of persons; and (3)** revises the number of votes required to ~~[transfer]~~ **adopt a resolution transferring** that authority ~~[to the board of directors]~~ from a two-thirds vote to a majority vote.

Existing law establishes procedures for mergers, conversions and exchanges involving various entities, including nonprofit cooperative corporations which, for the purposes of those procedures, fall within the definition of the term "domestic corporation." Under existing law, the board of directors of a domestic corporation, including a nonprofit cooperative corporation, is prohibited from adopting a plan of merger, conversion or exchange without the approval of its stockholders under certain circumstances. (Chapter 92A of NRS) **Sections 4-11** of this bill: (1) remove nonprofit cooperative corporations from the definition of the term "domestic

corporation"; (2) provide that a plan of merger, conversion or exchange must be approved and adopted by the board of directors unless otherwise provided for in the articles of incorporation; and (3) revise various provisions concerning mergers, conversions and exchanges to reflect the removal of nonprofit cooperative corporations from the definition of the term "domestic corporation" while maintaining the applicability of those provisions to nonprofit cooperative corporations.

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

Section 1. NRS 81.020 is hereby amended to read as follows:

81.020 1. The corporation may or may not have capital stock, and its business must be operated for the mutual benefit of the members thereof.

2. No member of the cooperative corporation may have more than one vote in the management of its affairs. Meetings of the association or meetings of the board of directors may be held in or outside this State.

3. The corporation shall not pay dividends on stock or membership certificates in excess of 8 percent per annum.

4. The corporation or association, as it may be called, may deal in the products of nonmembers, but not to an amount greater in value than such as are handled by it for members ~~[.]~~ ***, unless otherwise provided in its articles of incorporation or bylaws.***

5. Nothing contained in this section shall be construed to prohibit the corporation from distributing surplus funds or issuing refunds to its members in accordance with its articles of incorporation.

Sec. 2. NRS 81.040 is hereby amended to read as follows:

81.040 Each corporation formed under NRS 81.010 to 81.160, inclusive, must prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation ~~[.]~~ ***, which must contain the word "Cooperative" or "Co-op" or the abbreviation "N.C.C."***

2. The purpose for which it is formed.

3. The information required pursuant to NRS 77.310.

4. The term for which it is to exist, which may be perpetual.

5. If formed with stock, the amount of its stock and the number and par value, if any, and the shares into which it is divided, and the amount of common and of preferred stock that may be issued with the preferences, privileges, voting rights, restrictions and qualifications pertaining thereto.

6. The names and addresses of those selected to act as directors, not less than three, for the first year or until their successors have been elected and have accepted office.

7. Whether the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to

all members by which the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

8. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 3. NRS 81.080 is hereby amended to read as follows:

81.080 1. Each corporation incorporated under NRS 81.010 to 81.160, inclusive, must, within 1 month after filing articles of incorporation, adopt a code of bylaws for its government and management not inconsistent with the provisions of NRS 81.010 to 81.160, inclusive. A majority vote of the ~~[~~membership,~~]~~ ***members or directors,*** or the written assent of ***such*** members ***or directors*** representing a majority of the votes, is necessary to adopt such bylaws.

2. The power to make additional bylaws and to alter the bylaws ~~[, if]~~ **:**

(a) If the bylaws were adopted ***by the members*** ~~[or directors]~~ under the provisions of subsection 1 ~~[~~shall be~~]~~ ***, must remain*** in the members, but any corporation may, in its articles of incorporation, original or amended, or by resolution adopted by a ~~[~~two-thirds~~]~~ ***majority*** vote, or by written consent of two-thirds of the members, confer that power upon the directors. Bylaws made by the directors under power so conferred ~~[,]~~ may be altered by the directors or by the members.

(b) If the bylaws were adopted by the directors under the provisions of subsection 1, must remain in the directors, but any corporation may, in its articles of incorporation, original or amended, or by resolution adopted by a majority vote of the directors, or by written consent of two-thirds of the directors, confer that power upon the members. Bylaws made by the members under power so conferred may be altered by the directors or by the members.

3. The written consent of the owners of two-thirds of the stock or of two-thirds of the members shall suffice to adopt bylaws in addition to those adopted under the provisions of subsection 1, and to amend or repeal any bylaw.

~~[~~3.~~]~~ ***4.*** All bylaws in force must be copied legibly in a book called the Book of Bylaws, kept at all times for inspection in the principal office. Until so copied, they shall not be effective or in force.

Sec. 4. NRS 82.011 is hereby amended to read as follows:

82.011 "Articles of incorporation" and "articles" are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 82.081, 82.346, 82.356 and 82.371 and any articles of merger filed pursuant to NRS 92A.005 to 92A.260, inclusive ~~[.]~~ ***, and sections 6 and 7 of this act.***

Sec. 5. Chapter 92A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***"Nonprofit cooperative corporation" means a nonprofit cooperative corporation organized pursuant to NRS 81.010 to 81.160, inclusive.***

Sec. 7. ***Unless otherwise provided in the articles of incorporation, a plan of merger, conversion or exchange involving a nonprofit cooperative corporation must be approved and adopted by the board of directors.***

Sec. 8. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.092, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 92A.025 is hereby amended to read as follows:

92A.025 "Domestic corporation" means a corporation organized and existing under chapter 78, 78A or 89 of NRS**. [**~~, or a nonprofit cooperative corporation organized pursuant to NRS 81.010 to 81.160, inclusive.~~**]**

Sec. 10. NRS 92A.170 is hereby amended to read as follows:

92A.170 After a merger, conversion or exchange is approved, and at any time before the articles of merger, conversion or exchange are filed, the planned merger, conversion or exchange may be abandoned, subject to any contractual rights, without further action, in accordance with the procedure set forth in the plan of merger, conversion or exchange or, if none is set forth, in the case of:

1. A domestic corporation, whether or not for profit, by the board of directors;

2. A domestic limited partnership, unless otherwise provided in the partnership agreement or certificate of limited partnership, by all general partners;

3. A domestic limited-liability company, unless otherwise provided in the articles of organization or an operating agreement, by members who own a majority in interest in the current profits of the company then owned by all of the members or, if the company has more than one class of members, by members who own a majority in interest in the current profits of the company then owned by the members in each class;

4. A domestic business trust, unless otherwise provided in the certificate of trust or governing instrument, by all the trustees; **[**~~and~~**]**

5. A domestic general partnership, unless otherwise provided in the partnership agreement, by all the partners **[**~~.~~**]** ***; and***

6. A nonprofit cooperative corporation, unless otherwise provided in the articles of incorporation, by the board of directors.

Sec. 11. NRS 92A.210 is hereby amended to read as follows:

92A.210 1. Except as otherwise provided in this section, the fee for filing articles of merger, articles of conversion, articles of exchange, articles of domestication or articles of termination is $350. The fee for filing the charter documents of a domestic resulting entity is the fee for filing the charter documents determined by the chapter of NRS governing the particular domestic resulting entity.

2. The fee for filing articles of merger of two or more domestic corporations ***, including, without limitation, a nonprofit cooperative corporation,*** is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporation.

3. The fee for filing articles of merger of one or more domestic corporations ***, including, without limitation, a nonprofit cooperative corporation,*** with one or more foreign corporations is the difference between the fee computed at the rates specified in NRS 78.760 upon the aggregate authorized stock of the corporation created by the merger and the fee computed upon the aggregate amount of the total authorized stock of the constituent corporations which have paid the fees required by NRS 78.760 and 80.050.

4. The fee for filing articles of merger of two or more domestic ***corporations, including, without limitation, nonprofit cooperative corporations,*** or foreign corporations must not be less than $350. The amount paid pursuant to subsection 3 must not exceed $35,000.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 167.

AN ACT relating to crimes; revising the provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is employed in a position of authority or who volunteers in a position of authority at a public or private school from engaging in sexual conduct with a pupil who is enrolled in or attending the public school or private school at which the person is employed or

volunteering. (NRS 201.540) This bill expands this provision by prohibiting a person who is **or was** employed in a position of authority or who volunteers **or volunteered** in a position of authority at a public school or private school from engaging in sexual conduct with a pupil with whom the person has had contact in the course of performing his or her duties as an employee or volunteer.

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

Section 1. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is ***or was*** employed in a position of authority by a public school or private school or ***is or was*** volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil ~~[who]~~ ***:***

(1) Who is 16 or 17 years of age ***;*** and ~~[who is enrolled in or attending the public school or private school at which]~~

(2) With whom the person ~~[is employed or volunteering,]~~ ***has had contact in the course of performing his or her duties as an employee or volunteer,***

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is ***or was*** employed in a position of authority by a public school or private school or volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil ~~[who]~~ ***:***

(1) Who is 14 or 15 years of age ***;*** and ~~[who is enrolled in or attending the public school or private school at which]~~

(2) With whom the person ~~[is employed or volunteering,]~~ ***has had contact in the course of performing his or her duties as an employee or volunteer,***

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. For the purposes of subsections 1 and 2, a person shall be deemed to be ***or have been*** employed in a position of authority by a public school or private school or deemed to be ***or have been*** volunteering in a position of

authority at a public or private school if the person is ***or was*** employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

4. The provisions of this section do not apply to a person who is married to the pupil.

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 128.

AN ACT relating to historic preservation; encouraging the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill recognizes the cultural significance of St. Thomas, Nevada, and encourages the identification and development of programs for the preservation and protection of the historical culture of St. Thomas.

WHEREAS, The first settlements in Clark County were established in 1865 at St. Thomas, Nevada, and officially vacated in 1938 when the rising waters created from the Hoover Dam flooded the town; and

WHEREAS, St. Thomas contains unique, culturally important resources; and

WHEREAS, The flooding of St. Thomas has alienated the residents of Clark County from their heritage, threatening the protection and preservation of the town's cultural resources for the enjoyment of future generations; and

WHEREAS, The National Park Service requires accommodation for traditionally associated groups whose traditions are closely tied to the resources in a park area; and

WHEREAS, The National Park Service has encouraged park managers to be proactive with such traditionally associated groups regarding the protection and preservation of their cultural heritage; and

WHEREAS, Local governments in the communities surrounding Northeast Clark County have publicly expressed their desire to promote the cultural heritage of St. Thomas and the original settlers of Clark County by establishing Traditionally Associated Group status with the National Park Service at the Lake Mead National Recreational Area; and

WHEREAS, Partners in Conservation, a nonprofit corporation, has demonstrated a desire to help identify and develop programs for the preservation and protection of the historical culture of St. Thomas; now, therefore

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

Section 1. The Legislature hereby finds and declares that:

1. St. Thomas contains unique, culturally important resources.

2. To preserve, protect and promote for the benefit of present and future generations the unique, culturally important resources of St. Thomas, the Nevada Legislature hereby encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, including, without limitation, programs related to culturally developed waters, natural resource pathways, culturally associated resource sites and living history projects relating to pioneer cultural resources.

Sec. 2. **The provisions of this act must not be construed to affect or prohibit any planning for or the development or use of any water resource in this State, including, without limitation, the attainment of full capacity for the storage of water in Lake Mead.**

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

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

Amendment No. 172.

AN ACT relating to governmental administration; authorizing the Sunset Subcommittee of the Legislative Commission to recommend the auditing of certain boards or commissions; providing that certain members of the Sunset Subcommittee are nonvoting members; decreasing the number of boards and commissions that the Sunset Subcommittee is required to review; removing the requirement that the Sunset Subcommittee submit a written assessment to a board or commission setting forth the costs of a review; ~~[requiring the Sunset Subcommittee to submit to the Legislative Commission a proposed list of boards and commissions to be reviewed;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Sunset Subcommittee of the Legislative Commission to conduct a review of certain boards and commissions in this State. The Sunset Subcommittee is required to review: (1) not less than 20 such boards and commissions each year; and (2) each board and commission subject to review not less than once every 10 years. The Sunset Subcommittee also must submit a written assessment to each board or commission that is reviewed which sets forth the costs of the review, and the board or commission must pay such an amount to the Sunset Subcommittee. (NRS 232B.220) **Section 3** of this bill revises these provisions and only requires the Sunset Subcommittee to review not less than 10 boards and commissions each legislative interim. ~~[Section 3 also requires the Sunset Subcommittee to submit to the Legislative Commission, on or before July 31 of each odd-numbered year, a proposed list of boards and commissions to be reviewed during the legislative interim, which the Legislative Commission must consider and approve with or without revisions.]~~ **Section 3** additionally removes the provisions concerning the written assessment.

Section 1 of this bill provides that at any time during a legislative interim, if the Sunset Subcommittee determines that a board or commission should be audited, the Sunset Subcommittee must make a recommendation to the Legislative Commission, and the Legislative Commission must determine whether to direct the Legislative Auditor to perform an audit. The Legislative Auditor is prohibited from performing more than four such audits during a legislative interim.

Section 2 of this bill specifies that the members of the Sunset Subcommittee who are members of the general public are nonvoting members.

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

Section 1. Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:

1. At any time during a legislative interim, if the Sunset Subcommittee of the Legislative Commission determines that a board or commission subject to review by the Sunset Subcommittee should be audited, the Sunset Subcommittee shall make such a recommendation to the Legislative Commission. The Sunset Subcommittee shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the Sunset Subcommittee pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

Sec. 2. NRS 232B.210 is hereby amended to read as follows:

232B.210 1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:

(a) Three ***voting*** members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three ***voting*** members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three ***nonvoting*** members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The ***voting*** members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. ~~[Five]~~ ***Four voting*** members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 232B.220 is hereby amended to read as follows:

232B.220 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review ~~[~~:

~~(a) Not~~~~]~~ ***not*** less than ~~[~~20~~]~~ ***10*** boards and commissions specified in subsection 1 each ~~[~~year ; and

~~(b) Each of those boards and commissions not less than once every 10 years.~~

~~3. For each review of a board or commission that the Sunset Subcommittee conducts, the Sunset Subcommittee shall submit a written assessment to the board or commission setting forth the costs of the review. In determining the amount of an assessment pursuant to this subsection, the Sunset Subcommittee shall consider, based upon the information provided by the board or commission pursuant to NRS 232B.230, whether any additional analysis or evaluation is required to review the board or commission because of the specialized nature of the board or commission. As soon as practicable after a board or commission receives a written assessment pursuant to this subsection, the board or commission shall pay the amount set forth in the written assessment to the Sunset Subcommittee.~~

~~4.~~~~]~~ ***legislative interim.*** ~~*[On or before July 31 of each odd-numbered year, the Sunset Subcommittee shall submit to the Legislative Commission for its approval a proposed list of such boards and commissions to be reviewed by the Sunset Subcommittee during the legislative interim. At the next meeting of the Legislative Commission which occurs at least 5 business days after the Legislative Commission receives the proposed list of boards and commissions, the Legislative Commission shall consider and may revise the proposed list. The Legislative Commission shall approve the list with or without revisions at the meeting.]*~~

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, ***and section 1 of this act*** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that upon return from the printer, Assembly Bill No. 364 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 46, 233, 255, 276, 290, 337, 344, 350, 419, 466, 483, 492, 493; Assembly Joint Resolution No. 8; Senate Bill No. 139; Senate Joint Resolution No. 4 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 195 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 7 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 2, 13, 14, 16, 19, 22, 30, 39, 40, 45, 55, 66, 69, 75, 79, 82, 84, 85, 102, 108, 110, 116, 117, 128, 132, 134, 135, 154, 155, 156, 158, 170, 173, 174, 175, 183, 206, 249, 262, 352; Assembly Joint Resolutions Nos. 3, 4, 5; Senate Bill No. 121 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 8 and 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Francisco Morales.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Clark, Shayna Segal, and Francisco Virella.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Navarro, Cory Hernandez, and Carlos H. Silva Sr.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Zackery Hames.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kuhlmey.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Gibran Arroyo-Castrjon and Sydney Hann.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Rudy Zamora.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Wiley, Klarisse Policarpio, Andrea Wiley, Zachery Waymire, and Shannon Waymire.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Noelle Ogata, Edith Tuinei, and the following students from Gabbs High School: Tijmen Schoonderbeek, Cylissia Cervantes, Daylon Boots, Shania Brown, Nolan Bryan, Nickole Chiaratti, Annette Seeger, Schelbi Stark, and Ryan Young.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Sanje Sedera.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rosemary Flores.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Tuiofea and Rylee Taylor.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Cornell McCrary.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ren Ohrenschall and Riana Durrett.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Elvira Diaz.

Assemblyman Horne moved that the Assembly adjourn until Monday, April 15, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:49 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 15, 2013

Assembly called to order at 11:40 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Benitez-Thompson, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Dan Aument.

Please pray with me.

Holy and gracious God, we turn our hearts toward You. You are the source of all that is good in this world. Teach us to be servant leaders who work for the flourishing of others. By creating and redeeming us, You display for us the perfect example of self-giving love. Grant us wisdom and creativity as we seek to imitate Your compassion.

Help us to do new things this day and this week. Grant us Your mercy so that we may not be conformed to this world, but be transformed by the renewing of our minds, so that we may discern what is Your will—what is good and acceptable and perfect. Apart from You we can do nothing. All these things we pray in Your Saving Name, O Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 73, 120, 179, 185, 228, 324, 331, 436, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 162, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 131, 231, 266, 303, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 200, 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 338, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 264, 487; Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

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

Amendment No. 169.

AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public

assistance; **abolishing the State Board of Welfare and Supportive Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 4-11, 15, 16 and 30 of this bill make various changes to remove some of the overlap between the chapters governing the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Welfare and Supportive Services of the Department to reflect more clearly the duties of each division. (Chapters 422 and 422A of NRS) With these changes, chapter 422 of NRS, which concerns health care financing and policy, concentrates on the duties of the Division of Health Care Financing and Policy with respect to Medicaid and the Children's Health Insurance Program and chapter 422A of NRS, which concerns welfare and supportive services, concentrates on the duties of the Division of Welfare and Supportive Services with respect to all programs that provide public assistance.

Section 30 of this bill repeals various provisions of existing law relating to Medicaid, the Children's Health Insurance Program and other programs which provide public assistance to accomplish that separation. **Sections 1 and 15** of this bill reenact some of those repealed provisions in the appropriate chapter based upon which Division is responsible. (NRS 232.354, 422.29308) In addition, **sections 4-9 and 11** of this bill limit certain provisions which are within the duties of the Division of Health Care Financing and Policy so that they apply only to Medicaid and the Children's Health Insurance Program. **Section 16** of this bill adds a section to the chapter concerning welfare and supportive services that duplicates a similar provision which, as amended in **section 11**, applies only to Medicaid and the Children's Health Insurance Program to continue to allow the Division of Welfare and Supportive Services to recover from recipients of public assistance or their estates certain amounts which were incorrectly paid to the recipients. (NRS 422.29304)

Sections 3, 20 and 24 of this bill replace the term "alien" with "person who is not a citizen or national of the United States" in provisions concerning the eligibility of persons who are not citizens or nationals of the United States for Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

Sections 18, 19 and 23 of this bill replace references to the federal Food Stamp Program with references to the Supplemental Nutrition Assistance Program for consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

Section 21 of this bill removes the requirement that the Administrator of the Division of Welfare and Support Services be a college graduate with a degree in a field of social science, public administration, business administration or a related field and instead requires the Director to give

preference to a person who has such a degree when appointing the Administrator. (NRS 422A.155)

Section 30 of this bill abolishes the State Board of Welfare and Supportive Services, which, under existing law, makes recommendations concerning the administration of public assistance. (NRS 422A.010, 422A.110-422A.135, 422A.165) **Section 30** also repeals provisions **of chapter 422A of NRS** concerning certain family planning and prenatal care programs ~~[.]~~ **that are duplicated in chapter 422 of NRS.** (NRS ~~[422.284, 422.287,]~~ 422A.310, 422A.315)

Section 29 of this bill makes permanent the authorization in existing law for the Department to contract with certain motor carriers to transport recipients of services pursuant to the Children's Health Insurance Program who travel to and from providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of Nevada 2011, at p. 2470)

~~[Section 30 of this bill repeals existing law that requires the Division of Welfare and Supportive Services to identify and refer recipients of public assistance who are victims of domestic violence. (NRS 422A.350) Section 30 further repeals provisions requiring recipients of public assistance to ensure that dependent children are properly vaccinated and attending school as a condition to receipt of public assistance. (NRS 422A.355, 422A.360)]~~

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

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

1. The Department, with respect to the State Plan for Medicaid and the Children's Health Insurance Program, shall report every rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians.

2. The Director shall post on an Internet website maintained by the Department a schedule of such rates of reimbursement.

3. The Director shall, on or before February 1 of each year, submit a report concerning the schedule of such rates of reimbursement to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 2. NRS 422.050 is hereby amended to read as follows:

422.050 ~~[1.]~~ "Public assistance" ~~[includes:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development; and~~

~~(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.~~

~~2. The term does not include the Children's Health Insurance Program.~~**]** ***has the meaning ascribed to it in NRS 422A.065.***

Sec. 3. NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of **[**~~an alien~~**]** ***a person who is not a citizen or national of the United States*** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to **[**~~an alien~~**]** ***a person who is not a citizen or national of the United States*** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 4. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the **[**~~program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development,~~**]** ***State Plan for Medicaid, the Children's Health Insurance Program or any other program for which the Division is responsible*** must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of this chapter must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 5. NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in **[**~~a Nevada program for public assistance,~~**]** ***any program for which the Division is responsible,*** whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 6. NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer ~~[all public welfare programs of this State:, including:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development;~~

~~(g) The Program for the Enforcement of Child Support;~~

~~(h) The Children's Health Insurance Program; and~~

~~(i) Other welfare activities and services provided for by the laws of this State.]~~ ***Medicaid and the Children's Health Insurance Program.***

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of ~~[any of the services and activities set forth in subsection 1.]~~ ***Medicaid and the Children's Health Insurance Program.***

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of ~~[welfare programs,]~~ ***Medicaid and the Children's Health Insurance Program*** and in increasing the efficiency of ~~[welfare programs]~~ ***Medicaid and the Children's Health Insurance Program*** by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of ~~[welfare]~~ needs ***for Medicaid and the Children's Health Insurance Program*** and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to ~~[public assistance, welfare services]~~ ***Medicaid*** and institutional care, when deemed necessary or convenient by the Director.

~~[6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.~~

~~7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.~~

Sec. 7. NRS 422.276 is hereby amended to read as follows:

422.276 1. Subject to the provisions of subsection 2, if an application for ~~[~~public assistance~]~~ ***Medicaid or the Children's Health Insurance Program*** or ***a*** claim for ~~[~~services~]~~ ***benefits from either program*** is not acted upon by the ~~[~~Department~]~~ ***Division*** within a reasonable time after the filing of the application or claim for ~~[~~services,~]~~ ***benefits,*** or is denied in whole or in part, or if any ~~[~~grant of public assistance or~]~~ claim for ~~[~~services~]~~ ***benefits*** is reduced, suspended or terminated, the applicant ~~[~~for~]~~ or recipient ~~[~~of public assistance or services~]~~ may appeal to the ~~[~~Department~]~~ ***Division*** and may be represented in the appeal by counsel or other representative chosen by the applicant or recipient.

2. Upon the initial decision to deny, reduce, suspend or terminate ~~[~~public assistance or services,~]~~ ***benefits,*** the ~~[~~Department~]~~ ***Division*** shall notify that applicant or recipient of its decision, the regulations involved and the right to request a hearing within a certain period. If a request for a hearing is received within that period, the ~~[~~Department~]~~ ***Division*** shall notify that person of the time, place and nature of the hearing. The ~~[~~Department~]~~ ***Division*** shall provide an opportunity for a hearing of that appeal and shall review the case regarding all matters alleged in that appeal.

3. The ~~[~~Department~]~~ ***Division*** is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the ~~[~~amount of public assistance or services~]~~ ***benefits*** that may be received by an applicant or recipient.

Sec. 8. NRS 422.277 is hereby amended to read as follows:

422.277 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.276, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Questions and offers of proof and objections, and rulings thereon.

(d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~[~~Department~~]~~ ***Division*** who investigated or made the initial decision to deny, modify or cancel ~~[~~a grant of public assistance or services~~]~~ ***benefits provided pursuant to Medicaid or the Children's Health Insurance Program*** shall not participate in the making of any decision made pursuant to the hearing.

Sec. 9. NRS 422.2785 is hereby amended to read as follows:

422.2785 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to the attorney or other representative of each party.

2. The ~~[~~Department~~]~~ ***Division*** or an applicant for or recipient of ~~[~~public assistance or services~~]~~ ***benefits provided pursuant to Medicaid or the Children's Health Insurance Program*** may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of ~~[~~public assistance or services~~]~~ ***benefits provided pursuant to Medicaid or the Children's Health Insurance Program*** resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~[~~Department.~~]~~ ***Division.***

Sec. 10. NRS 422.29301 is hereby amended to read as follows:

422.29301 The Director:

1. Shall administer the provisions of NRS 422.29302 ~~[~~to 422.29308, inclusive;~~]~~ ***, 422.29304 and 422.29306;***

2. May adopt such regulations as are necessary for the administration of those provisions; and

3. May invoke any legal, equitable or special procedures for the enforcement of those provisions.

Sec. 11. NRS 422.29304 is hereby amended to read as follows:

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of ~~[~~public assistance, the estate of the recipient,~~]~~ ***Medicaid*** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[~~public assistance~~]~~ ***Medicaid*** or ***for*** admission to a nursing facility on behalf of the recipient an amount not to exceed the

amount ~~[of public assistance]~~ incorrectly paid ~~[to]~~ ***on behalf of*** the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department or the nursing facility that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for ~~[public assistance;]~~ ***Medicaid;***

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of ~~[incorrectly paid public assistance,]~~ ***Medicaid,*** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public benefits]~~ ***Medicaid*** or ***for*** admission to a nursing facility on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the ~~*[any]*~~ ***amount*** incorrectly paid ~~[public assistance.]~~ ***on behalf of the recipient.***

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of ~~[public assistance, the estate of the recipient,]~~ ***Medicaid,*** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public assistance]~~ ***Medicaid*** or ***for*** admission to a nursing facility on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of ~~[public assistance]~~ ***amounts*** incorrectly paid ~~[to a recipient]~~ ***on behalf of a recipient of Medicaid*** if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

Sec. 12. NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or

misleading statement, impersonation, misrepresentation, or concealment, transfer, disposal or assignment of money or property obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of $100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of ~~[this chapter and]~~ chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and Supportive Services of the Department of a change in circumstances which would affect the amount of assistance the recipient receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of ~~[subsection 1, "public]~~ ***this section:***

(a) "Public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

(b) "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

Sec. 13. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.

Sec. 14. ***"Health Division" means the Health Division of the Department of Health and Human Services.***

Sec. 15. ***Each application for Medicaid must include a statement that:***

1. Any assistance paid on behalf of a recipient may be recovered in an action filed against the estate of the recipient or the spouse of the recipient; and

2. Any person who signs an application for Medicaid and fails to report to the Department:

(a) Any required information which the recipient knew at the time the recipient signed the application; or

(b) Within the period allowed by the Department, any required information which the recipient obtained after the recipient filed the application,

↪ may be personally liable for any money incorrectly paid to the recipient.

Sec. 16. *1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:*

(a) Failed to report any required information to the Department that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance or a person who signed the application for public benefits on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

5. As used in this section, "public assistance" does not include Medicaid.

Sec. 17. NRS 422A.001 is hereby amended to read as follows:

422A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422A.005 to 422A.080, inclusive, ***and section 15 of this act*** have the meanings ascribed to them in those sections.

Sec. 18. NRS 422A.040 is hereby amended to read as follows:

422A.040 ~~[~~"Food Stamp~~]~~ ***"Supplemental Nutrition*** Assistance" means the program established to provide persons of low income with an opportunity to ~~[~~obtain~~]~~ ***purchase*** a more nutritious diet ~~[~~through the issuance of coupons~~]~~ pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

Sec. 19. NRS 422A.065 is hereby amended to read as follows:

422A.065 1. "Public assistance" includes:

(a) State ~~[~~Supplemental~~]~~ ***Supplementary*** Assistance;

(b) Temporary Assistance for Needy Families;

(c) Medicaid;

(d) ~~[~~Food Stamp Assistance;~~]~~ ***Supplemental Nutrition Assistance;***

(e) Low-Income Home Energy Assistance;

(f) The Program for Child Care and Development;

(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter; and

(h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

Sec. 20. NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~[~~an alien~~]~~ ***a person who is not a citizen or national of the United States*** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~[~~an alien~~]~~ ***a person who is not a citizen or national of the United States*** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 21. NRS 422A.155 is hereby amended to read as follows:

422A.155 ***1.*** The Administrator must:

~~[1.]~~ ***(a)*** Be selected on the basis of his or her training, experience, capacity and interest in public welfare services.

~~[2. Be a graduate from an accredited college or university. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.~~

~~3.]~~ ***(b)*** Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.

~~[4.]~~ ***(c)*** Possess qualities of leadership.

2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.

Sec. 22. NRS 422A.165 is hereby amended to read as follows:

422A.165 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

2. ~~[~~Reports to the Board.

~~3.]~~ A biennial report to the Director on the condition, operation and functioning of the Division.

Sec. 23. NRS 422A.255 is hereby amended to read as follows:

422A.255 The Department shall:

1. Administer all public welfare programs of this State, including:

(a) State Supplementary Assistance;

(b) Temporary Assistance for Needy Families;

(c) Medicaid;

(d) ~~[~~Food Stamp~~]~~ ***Supplemental Nutrition*** Assistance;

(e) Low-Income Home Energy Assistance;

(f) The Program for Child Care and Development;

(g) The Program for the Enforcement of Child Support;

(h) The Children's Health Insurance Program; and

(i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration

found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.

Sec. 24. NRS 422A.265 is hereby amended to read as follows:

422A.265 1. The Department shall provide public assistance pursuant to:

(a) The program established to provide Temporary Assistance for Needy Families;

(b) Medicaid; or

(c) Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,

➥ to a qualified ~~[alien]~~ ***person who is not a citizen or national of the United States*** who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. ~~[As used in this section, "qualified alien" has the meaning ascribed to it in]~~ ***A person who is not a citizen or national of the United States is considered "qualified" for the purposes of subsection 1 if the person meets the requirements of*** 8 U.S.C. § ~~[1641.]~~ ***1641(b).***

Sec. 24.5. **NRS 422A.360 is hereby amended to read as follows:**

422A.360 1. ~~[As a condition to the receipt of public assistance, a]~~ ***A*** recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or

charge of a child who is not less than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 25. ~~[NRS 422A.600 is hereby amended to read as follows:~~

~~422A.600 Notwithstanding any other provision of this chapter, if the Division determines that:~~

~~1. The head of a household is a victim of domestic violence~~ **; [**~~pursuant to NRS 422A.350;~~**]** ~~and~~

~~2. Requiring the head of the household to comply with the requirements of this chapter or the regulations adopted pursuant thereto may endanger or threaten the physical safety of the head of the household,~~

~~➥ the Division may waive those requirements for such a period as it deems appropriate.~~**] (Deleted by amendment.)**

Sec. 26. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire

departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter

353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS **[**~~422.291.~~**]** ***422A.325.***

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 27. NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 ~~[to 422.29308, inclusive.]~~ ***, 422.29304 and 422.29306.***

Sec. 28. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS ~~[422.050 and]~~ 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 29. Section 2 of chapter 392, Statutes of Nevada 2011, at page 2470, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval **.** ~~[and expires by limitation on June 30, 2013.]~~

Sec. 30. NRS 232.354, 422.042, 422.045, 422.048, 422.0525, 422.053, 422.0535, 422.245, 422.2716, ~~[422.284, 422.287,]~~ 422.291, 422.29308, 422A.010, 422A.110, 422A.115, 422A.120, 422A.125, 422A.130, 422A.135, 422A.310 **~~[,]~~ and** 422A.315 **~~[, 422A.350, 422A.355, 422A.360 and 422A.370]~~** are hereby repealed.

Sec. 31. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

232.354 State Plan for Medicaid and Children's Health Insurance Program: Department to report certain rates of reimbursement for physicians; duties of Director.

422.042 "Food Stamp Assistance" defined.

422.045 "Low-Income Home Energy Assistance" defined.

422.048 "Program for Child Care and Development" defined.

422.0525 "State Supplementary Assistance" defined.

422.053 "Supplemental Security Income Program" defined.

422.0535 "Temporary Assistance for Needy Families" defined.

422.245 Deposit of money received for certain programs in appropriate accounts of Division in State General Fund.

422.2716 Provision of public assistance to qualified aliens.

~~[422.284 Family planning service; birth control.~~

~~422.287 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.]~~

422.291 Assistance not assignable or subject to process or bankruptcy law.

422.29308 Application for Medicaid: Statements regarding action for recovery and civil liability of recipient.

422A.010 "Board" defined.

422A.110 Creation; appointment of members.

422A.115 Qualifications and removal of members.

422A.120 Meetings; quorum; notice of meetings; minutes; audio recordings or transcripts.

422A.125 Officers.

422A.130 Compensation of members and employees.

422A.135 Powers and duties.

422A.310 Family planning service; birth control.

422A.315 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.

~~[422A.350 Identification and referral of victims of domestic violence; restricted disclosure of determination.~~

~~ 422A.355 Recipients of public assistance: Immunization of dependent children.~~

~~ 422A.360 Recipients of public assistance: Attendance of children at school and assistance with their academic performance.~~

~~ 422A.370 Expedited application for treatment or services for certain persons.]~~

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 11.

Bill read second time.

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

Amendment No. 204.

SUMMARY—~~[Repeals]~~ **Revises** the provision requiring insurers to report to the Division of Industrial Relations of the Department of Business and Industry certain claims relating to diseases of the heart or lung and occupational diseases that are infectious or relate to cancer. (BDR 53-351)

AN ACT relating to industrial insurance; ~~[repealing]~~ **revising** the provision which requires an insurer to submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims for compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This act repeals the provision which]~~ **Existing law** requires an insurer to submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a written report concerning certain claims relating to diseases of the heart or lungs and occupational diseases that are infectious or relate to cancer. (NRS 617.357) **This bill revises that provision by requiring an insurer to submit such a report only if the claimant is a firefighter, police officer, including a peace officer, arson investigator or emergency medical attendant.**

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

Section 1. ~~[NRS 617.357 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 617.357 is hereby amended to read as follows:**

617.357 1. Each insurer shall submit to the Administrator a written report concerning each claim for compensation ***in which the claimant is a firefighter, police officer, arson investigator or emergency medical attendant*** that is filed with the insurer ~~[for an occupational disease of the heart or lungs or any occupational disease that is infectious or relates to cancer.]~~ ***pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487.*** The written report must be submitted to the Administrator within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356 and must include:

(a) A statement specifying the nature of the claim;

(b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;

(c) A statement indicating the estimated medical costs for the claim; and

(d) Any other information required by the Administrator.

2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the Administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.

3. On or before February 1 of each year, the Administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:

(a) The information submitted to the Administrator by an insurer pursuant to this section during the immediately preceding year; and

(b) Any other information concerning those claims required by the Administrator.

4. As used in this section, the term "police officer" includes a peace officer as that term is defined in subsection 3 of NRS 289.010.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~617.357 Claims regarding diseases of heart or lungs, infectious diseases or cancer: Reports by insurers to Administrator; public reports by Administrator.~~

~~1. Each insurer shall submit to the Administrator a written report concerning each claim for compensation that is filed with the insurer for an occupational disease of the heart or lungs or any occupational disease that is infectious or relates to cancer. The written report must be submitted to the~~

~~Administrator within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356 and must include:~~

~~(a) A statement specifying the nature of the claim;~~

~~(b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;~~

~~(c) A statement indicating the estimated medical costs for the claim; and~~

~~(d) Any other information required by the Administrator.~~

~~2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the Administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.~~

~~3. On or before February 1 of each year, the Administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:~~

~~(a) The information submitted to the Administrator by an insurer pursuant to this section during the immediately preceding year; and~~

~~(b) Any other information concerning those claims required by the Administrator.~~**]**

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 27.

Bill read second time and ordered to third reading.

Assembly Bill No. 29.

Bill read second time.

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

Amendment No. 75.

AN ACT relating to public health; creating the Committee to Review Suicide Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain data or information to be made available to the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Statewide Program for Suicide Prevention within the office of the Director of the Department of Health and Human Services. The purpose of the Statewide Program is to: (1) create public awareness for issues relating to suicide prevention; (2) build community networks; and (3) carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees and other persons who

have contact with persons at risk of suicide. Existing law also requires the employment of a Coordinator of the Statewide Program and a person to serve as a trainer for suicide prevention to provide educational activities to the general public relating to suicide prevention and to provide other assistance in carrying out the Statewide Program. (NRS 439.511, 439.513)

Sections 2-5 of this bill create the Committee to Review Suicide Fatalities within the ~~[office of the Director.]~~ **Department. Section 7 of this bill similarly moves the Statewide Program from the office of the Director to the Department.** **Section 3** requires the Director to appoint the members of the Committee from among certain persons and groups of persons and provides that each member serves at the pleasure of the Director. **Section 4** requires the Committee to adopt a written protocol setting forth the suicide fatalities which must be reported to the Committee and screened for review by the Committee. **Section 4** also requires the Committee to obtain and use any data or other information to review suicide fatalities in this State to determine trends, risk factors and strategies for the prevention of suicide fatalities and to take certain other actions concerning those fatalities. **Section 5** authorizes the Committee to: (1) conduct investigations and hold hearings; (2) share information with certain persons or teams; (3) petition a district court for the issuance of a subpoena; (4) propose recommended legislation; (5) issue special reports; and (6) engage in any other activity required by the Director concerning suicide fatalities in this State. **Section 5** also requires the Committee to submit an annual report to the Director concerning the activities of the Committee. **Section 8** of this bill requires the Coordinator to employ at least one person to act as a trainer for suicide prevention and requires at least one trainer for suicide prevention to be based in a county whose population is 700,000 or more (currently Clark County). **Sections 9 and 10** of this bill make several changes concerning the requirement to allow the Committee to review a certificate of death and to provide other information to the Committee.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Committee" means the Committee to Review Suicide Fatalities created by section 3 of this act.***

Sec. 3. ***1. The Committee to Review Suicide Fatalities is hereby created within the ~~[office of the Director.]~~ Department. The Committee must consist of the following 10 members appointed by the Director:***

(a) A county coroner or medical examiner or his or her designee;

(b) One person who represents providers of health care;

(c) One person who represents organizations having expertise in suicide prevention;

(d) One person who represents organizations having expertise in the treatment of substance abuse and prevention;

(e) One person who represents mental health agencies;

(f) One person who represents law enforcement;

(g) One person who represents injury prevention;

(h) One person who represents Native American tribes;

(i) One person who represents advocates for individuals and families with mental illness; and

(j) ~~[Any other person whom the Director determines may provide assistance to the Committee in carrying out its duties.]~~ One person who represents veterans.

2. After the initial term, each member of the Committee shall serve for a term of 3 years and may be reappointed. Each member of the Committee serves at the pleasure of the Director. If a vacancy occurs, the Director shall appoint a new member to fill the vacancy for the remainder of the unexpired term in the same manner as the initial appointment.

Sec. 4. ***1. The Committee:***

(a) Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the suicide fatalities in this State which must be reported to the Committee and screened for review by the Committee and the suicide fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.

(b) May review any accidental death which the Committee determines may assist in suicide prevention efforts in this State.

(c) May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.

2. The Committee shall obtain and use any data or other information to:

(a) Review suicide fatalities in this State to determine trends, risk factors and strategies for prevention;

(b) Determine and prepare reports concerning trends and patterns of suicide fatalities in this State;

(c) Identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State;

(d) Evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and

(e) Recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State.

3. In conducting a review of a suicide fatality in this State, the Committee shall, to the greatest extent practicable, consult and cooperate with:

(a) The Coordinator of the Statewide Program for Suicide Prevention employed pursuant to NRS 439.511;

(b) Each trainer for suicide prevention employed pursuant to NRS 439.513; and

(c) A multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495;

(2) To review the death of a child organized pursuant to NRS 432B.405; and

(3) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

4. Any review conducted by the Committee pursuant to sections 2 to 5, inclusive, of this act is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.

5. To conduct a review pursuant to sections 2 to 5, inclusive, of this act, the Committee may access information, including, without limitation:

(a) Any investigative information obtained by a law enforcement agency relating to a death;

(b) Any records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death;

(c) Any medical or mental health records of a decedent; and

(d) Any records relating to social or rehabilitative services provided to a decedent; and

(e) Any records of a social services agency which has provided services to a decedent.

Sec. 5. *1. The Committee may:*

(a) Conduct investigations and hold hearings in connection with carrying out the provisions of sections 2 to 5, inclusive, of this act.

(b) If appropriate, meet and share information with any person or team specified in subsection 3 of section 4 of this act.

(c) Petition a district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to any suicide fatality in this State that is the subject of a review conducted by the Committee. Except as otherwise provided in

NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

(d) Propose recommended legislation concerning suicide fatalities in this State.

(e) Issue a special report to notify the appropriate authorities or members of the public concerning the need to take any prompt corrective action concerning suicide fatalities in this State.

(f) Engage in any other activity required by the Director concerning suicide fatalities in this State.

2. The Committee shall annually submit to the Director a report concerning the activities of the Committee. The report must include, without limitation, a statement setting forth:

(a) Any trends or patterns in suicide fatalities in this State or serious injuries or risk factors concerning those fatalities; and

(b) In addition to any recommendation made pursuant to section 4 of this act, any recommendations for changes in any law, policy or practice that may assist the Committee in preventing suicide fatalities in this State or related serious occurrences.

3. A report submitted pursuant to subsection 2 must not include any confidential or privileged information.

4. Except as otherwise provided in this section ~~***[,]***~~ ***and NRS 239.0115, any information acquired by or any records of the Committee are confidential, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.***

Sec. 6. NRS 439.010 is hereby amended to read as follows:

439.010 Except as otherwise provided in NRS 439.581 to 439.595, inclusive, ***and sections 2 to 5, inclusive, of this act,*** the provisions of this chapter must be administered by the Administrator and the Health Division, subject to administrative supervision by the Director.

Sec. 7. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the ~~[office of the Director]~~ ***Department*** a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

(d) Enhance crisis services relating to suicide prevention;

(e) Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

(f) Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

(g) Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

(h) Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally

accredited or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

(i) Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

(j) Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; and

(k) Oversee and provide technical assistance to ~~[the]~~ ***each*** person employed to act as a trainer for suicide prevention pursuant to NRS 439.513.

4. As used in this section:

(a) "Internet or network site" means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) "Systems of surveillance" means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

Sec. 8. NRS 439.513 is hereby amended to read as follows:

439.513 1. The Coordinator of the Statewide Program for Suicide Prevention shall employ ~~[a]~~ ***at least one*** person to act as a trainer for suicide prevention and facilitator for networking for Southern Nevada.

2. ~~[The]~~ ***Each*** trainer for suicide prevention:

(a) Must have at least the following education and experience:

(1) Three years or more of experience in providing education and training relating to suicide prevention to diverse community groups; or

(2) A bachelor's degree, master's degree or doctoral degree in social work, public health, psychology, sociology, counseling or a closely related field and 2 years or more of experience in providing education and training relating to suicide prevention.

(b) Should have as many of the following characteristics as possible:

(1) Significant knowledge and experience relating to suicide and suicide prevention;

(2) Knowledge of methods of facilitation, networking and community-based suicide prevention programs;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in providing suicide awareness information and suicide prevention training.

3. ~~[The]~~ ***At least one*** trainer for suicide prevention must be based in a county whose population is 700,000 or more.

4. ~~[The]~~ ***Each*** trainer for suicide prevention shall:

(a) Assist the Coordinator of the Statewide Program for Suicide Prevention in disseminating and carrying out the Statewide Program in the county in which the trainer for suicide prevention is based;

(b) Provide information and training relating to suicide prevention to emergency medical personnel, providers of health care, mental health agencies, social service agencies, churches, public health clinics, school districts, law enforcement agencies and other similar community organizations in the county in which the trainer for suicide prevention is based;

(c) Assist the Coordinator of the Statewide Program for Suicide Prevention in developing and carrying out public awareness and media campaigns targeting groups of persons who are at risk of suicide in the county in which the trainer for suicide prevention is based;

(d) Assist in developing a network of community-based programs for suicide prevention in the county in which the trainer for suicide prevention is based, including, without limitation, establishing one or more local advisory groups for suicide prevention; and

(e) Facilitate the sharing of information and the building of consensuses among multiple constituent groups in the county in which the trainer for suicide prevention is based, including, without limitation, public agencies, community organizations, advocacy groups for suicide prevention, mental health providers and representatives of the various groups that are at risk for suicide.

Sec. 9. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495; and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406; ~~[and]~~

(c) ***Shall allow the use of certificates of death by the Committee to Review Suicide Fatalities created by section 3 of this act; and***

(d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

Sec. 10. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 and 3 and NRS 432B.165, 432B.175 and 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or

NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(k) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential;

(r) The persons who are the subject of a report;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100; ~~[or]~~

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence ~~[.]~~ ***; or***

(aa) The Committee to Review Suicide Fatalities created by section 3 of this act.

2. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

3. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

4. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

➥ who is given access, pursuant to subsection 1, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

5. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 11. As soon as practicable after October 1, 2013, the Director of the Department of Health and Human Services shall appoint the members of the Committee to Review Suicide Fatalities required by section 3 of this act to initial terms as follows:

1. Four members to serve for a term of 3 years;
2. Three members to serve for a term of 2 years; and
3. Three members to serve for a term of 1 year.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time.

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

Amendment No. 202.

AN ACT relating to public records; revising provisions governing requests for books and records of certain agencies of the Executive Department of the State Government; ~~[codifying a common law balancing test by which governmental entities determine whether to disclose certain books and records of the entity; revising provisions governing the information that a governmental entity is required to provide upon the denial of a request for a book or record of the entity;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, are required to be open at all times during office hours for inspection and copying by the public. (NRS 239.010) The Nevada Supreme Court has established a balancing test for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record. Under this balancing test, the

governmental entity is required to determine whether the private or governmental interest served by withholding the book or record clearly outweighs the right of the public to inspect or copy the book or record. (*Donrey v. Bradshaw*, 106 Nev. 630 (1990); *DR Partners v. Board of County Comm'rs,* 116 Nev. 616 (2000); *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010); *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. Adv. Op. 79, 266 P.3d 623 (2011)) The legislative declaration for the Nevada Public Records Act (chapter 239 of NRS) requires that the Act be construed liberally to foster democratic principles by providing the public with access to inspect and copy public books and records and that any restriction on the disclosure of public books and records be construed narrowly. (NRS 239.001) Existing law imposes the burden of proof on a governmental entity that withholds a record to prove, by a preponderance of the evidence, that the record, or a part thereof, is confidential. (NRS 239.0113)

Section 1 of this bill requires the head of each agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government except the Nevada System of Higher Education to designate one or more employees to act as records ~~[manager]~~ **official** for the agency, whose duties relate to handling requests for public books or records of the agency. **Section 1** requires the **State Library and Archives Administrator, in cooperation with the** Attorney General **,** to prescribe: (1) the form for requesting to inspect a copy of a public book or record of such an agency; (2) the form to be used by such an agency to respond to such a request; and (3) the procedures with which a records ~~[manager]~~ **official** is required to comply in carrying out his or her duties. **Section 1** also requires each such agency to make those forms and procedures available on any website maintained by the agency on the Internet.

~~[Section]~~ **Sections 3 and 3.5** of this bill ~~[compiles]~~ **compile** all the statutory provisions that prohibit the disclosure of or specifically declare public books and records confidential. ~~[Section 3 also codifies the common law balancing test established by the Nevada Supreme Court for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record.~~

~~Under existing law, if a governmental entity denies a request to inspect a public book or record because all or a portion of the book or record is confidential, the governmental entity is required to provide the requester with written notice of that fact and a citation to the legal authority that makes the book or record, or portion thereof, confidential. (NRS 239.0107) Section 4 of this bill revises the contents of the written notice to require, in most~~

~~circumstances, a general factual description of the withheld public book or record, or portion thereof, and a specific explanation for the denial of the request.]~~

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to act as records ~~[manager]~~ official for the agency.

2. A records ~~[manager]~~ official designated pursuant to subsection 1 shall carry out the duties imposed pursuant to this chapter on the agency of the Executive Department that designated him or her with respect to a request to inspect or copy a public book or record of the agency.

3. The State Library and Archives Administrator, pursuant to NRS 378.255 and in cooperation with the Attorney General , shall prescribe:

(a) The form for a request by a person to inspect or copy a public book or record of an agency of the Executive Department pursuant to NRS 239.0107;

(b) The form for the written notice required to be provided by an agency of the Executive Department pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 239.0107; and

(c) By regulation the procedures with which a records ~~[manager]~~ official must comply in carrying out his or her duties.

4. Each agency of the Executive Department shall make available on any website maintained by the agency on the Internet or its successor the forms and procedures prescribed by the State Library and Archives Administrator and the Attorney General pursuant to subsection 3.

Sec. 2. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. ***"Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.***

3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

~~[3.]~~ ***4.*** "Division" means the Division of State Library and Archives of the Department of Administration.

~~[4.]~~ ***5.*** "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State ***, including, without limitation, an agency of the Executive Department,*** or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

~~[5.]~~ ***6.*** "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in ~~[subsection 3,]~~ ***this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.030, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.061, 126.141, 126.161, 126.163, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.440, 281A.470, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100,***

353C.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 389.015, 391.035, 392.029, 392.129, 392.147, 392.264, 392.271, 392.456, 392.4575, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 522.040, 534A.031, 561.285, 571.160, 574.053, 584.583, 584.5835, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, ~~[686B.550,]~~ 696B.550, 703.196, 706.1725, 704B.320, 704B.325, 710.159, 711.600 and sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity ~~[, the contents of which are not otherwise declared by law to be confidential,]~~ must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general

public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. ~~*[A governmental entity may withhold a public book or record of the governmental entity if, on the facts of the particular case, the public interest served by nondisclosure of the public book or record clearly outweighs the public interest served by disclosure of the public book or record.*~~ ~~*3.]*~~ A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

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

4. ~~*[5.]*~~ A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

Sec. 3.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.030, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.061, 126.141, 126.161, 126.163, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, ***130.712,*** 159.044, 172.075, 172.245, 176.015, 176.0625, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,

281A.440, 281A.470, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 389.015, 391.035, 392.029, 392.129, 392.147, 392.264, 392.271, 392.456, 392.4575, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 522.040, 534A.031, 561.285, 571.160, 574.053, 584.583, 584.5835, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 706.1725, 704B.320, 704B.325, 710.159, 711.600 and sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

Sec. 4. ~~[NRS 239.0107 is hereby amended to read as follows:~~

~~239.0107 1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written request from a person to inspect or copy the public book or record, a governmental entity shall do one of the following, as applicable:~~

~~(a) Allow the person to inspect or copy the public book or record.~~

~~(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:~~

~~(1) Notice of that fact; and~~

~~(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.~~

~~(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:~~

~~(1) Notice of that fact; and~~

~~(2) A date and time after which the public book or record will be available for the person to inspect or copy. If the public book or record is not~~

~~available to the person to inspect or copy by that date and time, the person may inquire regarding the status of the request.~~

~~(d) If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, provide to the person, in writing:~~

~~(1) Notice of that fact; and~~

~~(2) A **[**citation to the specific statute or other legal authority that makes**]** ***general factual description of*** the public book or record, or a part thereof, **[**confidential.**]** ***and a specific explanation for the denial of the request unless the governmental entity demonstrates that the person requesting the public book or record has sufficient information to meaningfully contest the claim of confidentiality of the public book or record by the governmental entity without such a description and explanation.***~~

~~2. The provisions of this section must not be construed to prohibit an oral request to inspect or copy a public book or record.**]*** **(Deleted by amendment.)**

Sec. 5. **1. This section and sections 1, 2 and 3 of this act become effective on October 1, 2013.**

2. Section 3 of this act expires by limitation on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.

3. Section 3.5 of this act becomes effective on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 46.

Bill read second time and ordered to third reading.

Assembly Bill No. 56.

Bill read second time and ordered to third reading.

Assembly Bill No. 65.

Bill read second time.

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

Amendment No. 109.

AN ACT relating to public meetings; exempting certain ~~[committees and subcommittees of a public body]~~ **entities, proceedings and meetings** from compliance with the Open Meeting Law in certain circumstances; prohibiting a member of a public body from designating a person to attend a meeting in the member's place without certain authority; revising provisions relating to the prosecution of an alleged violation of the Open Meeting Law; revising provisions governing the provision of supporting material for meetings to the public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) **Section 2** of this bill ~~[compiles a list of provisions relating to the applicability of and]~~ **provides certain** exceptions and exemptions to **the Open Meeting Law and provides that any other provision of law which: (1) exempts a meeting, hearing or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing or proceeding prevails over the general provisions of** the Open Meeting Law**.** ~~[currently in existing law.]~~ **Sections 6 and 8** of this bill make conforming changes. ~~[Section 2 also adds an exemption to the Open Meeting Law for meetings of a committee or subcommittee of a public body when the committee or subcommittee is engaged solely in activities relating to the acquisition of facts for the public body.]~~

Section 3 of this bill prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of the member unless members of the public body are expressly authorized to do so by the constitutional provision, statute, ordinance, resolution or other legal authority that created the public body. **Section 3** also requires that any such designation be made in writing ~~[,]~~ **or made on the record at a meeting of the public body,** deems any person so designated to be a member of the public body for purposes of determining a quorum at the meeting and entitles such a person to exercise the same powers as the regular members of the public body at the meeting.

Any action taken by a public body in violation of the Open Meeting Law is void. (NRS 241.036) Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) Existing law authorizes the Attorney General or a member of the public to sue a public body: (1) within 60 days after an alleged violation to have an action by the public body declared void; or (2) within 120 days after an alleged violation to require the public body to comply with the Open Meeting Law. (NRS 241.037) **Section 4** of this bill provides that if a public body takes certain corrective action within 30 days after an alleged violation,

the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines that foregoing prosecution would be in the best interests of the public. **Section 4** also extends by 30 days the deadline by which lawsuits to enforce the Open Meeting Law may be filed by the Attorney General in the context of corrective action. **Section 4** further provides that any action taken by a public body to correct an alleged violation of the Open Meeting Law is effective prospectively **. [only.]**

With certain exceptions, a public body is required to comply with the Open Meeting Law when a quorum of its members is present to deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power. (NRS 241.015) **Section 6** of this bill defines "deliberate" for purposes of this requirement to mean **collectively** examining, weighing and reflecting on the reasons for or against an action and includes **the** collective discussion **[and the collective acquisition or the] or** exchange of facts preliminary to the ultimate decision. **Section 6** also clarifies that a quorum of members may be present in person or by means of electronic communication.

Under the Open Meeting Law, a public body is required, upon request and at no charge, to provide a copy of an agenda for the meeting, any proposed ordinance or regulation to be discussed at the meeting, and other supporting material, with certain exceptions, provided to members of the public body for an item on the agenda. (NRS 241.020) **Section 7** of this bill requires that a public body include on the notice for a meeting: (1) the name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for a meeting; and (2) a list of the locations where the supporting material is available to the public. **Section 7** also requires the governing body of a city or county whose population is **[40,000] 45,000** or more (currently Clark, Douglas, Elko, Lyon **[, Nye]** and Washoe Counties and the cities of Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to post the supporting material to its website not later than the time at which the material is provided to the members of the **[public] governing** body **[.] or, if the supporting material is provided to the governing body at a meeting, not later than 24 hours after the meeting. Section 7** also authorizes such a public body to provide the supporting material via a link to the posting on its website to a person who has requested to receive the material by electronic mail if the person so agrees.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.***

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

~~*[(d) Meetings of a committee or subcommittee of a public body when engaged solely in activities relating to the acquisition of facts on a matter within the supervision, control, jurisdiction or advisory power of the public body, but not when deliberating or taking action, including, without limitation, making recommendations, on the matter.*~~

~~*3. The special provisions of NRS 91.270, subsection 2 of NRS 239C.140, subsection 15 of NRS 281A.440, NRS 281A.470, subsection 8 of NRS 281A.550, subsection 7 of NRS 284.3629, NRS 286.150, subsection 4 of NRS 287.0415, NRS 288.220, subsection 10 of NRS 289.387, subsection 13 of NRS 295.121, NRS 360.247, subsection 4 of NRS 385.555, subsection 2 of NRS 386.585, subsection 1 of NRS 392.147, subsection 3 of NRS 392.467, NRS 392.656, subsection 2 of NRS 392A.105, NRS 394.1699, subsection 7 of NRS 396.3295, subsection 2 of NRS 463.110, NRS 622.320, 630.311, subsection 1 of NRS 630.336, subsection 3 of NRS 639.050, NRS 642.518, 642.557, 696B.550, subsection 11 of NRS 686B.170, NRS 703.196 and 706.1725 prevail]*~~

3. Any provision of law which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 3. ***1. A member of a public body may not designate a person to attend a meeting of the public body in the place of the member unless such designation is expressly authorized by the legal authority pursuant to which the public body was created. Any such designation must be made in writing ~~[.]~~ or made on the record at a meeting of the public body.***

2. A person designated pursuant to subsection 1:

(a) Shall be deemed to be a member of the public body for the purposes of determining a quorum at the meeting; and

(b) Is entitled to exercise the same powers as the regular members of the public body at the meeting.

Sec. 4. ***1. ~~[If]~~ Except as otherwise provided in subsection 4, if a public body, after providing the notice described in subsection 2, takes action in conformity with this chapter to correct an alleged violation of this chapter within 30 days after the alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines foregoing prosecution would be in the best interests of the public.***

2. ~~[Before]~~ Except as otherwise provided in subsection 4, before taking any action to correct an alleged violation of this chapter, the public body must include an item on the agenda posted for the meeting at which the public body intends to take the corrective action ~~[clearly denoting that the possible action to be taken by the public body is the correction of an alleged violation of]~~ in conformity with this chapter . ~~[by the public body and include a brief description of the alleged violation.]~~ The inclusion of an item on the agenda for a meeting of a public body pursuant to this subsection is not an admission of wrongdoing for the purposes of civil action, criminal prosecution or injunctive relief.

3. For purposes of subsection 1, the period of limitations set forth in subsection 3 of NRS 241.037 by which the Attorney General may bring suit is tolled for 30 days.

4. The provisions of this section do not prohibit a public body from taking action in conformity with this chapter to correct an alleged violation of the provisions of this chapter before the adjournment of the meeting at which the alleged violation occurs.

5. Any action taken by a public body to correct an alleged violation of this chapter by the public body is effective prospectively . ~~[only. Any attempt to make the action apply retroactively is void.]~~

Sec. 5. NRS 241.010 is hereby amended to read as follows:

241.010 ***1.*** In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

2. If any member of a public body is present by means of ~~[electronic communication]~~ teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.

Sec. 6. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present ***, whether in person or by means of electronic communication,*** during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present ***, whether in person or by means of electronic communication,*** during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present ***, whether in person or by means of electronic communication,*** during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. ***"Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion*** ~~*[and the collective acquisition]*~~ ***or exchange of facts preliminary to the ultimate decision.***

3. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present ***, whether in person or by means of electronic communication,*** to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present ***, whether in person or by means of electronic communication,*** at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present ~~[:]~~ ***, whether in person or by means of electronic communication:***

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter

over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

~~[~~3.~~]~~ ***4.*** Except as otherwise provided in ~~[~~this subsection,~~]~~ ***section 2 of this act,*** "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

~~[➥ "Public body" does not include the Legislature of the State of Nevada.~~

~~4.]~~ ***5.*** "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 7. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) ***The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 5 and a list of the locations where the supporting material is available to the public.***

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item ~~[.]~~ ***or, if the item is placed on the agenda pursuant to section 4 of this act, by placing the term "for possible corrective action" next to the appropriate item.***

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➥ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body

takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6 ~~[,]~~ ***or 7, as applicable,*** any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. ***The governing body of a county or city whose population is*** ~~***[40,000]***~~ ***45,000 or more shall post the supporting material described in paragraph (c) of subsection 5 to its website not later than the time the material is provided to the members of the*** ~~***[public body.]***~~ ***governing body or, if the***

supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 5. The inability of the ~~*[elected public]*~~ ***governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.***

8. A public body may provide the public notice, information ~~[and]~~ ***or supporting*** material required by this section by electronic mail. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** a public body makes such notice, information ~~[and]~~ ***or supporting*** material available by electronic mail, the public body shall inquire of a person who requests the notice, information or ***supporting*** material if the person will accept receipt by electronic mail. ***If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available.*** The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or ***supporting*** material ***or a link to a website*** required by this section to a person who has agreed to receive such notice, information ~~[or]~~ ***, supporting*** material ***or link*** by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

~~[8.]~~ ***9.*** As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 8. NRS 241.030 is hereby amended to read as follows:

241.030 1. Except as otherwise provided in this section and NRS 241.031 and 241.033, a public body may hold a closed meeting to:

(a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

(b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.

(c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the

meeting or relevant portion thereof be open to the public. A request described in this subsection:

(a) May be made at any time before or during the meeting; and

(b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.

3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:

(a) The nature of the business to be considered; and

(b) The statutory authority pursuant to which the public body is authorized to close the meeting.

4. ~~[Except as otherwise provided in this subsection, meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter. The provisions of this subsection do not apply to meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke parole of a prisoner or to establish or modify the terms of the parole of a prisoner.~~

~~5.]~~ This chapter does not:

(a) ~~[~~Apply to judicial proceedings.

~~(b)]~~ Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

~~[(c)]~~ ***(b)*** Prevent the exclusion of witnesses from a public or ~~[~~private~~]~~ ***closed*** meeting during the examination of another witness.

~~[(d)]~~ ***(c)*** Require that any meeting be closed to the public.

~~[(e)]~~ ***(d)*** Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

~~[6. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.]~~

Sec. 9. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present ***, whether in person or by means of electronic communication,*** and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public within 30 working days after the adjournment of the meeting at which taken. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 6, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a

meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. Except as otherwise provided in subsection 6, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

6. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 5 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 10. NRS 241.037 is hereby amended to read as follows:

241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:

(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.

3. ***Except as otherwise provided in section 4 of this act:***

(a) Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced within 120 days after the action objected to was taken by that public body in violation of this chapter.

(b) Any such suit brought to have an action declared void must be commenced within 60 days after the action objected to was taken.

Sec. 11. NRS 241.039 is hereby amended to read as follows:

241.039 1. ~~[The]~~ ***Except as otherwise provided in section 4 of this act, the*** Attorney General shall investigate and prosecute any violation of this chapter.

2. In any investigation conducted pursuant to subsection 1, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

3. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

Sec. 12. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; establishing fees; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State from engaging in the practice of law. (NRS 7.285) However, so long as he or she does not engage in the practice of law, there is currently no statutory provision governing a person who provides ~~[advice or]~~ assistance in a legal matter, for compensation, to another person who is acting without the assistance of an attorney. This bill generally provides that any person engaged in the business of providing such ~~[advice or]~~ assistance (a "document preparation service") must register with the Secretary of State and comply with various additional requirements set forth in this bill.

Section 4 of this bill defines a "document preparation service" as any person who, for compensation and at the direction of a client, provides ~~[advice or]~~ assistance to the client in a legal matter, including, without

limitation, preparing or completing a pleading or other document for the client **[,] or** securing supporting documents **. [**~~or referring the client to an attorney for representation in the matter.~~]** **Section 4** excludes from this definition, among others: (1) an attorney authorized to practice law in this State, or an employee of such an attorney **who is paid directly by the attorney or law firm with whom the attorney is associated and who is** acting in the course and scope of that employment; (2) a governmental entity or an employee of such an entity; (3) a nonprofit, tax-exempt organization which provides legal services to persons free of charge; (4) certain legal aid offices and lawyer referral services; (5) a person who provides **certain** services regulated by federal law; (6) a corporation or other entity representing or acting for itself through an officer or employee, or any such officer or employee; **[**~~and~~**]** (7) **[**~~any person who holds a license or other authorization to engage in a profession or occupation and who is acting within the scope of that authorization in the regular course of business. This last exception applies, for example, to an architect, contractor, professional engineer, accountant or any other person engaged in a profession or occupation regulated pursuant to existing law.~~]** **a commercial wedding chapel; and (8) a person who provides legal forms or computer programs that enable another person to create legal documents.**

Section 5 of this bill broadly defines "legal matter" to mean the preparation of any will **[,] or** trust **, [**~~or conveyance,~~]** any immigration or citizenship proceeding, or any other proceeding, filing or action affecting the legal rights, duties, obligations or liabilities of a person.

Sections 7 and 8 of this bill provide that any person wishing to engage in the business of a document preparation service must register with the Secretary of State and renew that registration annually. **Section 7** establishes certain qualifications for registration, provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct, and requires that an applicant for registration undergo a check of his or her criminal history.

Section 9 of this bill requires a document preparation service to file and maintain with the Secretary of State a cash bond or surety bond, to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or **certain** other misconduct, or providing payment to the Secretary of State for any civil penalty or award of attorney's fees or costs made against the document preparation service.

Sections 12-15 of this bill impose various requirements relating to advertising and the establishment of the relationship between a document preparation service and a client. **Section 13.5 requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the**

registrant's place of business a copy of any state and local business license issued to the registrant or the registrant's employer. **Section 15** provides that: (1) there must be a written contract between the client and the document preparation service; **and** (2) the contract must contain certain terms and disclosures **.** ~~**[**; and (3) the client may cancel the contract within 3 days after signing it.~~**]**

Sections 16-20 of this bill set forth various required and prohibited practices applicable to a document preparation service. **Section 17** provides for the return to the client of any original documents provided by the client. **Section 18** requires the release of a client's file to any law enforcement agency on demand, with the authorization of the client. **Section 19** imposes certain requirements relating to payments made by a client ~~**[**and billing statements~~**]** for services rendered by a document preparation service.

Section 21 of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a document preparation service.

Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of the bill. If a violation is found, the Secretary of State may: (1) issue a cease-and-desist order; (2) initiate disciplinary proceedings; (3) refer the matter to the Attorney General or a district attorney for the commencement of a civil action or criminal prosecution; or (4) take any combination of these actions. Pursuant to **section 25** of this bill, a willful violation of any of the provisions of this bill, or of a regulation or order of the Secretary of State, is a misdemeanor except that a second or subsequent offense occurring within 5 years is a gross misdemeanor. In addition, **section 26** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of a violation.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Client" means a person who:***

1. Represents or otherwise acts for himself or herself in a legal matter without the services of an attorney authorized to practice law in this State; and

2. Receives the services of a document preparation service in that legal matter or enters into a contract with a document preparation service to receive such services.

Sec. 4. ***1. "Document preparation service" means a person who:***

(a) For compensation and at the direction of a client, provides ~~[advice or]~~ assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, ~~[conveyance,]~~ application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; ~~[and~~

~~(5) Referring the client to an attorney for representation in the legal matter;]~~ or

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization which qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) ~~[Except as otherwise provided in paragraph (i), a person who provides services that are regulated by federal law.~~

~~(i)]~~ A person ~~[authorized by federal law to represent persons before the Board of Immigration Appeals of the United States Department of Justice or~~

~~*the United States Citizenship and Immigration Services of the Department of Homeland Security, if the services provided by that person are limited to matters of the kind described in subsection 2 of section 5 of this act.*~~

~~*— (j)]*~~ ***licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.***

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

~~*[(k) A person who:*~~

~~*— (1) Holds a license, certificate, registration, permit or other authorization issued pursuant to any provision of statute, other than the provisions of this chapter, to engage in a profession or occupation; and*~~

~~*— (2) Is acting within the scope of that authorization and in the regular course of business,*~~

~~*— or an employee of such a person who is acting in the course and scope of that employment.]*~~

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

3. As used in this section, "commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. ***"Legal matter" means:***

1. The preparation of any will ~~*[,]*~~ ***or trust*** ***;*** ~~*[or conveyance;]*~~

2. Any proceeding, filing or action affecting the immigration or citizenship status of a person and arising under:

(a) Immigration and naturalization law;

(b) An executive order or presidential proclamation; or

(c) An action of the United States Citizenship and Immigration Services of the Department of Homeland Security, the United States Department of State or the United States Department of Labor; or

3. Any proceeding, filing or action otherwise affecting the legal rights, duties, obligations or liabilities of a person.

Sec. 6. ***"Registrant" means a document preparation service registered pursuant to this chapter.***

Sec. 7. ***1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.***

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of ~~*[:*~~

~~*(1) A felony; or*~~

~~*(2) A]*~~ ***a gross misdemeanor pursuant to paragraph (b) of subsection 1 of section 25 of this act; or***

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of a crime involving theft, fraud or dishonesty;

(2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the document preparation service, and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) An application fee of $300;

(c) An additional fee, established by regulation of the Secretary of State, equal to the sum charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the applicant's fingerprints; ***and***

~~*[(d) If the applicant is self-employed, a copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the applicant's business is located;*~~

~~*(e) If the applicant is not self-employed, a copy of the state business license of the applicant's employer issued pursuant to chapter 76 of NRS and*~~

~~*a copy of any business license required by the local government where the employer's business is located; and*~~

~~*— (f)]*~~ ***(d)*** ***A cash bond or surety bond meeting the requirements of section 9 of this act.***

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

Sec. 8. ***1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:***

(a) A renewal fee of $100; ***and***

(b) ~~*[A copy of each business license described in section 7 of this act; and*~~

~~*— (c)]*~~ ***A cash bond or surety bond meeting the requirements of section 9 of this act, unless the bond previously filed by the registrant remains on file and in effect.***

2. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report, in which case the Secretary of State shall require the registrant to pay the additional fee established pursuant to paragraph (c) of subsection 3 of section 7 of this act.

3. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 23 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 9. ***1. A registrant shall file with the Secretary of State a cash bond or surety bond in the penal sum of $50,000 which is approved as to form by the Attorney General and conditioned to provide:***

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to section 15 of this act; ~~[or]~~

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

4. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the

registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

5. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

6. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant:

(a) Files with the Secretary of State a new bond meeting the requirements of this section; and

(b) Pays to the Secretary of State a fee for reinstatement in the amount of $300.

7. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 10. ***1. In addition to any other requirements set forth in this chapter:***

(a) A natural person who applies for registration or the renewal of registration as a document preparation service pursuant to section 7 or 8 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

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

3. Registration as a document preparation service may not be issued or renewed by the Secretary of State if the applicant:

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

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

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

Sec. 11. *1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as a document preparation service, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

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

Sec. 12. *1. Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a clear and conspicuous statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.*

2. The statement required by subsection 1 to be included in an advertisement must:

(a) Be in the same language as the rest of the advertisement; and

(b) Be in the form prescribed by regulation of the Secretary of State.

3. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.

Sec. 13. *1. Each registrant shall display conspicuously in his or her place of business a copy of his or her certificate of registration and a written notice meeting the requirements of this section.*

2. The notice must:

(a) Be not less than 12 by 20 inches in size, and each character of text in the notice must be not less than 1 inch in height and 1 inch in width.

(b) Be written in English and in ~~[any]~~ each other language ~~[native to a majority of]~~ in which the registrant transacts business with the registrant's clients.

(c) Contain a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Contain the full name of the registrant or, if more than one registrant is providing services at that place of business, the full name of each such registrant.

(e) Contain a list of the services provided by the registrant and the fee charged for each such service.

(f) Contain a statement that the registrant has filed with the Secretary of State a cash bond or surety bond, stating the amount and any identifying number of the bond.

Sec. 13.5. 1. A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:

(a) Obtain a state business license before offering a document preparation service; and

(b) Maintain a state business license during the period of the registrant's registration as a document preparation service.

2. Each registrant shall display conspicuously in the registrant's place of business a copy of:

(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 14. *1. Before providing any services to a client or presenting a client with the contract required by section 15 of this act, a registrant must:*

(a) Furnish the client with a written form of disclosure meeting the requirements of this section, with a copy for the client to retain; and

(b) Require the client to read and sign the disclosure, acknowledging that the client has read and understands it.

2. The disclosure must be written in English and, if different, the [native] language [of] in which the registrant transacts business with the client and must include:

(a) The full name, business address and telephone number and registration number of the registrant.

(b) [The full name, business address and telephone number of any person, other than the registrant, who meets or consults with the client.

(c)] The name and business address of the registrant's agent for service of process, if any, in this State.

[(d)] (c) A statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

[(e)] (d) Unless the registrant is an attorney licensed to practice in another state or other jurisdiction, a statement that any communication between the client and the registrant is not protected from disclosure by any privilege.

[(f)] (e) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.

(f) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. ***1. [Except as otherwise provided in this section, before] Before a registrant provides any services to a client, the registrant and the client must enter into a written contract meeting the requirements of this section. The registrant shall provide the client with a copy of the contract.***

2. The contract must:

(a) Be written in English and , if different, in the [native] language [of] in which the registrant transacts business with the client, and be printed or typewritten in not less than 12-point type.

(b) Explain the services to be performed by the registrant and state the total price to be paid by the client for all such services.

(c) With respect to any document to be prepared by the registrant:

(1) [Identify the document;

(2) State the purpose of the document;

(3) Explain the procedure to be followed in preparing the document and filing or submitting the document;

~~(4)~~ ***State the estimated date by which the document is to be completed;***

~~(5)~~ ***(2) Identify the court or agency with which the document is to be filed or submitted; and***

~~(6)~~ ***(3) If*** ~~*this information is published by the court or agency with which the document is to be filed or submitted, state the estimated length of time for the court or agency to act upon the document.*~~ ***applicable, identify any associated deadlines or hearing dates of the court or agency with which the document is to be filed or submitted.***

(d) Include on the first page of the contract a statement in boldface type that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(e) ~~*Include, in boldface type, notice of the client's right to cancel the contract pursuant to subsection 3 and the address and telephone number to which the client may transmit notice of the cancellation.*~~

~~(f)~~ ***Include a statement that any complaint concerning the registrant may be directed to:***

(1) If the complaint involves an alleged violation of this chapter, the Secretary of State; or

(2) If the complaint involves an allegation that the registrant is engaged in the unauthorized practice of law, the office of Bar Counsel of the State Bar of Nevada,

➥ with the toll-free telephone number and Internet address for making the complaint.

~~(g)~~ ***(f) State the date of the client's signature on the contract, if the client agrees to the terms of the contract.***

3. ~~*A client who enters into a contract governed by this section may cancel it by giving written or oral notice of the cancellation to the registrant, or to an agent or employee of the registrant, at the address or telephone number set forth in the contract pursuant to subsection 2, at any time before midnight of the third calendar day after the client signs the contract. If the contract is cancelled, the registrant shall immediately refund to the client any money paid by the client. For the purposes of this subsection:*~~

~~(a) The day on which the client signs the contract must not be included in computing the 3-day period.~~

~~(b) The notice of cancellation shall be deemed to have been given on the date the notice is postmarked, sent or otherwise transmitted by the client to the address or telephone number set forth in the contract, regardless of the date the notice is received by the registrant.~~

~~4.~~ ***A contract between a registrant and a client that does not comply with any requirement of this section is voidable by the client.***

Sec. 16. ***Any document prepared for a client by a registrant must include, below any required signature of the client, the name, business address and telephone number and registration number of the registrant.***

Sec. 17. ***1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a client in connection with services rendered by the registrant.***

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a client any original document provided by the client:

(a) Upon the request of the client;

(b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or

(c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a client is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to the client.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the client over the registrant's fees or costs.

Sec. 18. ***1. Upon the presentation to a registrant of a written form of authorization signed by a client, the registrant shall provide a complete copy of the client's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.***

2. A registrant shall retain a copy of any document prepared for a client for not less than 3 years after the date of the last service performed for the client. At the end of that period, unless the client requests that the document be given to the client, the document may be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.

Sec. 19. ~~*[1.]*~~ ***A registrant shall provide a signed receipt to a client for each payment made to the registrant by the client. The receipt must be printed or typewritten on the letterhead of the registrant and must include the name, business address and telephone number, registration number and taxpayer identification number of the registrant.***

~~*[2. Within 30 days after the date of the last service performed for a client, and at least monthly while services continue to be performed for the client, a registrant shall furnish the client with a billing statement. The statement must be printed or typewritten on the letterhead of the registrant, must be in the native language of the client and must include:*~~

~~*(a) The name, business address and telephone number, registration number and taxpayer identification number of the registrant;*~~

~~*(b) A description of each task performed for the client by the registrant or at the direction of the registrant during the period covered by the statement;*~~

~~*(c) The date on which the task was performed;*~~

~~*(d) The amount of time spent in performing the task;*~~

~~*(e) The amount charged to the client for the task;*~~

~~*(f) A statement of any amounts charged to the client for photocopies, telephone toll charges, filing fees or other costs, categorizing each such cost;*~~

~~*(g) A statement of the total amount charged to the client for all services performed and costs incurred, identifying and deducting any amount previously paid by the client; and*~~

~~*(h) The name and business telephone number of a person who may be contacted by the client if the client disputes or has a question about the statement.]*~~

Sec. 20. ***A registrant shall not:***

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notary public," "notary," "licensed," "attorney," "lawyer" or any similar term, in English or in any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; or

(b) Is an attorney authorized to practice law in this State.

4. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

5. Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

6. Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

7. Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 21. *1. In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.*

2. The Secretary of State shall:

(a) Establish a toll-free telephone number which may be used by any person to make a complaint about a registrant or an alleged violation of this chapter.

(b) Post on the Internet website of the Secretary of State information concerning making such a complaint, which must include the telephone number established pursuant to paragraph (a).

Sec. 22. *1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.*

2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to section 25 of this act.

(b) If a registrant has committed the violation, begin proceedings pursuant to section 23 of this act to revoke or suspend the registration of the registrant.

(c) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to section 24 of this act.

(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 25 of this act.

(e) Take any combination of the actions described in this subsection.

Sec. 23. *1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto.*

Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↪ that would disqualify the registrant from registration pursuant to subsection 2 of section 7 of this act.

Sec. 24. ***1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:***

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than $100 or more than $5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 25. ***1. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:***

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. In addition to the penalties prescribed by subsection 1, the court may order a person described in that subsection to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

3. For the purposes of subsections 1 and 2, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Sec. 26. ***Notwithstanding the provisions of sections 22 to 25, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of $500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.***

Sec. 27. ***The provisions of this chapter do not:***

1. Authorize the practice of law by any person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State; or

2. Prohibit a person from representing or otherwise acting for himself or herself in a legal matter without the services of an attorney.

Sec. 28. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

2. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.

Assembly Bill No. 109.

Bill read second time.

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

Amendment No. 294.

AN ACT relating to public welfare; setting forth the required qualifications of a licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of the child care facility; revising the amount of training that persons who are employed at certain child care facilities must complete for certain years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt licensing standards for child care facilities. (NRS 432A.077) The Board currently requires each director of a child care facility, other than a facility that provides care for ill children, an accommodation facility, a special needs facility or a family or group home, to be at least 21 years of age and to meet certain requirements for education and experience. (NAC 432A.300) **Section 1** of this bill requires a licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility to: (1) be at least 21 years of age; (2) have certain verified experience or training in business administration; (3) apply to the Nevada Registry and annually renew his or her registration with the Nevada Registry; and (4) meet certain increased requirements for education and experience. **Section 3** of this bill provides that these requirements do not apply to a person who has been approved as a director before the effective date of this bill if that person obtains a waiver from the Health Division of the Department of Health and Human Services or, if that person does not obtain such a waiver, until January 1, 2016.

Existing law requires any person who is employed in a child care facility, other than a facility that provides care for ill children, to complete at least 15 hours of training annually. (NRS 432A.1775) **Section 2** of this bill increases the amount of training required for ~~[those persons]~~ **each person employed in a child care facility that provides care for more than 12 children, other than a facility that provides care for ill children,** each year between January 1, 2014, and January 1, 2016. On and after January 1, 2016, **section 2** requires each **such** person ~~[who is employed in a child care facility, other than a facility that provides care for ill children,]~~ to complete at least 24 hours of training annually.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility must:

(a) Be at least 21 years of age and:

(1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility;

(2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility;

(3) Hold a high school diploma or, if approved by the Administrator of the Health Division, a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility;

(4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, ~~[have completed at least 12 semester hours in early childhood education or related courses]~~ and have at least ~~[4,000]~~ 2,000 hours of verifiable experience in a child care facility; or

(5) Have a combination of education and experience which, in the judgment of the Administrator of the Health Division, is equivalent to that required by subparagraph (1), (2), (3) or (4);

(b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and

(c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.

2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:

(a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

(b) Establish a professional development system in this State for the field of early childhood care and education;

(c) Approve and track all informal training in the field of early childhood care and education in this State; and

(d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.

Sec. 2. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 ***1.*** Each person who is employed in a child care facility ~~[,]~~ ***that provides care for more than 12 children,*** other than in a facility that provides care for ill children, shall complete ***:***

(a) Before January 1, 2014, at least 15 hours of training ~~[each year.]~~ ***;***

(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;

(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and

(d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of ~~[such]~~ ***the*** training ***required by*** ~~*[subsection]*~~ ***subsections 1 and 2 each year*** must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

Sec. 2.5. **NRS 432A.220 is hereby amended to read as follows:**

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor.

Sec. 3. A person who, before the effective date of this act and in accordance with regulations adopted by the State Board of Health, was approved as the director of a child care facility is not required to comply with the requirements set forth in section 1 of this act:

1. If the person obtains a waiver from the Health Division of the Department of Health and Human Services; or

2. If the person does not obtain such a waiver until January 1, 2016.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 171.

AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who intends to locate or expand a business in Nevada may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 (property tax), 363B (business tax) or 374 (local school support tax) of NRS. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357) This bill provides that a business which makes a capital investment of at least $1,000,000 in a program at the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research, development or training related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of personal property taxes. In addition, this bill provides that a business which makes a capital investment of at least $500,000 in the Nevada State College or ~~[a community college]~~ **another smaller institution** within the Nevada System of Higher Education in support of college certification or research or training related to the field of endeavor of the business and which meets certain other requirements is also eligible to apply for a partial abatement of personal property taxes. The abatements afforded by this bill expire by limitation on June 30, 2023.

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(c) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(5) Bind the successors in interest of the business for the specified period.

(d) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(e) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(f) The business meets the following requirements:

(1) The business makes a capital investment of at least $1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(g) In lieu of meeting the requirements of paragraph (f), the business meets the following requirements:

(1) The business makes a capital investment of at least $500,000 in the Nevada State College or ~~*[a community college within]*~~ ***an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph (f), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.***

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of

the request for the abatement from any affected county, school district, city or town.

~~[(b)]~~ (c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives the application, the application shall be deemed denied.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business,

➥ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in

subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or

personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; ~~[or]~~

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357 ~~[.]~~ ***; or***

(e) A partial abatement of taxes pursuant to section 2 of this act,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 4. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development ***pursuant to this section*** for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement ***pursuant to this section*** if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement ***pursuant to this section*** unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement ***pursuant to this section*** by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement ~~[.]~~ ***pursuant to this section.***

4. If the Office of Economic Development approves an application for a partial abatement ~~[,]~~ ***pursuant to this section,*** the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the

requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement ~~[.]~~ ***pursuant to this section;*** and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for ~~[an]~~ ***a partial*** abatement ***pursuant to this section*** who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 5. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750 ~~[.]~~ ***or section 2 of this act,*** the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 6. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel

Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[.]~~ ***or section 2 of this act.*** The report must set forth, for each abatement from taxation that the Office approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
4. Whether the business for which the abatement was approved is a new business or an existing business; and
5. Any other information that the Office determines to be useful.

Sec. 7. Notwithstanding the provisions of section 2 of this act, no person is entitled to any partial abatement of taxes pursuant to those provisions:

1. After June 30, 2023; or
2. For capital investments made in an institution of higher education in this State before July 1, 2013.

Sec. 8. 1. This act becomes effective on July 1, 2013.

2. Sections 2, 3, 5 and 6 of this act expire by limitation on June 30, 2023.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

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

Amendment No. 203.

AN ACT relating to business; revising provisions governing the state business portal; ~~[requiring certain state and local agencies and health districts to use the state business portal for certain purposes;]~~ **revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts;** requiring certain persons who are not required to obtain a state business license to obtain a certificate of exemption from the Secretary of State; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; **revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment,**

Training and Rehabilitation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 1** of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 1** further requires state and local agencies and health districts to **: (1) integrate their electronic application processes into the state business portal; (2)** use the state business portal to **[: (1) collect] accept and disseminate common** business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; and **[(2) to] (3)** make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal. Under **section 9** of this bill **[,] : (1)** a state or local agency or health district is **[not]** required to **[comply with section 1 until] accept common business registration information via the state business portal on or before** January 1, 2014, unless the State Board of Examiners extends that deadline **[,] ; and (2) a state or local agency or health district which believes it cannot comply with certain requirements relating to the state business portal must, with the assistance of the Secretary of State, submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation setting forth: (1) the reasons that it cannot timely comply with the requirements; and (2) a timeline for integration into the state business portal.**

Under existing law, certain persons are excluded from the definition of "business" for the purposes of state business licenses and, thus, are not required to obtain a state business license. (NRS 76.020) **Section 2** of this bill requires these persons to obtain annually from the Secretary of State a certificate of exemption from the requirement to obtain a state business license. Under **section 2**, a person required to obtain a certificate of exemption must post the certificate conspicuously at his or her establishment

or place of business and is subject to a penalty of not more than ~~[$250]~~ **$50** if the person fails to do so. **Section 3** of this bill provides that a person required to obtain a state business license must post the state business license conspicuously at his or her establishment or place of business and is subject to a penalty of not more than ~~[$250]~~ **$50** if the person fails to do so.

Section 4 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person issued a state business license or a certificate of exemption from the requirement to obtain a state business license. Under **section 1**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require applicants for such a license, certificate, registration or permit to include the business identification number on the application. **Sections 2 and 3** require that a state business license or certificate of exemption include the business identification number assigned to the holder of the license or certificate.

Sections 5 and 6 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. **Section 7** of this bill provides that the affidavit required by existing law to obtain a local business license to sell certain retail merchandise must include a statement that the applicant has a current state business license **, or a certificate of exemption from the requirements for a state business license,** and the applicant's business identification number. **Section 7.5 of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal.**

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

Section 1. NRS 75A.100 is hereby amended to read as follows:

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

2. The Secretary of State shall:

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

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

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;

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

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

(f) For the purpose of coordinating the collection of common information from businesses ~~*[by state and local agencies and health districts:]*~~ ***using the state business portal:***

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

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

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

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

3. Each state or local agency or health district that issues ~~*[any]*~~ ***a license, certificate, registration, permit or similar type of authorization to conduct a business in this State*** ~~*[or to engage in an occupation or profession in this State]*~~ ***shall:***

(a) To the extent practicable ~~[, make]~~ :

(1) Make available on its Internet website any ~~[application]~~ of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State . ~~[or to engage in an occupation or profession in this State and integrate those]~~

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

(3) Integrate into the state business portal any of its applications ~~[into the state business portal;]~~ for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this subparagraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating any information required for the authorization of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~[or to engage in an occupation or profession in this State]~~ to include in the application the applicant's business identification number . ~~[; and]~~

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

4. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 4 of this act to an entity organized pursuant to this title or to a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption from the requirement to obtain a state business license pursuant to section 2 of this act.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the same common business registration information used to issue a license, certificate, registration,

permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

(c) "Health district" means a health district created pursuant to NRS 439.362 or 439.370.

Sec. 2. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is not required to obtain a state business license pursuant to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020 [or NRS 680B.020] must obtain a certificate of exemption from the Secretary of State pursuant to this section.

2. An application for a certificate of exemption must be made upon a form prescribed by the Secretary of State and include any information that the Secretary of State deems necessary to determine whether the applicant is exempt from the requirements to obtain a state business license pursuant to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020. [or NRS 680B.020.]

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

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

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

(c) A general partner of a limited partnership.

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

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

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

4. If the application for a certificate of exemption is defective in any respect, the Secretary of State may return the application for correction.

5. A certificate of exemption issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 4 of this act.

6. A certificate of exemption must be renewed annually. A person who applies for the renewal of a certificate of exemption must submit the application for renewal:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the certificate of exemption occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the

person will not be conducting an activity for which a certificate of exemption must be obtained.

7. Every person required to obtain a certificate of exemption pursuant to this section shall post the certificate of exemption conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the certificate of exemption has expired or the person is no longer required to obtain a certificate of exemption. Any person who fails to post or keep posted a certificate of exemption as required by this section is subject to a penalty of not more than ~~*[$250]*~~ ***$50 to be imposed by the Secretary of State.***

8. If the Secretary of State discovers that a person has violated the requirements of subsection 7, the Secretary of State shall send a written notice of the violation to the person. The written notice must state that the person may request a hearing by filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.

Sec. 3. NRS 76.100 is hereby amended to read as follows:

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

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

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

2. An application for a state business license must:

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

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

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

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

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

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

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

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

(c) A general partner of a limited partnership.

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

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

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

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

5. ***A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 4 of this act.***

6. Every person required to obtain a state business license pursuant to this section shall post such license conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the license has expired or the person ceases to transact such business. Any person who fails to post or keep posted a license as required by this section is subject to a penalty of not more than ~~*[$250]*~~ ***$50 to be imposed by the Secretary of State.***

7. If the Secretary of State discovers that a person has violated the requirements of subsection 6, the Secretary of State shall send a written notice of the violation to the person. The written notice must state that the person may request a hearing by filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.

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

~~[6.]~~ ***9.*** For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

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

(1) Chapter 82 or 84 of NRS; or

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

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

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

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

~~[7.]~~ ***10.*** As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 4. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act, the Secretary of State shall assign a unique business identification number to each entity organized pursuant to title 7 of NRS or to any person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act.

Sec. 5. NRS 244.33505 is hereby amended to read as follows:

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

(a) Signs an affidavit affirming that the business:

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

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

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

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

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

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

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of ~~*[The state business portal established pursuant to NRS 75A.100 must make available to]*~~ the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~*[Upon receiving an affidavit or attestation required by subsection 1, the state business portal may provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*~~

~~*5. Upon*~~] ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, ~~*[subsection 2,]*~~ a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

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

6. As used in this section, "state business portal" means the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

Sec. 6. NRS 268.0955 is hereby amended to read as follows:

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

(a) Signs an affidavit affirming that the business:

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

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

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

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

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

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

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of ~~*[The state business portal established pursuant to NRS 75A.100 must make available to]*~~ the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~*[Upon receiving an affidavit or attestation required by subsection 1, the state business portal may provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*~~

~~5. Upon~~] ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit ~~[or attestation]~~ required by this section, ~~*[subsection 2,]*~~ the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

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

6. As used in this section, "state business portal" means the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

Sec. 7. NRS 364.110 is hereby amended to read as follows:

364.110 No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. ***That the applicant or applicants ~~[maintain]~~ :***

(a) Maintain an active state business license issued pursuant to chapter 76 of NRS ; or

(b) Have a certificate of exemption from the requirement to obtain a state business license pursuant to section 2 of this act; and ~~[the]~~

2. The business identification number assigned to the applicant or applicants by the Secretary of State pursuant to section 4 of this act.

~~[2.]~~ ***3.*** Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

~~[2.]~~ ~~[3.]~~ ***4.*** Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

Sec. 7.5. **NRS 612.265 is hereby amended to read as follows:**

612.265 1. Except as otherwise provided in this section and NRS 239.0115, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~[and]~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[.]~~ ***; and***

(f) The Secretary of State for the purpose of verifying that data submitted electronically via the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300 satisfies the requirements

established by the Division and, as necessary, for the purpose of maintaining the technical integrity and functionality of the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

➥ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any

person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 8. NRS 237.180 is hereby repealed.

Sec. 9. 1. ~~[Notwithstanding the amendatory provisions of this act, a]~~ **A** state or local agency or health district is ~~[not]~~ required to use the state business portal to ~~[collect]~~ **accept** common business registration information ~~[or integrate into]~~ **from** the state business portal as required by **subparagraph (2) of paragraph (a) of** subsection 3 of NRS 75A.100, as amended by section 1 of this act, ~~[until]~~ **on or before** January 1, 2014, unless the State Board of Examiners extends this deadline pursuant to subsection 2.

2. If a state or local agency or health district believes that it cannot comply with the ~~[requirements of]~~ **requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of** subsection 3 of NRS 75A.100, as amended by section 1 of this act, **on or** before January 1, 2014, the state or local agency or health district may submit to the State Board of Examiners a written request to extend the deadline which sets forth the reason for requesting the extension. Upon receipt of a written request to extend the deadline, the State Board of Examiners may extend the deadline set forth in subsection 1 as it deems necessary. The State Board of Examiners shall report to the Legislative Commission each deadline extension approved by the State Board of Examiners pursuant to this subsection.

3. If a state or local agency or health district complies with the requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, on or before January 1, 2014, but believes that it cannot comply with any other requirement of subsection 3 of NRS 75A.100, as amended by section 1 of this act, the state or local agency or health district, with the assistance of the Secretary of State, shall submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation of the status of the integration of the state or local agency or health district into the state business portal which sets forth the reasons that the state or local agency or health district cannot timely comply with the other requirements of subsection 3 of NRS 75A.100 and, to the extent

practicable, a projected timeline for integration into the state business portal.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

237.180 Requirements; annual meeting to design and modify joint forms; report of annual meeting.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. On or before February 15 of each year, the Executive Director of the Department of Taxation shall submit a report to the Director of the Legislative Counsel Bureau for presentation to the Legislature. The report

must include a summary of the annual meeting held during the immediately preceding year and any recommendations for proposed legislation.

5. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

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

Amendment No. 225.

AN ACT relating to anatomical gifts; providing that an anatomical gift made by an unemancipated minor who is at least 16 years of age and possesses a driver's license **or identification card** cannot be revoked or amended by the minor's parent **~~[,]~~ or guardian under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an unemancipated minor may make an anatomical gift of his or her body or part thereof if he or she is authorized under state law to apply for a driver's license because he or she is at least 16 years of age. (NRS 451.556, 451.558) However, existing law also provides that if a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's (minor's) body or part. (NRS 451.562)

This bill creates an exception such that if a donor who is an unemancipated minor dies and at the time of his or her death the donor was at least 16 years of age and held a valid driver's license **~~[,]~~ or identification card,** a parent **or guardian** of the donor is prohibited from revoking or amending an anatomical gift of the donor's (minor's) body or part **~~[.]~~ if the donor and a parent or guardian have both executed a form authorizing the anatomical gift.**

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

Section 1. **NRS 451.558 is hereby amended to read as follows:**

451.558 1. A donor may make an anatomical gift:

(a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(b) In a will;

(c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(d) As provided in subsection 2.

2. A donor or other person authorized to make an anatomical gift under NRS 451.556 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. ***An anatomical gift made in the manner described in paragraph (a) of subsection 1 by a donor who is at least 16 years of age but less than 18 years of age is valid and may not be revoked by a parent or guardian if the donor and his or her parent or guardian sign a form prescribed by the Department of Motor Vehicles which indicates that unless the anatomical gift is amended or revoked by the donor before his or her death, the anatomical gift may not be amended or revoked by the parent or guardian of the donor.***

4. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

~~[4.]~~ ***5.*** An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

~~[Section 1.]~~ ***Sec. 2.*** NRS 451.562 is hereby amended to read as follows:

451.562 1. ~~[Except as otherwise provided in subsection 7 and subject]~~ ***Subject*** to ~~[subsection]~~ ***the provisions of subsections*** 6 ~~[,]~~ ***and 7,*** in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's

body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559.

2. A donor's revocation of an anatomical gift of the donor's body or part under NRS 451.559 is not a refusal and does not bar another person specified in NRS 451.556 or 451.566 from making an anatomical gift of the donor's body or part under NRS 451.558 or 451.568.

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under NRS 451.558 or an amendment to an anatomical gift of the donor's body or part under NRS 451.559, another person may not make, amend or revoke the gift of the donor's body or part under NRS 451.568.

4. A revocation of an anatomical gift of a donor's body or part under NRS 451.559 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under NRS 451.558 or 451.568.

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under NRS 451.556, an anatomical gift of a part for one or more of the purposes set forth in NRS 451.556 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under NRS 451.558 or 451.568.

7. ~~[If]~~ ***Except as otherwise provided in*** ~~*[this subsection,]*~~ ***NRS 451.558, if*** a donor who is an unemancipated minor dies, a parent ***or guardian*** of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part. ~~*[If a donor who is an unemancipated minor dies and the donor was at least 16 years of age and held a valid driver's license at the time of his or her death, a parent of the donor may not revoke or amend an anatomical gift of the donor's body or part.]*~~

8. If an unemancipated minor who signed a refusal dies, a parent ***or guardian*** of the minor who is reasonably available may revoke the minor's refusal.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

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

Amendment No. 181.

AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; (4) at least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and (5) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) **Section 1** of this bill revises the requirements for such a preference in bidding by: (1) ~~[increasing from 50 percent to 100 percent the percentage of workers employed on the public work that are required to hold a valid Nevada driver's license or identification card; (2) requiring that each worker and 50 percent of the design professionals working on the public work register in this State all vehicles owned by the worker or design professional for personal use and operated upon any highway in this State; and (3)]~~ **limiting the requirement for design professionals to design-build teams; and (2)** eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. **Section 1** clarifies that the driver's licenses and identification cards used to satisfy the statutory requirements must be issued by the Department of Motor Vehicles of the State of Nevada. **Section 1** requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. **Section 1** restricts who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work.

Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with

certain requirements within the preceding year for a contract for a public work that cost more than $25,000,000 ~~[. (NRS 338.1379) Section 3 of this bill eliminates that provision. Existing law]~~ **and** prohibits a contractor who has failed to comply with certain requirements for a contract for a public work which exceeds $5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS **338.1379, 338.1382,** 338.1389 ~~[) Section 5]~~ **, 338.1415, 338.147, 408.333) Sections 4-8** of this bill ~~[eliminates that prohibition.]~~ **instead condition those prohibitions on a material breach of a contract for a public work which exceeds $25,000,000 or $5,000,000, as applicable.**

Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013. **Section 9** also declares that any contract for such a public work that fails to comply with this bill is void.

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

Section 1. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project ~~[:]~~ ~~*[, on average]*~~ ***, collectively, and not on any specific day:***

(a) At least 50 percent of ~~[all]~~ ***the*** workers ~~*[Each worker]*~~ employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold ~~*[:*~~

~~*(1) Hold]*~~ a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[;]~~ ***of the State of Nevada;*** ~~*[and*~~

~~*(2) Register in this State all vehicles owned by the worker for personal use and operated upon any highway in this State;]*~~

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) ~~[At]~~ ***If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at*** least 50

percent of the design professionals working on the public work, including, without limitation, ~~[any]~~ employees of the ~~[contractor, applicant or]~~ design-build team and of any subcontractor ***or consultant*** engaged ~~[on]~~ ***in the design of*** the public work, will have ~~[:~~

~~*(1) Have]*~~ a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[;]~~ ***of the State of Nevada;*** ~~*[and*~~

~~*(2) Register in this State all vehicles owned by the design professional for personal use and operated upon any highway in this State;]*~~ ***and***

(d) ~~[At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and~~

~~(e)]~~ The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work ***that is*** awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 ~~[and who receives]~~ ***as a result of the contractor, applicant or design-build team receiving*** a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 ~~[is a material breach of the contract and]~~ entitles the public body to ~~[liquidated damages]~~ ***a penalty*** only as provided in subsections 5 and 6.

3. A person ~~[or entity]~~ ***who submitted a bid on the public work*** ~~*[and]*~~ ***or an entity*** who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 may file ***, before the substantial completion of the public work,*** a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required

proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1, ~~[~~liquidated damages~~]~~ ***a penalty*** as described in subsection 6 for ~~[~~a breach of a contract for a public work caused by~~]~~ a failure to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1. If a public body recovers ~~[~~liquidated damages~~]~~ ***a penalty*** pursuant to this subsection ***,*** ~~[~~for a breach of a contract for a public work,~~]~~ the public body shall report to the State Contractors' Board the date of the ~~[~~breach,~~]~~ ***failure to comply,*** the name of each entity which ~~[~~breached the contract~~]~~ ***failed to comply*** and the cost of the contract ~~[~~.~~]~~ ***to which the entity that failed to comply was a party.*** The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract ~~[~~,~~]~~ ***as a result of that preference,*** the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor ~~[~~or supplier~~]~~ and each contract between a subcontractor and a ***lower tier*** subcontractor ~~[~~or supplier~~]~~ must provide that:

(a) If a party to the contract causes ~~[~~a material breach of the contract between~~]~~ the contractor, applicant or design-build team ~~[~~and the public body as a result of a failure~~]~~ ***to fail*** to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1, the party is liable to the public body for ~~[~~liquidated damages~~]~~ ***a penalty*** in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that ~~[~~causes the material breach;~~]~~ ***caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1;*** and

(c) No other party to the contract is liable to the public body for ~~[~~liquidated damages.~~]~~ ***a penalty.***

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~[~~(c),~~]~~ ***(d),*** inclusive, of subsection 1.

8. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of the paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor *~~[, or any employee thereof,]~~* ***who is engaged on the public work; and***

(2) Present at the site of the public work.

Sec. 2. ~~[~~NRS 338.070 is hereby amended to read as follows:

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 6, it is lawful for any contractor engaged on a public work to withhold from any subcontractor~~

~~engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor~~ **[**~~engaged on~~**]** ***awarded the contract for*** ~~a public work and each subcontractor engaged~~ ***by that contractor*** ~~on the public work shall keep or cause to be kept:~~

~~(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) The name of the worker;~~

~~(2) The occupation of the worker;~~

~~(3) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~(4) The actual per diem, wages and benefits paid to the worker; and~~

~~(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

~~(1) The name of the worker;~~

~~(2) The driver's license number or identification card number of the worker; and~~

~~(3) The state or other jurisdiction that issued the license or card.~~

~~***The provisions of this subsection do not apply to any contractor that was not awarded the contract for a public work.***~~

~~5. The records maintained pursuant to subsection 4 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 4 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 4 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work.~~

~~6. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by~~

~~the subcontractor pursuant to subsection 4 for a calendar month by the time specified in subsection 5 if:~~

~~(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

~~(1) Ten days after the end of the month; or~~

~~(2) A date agreed upon by the contractor and subcontractor; and~~

~~(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 5.~~

~~➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 5.~~

~~7. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.~~**] (Deleted by amendment.)**

Sec. 3. ~~[~~NRS 338.1379 is hereby amended to read as follows:

~~338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.~~

~~2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:~~

~~(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and~~

~~(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.~~

~~3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.~~

~~4. The Division or the local government may determine an applicant is qualified to bid:~~

~~(a) On a specific project; or~~

~~(b) On more than one project over a period of time to be determined by the Division or the local government.~~

~~5. [Except as otherwise provided in subsection 8, the]~~ ***The*** ~~Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.~~

~~6. [Except as otherwise provided in subsection 8, the]~~ ***The*** ~~local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.~~

~~7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.~~

~~**[**8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.**]**~~ **(Deleted by amendment.)**

Sec. 4. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not, within the preceding year, ***materially*** breached ~~*[with regard to]*~~ a contract for a public work for which the cost exceeds $25,000,000 **,** ~~**[**by failing**]** *[, failed* to comply with a requirement of paragraphs (a) to**]** **[**(e),**]** *[(d),* inclusive, of subsection 1 of NRS 338.0117,**]**~~ and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 5. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, ~~[~~has~~]~~ ***provides*** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[~~At the time the contractor submits his or her bid,~~]~~ ***Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who :

(1) Does ~~*[does]*~~ not ~~[~~have,~~]~~ ***provide,*** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4 ~~*[,]*~~ ; or

(2) Does not submit, ~~[~~at the time he or she submits the bid,~~]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works :

(a) Submits ~~*[submits]*~~ false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~*[.]*~~ ; or

(b) Is found by the Board to have, within the preceding 5 years, ***materially*** breached a contract for a public work for which the cost exceeds $5,000,000 **,** ~~**[**by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,**]**~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[be deemed the best bid]~~ ***receive a preference in bidding*** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity ***who submitted a bid on the public work and*** who believes that ~~[a]~~ ***the*** contractor ***who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, ***materially*** breached ~~*[with regard to]*~~ a contract for a public work for which the cost exceeds $25,000,000 ***.*** ~~[by failing]~~ ~~*[, failed* to comply with a requirement of paragraphs (a) to~~ ~~[(c),]~~ ~~*[(d),* inclusive, of subsection 1 of NRS 338.0117.]~~

Sec. 7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized

representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, ~~[has]~~ ***provides*** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ ***Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~[have,]~~ ***provide,*** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, ***materially*** breached ~~*[with regard to]*~~ a contract for a public work for which the cost exceeds $5,000,000 **,** ~~**[**~~by failing~~**]**~~ ~~*[, failed* to comply with a requirement of paragraphs (a) to**]** **[**(c),**]** *[(d),* inclusive, of subsection 1 of NRS 338.0117,**]**~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public

work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[be deemed a best bid]~~ ***receive a preference in bidding*** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity ***who submitted a bid on the public work and*** who believes that ~~[a]~~ ***the*** contractor ***who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 8. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to

questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, ***materially*** breached ~~*[with regard to]*~~ a contract for a public work for which the cost exceeds $25,000,000 **,** ~~**[**by failing**]** *[, failed* to comply with a requirement of paragraphs (a) to**]** **[**(c),**]** *[(d),* inclusive, of subsection 1 of NRS 338.0117,**]** the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 9. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after July 1, 2013.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section, "contract" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 198.

Bill read second time and ordered to third reading.

Assembly Bill No. 221.

Bill read second time.

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

Amendment No. 226.

AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to issue a request for information to determine the availability, cost and appropriateness of certain measures to revise the manner in which payments are reviewed and made to providers under Medicaid and the Children's Health Insurance Program; requiring the Director to ~~[enter into any appropriate contracts;]~~ **submit a report of the responses to the Legislative Committee on Health Care;** and providing other matters properly related thereto.

Legislative Counsel's Digest:

Under existing law, Medicaid and the Children's Health Insurance Program are administered by the Department of Health and Human Services. (NRS 422.270) This bill requires the Director of the Department to issue a request for information to determine the availability and cost of technology, data verification and resources to assist the Department in reducing waste, fraud and abuse under Medicaid and the Children's Health Insurance Program. The request issued by the Director is specifically required to seek information on strategies for determining the validity of claims for payment for services to recipients of Medicaid or the Children's Health Insurance Program before payments are sent to reimburse providers. This bill also requires the Director to review the responses to the request for information to determine measures that may be taken to reduce waste, fraud and abuse under Medicaid and the Children's Health Insurance Program and to ~~[enter~~

~~into appropriate contracts to carry out those measures.]~~ **submit a report of the responses to the Legislative Committee on Health Care.**

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

Section 1. 1. On or before ~~[September 1, 2013,]~~ **January 1, 2014,** the Director of the Department of Health and Human Services or his or her designee shall issue a request for information to determine the availability and cost of technology, data verification and resources to assist the Department in reducing waste, fraud and abuse under Medicaid and the Children's Health Insurance Program. The request must seek information concerning strategies for determining the validity of claims for payment for services to recipients of Medicaid or the Children's Health Insurance Program before such payments are sent to reimburse providers.

2. The request issued pursuant to subsection 1 must seek information concerning technology that is capable of being integrated into the existing system that is used to evaluate claims for payment of services provided to recipients of Medicaid and the Children's Health Insurance Program. The information must inform the Department whether the technology will provide the ability for the Department to make predictions about and analyze data before payments are made for such claims for payment, including, without limitation, the ability to:

(a) Automatically analyze billing or utilization patterns by providers and recipients of Medicaid and the Children's Health Insurance Program to identify possible waste, fraud and abuse;

(b) Identify specific transactions to be subject to additional review based on the likelihood of potential waste, fraud or abuse and, to the extent possible, automatically identify and authorize payment for transactions that are not wasteful, fraudulent or abusive;

(c) Prevent the payment of claims for services that have been identified as potentially wasteful, fraudulent or abusive until the claims have been confirmed as valid; and

(d) Collect and analyze information regarding the outcomes of appeals conducted pursuant to NRS 422.276 regarding denials of claims for payment of services to determine whether better predictions and analysis may be achieved.

3. The request issued pursuant to subsection 1 must seek information concerning technology that is capable of verifying data regarding providers for and recipients of Medicaid and the Children's Health Insurance Program using publicly available records. The information must inform the Department whether such technology may be used to automate the review of

transactions with those programs and to identify and prevent wasteful, fraudulent and abusive payments by identifying:

(a) Associations between providers, practitioners and recipients which indicate that any of those persons are acting in collusion with each other to engage in fraudulent practices; and

(b) Potential factors that would disqualify a person from eligibility for Medicaid or the Children's Health Insurance Program, which may include, without limitation, death, residence outside this State, ownership of too many assets and incarceration.

4. The request issued pursuant to subsection 1 must seek information concerning other fraud investigation services that combine a retrospective analysis of claims for payment of services under Medicaid and the Children's Health Insurance Program and prospective detection of waste, fraud and abuse. The information must inform the Department whether such services are available to:

(a) Analyze historical data regarding claims for payment of services and medical records;

(b) Analyze databases of information regarding providers suspected of submitting fraudulent claims for payment and of interviews with providers and recipients of Medicaid and the Children's Health Insurance Program; and

(c) Provide an opportunity for providers to review and correct any problems which are identified and place an emphasis on educating providers.

5. The Director shall review the responses to the request for information issued pursuant to this section to determine measures that may be taken to reduce waste, fraud and abuse under Medicaid and the Children's Health Insurance Program by allowing determinations to be made about claims for reimbursement before payments are made. The Director shall ~~[enter into any appropriate contracts to carry out those measures within the existing budget of the Department or using any savings resulting from such measures. Any such measures must not delay or deny payments to providers.]~~ **submit a report of the responses to the Legislative Committee on Health Care. The Legislative Committee on Health Care shall consider the report and make any appropriate recommendations to the Department, including whether the Committee supports the Department entering into any contracts to carry out measures identified in the report.**

6. As used in this section:

(a) "Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.

(b) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(c) "Provider" means a person or governmental entity who provides services to a recipient of Medicaid or the Children's Health Insurance Program for remuneration.

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

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time and ordered to third reading.

Assembly Bill No. 239.

Bill read second time and ordered to third reading.

Assembly Bill No. 255.

Bill read second time and ordered to third reading.

Assembly Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 276.

Bill read second time and ordered to third reading.

Assembly Bill No. 281.

Bill read second time and ordered to third reading.

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

Assembly Bill No. 294.

Bill read second time.

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

Amendment No. 182.

AN ACT relating to economic development; requiring the submission of certain reports concerning local emerging small businesses to the Office of Economic Development; increasing the threshold for requiring formal contracts for certain purchases by the State; providing for the certification of local emerging small businesses by the Office; requiring the Office to establish goals for the participation of local emerging small businesses in certain contracts relating to purchasing and public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor to coordinate and oversee economic development

programs in this State. (NRS 231.043, 231.055) **Sections 11-14** of this bill: (1) provide for the certification of eligible local emerging small businesses by the Office; (2) require the Office to post a list of the certified local emerging small businesses on its Internet website; and (3) require the Office to adopt regulations, including regulations relating to the application form and procedure for that certification. Further, **sections 15 and 16** of this bill require the Office to establish: (1) an outreach program for local emerging small businesses ~~[and]~~ **to connect those businesses with** state agencies seeking state purchasing contracts and contracts for public works of this State; and (2) goals concerning the participation of local emerging small businesses in those contracts.

Sections 1, 2 and 5 of this bill require local governments in counties whose population is 100,000 or more (currently Clark and Washoe Counties), the Purchasing Division and the State Public Works Division, both of the Department of Administration, to submit reports twice each year to the Office concerning the participation of local emerging small businesses in certain contracts. **Section 17** of this bill requires the Office to submit a report once each year to the Governor and the Legislature or the Interim Finance Committee concerning: (1) whether the goals for participation of the local emerging small businesses in certain contracts are being met and, if not, what efforts the Purchasing Division and State Public Works Division are undertaking to meet the goals; and (2) certain other information relating to the local emerging small businesses that have been certified by the Office.

Finally, **section 4** of this bill raises the threshold for requiring formal contracts for certain purchases by the State from $25,000 to $50,000 **~~[.]~~ and authorizes the Administrator of the Purchasing Division to solicit the purchase of materials, supplies and equipment having estimated costs of $50,000 or less under certain circumstances.**

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body or its authorized representative in a county whose population is 100,000 or more shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the governing body or its authorized representative solicited to submit a bid or proposal to the governing body or its authorized representative for a local purchasing contract;

(b) The number of local emerging small businesses that submitted a bid or proposal to the governing body or its authorized representative for a local purchasing contract;

~~[(b)]~~ (c) The number of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses;

~~[(c)]~~ (d) The total number of dollars' worth of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses; and

~~[(d)]~~ (e) Any other information deemed relevant by the Office.

2. The report required pursuant to subsection 1 must be submitted within ~~[15]~~ 90 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in section 8 of this act.

(b) "Local purchasing contract" means a contract awarded pursuant to the provisions of this chapter ~~[.]~~ for which the estimated cost is $50,000 or less. The term does not include a contract for which a procurement card is used.

(c) "Office" means the Office of Economic Development.

(d) "Procurement card" means a charge card issued to a governing body or its authorized representative for the purpose of purchasing goods and services pursuant to the provisions of this chapter.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Purchasing Division shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the Purchasing Division solicited to submit a bid or proposal to the Purchasing Division on a state purchasing contract;

(b) The number of local emerging small businesses that submitted a bid or proposal on a state purchasing contract;

~~[(b)]~~ (c) The number of state purchasing contracts that were awarded by the Purchasing Division to local emerging small businesses;

~~[(c)]~~ (d) The total number of dollars' worth of state purchasing contracts that were awarded by the Purchasing Division to local emerging small businesses;

~~[(d)]~~ (e) Whether each goal established by the Office pursuant to section 16 of this act has been achieved;

~~[(e)]~~ (f) For each goal established by the Office pursuant to section 16 of this act that has not been achieved, information on all efforts undertaken by the Purchasing Division to achieve the goals in the current fiscal year and a proposed plan for achieving the goals in the subsequent fiscal year; and

~~[(f)]~~ (g) Any other information deemed relevant by the Office.

2. The report required pursuant to subsection 1 must be submitted within ~~[15]~~ 30 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in section 8 of this act.

(b) "Office" means the Office of Economic Development.

~~=~~(c) "State purchasing contract" means a contract awarded pursuant to the provisions of subsection 3 of NRS 333.300.

Sec. 3. ~~[~~NRS 333.020 is hereby amended to read as follows:

~~= 333.020 As used in this chapter, unless the context otherwise requires:~~

~~= 1. "Administrator" means the Administrator of the Purchasing Division.~~

~~= 2. "Best value" means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.~~

~~= 3. "Director" means the Director of the Department of Administration.~~

~~= 4. "Invitation to bid" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.~~

~~= 5. " Proprietary information" means:~~

~~= (a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or~~

~~= (b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the Administrator.~~

~~= As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost or price submitted in support of a bid or proposal. The term does not include the amount of a bid or proposal.~~

~~= 6. "Purchasing Division" means the Purchasing Division of the Department of Administration.~~

~~= 7. "Purchasing officer" means a person who is authorized by the Administrator or a using agency to participate in:~~

~~= (a) The evaluation of bids or proposals for a contract;~~

~~= (b) Any negotiations concerning a contract; or~~

~~(c) The development, review or approval of a contract.~~

~~8. "Request for proposals" means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.~~

~~9. ***"State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.***~~

~~***10.*** "Trade secret" has the meaning ascribed to it in NRS 600A.030.~~

~~**[**10.**]** ***11.*** "Using agencies" means all officers, departments, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources. The term does not include the Nevada Rural Housing Authority, the Housing Division of the Department of Business and Industry, local governments as defined in NRS 354.474, conservation districts, irrigation districts and the Nevada System of Higher Education.~~

~~**[**11.**]** *12.* "Volunteer fire department" means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.**]**~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 333.280 is hereby amended to read as follows:**

333.280 1. Except as otherwise provided in this subsection, the Administrator may enter into a contract using a standard form of contract, by ***solicitation in accordance with the provisions of NRS 333.300 or by*** advertising in accordance with the provisions of NRS 333.310, for the furnishing of supplies, materials and equipment for not more than 2 years. If an extended contractual period is necessary to promote the use of a manufacturing process which emphasizes the efficient use of energy or to promote the manufacture of products which use recycled materials, the Administrator may enter into such a contract for not more than 3 years.

2. The original terms of a contract may be extended annually thereafter if the conditions for extension are specified in the original solicitation, and the Administrator determines that an extension is in the best interest of the State.

Sec. 4. NRS 333.300 is hereby amended to read as follows:

333.300 1. Except as otherwise provided in NRS 333.375, the Administrator shall give reasonable notice, by advertising and by written notice provided to persons in a position to furnish the classes of commodities involved, as shown by its records, of all proposed purchases of supplies, materials and equipment to be purchased in accordance with a schedule prepared in conformity with the provisions of NRS 333.250.

2. All such materials, supplies and equipment, except as otherwise provided in this section, if the estimated cost thereof exceeds ~~**[**$25,000,**]**~~

$50,000, must be purchased by formal contract from the lowest responsible bidder after notice inviting the submission of sealed proposals to the Administrator of the Purchasing Division at the date, hour and location set forth in the proposal, and at that date, hour and location the proposals must be publicly opened. The Purchasing Division may reject any or all proposals, or may accept the proposal determined best for the interest of the State. The notice must be published as prescribed in NRS 333.310.

3. ***The Administrator may solicit the purchase of materials, supplies and equipment, if the estimated cost thereof is $50,000 or less, by written contract from the lowest responsible bidder if notice of the proposed purchase is provided to:***

(a) At least three persons in a position to furnish the materials, supplies or equipment; and

(b) The Office of Economic Development.

4. In case of emergencies caused by acts of God or the national defense or other unforeseeable circumstances, the provisions for advertisements on competitive bids may be waived by the Administrator, but every effort must be made to secure the maximum competitive bidding under the circumstances. In no case may contracts be awarded until every possible effort has been made to secure at least three bona fide competitive bids.

~~[4.]~~ ***5.*** In awarding contracts for the purchase of supplies, materials and equipment, if two or more lowest bids are identical, the Administrator shall:

(a) If the lowest bids are by bidders resident in the State of Nevada, accept the proposal which, in the discretion of the Administrator, is in the best interests of this State.

(b) If the lowest bids are by bidders resident outside the State of Nevada:

(1) Accept the proposal of the bidder who will furnish goods or commodities produced or manufactured in this State; or

(2) Accept the proposal of the bidder who will furnish goods or commodities supplied by a dealer resident in the State of Nevada.

Sec. 5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the Division solicited to submit a bid or proposal on a contract for a public work in this State;

(b) The number of local emerging small businesses that submitted a bid or proposal on a contract for a public work in this State;

~~[(b)]~~ (c) The number of contracts for public works of this State that were awarded by the Division to local emerging small businesses;

~~[(c)]~~ ***(d) The total number of dollars' worth of contracts for public works of this State that were awarded by the Division to local emerging small businesses;***

~~[(d)]~~ ***(e) Whether each goal established by the Office pursuant to section 16 of this act has been achieved;***

~~[(e)]~~ ***(f) For each goal established by the Office pursuant to section 16 of this act that has not been achieved, information on all efforts undertaken by the Division to achieve the goals in the current fiscal year and a proposed plan for achieving the goals in the subsequent fiscal year; and***

~~[(f)]~~ ***(g) Any other information deemed relevant by the Office.***

2. The reports required pursuant to subsection 1 must be submitted within ~~[15]~~ 30 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in section 8 of this act.

(b) "Office" means the Office of Economic Development.

Sec. 6. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 17, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Local emerging small business" means a business that has been certified by the Office pursuant to section 12 of this act.***

Sec. 9. ***"Local purchasing contract" has the meaning ascribed to it in section 1 of this act.***

Sec. 10. ***"State purchasing contract" has the meaning ascribed to it in ~~[NRS 333.020.]~~ section 2 of this act.***

Sec. 11. ***1. To be eligible for certification as a local emerging small business, a business must:***

(a) Be in existence, operational and operated for a profit;

(b) Maintain its principal place of business in this State;

(c) Be in compliance with all applicable licensing and registration requirements in this State;

(d) Not be a subsidiary or parent company belonging to a group of firms that are owned or controlled by the same persons if, in the aggregate, the group of firms does not qualify pursuant to subsection 2 or 3 for designation as a tier 1 firm or a tier 2 firm; and

(e) Qualify pursuant to subsection 2 or 3 for designation as a tier 1 firm or a tier 2 firm.

2. To be designated a tier 1 firm, a business must not employ more than 20 full-time or full-time equivalent employees and:

(a) If the business is involved in ~~[the performance of contracts on public works,]~~ providing construction services, the average annual gross receipts for the business must not exceed $1.7 million for the 3 years immediately preceding the date of application for certification as a local emerging small business; or

(b) If the business is involved in ~~[state or local purchasing,]~~ the sale of goods or in providing services other than construction services, the average annual gross receipts for the business must not exceed $700,000 for the 3 years immediately preceding the date of application for certification as a local emerging small business.

3. To be designated a tier 2 firm, a business must not employ more than 30 full-time or full-time equivalent employees and:

(a) If the business is involved in ~~[the performance of contracts on public works,]~~ providing construction services, the average annual gross receipts for the business must not exceed $3.5 million for the 3 years immediately preceding the date of application for certification as a local emerging small business; or

(b) If the business is involved in ~~[state or local purchasing,]~~ the sale of goods or in providing services other than construction services, the average annual gross receipts for the business must not exceed $1.3 million for the 3 years immediately preceding the date of application for certification as a local emerging small business.

4. In determining if a business qualifies for a designation as a tier 1 firm or a tier 2 firm pursuant to subsection 2 or 3, the Office shall use the criteria set forth in section 13 of this act to determine whether an employee is a full-time equivalent employee for the purposes of such a designation.

~~[5. The monetary amounts set forth in subsections 2 and 3 must be adjusted for each fiscal year that begins on or after July 1, 2015, by adding to that amount the product of that amount multiplied by the percentage increase in the Consumer Price Index for All Urban Consumers (All Items) between the calendar year ending on December 31, 2013, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Office shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its Internet website or otherwise make that information available to applicants for certification as local emerging small businesses.]~~

Sec. 12. ***1. A business may apply, on a form prescribed by regulation of the Office, to the Office for certification as a local emerging small business. The application must be accompanied by such proof as the Office requires to demonstrate that the applicant is in compliance with the criteria***

set forth in section 11 of this act and any regulations adopted pursuant to section 14 of this act.

2. Upon receipt of the application and when satisfied that the applicant meets the requirements set forth in this section, section ~~[6]~~ 11 of this act and any regulations adopted pursuant to section 14 of this act, the Office shall certify the business as a local emerging small business.

3. The Office shall compile a list of the local emerging small businesses certified pursuant to this section and post the list on its Internet website.

Sec. 13. *To determine whether an employee is a full-time equivalent employee pursuant to section 11 of this act:*

1. An owner of a business applying for certification as a local emerging small business must not be considered a full-time equivalent employee;

2. The period during which the full-time equivalency of an employee is determined must be based on the same period as the tax year for the business applying for certification as a local emerging small business; and

3. The hours worked by part-time and seasonal employees must be converted into full-time equivalent hours by dividing by 2,080 the total hours worked for the business applying for certification by all part-time and seasonal employees.

Sec. 14. *1. The Office shall adopt regulations prescribing:*

(a) The application form and procedure for certification as a local emerging small business; and

(b) The forms for the reports required pursuant to sections 1, 2 and 5 of this act.

2. The Office may adopt regulations to carry out the provisions of sections 7 to 17, inclusive, of this act.

Sec. 15. *1. The Office shall, in consultation with the Department of Business and Industry, establish an outreach program for local emerging small businesses ~~[and]~~ to connect those businesses with state agencies seeking state purchasing contracts and contracts for public works of this State. To the extent practicable, such an outreach program must include private contractors ~~[.]~~ to increase the awareness of those private contractors of the option of using local emerging small businesses to fulfill the contract needs of the private contractors.*

2. The Office shall encourage the Purchasing Division of the Department of Administration and the State Public Works Division of the Department of Administration to:

(a) Use the list of the local emerging small businesses compiled by the Office pursuant to section 12 of this act; and

(b) Develop outreach programs for local emerging small businesses.

Sec. 16. *1. The Office shall establish goals for:*

(a) The submission of bids or proposals by local emerging small businesses for state purchasing contracts ~~[for which the estimated cost is $50,000 or less]~~ and for the awarding of those contracts to local emerging small businesses; and

(b) The submission of bids or proposals by local emerging small businesses for contracts for public works of this State for which the estimated cost is less than $100,000 and for the awarding of those contracts to local emerging small businesses.

2. The Office shall encourage:

(a) Local governments to award local purchasing contracts and contracts for public works of the local government to local emerging small businesses;

(b) Local governments to establish goals for the awarding of local purchasing contracts and contracts for public works of the local government to local emerging small businesses; and

(c) Each local government in a county whose population is less than 100,000 to submit reports to the Office that are similar in nature and frequency to the reports required pursuant to section 1 of this act.

3. The Office, in cooperation with the Office of the Governor, shall establish an annual recognition program for the state agencies that meet the goals established pursuant to subsection 1.

Sec. 17. ***On or before September 15 of each year, the Office shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, for the fiscal year immediately preceding the submission of the report:***

1. A summary of the information submitted to the Office pursuant to sections 1, 2 and 5 and, if applicable, paragraph (c) of subsection 2 of section 16 of this act, including, without limitation, efforts undertaken to achieve any goals established by the Office which were not achieved in the current fiscal year and proposed action plans for achieving those goals in the subsequent fiscal year; and

2. The number of local emerging small businesses which are designated as tier 1 firms and tier 2 firms pursuant to section 11 of this act. The numbers must be reported separately for businesses involved in ~~[the performance of public works]~~ providing construction services and for businesses involved in ~~[state or local purchasing.]~~ the sale of goods or in providing services other than construction services.

Sec. 18. ~~[NRS 333.3364 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 19. 1. The initial reports required pursuant sections 1, 2 and 5 of this act must include information for the period which begins on January 1, 2014, and ends on June 30, 2014.

2. Notwithstanding the provisions of section 17 of this act, the initial report required pursuant to that section must include information for the period which begins on January 1, 2014, and ends on June 30, 2014.

Sec. 20. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~333.3364 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "State purchasing contract" defined. "State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.]~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Bill No. 337.

Bill read second time and ordered to third reading.

Assembly Bill No. 344.

Bill read second time and ordered to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 362.

Bill read second time and ordered to third reading.

Assembly Bill No. 393.

Bill read second time.

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

Amendment No. 300.

AN ACT relating to children; expanding the rights of children placed in foster care with respect to their siblings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law affords specific rights to children who are placed in a foster home by an agency which provides child welfare services. (NRS 432.500-432.550) ~~[This bill expands those rights with respect to relationships between siblings of children placed in foster care.]~~ **Existing law provides a right to a child placed in a foster home to contact and visit his or her siblings, unless prohibited from doing so by court order. (NRS 432.525) Section 1** of this bill provides ~~[a]~~ **that this** right ~~[to a child placed in a foster home,]~~ **does not apply if such contact is contrary to the safety of the child or his or her siblings. Section 1 also adds,** to the extent practicable, **the right for such a child** to have contact with his or her siblings arranged on a regular basis and on holidays, birthdays and other significant life events. **Section 1** further provides that such a child has the right not to have contact or visitation with a sibling withheld as a form of punishment. **Section 2** of this bill provides a child who is placed in a foster home with the right **, consistent with the age and developmental experience of the child,** to be informed of a plan to change, or a change in, the placement of a sibling who is placed in a foster home ~~[.]~~ **unless the sibling objects or such notification is prohibited by court order.**

WHEREAS, The importance of sibling relationships is widely recognized; and

WHEREAS, Siblings share similar history, heritage and culture which is important to preserve; and

WHEREAS, Separation from siblings is a significant and distinct loss, and the effect of that loss can be lessened by frequent contact between siblings; and

WHEREAS, Maintaining sibling relationships fosters a sense of continuity and stability for children placed in foster care; and

WHEREAS, Every foster child deserves to know and be actively involved in the lives of his or her siblings, absent extraordinary circumstances; now, therefore,

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

Section 1. NRS 432.525 is hereby amended to read as follows:

432.525 A child placed in a foster home by an agency which provides child welfare services has the right:

1. To receive information concerning his or her rights set forth in this section and NRS 432.530 and 432.535.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.5225;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to NRS 432.550 without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order ~~[,]~~ ***and to the extent practicable,*** to contact and visit his or her siblings ~~[.]~~ ***, including siblings who have not been placed in foster homes and*** ~~*[, to the extent practicable,]*~~ ***to have such contact arranged on a regular basis and on holidays, birthdays and other significant life events*** ~~*[.]*~~ ***, unless such contact is contrary to the safety of the child or his or her siblings.***

13. Not to have contact or visitation with a sibling withheld as a form of punishment.

Sec. 2. NRS 432.530 is hereby amended to read as follows:

432.530 With respect to the placement of a child in a foster home by an agency which provides child welfare services, the child has the right:

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home ***.*** ~~*[or, to the extent practicable, to be placed in close proximity to his or her siblings to facilitate frequent contact.]*~~

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

4. ~~[To]~~ Consistent with the age and developmental experience of the child, except as otherwise prohibited by court order or unless the sibling objects, to be informed of any plan to change, or change in, the placement of a sibling, including, without limitation ~~[, a plan]~~ :

(a) A plan adopted pursuant to NRS 432B.553 for the permanent placement of the sibling; and

(b) Any plan to change the placement of, or a change in the placement of, a sibling resulting from adoption, reaching the age of 18 years or otherwise leaving a foster home.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.
Bill read second time and ordered to third reading.

Assembly Bill No. 419.
Bill read second time and ordered to third reading.

Assembly Bill No. 422.
Bill read second time and ordered to third reading.

Assembly Bill No. 426.
Bill read second time and ordered to third reading.

Assembly Bill No. 428.
Bill read second time and ordered to third reading.

Assembly Bill No. 432.
Bill read second time and ordered to third reading.

Assembly Bill No. 445.
Bill read second time and ordered to third reading.

Assembly Bill No. 454.
Bill read second time and ordered to third reading.

Assembly Bill No. 466.
Bill read second time and ordered to third reading.

Assembly Bill No. 483.
Bill read second time and ordered to third reading.

Assembly Bill No. 492.
Bill read second time and ordered to third reading.

Assembly Bill No. 493.
Bill read second time and ordered to third reading.

Assembly Bill No. 495.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.
Resolution read second time and ordered to third reading.

Senate Bill No. 139.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.
Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 96.

JOINT ~~[SPONSOR: ASSEMBLYMAN~~] SPONSORS: ASSEMBLYMEN Hardy **AND OHRENSCHALL**

WHEREAS, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world; and

WHEREAS, Ecumenical Patriarch Bartholomew, the See leader, cosponsored the Conference on Peace and Tolerance in 1994 and 2005, fostering an interfaith dialogue among Christian, Jewish and Muslim religious leaders to help end regional ethnic conflicts; and

WHEREAS, In 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal; and

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States; and

WHEREAS, Since 1453, the presence of the Ecumenical Patriarchate as international head of the Greek Orthodox Church in Turkey testifies to religious coexistence; and

WHEREAS, The Turkish Government has limited those able to hold the office of Ecumenical Patriarch to Turkish nationals, threatening the viability of succession; and

Whereas, The Turkish Government confiscated a large percentage of the Ecumenical Patriarchate's and the Greek community's properties, placed a

high tax on one of the Patriarchate's charity hospitals, the Baloukli Hospital and Home for the Aged, and closed the Theological School of Halki in 1971, impeding Orthodox clergy training; and

WHEREAS, The European Council is involved in ongoing accession negotiations with Turkey, and the Turkish Government's current treatment of the Ecumenical Patriarchate is inconsistent with the defined membership criteria for accession to the European Union; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 77th Session of the Nevada Legislature do hereby urge the Government of Turkey to uphold and safeguard religious and human rights without compromise, to grant the Ecumenical Patriarch appropriate international recognition, including ecclesiastic succession and the right to train clergy of all nationalities, and to respect the human rights and property rights of the Ecumenical Patriarchate, including cessation of discrimination; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 31, 74, 138, 139, and 294 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 46, 76, 239, 276, 290, 344, 362, 419, 422, 428, 454, 466; Assembly Joint Resolution No. 8 be taken from the General File and rereferred to the Committee on Ways and Means.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Frierson moved that Assembly Bills Nos. 60, 135, 300, and 377 be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Horne moved that the Assembly recess until 1:15 p.m.
Motion carried.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 1:32 p.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.
Bill read third time.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
Assembly Bill 2 makes various changes to provisions governing the Land Use Planning Advisory Council. It specifies that the Governor's appointments to the Council will represent each county based on nominations provided by the boards of county commissioners of the counties. In addition to 17 voting members appointed by the Governor, the bill provides that one nonvoting member will be appointed to the Council by the Nevada Association of Counties. The bill further provides that Council members who are also county commissioners may be appointed by the Governor to one other board, commission, or similar body.

Roll call on Assembly Bill No. 2:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 2 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 13.
Bill read third time.
Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 13 requires the Local Government Employee-Management Relations Board to conduct a hearing within 180 days after the Board decides to hear a complaint.

Roll call on Assembly Bill No. 13:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 13 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 14 revises various provisions governing persons who are engaged in the sale of vehicles. Specifically, the bill provides that a licensed and bonded dealer, lessor, or rebuilder is responsible for notifying the Department of Motor Vehicles within ten days of either commencing or ceasing an employment relationship with a person who was hired as a salesperson. Upon cessation of an employment relationship, a dealer must, by the end of the next business day after the employment ceases, return to the salesperson his or her license.

Roll call on Assembly Bill No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 14 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 16 creates the State Administrative Manual in statute. The measure establishes certain procedural requirements to be met by the Director or the Chief of the Budget Division, Department of Administration, as applicable, in connection with the adoption, amendment, or repeal of policies and procedures to be compiled and published in the SAM—State Administrative Manual.

Roll call on Assembly Bill No. 16:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 16 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 19 abolishes the State Advisory Board of Trustees for the Trust Relating to the Fairground and transfers the duties of that Board to the Nevada Junior Livestock Show Board. The bill also adds a representative from the Reno Rodeo Association to the Nevada Junior Livestock Show Board.

Roll call on Assembly Bill No. 19:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 19 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 22 allows the Administrator of the Manufactured Housing Division to waive the continuing education requirement for a specialty serviceperson if that serviceperson holds a license issued by the State Contractors' Board and such a waiver would be in the state's best interest.

Roll call on Assembly Bill No. 22:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 22 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Assembly Bill 30 specifies that the community notification website maintained by the Central Repository of Criminal Records is the source of information available to the public concerning offenders listed in the statewide registry of sex offenders. This measure also removes the

requirement that the Central Repository of Criminal Records maintain a log of requests for information from the website, and it provides that the contents of a record of registration are confidential and not subject to inspection by the general public.

Roll call on Assembly Bill No. 30:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.

Assembly Bill No. 30 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.
Bill read third time.
Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 39 limits the sale or transfer of certain materials that can be used to manufacture methamphetamine to 9 grams to the same person within a 30-day period. The bill requires the Board of Pharmacy to approve a real-time, stop sale system, if one is available, for use by pharmacies in this state to limit sales of these chemicals. After approval, a pharmacy will be required to use the system and will be prohibited from completing a sale or transfer if the system alerts that the transaction would be in violation of the law.

Roll call on Assembly Bill No. 39:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.

Assembly Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.
Bill read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 40 authorizes the State Board of Parole Commissioners to enter into an agreement with the manager of an automated victim notification system in order to provide required notice when an offender requests to serve a term of residential confinement, the Board fixes the date of a parole hearing, or the Board makes a final decision on the parole of an offender.

Roll call on Assembly Bill No. 40:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.

Assembly Bill No. 40 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 45 eliminates the requirement that the Administrator of the State Library and Archives, Department of Administration, must maintain custody of the description of the State Seal and other such seals and expired official bonds approved by the Governor. The measure expands the inspection authority of the Administrator to include confidential or privileged information, with certain requirements, in records in the custody of state or local governmental agencies and prohibits the Administrator from disclosing any such confidential or privileged information. The Division of State Library and Archives is authorized to provide microfilming and digital imaging services for the records of the Legislative and Judicial Branches of state government, upon request.

Finally, A.B. 45 eliminates certain duplicative provisions found in state law.

Roll call on Assembly Bill No. 45:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 45 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 55 imposes enhanced penalties for attempting or conspiring to commit embezzlement or obtain money or property of a value of $650 or more by false pretenses against a person who is 60 years of age or older or a vulnerable person.

Roll call on Assembly Bill No. 55:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 55 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 66, in its first reprint, eliminates the requirement that the State Board of Equalization provide notice by registered or certified mail to persons whose assessed valuation may increase as a result of a broad equalization action by the State Board. The State Board must still provide notice to the taxpayers who may be affected by these actions by first-class mail. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 66:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 66 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 69 adds a requirement that proposed crematories in an incorporated city with a population of 60,000 or more, or unincorporated towns adjacent to such cities, must be located in zones for mixed, commercial, or industrial use and be at least 1,500 feet from any residential use zone.

As I said in committee, I am dying to speak about this heated topic. I know many of you may have questions, but I can assure you that I would not be speaking about this if it were not a burning issue in my district. I'm sure the white flags are flying already, so I will end my remarks before they become too well done. I urge your support so that we can lay this issue to rest, so it doesn't return session after session or become resurrected this session as a zombie bill.

Roll call on Assembly Bill No. 69:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 69 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblymen Aizley, Hickey, Livermore, Bustamante Adams, and Carlton.

ASSEMBLYMAN AIZLEY:

Assembly Bill 75 allows the county assessor in each of Nevada's counties the option of publishing the list of taxpayers and assessed valuations on an Internet website maintained by the county or the county assessor or publish the list in the newspaper.

If the assessor elects to publish this list on the website, he or she must provide notice through a newspaper advertisement to inform the public that the list has been made available on the

Internet. The assessor must also provide information about the availability of the list on the annual assessed value notice that is sent out to taxpayers on or before December 18 of each year.

Finally, in counties whose population is less than 100,000, the county assessor must also print at least ten copies of the notice that are available to the general public upon request. Collectively, passing this bill will save the counties more than $1 million. In these days of waste, fraud, and abuse, it seems that it should be the thing to do to save, and not to waste, this money. We have an option of publishing in a newspaper at a cost of more than a million dollars or on the web for practically nothing. Environmentally, we will save millions of pages of newspaper and ink being buried in the local landfills. I think that it is necessary at this time to pass this bill. Thank you.

ASSEMBLYMAN HICKEY:

I rise is opposition to A.B. 75. When I first heard this very meritorious bill in committee, I saw it as a cost saving measure, as noted by its sponsor. It was on that basis that I voted for the bill. I failed to look, though, at the amendment brought by the counties that was added to the bill, and therefore I have changed my mind because, briefly, studies have shown that at least one-third of Nevadans don't have a computer or access to one. The people shut out will tend to be seniors on fixed incomes, minorities, and especially rural residents, where Internet access, like cell phones, can be spotty at best. In those communities, the local newspaper is the major media. The published tax rolls are much more widely read and used in the rural counties of the state and by their senior population. That is where they have always read the tax rolls, and that is where they want to find them. For that reason, I will be voting against A.B. 75.

ASSEMBLYMAN LIVERMORE:

I also rise in opposition of A.B. 75. I guess I am a traditionalist. I am 72 years of age, and I have gotten my tax rolls with my information from the newspaper. It is very reliable, it is very available to me, and as I think my colleague from Reno said, a third of Nevadans, especially senior citizens, do not have the Internet. This will not help them in any regards to receive notice of what their assessed values are.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of A.B. 75. During our testimony in Taxation, the rurals were actually the ones that came forth and asked to be included in this bill, because originally, they were not. They face similar issues of having voluminous amounts of paper, so they just want the option to be able to use the Internet to provide this information to their consumers. In addition, it gives the option to also provide it in the newspaper, so it doesn't totally delete it. It gives them the option to put it on their website, through the Internet, and through the papers. Also, for the rural counties, the assessor must make ten copies of the list available to the public for free during normal business hours for 60 days. And as I said, they must publish it twice in the newspapers, so it is not a total elimination, and the rurals asked to be included.

ASSEMBLYWOMAN CARLTON:

I rise in support of A.B. 75. This large newspaper is wrapped in plastic and dropped on your driveway at the very beginning of the year, and only goes to subscribers. Therefore, it has a limited reach to a lot of folks. This bill will allow more people to get more information and will make it more accessible so I stand in support of Assembly Bill 75.

Roll call on Assembly Bill No. 75:

YEAS—36.

NAYS—Ellison, Fiore, Hickey, Livermore—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 75 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 79 establishes the Nevada Early Childhood Advisory Council by the Governor. Membership of the Council is appointed by the Governor and consists of representatives as required by federal law, plus representatives from nonprofit organizations located in southern and northern Nevada that provide early childhood education programs.

Among other things, the Council is required to strengthen state-level coordination of early childhood education programs among various sectors, conduct periodic statewide needs assessments, and assess effectiveness of higher education institutions related to early childhood educators. The Council also develops recommendations for increasing student participation, developing core elements and standards, establishing statewide professional development for teachers, and increasing parental involvement.

This is a continuation of an entity that was previously created by Executive Order. We appreciate the partnership and all the work that everyone puts into early childhood education in the state.

Roll call on Assembly Bill No. 79:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 82 prohibits a party from presenting evidence of a child's previous sexual conduct to challenge the child's credibility unless the attorney for the child or the district attorney have first presented evidence

Assembly Bill 82 simply applies the rape shield law that currently is applied to adults in court, to children so that children victims get the same protection that adults do.

Roll call on Assembly Bill No. 82:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 82 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 84 requires a district court in a county whose population is 700,000 or more to establish, to the extent funds are available, a program for the treatment of veterans and members of the military, to which it may assign a defendant who suffers from alcohol or drug abuse, mental illness, or posttraumatic stress disorder. The bill also requires a district court, in determining whether a defendant is disqualified from participation in such a program for committing an offense involving the use or threatened use of force or violence, to consider the facts and circumstances surrounding the offense, including whether the defendant intended to place another person in reasonable fear of bodily harm.

Roll call on Assembly Bill No. 84:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 84 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 85 prohibits a local government; the Administrator of the Purchasing Division, Department of Administration; and a board of trustees of a school district from joining, using, or entering into a contract or agreement previously established by another public body with the vendor if a contractor's license is required for any portion of the contract or agreement.

Roll call on Assembly Bill No. 85:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 85 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 102 defines the crime of organized retail theft as intentionally committing, alone or with others, a series of thefts of retail merchandise against one or more merchants with the intent to return or resell the merchandise for value.

Roll call on Assembly Bill No. 102:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 102 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 108 provides that a person who is adjudicated to be mentally incompetent or a ward who is placed under a guardianship is not ineligible to vote unless the court makes a specific finding based on clear and convincing evidence that the person or ward lacks the mental capacity to vote.

Additionally, it also clarifies the procedures by which registration is cancelled and reinstated based upon the orders of the court.

Roll call on Assembly Bill No. 108:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 108 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 110. Assembly Bill 110 provides that a dog may not be found to be dangerous or vicious based solely on its breed, and it prohibits a local authority from adopting or enforcing an ordinance or regulation that deems a dog dangerous based solely on its breed.

If this bill passes, we will know the dog days of session are here. But seriously, this is a very important measure to prevent breed discrimination.

Roll call on Assembly Bill No. 110:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 110 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 116 adds concealing and aiding in the destruction or concealment of material evidence to the acts that may make a person an accessory to a crime. The bill also adds the domestic partner of a principal offender to the list of persons who are not considered accessories after the commission of a felony or gross misdemeanor. The bill removes brothers, sisters, parents, grandparents, children, and grandchildren of a principal offender from the list of persons who may not be considered accessories after the commission of a felony, and it provides that such persons who are accessories will only be guilty of a gross misdemeanor.

Roll call on Assembly Bill No. 116:

YEAS—39.

NAYS—Fiore.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 116 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 117 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 134 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 128 exempts the following persons from requirements to pay an aquatic invasive species fee and display an AIS decal in Nevada: (1) a person who operates a vessel on the Colorado River, Lake Mead, or Lake Mohave, if the vessel is registered in Arizona and Arizona has an AIS management program to that effect; and (2) a person who operates a vessel on Lake Tahoe or Topaz Lake, if the vessel is registered in California and California has an AIS management program in effect.

Roll call on Assembly Bill No. 128:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 128 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 132.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:
Assembly Bill 132 provides that a person employed by a licensed agency to provide personal care services in the home is not liable for civil damages as the result of a certain act or omission not amounting to gross negligence. This immunity from liability applies to a person who has successfully completed training in cardiopulmonary resuscitation or emergency care of a person in cardiac arrest and renders emergency assistance to an elderly or disabled person in good faith and in accordance with his or her training.

Roll call on Assembly Bill No. 132:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 132 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 154.
Bill read third time.
Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:
I rise in support of Assembly Bill 154. Assembly Bill 154 authorizes a multidisciplinary team reviewing the death of a child to use aggregated and unidentified data relative to the death of a child for research and prevention purposes. The bill consolidates the state administrative team into the Executive Committee to Review the Death of Children, which is required to review reports and recommendations of multidisciplinary teams. Additionally, this bill provides that certain administrators of child welfare agencies and agencies responsible for mental health and public safety serve as nonvoting members of the Executive Committee.

Roll call on Assembly Bill No. 154:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 155. Assembly Bill 155 makes various changes related to the reporting of suspected child abuse and neglect. The bill requires mandatory reporters of child abuse to be informed in writing or by electronic communication of their duty as mandatory reporters. Current mandatory reporters must be informed either at the next renewal time for licensure, certificate, or endorsement, and current nonlicensed reporters must be informed by December 31, 2013. After each regular session of the Legislature, the Legislative Committee on Health Care must review any additions of statutory chapters related to health care to determine if licensees should be included as mandatory reporters and must report any findings to the Legislature.

The bill provides that attorneys are not mandated to report suspected abuse or neglect of a child if the information was acquired through privileged communication with a client who has been or may be accused of committing the abuse or neglect, or is the victim, is in foster care, and does not give consent to the report.

However, this bill does not relieve the attorneys of the duty to advocate for and take actions to protect the safety of their client. Also, the requirement for certain child welfare services or law enforcement agencies to investigate immediately a report concerning the possible abuse or neglect of a child solely because that child is five years of age or younger is removed. The bill increases the penalty for a second or subsequent failure of a mandatory reporter to report abuse or neglect to a gross misdemeanor. Lastly, the bill expands the "Safe Haven" provider definition to include volunteer fire departments and any ambulance service as receiving entities for "Safe Haven" babies.

Roll call on Assembly Bill No. 155:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 155 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 156. Assembly Bill 156 provides that a person may not petition the court to seal records related to a felony conviction for driving a vehicle or watercraft under the influence; driving a vehicle or watercraft under the influence resulting in death or substantial bodily harm; vehicular homicide; or homicide by watercraft.

Assembly Bill 156 also authorizes a person to petition the court, after the statute of limitations has run or pursuant to a stipulation between the parties, for the sealing of all records relating to his or her arrest and proceedings if the prosecuting attorney declined to prosecute the charges. If the records are sealed, the bill authorizes the prosecuting attorney to file the charges before the statute of limitations has run and to inspect the records without having to petition the court.

Roll call on Assembly Bill No. 156:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 156 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

I rise in support of Assembly Bill 158. Assembly Bill 158 renames the State Program for Fitness and Wellness to be the State Program for Wellness and the Prevention of Chronic Disease. The bill also makes a corresponding name change to the Advisory Council for the State Program. The scope of the Advisory Council is expanded to include, among other topics, behavioral health, nutrition, obesity, tobacco use, and the prevention of various chronic diseases, such as asthma, cancer, and diabetes. Membership of the Advisory Council is expanded from 9 to 13.

The duties of the Health Division, Department of Health and Human Services, are revised to include preparing periodic burden reports that measures the impact of a health problem or chronic disease, making recommendations for programs that reduce incidences of chronic disease, and working with community organizations on chronic disease prevention.

Roll call on Assembly Bill No. 158:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 158 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 170 makes various changes relating to the advanced practice of nursing. The term "advanced practitioner of nursing" is replaced throughout the *Nevada Revised Statutes* with the term "advanced practice registered nurse." It's to true us up with the national standards. The bill requires the State Board of Nursing to issue a license to such a nurse, rather than a certificate of recognition; the requirements for issuance are unchanged. Assembly Bill 170 also removes the requirement that a practitioner utilize a protocol approved by a collaborating physician when engaging in selected medical diagnosis and treatment and prescribing controlled substances.

Roll call on Assembly Bill No. 170:

YEAS—36.

NAYS—Paul Anderson, Eisen, Livermore, Sprinkle—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 170 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblymen Healey and Flores.

ASSEMBLYMAN HEALEY:

I rise in support of Assembly Bill 173. Assembly Bill 173 prohibits an electric utility from making changes to a schedule or imposing a rate based on the time of day, day of the week, or time of year during which electricity is being purchased by a residential consumer, unless the consumer has voluntarily subscribed to a program imposing such a rate.

ASSEMBLYWOMAN FLORES:

I actually have question for the bill sponsor. I'm not entirely sure how someone cannot take advantage of a period in which there might be more affordable rates available such as a different time of day—night perhaps. I'm just a little unclear on how the bill does that. So if my colleague from Assembly District 35 could clear that up, I would very much appreciate that.

ASSEMBLYMAN HEALEY:

The intent of this bill is to provide one of two things: most importantly, an option for rate consumers of electricity where the resident can choose to stay on a flat rate, which they currently have now, or potentially go to a time-of-use rate plan, which would be a voluntary opt-in program for consumers. That program has not actually been rolled out as of yet but will be down the road. This just puts it in statute so that the electrical utility company cannot force consumers into a time-of-use plan where the rates would fluctuate based on the time of day or time of year if people choose to stay at a flat rate. So for instance seniors, stay-at-home parents, and people who work from their home who are going to be at home during those high peak times during the day during the summer would be able to stay on a flat rate so their rates would not fluctuate up and down at sometimes six times the cost of what the flat rate fee would be.

Roll call on Assembly Bill No. 173:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 173 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 174 authorizes a child welfare agency to either recommend against further action and return a child home or allow for any party to schedule a hearing for the court to determine whether or not that child should be returned home.

Assembly Bill 174 simply provides a mechanism for the court to determine whether or not a child should be returned home to a dangerous condition, either before or after the ten day deadline.

Roll call on Assembly Bill No. 174:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 174 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 175 allows an overseas voter, and a uniformed-service voter and his or her spouse and dependents, to sign documents for voter registration, balloting, and other voting-related documents, using a digital or electronic signature.

The Secretary of State shall adopt regulations setting forth the duties of local elections officials upon receipt of military-overseas ballots.

This bill follows up on last session's legislation, which started this process for uniformed and overseas military voters, and I urge your support.

Roll call on Assembly Bill No. 175:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 175 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblymen Duncan and Neal.

ASSEMBLYMAN DUNCAN:

Assembly Bill 183 allows any person 16 years of age to donate blood with the consent of his or her parent or guardian.

Currently, 41 other states allow 16-year-olds and older, with the consent of their parents, to donate blood. We're hoping to increase the blood supply here in Nevada, and I urge your support. Thank you, Madam Speaker.

ASSEMBLYWOMAN NEAL:

I have a question for my colleague from District 37. How does a minor agree to do this but not enter into a contact?

ASSEMBLYMAN DUNCAN:

I appreciate the question from my colleague from the district from the south. I'm going to plead the Fifth on this one and just say it's okay because we do it in 41 other states.

Roll call on Assembly Bill No. 183:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 183 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblymen Sprinkle, Bobzien, Bustamante Adams, and Madam Speaker.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 206 requires that volunteer members of a search and rescue operation, acting under the direction of a sheriff in the conduct of any search and rescue operation, be covered at a deemed wage of $2,000 per month for the purposes of receiving industrial insurance benefits.

ASSEMBLYMAN BOBZIEN:

A question to my colleague from Sparks: Could you explain to the body whether an off duty police officer would be such a volunteer under this bill?

ASSEMBLYMAN SPRINKLE:

Through you to my esteemed colleague from Reno. If the police officer is working in a completely volunteer fashion on the search and rescue team and is not being covered under the regular duty and pay, then yes, he would be a volunteer.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Question to the bill sponsor. Do I read it correctly? It says only the sheriff can actually create the search and rescue teams.

ASSEMBLYMAN SPRINKLE:

To my esteemed colleague from the south, that is correct. That is actually in state statute—that only sheriffs in the different counties can actually form designated search and rescue teams within their counties.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I'm curious how long has that been in place—that the sheriff is the only one who can do that.

ASSEMBLYMAN SPRINKLE:

I do not know the answer to that one.

Roll call on Assembly Bill No. 206:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 206 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 212.
Bill read third time.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
Assembly Bill 212 prohibits a prisoner in a local jail from possessing or having custody of a portable telecommunications device. If the prisoner is in custody for a felony, a violation of this prohibition is a category D felony. If the prisoner is in custody for a misdemeanor or a gross misdemeanor, a violation is a misdemeanor or gross misdemeanor, respectively.

Roll call on Assembly Bill No. 212:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 212 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 217.
Bill read third time.
Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:
Assembly Bill 217 requires a county department of juvenile justice services and an agency that provides child welfare services to obtain background checks for each applicant for employment and each employee. The bill authorizes the agency or department to deny or terminate employment based on that background check.

Roll call on Assembly Bill No. 217:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 217 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 240.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 240 provides that if the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent in a civil action concerning injury to persons or property, the liability of the defendants is several.

Assembly Bill 240 really is a clarification of existing law. It simply says that if someone is alleged to have caused injury to a victim, that allegation must be proven, not simply asserted.

Roll call on Assembly Bill No. 240:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 240 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblymen Hansen, Carlton, and Madam Speaker.

ASSEMBLYMAN HANSEN:

Assembly Bill 252 makes various changes to the Nevada Administrative Procedure Act. The measure requires an agency to submit a notice of any meeting or workshop relating to the adoption of a regulation to the Director of the Legislative Counsel Bureau [LCB] at the same time that the agency posts notice of the meeting or workshop on the website maintained by the LCB. If any regulation is not adopted within two years after the date on which it is submitted to the Legislative Counsel, the executive head of an agency is required to appear before the Legislative Commission to explain the failure to do so.

An agency must include a clear and concise explanation of the need for the adopted regulation when submitting the required informational statement with any proposed regulation. The Legislative Commission or the Subcommittee to Review Regulations may object to a regulation if the agency did not provide a satisfactory explanation of the need for the regulation or if the informational statement is insufficient or incomplete. The provisions of this bill apply retroactively to any regulation which has been proposed but not adopted before July 1, 2013, and to any regulation adopted on or after July 1, 2013.

ASSEMBLYWOMAN CARLTON:

If I may ask my colleague from the north, does he have any idea how many regulations this might possibly apply to since it is retroactive and prospective?

ASSEMBLYMAN HANSEN:

In response to my colleague from the south, I have no idea. I don't know how many are currently in a retroactive state. Madam Speaker and I worked together on this a little bit. Does Madam Speaker have any idea?

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Approximately four regulations are outstanding that did not make it through the last workshop process. We have been doing the regulations during session as they have come up, but there are some outstanding that still need workshops. I think there are about four.

ASSEMBLYMAN HANSEN:

I apologize for putting you on the spot. It is a good bill and a necessary one. I will say that there was one brought to us recently in Commerce and Labor that had not been presented to the Legislative Commission after five years, so that is one of the reasons why we wanted to make sure this was retroactive—to force all the different agencies to kind of get their acts together, get all of those things worked out, and submit it to Legislative Commission before they start applying them to everybody. Currently, there really is no provision to force them—after they pass that—to force them to submit that to the Legislative Commission so we have regulatory oversight of it. I hope that answers your question.

Roll call on Assembly Bill No. 252:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 252 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Assembly Bill 249 removes language providing for an appointed district attorney to serve the unexpired remainder of the four-year term. Instead, an appointed district attorney would have to comply with the statutory provisions that apply to appointments made to fill vacancies in most county offices.

Roll call on Assembly Bill No. 249:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 249 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 262 provides that in an action for child custody and visitation, the court may order the parties to pay reasonable attorney's fees, expert fees, and other costs in proportions and at times determined by the court if costs and fees are at issue.

Roll call on Assembly Bill No. 262:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 262 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 277 allows a dental hygienist with a special endorsement in public health dental hygiene to provide certain services without the supervision of an actively licensed dentist under certain circumstances.

Roll call on Assembly Bill No. 277:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 277 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 352 prohibits a person from knowingly advertising, making, possessing, purchasing, selling, or transporting a hoax bomb with intent to: make a reasonable person believe it is an explosive or incendiary device; cause alarm or reaction by an employee, officer, or volunteer of a fire or law enforcement agency; or cause the evacuation of a building, whether or not a threat is conveyed.

Roll call on Assembly Bill No. 352:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 352 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 365 requires the Court Administrator to adopt necessary regulations establishing the criteria and procedures for the appointment of alternate court interpreters for persons with language barriers. The bill requires the regulations to express a preference for appointment of a certified court interpreter before an alternate interpreter.

Assembly Bill 365 also requires an interpreter to be appointed at public expense for a person with a language barrier who is a criminal defendant or witness or who is the child, parent, guardian, or witness in a juvenile proceeding. This measure also requires the replacement of an appointed interpreter who is not communicating accurately or effectively if that fact becomes known to the person making the appointment.

Further, A.B. 365 requires the Advisory Committee on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning language access in the courts and to submit a report and any recommendations for legislation for transmission to the 78th Session of the Nevada Legislature and the Supreme Court of Nevada.

Roll call on Assembly Bill No. 365:

YEAS—36.

NAYS—Ellison, Kirner, Livermore, Wheeler—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 365 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 366 allows a nonprofit cooperative corporation to deal in products of non-members in an amount greater in value than products it handles for members if allowed by its articles of incorporation or bylaws. It also makes various administrative changes.

Roll call on Assembly Bill No. 366:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 366 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblymen Hardy and Hickey.

ASSEMBLYMAN HARDY:

Assembly Bill 381 sets forth a legislative finding that St. Thomas, Nevada, contains unique, culturally important resources. It also encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources to collaborate with Partners in Conservation to identify and develop programs for the preservation and protection of the historical culture of St. Thomas. This bill clarifies that its provisions will not affect or prohibit any planning for or development of water resources, including the attainment of full storage capacity in Lake Mead.

This area was settled in 1865. It was an important crossroads for southern Nevada, and I urge your support in making sure that it is protected when the water is low.

ASSEMBLYMAN HICKEY:

I have a question to the maker of the motion. I wonder if he can speak to the amendment and whether he can personally guarantee that Lake Mead will not reach the level of the fine Virgin River in his dearly beloved Mesquite.

ASSEMBLYMAN HARDY:

To my colleague from District 25, if you had paid attention to the last part of my statement, the "bill clarifies that its provisions will not affect or prohibit any planning for or development of water resources, including the attainment of full storage capacity in Lake Mead."

Roll call on Assembly Bill No. 381:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 381 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Last session there was a bipartisan bill of former Assemblywoman Debbie Smith and Senator Ben Kieckhefer and a recommendation from the Sage Commission to review all boards and commissions within the state of Nevada. We began the process and were able to accomplish 29 reviews. This bill makes some clarifications on membership and also decreases the number of boards we can review, because 29 was too much. We want to do a better job of the evaluation.

Roll call on Assembly Bill No. 383:

YEAS—39.

NAYS—Carlton.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 383 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblymen Swank and Elliot Anderson.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Resolution No. 3. This resolution expresses the Legislature's intent to establish and encourage the creation of a biomass industry in Nevada, in order to expand efforts to manage piñon-juniper woodlands and restore certain ecosystems on public lands. The measure also encourages Congress to extend the authority of the Bureau of Land Management and the United States Forest Service to enter into stewardship contracts or

agreements for management and restoration projects on public lands beyond the current expiration date and to extend the maximum length of those contracts or agreements to 20 years.

ASSEMBLYMAN ELLIOT ANDERSON:

I would ask my neighboring district member: What is biomass? What are we encouraging?

ASSEMBLYWOMAN SWANK:

In answer to the questions my colleague from the south asked, biomass is an organic matter that is used as fuel that comes from managing the piñon-juniper forest. They've kind of overgrown, and so the idea is to trim them back a bit and manage them better, and then we can use the biomass for fuel for renewable energy and also wood products.

Roll call on Assembly Joint Resolution No. 3:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Joint Resolution No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Joint Resolution No. 4 urges the Bureau of Land Management [BLM] and the United States Forest Service [USFS] to assist Nevada with the prevention and suppression of wildfires and repeat wildfires. The resolution states that wildfires negatively affect the ecosystem and that cheatgrass has been a significant contributing factor to wildfire activity in the state. The measure further suggests that, among other options to decrease wildfire activity, the BLM and USFS should partner with local agencies and other interested parties and may also consider partnering with the livestock industry to determine whether increased grazing under certain circumstances would reduce the frequency of wildfires and enhance rangeland and forest conditions. This resolution is effective upon passage.

Roll call on Assembly Joint Resolution No. 4:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Joint Resolution No. 4 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Paul Anderson, Bobzien, and Hansen.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Joint Resolution No. 5 notes that Nevada has an abundance of natural and renewable resources, many of which are located on public lands that are managed and controlled

by the federal government. This resolution urges Congress to ensure that such lands remain open and accessible to multiple uses. This measure also urges Congress to enact legislation to ensure that the state and affected local governments in the state receive a portion of the revenue received by the federal government for activities conducted on those lands, including activities that generate electricity from geothermal resources.

ASSEMBLYMAN BOBZIEN:

To my colleague from the south, I was wondering if he could, following the preamble, talk a little bit about the first item that is being urged of Congress. There is the urging that the federal lands remain open and accessible to multiple uses. Which multiple uses are we talking about here?

ASSEMBLYMAN PAUL ANDERSON:

Thank you for that most eloquent question from my colleague from District 24.

Multiple uses—shall I list the many whereas and wheretos? I have no answer to that. Recreation use, conservation, all of them, all the good things we can do on our federal lands, including geothermal uses. Are you asking for the very first one?

ASSEMBLYMAN BOBZIEN:

To my colleague from the south, that was a wonderful enumeration of the various multiple uses.

ASSEMBLYMAN HANSEN:

Actually, I wasn't going to comment on what my colleague from Reno is commenting on. We need to give a special thank you for Assembly Joint Resolutions 3, 4, and 5 to the chair of the Public Lands Committee, from District 14 who was really behind all of those. She did a marvelous job in managing that committee and dealing with things like biomass and multiple uses, including grazing, off-road vehicle use, hunting, mining; all of those things are the multiple uses. She really did an outstanding job, and those three resolutions are a direct result of her leadership. I just wanted to rise and give her a public thank you for her excellent job as chairwoman.

Roll call on Assembly Joint Resolution No. 5:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblymen Oscarson, Bobzien, and Hardy.

ASSEMBLYMAN OSCARSON:

I rise in support of Senate Bill 121. It authorizes the transfer of the Belmont Courthouse from state ownership to Nye County. The measure sets forth a number of conditions relating to this transfer, including the requirements that Nye County protect all historical and recreational value of the property and guarantee public access to the property. In addition, the county or any successor in title shall not sell, lease, encumber, or dispose of the property without authorization by a concurrent resolution of the Nevada Legislature. Any violation of these conditions will result in the reversion of the title to the property back to the state of Nevada.

ASSEMBLYMAN BOBZIEN:

To my colleague from the south, I wonder if the speaker for the bill could name for this body one of the more famous visitors to the Belmont Courthouse?

ASSEMBLYMAN OSCARSON:

Madam Speaker, it's my understanding that Charles Manson once visited the courthouse.

ASSEMBLYMAN HARDY:

I'd like to ask my colleague from the south a question we keep hearing over and over again in this body. Given how devastating the economy is for Nye County, how can Nye County afford to take over this wonderful facility at this time?

ASSEMBLYMAN OSCARSON:

Madam Speaker, thank you for the opportunity to elaborate on that. To my colleague from almost Utah, there is an organization in place called the Friends of Belmont Courthouse that is raising money, currently, as we speak. It has raised a significant amount of money to continue to maintain and operate that facility in the manner in which we believe it should be in Nye County, and Nye County is proud to have that in our county again.

Roll call on Senate Bill No. 121:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Senate Bill No. 121 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 60, 135, 300, 377, and 134 be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:18 p.m.

ASSEMBLY IN SESSION

At 3:21 p.m.

Madam Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Thalia Dondero.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Simon.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hidden Valley Elementary School: Kriseyah Alvarez, Alexander Malagar, Stephen Wampler, Erika Castellanos Najera, Adrian Mariscal, Hector Zepeda, Sherry Davis, Alexia Morales Silis, Samantha Hessler, Raina Northrup, Devin Huckabey, Jalyn Ponce, Aleixis Jara, Jason Rojas Jr., Keighly Jones, Alvin Solis, Jillian Lane, Michael Ta, Derrick Dale Ledesma, Noah Tover, Savannah Lopez, Norma Vega Rivera, Kyradela Applebach, Carson Beers, Sarah Bingham, Ryan Brizuela, Crystal Caycho, Jewelle Cruz, Juan Franco, Caitlyn Hartman, Nathan Herr, Andrew Herrick, Joseph Keeley, Jacob Kendrick, Abby Krause, Julius Malagar, Katelyn McKemy, Rachel Morton, Daniel O'Brien, Kiana O'Daye, Kylee Rather, Zachary Rios, George Volk, Anthony Wayson, Megan Wilson, Siana Barajas, Jackie Bacerra, Josh Boyce, Austen Brantner, Leilani Buentiempo, Kloe Bullock, Eadrian Carreon, Jessica Esquivel, Angelo Garbarini, Angel Garcia, Amanda Goforth, Santiago Guzman, Kiley Hernandez, Derrek Klein, Lizbeth Liquidano, Michael Matherly, Natalie Mock, Sarah Morton, Jeanalynn Ramas, Andrew Shelton, Jewel Smith, Ian William, Edgar Zarate, and Joshua MacDonald.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from the Douglas County Schools Partnership of Community Resources: Breanna Taylor, Chris Baird, Connor Mone, Delphena Hyatt, Mikayla Cloney, Reece Resnik, Robin Smuda, Sarah Kilpatrick, Sarah Sandell, Spencer Flanders, Taylor Stokes, Sarah Encee, Sabrina Martinez, Clayton Graver, Jarrod Becker, Amanda Howell, Blasé Acolino, Daniel Christensen, Isabella Lundberg, Jennie Stokes, Josh Cassity, Sasha Ewbank, Daija Currey, Rachel Santi, Denise Lopez, Alana Blakemore, Audrey Muller, Grant McLean, Isabel Munoz, Jennifer Flores, Juli Garcia, Justin Hubbard, Karina Diaz, Marissa Flanders, Ele Reyes, Marlo Flanders, Eva Lundberg, Tracy Gross, Kris Robison, Lea Morgan, and Neyzer Torres.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 16, 2013, at 11:30 a.m., and that it do so with its thoughts and prayers with those affected by the tragedy at the Boston Marathon.

Motion carried.

Assembly adjourned at 3:23 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 16, 2013

Assembly called to order at 11:58 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Benitez-Thompson, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Dan Aument.

Please pray with me.

God of our salvation, as we come before You in prayer for this body in this place, we remember the terrible events that took place yesterday in Boston. We are deeply saddened by these senseless and hateful acts of violence that echo so many other acts around the world. We pray for those who lost their lives, for those who received life-changing injuries, and for their families and loved ones. Help us to mourn with those who mourn as we lift up our hearts to You in silence now.

We pray for our nation—that we would respond not with blind vindictiveness, but instead with patient mercy and a desire for your universal justice. Give us Your peace that passes understanding. In Your forgiving Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 41, 374, 407, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 10, 44, 97, 98, 146, 182, 202, 273, 313, 325, 358, 378, 389, 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 441, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 18, 21, 129, 165, 176, 256, 282, 305, 379, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 79, 202, 215, 216, 227, 262, 279, 281, 304, 335, 347, 351, 365, 405, 419, 434, 437, 438, 443, 457, 458; Senate Joint Resolution No. 14.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 4, 5, 7, 12, 18, 22, 35, 40, 51, 55, 61, 78, 98, 102, 108, 125, 130, 162, 167, 169, 206, 237, 264, 274, 284, 338, 342.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 14.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 5.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 7.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 12.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 18.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 22.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 35.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 40.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 51.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 55.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 61.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 78.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 79.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 98.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 102.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 108.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 125.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 130.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 162.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 167.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 169.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 202.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 206.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 215.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 216.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 227.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 237.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 262.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 264.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 274.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 279.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 281.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 284.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 304.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 335.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 338.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 342.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 347.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 351.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 365.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 405.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 419.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 434.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 437.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 438.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 443.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 457.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 458.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

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

Amendment No. 430.

AN ACT relating to chiropractic; revising certain provisions governing unprofessional conduct by a chiropractor or chiropractor's assistant; revising the information which must be submitted by an applicant for a license to practice chiropractic; revising provisions relating to the score which an applicant must obtain on an examination for a license to practice chiropractic; revising provisions governing temporary licenses to practice chiropractic; revising provisions governing the renewal of a license to practice chiropractic and a certificate as a chiropractor's assistant; revising provisions governing the reinstatement of a license to practice chiropractic; ~~[revising the circumstances under which a chiropractor may pierce or sever any body tissue;]~~ revising certain fees charged and collected by the Chiropractic Physicians' Board of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an applicant for a license to practice chiropractic in Nevada must submit an application to the Chiropractic Physicians' Board of Nevada and must obtain a passing score on an examination administered by the Board. (NRS 634.070, 634.080, 634.100) **Section 3** of this bill revises the information an applicant for a license to practice chiropractic must submit to the Board to include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic. **Section 4** of this bill revises provisions setting forth the passing score for the examination for a license to practice chiropractic.

Existing law provides that a chiropractor or chiropractor's assistant may be disciplined for unprofessional conduct. (NRS 634.018, 634.140) **Section 2** of this bill provides that unprofessional conduct includes advertising, by any form of public communication, a chiropractic practice: (1) using grossly improbable statements; or (2) in any manner that will tend to deceive, defraud or mislead the public.

Existing law provides that a temporary license to practice chiropractic in this State is valid for the 10-day period designated on the license and is not renewable. (NRS 634.115) **Section 5** of this bill revises provisions governing a temporary license to practice chiropractic in this State to provide that a temporary license is: (1) valid only for the period designated on the license, which must be not more than 10 days; (2) valid for the place of practice designated on the license; and (3) not renewable.

Existing law provides that the holder of a license to practice chiropractic or a certificate as a chiropractor's assistant must complete a certain number of hours of continuing education during the 24 months immediately preceding the renewal date of the license or certificate. Existing law additionally requires a licensee or holder of a certificate as a chiropractor's assistant to pay a fee upon the renewal of the license or certificate. (NRS 634.130) **Section 6** of this bill provides that the Board may waive the continuing education requirements for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate. **Section 6** also authorizes the Board to waive the renewal fee for such a licensee or holder of a certificate.

Section 8 of this bill increases from $25 to $50 the fee which the Board may charge and collect for review of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.

Section 9 of this bill deletes a provision that authorizes a person whose license to practice chiropractic has been revoked to apply to the Board for the restoration of the license in certain circumstances.

~~**[** Existing law prohibits a chiropractor from piercing or severing any body tissue, except to draw blood for diagnostic purposes. (NRS 634.225) Section 10 of this bill revises that provision to authorize a chiropractor to pierce or sever any body tissue for diagnostic purposes.**]**~~

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

Section 1. ~~**[**NRS 634.0173 is hereby amended to read as follows:~~

~~634.0173 "Manipulation" means an application of a resistive movement by applying a nonspecific force, *[with or]* without the use of a thrust, which is directed into a region and not into a focal point of the anatomy.**]**~~ **(Deleted by amendment.)**

Sec. 2. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising ***, by any form of public communication, a*** chiropractic ~~[business in which]~~ ***practice:***

(a) Using grossly improbable statements ~~[are made, advertising in]~~ ***; or***

(b) In any manner that will tend to deceive, defraud or mislead the public ***.*** ~~[or preparing, causing to be prepared, using or participating in the use of any form of public communication that contains professionally self-laudatory statements calculated to attract lay patients.]~~

➥ As used in this subsection, "public communication" includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians' Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee's designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle accident, involved in a work-

related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

Sec. 3. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application not less than 60 days before the date of the examination.

2. An application must be filed with the Secretary of the Board on a form to be furnished by the Secretary.

3. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate ~~[of the Secretary of]~~ ***from*** the chiropractic board of ~~[the]~~ ***each*** state in which the applicant was ~~[last]~~ licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

4. An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

Sec. 4. NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board not less than 60 days before the date of the examination.

2. Except as otherwise provided in NRS 622.090 ~~[.]~~ ***:***

(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.

(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed ***.*** ~~[with a score of 75 percent or higher.]~~

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 5. NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the required fee and the approval of its Secretary and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the Secretary of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. An application for a temporary license must be accompanied by a fee of $50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license ~~[is]~~ ***:***

(a) Is valid for the ~~[10-day]~~ period designated on the license ***, which must be not more than 10 days;***

(b) Is valid for the place of practice designated on the license; and ~~[is]~~

(c) Is not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

Sec. 6. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. ~~[Each]~~ ***Except as otherwise provided in subsection 9, each*** person who is licensed ***or holds a certificate as a chiropractor's assistant*** pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal ***license or*** certificate which authorizes the person to continue to practice for 2 years.

2. ~~[The]~~ ***Except as otherwise provided in subsection 9, the*** renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of:

(a) Each odd-numbered year for a licensee; and

(b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5 ~~[or 6,]~~ ***, 6 or 7,*** a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5 ~~[or 7,]~~ ***, 6 or 8,*** a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license ~~[.]~~ ***or certificate.***

6. ***The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.***

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

~~[7.]~~ ***8.*** A ~~[certificate]~~ holder ***of a certificate as a chiropractor's assistant*** is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the ~~[certificate]~~ holder ***of a certificate*** an initial certificate to practice as a chiropractor's assistant in this State.

~~[8.]~~ ***9. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.***

10. If a licensee fails to:

(a) ~~[Pay]~~ ***Except as otherwise provided in subsection 9, pay*** the renewal fee by January 1 of an odd-numbered year;

(b) ~~[Submit]~~ ***Except as otherwise provided in subsection 5 or 6, submit*** proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the license ~~[is]~~ automatically ~~[suspended]~~ ***expires*** and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license ~~[was suspended,]~~ ***expired,*** of the required fee for reinstatement in addition to the renewal fee.

~~[9.]~~ ***11.*** If a holder of a certificate as a chiropractor's assistant fails to:

(a) ~~[Pay]~~ ***Except as otherwise provided in subsection 9, pay*** the renewal fee by January 1 of an even-numbered year;

(b) ~~[Submit]~~ ***Except as otherwise provided in subsection 5 or 6, submit*** proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the certificate ~~[is]~~ automatically ~~[suspended]~~ ***expires*** and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 7. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license ~~[has been automatically suspended]~~ ***expires*** pursuant to the provisions of subsection ~~[8]~~ ***10*** of NRS 634.130 and ***the license was*** not reinstated pursuant to the provisions of that subsection, the

person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have ~~[a suspended]~~ ***an expired*** license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; and

(2) The fee for reinstating a license to practice chiropractic which has ~~[been suspended or revoked.]~~ ***expired.***

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of ~~[a suspended]~~ ***an expired*** license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

Sec. 8. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic	$200.00
For an examination for a license to practice chiropractic	200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant	100.00
For an examination for a certificate as a chiropractor's assistant	100.00

For the issuance of a license to practice chiropractic 300.00
For the biennial renewal of a license to practice Chiropractic 1,000.00
For the biennial renewal of an inactive license to practice Chiropractic 300.00
For the biennial renewal of a certificate as a chiropractor's assistant 200.00
For the restoration to active status of an inactive license to practice chiropractic 300.00
For reinstating a license to practice chiropractic which has ***expired pursuant to NRS 634.130 or has*** been suspended ~~[or revoked]~~ 500.00
For reinstating a certificate as a chiropractor's assistant which has ~~[been suspended]~~ ***expired*** pursuant to NRS 634.130 ***or has been suspended*** 100.00
For a review of any subject on the examination 25.00
For the issuance of a duplicate license or for changing the name on a license 35.00
For written verification of licensure or issuance of a certificate of good standing 25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic 25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice Chiropractic 10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State 35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic 25.00
For each page of a list of continuing education courses that have been approved by the Board 50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges 35.00
For an application for a student or chiropractor to participate in the preceptor program established by the Board pursuant to NRS 634.137 ..... 35.00

For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic..... ~~25.00~~] ***50.00***

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

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 9. NRS 634.204 is hereby amended to read as follows:

634.204 1. Any person:

(a) Whose practice of chiropractic has been limited; or

(b) Whose license to practice chiropractic has been suspended until further order **,** ~~[or revoked,]~~

➥ by an order of the Board may apply to the Board after a reasonable period for removal of the limitation or restoration of his or her license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrant.

Sec. 10. ~~[NRS 634.225 is hereby amended to read as follows:~~

~~634.225 A chiropractor shall not pierce or sever any body tissue, except [to draw blood] for diagnostic purposes.]~~ **(Deleted by amendment.)**

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.

Bill read second time and ordered to third reading.

Assembly Bill No. 120.

Bill read second time.

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

Amendment No. 444.

AN ACT relating to insurance; ~~[requiring an insurer to provide certain information to a policyholder when an insurance score is used to determine an insurance premium;]~~ **requiring the Division of Insurance of the Department of Business and Industry to post certain information on its Internet website;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Subject to certain limitations, an insurer is allowed to use an insurance score, defined as a number or rating that is derived from an algorithm, computer application, model or other process that is based in whole or in part on credit information, when determining an insurance premium. (NRS 686A.660, 686A.680) If an insurer uses credit information in underwriting or rating an applicant, the insurer is required to provide written disclosure that the insurer may obtain credit information in connection with an application. (NRS 686A.700) If an insurer takes adverse action based on credit information, the insurer is required to provide to the applicant or policyholder a detailed explanation of the reasons for the adverse action. (NRS 686A.710) ~~[This bill requires any insurer who uses an insurance score to determine the amount of a premium to provide within the policy: (1) notice that the score was used; (2) the minimum possible insurance score which could have been obtained by any person; (3) the maximum possible insurance score which could have been obtained by any person; and (4) the insurance score actually obtained by the policyholder. Any person who violates this requirement is guilty of a misdemeanor. (NRS 679A.180)]~~ **This bill: (1) requires the Division of Insurance of the Department of Business and Industry to post on its Internet website a list of each authorized insurer that does not use an insurance score when underwriting, rating an applicant for or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance; and (2) authorizes the Division to post certain information relating to the use of insurance scores on its Internet website.**

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

Section 1. NRS 686A.700 is hereby amended to read as follows:

686A.700 1. If an insurer uses credit information in underwriting or rating an applicant, the insurer or its agent shall disclose, either on the application for the policy or at the time the application is taken, that the insurer may obtain credit information in connection with the application. The disclosure must be written or provided to an applicant in the same medium as the application. The insurer need not provide the disclosure required pursuant to this ~~[section]~~ ***subsection*** to a policyholder upon renewal of a policy if the

policyholder was previously provided the disclosure in connection with the policy.

[2.**]** An insurer may comply with the requirements of this **[**section**]** ***subsection*** by providing the following statement:

In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score.

[2. If an insurer uses an insurance score when calculating the premium for a policy of insurance, the insurer must include within the policy:

(a) Notice that the insurance score of the policyholder was used when calculating the premium; and

(b) An explanation of the insurance score used to calculate the premium, which must include, without limitation:

(1) The maximum possible insurance score obtainable by any person under the insurance scoring methodology used by the insurer;

(2) The minimum possible insurance score obtainable by any person under the insurance scoring methodology used by the insurer; and

(3) The actual insurance score assigned to or obtained by the policyholder.]

2. The Division shall post on its Internet website a list of each insurer that does not use an insurance score when underwriting, rating an applicant for or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance and shall update this list on July 1 of each year.

3. The Division may post on its Internet website, without limitation:

(a) General information concerning the use of an insurance score in underwriting, rating an applicant for or calculating the premium for a policy of insurance; and

(b) Applicable laws governing the manner in which an insurance score may be used.

4. As used in this section, "passenger car" has the meaning ascribed to it in NRS 482.087.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 131.

Bill read second time.

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

Amendment No. 260.

AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of the Virgin Valley Water District consists of five members. Of the five members, one member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of the town of Bunkerville and three members are elected from the service area of the District. Of the three elected members, one of the members must reside in the geographical area of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p. 444) **Section 1** of this bill requires that all five members of the Board be elected from the service area of the District. **Section 1** also requires that two of the five members be elected from the geographical area of the District located south of the Virgin River ~~[. Section 1 also requires]~~ **and** that ~~[: (1) three members, including one member who resides in the geographical area of the District located south of the Virgin River, serve 4-year terms; and (2) two members, including one member who resides in that geographical area, serve 2-year]~~ **all five members of the Board serve 4-year** terms.

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

Section 1. Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. Except as otherwise provided in section 4 of this act, the governing Board of the District consists of five members ~~[selected as follows:~~

~~(a) One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~

~~(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~(c) Three members]~~ elected from the service area of the District, ~~[one]~~ ***two*** of whom must reside in the geographical area of the District located south of the Virgin River.

2. Except for members of the first Board **,** ~~[and appointed members,]~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~[The elected member]~~ ~~*[Three of the members, including one member* who is required to reside in the geographical area of the District located south of the Virgin River *,]*~~ ~~[and one other elected member, who must be chosen by lot,]~~ ***The members*** serve terms of 4 years**.** ~~[and the remaining]~~ ~~[elected member serves a term]~~ ~~*[members, including the other member who is required to reside in the geographical area of the District located south of the Virgin River, serve terms* of 2 years.]~~ ~~[The appointed members serve terms of 2 years.]~~

Sec. 2. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:

(a) Reside in the District for at least 6 months before ~~[his or her appointment or]~~ the election at which the member is elected;

(b) Be a qualified elector of the District;

(c) ~~[If the member is elected to office, be]~~ ***Be*** elected by a plurality of the qualified electors of the District; and

(d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election **,** ~~[or appointment,]~~ whichever is later, and leave office upon the first Monday in January next following the election ~~[or appointment]~~ of the member's successor in office.

2. If the Board establishes various election areas within the District, each member ~~[who is elected to]~~ ***of*** the Board must:

(a) Reside in the election area represented for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the election area represented;

(c) Be elected by a plurality of the qualified electors of the election area represented; and

(d) Take office in the manner prescribed in paragraph (d) of subsection 1.

3. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than $10,000, which

bond must guarantee the faithful performance of the duties of the member.

4. A vacancy in the office of a member ~~[who is elected to]~~ ***of*** the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the District, or if the board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~[5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment.]~~

Sec. 3. ~~[1.]~~ Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

~~[2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified after January 1, 2015, the members of the Board shall, by lot, select:~~

~~(a) Three members of the Board to serve for terms of 4 years, including one member of the Board who resides in the geographical area of the Virgin Valley Water District located south of the Virgin River; and~~

~~(b) Two members of the Board to serve for terms of 2 years, including one member of the Board who resides in the geographical area described in paragraph (a).]~~

Sec. 4. This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 263.

AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction, on or before August 1, November 1, February 1 and May 1 of each year, to apportion the State Distributive School Account in the State General Fund among the 17 county school districts in amounts approximating one-fourth of their respective yearly apportionments. (NRS 387.124) **Section 1** of this bill requires the board of trustees of each school district to report to the Department of Education on those same dates: (1) the average daily attendance of pupils and the ratio of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; or (2) if the school district has an alternative class-size reduction plan approved by the State Board of Education, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to comply with the alternative class-size reduction plan. **Section 1** also requires each school district to post the information reported to the Department on the school district's Internet website as well as information concerning any variances from the prescribed pupil-teacher ratios granted by the State Board for an elementary school within the school district.

Existing law provides that the ratio of pupils per licensed teacher in kindergarten and grades 1, 2 and 3 must not exceed 15 to 1. (NRS 388.700) In lieu of complying with these pupil-teacher ratios, a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) may request approval from the State Board for a plan to reduce pupil-teacher ratios: (1) in grades 1, 2 and 3, not to exceed 22 to 1; and (2) in grades 4 and 5 or grades 4, 5 and 6, as applicable for the elementary school, not to exceed 25 to 1. (NRS 388.720) During previous sessions, the Legislature has, within the limits of available funding, appropriated money for class-size reduction in amounts that authorized pupil-teacher ratios which were higher than the statutorily prescribed ratios. **Section 2** of this bill statutorily increases the prescribed ratios: (1) for kindergarten and grades 1 and 2, to ~~[18]~~ **16** to 1; and (2) for grade 3, to ~~[20]~~

18 to 1. In addition, **section 2** requires a school district that exceeds the ratios statutorily prescribed in any quarter of a school year to request a variance for the next quarter from the State Board. **Section 2** further requires the State Board to provide a quarterly report to the Interim Finance Committee on each variance requested by a school district during the preceding quarter and, if a variance was granted, the specific justification for the variance. Finally, **section 2** provides that for purposes of determining compliance with the pupil-teacher ratios, a school district must not include the count of any teachers who teach one or two specific subject areas to more than one classroom of pupils.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before August 1, November 1, February 1 and May 1 of each year, the board of trustees of each school district shall report to the Department for the preceding quarter:

(a) Except as otherwise provided in paragraph (b), the average daily attendance of pupils and the ratio of pupils per licensed teacher for kindergarten and grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily attendance and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and

(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 2. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, after the last day of the first month of the school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 ~~[,]~~ ***and*** 2 ***, must not exceed*** ~~*[18]*~~ ***16 to 1,*** and ***in grade*** 3, must not exceed ~~[15]~~ ~~*[20]*~~ ***18*** to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, ***teachers who teach one or two specific subject areas to more than one classroom of pupils, and*** counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class ~~[.]~~ ***if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.***

3. Each school district that ~~[does not meet]~~ ***includes one or more elementary schools which exceed*** the ratio of pupils per class ~~[.]~~ ***during any quarter of a school year:***

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance ***for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,*** from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. ***The State Board shall, on a quarterly basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding quarter and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.***

6. The State Board shall, on or before February 1 of each odd-numbered year, ***submit a*** report to the Legislature on:

(a) Each variance ~~[granted by it]~~ ***requested by a school district pursuant to subsection 4*** during the preceding biennium ~~[, including]~~ ***and, if a***

variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

~~[6.]~~ ***7.*** The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~[7.]~~ ***8.*** The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 208.

AN ACT relating to audits; revising requirements for certain regulatory boards of this State to prepare a balance sheet ~~[and]~~ **or** hire a public accountant or accounting firm to conduct an audit of the board for a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **, with certain exceptions,** requires certain regulatory boards of this State which **: (1)** receive **less than $50,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive** $50,000 or more in revenue during any fiscal year to ~~[prepare a balance sheet and]~~ hire a public accountant or accounting firm to conduct an audit of the board's fiscal records for that fiscal year **.** ~~[under certain circumstances.]~~ Upon completion of the **balance sheet or** audit, existing law requires the board to file **the balance sheet or** a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. (NRS 218G.400)

This bill increases from $50,000 to $75,000 the amount of revenue received in any fiscal year ~~[which would require]~~ **for the purpose of determining whether** a board **is required** to prepare a balance sheet ~~[and]~~ **or** hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division. **This bill also provides that a board which: (1) receives less than $75,000 in revenue; (2) is required to submit certain quarterly reports to the Director of the Legislative Counsel Bureau; and (3) fails to submit those reports, must hire a public accountant or accounting firm to conduct an audit of the board's fiscal records rather than preparing a balance sheet.**

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

Section 1. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[$50,000]~~ ***$75,000*** for any fiscal year **~~[,]~~** ***and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100,*** prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of

the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[$50,000]~~ ***$75,000*** or more for any fiscal year, ***or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100,*** engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

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

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 185.

Bill read second time.

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

Amendment No. 282.

AN ACT relating to labor; authorizing the Labor Commissioner to enter into a memorandum of understanding with the United States Department of Labor to promote compliance with labor laws of common concern; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner to cooperate with bureaus or departments of labor of the Federal Government and other states. (NRS 607.120) Currently, the United States Department of Labor is party to memoranda of understanding with several states to provide for cooperation among federal agencies and agencies of those states to facilitate and to promote compliance with labor matters of common concern. This bill authorizes the Labor Commissioner to enter into such a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor.

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

Section 1. NRS 607.120 is hereby amended to read as follows:

607.120 The Labor Commissioner ~~[shall]~~ ~~[cooperate]~~ ***:***

1. ~~*[Cooperate]*~~ ***Shall cooperate*** with such bureaus or departments of labor of the Federal Government and other states as may be established ~~[.]~~ ***; and***

2. ~~*[If possible,]*~~ ***May enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to establish a collaborative relationship among the agencies of this State and***

those of the Federal Government for the purpose of promoting compliance with labor laws of common concern.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

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

Amendment No. 224.

AN ACT relating to food establishments; ~~[revising the definition of "food establishment" for purposes of provisions regulating such establishments;]~~ **allowing farms to hold farm-to-fork events in certain circumstances without being considered a food establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term "food establishment" for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

Section 5 of this bill adds to the list of entities that are excluded from the definition of "food establishment" a farm holding a farm-to-fork event. **Section 2** of this bill defines the term "farm-to-fork event" as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm. **Section 3** of this bill authorizes a farm to hold a farm-to-fork event provided that: (1) any **rabbit** meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with and acknowledges receipt of a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and

processing of the meat or poultry. **Section 3.5 requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances.** **Section 5** also adds to the list of entities that are excluded from the definition of "food establishment" a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. **Section 4** of this bill specifies which food items qualify a farm for that exemption.

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3**, 3.5** and 4 of this act.

Sec. 2. ***"Farm-to-fork event" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.***

Sec. 3. ***1. A farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:***

(a) Any poultry and ~~[meat, including, without limitation,]~~ meat from a rabbit ~~[,]~~ that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. A farm which holds a farm-to-fork event ~~[pursuant to this section]~~ shall:

(a) Before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1; and

(b) Obtain from each guest a signed acknowledgment of receipt of the notice.

Sec. 3.5. 1. A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; and

(c) The address of the farm.

2. The health authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of farms holding farm-to-fork events.

3. The health authority shall not inspect a farm that holds a farm-to-fork event, except that the health authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the health authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the health authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

Sec. 4. *1. A farm which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each such food item is:*

(a) Made substantially from ingredients that were grown or produced on the farm;

(b) Sold at the farm or at a farmers' market licensed pursuant to chapter 244 or 268 of NRS;

(c) Sold to a natural person for his or her consumption and not for resale;

(d) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;

(e) Labeled with "NOT FOR RESALE - PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and

(f) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers . [; and

~~(g) Prepared and processed without the use of any special process, including, without limitation:~~

~~*(1) Preservation by means of smoking, curing, dehydration or the addition of preservatives;*~~

~~*(2) Reduced oxygen packaging, including, without limitation, the cook-chill or sous vide processes; or*~~

~~*(3) Pressure canning of food with a pH of less than 4.2.]*~~

2. As used in this section:

(a) "Farm" means land ~~*[:*~~

~~*(1) Used]*~~ ***used for an agricultural purpose, including, without limitation, the production of crops and the on-site storage, preparation and sale of agricultural products principally produced on the land*** ~~*[; and*~~

~~*(2) From which $10,000 or more of agricultural products are produced and sold each year.]*~~

(b) "Food item" means ~~*[:*~~

~~*(1) Nuts and nut mixes;*~~

~~*(2) Candies;*~~

~~*(3) Jams, jellies and preserves;*~~

~~*(4) Vinegar and flavored vinegar;*~~

~~*(5) Dry herbs and seasoning mixes; or*~~

~~*(6) Baked goods that:*~~

~~*(I) Are]*~~ ***any food that is not potentially hazardous*** ~~*[foods;*~~

~~*(II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes, fillings or frostings with low sugar content; and*~~

~~*(III) Do]*~~ ***, does not require time or temperature controls for safety*** ~~*[.]*~~ ***and has a pH of 4.6 or less.***

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution,

unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; ~~[or]~~

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers ~~[.]~~ ***;***

(h) A farm that meets the requirements of section 4 of this act with respect to a food ~~[items]~~ item as defined in that section; or

(i) A farm for purposes of holding a farm-to-fork event.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time and ordered to third reading.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 190.

ASSEMBLYMEN GRADY, HARDY, HAMBRICK, HICKEY, KIRNER; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BUSTAMANTE ADAMS, DIAZ, DUNCAN, EISEN, ELLISON, FIORE, **FRIERSON,** HANSEN, HEALEY, HORNE, KIRKPATRICK, LIVERMORE, OHRENSCHALL, OSCARSON, PIERCE, SPRINKLE, STEWART, WHEELER AND WOODBURY

AN ACT relating to health care; authorizing a provider of health care who is licensed or certified in this State or in another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization; establishing certain restrictions on the provision of voluntary health care service by a provider of health care; requiring a sponsoring organization to register and file certain reports with the Health Division of the Department of Health and Human Services; **requiring each such provider of health care to report certain information to the Health Division and to submit a complete set of fingerprints to the Health Division under certain circumstances;** requiring each ~~[contract]~~ **such provider of health care to obtain or otherwise carry a policy** of professional liability insurance ~~[offered in this~~

~~State to include~~] **which includes** certain coverage relating to the provision of voluntary health care service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill authorizes a provider of health care who is licensed or certified in this State or another state or territory of the United States to provide voluntary health care service in this State without charge to the patient if the service is provided in association with a sponsoring organization that is registered with the Health Division of the Department of Health and Human Services. **Section 7** prohibits a provider of health care from providing voluntary health care service under certain circumstances and from accepting compensation for the provision of such service. **Section 8** of this bill requires a sponsoring organization to register with the Health Division and to include with the registration certain information regarding the sponsoring organization. **Section 8** also requires a sponsoring organization to file quarterly reports with the Health Division containing certain information relating to the provision of voluntary health care service by a provider of health care in association with the sponsoring organization. **Section 8** requires the sponsoring organization to maintain a record of such reports for not less than 5 years and to make the reports available for inspection by the Health Division upon reasonable request. **Section** ~~[11]~~ **8.3** of this bill ~~[provides that]~~ **requires** each **provider of health care who provides voluntary health care service to obtain or otherwise carry a** policy of professional liability insurance ~~[delivered, issued for delivery or renewed on or after October 1, 2013, must include coverage for a practitioner who provides voluntary health care service in association with a sponsoring organization.]~~ **which insures the provider of health care against liability arising from such service. Section 8.7 of this bill requires a provider of health care currently providing voluntary health care service to report certain information to the Health Division relating to disciplinary action and complaints or charges of malpractice. Section 8.7 further requires the provider of health care to submit to the Health Division a complete set of fingerprints for the purpose of conducting a background check under certain circumstances.**

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. *"Health Division" means the Health Division of the Department of Health and Human Services.*

Sec. 4. *"Sponsoring organization" means an organization that:*

1. Organizes or arranges for the provision of voluntary health care service in association with one or more providers of health care; and

2. Is registered with the Health Division pursuant to section 8 of this act.

Sec. 5. *"Voluntary health care service" means professional health care service that is provided to a patient by a provider of health care:*

1. Without charge to the patient or to a third party on behalf of the patient; and

2. In association with a sponsoring organization.

Sec. 6. *The Legislature hereby finds and declares that:*

1. Access to high-quality health care service is of concern to all persons;

2. Access to such service is severely limited for some residents of this State, particularly those who reside in remote, rural areas or in the inner city;

3. Physicians and other providers of health care have traditionally worked to ensure broad access to health care service;

4. Many providers of health care from this State and other states or territories of the United States are willing to volunteer their services to address the health care needs of Nevadans who may otherwise not be able to obtain such service; and

5. It is the public policy of this State to encourage and facilitate the provision of voluntary health care service.

Sec. 7. *1. Notwithstanding any provision of law to the contrary and except as otherwise provided in this section, a provider of health care may provide voluntary health care service in this State in association with a sponsoring organization.*

2. A provider of health care shall not provide voluntary health care service in this State if:

(a) The professional license or certificate of the provider of health care is suspended or revoked **, or has been suspended or revoked within the immediately preceding 5 years,** *pursuant to disciplinary proceedings in this State or in any other state or territory of the United States;* ~~*[or]*~~

(b) The voluntary health care service provided is outside the scope of practice authorized by the professional license or certificate of the provider of health care **.** ~~*[.]*~~ **; or**

(c) The provider of health care has not actively practiced his or her profession continuously for the immediately preceding 3 years.

3. A provider of health care who provides voluntary health care service pursuant to this section shall not accept compensation of any type, directly or indirectly, or any other benefit or consideration from any person or other source for the provision of the service.

Sec. 8. *1. A sponsoring organization shall, before organizing or arranging for the provision of voluntary health care service in this State, register with the Health Division by submitting to the Health Division a form prescribed by the Health Division which contains:*

(a) The name, street address and telephone number of the sponsoring organization;

(b) The name, street address and telephone number of each person who is an officer, director or organizational official of the sponsoring organization and who is responsible for the operation of the sponsoring organization; and

(c) Any other information required for registration by the Health Division.

2. Each sponsoring organization shall:

(a) Notify the Health Division in writing of any change in the information required for registration pursuant to subsection 1 not later than 10 days after the change.

(b) File a report with the Health Division not later than 10 days after the end of each calendar quarter identifying each provider of health care who provided voluntary health care service during the calendar quarter in association with the sponsoring organization. The report filed pursuant to this paragraph must include a copy of the current license or certificate of each provider of health care identified in the report and the date, location and type of service provided by each provider of health care. A sponsoring organization shall maintain a record of each report filed pursuant to this paragraph for a period of not less than 5 years after the date on which the report is filed. Each report maintained pursuant to this paragraph, including copies thereof, must be made available for inspection by the Health Division upon reasonable request.

3. Compliance with this section shall be deemed to be prima facie evidence that a sponsoring organization has exercised due care in selecting a provider of health care to associate with the sponsoring organization to provide voluntary health care service.

4. The Health Division may, after reasonable notice and a hearing, revoke the registration of any sponsoring organization that fails to comply with the requirements of this section.

Sec. 8.3. Each provider of health care who provides voluntary health care service pursuant to sections 2 to 9, inclusive, of this act shall obtain or otherwise carry, before providing such service, a policy of professional

liability insurance which insures the provider of health care against any liability arising from the provision of voluntary health care service by the provider of health care pursuant to sections 2 to 9, inclusive, of this act.

Sec. 8.7. A provider of health care currently providing voluntary health care service pursuant to sections 2 to 9, inclusive, of this act shall:

1. Report to the Health Division:

(a) Any suspension or revocation of a license or certificate of the provider of health care or any other disciplinary action taken against the provider of health care by a regulatory body in another state or territory of the United States; and

(b) Any charge or complaint of malpractice made against the provider of health care or any final disposition of a court with respect to such a charge or complaint of malpractice.

2. If the state or territory of the United States in which the provider of health care is licensed or certified does not require, as a condition of licensure or certification, the submission of fingerprints for a background check by the Federal Bureau of Investigation, submit to the Health Division a complete set of fingerprints and written permission authorizing the Health Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 9. ***The Health Division shall adopt regulations to carry out the provisions of sections 2 to 9, inclusive, of this act.***

Sec. 10. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, music therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist, licensed dietitian or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of sections 2 to 9, inclusive, of this act, the term includes ~~[a]~~ :

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 11. ~~[Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***Each policy of professional liability insurance delivered, issued for delivery or renewed on or after October 1, 2013, must include coverage for a practitioner who provides voluntary health care service pursuant to sections 2 to 9, inclusive, of this act to the extent that such coverage insures against any liability arising from the provision of voluntary health care service by the insured within the scope of his or her practice.]*** **(Deleted by amendment.)**

Sec. 12. ~~[NRS 690B.200 is hereby amended to read as follows:~~

~~690B.200 As used in NRS 690B.200 to 690B.370, inclusive, *and section 11 of this act,* unless the context otherwise requires, the words and terms defined in NRS 690B.210 to 690B.240, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2013, for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

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

Amendment No. 259.

AN ACT relating to local governing bodies; providing for the filling of vacancies in the membership of certain local governing bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the organization and membership of town boards of unincorporated towns, town advisory boards ~~[,]~~ **and** boards of directors of local improvement districts **.** ~~[and boards of trustees of general improvement districts.]~~ (NRS 269.018, 269.576, 269.577, 309.120 **)** ~~[, 318.090)]~~ This bill provides that a vacancy in the membership of such a governing body must be filled by appointment by the applicable board of county commissioners.

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

Section 1. NRS 245.170 is hereby amended to read as follows:

245.170 Except as otherwise provided by specific statute ~~[, if]~~ ***:***

1. If a vacancy is declared in any county or township office, except the offices of district judge and county commissioner:

~~[1.]~~ ***(a)*** Thirty days or more before the date of the close of filing of declarations of candidacy specified in NRS 293.177, and the office is not otherwise scheduled for election at the next ensuing biennial election:

~~[(a)]~~ ***(1)*** The board of county commissioners shall appoint a suitable person who is an elector of the county to fill the vacancy until the first Monday of January after the next ensuing biennial election;

~~[(b)]~~ ***(2)*** The office must be placed on the ballot at that election; and

~~[(c)]~~ ***(3)*** The person elected shall serve the remainder of the unexpired term.

~~[2.]~~ ***(b)*** At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the county to serve the remainder of the unexpired term.

2. If a vacancy is declared in the position of a member of a town board appointed or elected pursuant to the provisions of NRS 269.016 to 269.022, inclusive:

(a) Thirty days or more before the date of the close of filing of declarations of candidacy specified in NRS 293.177, and the position is not otherwise scheduled for election at the next ensuing biennial election:

(1) The board of county commissioners shall appoint a suitable person who is an elector of the unincorporated town to fill the vacancy until the first Monday of January after the next ensuing biennial election;

(2) The position must be placed on the ballot at that election; and

(3) The person elected shall serve the remainder of the unexpired term.

(b) At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the unincorporated town to serve the remainder of the unexpired term.

Sec. 2. NRS 269.018 is hereby amended to read as follows:

269.018 1. Except as otherwise provided in subsection 2, the term of office of a member of the town board is 4 years and begins on the first Monday in January following the general election at which the member is chosen.

2. The initial members of the board elected at a general election shall, at the first meeting of the board after their election and qualification, draw lots to determine which members serve terms of 2 years and which serve terms of

4 years. The drawing must result in, as nearly as possible, the election of half of the members of the board at each subsequent election.

3. A vacancy in the position of a member of a town board must be filled pursuant to the provisions of NRS 245.170.

Sec. 3. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. The members of a town advisory board serve at the pleasure of the board of county commissioners. If a member is removed, ***or if the position of a member otherwise becomes vacant,*** the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member who was removed.

3. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

4. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

5. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

Sec. 4. NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town **.** ~~[, and for]~~

(c) The appointment ***by the board of county commissioners*** of a member to serve the unexpired term of ~~[the]~~ ***a*** member ~~[so]~~ ***of the town advisory board*** removed ~~[.]~~ ***pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.***

2. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

3. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

Sec. 5. NRS 309.120 is hereby amended to read as follows:

309.120 1. The officers of such district shall consist of three, five or seven directors as aforesaid, a president and a vice president elected from their number, a secretary and a treasurer. The board may also appoint an assistant secretary who shall exercise such powers and perform such duties of the secretary as may be designated by the board of directors, except that such assistant secretary shall not be invested with authority to sign on behalf of the secretary any bonds of the district. The secretary and treasurer shall be appointed by the board of directors and may or may not be members of the board. Such officers shall serve at the will of the board. One person may be appointed to serve as secretary and treasurer.

2. The directors immediately upon their election and qualification shall meet and organize. The board of directors shall designate some place within the county where the organization of the district was effected as the office of the board, and the board shall hold a regular monthly meeting in its office on such day of the month as that fixed upon by resolution duly entered upon the minutes, and when the time for such a monthly meeting has been fixed, it

cannot again be changed for 12 months, and it can only be changed by resolution passed at least 2 months prior to the time such change will take effect and upon publication in a newspaper of general circulation in the district for at least 2 weeks prior to such change. Should the regular meeting day fall upon a nonjudicial day, such meeting must be held on the first judicial day thereafter.

3. The board of directors shall hold such special meetings as shall be required for the purpose of transaction of business, but all special meetings must be called by the president or a majority of the board. The order calling such special meeting must be entered on the record, and the secretary shall give each member not joining in the order 3 days' notice of such special meeting. The order must specify the business to be transacted at such special meeting, and none other than that specified shall be transacted.

4. Whenever all members of the board are present at a meeting, the same shall be deemed a legal meeting and any lawful business may be transacted. All meetings of the board must be public and a majority of the members constitutes a quorum for the transaction of business, but on all questions requiring a vote there must be an affirmative vote of at least a majority of all the members of the board.

5. All records of the board must be open to the inspection of any elector during business hours.

6. At the regular monthly meeting in January next following their elections, the board of directors shall meet and organize and elect a president and vice president and appoint a secretary and treasurer. The appointees aforesaid shall file bonds, which must be approved by the board, for the faithful performance of their duties.

7. Any vacancies in the offices of directors must be filled from the division in which the vacancy occurs by the remaining members of the board ~~.~~ ~~*[of county commissioners.]*~~ ***If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.*** A director appointed to fill a vacancy, as above provided, shall hold office until the next biennial election and until his or her successor is elected and qualified.

Sec. 6. ~~**[**NRS 318.090 is hereby amended to read as follows:~~

~~318.090 Except as otherwise provided in NRS 318.0953 and 318.09533:~~

~~1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the county clerk or clerks of the county or counties wherein the district is located within 5 days after their adoption. The official records and files of the district must be kept~~

~~at that office and must be open to public inspection as provided in NRS 239.010.~~

~~2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.~~

~~3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.~~

~~4. Except as otherwise provided in NRS 318.083, three members of the board constitute a quorum at any meeting.~~

~~5. A vacancy on the board must be filled by a qualified elector of the district chosen by the~~ **[**~~remaining members of the~~**]** ~~board~~ **[**~~,~~**]** ***of county commissioners,*** ~~the appointee to act until a successor in office qualifies as provided in NRS 318.080 on or after the first Monday in January next following the next biennial election, held in accordance with NRS 318.083 or 318.095, at which election the vacancy must be filled by election if the term of office extends beyond that first Monday in January. Nominations of qualified electors of the district as candidates to fill unexpired terms of 2 years may be made the same as nominations for regular terms of 4 years, as provided in NRS 318.083 and 318.095.~~ **[**~~If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.~~**]**

~~6. Each term of office of 4 years terminates on the first Monday in January next following the general election at which a successor in office is elected, as provided in NRS 318.083 or 318.095. The successor's term of office commences then or as soon thereafter as the successor qualifies as provided in NRS 318.080, subject to the provisions in this chapter for initial appointments to a board, for appointments to fill vacancies of unexpired terms and for the reorganizations of districts under this chapter which were organized under other chapters of NRS.~~**]** **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

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

Amendment No. 258.

AN ACT relating to public works; requiring under certain circumstances that any iron or steel products ~~[or manufactured goods]~~ used or supplied for a public work or in the performance of a contract for a project of the Department of Transportation be manufactured in the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires any steel, iron and manufactured products used in certain transportation projects that receive federal funding to be produced in the United States unless: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. (23 U.S.C. § 313) **Sections 4 and 15** of this bill require any iron or steel products ~~[or manufactured goods]~~ used in this State for a public work or a project of the Department of Transportation to be manufactured in the United States. **Sections 4 and 15** also allow a contractor or subcontractor to apply for a waiver of this requirement if: (1) the use of such ~~[materials]~~ **products** would be inconsistent with the public interest; (2) such ~~[materials]~~ **products** are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such ~~[materials]~~ **products** would increase the cost of the project by more than 25 percent. Further, **sections 4 and 15** allow the public body awarding the contract to waive the requirement after providing notice and an opportunity for public comment by publishing a detailed justification of the waiver.

Sections 7, 8, 9 and 16 of this bill permanently prohibit a contractor who intentionally mislabels or misrepresents such ~~[materials]~~ **products** as being manufactured in the United States if they were not so manufactured from bidding on or being awarded a contract for a public work or a project of the Department of Transportation.

Section 17 of this bill provides that the requirement to use iron or steel products ~~[or manufactured goods]~~ which are manufactured in the United States ~~[apply]~~ **applies** to any public work or project of the Department of Transportation that is first advertised for bid on or after July 1, 2013. **Section 17** also declares that any contract for such a public work or project that fails to comply with this bill is void.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Legislature hereby finds that:***

(a) The production of iron [,] and steel ~~[and manufactured goods]~~ products provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;

(b) The taxes paid by employers and employees engaged in the production and sale of iron [,] and steel ~~[and manufactured goods]~~ products are a large source of public revenues for the country;

(c) The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;

(d) In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and

(e) The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.

2. The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron [,] and steel ~~[and manufactured goods produced]~~ products manufactured in the United States in all contracts for public works.

Sec. 3. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "manufactured in the United States" means [, in the ~~case of:~~*

~~1. An iron or steel product,~~ that all manufacturing to produce ~~[the]~~ an iron or steel product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.

~~[2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.]~~

Sec. 4. *1. Except as otherwise provided in subsection 2, each contract for a public work awarded by a public body must contain a provision requiring that the iron and steel products ~~[and manufactured goods]~~ used or supplied in the performance of the contract and any subcontract for the public work be manufactured in the United States.*

2. A contractor or subcontractor may apply to the public body for a waiver of the requirements of subsection 1 for a contract or any subcontract for a public work if:

(a) The requirements would be inconsistent with the public interest;

(b) Such products ~~[and goods]~~ are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(c) Inclusion of such products ~~[and goods]~~ would increase the cost of the contract by more than 25 percent.

3. If a public body receives an application for a waiver pursuant to subsection 2, the public body shall:

(a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:

(1) The application;

(2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and

(3) All relevant information available to the public body concerning the application; and

(b) Accept public comment on the application for not less than 30 days.

4. If the public body determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the public body may grant the waiver not less than 30 days after providing the notice and opportunity for public comment required pursuant to subsection 3 by publishing in a newspaper of general circulation in the county in which the public work is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the public body.

Sec. 5. NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

(a) Which qualify as a public work pursuant to NRS 338.010; and

(b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.0117, 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, ***and sections 2, 3 and 4 of this act*** apply to the contract.

Sec. 6. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 ***and section 4 of this act*** and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16995, inclusive; or

(d) NRS 338.1711 to 338.173, inclusive.

2. The provisions of ***section 4 of this act and*** NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16995, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

Sec. 7. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered

by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has ~~[,~~ ~~within]~~ ***:***

(a) Within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[.]~~ ***; or***

(b) With respect to any iron or steel product ~~[or manufactured good]~~ used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product ~~[or manufactured good]~~ was not manufactured in the United States, as that term is defined in section 3 of this act.

Sec. 8. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not ~~[,]~~ ***violated paragraph (b) of subsection 8 of NRS 338.1379 or,*** within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117, and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 9. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has ~~[, within]~~ ***:***

1. Within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[.]~~ ***; or***

2. With respect to any iron or steel product ~~[or manufactured good]~~ used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product ~~[or manufactured good]~~ was not manufactured in the United States, as that term is defined in section 3 of this act.

Sec. 10. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

Sec. 11. ***1. The Legislature hereby finds that:***

(a) The production of iron ~~[,]~~ and steel ~~[and manufactured goods]~~ products provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;

(b) The taxes paid by employers and employees engaged in the production and sale of iron ~~[,]~~ and steel ~~[and manufactured goods]~~ products are a large source of public revenues for the country;

(c) The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;

(d) In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and

(e) The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.

2. The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron ~~[,]~~ and steel ~~[and manufactured goods produced]~~ products manufactured in the United States in all contracts for projects.

Sec. 12. *As used in sections 11 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 and 14 of this act have the meanings ascribed to them in those sections.*

Sec. 13. *"Manufactured in the United States" means ~~[, in the case of:~~*

~~1. An iron or steel product,]~~ that all manufacturing to produce ~~[the]~~ an iron or steel product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.

~~[2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.]~~

Sec. 14. *"Project" means a project for the construction, reconstruction or improvement of a highway.*

Sec. 15. *1. Except as otherwise provided in subsection 2, each contract for a project awarded by the Department must contain a provision requiring that the iron and steel products ~~[and manufactured goods,]~~ used or supplied in the performance of the contract and any subcontract for the project be manufactured in the United States.*

2. A contractor or subcontractor may apply to the Department for a waiver of the requirements of subsection 1 for a contract or any subcontract for a project if:

(a) The requirements would be inconsistent with the public interest;

(b) Such products ~~[and goods]~~ are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(c) Inclusion of such products ~~[and goods]~~ would increase the cost of the contract by more than 25 percent.

3. If the Department receives an application for a waiver pursuant to subsection 2, the Department shall:

(a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:

(1) The application;

(2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and

(3) All relevant information available to the Department concerning the application; and

(b) Accept public comment on the application for not less than 30 days.

4. If the Department determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the Department may grant the waiver not less than 30 days after providing the notice and opportunity for public comment pursuant to subsection 3 by

publishing in a newspaper of general circulation in the county in which the project is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the Department.

Sec. 16. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has ~~[, within]~~ ***:***

(a) Within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[,]~~ ***; or***

(b) With respect to any iron or steel product ~~[or manufactured good]~~ used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product ~~[or manufactured good]~~ was not manufactured in the United States, as that term is defined in section 13 of this act,

➥ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility,

organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 17. 1. The amendatory provisions of this act apply to all contracts for public works for which bids are first advertised on or after July 1, 2013.

2. Any contract awarded for a public work or a project to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section:

(a) "Contract" has the meaning ascribed to it in NRS 338.010.

(b) "Project" has the meaning ascribed to it in section 14 of this act.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

Sec. 18. This act becomes effective on July 1, 2013.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:39 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 508.

AN ACT relating to public works; requiring under certain circumstances that any iron or steel products or manufactured goods used or supplied for a public work or in the performance of a contract for a project of the

Department of Transportation be manufactured in the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires any steel, iron and manufactured products used in certain transportation projects that receive federal funding to be produced in the United States unless: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. (23 U.S.C. § 313) **Sections 4 and 15** of this bill require any iron or steel products or manufactured goods used in this State for a public work or a project of the Department of Transportation to be manufactured in the United States. **Sections 4 and 15** also allow a contractor or subcontractor to apply for a waiver of this requirement **in a bid for a contract** if: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. Further, **sections 4 and 15** allow the public body awarding the contract to waive the requirement **when it awards the contract,** after providing notice and an opportunity for public comment **,** by publishing a detailed justification of the waiver. **Such a waiver is not allowed to be granted after the contract has been awarded.**

Sections 7, 8, 9 and 16 of this bill permanently prohibit a contractor who intentionally mislabels or misrepresents such materials as being manufactured in the United States if they were not so manufactured from bidding on or being awarded a contract for a public work or a project of the Department of Transportation.

Section 17 of this bill provides that the requirement to use iron or steel products or manufactured goods which are manufactured in the United States apply to any public work or project of the Department of Transportation that is first advertised for bid on or after July 1, 2013. **Section 17** also declares that any contract for such a public work or project that fails to comply with this bill is void.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Legislature hereby finds that:***

(a) The production of iron, steel and manufactured goods provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;

(b) The taxes paid by employers and employees engaged in the production and sale of iron, steel and manufactured goods are a large source of public revenues for the country;

(c) The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;

(d) In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and

(e) The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.

2. The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron, steel and manufactured goods produced in the United States in all contracts for public works.

Sec. 3. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "manufactured in the United States" means, in the case of:*

1. An iron or steel product, that all manufacturing to produce the product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.

2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.

Sec. 4. *1. Except as otherwise provided in subsection 2, each contract for a public work awarded by a public body must contain a provision requiring that the iron and steel products and manufactured goods used or supplied in the performance of the contract and any subcontract for the public work be manufactured in the United States.*

2. ~~[A]~~ When a bid on a contract for a public work is submitted to a public body, the contractor or subcontractor may apply to the public body for a waiver of the requirements of subsection 1 ~~[for a]~~ if the contract or any subcontract for ~~[a]~~ the public work is awarded, if:

(a) The requirements would be inconsistent with the public interest;

(b) Such products and goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(c) Inclusion of such products and goods would increase the cost of the contract by more than 25 percent.

3. If a public body receives an application for a waiver in a bid for a contract for a public work pursuant to subsection 2, the public body shall:

(a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:

(1) The application;

(2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and

(3) All relevant information available to the public body concerning the application; and

(b) Accept public comment on the application for not less than 30 days.

4. If the public body determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the public body may grant the waiver when it awards the contract, but not less than 30 days after providing the notice and opportunity for public comment required pursuant to subsection 3 by publishing in a newspaper of general circulation in the county in which the public work is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the public body. A waiver must not be granted after the contract has been awarded.

Sec. 5. NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

(a) Which qualify as a public work pursuant to NRS 338.010; and

(b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.0117, 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, ***and sections 2, 3 and 4 of this act*** apply to the contract.

Sec. 6. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 ***and section 4 of this act*** and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16995, inclusive; or

(d) NRS 338.1711 to 338.173, inclusive.

2. The provisions of ***section 4 of this act and*** NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16995, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

Sec. 7. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has ~~[~~, ~~within]~~ ***:***

(a) Within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[.]~~ ***; or***

(b) With respect to any iron or steel product or manufactured good used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product or manufactured good was not manufactured in the United States, as that term is defined in section 3 of this act.

Sec. 8. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not ~~[,]~~ ***violated paragraph (b) of subsection 8 of NRS 338.1379 or,*** within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117, and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 9. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has ~~[, within]~~ ***:***

1. Within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[.]~~ ***; or***

2. With respect to any iron or steel product or manufactured good used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product or manufactured good was not manufactured in the United States, as that term is defined in section 3 of this act.

Sec. 10. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

Sec. 11. ***1. The Legislature hereby finds that:***

(a) The production of iron, steel and manufactured goods provides jobs and family income to many individuals in the United States which, in turn, provides jobs and family income to the residents of this State;

(b) The taxes paid by employers and employees engaged in the production and sale of iron, steel and manufactured goods are a large source of public revenues for the country;

(c) The economy and general welfare of this State and its residents and of the United States are inseparably linked to the preservation and development of manufacturing industries in this State, as well as the other states of this nation;

(d) In recognition of this link, this State should reinvest its taxpayer dollars with its taxpayers to foster job retention and growth, particularly within the manufacturing sector, and to ensure a broad and healthy tax base for future investments vital to the State's infrastructure; and

(e) The procurement policies of this State should ensure that products made by companies and workers who abide by the workplace safety and environmental laws and regulations of this State and this nation should be rewarded with a preference in government contracting.

2. The Legislature therefore declares it to be the policy of this State that its agencies and political subdivisions aid and promote the economy of this State and the United States by requiring a preference for the procurement of iron, steel and manufactured goods produced in the United States in all contracts for projects.

Sec. 12. ***As used in sections 11 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 and 14 of this act have the meanings ascribed to them in those sections.***

Sec. 13. ***"Manufactured in the United States" means, in the case of:***

1. An iron or steel product, that all manufacturing to produce the product, except any metallurgical processes involving the refinement of steel additives, takes place in the United States.

2. A manufactured good, all manufacturing to produce the good takes place in the United States and all the components of the product originate in the United States. A component shall be deemed to originate in the United States if all manufacturing to produce the component takes place in the United States regardless of the origin of its subcomponents.

Sec. 14. ***"Project" means a project for the construction, reconstruction or improvement of a highway.***

Sec. 15. ***1. Except as otherwise provided in subsection 2, each contract for a project awarded by the Department must contain a provision requiring that the iron and steel products and manufactured goods used or supplied in the performance of the contract and any subcontract for the project be manufactured in the United States.***

2. ~~[A]~~ When a bid on a contract for a project is submitted to the Department, the contractor or subcontractor may apply to the Department for a waiver of the requirements of subsection 1 for a contract or any subcontract for ~~[a]~~ the project is awarded, if:

(a) The requirements would be inconsistent with the public interest;

(b) Such products and goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(c) Inclusion of such products and goods would increase the cost of the contract by more than 25 percent.

3. If the Department receives an application for a waiver in a bid for a contract for a project pursuant to subsection 2, the Department shall:

(a) By electronic means, including, without limitation, on its Internet website, if any, provide a public notice of:

(1) The application;

(2) The specific grounds for the waiver, as set forth in subsection 2, pursuant to which the application is made; and

(3) All relevant information available to the Department concerning the application; and

(b) Accept public comment on the application for not less than 30 days.

4. If the Department determines that a waiver from the requirements of subsection 1 should be granted to a contractor or subcontractor, the Department may grant the waiver when it awards the contract, but not less than 30 days after providing the notice and opportunity for public comment pursuant to subsection 3 by publishing in a newspaper of general circulation in the county in which the project is or will be located, before the waiver takes effect, a detailed justification for the waiver that addresses the public comments received by the Department. A waiver must not be granted after the contract has been awarded.

Sec. 16. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has ~~[, within]~~ ***:***

(a) Within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117 ~~[.]~~ ***; or***

(b) With respect to any iron or steel product or manufactured good used or supplied in a public work or project to which section 4 or 15 of this act applies, intentionally affixed thereto a label bearing an inscription of "Made in America" or any inscription with similar meaning, if the iron or steel product or manufactured good was not manufactured in the United States, as that term is defined in section 13 of this act.

➥ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 17. 1. The amendatory provisions of this act apply to all contracts for public works for which bids are first advertised on or after July 1, 2013.

2. Any contract awarded for a public work or a project to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section:

(a) "Contract" has the meaning ascribed to it in NRS 338.010.

(b) "Project" has the meaning ascribed to it in section 14 of this act.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

Sec. 18. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 264.

Bill read second time and ordered to third reading.

Assembly Bill No. 266.

Bill read second time.

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

Amendment No. 179.

AN ACT relating to veterans; defining the term "veteran" for the purpose of certain privileges and benefits related to military service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Veterans Services to provide various kinds of assistance to veterans and their families. (NRS 417.020, 417.090) Existing law also provides certain privileges and benefits to veterans, including the establishment and regulation of veterans' homes, the establishment and operation of veterans' cemeteries and programs which provide opportunities for training in actual employment for veterans.

(NRS 417.147, 417.200, 418.045) This bill defines "veteran" for the purpose of establishing who is entitled to these privileges and benefits.

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

Section 1. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, "veteran" means a resident of this State who:

1. ~~[Is a citizen of the United States;~~

~~2.]~~ Was regularly enlisted, drafted, inducted or commissioned in the:

(a) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;

(b) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or

(c) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and

~~[3.]~~ 2. Was separated from such service under conditions other than dishonorable.

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 286.

AN ACT relating to minority affairs; **requiring the Interim Finance Committee, the Legislative Commission and state agencies to provide certain reports to the Nevada Commission on Minority Affairs;** requiring the Director of the Department of Business and Industry to provide investigative services to the Ombudsman of Consumer Affairs for Minorities **~~[;]~~ in certain circumstances;** revising the duties of the Nevada Commission on Minority Affairs; **~~[~~**~~providing a procedure for the allocation of additional~~

~~money to the Commission;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission on Minority Affairs, provides for the duties of the Commission and requires the Director of the Department of Administration to provide such staff assistance to the Commission as the Governor deems appropriate. (NRS 232.852, 232.860, 232.864) Section 1 of this bill requires the Interim Finance Committee and the Legislative Commission to provide to the Nevada Commission on Minority Affairs any report received by the Interim Finance Committee or the Legislative Commission, respectively, relating to minorities. Section 1 also requires any state agency that prepares a report relating to the social and economic welfare of minorities to provide a copy of the report to the Nevada Commission on Minority Affairs.

Section 2 of this bill revises the duties of the Nevada Commission on Minority Affairs.

Existing law creates the Office of Ombudsman of Consumer Affairs for Minorities within the Office of the Director of the Department of Business and Industry. (NRS 232.845) **Section ~~[1]~~ 1.3** of this bill requires the Director **, under certain circumstances,** to provide the services of an investigator to the Ombudsman.

~~[Existing law also creates the Nevada Commission on Minority Affairs, provides for the duties of the Commission and requires the Director of the Department of Administration to provide such staff assistance to the Commission as the Governor deems appropriate. (NRS 232.852, 232.860, 232.864) Section 2 of this bill revises the duties of the Commission.~~

~~Section 3 of this bill deletes the requirement for staff assistance and authorizes the Commission to employ such staff and personnel as necessary to carry out its duties. Section 3 also requires the Commission to submit annually to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission, and the estimated cost thereof, for the following year. The Director must review and approve or modify the proposal and submit to the Interim Finance Committee the proposal and a request for an allocation to the Commission. The Interim Finance Committee must review the proposal and request and may provide for an amount to be allocated to the Commission for the following fiscal year. On the July 1 after the Interim Finance Committee provides for the allocation, the State Controller must transfer to the budget account of the Commission from the budget account of each entity in the Department an amount equal to that entity's proportionate share of the allocated amount. Each entity's proportionate share is determined by dividing the number of~~

~~full-time equivalent positions in the entity by the number of full-time equivalent positions in the Department.~~

~~— Section 5 of this bill provides for an allocation to the Commission for the period from January 1, 2014, to June 30, 2014, according to the procedure described in section 3.~~**]**

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

Section 1. **Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Interim Finance Committee and the Legislative Commission shall provide to the Commission a copy of any report received by the Interim Finance Committee or the Legislative Commission, respectively, relating to minorities.

2. Any agency of the State which prepares a report relating to the social and economic welfare of minorities shall provide a copy of the report to the Commission.

[~~Section 1.~~**]** ***Sec. 1.3.*** NRS 232.845 is hereby amended to read as follows:

232.845 1. The Office of Ombudsman of Consumer Affairs for Minorities is hereby created within the Office of the Director. The Ombudsman shall:

(a) Provide for continued educational, outreach and service programs for minority groups pertaining to consumer fraud; and

(b) Assist the Nevada Commission on Minority Affairs created by NRS 232.852.

2. The Director shall **[**~~appoint~~**]** ***:***

(a) Appoint the Ombudsman of Consumer Affairs for Minorities **[**~~.~~**]** ***; and***

(b) ~~***[Provide]***~~ ***If the position of investigator is created and filled within the Office of the Director, provide the services of*** ~~***[an]***~~ ***the investigator to the Ombudsman*** ~~***[.]***~~ ***as requested by the Ombudsman.***

3. The Ombudsman of Consumer Affairs for Minorities is:

(a) In the unclassified service of the State.

(b) Directly responsible to the Director.

Sec. 1.7. **NRS 232.850 is hereby amended to read as follows:**

232.850 As used in NRS 232.850 to 232.866, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "Commission" means the Nevada Commission on Minority Affairs created by NRS 232.852.

Sec. 2. NRS 232.860 is hereby amended to read as follows:

232.860 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on ***:***

(a) Business activities, programs and essential services available to minorities in the State of Nevada; ***and***

(b) The procurement of goods and services by state and local governments from businesses that are owned by minorities;

3. ***Collect information on the employment of minorities in the State of Nevada and provide that information to agencies of the State whose duties relate to training and employment;***

4. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing for minorities;

~~[4.]~~ ***5.*** In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

~~[5.]~~ ***6.*** To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

~~[6.]~~ ***7.*** Advise the Governor on matters relating to minorities and of concern to minorities; and

~~[7.]~~ ***8.*** Recommend proposed legislation to the Governor.

Sec. 3. ~~[NRS 232.864 is hereby amended to read as follows:~~

~~232.864 1. [The Director of the Department of Administration shall provide staff assistance to the Commission as the Governor deems appropriate.~~

~~2.]~~ The Commission may ~~[~~engage~~]~~ ***:***

~~***(a) Employ such staff and personnel as necessary to carry out its duties; and***~~

~~***(b) Engage*** the services of volunteer workers and consultants without compensation as is necessary from time to time.~~

~~***2. On or before March 1 of each year, the Commission shall submit to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission for the following fiscal year. The proposal must include a description of the proposed programs and the estimated cost of those programs.***~~

~~***3. On or before April 1 of each year, the Director shall:***~~

~~***(a) Review the proposal submitted pursuant to subsection 2;***~~

~~***(b) Approve or modify the proposal; and***~~

~~*(c) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee the approved or modified proposal and a request for an allocation to the Commission for the following fiscal year pursuant to subsection 5.*~~

~~*4. On or before June 30 of each year, the Interim Finance Committee:*~~

~~*(a) Shall review the proposal and request submitted pursuant to subsection 3; and*~~

~~*(b) May by resolution establish an amount to be allocated to the Commission for the following fiscal year pursuant to subsection 5.*~~

~~*5. On July 1 of each year, the State Controller shall transfer to the budget account of the Commission from the budget account of each entity listed or described in subsection 2 of NRS 232.510 an amount equal to that entity's proportionate share of the amount established pursuant to subsection 4 to be allocated to the Commission. Each entity's proportionate share must be determined by dividing the number of full-time equivalent positions in the entity as of the immediately preceding July 1 by the total number of full-time equivalent positions in the Department of Business and Industry as of the immediately preceding July 1.*~~

~~*6. Any amount allocated to the Commission pursuant to this section must be in addition to the amount set forth for the Commission in the legislatively approved budget for the biennium of which that fiscal year is a part.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by~~ ***NRS 232.864,*** ~~subsection 5 of NRS 284.115, NRS 284.1729, 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public~~

~~Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[1. On or before September 1, 2013, the Nevada Commission on Minority Affairs shall submit to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission for the period beginning January 1, 2014, and ending June 30, 2014. The proposal must include a description of the proposed programs and the estimated cost of those programs.~~

~~2. On or before October 1, 2013, the Director shall:~~

~~(a) Review the proposal submitted pursuant to subsection 1;~~

~~(b) Approve or modify the proposal; and~~

~~(c) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee the approved or modified proposal and a request for an allocation to the Commission for the period beginning January 1, 2014, and ending June 30, 2014, pursuant to subsection 4.~~

~~3. On or before December 31, 2013, the Interim Finance Committee:~~

~~(a) Shall review the proposal and request submitted pursuant to subsection 2; and~~

~~(b) May by resolution establish an amount to be allocated to the Commission for the period beginning January 1, 2014, and ending June 30, 2014, pursuant to subsection 4.~~

~~4. On January 1, 2014, the State Controller shall transfer to the budget account of the Commission from the budget account of each entity listed or described in subsection 2 of NRS 232.510 an amount equal to that entity's proportionate share of the amount established pursuant to subsection 3 to be allocated to the Commission. Each entity's proportionate share must be determined by dividing the number of full-time equivalent positions in the entity as of July 1, 2013, by the total number of full-time equivalent positions in the Department of Business and Industry as of July 1, 2013.~~

~~5. Any amount allocated to the Commission pursuant to this section must be in addition to the amount set forth for the Commission in the legislatively approved budget for the biennium beginning July 1, 2013.]~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

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

Amendment No. 298.

AN ACT relating to emergency medical services; requiring a host organization of a special event to provide emergency medical personnel and emergency medical services at the site of the special event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the provision of emergency medical services to persons in this State. (Chapter 450B of NRS) **Sections 11-13** of this bill require the host organization of a special event that is projected to be attended or observed by 2,500 or more persons to provide a first-aid station at the site of the special event and a dedicated advanced life support ambulance if certain factors apply to the special event. **The definition of "special event" set forth in section 10 of this bill excludes a scheduled activity or event which is held at a location that: (1) is designed to host certain scheduled activities and events; and (2) has permanently established methods of providing first-aid or emergency medical services at the location. Section 6** of this bill defines a "host organization" as the person who obtained the permit for the special event or, if a permit was not obtained for the special event, the person who sponsored the special event. **Sections 11-13** further require the host organization of a special event to provide medical personnel at the site of the special event. The number of first-aid stations, dedicated advanced life support ambulances and medical personnel and the level of skill of the medical personnel required varies based on the number of persons who are projected to attend or observe the special event and certain other factors.

Existing law provides that a violation of the provisions which govern emergency medical services is a misdemeanor. Existing law further authorizes the Health Division of the Department of Health and Human Services to impose an administrative penalty against any person who violates those provisions. (NRS 450B.900) Those penalties are applicable to a violation of the provisions of **sections 11-13**.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***"Automated external defibrillator" or "defibrillator" means a medical device that:***

1. Has been approved by the United States Food and Drug Administration;

2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;

3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;

4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient's heart; and

5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient's heart.

Sec. 3. ***As used in sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections*** ~~*[3]*~~ ***4*** ***to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:***

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one advanced emergency medical technician and intermediate emergency medical technician; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a).

Sec. 5. ***"First-aid station" means a fixed location at the site of a special event that is staffed by at least one emergency medical technician or a person with a higher level of skill who is capable of providing emergency medical care within his or her scope of practice.***

Sec. 6. ***"Host organization" means:***

1. If a permit was obtained for a special event, the person who obtained the permit; or

2. If a permit was not obtained for a special event, the person who sponsored the special event.

Sec. 7. *"Roving emergency medical technician team" means a team at the site of a special event that:*

1. Consists of two or more emergency medical technicians, intermediate emergency medical technicians or advanced emergency medical technicians; and

2. Has the medical supplies necessary to provide emergency medical care.

Sec. 8. *"Roving intermediate emergency medical technician team" means a roving emergency medical team that consists of two or more intermediate emergency medical technicians or advanced emergency medical technicians.*

Sec. 9. *"Significant number" means, with regard to:*

1. Contacts by emergency medical personnel with persons who attended or observed a special event, the number of contacts is 0.07 percent or more of the total number of persons who attended or observed the special event; and

2. Patients transported to a hospital, the number of patients transported from the special event to the hospital by ambulance or private vehicle is 15 percent or more of the total number of contacts at the special event by emergency medical personnel with persons who attended or observed the special event.

Sec. 10. *"Special event" means a scheduled activity or event, including, without limitation, a concert or sporting event, that is projected to be attended or observed by 2,500 or more persons. The term does not include a scheduled activity or event held at a location which is designed to host concerts, sporting events, conventions, trade shows and any other similar events and which has permanently established methods for providing first-aid or emergency medical services at the location.*

Sec. 11. *1. If a special event is projected to be attended or observed by 2,500 or more persons but less than 10,000 persons, the host organization shall provide at least one first-aid station at the site of the special event if:*

(a) The special event is a concert; or

(b) Three or more of the following factors apply to the special event:

(1) The special event involves a high-risk activity, including, without limitation, sports or racing.

(2) The special event poses environmental hazards to persons attending or observing the special event or is held during a period of extreme heat or cold.

(3) The average age of the persons attending or observing the special event is less than 25 years of age or more than 50 years of age.

(4) A large number of the persons attending or observing the special event have acute or chronic illnesses.

(5) Alcohol is sold at the special event or, if the special event has been held before, there is a history of alcohol or drug use by the persons who attended or observed the special event in the past.

(6) The density of the number of persons attending or observing the special event increases the difficulty regarding:

(I) Access to the persons who are attending or observing the special event who require emergency medical care; or

(II) The transfer of those persons who require emergency medical care to an ambulance.

2. If the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and the special event is projected to be attended or observed by 10,000 or more persons but less than 15,000 persons, the host organization shall:

(a) Provide at least one first-aid station at the site of the special event and equip the first-aid station with an automated external defibrillator; and

(b) Provide a roving emergency medical technician team at the site of the special event.

3. If the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and the special event is projected to be attended or observed by 15,000 or more persons but less than 50,000 persons, the host organization shall:

(a) Provide at least one first-aid station at the site of the special event and staff the first-aid station with at least one registered nurse, licensed practical nurse or advanced emergency medical technician in lieu of an emergency medical technician; and

(b) Provide two or more roving intermediate emergency medical technician teams at the site of the special event.

Sec. 12. *1. If a special event is projected to be attended or observed by 2,500 or more persons but less than 15,000 persons, the host organization shall provide at least one dedicated advanced life support ambulance at the special event if the special event:*

(a) Is located more than 5 miles from the closest hospital; or

(b) Has been held before and there is a history of a significant number of:

(1) Contacts by emergency medical personnel with persons who attended or observed the special event to provide emergency medical care to those persons; or

(2) Persons who attended or observed the special event who were transported as patients from the special event to a hospital.

2. If the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and the special event is projected to be attended or observed by 15,000 or more persons but less than 50,000 persons, the host organization shall provide at least two dedicated advanced life support ambulances at the special event.

Sec. 13. ***If a special event is projected to be attended or observed by 50,000 or more persons, the host organization shall provide:***

1. Two or more first-aid stations at the site of the special event ~~[that are each staffed by at least one physician]~~ ;

2. Two or more physicians licensed pursuant to chapter 630 or 633 of NRS;

~~[2.]~~ 3. Two or more roving emergency medical technician teams; and

~~[3.]~~ 4. Two or more dedicated advanced life support ambulances.

Sec. 14. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 450B.595 is hereby repealed.

TEXT OF REPEALED SECTION

450B.595 "Automated external defibrillator" and "defibrillator" defined. As used in NRS 450B.595 to 450B.620, inclusive, unless the context otherwise requires, "automated external defibrillator" or "defibrillator" means a medical device that:

1. Has been approved by the United States Food and Drug Administration;

2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;

3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;

4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient's heart; and

5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient's heart.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

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

Amendment No. 180.

AN ACT relating to the Public Employees' Benefits Program; revising provisions relating to the subsidy for coverage of certain retired persons under the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of a subsidy to cover a portion of the cost of the coverage provided through the Public Employees' Benefits Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., which is commonly known as Medicare, to persons who were initially hired before January 1, 2012, and who retire with state service. The amount of this subsidy is established by the Legislature each biennium. (NRS 287.046; section 2 of chapter 421, Statutes of Nevada 2011, at pp. 2574-75) This bill authorizes the Board of the Public Employees' Benefits Program to approve the payment of an additional amount ~~[from any source, such as excess reserves,]~~ to increase the subsidy of such retired persons above the amount established by the Legislature for the biennium for those retired persons ~~[.]~~ **from any money that is available for that purpose, such as excess reserves.**

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

Section 1. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who were initially hired before January 1, 2012, and have retired with state service.

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon a base amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 5.

3. Except as otherwise provided in subsections 7 and 8, the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to

the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in subsection 6, adjustments to the portion of the amount approved by the Legislature as described in subsection 2 to be paid by the Retirees' Fund for persons who retire on or after January 1, 1994, with state service must be as follows:

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

(b) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:

(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15.

(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service.

➥ ***The Board may approve the payment of an additional amount*** ***~~[, from any source, for a portion of the cost of premiums or contributions for the Program for]~~*** ***to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) or (b), or both, for those persons*** ***~~[.]~~*** ***from any money that is available for that purpose.***

7. No money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State:

(a) On or after January 1, 2010, but before January 1, 2012, and who:

(1) Has not participated in the Program on a continuous basis since retirement from such employment; or

(2) Does not have at least 15 years of service, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as a result of a disability for which

disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since retirement from such employment.

(b) On or after January 1, 2012. The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.

8. If the amount calculated pursuant to subsection 5 or 6 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

9. For the purposes of this section:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

10. The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time and ordered to third reading.

Assembly Bill No. 324.

Bill read second time.

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

Amendment No. 273.

AN ACT relating to dental assistants; ~~[prohibiting a person from acting as a dental assistant except under certain circumstances;]~~ providing for issuance by the Board of Dental Examiners of Nevada of a certificate of registration as a dental assistant ~~[;]~~ **and a certificate of registration as a certified dental assistant; prohibiting a person from acting as a dental assistant or certified dental assistant unless the person holds the appropriate**

certificate issued by the Board; providing that a dental assistant or ~~[registered]~~ **certified** dental assistant may perform only certain acts authorized by the Board and under the direct supervision of a licensed dentist or dental hygienist; setting forth certain requirements for the issuance and renewal of a certificate of registration as a dental assistant ~~[;]~~ **or a certificate of registration as a certified dental assistant;** requiring the Board to adopt certain regulations; **establishing certain fees;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of dentists and dental hygienists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) This bill provides for the **registration and** regulation of dental assistants and ~~[registered]~~ **certified** dental assistants by the Board. **Section 4** of this bill provides that a dental assistant or ~~[registered]~~ **certified** dental assistant may perform only the intraoral tasks and dental procedures authorized by the Board and only under the direct supervision of a licensed dentist or dental hygienist. **Section 5** of this bill prohibits a person from acting as a dental assistant in this State unless the person ~~[provides to the Board certain information relating to his or her qualifications.]~~ **holds a certificate of registration as a dental assistant. Section 5 also sets forth the requirements for the issuance by the Board of a certificate of registration as a dental assistant, and provides that a certificate of registration as a dental assistant expires 2 years after the date of issuance and may be renewed biennially. Section 6** of this bill prohibits a person from acting as a ~~[registered]~~ **certified** dental assistant in this State unless the person holds a certificate of registration as a **certified** dental assistant. **Section 6** also sets forth the requirements for the issuance by the Board of a certificate of registration as a **certified** dental assistant, and provides that a certificate of registration as a **certified** dental assistant expires 2 years after the date of issuance and may be renewed biennially. **Section 7** of this bill sets forth the continuing education requirements for renewal of a certificate of registration as a dental assistant ~~[;]~~ **or as a certified dental assistant. Section 8** of this bill requires the Board to adopt regulations necessary to carry out the provisions of this bill, and **section 14** of this bill requires the Board to adopt rules or regulations specifying the intraoral tasks and dental procedures which a dental assistant or ~~[registered]~~ **certified** dental assistant may perform. **Section 15.5 of this bill specifies the initial application fee for the issuance of a certificate of registration as a dental assistant or certified dental assistant.**

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 9, inclusive, of this act.

Sec. 1.5. "Certified dental assistant" means a person who assists a dentist or dental hygienist in the performance of dental procedures and to whom the Board has issued a certificate of registration as a certified dental assistant pursuant to section 6 of this act.

Sec. 2. ***"Dental assistant" means a person who assists a dentist or dental hygienist in the performance of dental procedures [.] and to whom the Board has issued a certificate of registration as a dental assistant pursuant to section 5 of this act.***

Sec. 3. ~~***[***"Registered dental assistant" means a person to whom the Board has issued a certificate of registration as a dental assistant pursuant to section 6 of this act.***~~ **(Deleted by amendment.)**

Sec. 4. ***A dental assistant or [registered] certified dental assistant may perform only those intraoral tasks and dental procedures authorized by the Board pursuant to the rules and regulations adopted pursuant to NRS 631.317 and only under the direct supervision of a licensed dentist or dental hygienist.***

Sec. 5. ***1. A person shall not act as a dental assistant in this State unless the person [presents] holds a current certificate of registration as a dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a dental assistant by submitting an application to the Board.***

2. The Board may issue a certificate of registration as a dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the [person:] applicant:

(a) Is of good moral character;

(b) Is 16 years of age or older;

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

(d) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; [and

(b)] (e) Has successfully completed a course of study in radiation safety and techniques that is approved by the Board [.:

2. Not less frequently than every 2 years, a dental assistant shall provide proof satisfactory to the Board that the dental assistant has completed:

~~*(a) A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and*~~

~~*(b) Four hours of continuing education relating to]*~~ ;

(f) Has successfully completed a course of study in infection control ~~*[procedures.]*~~ *that is approved by the Board; and*

(g) Meets any other requirements for the issuance of a certificate of registration as a dental assistant established by the Board by regulation.

3. A certificate of registration as a dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.

4. In determining whether an applicant is of good moral character, the Board may consider whether:

(a) The applicant has, on or after July 1, 2015, performed any act as a dental assistant in this State without a certificate of registration as a dental assistant issued by the Board;

(b) The applicant's license or registration as a dental assistant in another state has been suspended or revoked; and

(c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant in another state.

Sec. 6. *1. A person shall not act as a* ~~*[registered]*~~ *certified dental assistant in this State unless the person holds a current certificate of registration as a certified dental assistant issued by the Board pursuant to this section. A person may apply to the Board for the issuance of a certificate of registration as a certified dental assistant by submitting an application to the Board.*

2. The Board ~~*[shall]*~~ *may issue a certificate of registration as a certified dental assistant to an applicant who pays the application fee prescribed by NRS 631.345 and submits an application which provides proof satisfactory to the Board that the applicant:*

(a) Is of good moral character;

(b) Is 18 years of age or older;

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

(d) Holds a current certification issued by the Dental Assisting National Board, Inc., or its successor organization;

(e) Has passed a written examination given by the Board on the contents and interpretation of this chapter and the regulations adopted pursuant thereto; and

(f) ~~*[Has successfully completed a course of study in radiation safety and techniques that is approved by the Board; and*~~

~~(g)~~ *Meets any other requirements for the issuance of a certificate of registration as a certified dental assistant established by the Board by regulation.*

3. A certificate of registration as a certified dental assistant issued by the Board pursuant to this section expires 2 years after the date on which it is issued and may be renewed biennially as provided in section 7 of this act.

4. In determining whether an applicant is of good moral character, the Board may consider whether:

(a) The applicant has, on or after July 1, ~~2014,~~ 2015, performed any act as a ~~registered~~ certified dental assistant in this State without a certificate of registration as a ~~registered~~ certified dental assistant issued by the Board;

(b) The applicant's license or registration as a dental assistant or certified dental assistant in another state has been suspended or revoked; and

(c) The applicant is currently involved in any disciplinary action concerning his or her license or registration as a dental assistant or certified dental assistant in another state.

Sec. 7. *1. Any person wishing to renew a certificate of registration as a dental assistant or a certificate of registration as a certified dental assistant must present proof satisfactory to the Board that during the 2 years immediately preceding the date of renewal, the ~~registered~~ dental assistant or certified dental assistant has successfully completed:*

(a) A course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and

(b) Four hours of continuing education relating to infection control procedures.

2. All persons who have satisfied the requirements for the issuance of a certificate of registration as a dental assistant or a certificate of registration as a certified dental assistant must be registered as dental assistants or certified dental assistants, as applicable, on the board register, as provided in this chapter, and are entitled to receive a certificate of registration as a dental assistant ~~,~~ or a certificate of registration as a certified dental assistant, as applicable, signed by all members of the Board.

Sec. 8. *The Board shall adopt such regulations as it determines necessary to carry out the provisions of sections ~~2~~ 1.5 to 9, inclusive, of this act.*

Sec. 9. *~~The Board may suspend or revoke a certificate of registration as a~~ A dental assistant ~~or issue a reprimand to a registered dental assistant if the board determines that the registered~~ or certified dental assistant ~~has violated~~ shall not violate any provision of ~~sections 2 to 9,~~*

~~inclusive, of this act~~ ***this chapter*** ***or any regulation adopted pursuant thereto.***

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and sections 1.5 and 2 ~~[and 3]~~ of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~[2]~~ ***3*** of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist ***,*** ~~[or]~~ dental hygienist ***or dental assistant*** of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 12. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry or dental hygiene ***or a certificate of registration as a dental assistant or certified dental assistant*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry or dental hygiene ***or a certificate of registration as a dental assistant or certified dental assistant*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~[;]~~ ***or certificate of registration;*** or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry or dental hygiene ***or a certificate of registration as a dental assistant or certified dental assistant*** may not be issued or renewed by the Board if the applicant:

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

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

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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

Sec. 13. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, ~~[registered]~~ ***certified*** dental assistant ***, dental assistant*** or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist ~~[,]~~ ***or ~~[registered]~~ certified dental assistant,*** who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

(c) If performed by a ~~[registered]~~ certified dental assistant, under the direct supervision of a licensed dentist or dental hygienist.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, conscious sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 14. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist ~~[or dental assistant]~~ in his or her employ or that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.

2. ***Specifying the intraoral tasks and dental procedures that may be assigned by a licensed dentist to and performed by a dental assistant or*** ~~***[registered]***~~ ***certified dental assistant in his or her employ.***

3. Governing the practice of dentists ***,*** ~~[and]~~ dental hygienists ***,*** ~~***[registered]***~~ ***certified dental assistants and dental assistants*** in full-time employment with the State of Nevada.

Sec. 14.5. **NRS 631.345 is hereby amended to read as follows:**

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	$1,500
Application fee for an initial license to practice dental Hygiene	750
Application fee for a specialist's license to practice Dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Application fee for an initial certificate of registration as a dental assistant	***100***
Application fee for an initial certificate of registration as a certified dental assistant	***200***
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental Hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to	

renew a permit to administer general anesthesia, conscious sedation or deep sedation 350
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry 1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry 300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene 600
Annual license renewal fee for a limited license to practice dental hygiene 300
Biennial license renewal fee for an inactive dentist 400
Biennial license renewal fee for a dentist who is retired or has a disability 100
Biennial license renewal fee for an inactive dental hygienist 200
Biennial license renewal fee for a dental hygienist who is retired or has a disability 100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene 500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene 500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status 500
Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 15. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry or dental hygiene ~~[,]~~ ***or a certificate of registration as a dental assistant*** ~~[,]~~ ***or certified dental assistant,*** the Board shall deem the license ***or certificate of registration*** issued to that person to be suspended at the end of the 30th day after the date

on which the court order was issued unless the Board receives a letter issued to the holder of the license ***or certificate of registration*** by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license ***or certificate of registration*** has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry or dental hygiene ***or a certificate of registration as a dental assistant*** **or certified dental assistant** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ***or certificate of registration*** was suspended stating that the person whose license ***or certificate of registration*** was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license ***or certificate of registration*** was suspended pays ~~[the]~~ ***any applicable*** fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license ~~[.]~~ ***or certificate of registration.***

Sec. 16. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, ~~[2014,]~~ **2015,** for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time.

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

Amendment No. 279.

AN ACT relating to health care; revising provisions governing the billing practices of certain providers of health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "health care plan" as a policy, contract, certificate or agreement offered or issued by an insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services. (NRS 679B.520) Existing law further defines the term "provider of health

care" for the purposes of chapter 629 of NRS which govern the healing arts generally. (NRS 629.031)

Section 1 of this bill provides that after a patient provides certain information to a provider of health care for the purpose of paying ~~[any portion of any charge]~~ **for a service** which has been or may be ~~[incurred by]~~ **rendered to** the patient: (1) the provider of health care is required to ~~[immediately return a copy]~~ **maintain a record** of the information ~~[to]~~ **provided by** the patient; and (2) if the provider of health care fails to ~~[properly and timely]~~ submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care is prohibited from requesting or requiring certain payments from the patient.

Section 1 further: (1) limits the applicability of the provisions prohibiting a provider of health care from requesting or requiring certain payments from a patient so that the provider of health care may request or require such payments if the patient causes the ~~[claim]~~ **provider of health care** to ~~[be improperly or untimely submitted by the provider of health care;]~~ **submit the claim in a manner which violates the terms of the health care plan;** and (2) provides that any provision of an agreement between a patient and a provider of health which conflicts with the provisions set forth in that section is void.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying ~~[a portion of any charge]~~ for a service which has been or may be ~~[incurred by]~~ rendered to the patient:

(a) The provider of health care shall ~~[immediately return a copy]~~ maintain a record of the information ~~[to]~~ provided by the patient; and

(b) If the provider of health care fails to ~~[properly and timely]~~ submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health care plan if the provider of health care had ~~[properly and timely]~~ submitted the claim for payment ~~[.]~~ pursuant to the terms of the health care plan.

2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care

which is inaccurate, outdated or otherwise causes ~~[the claim to be improperly or untimely submitted by]~~ the provider of health care ~~[.]~~ to submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, "health care plan" has the meaning ascribed to it in NRS 679B.520.

Sec. 2. This act applies only to ~~[agreements]~~ **services rendered pursuant to an agreement** entered into on or after October 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 338.

Bill read second time and ordered to third reading.

Assembly Bill No. 351.

Bill read second time and ordered to third reading.

Assembly Bill No. 356.

Bill read second time.

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

Amendment No. 283.

SUMMARY—Encourages the development of ~~[a plan]~~ **recommendations** to preserve the Nevada State Prison for historic and certain other purposes. (BDR S-493)

AN ACT relating to the Nevada State Prison; encouraging the development of ~~[a plan]~~ **recommendations** to preserve the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill encourages the development of ~~[a plan]~~ **recommendations** for the preservation of the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada.

WHEREAS, The Nevada State Prison located on East Fifth Street in Carson City was originally built in 1860 by pioneer Abraham Curry as the Warm Springs Hotel; and

WHEREAS, The landmark prison was established in 1862 by the Nevada Territorial Legislature and administered by Abraham Curry at the site of the

Warm Springs Hotel, and thus represents the first executive agency created in the State of Nevada; and

WHEREAS, The sandstone quarry on the site contributed to the construction of state, city and private buildings during the early history of the State of Nevada and Carson City, including the Capitol Building, the United States Mint, the Virginia and Truckee Railroad engine house and many other public and private buildings; and

WHEREAS, The lands and grounds of the prison are known to contain unique specimens of extinct species and the legend of *Homo Nevadensis*; and

WHEREAS, The first lethal gas execution chamber in the world was designed and used at the prison and is currently active; and

WHEREAS, The prison has a well-established and colorful history as a maximum security prison, replete with riots, escapes, gangs, executions, musicians, gambling and Hollywood filming, all of which provide intriguing historical value; and

WHEREAS, The history of the manufacture of Nevada's license plates ~~[are]~~ **is** integral to the prison; and

WHEREAS, The Nevada State Prison was decommissioned in May of 2012 and is likely to fall into a state of disrepair without continued maintenance and upkeep; and

WHEREAS, Efforts are underway to establish the historic sections of the prison as a site listed on the National Register of Historic Places; now, therefore,

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

Section 1. The Nevada Legislature hereby finds and declares:

1. That the Nevada State Prison is an integral part of the history of the State of Nevada, particularly with respect to Carson City and the early development of this State, and should be preserved as a historic place.

2. That Carson City, any nonprofit organization and any other interested stakeholder are encouraged to work cooperatively with the **Department of Corrections, the** Office of Historic Preservation of the State Department of Conservation and Natural Resources and the State Land Registrar to:

(a) Develop ~~[a plan]~~ **recommendations** for the preservation, development and use of the Nevada State Prison as a historical, educational and scientific resource for the State of Nevada; and

(b) Present the ~~[plan]~~ **recommendations** to the Nevada Legislature along with any recommendations for legislation that may be necessary to fully implement the ~~[plan.]~~ **recommendations.**

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time and ordered to third reading.

Assembly Bill No. 436.

Bill read second time.

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

Amendment No. 275.

SUMMARY—Revises provisions governing the regulation of public utilities which furnish, for compensation, any water for municipal, industrial or domestic purposes **[.] , or services for the disposal of sewage, or both.** (BDR 58-1196)

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to ~~[consider]~~ **adopt regulations specifying** certain information **which the Commission will consider** in reviewing certain **requests included in** applications and plans submitted to the Commission by a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes ~~[; requiring the Commission to adopt regulations which authorize such a public utility to recover an amount based on the effects of the implementation of a plan of water conservation; requiring the Commission to adopt regulations which authorize such a public utility to recover, outside of a general rate application, certain costs relating to the planning, acquisition or construction of certain utility facilities;]~~ **, or services for the disposal of sewage, or both;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes to adopt a plan of water conservation approved by the Public Utilities Commission of Nevada. (NRS 704.662, 704.6622) **Section 2** of this bill requires the Commission **[,] to adopt regulations specifying the information the Commission will consider** when reviewing ~~[a plan of water conservation, reviewing]~~ **: (1) a request included with** a rate application ~~[or approving a rate imposed]~~ **submitted** by ~~[such]~~ a public utility ~~[, to consider any information submitted by the public utility which demonstrates]~~ **which furnishes, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, to recover an amount based on** the anticipated effects ~~[on the recovery of costs by the public utility as a result]~~ of implementing a plan of water conservation **[.** ~~Section 3 of this~~

~~bill requires the Commission to adopt regulations authorizing a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes to: (1) recover an amount based on the measurable and verifiable effects of the implementation of a plan of water conservation, which must include any financial disincentives caused or created by the reasonable implementation of the plan of water conservation; and (2) recover, outside of a general rate application, all just and reasonable costs of planning, acquiring or constructing a utility facility which the Commission determines is a prudent investment.]~~ **; (2) a request included with a rate application submitted by such a public utility to recover the costs of providing service without regard to the difference in the quantity of water actually sold by the public utility; and (3) a request included in a resource plan, an amendment to such a plan or certain other filings submitted by certain public utilities which furnish, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, to impose a surcharge for the purpose of funding and encouraging investment in infrastructure in the period between the filing of rate cases by the public utility. Section 2 provides that the imposition of such a surcharge is not subject to the provisions of existing law governing applications to make changes in any schedule.**

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Commission shall*** ~~***[, in]***~~ ***adopt regulations specifying the information the Commission will consider:***

1. In reviewing a request included in an application to make changes in any schedule submitted pursuant to NRS 704.110 ~~***[, reviewing a plan of water conservation submitted pursuant to NRS 704.6622 or approving any rate imposed]***~~ ***by a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes,*** ~~***[consider any information submitted by the public utility which demonstrates]***~~ ***or services for the disposal of sewage, or both, to recover an amount based on the anticipated effects*** ~~***[on the recovery of costs by the public utility as a result]***~~ ***of implementing a plan of water conservation, including, without limitation, the anticipated effects of decreased consumption of water by customers of the public utility as the result of the implementation of a plan for water conservation or the charging of*** ~~***[variable]***~~ ***rates to encourage water conservation*** ~~***[.]***~~ ***;***

2. In reviewing a request included in an application to make changes in any schedule submitted pursuant to NRS 704.110 by a public utility

which furnishes, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, to recover the costs of providing service without regard to the difference in the quantity of water actually sold by the public utility by taking into account the adjusted and annualized quantity of water sold during a test year and the growth in the number of customers of the public utility; and

3. In reviewing a request included in a plan or amendment to a plan submitted pursuant to NRS 704.661 by a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes, or services for the disposal of sewage, or both, and which had an annual gross operating revenue of $1,000,000 or more for at least 1 year during the immediately preceding 3 years or, if the public utility is authorized to follow the simplified procedures or methodologies for a change of rates pursuant to NRS 704.095, made in such other form as prescribed by the Commission, to impose a surcharge for the purpose of funding and encouraging investment in infrastructure in the period between the filing of rate cases by the public utility. The imposition of any such surcharge approved by the Commission is not subject to the provisions of NRS 704.110.

Sec. 3. ~~[*The Commission shall adopt regulations authorizing a public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes:*~~

~~*1. To recover an amount based on the measurable and verifiable effects of the implementation by the public utility of a plan of water conservation approved by the Commission pursuant to NRS 704.6622, which must include any financial disincentives caused or created by the reasonable implementation of the plan of water conservation; and*~~

~~*2. To recover, outside of a general rate application filed pursuant to NRS 704.110, all just and reasonable costs of planning, acquiring or constructing a utility facility which the Commission determines is a prudent investment.]*~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 437.

Bill read second time.

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

Amendment No. 274.

AN ACT relating to title insurance; revising provisions authorizing a title insurer to provide a closing letter to certain parties to a real estate transaction for which the title insurer will issue or has issued a policy of title insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the business of title insurance includes the provision to a prospective purchaser of a policy of title insurance with a closing letter which assures and assumes liability for the proper performance of any services required to conduct a real estate closing performed by a title agent with which the insurer maintains an underwriting agreement. (NRS 692A.022) **Section 1** of this bill authorizes a title insurer to provide such a letter, newly referred to as a "closing protection letter," to any party to a real estate transaction, not just the party purchasing the policy of title insurance. **Section 1** also ~~[~~~~authorizes~~~~]~~ **requires** the title insurer to charge a fee that is not less than $25 to each person or entity who is provided with such a letter. **Section 1** restricts the acts or omissions by the person performing the closing or settlement services for which the letter can provide indemnification to only those acts or omissions that affect the status of the title or the validity, enforceability and priority of the lien of the mortgage on the real estate that is the subject of the transaction. **Section 1** also provides that a title insurer may not in any other way provide to a party of a real estate transaction indemnification of the type provided by a closing protection letter. **Sections 1 and 2** of this bill provide that a closing protection letter may indemnify the party to whom it is issued against acts or omissions by any person employed or approved by the title insurer to perform the closing or settlement services, not just a title agent performing those services.

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

Section 1. Chapter 692A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A title insurer may provide a closing protection letter to any person or entity who is a party to a real estate transaction in which a policy of title insurance has been or will be issued by or on behalf of the insurer.

2. A closing protection letter provided by a title insurer pursuant to this section may indemnify a person or entity to whom the letter is provided , under the terms and conditions of the letter as provided by the title insurer, against a loss that is in connection with the transaction for which the letter was provided and which is due to any of the following acts or omissions by a closing or settlement service provider:

(a) Theft or misappropriation of any closing or settlement funds, to the extent that the theft or misappropriation affects the:

(1) Status of the title to the interest in land that is the subject of the transaction; or

(2) Validity, enforceability and priority of the lien of the mortgage on the interest in land that is the subject of the transaction.

(b) Failure to comply with any written closing or settlement instructions, to the extent that the failure affects the:

(1) Status of the title to the interest in land that is the subject of the transaction; or

(2) Validity, enforceability and priority of the lien of the mortgage on the interest in land that is the subject of the transaction.

3. A title insurer ~~[may]~~ shall charge a fee of not less than $25 to each person or entity to which the insurer provides a closing protection letter pursuant to this section.

4. The fee charged pursuant to this section for a closing protection letter:

(a) Must not be included in any agreement requiring a division of fees or premiums collected by or on behalf of the title insurer who provided the letter; and

(b) Shall be deemed earned upon the closing of the transaction for which the letter was provided.

5. A title insurer may not provide or purport to provide indemnification to a person or entity against a loss in connection with acts or omissions by a closing or settlement service provider pursuant to subsection 2 by or through any other product or method than a closing protection letter provided pursuant to this section.

6. As used in this section, "closing or settlement service provider" means a person employed or approved by a title insurer to perform the closing or settlement of a real estate transaction in which a policy of title insurance has been issued by or on behalf of the insurer and may include, without limitation, a title agent or an escrow officer.

Sec. 2. NRS 692A.022 is hereby amended to read as follows:

692A.022 "Business of title insurance" or "title insurance business" includes:

1. The issuance of or proposal to issue any policy of title insurance as an insurer, guarantor or indemnitor;

2. The solicitation, negotiation or execution of a policy of title insurance, or the performance of any related services arising out of the execution of a policy of title insurance, excluding reinsurance;

3. The performance by a title insurer, a title agent or an escrow agency owned, in whole or in part, by a title insurer or title agent, of any service in

conjunction with the issuance or contemplated issuance of a policy of title insurance, including, but not limited to, the handling of any escrow, settlement or closing in connection therewith, or doing or proposing to do any business which is in substance the equivalent of the services described in this subsection; and

4. The act of a title insurer whereby the title insurer provides a ~~[prospective purchaser of a policy of title insurance with a]~~ closing ***protection*** letter ~~[which assures and assumes liability for the proper performance of any services required to conduct a real estate closing performed by a title agent with which the insurer maintains an underwriting agreement.]~~ ***pursuant to section 1 of this act.***

Sec. 3. NRS 692A.120 is hereby amended to read as follows:

692A.120 1. Each title insurer shall file with the Commissioner all rate schedules, schedules of charges and all forms, including:

(a) Preliminary reports of title.

(b) Binders for insurance and commitments to insure.

(c) Letters of indemnity.

(d) Policies of insurance or guaranty.

(e) Terms and conditions of insurance coverage or guarantee which relate to title to any interest in property.

2. A title insurer need not file:

(a) Reinsurance contracts and agreements.

(b) Closing ***protection*** letters.

(c) Specific defects in title which may be ascertained from an examination of the risk and excepted in reports, binders, commitments or policies, or any affirmative assurances of the title insurer with respect to those defects, whether given by endorsement or otherwise.

(d) Specific exceptions from coverage by reason of limitations upon the examination of the risk imposed by the applicant for insurance or through failure of the applicant to provide data requisite to a judgment of insurability.

3. Unless the Commissioner disapproves a form or schedule within 30 days after it is filed in the Office of the Commissioner, the form or schedule is approved.

4. No form or schedule may be used until it is approved by the Commissioner.

5. No title insurer or title agent may make or impose any charge for premium, escrow, settlement or closing services when performed in connection with the issue of a title insurance policy except in accordance with the schedule of charges filed with the Commissioner as required by this section.

6. A title insurer or title agent shall not charge a fee for any statement or tax return regarding payments of interest which federal law requires the insurer or agent to furnish and file.

7. As used in this section, "closing protection letter" means a letter issued as described in section 1 of this act.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 343.

AN ACT relating to school property; authorizing the board of trustees of a school district to donate surplus personal property of the school district to another school district; ~~[eliminating]~~ **providing that requirements relating to the establishment of** oversight panels for school facilities ~~[;]~~ **apply only to the board of trustees of a school district in certain counties;** eliminating the duty of certain boards of trustees of school districts to submit to the Legislature written recommendations for financing the costs of construction of school facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to donate surplus personal property of the school district to any charter school that is located within the school district without regard to certain notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. (NRS 332.185) **Section 2** of this bill authorizes a board of trustees of a school district likewise to donate surplus personal property to other school districts in this State without regard to the notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. **Section 1** of this bill authorizes a board of trustees of a school district to accept a donation of surplus personal property of another school district.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish an oversight panel for school facilities. (NRS 393.092) Such an oversight panel is required to submit biennially to the Legislature written recommendations for financing school construction costs. In a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of trustees of the school district is required to

submit biennially to the Legislature written recommendations for financing school construction costs. (NRS 393.097) Existing law also authorizes a school district to issue general obligation bonds, after obtaining the approval of the county's debt management commission, if the issuance of the bonds is not expected to result in an increase in the existing property tax levy and the electors have approved a question that authorizes the issuance of bonds for 10 years after the date of approval. (NRS 350.020) In addition to the approval of the debt management commission, in a county whose population is 100,000 or more, the school district must obtain the approval of the oversight panel for school facilities. (NRS 350.020, 393.097) ~~[Section 4 of this bill abolishes the oversight panels for school facilities.]~~ **Sections 3-6 of this bill provide that requirements relating to the establishment of an oversight panel for school facilities apply only to the board of trustees of a school district in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County). Section ~~[4]~~ 6** also eliminates the requirement for ~~[the oversight panels or]~~ the boards of trustees of school districts ~~[, as applicable,]~~ to submit to the Legislature recommendations for financing school construction costs. ~~[Section 3 of this bill removes the requirement for the approval of the oversight panel for the issuance of the general obligation bonds of the school district.]~~

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

Section 1. NRS 386.390 is hereby amended to read as follows:

386.390 Each board of trustees shall have the power to accept on behalf of and for the school district ~~[any]~~ ***:***

1. ***Any*** gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated ~~[.]~~ ***; and***

2. Any donation of surplus personal property of another school district made pursuant to subsection 2 of NRS 332.185.

Sec. 2. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to ***any other school district in this State or to*** a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 3. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year,

➥ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90

days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and , in a county whose population is 100,000 or more ~~[,]~~ ***but less than 700,000,*** the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 4. **NRS 393.092 is hereby amended to read as follows:**

393.092 1. The board of trustees of a school district in a county whose population is 100,000 or more ***but less than 700,000*** shall establish an oversight panel for school facilities, consisting of 11 members selected as follows:

(a) Six members who are elected representatives of local government, to be determined as follows:

(1) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(2) One member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he or she is a member; and

(3) If the membership determined pursuant to subparagraphs (1) and (2) is less than six, one additional member of the board of county commissioners appointed by a majority vote of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, each of whom must be appointed by a majority vote of the governing body of which he or she is a member, until six members have been appointed. If the membership determined pursuant to this paragraph would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the oversight panel must be rotated and the board of county commissioners shall draw lots to determine which city or cities will be first represented, which next, and so on.

(b) Five members appointed by the board of trustees of the county school district to be determined as follows:

(1) One member who has experience in structural or civil engineering;

(2) One member who has experience in matters relating to the construction of public works projects;

(3) One member who has experience in the financing or estimation of the cost of construction projects;

(4) One member who is a representative of the gaming industry; and

(5) One member who is a representative of the general public who has an interest in education.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

Sec. 5. **NRS 393.095 is hereby amended to read as follows:**

393.095 The board of trustees of a school district in a county whose population is 100,000 or more ***but less than 700,000*** shall:

1. Provide administrative support to the oversight panel for school facilities established by the board of trustees pursuant to NRS 393.092; and

2. Comply with all requests by the oversight panel for information.

Sec. 6. **NRS 393.097 is hereby amended to read as follows:**

393.097 1. On or before July 1 of each even-numbered year, each oversight panel for school facilities established in a county whose population is 100,000 or more ***but less than 700,000*** pursuant to NRS 393.092 ~~[and each board of trustees of a school district in a county whose population is less than 100,000]~~ shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 100,000 or more ~~[,]~~ ***but less than 700,000,*** the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

~~[Sec. 4.]~~ ***Sec. 7.*** NRS ~~[393.092, 393.095,]~~ 393.096 ~~[and 393.097 are]~~ **is** hereby repealed.

~~[Sec. 5.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2013.

~~[LEADLINES]~~ **TEXT OF REPEALED ~~[SECTIONS]~~ SECTION**

~~[393.092 Oversight panel for school facilities: Establishment in counties whose population is 100,000 or more; membership; terms of members.~~

~~393.095 Oversight panel for school facilities: Duty of board of trustees to provide administrative support and information.]~~

393.096 Oversight panel for school facilities: Authority of board of trustees to expand duties of panel in larger counties.

1. The board of trustees of a school district in a county whose population is 700,000 or more may, by a vote of not less than two-thirds of the total membership of the board of trustees, expand the duties of the oversight panel for school facilities established for the school district pursuant to NRS 393.092.

2. If the board of trustees votes to expand the duties of the oversight panel, the board of trustees shall:

(a) Prepare a 3-year plan for the renovation of school facilities and a 5-year plan for the construction of school facilities within the school district for submission to the oversight panel for its review and recommendations;

(b) Appoint the assistant superintendent of school facilities or his or her designee, if the board of trustees has employed a person to serve in that capacity, or otherwise appoint an employee of the school district who has knowledge and experience in school construction, to act as a liaison between the school district and the oversight panel;

(c) Consider each recommendation made by the oversight panel and, if the board of trustees does not adopt a recommendation, state in writing the reason for its action and include the statement in the minutes of the board of trustees, if applicable; and

(d) In addition to the administrative support required pursuant to NRS 393.095, provide such administrative support to the oversight panel as is necessary for the oversight panel to carry out its expanded duties.

3. If the board of trustees votes to expand the duties of the oversight panel, the oversight panel shall:

(a) Work cooperatively with the board of trustees of the school district to ensure that the program of school construction and renovation is responsive to the educational needs of pupils within the school district;

(b) Review the 3-year plan for the renovation of school facilities and the 5-year plan for the construction of school facilities submitted by the board of trustees of the school district and make recommendations to the board of trustees for any necessary revisions to the plans;

(c) On a quarterly basis, or more frequently if the oversight panel determines necessary, evaluate the program of school construction and renovation that is designed to carry out the 3-year plan and the 5-year plan and make recommendations to the board of trustees concerning the program;

(d) Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and

(e) Prepare an annual report that includes a summary of the progress of the construction and renovation of school facilities within the school district and the expenditure of money from the proceeds of bonds for the construction and renovation, if such information is available to the oversight panel.

~~[393.097 Duty to submit recommendations for financing costs for construction to Legislature; oversight panels required to approve or deny request for issuance of certain bonds.]~~

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 7.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 106, 323, 338, and 423 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 162, 228, 247, 270, 303, and 436 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 2:15 p.m.

Motion carried.

Assembly in recess at 1:04 p.m.

ASSEMBLY IN SESSION

At 2:24 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 126, 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:25 p.m.

ASSEMBLY IN SESSION

At 2:26 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 27, 56, 134, and 274 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblywoman Spiegel moved that Assembly Bill No. 95 be taken from the Chief Clerk’s desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 60 prohibits a nonprofit corporation from soliciting charitable contributions in Nevada in person or by electronic mail, regular mail, telephone, or other means unless it has filed a financial statement and other required information with the Secretary of State.

Assembly Bill 60 provides that a nonprofit corporation soliciting charitable contributions in Nevada without filing may be subject to enforcement action, including civil penalties, a cease-and-desist order, or revocation of its charter or right to transact business in Nevada. The Secretary of State may also request the Attorney General to initiate action in court to secure compliance with the act.

Finally, this measure requires a person who represents that he or she is soliciting in Nevada on behalf of a charitable organization or nonprofit corporation to disclose, among other information, the entity's name as registered with the Secretary of State and whether or not the contribution or donation may be tax deductible under the federal Internal Revenue Code.

Roll call on Assembly Bill No. 60:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 60 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblymen Hardy and Carlton.

ASSEMBLYMAN HARDY:

I rise in support of Assembly Bill 115. Assembly Bill 135 requires that members of the town advisory board in the unincorporated towns of a county whose population is 700,000 or more and that are located 25 miles or more from an incorporated city whose population is 500,000 or more be elected. The board of county commissioners shall make appointments to fill any seats left vacant after the election.

This bill helps those incorporated towns be elect their advisory boards rather than be appointed by the commission. The people who live in those areas would like to have the opportunity to elect those and have that as their governing body, even though they have no powers.

ASSEMBLYWOMAN CARLTON:

To my colleague, this seems very narrow. I can think of maybe one or two town advisory boards that this might apply to, and my concern is the inequities involved. I have a town advisory board at Sunrise Manor. I'm sure they might like to put their names on the ballot in the future, too. I was just wondering why we made it such a narrow bill, only allowing this for certain towns. Because they are advisory boards, they really have no power. They are advisory only.

ASSEMBLYMAN HARDY:

To my colleague from the south, I appreciate those comments. We had the desire to do exactly what you stated. With the discussions with the county commissioners, they felt it might confuse things within those municipal areas that are dealing directly with issues amongst communities such as North Las Vegas, Las Vegas, Clark County, and Henderson. These advisory boards are separated by 25 miles, places like Searchlight, Indian Springs, Laughlin, and Bunkerville in the Moapa Valley, which they feel have different issues than the urban areas. So that is the reason this changed that point.

Roll call on Assembly Bill No. 135:

YEAS—38.

NAYS—Bobzien, Carlton—2.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 135 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 300.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 300 revises the information that must be included in the affidavit of authority to exercise the power of sale on a deed of trust. The bill requires the information in the affidavit to be based upon the direct, personal knowledge of the affiant, or personal knowledge acquired by a review of the business records The bill also requires the affidavit to include a toll-free telephone number the borrower may call to receive answers to any questions concerning the affidavit.

Assembly Bill 300 reflected a tremendous amount of work on the part of lenders, title companies, realtors, advocates for homeowners, and all of the stakeholders to address concerns that were expressed in Assembly Bill 284 in the 2011 Session. This language reflects months of hard work in areas that everybody thought would make A.B. 284 from last session clearer, and I think that it successfully accomplishes that. I would urge this body's support.

Roll call on Assembly Bill No. 300:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 300 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 377 provides that a person who is or was employed or volunteering in a position of authority at a school and who has sexual conduct with a pupil with whom the person

has or had contact in the course of performing his or her duties is guilty of a felony. If the pupil is 16 or 17, the crime is a category C felony, and if the pupil is 14 or 15, the crime is a category B felony.

Roll call on Assembly Bill No. 377:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 377 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 8 revises various provisions governing the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services to more clearly reflect the duties of each division. The bill also replaces certain terminology to be consistent with federal law, abolishes the State Board of Welfare and Supportive Services, and makes permanent the authorization for the Department to contract with certain motor carriers to transport recipients of the Children's Health Insurance Program for services.

Roll call on Assembly Bill No. 8:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 8 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 11. Assembly Bill 11 narrows the scope of written reports required to be filed with the Division of Industrial Relations by insurers concerning claims for certain occupational diseases by requiring that only claims made by firefighters, police officers, arson investigators, or emergency medical attendants are required to be reported.

Roll call on Assembly Bill No. 11:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 11 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 29. Assembly Bill 29 creates within the Department of Health and Human Services [DHHS] the Committee to Review Suicide Fatalities consisting of ten members appointed by the Director of DHHS from among certain persons and groups. The Committee must adopt written protocols setting forth suicide fatalities that must be reported to the Committee and obtain data to determine trends, risk factors, and strategies for the prevention of suicide fatalities. Additionally, the Committee may conduct investigations, review death certificates, share information, petition a district court for issuance of subpoenas, recommend legislation, and issue special reports.

Each year the Committee must submit a report to the director concerning activities of the Committee. Lastly, the bill requires the coordinator of the Statewide Program for Suicide Prevention to employ at least one trainer for suicide prevention in any county whose population is greater than 700,000.

Roll call on Assembly Bill No. 29:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 29 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 65 provides certain exceptions and exemptions to the Open Meeting Law and clarifies that any other provision of law which exempts a meeting, hearing, or proceeding from the requirements of the Open Meeting Law or otherwise authorizes or requires a closed meeting, hearing, or proceeding prevails over the general provisions of the Open Meeting Law.

Roll call on Assembly Bill No. 65:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 65 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblymen Bobzien, Fiore, Eisen, Dondero Loop, and Wheeler.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 109. Assembly Bill 109 sets forth the required qualifications of a licensee or person appointed by the licensee responsible for the daily operations of a child care facility that cares for 12 or more children. In addition, the licensee or person appointed by the licensee is required to apply to the Nevada Registry when initially licensed and upon annual renewal. The bill increases the amount of training required for all employees of a child care facility. Finally, directors approved by the Health Division of the Department of Health and Human Services before the effective date of this bill can obtain a waiver to bypass the requirements until January 1, 2016.

Some of the context on this bill: This is a greatly scaled back version of a bill that we did last session that was vetoed by the Governor. After hearing about concern of impacts to small businesses, I was pleased to work with the Governor's office on an amendment that creates this exemption for facilities that have 12 children or less in them. Madam Speaker, I would submit this is an important step forward when it comes to professional development for early childhood education and brings us in line with many other states in this country that recognize the importance of professional development for those who take care of our youngest.

ASSEMBLYWOMAN FIORE:

This bill, I feel, creates a hindrance on growing businesses and is not a business friendly bill, so I am opposing it. I just wanted to get that on the record.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 109. I feel this bill establishes some minimum requirements for persons who are responsible for the care, in a child care setting, of 12 or more children at one time. I think it is a good step forward in ensuring the safety and protection of our children.

ASSEMBLYWOMAN DONDERO LOOP:

I would like to rise in support of this bill. Speaking on behalf of myself, and having spent lots of years educating young children, .I believe this is a very important endeavor. It's a self-assessment process when you get accreditation and you take classes. This is a really important piece to improve quality, both in the development of programs for young children, and the health and safety of an environment. This process involves the care of our most precious children.

ASSEMBLYMAN WHEELER:

I rise in opposition to this bill. I believe the bill has very good intentions and I think that those intentions toward our children are meant very well. My problem with the bill is that I believe it will increase the cost of child care over the next few years, thus hurting our most vulnerable people, our lowest paid people. Thank you.

Roll call on Assembly Bill No. 109:

YEAS—36.

NAYS—Ellison, Fiore, Hansen, Wheeler—4.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 109 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 144 provides that an anatomical gift, made by an unemancipated minor who is at least 16 years of age and possesses a driver's license or identification card cannot be revoked or amended if both the donor and a parent or guardian have executed a form authorizing the anatomical gift.

Roll call on Assembly Bill No. 144:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 144 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 172 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 194. It provides that holding a leasehold interest in real property destroyed or injured is not a defense to the crime of willfully and maliciously injuring the real or personal property of another. This measure becomes effective October 1, 2013.

This bill only speaks of malicious destruction of private property only.

Roll call on Assembly Bill No. 194:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 194 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Bill 198. It repeals provisions of existing law requiring a vehicle that is acquired for use as a taxicab in a county that is not subject to regulation by the Taxicab Authority to be new or have not more than 30,000 miles on the odometer. The bill also repeals provisions requiring that taxicabs be retired from service after a certain length of time. The effective date is July 1, 2013.

This bill helps all rural counties stay in operation of business from a bill that was passed two years ago.

Roll call on Assembly Bill No. 198:

YEAS—39.

NAYS—Carlton.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 198 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 221. This bill requires the Director of the Department of Health and Human Services to issue a request for information by January 1, 2014, to determine availability and cost of technology, data verification, and resources to assist the Department in reducing waste, fraud, and abuse under Medicaid and the Children's Health Insurance Program. The request must seek strategies for determining the validity of claims before payments are made to providers, whether technology is capable of being integrated into the existing system, and information on other fraud investigation services that combine a retrospective analysis of claims.

Additionally, the bill requires the Director to report the responses to the Legislative Committee on Health Care, and that committee shall make any appropriate recommendations to the Department, including whether the Committee supports the Department entering into any contracts to carry out measures identified in the report.

Roll call on Assembly Bill No. 221:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 221 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Flores.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 233. Assembly Bill 233 authorizes a person to appeal a court order dismissing a post-conviction petition for genetic marker analysis to the Nevada Supreme Court within 30 days after the entry of the order.

Roll call on Assembly Bill No. 233:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Madam Speaker, I rise in support of Assembly Bill 255. Assembly Bill 255 requires the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties. A final written report must be submitted by the Legislative Auditor to the Audit Subcommittee of the Legislative Commission by January 31, 2015.

The assessments received by the Department of Health and Human Services that are subject to the audit relate to services provided by the Health Division or the State Health Officer, activities of the Youth Parole Bureau, and to certain facilities for the detention of children in child protective services.

Roll call on Assembly Bill No. 255:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 255 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281.

Bill read third time.

Remarks by Assemblyman Hogan.

ASSEMBLYMAN HOGAN:

Assembly Bill 281 revises provisions related to certain records about the workers that are employed by a contractor and a subcontractor engaged on a public work project. Specifically, a contractor and subcontractor must include the gender and ethnicity of each such worker but only

if the worker agrees to supply such information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity.

Roll call on Assembly Bill No. 281:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Wheeler—13.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 281 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 322. Assembly Bill 322 removes the term "private" from the phrase "passenger car" for purposes of providing certain materials concerning personal injury claims under a policy of motor vehicle insurance.

Roll call on Assembly Bill No. 322:

YEAS—39.

NAYS—Carlton.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 322 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Madam Speaker, I rise in support of Assembly Bill 337 encouraging our schools to participate more in our fresh fruits and vegetables program. We do have room to expand, and the more children that eat healthy at a young age, the better off we all are. We all learned that little saying, don't be a "Sam I Am"; try everything on your plate. This is a program that helps educate children on how good that kale can really taste.

Roll call on Assembly Bill No. 337:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 337 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 350. Assembly Bill 350 provides that a requirement to submit a report to the Legislature will expire by limitation after five years unless that piece of legislation with the reporting requirement contains a justification of the need for, or usefulness of, a longer reporting period.

The measure directs the Legislative Commission to review existing statutory requirements for reports to the Legislature that have been in existence for more than four years to determine whether the reporting requirements should be repealed, revised, or continued.

For the 2013–2014 Interim, the Legislative Commission shall review legislation enacted in the 2007, 2009, and 2011 Sessions. Based on its review using the criteria in Assembly Bill 350, the Legislative Commission shall submit a report to the Legislature by January 15, 2015, with recommendations on the continuation, revision, or repeal of reporting requirements enacted in the past three sessions.

This bill was sponsored by our colleague from District 27, who is not here today. During the hearing, she testified that more than 160 reports are required to be submitted to the Legislature or legislative committees, and approximately 55 of those reports were enacted during the last three sessions.

Roll call on Assembly Bill No. 350:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 350 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 393 provides that a child placed in foster care has the right to have contact with siblings unless it is contrary to the safety of that child, and to the extent practicable, have contact arranged on a regular basis, holidays, birthdays, and other significant life events. The bill further prescribes that a child placed in foster care has the right not to have contact or visitation with a sibling withheld as a form of punishment and, consistent with the age and developmental experience of the child, be notified of changes in the placement of a sibling.

Roll call on Assembly Bill No. 393:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 393 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 395 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 426 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 432. Assembly Bill 432 provides that a supplier's subsidiary or affiliate is included in the definition of "supplier" for purposes of the purchase of liquor by a wholesaler who is not the importer designated by the supplier. The bill also prohibits an importer or wholesaler from operating or otherwise locating his or her business on the premises or on the property of any supplier.

Roll call on Assembly Bill No. 432:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 445 requires the Department of Administration to establish a location on the state's official website on which public bodies must post notices of open meetings. Notices required by the Open Meeting Law must be posted on the state's website not later than 9 a.m. of the third working day before the meeting. Such notices must include a link to the public body's

website or an email address for contacting the public body. The Department may adopt regulations as needed.

The state must have a designated location on its website in operation by January 1, 2014, for the posting of notices by state entities. Public bodies of local government must begin posting notices of open meetings no later than July 1, 2014.

Roll call on Assembly Bill No. 445:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 445 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

I rise in support of Assembly Bill 483, which directs the State Engineer to charge a fee of not more than $1,000 each for four applications made by the Department of Wildlife in 1975 to appropriate drain and flood waters in the Humboldt Sink for wildlife purposes. The bill sets forth a legislative finding that these fee limitations are necessary to allow the Department to maintain the wildlife and wetlands in the Humboldt Wildlife Management Area.

Roll call on Assembly Bill No. 483:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 483 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of Assembly Bill 492. It revises the authority of the Credit Union Advisory Council. The measure eliminates the supervisory powers of the Council so that it functions in an advisory capacity only.

This was part of the recommendations that the Sunset Subcommittee had reviewed during the interim. Originally the Advisory Council was not in its right capacity, so this is the recommendation of the change.

Roll call on Assembly Bill No. 492:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 492 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of Assembly Bill 493. It abolishes the Nevada Commission on Sports. Any balance remaining in the account and not committed for expenditure must be reverted back to the State General Fund.

With this—another Sunset Subcommittee recommendation—the Commission did not respond to the repeated requests for the information. No one came forth to defend it, and in our discovery, it had been inactive for several years.

Roll call on Assembly Bill No. 493:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 493 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of Assembly Bill 495. The bill abolishes the Committee on Co-Occurring Disorders as recommended by the Sunset Subcommittee of the Legislative Commission.

In our review of this committee, the chair of the Co-Occurring Disorders had come forth. They had met the mandate that had been issued to them, and they no longer saw a need to continue the committee.

Roll call on Assembly Bill No. 495:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 495 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Joint Resolution No. 4 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 95, 395; Senate Bill No. 139 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 77, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Ann-Marie White.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Oki and Jeanette M. Hammons.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Robbie Nickel.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Lloyd.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Westergard.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to John Miller.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Kathlin Ray.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to John Crockett.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Livermore, Curtis Blackwell, and Frankie Perez.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Fay.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Hughes.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Moss.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, April 17, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:22 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 17, 2013

Assembly called to order at 12:04 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Benitez-Thompson, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Dan Aument.

Please pray with me.

All-knowing and all-loving God, Your steadfast love never ceases, Your mercies never come to an end; they are new every morning; great is Your faithfulness. We begin this day in prayer because we know that we do not have all the answers. We ask for Your wisdom and Your guidance.

Give us new energy as we continue to do the work that You have given us. Help us to be good stewards of the many gifts and blessings that You have poured out on our lives. Empower this Assembly to accomplish meaningful and lasting good. Grant us boldness and clarity of judgment as we seek to serve others. All these things we ask in Your precious Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 90, 284, 349, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 353, 357, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 59, 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 54, 64, 67, 307, 320, 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 246, 346, 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 145, 236, 242, 243, 263, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 158, 180, 288, 302, 310, 402, 432, 477, 489, 497, 506, 507, 509.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 66, 90, 109, 155, 157, 244, 316, 364; Senate Joint Resolution No. 8.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 256.

CINDY JONES
Fiscal Analysis Division

Senate Joint Resolution No. 8.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 54, 59, 64, 67, 90, 145, 147, 236, 242, 243, 246, 263, 284, 307, 308, 312, 320, 346, 349, 353, 357, 388, 396, 415, 434, 453, 455, and 460, just reported out of committee, be placed at the bottom of the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 19.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 66.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 90.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 109.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 155.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 157.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 158.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 180.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 244.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 288.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 302.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 310.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 316.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 364.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 402.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 432.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 477.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 489.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 497.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 506.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 507.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 509.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 246.

AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a ~~[licensed gaming establishment; revising provisions relating to the unlawful possession, use, sale or manufacture of counterfeit items for the purposes of gaming or contests or promotions related to gaming;]~~ **game;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to use or possess with the intent to use, or to assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment. (NRS 465.075) **Section 1** of this bill: (1) provides that the prohibition applies to individuals and those acting in conjunction with others; ~~[and]~~ (2) **adds software or hardware, or any combination thereof, to the list of prohibited devices; (3) provides that the prohibition applies to any game that is offered by a licensee or affiliate; and (4)** removes the definition of the term "advantage."

~~[Existing law also prohibits the possession, use, sale or manufacture of counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments in a gambling game. (NRS 465.080) Section 2 of this bill provides that the possession, sale or manufacture of such items that are intended to be used in a gambling game is unlawful. Section 2 also provides that it is unlawful to possess, use, sell or manufacture certain counterfeit items that are intended to be used to determine the outcome of a contest or promotional activity conducted by or on behalf of a gaming licensee.]~~

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

Section 1. NRS 465.075 is hereby amended to read as follows:

465.075 ~~[1.]~~ It is unlawful for any person ***, either solely or in conjunction with others,*** to use, possess with the intent to use or assist another person in using or possessing with the intent to use any computerized, electronic, electrical or mechanical device ***, or any software or hardware, or any combination thereof,*** which is designed, constructed, altered or programmed to obtain an advantage at playing any game in a licensed gaming establishment ~~[,]~~ ***or any game that is offered by a licensee or affiliate,*** including, without limitation, a device that:

~~[(a)]~~ ***1.*** Projects the outcome of the game;

~~[(b)]~~ ***2.*** Keeps track of cards played or cards prepared for play ~~[;~~

~~(c)]~~ ***in the game;***

3. Analyzes the probability of the occurrence of an event relating to ~~[a]~~ ***the*** game; or

~~[(d)]~~ ***4.*** Analyzes the strategy for playing or betting to be used in the game,

➥ except as may be made available as part of an approved game or otherwise permitted by the Commission.

~~[2. As used in this section, "advantage" means a benefit obtained by one or more participants in a game through information or knowledge that is not made available as part of the game as approved by the Board or Commission.]~~

Sec. 2. ~~[NRS 465.080 is hereby amended to read as follows:~~

~~465.080 1. It is unlawful for any licensee, employee or other person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an establishment, to [possess, use,] :~~

~~*(a) Possess,* sell or manufacture counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments *that are intended to be used* in a gambling game, associated equipment or a cashless wagering system [.] ; or~~

~~*(b) Use counterfeit chips, counterfeit debit instruments or other counterfeit wagering instruments in a gambling game, associated equipment or a cashless wagering system.~~

~~2. It is unlawful for any licensee, employee or other person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an establishment, to possess, use, sell or manufacture any counterfeit instruments, counterfeit tickets or other counterfeit items that are used *or intended to be used* to determine the outcome of any contest or promotional activity conducted by or on behalf of any licensee.~~

~~3. It is unlawful for any person, in playing or using any gambling game, associated equipment or cashless wagering system designed to be played with, receive or be operated by chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or by lawful coin *, legal tender* of the United States of America:~~

~~(a) Knowingly to use other than chips, tokens, wagering credits or other wagering instruments approved by the State Gaming Control Board or lawful coin, legal tender of the United States of America, or to use coin or tokens not of the same denomination as the coin or tokens intended to be used in that gambling game, associated equipment or cashless wagering system; or~~

~~(b) To use any device or means to violate the provisions of this chapter.~~

~~4. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of such employment within an establishment, to have on his or her person or in his or her possession on or off the premises of any licensed gaming establishment any device intended to be used to violate the provisions of this chapter.~~

~~5. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of such employment within an establishment, to have on his or her person or in his or her possession on or off the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any gambling game, cashless wagering system or drop box, or any electronic or mechanical device connected thereto, or for removing money or other contents therefrom.~~

~~6. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of such employment within an establishment, to have on his or her person or in his or her possession any paraphernalia for manufacturing slugs. As used in this subsection, "paraphernalia for manufacturing slugs" means the equipment, products and materials that are intended for use or designed for use in manufacturing, producing, fabricating, preparing, testing, analyzing, packaging, storing or concealing a counterfeit facsimile of the chips, tokens, debit instruments or other wagering instruments approved by the State Gaming Control Board or a lawful coin~~ ***, legal tender*** ~~of the United States, the use of which is unlawful pursuant to subsection 3. The term includes, but is not limited to:~~

~~(a) Lead or lead alloys;~~

~~(b) Molds, forms or similar equipment capable of producing a likeness of a gaming token or United States coin;~~

~~(c) Melting pots or other receptacles;~~

~~(d) Torches;~~

~~(e) Tongs, trimming tools or other similar equipment; and~~

~~(f) Equipment which can be reasonably demonstrated to manufacture facsimiles of debit instruments or wagering instruments approved by the State Gaming Control Board.~~

~~7. Possession of more than one of the devices, equipment, products or materials described in this section permits a rebuttable inference that the possessor intended to use them for cheating.~~**]** **(Deleted by amendment.)**

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 100.

AN ACT relating to transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any relinquishment of a portion of any state highway by the Department of Transportation to a county or city requires a consenting resolution from the legislative body of that county or city. (NRS 408.527) This bill allows ~~[for the relinquishment of: (1) any portion of a state highway to a county or city with such a consenting resolution if the highway is either in good repair or the Department provides equitable compensation to the county or city for bringing the highway into good repair; and (2) any portion of a local road to the Department with the consent of the Board of Directors of the Department if the road is either in good repair or the county or city provides equitable compensation to the Department for bringing the road into good repair.]~~ **the Department, and counties and cities, to relinquish to each other state highways and county and city roads, as applicable, provided that: (1) the parties agree in writing to the relinquishment; (2) the governing body of the recipient entity adopts a resolution consenting thereto; and (3) the highway or road is in good repair, or the parties agree to other equitable compensation or considerations. This bill also requires the Department, in cooperation with local governments, to develop a procedural document addressing the process by which highways and roads are relinquished.**

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

Section 1. NRS 408.527 is hereby amended to read as follows:

408.527 1. Whenever the Department and the county or city concerned have entered into ~~[an]~~ ***a written*** agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city ~~[any]~~ ***:***

(a) Any portion of any state highway which has been deleted from the state highway system by legislative enactment ~~[. The Department may likewise relinquish any]~~ ***; or***

(b) Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. ***Whenever the county or city concerned and the Department have entered into*** ~~*[an]*~~ ***a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may***

relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.

3. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

~~[3.]~~ ***4.*** Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

~~[4.]~~ ***5.*** Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

~~[5.]~~ ***6.*** If the Board relinquishes property pursuant to subsection ~~[4,]~~ ***5,*** and the purpose for which the property was relinquished is abandoned or ceases to exist, then ~~[:~~

~~(a) If the]~~ ***, absent an agreement or a provision of law to the contrary, and regardless of the*** interest of the Department in the property before it was relinquished ***,*** ~~[was held in fee simple,]~~ all right, title and interest ~~[of]~~ ***in the property shall vest in*** the county, city or Division ~~[reverts]~~ ***without reversion*** to the Department.

~~[(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or Division may abandon or vacate the property without reversion to the Department.]~~

7. The Board may accept from ~~[the]~~ a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to ~~[,]~~ in writing.

8. ~~[The]~~ A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to ~~[,]~~ in writing.

9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair [before the relinquishment or trade takes place. If the highway or road, or portion thereof, to be traded is not of comparable value,] , or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations . [are required.]

[6.**]** ***10. The Department, in cooperation with local governments, shall develop a procedural document which addresses the process by which highways and roads are relinquished. The Board must approve the procedural document and any modifications thereto.***

11. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 147.

AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; **[**revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles;**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from having an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a highway. Existing law provides an exception to that prohibition for a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living

quarters of a house coach or house trailer. (NRS 484B.150) **Section 1** of this bill provides that the exception **: ~~[applies only to a passenger, but not the driver, within:]~~** (1) **applies to** the passenger area of such a motor vehicle; **~~[or (2) the living quarters of the house coach or house trailer.]~~ but (2) does not apply to a driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.**

Section 2 of this bill **~~[increases the threshold from $750 to $1,500 in apparent damages for determining when the]~~ allows: (1) a** driver of a vehicle which is involved in an accident **~~[is required]~~ with apparent damages of $750 or more** to **~~[forward a]~~ submit electronically the accident** report **the driver is required to submit** to the Department of Motor Vehicles **; ~~[within 10 days after the accident. Section 2 further allows: (1) the driver to submit the report electronically;]~~** and (2) a driver who is required to submit a supplemental report to do so electronically. (NRS 484E.070) **Section 2 further requires the Department of Motor Vehicles to approve the format of the forms for those accident reports and make the forms available to persons who are required to submit the reports to the Department.**

Section 4 of this bill allows a police officer who investigates a vehicle accident for which a report must be made by the officer, or who otherwise prepares a written **or electronic** report as a result of the investigation, to forward the report of the accident in writing or electronically. In addition, **section 4** requires the report to be submitted to the Department of Public Safety rather than the Department of Motor Vehicles. **~~[(NRS 484E.110)]~~ Section 4 requires the data collected by the Department of Public Safety from those reports to be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis. Section 4** further requires a police officer to prepare a report of an investigation which is conducted of a vehicle accident which results in bodily injury to or the death of any person or which involves apparent damage of **~~[$1,500]~~ $750** or more to a vehicle or other property. **(NRS 484E.110)**

Section 5 of this bill transfers from the Department of Motor Vehicles to the Department of Public Safety the duty to prepare certain forms for preparing written accident reports that are supplied to police departments, sheriffs and other appropriate agencies or persons. (NRS 484E.120) **Section 5** further requires certain accident reports that are required to be prepared by a police officer to be made on the appropriate form approved by the Department of Public Safety rather than the Department of Motor Vehicles and requires any other accident reports to be made on forms approved by the Department of Motor Vehicles.

~~[Section 6 of this bill increases the threshold for damage to property as a result of a motor vehicle accident which requires a driver to deposit security from $750 to $1,500. If such security is not filed in a timely manner and the driver remains liable for the amount, under existing law, the Department of Motor Vehicles will hold a hearing to suspend the driver's license of the driver of the motor vehicle and any motor vehicle registrations of the owner of the motor vehicle or, if the operator or owner of the motor vehicle is a nonresident, to suspend his or her privilege to drive in this State. (NRS 485.190)]~~

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

Section 1. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to **_:_** ~~[***a passenger, but applies to the driver, within:***]~~

(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation ***;*** ~~[,]~~ or ~~[to the]~~

(b) The living quarters of a house coach or house trailer ~~[.]~~ **_,_**

➥ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 2. NRS 484E.070 is hereby amended to read as follows:

484E.070 1. ***The Department shall:***

(a) Approve the format of the forms for accident reports made pursuant to this section; and

(b) Make those forms available to persons who are required to forward the reports to the Department pursuant to this section.

2. Except as otherwise provided in subsections ~~[2,]~~ 3 ***, 4*** and ~~[4,]~~ ***5,*** the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of $750 ~~*[$1,500]*~~ or more, shall, within 10 days after the accident, forward a written ***or electronic*** report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written ***or electronic*** reports whenever the original report is insufficient in the opinion of the Department.

~~[2.]~~ ***3.*** A report is not required from any person if the accident was investigated by a ~~[law enforcement agency]~~ ***police officer pursuant to NRS 484E.110*** and the report of the investigating officer contains:

(a) The name and address of the insurance company providing coverage to each person involved in the accident;

(b) The number of each policy; and

(c) The dates on which the coverage begins and ends.

~~[3.]~~ ***4.*** The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority need not submit in his or her report the information requested pursuant to subsection 3 of NRS 484E.120 until the 10th day of the month following the month in which the accident occurred.

~~[4.]~~ ***5.*** A written ***or electronic*** accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of the person's incapacity. Whenever the driver is physically incapable of making a written ***or electronic*** report of an accident as required in this section and the driver is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

~~[5.]~~ ***6.*** All written ***or electronic*** reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except as otherwise provided in NRS 239.0115 and except that the Department may disclose to a person involved in an accident or to his or her insurer the identity of another person involved in the accident when the person's identity is not otherwise known or when the person denies having been present at the accident. The Department

may also disclose the name of the person's insurer and the number of the person's policy.

~~[6.]~~ ***7.*** A written ***or electronic*** report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484E.080.

Sec. 3. NRS 484E.080 is hereby amended to read as follows:

484E.080 1. If a person willfully fails, refuses or neglects to make a report of an accident in accordance with the provisions of this chapter, the person's driving privilege may be suspended. Suspension action taken under this section remains in effect for 1 year unless terminated by receipt of the report of the accident or upon receipt of evidence that failure to report was not willful.

2. Any person who gives information in ***electronic,*** oral or written reports as required in this chapter, knowing or having reason to believe that such information is false, is guilty of a gross misdemeanor.

Sec. 4. NRS 484E.110 is hereby amended to read as follows:

484E.110 1. Every police officer who investigates a vehicle accident of which a report must be made as required in this chapter, or who otherwise prepares a written ***or electronic*** report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written ***or electronic*** report of the accident to the Department ***of Public Safety*** within 10 days after the investigation of the accident. ***The data collected by the Department of Public Safety pursuant to this subsection must be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis.***

2. The written ***or electronic*** reports required to be forwarded by police officers and the information contained therein are not privileged or confidential.

3. Every sheriff, chief of police or office of the Nevada Highway Patrol receiving any report required under NRS 484E.030 to 484E.090, inclusive, shall immediately prepare a copy thereof and file the copy with the Department ~~[.]~~ ***of Public Safety.***

4. If a police officer investigates a vehicle accident resulting in bodily injury to or the death of any person or total damage to any vehicle or item

of property to an apparent extent of ~~[$1,500]~~ $750 or more, the police officer shall prepare a written or electronic report of the investigation.

5. As soon as practicable after receiving a report pursuant to this section, the Department of Public Safety shall submit a copy of the report to the Department of Motor Vehicles.

Sec. 5. NRS 484E.120 is hereby amended to read as follows:

484E.120 1. The Department ***of Public Safety*** shall prepare ~~[and upon request supply to police departments, sheriffs and other appropriate agencies or persons]~~ forms for ~~[written]~~ accident reports ~~[as]~~ required ~~[in this chapter,]~~ ***pursuant to NRS ~~[484E.070 and]~~ 484E.110,*** suitable with respect to the persons required to make the reports and the purposes to be served. The forms must be designed to call for sufficiently detailed information to disclose with reference to an accident the cause, conditions then existing, the persons and vehicles involved, the name and address of the insurance company, the number of the policy providing coverage and the dates on which the coverage begins and ends. ***The Department of Public Safety shall ~~[:~~***

~~(a) After the Department of Motor Vehicles approves the format of the forms for accident reports made by persons pursuant to NRS 484E.070, supply the forms to the Department of Motor Vehicles; and~~

~~(b) Upon]~~ , upon request, supply to a police department, sheriff or other appropriate agency or person, the forms for accident reports prepared by a police officer pursuant to NRS 484E.110.

2. ~~[The form prepared for a report to be made by persons pursuant to NRS 484E.070 *or by a police officer pursuant to NRS 484E.110* must call for such]~~ ***In addition to submitting a copy of a report pursuant to NRS 484E.110, the Department of Public Safety shall provide any*** information ~~[as is]~~ required by ***this section which is not included in the report to*** the Department ***of Motor Vehicles*** to enable ~~[it]~~ ***the Department of Motor Vehicles*** to determine whether the requirements for the deposit of security under chapter 485 of NRS are inapplicable. The Department ***of Motor Vehicles*** may rely upon the accuracy of information supplied ***to a police officer*** by a driver or owner on the form unless it has reason to believe that the information is erroneous.

3. ***Every accident report required pursuant to NRS 484E.070 must be made on the appropriate form approved by the Department of Motor Vehicles pursuant to that section and must contain all the information required in the form.***

4. Every accident report required ~~[to be made in writing]~~ ***pursuant to NRS 484E.110*** must be made on the appropriate form approved by the Department ***of Public Safety*** and must contain all the information required therein unless it is not available.

Sec. 6. ~~[NRS 485.190 is hereby amended to read as follows:~~

~~"485.190 1. If, 20 days after the receipt of a report of an accident involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of~~ ~~[$750,]~~ ***$1,500,*** ~~the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.~~

~~2. The Department shall, immediately after a determination adverse to an operator or owner is made in a hearing pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him or her, unless the operator or owner, or both, immediately deposit security in the sum so determined by the Department at the hearing. If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.~~] **(Deleted by amendment.)**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

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

Amendment No. 337.

AN ACT relating to state purchasing; revising provisions governing contracts to provide services to state agencies; ~~[revising]~~ **increasing** the ~~[thresholds governing certain actions relating to]~~ **threshold for requiring** ~~[contracts for services,]~~ formal contracts ~~[and local purchasing;]~~ **for certain purchases by the State;** revising provisions concerning purchases and contracts which are contrary to the provisions governing state purchasing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a department, division or other agency of the Executive Department of the State Government from entering into certain contracts to provide services unless approved by the State Board of Examiners. (NRS 284.1729) This bill repeals NRS 284.1729 but replaces that section with **section 1** of this bill, to be added to chapter 333 of NRS, which relates to state purchasing. The new section contains the same provisions as existing law except that the new section amends that existing law by: (1) requiring the using agency to submit a written disclosure to the Board regarding the services to be provided; and (2) specifying when approval by the Board must occur.

Existing law defines a "using agency" to include certain state agencies and elected officers of the Executive Department of the State Government which derive their support from public money in whole or in part. (NRS 333.020) ~~[Sections 2-4]~~ **Section 3** of this bill ~~[raise]~~ **raises** the threshold for ~~[: (1) the estimated value of contracts for services that the Administrator of the Purchasing Division of the Department of Administration is required to contract for from $100,000 or more to $250,000 or more; (2)]~~ requiring formal contracts for **certain** purchases by the State from $25,000 to $50,000 ~~[; and (3) local purchasing by using agencies which the Administrator may authorize from $5,000 to $10,000 per order.]~~ **.**

With limited exceptions, existing law requires contracts with independent contractors to be approved by the State Board of Examiners, but the Clerk of the Board may approve contracts that are for **amounts** less than ~~[a certain specified amount.]~~ **$10,000, or amounts less than $25,000 for contracts necessary to preserve life and property.** (NRS 333.700) **Section 5** of this bill ~~[: (1) authorizes the Board to prescribe the amount rather than the relevant amount being specified in statute; and (2)]~~ provides that **the Clerk of the Board or a designee may approve** contracts for amounts below ~~[the amount prescribed by the Board are excepted from certain requirements, including being in writing and being filed with the Legislative Counsel Bureau and the Clerk of the Board.]~~ **$50,000, including those contracts necessary to preserve life and property. Section 5 also authorizes a contract for the services of an independent contractor to be performed in parts or phases, except that section 5 prohibits splitting such a contract into separate contracts for the purpose of avoiding any requirements for competitive bidding.**

Section 6 of this bill provides that purchases for services made or contracts entered into for purchases of services by certain state agencies and elected officers are void if they are contrary to the statutory and regulatory provisions governing state purchasing. **Section 6** further provides that the head of the using agency and the employee who made such a purchase or

entered into such a contract are personally liable for the costs of those services. **Section 6 also excludes contracts for the purchase of any service, supplies, materials or equipment for a public work that are awarded in compliance with the provisions governing public works from the provisions of section 6.**

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

Section 1. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

➥ unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.

3. The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:

(a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of NRS 333.700; and

(b) Must occur before the date on which the contract becomes binding on the using agency.

4. A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

5. Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

6. Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

7. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

8. A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than $1,000,000; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of $1,000,000 or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

Sec. 2. ~~[NRS 333.165 is hereby amended to read as follows:~~

~~333.165 1. Except as otherwise provided by specific statute, the Administrator shall contract for services whose estimated value is [$100,000]~~ ***$250,000*** ~~or more, and may authorize a using agency to contract for such services if he or she determines that to do so would be in the best interests of the State.~~

~~2. A using agency may contract for services if the estimated value of the services is less than [$100,000.]~~ ***$250,000.*** ~~The Administrator may, upon the request of a using agency, contract for such services on behalf of the agency if he or she determines that to do so would be in the best interests of the State.~~

~~3. The Administrator shall, upon the request of a using agency, provide assistance to the using agency for any contract for services whose estimated value is less than [$100,000.]~~ ***$250,000.***

~~4. For the purposes of this section, a contract for goods and services whose estimated value:~~

~~(a) Is [$100,000]~~ ***$250,000*** ~~or more [,] shall be deemed a contract for services; or~~

~~(b) Is less than [$100,000,]~~ ***$250,000*** ~~shall be deemed a contract for goods with respect to that part of the contract that represents goods. Those goods must be procured in a manner authorized by the Administrator.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 333.300 is hereby amended to read as follows:

333.300 1. Except as otherwise provided in NRS 333.375, the Administrator shall give reasonable notice, by advertising and by written notice provided to persons in a position to furnish the classes of commodities involved, as shown by its records, of all proposed purchases of supplies, materials and equipment to be purchased in accordance with a schedule prepared in conformity with the provisions of NRS 333.250.

2. All such materials, supplies and equipment, except as otherwise provided in this section, if the estimated cost thereof exceeds **[**~~$25,000,~~**]** ***$50,000*** must be purchased by formal contract from the lowest responsible bidder after notice inviting the submission of sealed proposals to the Administrator of the Purchasing Division at the date, hour and location set forth in the proposal, and at that date, hour and location the proposals must be publicly opened. The Purchasing Division may reject any or all proposals, or may accept the proposal determined best for the interest of the State. The notice must be published as prescribed in NRS 333.310.

3. In case of emergencies caused by acts of God or the national defense or other unforeseeable circumstances, the provisions for advertisements on competitive bids may be waived by the Administrator, but every effort must be made to secure the maximum competitive bidding under the circumstances. In no case may contracts be awarded until every possible effort has been made to secure at least three bona fide competitive bids.

4. In awarding contracts for the purchase of supplies, materials and equipment, if two or more lowest bids are identical, the Administrator shall:

(a) If the lowest bids are by bidders resident in the State of Nevada, accept the proposal which, in the discretion of the Administrator, is in the best interests of this State.

(b) If the lowest bids are by bidders resident outside the State of Nevada:

(1) Accept the proposal of the bidder who will furnish goods or commodities produced or manufactured in this State; or

(2) Accept the proposal of the bidder who will furnish goods or commodities supplied by a dealer resident in the State of Nevada.

Sec. 4. ~~**[**NRS 333.390 is hereby amended to read as follows:~~

~~333.390 1. Except as otherwise provided in NRS 333.435, the Administrator may authorize local purchasing by using agencies, in accordance with the rules of procedure, of individual orders for items not scheduled for quantity purchasing, not to exceed~~ **[**~~$5,000~~**]** ***$10,000*** ~~for each order, except for the repair, replacement and installation of parts for heavy equipment, not to exceed $15,000 for each order, at no higher prices than specified in the orders authorizing the local purchasing. The Administrator may authorize purchasing at higher prices if perishable articles are involved and to meet other emergency requirements.~~

~~2. The prices of the local purchases must be based on considerations of equal service and economy as compared with those in furnishing the same items of equal quality through the regular purchasing procedure.~~

~~3. Each authorization must:~~

~~(a) Be revocable.~~

~~(b) Specify the limit of spending for individual orders not to exceed [$5,000,] *$10,000,* except for the repair, replacement and installation of parts referred to in subsection 1.~~

~~(c) Specify the articles to be purchased.~~

~~(d) Be operative for not longer than 1 year after the date of issue.~~

~~4. A using agency that receives an authorization shall keep a record of:~~

~~(a) Its accounts and expenditures pursuant to that authority; and~~

~~(b) Evidence indicating that every effort has been made to secure competitive bidding to the extent practicable.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 333.700 is hereby amended to read as follows:

333.700 1. Except as otherwise provided in **[**~~NRS 284.1729,~~**]** ***section 1 of this act,*** a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of NRS 281.160.

(b) There must be no:

(1) Withholding of income taxes by the State;

(2) Coverage for industrial insurance provided by the State;

(3) Participation in group insurance plans which may be available to employees of the State;

(4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;

(5) Accumulation of vacation leave or sick leave; or

(6) Coverage for unemployment compensation provided by the State if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

6. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 8, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of ~~*[do not apply to]*~~ contracts which are for amounts less than $2,000. ~~*[the amount prescribed by the State Board of Examiners.]*~~

7. Except as otherwise provided in subsection 8, and except for contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

(a) For amounts less than ~~[$10,000 or, in contracts necessary to preserve life and property, for amounts less than $25,000;]~~ ~~*[the amount prescribed by the State Board of Examiners;]*~~ ***$50,000;*** or

(b) Entered into by the State Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

8. Copies of the following types of contracts need not be filed or approved as provided in subsections 6 and 7:

(a) Contracts executed by the Department of Transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

9. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 7 to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

➥ If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

10. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

11. ***Except as otherwise provided in this subsection, a contract for the services of an independent contractor may be performed in parts or phases. A contract for the services of an independent contract must not be split into separate contracts for the purpose of avoiding any requirements for competitive bidding.***

12. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

Sec. 6. NRS 333.810 is hereby amended to read as follows:

333.810 1. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** purchase and any contract for the purchase of any ***service,*** supplies, materials or equipment, made or entered into by any state officer, department, institution, board, commission or agency contrary to the provisions of this chapter and the rules and regulations of the Administrator promulgated pursuant thereto, shall be void; but the head of the using agency and the employee who actually made such purchase or entered into such contract shall be personally liable for the costs of any ***service,*** supplies, materials or equipment delivered pursuant to such purchase or contract.

2. Any contract made with any person, firm or corporation shall be void if any member, officer or employee of any using agency taking part in the making of such contract is also an officer or employee or owner of a substantial part or interest in such firm or corporation.

3. The provisions of this section do not apply to a contract for the purchase of any service, supplies, materials or equipment for a public work that is awarded in compliance with chapter 338 of NRS.

4. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 7. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS ~~[284.1729,]~~ 285.070, subsection 2 of NRS 321.335, NRS 322.007,

subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 8. NRS 284.1729 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

284.1729 Limitations and requirements; approval by State Board of Examiners; emergencies; reports to Interim Finance Committee; applicability of state purchasing provisions; exceptions.

1. Except as otherwise provided in this section, a department, division or other agency of this State shall not enter into a contract with a person to provide services for the agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

➥ unless, before the contract is executed by the agency, the State Board of Examiners approves the employment of the person. The requirements of this

subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a department, division or agency of this State if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the agency to contract with the person.

3. A department, division or other agency of this State may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the executive head of the department, division or agency determines that an emergency exists which necessitates the contract. If a department, division or agency contracts with a person pursuant to this subsection, the department, division or agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the department, division or agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

4. Except as otherwise provided in subsection 9, a department, division or other agency of this State shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the agency that were entered into by the agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

5. Except as otherwise provided in subsection 9, a department, division or other agency of this State shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

6. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission or institution;

(b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

7. A department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than $1 million; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

8. The provisions of chapter 333 of NRS that are not in conflict or otherwise inconsistent with this section apply to a contract entered into pursuant to this section.

9. The provisions of subsections 1 to 5, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of $1 million or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 247.

SUMMARY— ~~[Requires associations of planned communities to allow]~~ **Revises provisions governing** the ~~[outdoor]~~ storage of trash and recycling containers ~~[under certain circumstances.]~~ **in certain planned communities.** (BDR 10-262)

AN ACT relating to common-interest communities; ~~[requiring associations of planned communities to allow]~~ **revising provisions governing** the ~~[outdoor]~~ storage of trash and recycling containers ~~[under certain circumstances; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations pertaining to the storage of trash and recycling containers;]~~ **in certain planned communities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill restricts the authority of an association of a planned community to regulate the storage of trash and recycling containers on the premises of attached or detached residential units with curbside trash and recycling collection. Under **section 1** of this bill, the rules of an association governing the storage of trash and recycling containers must **: (1) comply with all applicable codes and regulations; and (2)** allow the unit's owner, or a tenant of the unit's owner, to store the containers outside any building or garage on the premises of the unit. The rules may **: (1)** provide that the containers must be ~~[screened]~~ **stored** in such a manner that the containers are ~~[not visible]~~ **screened from view** from the street ~~[or]~~ **, a** sidewalk ~~[. Section 1 also: (1) requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations prescribing the specifications and maximum cost]~~ **or any adjacent property; and (2) prescribe the size, location, color and material** of ~~[a screen]~~ **any device, structure or item** that may be used by a unit's owner or tenant ~~[; and (2) provides that a screen used by a unit's owner or tenant must comply with all applicable codes and regulations.]~~ **to screen the view.** Finally, **section 1** allows an association to adopt rules that reasonably restrict the conditions under which trash and recycling containers are placed for collection, including, without limitation, the area in which the containers may be placed and the length of time for which the containers may be kept in that area.

Section 2 of this bill provides that the restrictions on the authority of an association of a planned community to regulate trash and recycling containers are applicable only to associations containing more than six units.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an association of a planned community may not regulate or restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service.

2. An association of a planned community may adopt rules that reasonably restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service during the time the containers are not within the collection area ~~*[.]*~~ *, including, without limitation, rules prescribing the location at which the containers are stored during that time. The rules adopted by the association* ~~*[must allow]*~~ *:*

(a) Must:

(1) Comply with all applicable codes and regulations; and

(2) Allow the unit's owner, or a tenant of the unit's owner, to store containers for the collection of solid waste or recyclable materials outside any building or garage on the premises of the unit during the time the containers are not within the collection area. ~~*[The rules may provide]*~~

(b) May:

(1) Provide that the containers for the collection of solid waste or recyclable materials must be stored in such a manner that the containers are screened from view from the street ~~*[or]*~~ *, a sidewalk* ~~*[. The Commission shall adopt regulations prescribing the specifications of any device, structure or item used by a unit's owner or tenant to screen containers for the collection of solid waste or recyclable materials, including,]*~~ *or any adjacent property; and*

(2) Include, without limitation, rules prescribing the size, location, color ~~*[,]*~~ *and material* ~~*[and maximum cost]*~~ *of* ~~*[the]*~~ *any device, structure or item used to screen containers for the collection of solid waste or recyclable materials from view from the street, a sidewalk or any adjacent property and the manner of attachment of the device, structure or item to* ~~*[any other]*~~ *the structure on the premises* ~~*[of the unit. A device, structure or item used by a unit's owner or tenant to screen containers for the collection of solid waste or recyclable materials must comply with all applicable codes and regulations.]*~~ *where the containers are stored.*

3. An association of a planned community may adopt rules that reasonably restrict the conditions under which containers for the collection of solid waste or recyclable materials are placed in the collection area, including, without limitation:

(a) The boundaries of the collection area;

(b) The time at which the containers may be placed in the collection area; and

(c) The length of time for which the containers may be kept in the collection area.

4. As used in this section:

(a) "Collection area" means the area designated for the collection of the contents of containers for the collection of solid waste or recyclable materials.

(b) "Curbside service" means the collection of solid waste or recyclable materials on an individual basis for each residential unit by an entity that is authorized to collect solid waste or recyclable materials.

(c) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(d) "Residential unit" means an attached or detached unit intended or designed to be occupied by one family.

(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 352.

SUMMARY—Requires a cooling-off period before a former State Legislator may serve as a paid lobbyist **_ [.] before the Legislature._** (BDR 17-436)

AN ACT relating to the Legislature; ~~[prohibiting]~~ **requiring a cooling-off period before** a former State Legislator ~~[from receiving compensation or other consideration to]~~ **may** serve as a **paid** lobbyist ~~[to]~~ **before** the Legislature ~~[for a period of 2 years after leaving office;]~~ **; providing for certain exceptions; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill prohibits]~~ **The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) Certain violations of the Lobbying Act are punishable as misdemeanors. (NRS 218H.960)**

Under the Lobbying Act, a paid lobbyist is a person who receives any compensation to: (1) appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicate directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action. (NRS 218H.080, 218H.500)

However, a paid lobbyist does not include: (1) persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying; (2) employees of a bona fide news medium who are acting in the course of their professional duties and news gathering function; (3) certain state and local officers and employees who confine their activities to matters related to their public offices or agencies; and (4) persons who contact the Legislators elected from the districts in which such persons reside. (NRS 218H.080)

Section 1 of this bill amends the Lobbying Act to prohibit a former State Legislator from ~~[receiving compensation or other consideration to serve]~~ **serving** as a **paid** lobbyist ~~[to]~~ **before** the Legislature for ~~[2 years after leaving office.]~~ **a cooling-off period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.**

Section 2 of this bill prohibits a former State Legislator from filing a registration statement with the Director in the classification of a paid lobbyist during the cooling-off period. (NRS 218H.200)

Section 3 of this bill makes violations of the cooling-off period punishable as misdemeanors. (NRS 218H.960)

Section 4 of this bill provides that the cooling-off period applies only to a person who is elected to office as a State Legislator for a term

commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Section 5 of this bill provides that the provisions of this bill become effective on November 4, 2014.

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

Section 1. Chapter ~~[218A]~~ **218H** of NRS is hereby amended by adding thereto a new section to read as follows:

1. A former Legislator shall not receive compensation or other consideration to serve as a lobbyist for ~~[a period of 2 years after leaving office.]~~ the period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

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

~~(a) "Consideration"]~~ , "consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

~~[(b) "Lobbyist" has the meaning ascribed to it in NRS 218H.080.]~~

Sec. 2. **NRS 218H.200 is hereby amended to read as follows:**

218H.200 ***1.*** Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes.

2. A former Legislator shall not file a registration statement with the Director in the classification of a lobbyist who receives any compensation for his or her lobbying activities during any period in which the former Legislator is prohibited from serving as such a lobbyist pursuant to section 1 of this act.

Sec. 3. **NRS 218H.960 is hereby amended to read as follows:**

218H.960 A person who is subject to any provision in NRS 218H.900 or 218H.930 ***or section 1 of this act*** and who violates or otherwise refuses or fails to comply with the provision is guilty of a misdemeanor.

Sec. 4. **This act applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.**

Sec. 5. **This act becomes effective on November 4, 2014.**

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 307.

AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **: (1)** authorizes a prosecuting attorney to prosecute a person as a habitual criminal, a habitual felon or a habitually fraudulent felon if certain conditions exist **;** and **(2)** prescribes the punishment for a habitual criminal, a habitual felon or a habitually fraudulent felon. (NRS 207.010, 207.012, 207.014) Under existing law, a prosecuting attorney may ~~[file]~~ **: (1) include in the information charging the primary offense** a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon **; or (2) file such a count** after the person's conviction for the primary offense ~~[.]~~ **but, in such a case, the sentence must not be imposed or a certain hearing held until 15 days after the filing.** (NRS 207.016) This bill requires a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon to be filed ~~[within 30]~~ **not less than 2** days ~~[after]~~ **before** the ~~[defendant's arraignment]~~ **trial** on the primary offense, unless **the prosecution and the defendant stipulate otherwise or** for good cause shown the court extends such time. **This bill also authorizes the prosecution to supplement or amend such a count at any time before sentence is imposed, but, if such a supplement or amendment is filed, the sentence must not be imposed or a certain hearing must not occur until 15 days after the filing.**

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

Section 1. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded

to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be ~~[~~separately~~]~~ filed ~~[~~after conviction of~~]~~ ***separately from the indictment or information charging*** the primary offense, but if it is so filed, ***the count pursuant to NRS 207.010, 207.012 or 207.014 must be filed*** ~~***[within 30 days after the defendant's arraignment]***~~ ***not less than 2 days before the start of the trial on the primary offense unless the prosecution and the defendant stipulate otherwise or the court for good cause shown makes an order extending the time.*** ~~***If***~~ ***For good cause shown, the prosecution may supplement or amend a count pursuant to NRS 207.010, 207.012 or 207.014*** ~~***[is filed separately from the indictment or information charging the primary offense,]***~~ ***at any time before the sentence is imposed, but if such a supplement or amendment is filed, the*** sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon; or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon a stipulation of the parties.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 98.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 398.

AN ACT relating to common-interest communities; requiring a person nominated as a candidate for membership on the executive board of an association to be a member of the association in good standing; authorizing an association to reject a person's nomination as a candidate for membership on the executive board in certain circumstances; authorizing an association to distribute the disclosure of a potential conflict of interest on behalf of a candidate; requiring an association that solicits bids for an association project to review and compare initial bids; authorizing such an association to request revised bids; revising the definition of "association project"; revising the process by which financial statements of certain associations are reviewed or audited; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each person who is nominated as a candidate for membership on the executive board of an association to disclose potential conflicts of interest and whether he or she is a member of the association in good standing. A person is deemed not to be in good standing if he or she owes certain assessments or penalties to the association. (NRS 116.31034) **Section 1** of this bill removes the disclosure requirement relating to being a member in good standing and instead requires a person who is nominated as a candidate for membership on the executive board to be a member in good standing. **Section 1** also provides that ~~[a person is deemed not to be in good standing if he or she owes fines to the association. Section 1 further provides that]~~ if a candidate fails to disclose any potential conflict of interest before the closing period prescribed for nominations for membership on the executive board, the association may: (1) reject the person's nomination; or (2) if the association has reason to believe that a potential conflict of interest exists, distribute the disclosure, on behalf of the candidate, to each member of the association with the ballot or in the next regular mailing of the association.

Existing law provides that if an association solicits bids for an association project, the bids must be opened during a meeting of the executive board. (NRS 116.31086) **Section 2** of this bill requires an association to review and compare the initial bids for the association project and authorizes the

association to request any of the bidders to submit a revised bid. **Section 2** also revises the definition of "association project" to specify that such a project costs $2,500 or more or 10 percent or more of the total annual assessment made by the association.

Existing law sets forth the process for the review or audit of the financial statement of an association by an independent certified public accountant. For an association with an annual budget that is less than $150,000, the frequency with which a review occurs depends on the specific annual budget of the association. The financial statement of such an association must be audited only if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit. (NRS 116.31144) **Section 3** of this bill revises this process and requires that the financial statement of an association with an annual budget that is less than $150,000 be ~~[audited at least once]~~ **reviewed** every ~~[4]~~ fiscal ~~[years.]~~ **year.** For any fiscal year **,** ~~[for which such an audit will not be conducted,]~~ the financial statement must be ~~[: (1) reviewed; or (2)]~~ audited if, within 180 days before the end of the fiscal year, 51 percent of the total number of voting members of the association submit a written request for such an audit.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) ~~[~~Disclose whether the candidate is~~]~~ ***Be*** a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments ~~***[,]***~~ or construction penalties ~~***[or fines]***~~ that are required to be paid to the association.

~~[~~➥ The~~]~~ ***If a candidate who is not deemed to be in good standing pursuant to this paragraph satisfies all such unpaid and past due assessments*** ~~***[,]***~~ ***or construction penalties*** ~~***[or fines]***~~ ***before the closing of the prescribed period for nominations for membership on the executive board, he or she shall be deemed to be in good standing and may proceed as a candidate for membership on the executive board.***

9. ***A*** candidate must make all disclosures required pursuant to ~~[this]~~ ***paragraph (a) of*** subsection ***8*** in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

~~[9.]~~ ***10. If a candidate fails to make all disclosures required pursuant to paragraph (a) of subsection 8 before the closing of the prescribed period for nominations for membership on the executive board, the association may:***

(a) Reject his or her nomination as a candidate for membership on the executive board; or

(b) If the association has reason to believe that a potential conflict of interest exists, distribute the disclosure, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association.

11. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

~~[10.]~~ ***12.*** An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~[11.]~~ ***13.*** Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest

community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~[12.]~~ ***14.*** An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~[13. A]~~

15. An eligible candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~[11]~~ ***13*** or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

[~~14.~~**]** ***16.*** An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection **[**~~13.~~**]** ***15.***

[~~15.~~**]** ***17.*** Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project, the ***association shall review and compare the initial bids for the association project and, after such a review and comparison, may request any of the bidders to submit a revised bid to ensure that the bids received are consistent with respect to the specified services or goods being purchased by the association.***

2. If an association requests a revised bid from a bidder pursuant to subsection 1, the association shall explain to the bidder the way in which the bid needs to be revised, including, without limitation, any specifications needed in the revised bid. Any revised bids ***received by the association*** must ***not*** be ***sealed and must be*** opened during a meeting of the executive board.

~~[2.]~~ ***3.*** As used in this section, "association project" ~~[includes, without limitation,]~~ ***means*** a project that ~~[involves]~~ ***:***

(a) Involves the maintenance, repair, replacement or restoration of any part of the common elements ***;*** or ~~[which involves]~~

(b) Involves the provision of services to the association ~~[.]~~ ***,***

➥ and costs $2,500 or more or 10 percent or more of the total annual assessment made by the association.

Sec. 3. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is ~~[$45,000 or more but]~~ less than ~~[$75,000,]~~ ***$150,000,*** cause the financial statement of the association to be reviewed ~~*[:*~~

~~*(1) Audited* by an independent certified public accountant]~~ ~~[during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.~~

~~(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be reviewed]~~ ~~*[at least once every 4 fiscal years; and*~~

~~*(2) Reviewed]*~~ by an independent certified public accountant every fiscal year .

~~[(c)]~~ ~~*[for which an audit is not conducted.]*~~

(b) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. ~~[Except as otherwise provided in this subsection, for]~~ ***For*** any fiscal year , ~~*[for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1,]*~~ the executive board of an association shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days

before the end of the fiscal year, ~~[15]~~ ***51*** percent of the total number of voting members of the association submit a written request for such an audit. ~~[The provisions of this subsection do not apply to an association described in paragraph (c) of subsection 1.]~~

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~[.]~~ ***in accordance with generally accepted accounting principles in the United States.***

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 295.

AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, a restaurant or similar retail food establishment that: (1) is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items; or (2) elects to be subject to the disclosure requirements, is required to disclose certain nutritional information about the menu items offered for sale by the restaurant or establishment. (21 U.S.C. § 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant or similar retail food establishment that is part of a chain with ~~[10]~~ **15** or more locations doing business within this State to disclose the same nutritional information that federal law requires a chain with 20 or more locations to disclose. **Section 2** of this bill provides a penalty for the owner or operator of any restaurant or similar retail food establishment who fails to make the required disclosure of nutritional information.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a restaurant or similar retail food establishment ~~[,]~~ shall comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto if the restaurant or similar retail food establishment:

(a) ~~[That is]~~ Is part of a chain with ~~[10]~~ 15 or more locations doing business within this State under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items;

(b) ~~[That is]~~ Is part of a chain with 20 or more locations doing business under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items; or

(c) ~~[Who elects]~~ Elects for the restaurant or similar retail food establishment to be subject to the requirements of 21 U.S.C. § 343(q)(5)(H) .~~[,~~

~~" shall ensure that the restaurant or similar retail food establishment complies with the provisions of 21 U.S.C. § 343(q)(5)(H) and shall]~~

2. An owner or operator of a restaurant or similar retail food establishment who is required to comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto pursuant to subsection 1 shall post a notice in a conspicuous place in the restaurant or similar retail food establishment stating where a person may report any violation of this section.

~~[2. For the purposes of this section and NRS 585.550, the provisions of 21 U.S.C. § 343(q)(5)(H) that apply to a restaurant or similar retail food establishment described in paragraph (b) or (c) of subsection 1 shall be deemed to apply to a restaurant or similar retail food establishment described in paragraph (a) of subsection 1.]~~

3. The provisions of this section may be enforced by the health authority or the appropriate local law enforcement agency.

4. As used in this section:

(a) "Health authority" has the meaning ascribed to it in NRS 446.050.

(b) ~~["Similar retail food establishment" must, to the extent possible, be construed in a manner that is consistent with the provisions of 21 U.S.C. § 343(q)(5)(H) and any regulations adopted pursuant thereto.]~~ "Restaurant food" means food that is served in restaurants or other establishments in which food is served for immediate human consumption.

(c) "Restaurant or similar retail food establishment":

(1) Except as otherwise provided in subparagraph 2, means a retail establishment that offers for sale restaurant or restaurant-type food, where the establishment presents itself or has presented itself publicly as a

restaurant, or a total of more than 50 percent of the gross floor area of the establishment is used for the preparation, purchase, service, consumption or storage of food; or

(2) If the term is defined in federal regulations for the purposes of 21 U.S.C. § 343(q)(5)(H), has the meaning ascribed to it in such federal regulations.

(d) "Restaurant-type food" means a type of restaurant food offered for sale but not for immediate consumption that is processed and prepared primarily in a retail establishment and not offered for sale outside of the establishment.

Sec. 2. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ***The owner or operator of a restaurant or similar retail food establishment who violates section 1 of this act is guilty of a misdemeanor and shall be punished:***

(a) For the first offense within the immediately preceding 5 years, by a fine of not less than $50 but not more than $500;

(b) For the second offense within the immediately preceding 5 years, by a fine of not less than $100 but not more than $1,000; and

(c) For the third or subsequent offense within the immediately preceding 5 years, by a fine of not less than $250 but not more than $2,500.

➥ For the purposes of this subsection, any number of offenses discovered in a single day constitute a single offense.

3. In lieu of prosecution for a misdemeanor pursuant to subsection 2, the health authority, as defined in NRS 446.050, may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties in an amount not to exceed the amounts set forth in subsection 2 for violations of the provisions of section 1 of this act.

4. A person who violates any other provision of this chapter is guilty of a gross misdemeanor.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 92.

SUMMARY—Provides for the issuance of special license plates honoring peace officers who have received certain medals **[.]** **or the equivalent thereof.** (BDR 43-154)

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring peace officers who have received certain medals **[.]** **or the equivalent thereof;** setting forth the requirements for a person to qualify for the issuance of the special license plates; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor peace officers who have received one of several specified medals **[.]** **or the equivalent thereof.** The special license plates may be issued to a peace officer who has received one of those medals, **or the equivalent thereof,** or to a family member of a peace officer who received posthumously the Medal of Honor **[.]** **, or the equivalent thereof.** Unless the special license plates are lost or stolen, in which case a $5 fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates. **Section 1 clarifies further that the event leading to the issuance of one of the several specified medals, or the equivalent thereof, may have occurred before, on or after July 1, 2013.**

Under existing law, most special license plates: (1) must be approved by the Commission on Special License plates; (2) are subject to a limitation of not more than 30 separate designs of special license plates which the Department of Motor Vehicles may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 3-5** of this bill exempt the special license plates honoring peace officers who have received certain medals **, or the equivalent thereof,** from all three of the preceding requirements.

Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemption provided in **sections 3-5**,

section 2 of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring peace officers.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the Department shall design, prepare and issue license plates honoring peace officers who have received a medal specified in subsection 3 [.] , or the equivalent thereof.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the person. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is:

(a) A current or former peace officer who has received one or more of the following medals , or the equivalent thereof, for his or her service as a peace officer:

(1) The Medal of Honor;

(2) The Purple Heart;

(3) The Medal of Valor;

(4) The Lifesaving Medal;

(5) The Meritorious Service Medal; or

(6) The Distinguished Service Medal; or

(b) A family member of a person who was:

(1) Killed in the line of duty while serving as a peace officer; and

(2) Awarded posthumously the Medal of Honor , or the equivalent thereof, for his or her actions as a peace officer.

4. A qualifying event described in subsection 3 that entitles a person to special license plates issued pursuant to the provisions of this section is a qualifying event regardless of whether the event occurs or occurred before, on or after July 1, 2013.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[5.]~~ 6. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $5.

~~[6.]~~ 7. As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while serving as a peace officer" includes peace officers who:

(1) Are killed directly in the line of duty; and

(2) Die as a result of injuries sustained in the line of duty.

(c) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[.]~~ ***or section 1 of this act.***

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 4. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, ***or section 1 of this act,*** a license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. ~~[Except as otherwise provided in subsection 6, if,]~~ ***If,*** on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 5. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[.]~~ ***or section 1 of this act.***

Sec. 6. ~~[The]~~ **As soon as practicable after July 1, 2013, the** Department of Motor Vehicles shall design the special license plates described in section 1 of this act in cooperation with interested parties.

Sec. 7. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 206.

AN ACT relating to crimes; establishing the crime of involuntary servitude of a minor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of holding a person in involuntary servitude and provides that a person who holds another person in involuntary servitude is guilty of a category B felony. If a victim held in involuntary servitude suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, the person who held the victim in involuntary servitude is punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000. If the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, the person who held the victim in involuntary servitude is punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000. (NRS 200.463)

Section 2 of this bill establishes the crime of holding a minor in involuntary servitude and provides that a person who holds a minor in

involuntary servitude is guilty of a category A felony and is punished by life imprisonment with the possibility of parole when a minimum of 15 years has been served. **Sections 3, 4, 8 and 14** of this bill provide that a person found guilty of holding a minor in involuntary servitude is subject to the greater penalty for that crime if the act of holding the minor in involuntary servitude could subject the person to a lesser punishment under another statute. **Sections 1, 6, 7 and 9-11** of this bill add references to **section 2** so that the crime of holding a minor in involuntary servitude is treated the same as the crime of holding a person in involuntary servitude for certain purposes, including, without limitation, the habitual felon statute and civil forfeiture. **Section 13** of this bill adds the crime of holding a minor in involuntary servitude to the list of offenses that constitute a crime against a child, thereby requiring a person convicted of holding a minor in involuntary servitude to register with law enforcement as an offender convicted of a crime against a child.

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

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, ***and section 2 of this act,*** paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 2. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor or provides care for any length of time to a minor and who knowingly:

(a) Obtains labor or services from the minor by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that results in physical injury to the minor, sexual abuse of the minor [,] or sexual assault of the minor pursuant to NRS 200.366 ; or [statutory sexual seduction of the minor pursuant to NRS 200.368; or]

(b) Benefits, financially or by receiving anything of value [,] other than sexual gratification from the labor or services obtained by the conduct specified in paragraph (a),

↳ is guilty of holding a minor in involuntary servitude.

2. A person who is found guilty of holding a minor in involuntary servitude is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of at least $50,000.

3. Consent of the victim to the performance of any labor or services is not a valid defense to a prosecution conducted pursuant to this section.

4. Nothing in this section shall be construed to prohibit a parent or guardian of a child from requiring his or her child to perform common household chores under the threat of the reasonable exercise of discipline by the parent or guardian of the child.

5. For the purposes of this section:

(a) "Physical injury" includes, without limitation:

(1) A sprain or dislocation;

(2) Damage to cartilage;

(3) A fracture of a bone or the skull;

(4) An injury causing an intracranial hemorrhage or injury to another internal organ;

(5) [A burn or scalding;

(6) A cut, laceration, puncture or bite;

(7)] Permanent or temporary disfigurement [,] , including, without limitation, a burn, scalding, cut, laceration, puncture or bite; or

~~*[(8)]*~~ *(6) Permanent or temporary loss or impairment of a part or organ of the body.*

(b) "Serious harm" means any harm, whether physical or nonphysical, including, without limitation, psychological, financial or reputational harm, that is sufficiently serious, under the circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue to provide labor or services to avoid incurring that harm.

(c) "Sexual abuse" includes acts upon a child constituting:

(1) ~~*[Incest pursuant to NRS 201.180;*~~

~~*(2)]*~~ *Lewdness with a child pursuant to NRS 201.230;*

~~*[(3)]*~~ *(2) Sado-masochistic abuse pursuant to NRS 201.262;*

~~*[(4)]*~~ *(3) Sexual assault pursuant to NRS 200.366;*

~~*[(5) Statutory sexual seduction pursuant to NRS 200.368;*~~

~~*(6)]*~~ *(4) Open or gross lewdness pursuant to NRS 201.210; and*

~~*[(7)]*~~ *(5) Mutilation of the genitalia of a female child, aiding, abetting, encouraging or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child pursuant to NRS 200.5083.*

Sec. 3. NRS 200.463 is hereby amended to read as follows:

200.463 1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:

(a) Causing or threatening to cause physical harm to any person;

(b) Physically restraining or threatening to physically restrain any person;

(c) Abusing or threatening to abuse the law or legal process;

(d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(e) Extortion; or

(f) Causing or threatening to cause financial harm to any person,

➥ is guilty of holding a person in involuntary servitude.

2. ~~[A]~~ ***Unless a greater penalty is provided in section 2 of this act, a*** person who is found guilty of holding a person in involuntary servitude is guilty of a category B felony and shall be punished:

(a) Where the victim suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

(b) Where the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, by imprisonment in the state prison for a

minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 4. NRS 200.464 is hereby amended to read as follows:

200.464 Unless a greater penalty is provided pursuant to NRS 200.468, ***or section 2 of this act,*** a person who knowingly:

1. Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be held in involuntary servitude; or

2. Benefits, financially or by receiving anything of value, from participating in a violation of NRS 200.463 ~~[,]~~ ***or section 2 of this act,***

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $50,000.

Sec. 5. NRS 200.468 is hereby amended to read as follows:

200.468 1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom the person knows or has reason to know does not have the legal right to enter or remain in the United States with the intent to:

(a) Subject the person to involuntary servitude or any other act prohibited pursuant to NRS 200.463 or 200.465 ~~[,]~~ ***or section 2 of this act;***

(b) Violate any state or federal labor law, including, without limitation, 8 U.S.C. § 1324a; or

(c) Commit any other crime which is punishable by not less than 1 year imprisonment in the state prison.

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons for illegal purposes and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 6. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

➥ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484C.130, 484C.430 or 484E.010 ~~[.]~~ ***or section 2 of this act.***

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 7. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 ***or section 2 of this act*** by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

Sec. 8. NRS 127.300 is hereby amended to read as follows:

127.300 1. Except as otherwise provided in NRS 127.275, 127.285, 200.463, 200.464 and 200.465, ***and section 2 of this act,*** a person who, without holding a valid license to operate a child-placing agency issued by the Division, requests or receives, directly or indirectly, any compensation or

thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of any child for adoption or permanent free care is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. The natural parents and the adopting parents are not accomplices for the purpose of this section.

Sec. 9. NRS 128.097 is hereby amended to read as follows:

128.097 If a parent of a child:

1. Engages in conduct that violates any provision of NRS 200.463, 200.464 or 200.465 ~~[,]~~ or ***section 2 of this act; or***

2. Voluntarily delivers a child to a provider of emergency services pursuant to NRS 432B.630,

➥ the parent is presumed to have abandoned the child.

Sec. 10. NRS 128.106 is hereby amended to read as follows:

128.106 In determining neglect by or unfitness of a parent, the court shall consider, without limitation, the following conditions which may diminish suitability as a parent:

1. Emotional illness, mental illness or mental deficiency of the parent which renders the parent consistently unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time. The provisions contained in NRS 128.109 apply to the case if the child has been placed outside his or her home pursuant to chapter 432B of NRS.

2. Conduct toward a child of a physically, emotionally or sexually cruel or abusive nature.

3. Conduct that violates any provision of NRS 200.463, 200.464 or 200.465 ~~[.]~~ ***or section 2 of this act.***

4. Excessive use of intoxicating liquors, controlled substances or dangerous drugs which renders the parent consistently unable to care for the child.

5. Repeated or continuous failure by the parent, although physically and financially able, to provide the child with adequate food, clothing, shelter, education or other care and control necessary for the child's physical, mental and emotional health and development, but a person who, legitimately practicing his or her religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

6. Conviction of the parent for commission of a felony, if the facts of the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care and control to the extent necessary for the child's physical, mental or emotional health and development.

7. Unexplained injury or death of a sibling of the child.

8. Inability of appropriate public or private agencies to reunite the family despite reasonable efforts on the part of the agencies.

Sec. 11. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. Except as otherwise provided in NRS 176.0918, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

5. The court may grant a motion to vacate a judgment if:

(a) The judgment is a conviction for a violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;

(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 ~~[,]~~ ***or section 2 of this act;*** and

(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

6. In deciding whether to grant a motion made pursuant to subsection 5, the court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.

7. If the court grants a motion made pursuant to subsection 5, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading; and

(b) May take any additional action that the court deems appropriate under the circumstances.

Sec. 12. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, ***and section 2 of this act,*** 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 13. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. ***Involuntary servitude of a child pursuant to section 2 of this act, unless the offender is the parent or guardian of the victim.***

4. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.

~~[4.]~~ ***5.*** An attempt to commit an offense listed in this section.

~~[5.]~~ ***6.*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~[6.]~~ ***7.*** An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 14. NRS 613.080 is hereby amended to read as follows:

613.080 1. The immigration to this State of all slaves and other people bound by contract to involuntary servitude for a term of years is hereby prohibited.

2. It is unlawful for any company, person or persons to collect the wages or compensation for the labor of the persons described in subsection 1.

3. It is unlawful for any corporation, company, person or persons to pay to any owner or agent of the owner of any such persons mentioned in subsection 1 any wages or compensation for the labor of such slaves or persons so bound by the contract to involuntary servitude.

4. Unless a greater penalty is provided in NRS 200.463, 200.464 or 200.468, ***or section 2 of this act,*** a violation of any of the provisions of this section is a gross misdemeanor.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 94.

AN ACT relating to the Department of Motor Vehicles; limiting the purposes for which the Director of the Department is allowed to release certain personal information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Director of the Department of Motor Vehicles is allowed to release lists of license plate numbers and personally identifiable information that is requested by the presentation of a license plate number if a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle. (NRS 481.063) This bill ~~[limits the release of such information to the context in which]~~ **prohibits** the **Director from providing personal** information ~~[is requested]~~ **to individuals or companies** for the purpose of ~~[an advisory notice relating to the recall of a motor]~~ **marketing extended** vehicle ~~[.]~~ **warranties.**

Existing law also provides that if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director of the Department of Motor Vehicles may, under certain circumstances, release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use in the bulk distribution of surveys, marketing material or solicitations. (NRS 481.063) This bill eliminates the authority of the Director to release personal information for use in the bulk distribution of surveys, marketing material or solicitations.

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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose.

All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle ~~(1)~~ or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

~~[(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:~~

~~(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;~~

~~(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and~~

~~(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.]~~

7. Except as otherwise provided in paragraph (j) of subsection 6, ***the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and*** a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

11. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

12. As used in this section:

(a) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(b) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 99.

AN ACT relating to the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain sellers or long-term lessors of a used vehicle to provide the buyer or long-term lessee of the vehicle with evidence of compliance certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles and complies with the requirements of the State Environmental Commission. (NRS 445B.800) **Section 6** of this bill exempts a consignee from that requirement for any motor vehicle sold at a consignment auction if the consignee: (1) informs the buyer that the buyer will be responsible for obtaining an emissions inspection or testing before the buyer may register the vehicle; ~~[and]~~ (2) posts a notice at the site of the auction stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction ~~[.]~~ **; and (3) makes the vehicle available for inspection before the auction.**

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***"Consignee" has the meaning ascribed to it in NRS 482.31772.***

Sec. 3. ***"Consignment auction" means any transaction whereby the registered owner or lienholder of a vehicle , or an insurance company that has acquired a vehicle as part of a total loss settlement, agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell or attempt to sell the interest of the registered owner , ~~[or]~~ lienholder or insurance company in the vehicle ~~[by means of a live auction with an auctioneer verbally calling for and accepting bids]~~ at an auction that meets the requirements set forth in section 3.5 of this act.***

Sec. 3.5. 1. To qualify as a consignment auction for the purposes of subsection 4 of NRS 445B.805, an event must be:

(a) A live auction with an auctioneer verbally calling for and accepting bids; or

(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:

(1) A vehicle dealer licensed pursuant to NRS 482.325; or

(2) A salvage pool licensed pursuant to NRS 487.410.

2. A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:

(a) Applying to the Department of Motor Vehicles;

(b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;

(c) Providing evidence satisfactory to the Department that at least 51 percent of the vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:

(1) A live auction with an auctioneer verbally calling for and accepting bids; or

(2) An auction conducted on an auction website on the Internet by the person; and

(d) Providing any other information or documentation required by the Department.

3. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.

Sec. 4. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act*** do not apply to:

(a) Military tactical vehicles; or

(b) Replica vehicles.

2. As used in this section:

(a) "Military tactical vehicle" means a motor vehicle that is:

(1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Replica vehicle" means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after 1968 which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;

(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➥ The term does not include a vehicle which has been restored to its original design by replacing parts.

Sec. 6. NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Husband and wife; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. A consignee who is conducting a consignment auction which meets the requirements set forth in section 3.5 of this act if the consignee:

(a) Informs the buyer , using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle; [and]

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the website on which the consignment auction is conducted, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction [.] ; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of section 3.5 of this act, at the primary place of business of the consignee conducting the consignment auction.

Sec. 7. NRS 445B.840 is hereby amended to read as follows:

445B.840 It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;

2. Make, issue or use any imitation or counterfeit evidence of compliance;

3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act*** or any regulation adopted by the Department of Motor Vehicles; or

4. Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

Sec. 8. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act*** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 , [and] 3 and 3.5 of this act,*** or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 9. **This act becomes effective upon passage and approval.**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 207.

AN ACT relating to liens; authorizing owners of storage facilities to impose a reasonable late fee if rent for a storage space is not paid when due; [requiring a peace officer of a local law enforcement agency to remove a person residing in a storage facility within 24 hours after a request by the

~~owner of the storage facility;~~] authorizing the owner of a storage facility to deny an occupant access to his or her storage space if rent owed by the occupant remains unpaid for ~~[5]~~ **10** days or more; revising various provisions governing liens of owners of storage facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if rent for a storage space at a storage facility is due and unpaid, the owner of the storage facility has a lien on all personal property located in the storage space for the rent, labor or other charges incurred by the owner pursuant to a rental agreement and for those expenses reasonably incurred by the owner to preserve, sell or otherwise dispose of the personal property. (NRS 108.4753) Under existing law, the owner of the storage facility may sell this personal property to satisfy the lien. (NRS 108.4763, 108.477) **Section 3** of this bill authorizes the owner of a storage facility to impose a reasonable late fee for rent which is not paid when due if the rental agreement sets forth the amount of the late fee. Under **section 3**, a late fee is deemed to be reasonable if it is $20 or 20 percent of the monthly rental amount, for each month of a late rental payment, whichever is greater **.** ~~[, and a rental agreement may provide for a greater late fee if the owner establishes that the amount of the late fee is reasonable.]~~ **Section 6** of this bill provides that if a late fee is imposed on an occupant of a storage space, the late fee is included in the owner's lien.

Existing law prohibits a person from using a storage space at a storage facility as a residence and requires the owner of a storage facility to evict a person who is residing in a storage space. (NRS 108.475) Under existing law, a sheriff or constable of the county must remove the person from the storage space within 24 hours after receipt of an eviction order issued by a justice of the peace. (NRS 40.670) **Sections 5 and 9** of this bill repeal the requirement that the owner evict a person who is residing in a storage space at a storage facility **.** ~~[and, instead, require a peace officer of a local law enforcement agency to remove a person who the peace officer has reasonable cause to believe is residing in a storage space at a storage facility within 24 hours after the owner of the storage facility requests that the local law enforcement agency remove the person.]~~

Existing law provides that if any charges for rent or other items owed by the occupant of a storage space at a storage facility remain unpaid for 14 days or more, the owner of the storage facility may terminate the occupant's right to use the storage space for which charges are owed after providing certain notice to the occupant. (NRS 108.476) Existing law further provides that if the occupant fails to pay the total amount due by the date specified in a notice of lien from the owner of a storage facility, the owner may deny the occupant access to the storage space. (NRS 108.4763) **Sections 7 and 8** of

this bill remove the provisions of existing law authorizing the owner of a storage facility to deny access to a storage space and, instead, authorize the owner to deny access to a storage space for which an occupant owes any charge for rent or other items if the charge remains unpaid for ~~[5]~~ **10** days or more.

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

Section 1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Last known address" means the postal and electronic mail address, if any, provided by an occupant in the most recent rental agreement between the owner and the occupant, or the postal and electronic mail address, if any, provided by the occupant in a written notice sent to the owner with a change of the occupant's address after the execution of the rental agreement.***

Sec. 3. ***1. An owner may impose a reasonable late fee for each month that an occupant does not pay rent for a storage space when due if the amount of late fee is stated in the rental agreement or an addendum to such an agreement.***

2. ~~***[Except as otherwise provided in this subsection, a]***~~ ***A late fee of $20 or 20 percent of the monthly rental amount, whichever is greater, for each month of a late rental payment shall be deemed to be a reasonable late fee and shall not constitute a penalty.*** ~~***[The amount of a late fee may be greater than the amount set forth in this subsection if the owner establishes that the amount of the late fee is reasonable.]***~~

3. A late fee imposed pursuant to this section is not interest on a debt or a cost incurred by an owner in enforcing the owner's lien pursuant to NRS 108.4763 or enforcing any other remedy provided by any statute or contract.

4. As used in this section, "late fee" means a fee or charge assessed by an owner for an occupant's failure to pay rent for a storage space when due.

Sec. 4. NRS 108.473 is hereby amended to read as follows:

108.473 As used in NRS 108.473 to 108.4783, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 108.4731 to 108.4748, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 108.475 is hereby amended to read as follows:

108.475 1. ~~[A person shall not]~~ ***It is unlawful to*** use a storage space at a facility for a residence. ~~[The owner of such a facility shall]~~ ~~[evict]~~ ~~***[request that a local law enforcement agency remove any person who uses a storage***~~

~~***space at the facility as a residence .]***~~ ~~**[**in the manner provided for in NRS 40.760.~~**]** ~~***[Not later than 24 hours after receiving a request from the owner, a peace officer of the local law enforcement agency must remove the person if the peace officer has reasonable cause to believe the person is using the storage space for a residence. The peace officer shall not remove the person's personal property from the facility.]***~~

2. A facility shall not be deemed to be a warehouse or a public utility.

3. If an owner of a facility issues a warehouse receipt, bill of lading or other document of title for the personal property stored in a storage space at the facility, the owner and ***the*** occupant are subject to the provisions of NRS 104.7101 to 104.7603, inclusive, and the provisions of NRS 108.473 to 108.4783, inclusive, ***and sections 2 and 3 of this act*** do not apply.

Sec. 6. NRS 108.4753 is hereby amended to read as follows:

108.4753 1. The owner of a facility and the owner's heirs, assignees or successors have a possessory lien, from the date the rent for a storage space at the facility is due and unpaid, on all personal property, including protected property, located in the storage space for the rent, ***late fees imposed pursuant to section 3 of this act,*** labor or other charges incurred by the owner pursuant to a rental agreement and for those expenses reasonably incurred by the owner to preserve, sell or otherwise dispose of the personal property.

2. Any lien created by a document of title for a motor vehicle or boat has priority over a lien attaching to that motor vehicle or boat pursuant to NRS 108.473 to 108.4783, inclusive.

Sec. 7. NRS 108.476 is hereby amended to read as follows:

108.476 1. ***If any charges for rent or other items owed by the occupant remain unpaid for*** ~~***[5]***~~ ***10 days or more, the owner may deny the occupant access to the storage space at the facility for which charges are owed.***

2. If any charges for rent or other items owed by the occupant remain unpaid for 14 days or more, the owner may terminate the occupant's right to use the storage space at the facility, for which charges are owed, not less than 14 days after sending a notice by verified mail ~~**[**and**]**~~ ***or,*** if available, ***by*** electronic mail to the occupant at his or her last known address and to the alternative address provided by the occupant in the rental agreement. The notice must contain:

(a) An itemized statement of the amount owed by the occupant at the time of the notice and the date when the amount became due;

(b) The name, address and telephone number of the owner or the owner's agent;

(c) A statement that the occupant's right to use the storage space will terminate on a specific date unless the occupant pays the amount owed to the owner; and

(d) A statement that upon the termination of the occupant's right to occupy the storage space and after the date specified in the notice, an owner's lien pursuant to NRS 108.4753, will be imposed.

~~[2. For the purposes of this section, "last known address" means the postal and electronic mail address, if any, provided by the occupant in the most recent rental agreement between the owner and occupant, or the postal and electronic mail address, if any, provided by the occupant in a written notice sent to the owner with a change of the occupant's address after the execution of the rental agreement.]~~

Sec. 8. NRS 108.4763 is hereby amended to read as follows:

108.4763 1. After the notice of the lien is mailed by the owner, if the occupant fails to pay the total amount due by the date specified in the notice, the owner may:

(a) ~~[~~Deny the occupant access to the storage space.

~~(b)]~~ Enter the storage space and remove the personal property within it to a safe place.

~~[(c)]~~ ***(b)*** Dispose of, but may not sell, any protected property contained in the storage space in accordance with the provisions of subsection 5 if the owner has actual knowledge of such protected property. If the owner disposes of the protected property in accordance with the provisions of subsection 5, the owner is not liable to the occupant or any other person who claims an interest in the protected property.

~~[(d)]~~ ***(c)*** If the personal property upon which the lien is claimed is a motor vehicle, boat or personal watercraft, and rent and other charges related to such property remain unpaid or unsatisfied for 60 days, have the property towed by any tow car operator subject to the jurisdiction of the Nevada Transportation Authority. If a motor vehicle, boat or personal watercraft is towed pursuant to this paragraph, the owner is not liable for any damages to such property once the tow car operator takes possession of the motor vehicle, boat or personal watercraft.

2. The owner shall send to the occupant a notice of a sale to satisfy the lien by verified ***mail or, if available, by electronic*** mail at the last known address of the occupant and at the alternative address provided by the occupant in the rental agreement at least 14 days before the sale. ~~[The]~~ ***If the notice is sent by electronic mail and no confirmation of receipt is received, the*** owner shall also send such notice to the occupant by ~~[electronic]~~ ***verified*** mail at the last known ~~[electronic mail]~~ address of the occupant ***.*** ~~[, if any.]~~ The notice must contain:

(a) A statement that the occupant may no longer use the storage space and no longer has access to the occupant's personal property stored therein;

(b) A statement that the personal property of the occupant is subject to a lien and the amount of the lien;

(c) A statement that the personal property will be sold or disposed of to satisfy the lien on a date specified in the notice, unless the total amount of the lien is paid or the occupant executes and returns by verified mail, the declaration in opposition to the sale; and

(d) A statement of the provisions of subsection 3.

3. Proceeds of the sale over the amount of the lien and the costs of the sale must be retained by the owner and may be reclaimed by the occupant or the occupant's authorized representative at any time up to 1 year from the date of the sale.

4. The notice of the sale must also contain a blank copy of a declaration in opposition to the sale to be executed by the occupant if the occupant wishes to do so.

5. The owner may dispose of protected property contained in the storage space by taking the following actions, in the following order of priority, until the protected property is disposed of:

(a) Contacting the occupant and returning the protected property to the occupant.

(b) Contacting the secondary contact listed by the occupant in the rental agreement and returning the protected property to the secondary contact.

(c) Contacting any appropriate state or federal authorities, including, without limitation, any appropriate governmental agency, board or commission listed by the occupant in the rental agreement pursuant to NRS 108.4755, ascertaining whether such authorities will accept the protected property and, if such authorities will accept the protected property, ensuring that the protected property is delivered to such authorities.

(d) Destroying the protected property in an appropriate manner which is authorized by law and which ensures that any confidential information contained in the protected property is completely obliterated and may not be examined or accessed by the public.

Sec. 9. NRS 40.760 is hereby repealed.

TEXT OF REPEALED SECTION

40.760 Summary eviction of person using space in facility for storage as residence.

1. When a person is using a storage space at a facility as a residence, the owner or the owner's agent shall serve or have served a notice in writing which directs the person to cease using the storage space as a residence no later than 24 hours after receiving the notice. The notice must advise the person that:

(a) NRS 108.475 requires the owner to ask the court to have the person evicted if the person has not ceased using the storage space as a residence within 24 hours; and

(b) The person may continue to use the storage space to store the person's personal property in accordance with the rental agreement.

2. If the person does not cease using the storage space as a residence within 24 hours after receiving the notice to do so, the owner of the facility or the owner's agent shall apply by affidavit for summary eviction to the justice of the peace of the township wherein the facility is located. The affidavit must contain:

(a) The date the rental agreement became effective.

(b) A statement that the person is using the storage space as a residence.

(c) The date and time the person was served with written notice to cease using the storage space as a residence.

(d) A statement that the person has not ceased using the facility as a residence within 24 hours after receiving the notice.

3. Upon receipt of such an affidavit the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the person within 24 hours after receipt of the order. The sheriff or constable shall not remove the person's personal property from the facility.

4. For the purposes of this section:

(a) "Facility" means real property divided into individual storage spaces. The term does not include a garage or storage area in a private residence.

(b) "Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:44 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 309.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring ~~[a child who is sentenced to a term of imprisonment to serve the term in a state juvenile detention facility until he or she reaches the age of 18 years; providing for parole eligibility at the age of 25 years for certain prisoners;]~~ **the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder ~~[,]~~ **and** attempted murder **.** ~~[, offenses or attempted offenses involving the use or threatened use of a firearm which are committed by certain juveniles who were 16 years of age or older when the offense or attempted offense was committed, certain felonies resulting in death or substantial bodily harm to the victim which involve school property or school related activities, and other serious offenses.]~~ (NRS 62B.330) **Section 1** of this bill provides that ~~[: (1)]~~ murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was ~~[16]~~ **12** years of age or older when he or she committed the offense **.** ~~[; (2) offenses or attempted offenses involving the use or threatened use of a firearm committed by certain children who were 16 years of age or older when the offense or attempted offense was committed are not excluded from the jurisdiction of the juvenile court; and (3) certain felonies resulting in death or substantial bodily harm to the victim which involve school property or school related activities are not excluded from the jurisdiction of the juvenile court.]~~

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

petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding.

~~[Section 3 of this bill requires a person who is less than 18 years of age and who is sentenced as an adult to a term of imprisonment for committing a crime to serve the term in a state juvenile detention facility until the person reaches the age of 18 years, unless the court determines that he or she may be dangerous to another juvenile.~~

~~Section 4 of this bill provides that certain prisoners who were sentenced to terms of imprisonment as an adult for nonhomicide crimes they committed when they were less than 18 years of age become eligible for release from prison on parole at the age of 25 years.]~~

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

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

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

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

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

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

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

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ ***if the person was ~~[16]~~ 12 years of age or older when the murder or attempted murder was committed.***

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

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

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

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

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

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

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

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

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

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

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

4. During the pendency of a proceeding involving ~~[~~a~~]~~ ***:***

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

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

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

Sec. 3. ~~[Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. If a person who is less than 18 years of age is sentenced to serve a term of imprisonment in the state prison, the court must order the person to be housed in a state facility for the detention of children until he or she reaches the age of 18 years, except that the court may order the person to be immediately placed in the custody of the Department of Corrections if the court determines that the person may present a danger to others in the state facility for the detention of children.***~~

~~***2. As soon as practicable after a person who is housed in a state facility for the detention of children pursuant to subsection 1 reaches the age of 18 years, the state facility for the detention of children shall transfer the person to the custody of the Department of Corrections.***~~

~~***3. As used in this section, "state facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~[Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Unless eligible for parole sooner pursuant to this section and NRS 213.107 to 213.157, inclusive, a prisoner who was convicted of one or more nonhomicide crimes committed when the prisoner was less than 18 years of age is eligible for parole when the prisoner reaches 25 years of age, regardless of whether the prisoner has served the minimum term of imprisonment to which he or she was sentenced and regardless of whether a concurrent or consecutive sentence remains to be served, if the prisoner was sentenced to:*~~

~~*(a) A minimum term of imprisonment of not less than 10 years; or*~~

~~*(b) A minimum aggregate sentence of not less than 10 years.*~~

~~*2. A prisoner described in subsection 1 is eligible for release on parole upon reaching 25 years of age if:*~~

~~*(a) The prisoner has completed a program of general education or an industrial or vocational training program, unless this requirement has been waived because of the prisoner's disability as shown by:*~~

~~*(1) The individualized education program of the prisoner;*~~

~~*(2) The accommodation plan of the prisoner created pursuant to section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794; or*~~

~~*(3) A psychological evaluation of the prisoner;*~~

~~*(b) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and*~~

~~*(c) The prisoner has not, within the immediately preceding 24 months:*~~

~~*(1) Committed a major violation of the regulations of the Department of Corrections; or*~~

~~*(2) Been housed in disciplinary segregation.*~~

~~*3. If the Board grants parole to a prisoner pursuant to this section:*~~

~~*(a) The Board must prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.*~~

~~*(b) The parolee must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 4 of this act,* unless the context otherwise requires:~~

~~1. "Board" means the State Board of Parole Commissioners.~~

~~2. "Chief" means the Chief Parole and Probation Officer.~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

~~5. "Sex offender" means any person who has been or is convicted of a sexual offense.~~

~~6. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;~~

~~(b) An attempt to commit any offense listed in paragraph (a); or~~

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~

~~7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.~~**] (Deleted by amendment.)**

Sec. 6. ~~[NRS 213.1213 is hereby amended to read as follows:~~

~~213.1213 1. If a prisoner is sentenced pursuant to NRS 176.035 to serve two or more concurrent sentences, whether or not the sentences are identical in length or other characteristics, eligibility for parole from any of the concurrent sentences must be based on the sentence which requires the longest period before the prisoner is eligible for parole.~~

~~2. Notwithstanding any other provision of law, if a prisoner is sentenced pursuant to NRS 176.035 to serve two or more consecutive sentences of life imprisonment with the possibility of parole:~~

~~(a) For offenses committed on or after July 1, 2009:~~

~~(1) All minimum sentences for such offenses must be aggregated;~~

~~(2) The prisoner shall be deemed to be eligible for parole from all such sentences after serving the minimum aggregate sentence; and~~

~~(3) The Board is not required to consider the prisoner for parole until the prisoner has served the minimum aggregate sentence~~ **[.] ,** ***unless the prisoner becomes eligible for parole pursuant to section 4 of this act.***

~~(b) For offenses committed before July 1, 2009, in cases in which the prisoner has not previously been considered for parole for any such offenses:~~

~~(1) The prisoner may, by submitting a written request to the Director of the Department of Corrections, make an irrevocable election to have the minimum sentences for such offenses aggregated; and~~

~~(2) If the prisoner makes such an irrevocable election to have the minimum sentences for such offenses aggregated, the Board is not required~~

~~to consider the prisoner for parole until the prisoner has served the minimum aggregate sentence~~ **[.] *, unless the prisoner becomes eligible for parole pursuant to section 4 of this act,]*** **(Deleted by amendment.)**

Sec. 7. ~~[NRS 213.122 is hereby amended to read as follows:~~

~~"213.122 The Chief shall develop a statewide plan for the strict supervision of parolees released pursuant to NRS 213.1215~~ **[.] *or section 4 of this act.*** ~~In addition to such other provisions as the Chief deems appropriate, the plan must provide for the supervision of such parolees by assistant parole and probation officers whose caseload allows for enhanced supervision of the parolees under their charge unless, because of the remoteness of the community to which the parolee is released, enhanced supervision is impractical.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 213.1519 is hereby amended to read as follows:~~

~~"213.1519 1. Except as otherwise provided in subsection 2, a parolee whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:~~

~~(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and~~

~~(b) Must serve such part of the unexpired maximum term of his or her original sentence as may be determined by the Board.~~

~~" The Board may restore any credits forfeited under this subsection.~~

~~2. A parolee released on parole pursuant to NRS 213.1215~~ ***and section 4 of this act*** ~~whose parole is revoked for having been convicted of a new felony:~~

~~(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;~~

~~(b) Must serve the entire unexpired maximum term of his or her original sentence; and~~

~~(c) May not again be released on parole during his or her term of imprisonment.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[The amendatory provisions of:~~

~~1. Section 3 of this act apply to a person convicted of a crime on or after October 1, 2013.~~

~~2. Section 4 of this act apply to a person convicted of a crime before, on or after October 1, 2013.]~~ **(Deleted by amendment.)**

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

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

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

(b) One member who is a district attorney.

(c) One member who is a public defender.

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

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

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

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

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

(i) The Director of the Department of Corrections.

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

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

(b) The advantages and disadvantages of blended sentencing.

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

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

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

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

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

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

the appointed member who nominated the alternate member is disqualified or unable to serve.

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

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

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

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

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 131.

AN ACT relating to motorcycles; revising provisions pertaining to trimobiles; revising provisions relating to the equipment that is required on a motorcycle or moped operating on the highways of this State; revising provisions concerning the protective equipment that a person is required to wear when driving or riding on a motorcycle or moped; increasing the amount the Director of the Department of Public Safety is authorized to charge for a course of motorcycle safety; revising other provisions related to certain courses of motorcycle safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person driving a trimobile is required to hold a driver's license, but is not required to hold a motorcycle driver's license or a driver's license with a motorcycle endorsement. (NRS 486.061) Existing law also requires a person driving or riding on a trimobile to wear protective glasses, goggles or a face shield, but does not require such a person to wear protective headgear. (NRS 486.231) A trimobile is defined in existing law as a motor vehicle designed to travel with three wheels in contact with the ground, two of which are power driven. (NRS 482.129, 486.057) **Sections 1**

and 2 of this bill revise the definition of trimobile by removing the requirement that two of the wheels be power driven **[.]** **and by excluding from the definition a motorcycle with a sidecar.**

Existing law requires the Department of Motor Vehicles to adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by drivers and passengers of motorcycles, and transparent windscreens for motorcycles. (NRS 486.231) **Section 3** of this bill removes the requirement for the Department to adopt standards for protective glasses, goggles, face shields and transparent windscreens.

Existing law requires a motorcycle or moped that is driven on the highways of this State to be equipped with certain equipment, including, for example, head lamps and rear reflectors, and provides for height restrictions for handlebars. (NRS 486.201, 486.281, 486.291) **Section 4** of this bill increases the maximum number of allowable head lamps on a motorcycle or moped, **section 5** of this bill removes the minimum height requirement for rear reflectors on a motorcycle or moped, and **section [8] 2.5** of this bill **[repeals] revises** the restriction on the height of the handlebars on a motorcycle or moped.

Existing law requires the Director of the Department of Public Safety to establish a Program for the Education of Motorcycle Riders and provides that money in the Account for the Program may be used to pay the expenses of the Program or for any other purpose authorized by the Legislature. (NRS 486.372) **Section 6** of this bill removes the authorization for money in the Account to be used for any other purpose authorized by the Legislature. Existing law also authorizes certain residents of this State to enroll in the Program and authorizes the Director to establish a fee of not more than $100 for the Program. (NRS 486.373) **Section 7** of this bill raises the limit of the fee to **[$200] $150** and allows for the enrollment in the Program of a person who is **[a] an active duty** member of the Armed Forces of the United States stationed at a military installation located in this State and who is authorized by **[the person's] any** state **[of residency]** to drive a motorcycle **[.] or who is eligible to apply for such authorization from any state.**

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

Section 1. NRS 482.129 is hereby amended to read as follows:

482.129 "Trimobile" means every motor vehicle designed to travel with three wheels in contact with the ground **. [, two of which are power driven.]** ***The term does not include an electric bicycle, a farm tractor [or] , a moped [.] or a motorcycle with a sidecar.***

Sec. 2. NRS 486.057 is hereby amended to read as follows:

486.057 ***1.*** "Trimobile" means every motor vehicle designed to travel with three wheels in contact with the ground **.** ~~[, two of which are power driven.]~~

2. The term does not include:

(a) An electric bicycle, as that term is defined in NRS 482.0287;

(b) A farm tractor, as that term is defined in NRS 482.035; ~~*[or]*~~

(c) A moped ~~*[.]*~~ ***; or***

(d) A motorcycle with a sidecar.

Sec. 2.5. **NRS 486.201 is hereby amended to read as follows:**

486.201 A person shall not drive a motorcycle or moped equipped with handlebars which extend ***more than 6 inches*** above the uppermost portion of the driver's shoulders when the driver sits on the seat and the seat is depressed by the weight of the driver.

Sec. 3. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear ~~[and protective glasses, goggles or face shields]~~ to be worn by the drivers and passengers of motorcycles **.** ~~[and transparent windscreens for motorcycles.]~~

2. Except as provided in this section, when any motorcycle, except a trimobile or moped, is being driven on a highway, the driver and passenger shall wear protective headgear ***which meets those standards,*** securely fastened on the head **,** and protective glasses, goggles or face shields **.** ~~[meeting those standards.]~~ Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shields **.** ~~[which meet those standards.]~~

3. When a motorcycle or a trimobile is equipped with a transparent windscreen **,** ~~[meeting those standards,]~~ the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

Sec. 4. NRS 486.281 is hereby amended to read as follows:

486.281 1. Every motorcycle or moped shall be equipped with at least one and not more than ~~[two]~~ ***four*** head lamps.

2. Every such head lamp on a motorcycle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground as measured from the center of the lamp to the level ground upon which such motorcycle stands without a load.

Sec. 5. NRS 486.291 is hereby amended to read as follows:

486.291 1. Every motorcycle or moped shall carry on the rear at least one reflector, which shall be mounted at a height not ~~[less than 20 inches nor]~~ more than 60 inches from the ground as measured from the center of the reflector to the level ground upon which such motorcycle or moped stands without a load.

2. Each such reflector shall be of a size and character and so mounted as to be visible at night from all distances within 300 feet when directly in front of lawful lower beams of head lamps.

Sec. 6. NRS 486.372 is hereby amended to read as follows:

486.372 1. The Director shall:

(a) Establish the Program.

(b) Appoint an Administrator to carry out the Program.

(c) Consult regularly with the Advisory Committee for Motorcycle Safety concerning the content and implementation of the Program.

(d) Approve courses of instruction provided by public or private organizations which comply with the requirements established for the Program.

(e) Adopt rules and regulations which are necessary to carry out the Program.

2. The Director may contract for the provision of services necessary for the Program.

3. The money in the Account for the Program for the Education of Motorcycle Riders may be used ~~[:~~

~~(a) To]~~ ***to*** pay the expenses of the Program, including reimbursement to instructors licensed pursuant to NRS 486.375 for services provided for the Program ***.*** ~~[; or~~

~~(b) For any other purpose authorized by the Legislature.]~~

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

Sec. 7. NRS 486.373 is hereby amended to read as follows:

486.373 1. A ***person who:***

(a) Is a resident of this State who holds a motorcycle driver's license or a motorcycle endorsement to a driver's license ~~[or who is]~~ ***;***

(b) Is eligible to apply for such a license or endorsement ***; or***

(c) Is ~~***[a]***~~ ***an active duty member of the Armed Forces of the United States stationed at a military installation located in this State*** ~~***[and is authorized by the person's state of residency to drive a motorcycle,]***~~ ***who holds a motorcycle driver's license or motorcycle endorsement to a driver's license issued by any state or who is eligible to apply for such a license or endorsement issued by any state,***

➥ may enroll in the Program.

2. The Director shall establish a fee of not more than ~~[~~$100~~]~~ ~~*[$200]*~~ ***$150*** for the Program.

Sec. 8. ~~[~~NRS 486.201 is hereby repealed.~~]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2013.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~— 486.201 Height of handlebar. A person shall not drive a motorcycle or moped equipped with handlebars which extend above the uppermost portion of the driver's shoulders when the driver sits on the seat and the seat is depressed by the weight of the driver.~~]~~

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 271.

AN ACT relating to education; revising the membership and duties of the P-16 Advisory Council; **renaming the Council the P-20W Advisory Council;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the P-16 Advisory Council**,** consisting of 11 voting members appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly **and 2 ex officio nonvoting members,** and prescribes the duties of the Council. (NRS 400.030, 400.040) **Section 1** of this bill **makes the Director of the Department of Employment, Training and Rehabilitation an ex officio nonvoting member of the Council and** revises the qualifications of one of the five members who is appointed by the Governor to require that the member be a person who possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten. **Section 1** also increases the pool of qualified persons from which the Majority Leader of the Senate and the Speaker of the Assembly, respectively, may appoint a member to the Council to include a person who possesses knowledge of and experience in early childhood education programs and services for children from birth through prekindergarten.

~~[~~The State Board of Education has adopted a set of national education standards for English language arts and mathematics, commonly referred to

~~as the "Common Core Standards."~~ **Section 2** of this bill revises the duties of the Council by requiring the Council to address ~~[the extent to which recent graduates of institutions which are part of the Nevada System of Higher Education who are employed as teachers in public schools are able to understand and instruct pupils in the curriculum and instruction required for the common core state standards adopted by the State Board.]~~ **: (1) methods to ensure the successful transition of children from early childhood education programs to elementary school; (2) the development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the state's workforce; and (3) a plan for collaborative research using data from that statewide longitudinal data system.**

As a result of the expansion of its membership and duties, the Council is renamed the P-20W Advisory Council.

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

Section 1. NRS 400.030 is hereby amended to read as follows:

400.030 1. The ~~[P-16]~~ ***P-20W*** Advisory Council, consisting of 11 voting members, is hereby created to assist in the coordination between ~~[elementary, secondary and higher]~~ ***early childhood education programs, K-12 public*** education ***, postsecondary education and the workforce*** in this State. The Chancellor of the System ***,*** ~~[and]~~ the Superintendent of Public Instruction ***and the Director of the Department of Employment, Training and Rehabilitation*** serve as ex officio nonvoting members of the Council.

2. The Governor shall appoint five members to the Council as follows:

(a) One representative of higher education in this State.

(b) One representative of elementary and secondary education in this State.

(c) One representative of private business in this State.

(d) One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, the governing body of a charter school or the System.

(e) One person who ~~[meets the qualifications of paragraph (a), (b) or (c).]~~ ***possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten.***

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint two members to the Council as follows:

(a) One member of the House of the Legislature that he or she represents.

(b) One person who meets the qualifications of paragraph (a), (b) **,** ~~[or]~~ (c) ***or (e)*** of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The members of the Council shall elect a Chair and a Vice Chair from among the members of the Council. After the initial term, the Chair and Vice Chair serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Council shall elect a member to fill the vacancy to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his or her successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chair:

(a) Forfeits his or her office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 2. NRS 400.040 is hereby amended to read as follows:

400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) ***Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.***

(c) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education ~~[,]~~ ***or the workforce, or both,***

➥ including, without limitation, methods to increase parental involvement.

~~[(c) Methods to ensure that the data information system for the pupils enrolled in the public schools is linked, to the extent feasible, with the data information system for the students enrolled in the System.]~~

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

(g) ~~*[The extent to which persons who are recent graduates of the universities, colleges or community colleges which are part of the System and who are employed as teachers in public schools are able to understand and instruct pupils in the curriculum and instruction required for the common core state standards adopted by the State Board.]*~~ ***The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.***

(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:

(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;

(2) The effectiveness of the preparation of teachers and administrators in this State; and

(3) The return on investment of educational and workforce development programs paid for by this State.

~~*[(h)]*~~ ***(i)*** Other matters within the scope of the Council as determined necessary or appropriate by the Council.

2. The Council may:

(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

Sec. 3. 1. Notwithstanding the provisions of subsection 6 of NRS 400.030, the term of the member of the P-16 Advisory Council appointed by the Governor pursuant to paragraph (e) of subsection 2 of NRS 400.030 who is incumbent on June 30, 2013, expires on that date.

2. On or before July 1, 2013, the Governor shall appoint to the ~~[P-16]~~ **P-20W** Advisory Council one member who meets the qualifications set forth in paragraph (e) of subsection 2 of NRS 400.030, as amended by section 1 of this act, to a term which commences on July 1, 2013, and expires on June 30, 2016.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 250.

AN ACT relating to real property; **creating the Contingency Account for the Foreclosure Mediation Program;** revising provisions governing enrollment in the Foreclosure Mediation Program; **revising provisions governing the foreclosure of liens by an association of a common-interest community;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) One such restriction requires the trustee under the deed of trust to include with the copy of the notice of default and election to sell which is mailed to the homeowner: (1) a notice provided by the Foreclosure Mediation Program Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation **[,] under rules adopted by the Nevada Supreme Court;** and (2) a form on which a homeowner may request **such** mediation **. [**~~under rules adopted by the Nevada Supreme Court.~~**]** Under existing law, a homeowner must elect to participate by: (1) completing and returning to the trustee a form upon which the homeowner elects to enter into mediation; and (2) paying his or her share of the fee established under the rules adopted by the Nevada Supreme Court. (NRS 107.080, 107.086)

This bill revises provisions governing enrollment in the Foreclosure Mediation Program. Under **sections ~~[1]~~ 2 and ~~[2]~~ 3** of this bill, a trustee under a deed of trust concerning owner-occupied housing must **, in addition to including certain information concerning the Foreclosure Mediation Program with the copy of the notice of default and election which is mailed to the homeowner,** send **that information** to the homeowner **[**~~the notice provided by the Mediation Administrator~~**]** concurrently with, but separately from, the copy of the notice of default and election to sell **. [**~~which is mailed to the homeowner pursuant to existing law.~~**]** **Section ~~[2]~~ 3** further

provides that a homeowner will be enrolled in the Foreclosure Mediation Program unless: (1) he or she elects to waive mediation; or (2) fails to pay his or her share of the fee established under the rules adopted by the Nevada Supreme Court. If the homeowner waives mediation, fails to pay his or her share of the fee or, if the homeowner is enrolled in the Foreclosure Mediation Program, fails to appear at a scheduled mediation, the Mediation Administrator must provide to the trustee a certificate authorizing the continuation of the process to exercise the power of sale. **Section 3 also establishes deadlines by which the Mediation Administrator must provide certain information to the trustee.**

Section 1 of this bill creates the Contingency Account for the Foreclosure Mediation Program. Under section 1, the Supreme Court administers the Contingency Account and money in the Contingency Account must be expended only to carry out the Foreclosure Mediation Program.

Section 4 of this bill prohibits a homeowners' association from foreclosing its lien on a unit constituting owner-occupied housing while the unit's owner is eligible to participate or is participating in the Foreclosure Mediation Program.

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

Section 1. **Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Contingency Account for the Foreclosure Mediation Program is hereby created in the State General Fund.

2. The Supreme Court shall administer the Contingency Account. The money in the Contingency Account must be expended only for the purpose of carrying out the provisions of NRS 107.086 and any rules adopted by the Supreme Court to carry out the provisions of NRS 107.086.

3. The Supreme Court may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

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

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund and the balance in the Contingency Account must be carried forward to the next fiscal year.

~~[Section 1.]~~ ***Sec. 2.*** NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME!

~~[YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!]~~

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

~~[State of Nevada Foreclosure Mediation Program _____]~~
Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 107.086 is hereby amended to read as follows:

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with ~~*[Provides to the grantor or the person who holds the title of record the following information concurrently with, but separately from,]*~~ the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record ~~[has the right to seek]~~ ***will be enrolled to participate in*** mediation pursuant to this section ~~[;]~~ ***if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 9;*** and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election ~~[to enter into mediation or]~~ to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) ***In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;***

(c) Serves a copy of the notice upon the Mediation Administrator; and

~~[(c)]~~ ***(d)*** Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[3]~~ ***4*** or ~~[6]~~ ***7*** which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[7]~~ ***8*** which provides that mediation has been completed in the matter.

3. ~~[The]~~ ***If the*** grantor or the person who holds the title of record ***elects to waive mediation, he or she*** shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee ***and the Mediation Administrator*** by certified mail, return receipt requested. If the grantor or the person who holds the title of record ~~[indicates on the form an election to enter into mediation, the trustee]~~ ***does not elect to waive mediation, he or she shall, not later than 30 days after the service of***

the notice in the manner required by NRS 107.080, pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9. Upon receipt of the share of the fee established pursuant to subsection 9 owed by the grantor or the person who holds title of record, the Mediation Administrator shall notify the ~~[beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090,]~~ ***trustee,*** by certified mail, return receipt requested, of the ~~[election of the grantor or the person who holds the title of record to enter into]~~ ***enrollment of the grantor or person who holds the title of record to participate in*** mediation ***pursuant to this section*** and ~~[file the form with the Mediation Administrator, who]~~ shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[No]~~ ***The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no*** further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form ~~***[required by]***~~ ***described in subparagraph (4) of paragraph (a) of subsection 2*** an election to waive mediation or fails to ~~[return the form to the trustee]~~ ***pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9,*** as required by ~~[this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service,]~~ ***subsection 3,*** the Mediation Administrator shall ***, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier,*** provide to the trustee a certificate which provides that no mediation is required in the matter.

~~[4.]~~ ***5.*** Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~[8.]~~ ***9.*** The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or ~~[a]~~ ***his or her*** representative ***,*** ~~[shall attend the mediation if the grantor elected to enter into mediation,]~~ or the person who holds the title of record or ~~[a]~~ ***his or her***

representative **,** shall attend the mediation **.** ~~[if the person who holds the title of record elected to enter into mediation.]~~ The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

~~[5.]~~ ***6.*** If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection ~~[4]~~ ***5*** or does not have the authority or access to a person with the authority required by subsection ~~[4,]~~ ***5,*** the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

~~[6.]~~ ***7.*** If the grantor or the person who holds the title of record ~~[elected to enter into mediation and]~~ ***is enrolled to participate in mediation pursuant to this section but*** fails to attend the mediation, the Mediation Administrator shall ***, not later than 30 days after the scheduled mediation,*** provide to the trustee a certificate which states that no mediation is required in the matter.

~~[7.]~~ ***8.*** If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall ***, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated,*** provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

~~[8.]~~ ***9.*** The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

~~[9.]~~ ***10.*** Except as otherwise provided in subsection ~~[11.]~~ ***12,*** the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~[10.]~~ ***11.*** A noncommercial lender is not excluded from the application of this section.

~~[11.]~~ ***12.*** The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~[12.]~~ ***13.*** As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection ~~[8.]~~ ***9.***

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

Sec. 4. **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and 5,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. The association may not foreclose a lien by sale if:

(a) The unit is owner-occupied housing encumbered by a deed of trust;

(b) The beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee has recorded a notice of default and election to sell with respect to the unit pursuant to subsection 2 of NRS 107.080; and

(c) The trustee of record has not recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (d) of subsection 2 of NRS 107.086.

➥ As used in this subsection, "owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

~~[Sec. 3.]~~ ***Sec. 5.*** The amendatory provisions of this act apply only with respect to trust agreements for which a notice of default and election to sell is recorded on or after October 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 229.

AN ACT relating to motor vehicles; providing that certain persons may recover on the bond or deposit that each **broker,** manufacturer, distributor, dealer and rebuilder of motor vehicles is required to procure or make with the Department of Motor Vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each **broker,** manufacturer, distributor, dealer and rebuilder of motor vehicles is required to procure and file a surety bond with the Department of Motor Vehicles or make a deposit with the Department. Any person, including consumers as well as corporate entities, injured by the actions of such a **broker,** manufacturer, distributor, dealer or rebuilder is allowed to apply to the Director of the Department or to bring and maintain an action in any court of competent jurisdiction for compensation from the bond or deposit. (NRS **482.3333,** 482.345, 482.346)

Additionally, under existing case law in Nevada, the phrase "any person," as used in NRS 482.345(6), has been interpreted literally to allow any individual person or group of persons (including a finance company) who is injured by the actions of a **broker,** manufacturer, distributor, dealer or

rebuilder of motor vehicles to apply for compensation from the bond that section requires to be procured and filed. (*Western Sur. Co. v. ADCO Credit, Inc.*, 127 Nev. Adv. Op. No. 8, 251 P.3d 714 (Mar. 17, 2011)) This bill amends NRS **482.3333,** 482.345 and 482.346 to provide that bonds procured pursuant to NRS **482.3333 and** 482.345 and deposits made in lieu of such bonds pursuant to NRS 482.346 may be used to compensate only ~~[an injured]~~ **a** consumer, **for any loss or damage established,** and no other person.

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

Section 1. **NRS 482.3333 is hereby amended to read as follows:**

482.3333 1. Before a person may be licensed as a broker, the person must procure and file with the Department a good and sufficient bond in the amount of $100,000 with a corporate surety thereon licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct business as a broker without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter.

2. The Department may allow a broker who provides services for more than one category of vehicle described in subsection 1 of NRS 482.345 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

4. The undertaking on the bond ***is for the use and benefit of the consumer and*** includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by any employee of the licensed broker who acts on behalf of the broker and within the scope of his or her employment.

5. The bond must provide that ***it is for the use and benefit of*** any ~~[person injured by the action]~~ ***consumer*** of the broker or an employee of the broker ~~[in violation of any provision of this chapter may apply to the Director, for good cause shown, for compensation from the bond.]~~ ***for any loss or damage established, including, without limitation:***

(a) Actual damages;

(b) Consequential damages;

(c) Incidental damages;

(d) Statutory damages;

(e) Damages for noneconomic loss; and

(f) Attorney's fees and costs.

➥ The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a ~~[person is injured by the actions of]~~ ***consumer has a claim for relief against*** a broker or an employee of the broker, the ~~[person]~~ ***consumer*** may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the broker or employee, the judgment is binding on the surety.

(2) A judgment other than on the merits against the broker or employee, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the broker or employee.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the ~~[person]~~ ***consumer*** to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the broker or employee. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the ~~[injured person]~~ ***consumer*** in the amount agreed upon in the settlement.

7. Any judgment entered by a court ***in favor of a consumer and*** against a broker or an employee of the broker may be executed through a writ of attachment, garnishment, execution or other legal process, or the ~~[person]~~ ***consumer*** in whose favor the judgment was entered may apply to the Director for compensation from the bond of the broker or employee.

8. As used in this section, "consumer" means any person who comes into possession of a vehicle as a final user for any purpose other than offering it for sale.

~~[Section 1.]~~ ***Sec. 2.*** NRS 482.345 is hereby amended to read as follows:

482.345 1. Before any dealer's license, dealer's plate, special dealer's plate, rebuilder's license or rebuilder's plate, distributor's license or distributor's plate or manufacturer's license or manufacturer's plate is

furnished to a manufacturer, distributor, dealer or rebuilder as provided in this chapter, the Department shall require that the applicant make an application for such a license and plate upon a form to be furnished by the Department, and the applicant shall furnish such information as the Department requires, including proof that the applicant has an established place of business in this State, procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant or any employee who acts on behalf of the applicant within the scope of his or her employment shall conduct business as a dealer, distributor, manufacturer or rebuilder without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter. The bond must be:

(a) For a manufacturer, distributor, rebuilder or dealer who manufactures, distributes or sells motorcycles, $50,000.

(b) For a manufacturer, distributor, rebuilder or dealer who sells vehicles other than motorcycles, trailers or travel trailers, $100,000.

(c) For a manufacturer, distributor, rebuilder or dealer who sells travel trailers or other dual purpose trailers that include living quarters in their design, $100,000.

(d) For a manufacturer, distributor, rebuilder or dealer who sells horse trailers designed without living quarters or special purpose trailers with an unladen weight of 3,501 pounds or more, $50,000.

(e) For a manufacturer, distributor, rebuilder or dealer who sells utility trailers or other special use trailers with an unladen weight of 3,500 pounds or less or trailers designed to carry boats, $10,000.

2. The Department may, pursuant to a written agreement with any manufacturer, distributor, rebuilder or dealer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the manufacturer, distributor, rebuilder or dealer, if the business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The Department may allow a manufacturer, distributor, rebuilder or dealer who sells more than one category of vehicle as described in subsection 1 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

4. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

5. The undertaking on the bond ***is for the use and benefit of the consumer and*** includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by the representative of any licensed distributor or the salesperson of any licensed dealer, manufacturer or rebuilder who acts for the dealer, distributor, manufacturer or rebuilder on his or her behalf and within the scope of the employment of the representative or salesperson.

6. The bond must provide that ***it is for the use and benefit of*** any ~~[~~person~~]~~ ***consumer*** ~~[~~injured by the action~~]~~ of the dealer, distributor, rebuilder, manufacturer, representative or salesperson ~~[~~in violation of any provisions of this chapter may apply to the Director, for good cause shown, for compensation from the bond.~~]~~ ***for any loss or damage established, including, without limitation:***

(a) Actual damages;

(b) Consequential damages;

(c) Incidental damages;

(d) Statutory damages;

(e) Damages for noneconomic loss; and

(f) Attorney's fees and costs.

➥ The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

7. If a ~~[~~person~~]~~ ***consumer*** ~~[~~is injured by the actions of~~]~~ ***has a claim for relief against*** a dealer, distributor, rebuilder, manufacturer, representative or salesperson, the ~~[~~person~~]~~ ***consumer*** may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesperson, the judgment is binding on the surety.

(2) A judgment other than on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesperson, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the dealer, distributor, rebuilder, manufacturer, representative or salesperson.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the ~~[~~person~~]~~ ***consumer*** to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the dealer, distributor, rebuilder, manufacturer, representative or salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the ~~[injured person]~~ ***consumer*** in the amount agreed upon in the settlement.

8. Any judgment entered by a court ***in favor of a consumer and*** against a dealer, distributor, rebuilder, manufacturer, representative or salesperson may be executed through a writ of attachment, garnishment, execution or other legal process, or the ~~[person]~~ ***consumer*** in whose favor the judgment was entered may apply to the Director for compensation from the bond of the dealer, distributor, rebuilder, manufacturer, representative or salesperson.

9. The Department shall not issue a license or plate pursuant to subsection 1 to a manufacturer, distributor, rebuilder or dealer who does not have and maintain an established place of business in this State.

10. As used in this section, "consumer" means any person who comes into possession of a vehicle as a final user for any purpose other than offering it for sale.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 482.346 is hereby amended to read as follows:

482.346 1. In lieu of a bond, an applicant may deposit with the Department, under terms prescribed by the Department:

(a) A like amount of lawful money of the United States or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by NRS 482.345 and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the amount accrues to the account of the applicant.

2. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** deposit made pursuant to subsection 1 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by the Director to compensate a person injured by an action of the licensee, or released upon receipt of:

(a) A court order requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person or persons under whose name the deposit is made and acknowledged before any person authorized to take

acknowledgments in this State, requesting the Director to release the deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

3. ***A deposit made pursuant to subsection 1 in lieu of a bond required by NRS 482.345 may only be disbursed to compensate a consumer. As used in this subsection, "consumer" has the meaning ascribed to it in NRS 482.345.***

4. When a deposit is made pursuant to subsection 1, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding court judgment for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:

(a) Files an additional bond pursuant to subsection 1 of NRS 482.345;

(b) Restores the deposit with the Department to the original amount required under this section; or

(c) Satisfies the outstanding judgment for which the licensee is liable under the deposit.

~~[4.]~~ ***5.*** A deposit made pursuant to subsection 1 may be refunded:

(a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or

(b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

~~[5.]~~ ***6.*** Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 132.

AN ACT relating to outdoor advertising; revising provisions relating to the promulgation of regulations by the Board of Directors of the Department of Transportation ~~[regarding permits]~~ **specifying the operational requirements** for certain signs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Directors of the Department of Transportation is required to prescribe regulations governing the issuance of permits for advertising signs, displays or devices and the inspection and surveillance of such signs, displays or devices. (NRS 410.400) This bill requires the Board to prescribe regulations ~~[allowing the issuance of permits]~~ **specifying the operational requirements** for signs known as commercial electronic variable message signs which conform to **any** regulations promulgated by the Secretary of the United States Department of Transportation.

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

Section 1. NRS 410.400 is hereby amended to read as follows:

410.400 1. The Board shall prescribe:

(a) ~~[~~Regulations~~]~~ ***Except as otherwise provided in paragraph (b), regulations*** governing the issuance of permits for advertising signs, displays or devices and for the inspection and surveillance of advertising signs, displays or devices; ~~[~~and~~]~~

(b) ***Regulations*** ~~***[allowing the issuance of permits]***~~ ***specifying the operational requirements for commercial electronic variable message signs which conform to any national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131; and***

(c) Such other regulations as it deems necessary to implement the provisions of NRS 410.220 to 410.410, inclusive.

2. The Department shall assess a reasonable annual fee for each permit issued to recover administrative costs incurred by the Department in the issuance of the permits, and the inspection and surveillance of advertising signs, displays or devices.

3. No fee may be collected for any authorized directional sign, display or device, or for authorized signs, displays or devices erected by chambers of commerce, civic organizations or local governments, advertising exclusively any city, town or geographic area.

4. No fee may be collected for any temporary sign, display or device advertising for or against a candidate, political party or ballot question in an election if the sign, display or device is:

(a) Erected not more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election; and

(b) Removed within 30 days after:

(1) The primary election if the candidate, party or question is not to be voted on at the ensuing general election.

(2) The general election in any other case.

➥ The Department may summarily remove any temporary political sign for which no fee has been paid if the sign is erected before or remains after the times prescribed.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

6. As used in this section, "commercial electronic variable message sign" means a self-luminous or externally illuminated advertising sign which ~~[uses electronic or digital technology to depict changes of light, color or message and which may include, without limitation, static images, image sequences or full-motion video.]~~ contains only static messages or copy which may be changed electronically.

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 374.

AN ACT relating to irrigation districts; authorizing an irrigation district to purchase and maintain insurance or make other financial arrangements for any liability asserted against an officer of the irrigation district and certain other persons; ~~[setting forth certain duties owed by an officer of an irrigation district to the irrigation district; authorizing an irrigation district to indemnify an officer of the irrigation district and certain other persons for any debt, obligation or other liability incurred by the officer or person under certain circumstances;]~~ **increasing the maximum amount of certain indebtedness that the board of directors of an irrigation district may incur;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the formation and operation of irrigation districts in this State. (Chapter 539 of NRS) The officers of each irrigation district must consist of a president, vice president, secretary, treasurer and three, five or seven directors. (NRS 539.063) The board of directors of each irrigation district may appoint or employ agents, officers, employees, delegates to conventions and other representatives as the board may require in the interest

of the irrigation district. (NRS 539.193) ~~[The board may also enter into a contract of indemnity and guaranty, in any form approved by the board, relating to the performance of any contract or agreement which the irrigation district is authorized to enter into. (NRS 539.200) Sections 2-4 of this bill enact specific provisions governing the indemnification from liability of each officer of an irrigation district and each agent, officer, employee, delegate or representative appointed or employed by the board.]~~ **Section 2 of this bill** authorizes the board to purchase insurance or make ~~[certain]~~ other financial arrangements on behalf of any such agent, officer, employee, delegate or representative for any liability asserted against the agent, officer, employee, delegate or representative in his or her capacity as such an agent, officer, employee, delegate or representative of the irrigation district. ~~[Section 3 specifies that each officer of an irrigation district owes a duty of loyalty and a duty of care to the irrigation district and requires each officer to manage the irrigation district in good faith. Section 4 authorizes an irrigation district to indemnify any officer of an irrigation district or any agent, officer, employee, delegate or representative appointed or employed by the irrigation district for any debt, obligation or other liability incurred in the course of his or her activities on behalf of the district if he or she has not violated certain provisions governing the fiduciary duties owed to the irrigation district or has acted in good faith and without a reasonable cause to believe his or her conduct was unlawful. Section 4 also authorizes an irrigation district to approve an advance payment or reimbursement of expenses of a person who is made or threatened to be made a party to an action based on his or her activities on behalf of the irrigation district. Section 4 limits the amount of any indemnification or advancement or reimbursement of expenses or coverage provided under a policy of insurance to not more than $50,000 per person.]~~

Existing law authorizes a board of directors of an irrigation district to incur an indebtedness not exceeding in the aggregate the sum of $500,000. (NRS 539.480) **Section 5** of this bill increases the amount of indebtedness that the board may incur to $1,000,000.

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

Section 1. Chapter 539 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~*[1.]*~~ ***An irrigation district may purchase and maintain insurance or make other financial arrangements on behalf of any person who is or was an officer of the irrigation district specified in NRS 539.063 or an agent, officer, employee, delegate or representative appointed or employed pursuant to NRS 539.193 for any liability asserted against the***

person and liability and expenses incurred by the person in his or her capacity or arising out of his or her status as such an agent, officer, employee, delegate or representative of the irrigation district.

~~[2. Any financial arrangements made by an irrigation district pursuant to subsection 1 may include the following:~~

~~(a) The creation of a trust fund.~~

~~(b) The establishment of a program of self-insurance.~~

~~(c) The securing of its obligation of indemnification by granting a security interest or other lien on any assets of the irrigation district.~~

~~(d) The establishment of a letter of credit, guaranty or surety.~~

~~→ Any financial arrangement made pursuant to this subsection must not provide protection for a person adjudged by a court of competent jurisdiction, after exhaustion of all appeals therefrom, to be liable for intentional misconduct, fraud or a knowing violation of law, except with respect to any indemnification or advancement of expenses ordered by a court.~~

~~2. Any insurance or other financial arrangement made on behalf of a person pursuant to this section may be provided by the irrigation district or any other person approved by the board of directors.~~

~~3. In the absence of fraud:~~

~~(a) The decision of the board of directors as to the propriety of the terms and conditions of any insurance or other financial arrangement made pursuant to this section and the choice of the person to provide the insurance or other financial arrangement is conclusive; and~~

~~(b) The insurance or other financial arrangement:~~

~~(1) Is not void or voidable; and~~

~~(2) Does not subject any member of the board of directors approving it to personal liability for his or her action,~~

~~→ even if a member of the board of directors approving the insurance or other financial arrangement is a beneficiary of the insurance or other financial arrangement.~~

~~4. An irrigation district which provides self-insurance for itself pursuant to this section is not subject to the provisions of title 57 of NRS.]~~

Sec. 3. *~~[1. Each officer of an irrigation district specified in NRS 539.063 owes to the irrigation district the fiduciary duties of loyalty and care.~~*

~~2. Each officer specified in subsection 1 shall manage the irrigation district in good faith, in a manner the officer reasonably believes to be in the best interests of the irrigation district, and with such care, including reasonable inquiry, as a prudent person would reasonably exercise in a similar position and under similar circumstances. The officer may rely in good faith upon any opinion, report, statement or other information~~

~~*provided by another person that the officer reasonably believes is a competent and reliable source for the information.*~~

~~*3. After full disclosure of all material facts, a specific act or transaction that would otherwise violate the duty of loyalty by an officer specified in subsection 1 may be authorized or ratified by a majority of the members of the board of directors of the irrigation district who are not interested directly or indirectly in the act or transaction.*~~

~~*4. An officer specified in subsection 1 who makes a business judgment in good faith satisfies the duties specified in that subsection if the officer:*~~

~~*(a) Is not interested, directly or indirectly, in the subject of the business judgment and is otherwise able to exercise independent judgment;*~~

~~*(b) Is informed with respect to the subject of the business judgment to the extent the officer reasonably believes to be appropriate under the circumstances; and*~~

~~*(c) Believes that the business judgment is in the best interests of the irrigation district and in accordance with its purposes.*~~

~~*5. The bylaws, rules or regulations of an irrigation district may limit or eliminate the liability to the irrigation district of an officer specified in subsection 1 for damages for any action taken, or for failure to take any action, as such an officer, except liability for:*~~

~~*(a) The amount of financial benefit improperly received by the officer;*~~

~~*(b) An intentional infliction of harm on the irrigation district;*~~

~~*(c) An intentional violation of criminal law;*~~

~~*(d) Breach of the duty of loyalty; or*~~

~~*(e) Improper distributions.]*~~ **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 539.200 is hereby amended to read as follows:~~

~~539.200~~ ~~*1.*~~ ~~The board of directors of any district now or hereafter organized under the provisions of this chapter~~ **[**~~shall have power to~~**]** ~~*may*~~ ~~enter into contracts of indemnity and guaranty, in such form as may be approved by the board, relating to or connected with the performance of any contract or agreement which the district~~ **[**~~shall be~~**]** ~~*is*~~ ~~empowered to enter into under the provisions of this chapter or any other law of this state.~~

~~*2. An irrigation district may indemnify any officer of the irrigation district specified in NRS 539.063 or any agent, officer, employee, delegate or representative appointed or employed pursuant to NRS 539.193 for any debt, obligation or other liability incurred in the course of his or her activities on behalf of the irrigation district if the agent, officer, employee, delegate or representative:*~~

~~*(a) Has not violated the provisions of section 3 of this act; or*~~

~~*(b) Acted in good faith and in a manner which he or she reasonably believed to be, or not opposed to, the best interests of the irrigation district*~~

~~*and, with respect to any criminal action or proceeding, did not have any reasonable cause to believe the conduct was unlawful.*~~

~~*— 3. If a person is made or threatened to be made a party in an action based on his or her activities on behalf of an irrigation district and the person submits a written request to the irrigation district, a majority of the disinterested members of the board of directors of the irrigation district may approve, in writing, an advance payment or reimbursement by the irrigation district of all or part of the reasonable expenses, including, without limitation, attorney's fees and costs, incurred by the person before the final disposition of the proceeding. To receive any advance payment or reimbursement pursuant to this subsection, the person must indicate in a notarized affidavit that he or she has a good faith belief that the criteria for indemnification set forth in subsection 2 have been satisfied and that the person will repay any amount advanced or reimbursed if those criteria have not been satisfied. Except as otherwise provided in subsection 6 and section 3 of this act, the board of directors may, in the bylaws, rules and regulations of the irrigation district, broaden or limit the advance payments or reimbursements.*~~

~~*— 4. An irrigation district may purchase or maintain insurance or make other financial arrangements on behalf of a person pursuant to section 2 of this act.*~~

~~*— 5. The rights of indemnification and advancement or reimbursement of expenses pursuant to this section apply to any former agent, officer, employee, delegate or representative of the irrigation district specified in subsection 2 for an activity undertaken on behalf of the irrigation district while he or she was an agent, officer, employee, delegate or representative of the irrigation district.*~~

~~*— 6. The amount of any indemnification or advancement or reimbursement of expenses pursuant to this section or any coverage under a policy of insurance or other financial arrangement provided pursuant to section 2 of this act:*~~

~~*(a) Must not exceed $50,000 for each person who is indemnified, insured or paid any advancement or reimbursement of expenses; and*~~

~~*(b) May be paid from the general fund of the irrigation district.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 539.480 is hereby amended to read as follows:

539.480 1. For the purpose of organization or any of the purposes of this chapter, the board of directors may incur an indebtedness not exceeding in the aggregate the sum of ~~[~~$500,000~~]~~ ***$1,000,000*** and may cause warrants or negotiable notes of the district to issue therefor, bearing interest which must not exceed by more than 5 percent the Index of Revenue Bonds which was most recently published before the bids are received or a negotiated offer

is accepted. The board may levy an assessment on all lands in the district for the payment of those expenses.

2. Subject to the provisions of subsections 3, 4 and 5, thereafter the board may levy:

(a) An annual assessment, in the absence, except as otherwise provided in paragraph (b), of assessments therefor pursuant to any of the other provisions of this chapter, of not more than $1.50 per acre on all lands in the district for the payment of the ordinary and current expenses of the district, including the salaries of officers and other incidental expenses; and

(b) An annual assessment of not more than $5 per acre on all the lands in the district for deposit in a capital improvement fund for the construction, reconstruction or maintenance of the irrigation system of the district and any appurtenances necessary thereto.

3. Annual assessments levied pursuant to the provisions of subsection 2 may not cumulatively exceed $5 per acre.

4. No portion of the amount collected from the assessment levied pursuant to the provisions of paragraph (b) of subsection 2 may be used for the payment of the ordinary and current expenses of the district, including the salaries of officers and other incidental expenses.

5. The assessments authorized pursuant to the provisions of subsection 2 must be collected as provided in this chapter for the collection of other assessments.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 393.

SUMMARY—Prohibits the ~~[installation or use of a pen register, trap and trace device or mobile]~~ tracking ~~[device]~~ **of a mobile phone by an investigative or law enforcement officer** without a court order in certain circumstances. (BDR 14-421)

AN ACT relating to criminal procedure; generally prohibiting ~~[the installation or use of a pen register, trap and trace device or mobile]~~ **an investigative or law enforcement officer from** tracking ~~[device]~~ **a mobile phone** without a court order; authorizing certain investigative or law enforcement officers to apply to the district court for such an order or extension thereof; authorizing district courts to enter an order authorizing the

~~[use of a pen register, trap and trace device or mobile]~~ tracking ~~[device]~~ **of a mobile phone** in certain circumstances; ~~[providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the district courts of this State to issue orders authorizing the use of a pen register or trap and trace device upon the application of a district attorney, the Attorney General or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by federal law. (NRS 179.530) Section 17 of this bill repeals this provision.]~~ **Section ~~[11]~~ 4** of this bill authorizes an investigative or law enforcement officer who is responsible for an ongoing criminal investigation to apply to the district court for an order or an extension of an order which authorizes the ~~[use of a pen register, trap and trace device or mobile]~~ tracking ~~[device.]~~ **of a mobile phone. Section ~~[12]~~ 5** of this bill authorizes the district court to enter an ex parte order authorizing the ~~[use of a pen register, trap and trace device or mobile]~~ tracking ~~[device within the territorial jurisdiction of the court]~~ **of a mobile phone** if the court determines that there is probable cause for belief that the information likely to be obtained by such ~~[use]~~ **tracking** is relevant to the ongoing criminal investigation. Such an order or extension of an order cannot exceed 30 days. **Section ~~[10]~~ 3** of this bill generally prohibits ~~[a person]~~ **an investigative or law enforcement officer** from ~~[installing or using a pen register, trap and trace device or mobile]~~ tracking ~~[device]~~ **a mobile phone** without obtaining such an order **.** ~~[, and provides that a person who knowingly violates such a provision is guilty of a gross misdemeanor.~~

~~Existing law also provides that it is unlawful for certain persons to give notice or attempt to give notice of the use of a pen register or trap and trace device to any person with the intent to obstruct, impede or prevent such use. A person who violates this provision is guilty of a category D felony. (NRS 199.540) Section 16 of this bill provides that it is also unlawful for certain persons to give notice or attempt to give notice of the use of a mobile tracking device to any person with the intent to obstruct, impede or prevent such use.]~~

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

Delete existing sections 1 through 17 of this bill and replace with the following new sections 1 through 5:

Section 1. **Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.**

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "investigative or law enforcement officer" has the meaning ascribed to it in NRS 179.435.***

Sec. 3. ***1. Except as otherwise provided in this section, an investigative or law enforcement officer shall not track a mobile phone without first obtaining a court order authorizing the tracking of the mobile phone pursuant to section 5 of this act.***

2. The provisions of subsection 1 do not apply to:

(a) The tracking of a mobile phone when the consent of the owner of the mobile phone has been obtained; or

(b) A request for call location information concerning the mobile phone of a user by a law enforcement agency in response to a call for emergency services or in an emergency situation that involves the immediate risk of death or serious harm.

Sec. 4. ***1. An investigative or law enforcement officer who is responsible for an ongoing criminal investigation may apply to the district court in writing upon oath or affirmation for an order or an extension thereof pursuant to section 5 of this act which authorizes the tracking of a mobile phone.***

2. Each application made pursuant to subsection 1 must include the following information:

(a) The identity of the investigative or law enforcement officer making the application;

(b) The identity of any other officer or employee authorizing or directing the application;

(c) The identity of the law enforcement agency conducting the criminal investigation; and

(d) A full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that an order should be issued.

Sec. 5. ***1. Upon receipt of an application made pursuant to section 4 of this act, the court may enter an ex parte order, as requested or as modified, authorizing the tracking of a mobile phone if the court determines on the basis of the facts submitted by the applicant that there is probable cause for belief that the information likely to be obtained by the tracking of the mobile phone is relevant to an ongoing criminal investigation.***

2. Each order authorizing the tracking of a mobile phone pursuant to subsection 1 must specify:

(a) The identity of the owner of the mobile phone;

(b) The identity of the person, if known, who is the subject of the ongoing criminal investigation;

(c) A statement of the particular offense to which the information likely to be obtained by the tracking of the mobile phone relates;

(d) The identity of the investigative or law enforcement officer responsible for tracking the mobile phone; and

(e) The period during which the tracking of the mobile phone is authorized.

3. No order entered pursuant to this section may authorize the tracking of a mobile phone for any period longer than is necessary to achieve the objective of the authorization, and in no event longer than 30 days. Extensions of an order may be granted, but only in accordance with the provisions of subsection 1 and upon application for an extension made in accordance with the procedures provided in section 4 of this act. The period of extension must not be longer than the authorizing judge deems necessary to achieve the purposes for which it was granted, and in no event longer than 30 days. Every order and extension thereof must:

(a) Include a statement of any changes in the information required pursuant to subsection 2; and

(b) Contain a provision that the tracking of the mobile phone must begin as soon as practicable and terminates upon attainment of the authorized objective, or in any event in 30 days.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time.

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

Amendment No. 384.

AN ACT relating to public health; requiring a person who receives a health care record from certain persons or governmental entities to maintain the confidentiality of the record; **authorizing a civil action for certain violations of such confidentiality;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from using, releasing or publishing certain information from an electronic health record or from the statewide health information exchange for a purpose unrelated to the treatment, care, well-being or billing of the person who is the subject of the information or for a marketing purpose unless the use, release or publication is authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law

104-191. (NRS 439.590) This bill: (1) prohibits a person who receives health care records from a person or governmental entity who is subject to the Health Insurance Portability and Accountability Act of 1996 from sharing or otherwise disclosing any information contained in the records in any manner that is not authorized by the Act; and (2) allows a ~~[resident of this State]~~ **person** who is harmed by any such sharing or disclosure of his or her health care records to bring an action to recover civil damages against the person or governmental entity who **violated this provision or who** provided the health care records to the person who violated this provision. **This bill further specifically authorizes the Attorney General to bring a civil action for damages on behalf of residents for violations of the Health Insurance Portability and Accountability Act of 1996.**

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who receives health care records as part of a transaction with a person or governmental entity who is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, shall not share or otherwise disclose any information contained in the health care records in any manner not authorized by the Health Insurance Portability and Accountability Act of 1996.

2. A person who is harmed by a violation of subsection 1 may bring an action to recover any damages sustained in a court of competent jurisdiction in this State against ~~[the]~~ :

(a) Except as otherwise provided in paragraph (b), the person or governmental entity ~~[who provided the health care records to the person who]~~ that violated subsection 1 ~~[.]~~ ; or

(b) If the person that violated subsection 1 is located outside of the United States, the person or governmental entity that transmitted those health care records to the person located outside of the United States.

3. If the Attorney General has reason to believe that one or more residents of this State have been harmed by a violation of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Attorney General may bring a civil action against the person responsible for the violation to obtain damages on behalf of the resident or residents to the greatest extent permitted by federal law.

4. Nothing in this section shall be construed to:

(a) Modify the application of the Health Insurance Portability and Accountability Act of 1996 to a person or governmental entity that is already subject to that law.

(b) Waive any immunity from liability or limitation on liability otherwise applicable to a governmental entity.

~~[4.]~~ 5. As used in this section, "health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 2. **NRS 439.538 is hereby amended to read as follows:**

439.538 1. If a covered entity transmits electronically individually identifiable health information in compliance with the provisions of:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; and

(b) NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto,

➥ which govern the electronic transmission of such information, the covered entity is, for purposes of the electronic transmission, exempt from any state law ***, except section 1 of this act,*** that contains more stringent requirements or provisions concerning the privacy or confidentiality of individually identifiable health information.

2. A covered entity that makes individually identifiable health information available electronically pursuant to subsection 1 shall allow any person to opt out of having his or her individually identifiable health information disclosed electronically to other covered entities, except:

(a) As required by the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

(b) As otherwise required by a state law.

(c) That a person who is a recipient of Medicaid or insurance pursuant to the Children's Health Insurance Program may not opt out of having his or her individually identifiable health information disclosed electronically.

3. As used in this section, "covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

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

Amendment No. 422.

AN ACT relating to state employees; revising provisions governing the Merit Award Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Merit Award Program to provide awards to state employees who propose suggestions that would reduce, eliminate or avoid state expenditures or improve the operation of State Government. (NRS 285.014, 285.020) ~~[Section 2 of this]~~ **This** bill revises the ~~[definition of "employee suggestion"]~~ **Merit Award Program** to limit its application to only a suggestion that would reduce, eliminate or avoid state expenditures. ~~[The Merit Award Board administers the Program. (NRS 285.030) Section 3 of this bill revises the membership of the Board and requires the Governor to appoint the members of the Board from among the directors of the departments of the Executive Department of the State Government.~~

~~Existing law provides that to be eligible for an award, an employee or a group of employees must make a suggestion that meets certain criteria. (NRS 285.050) Section 4 of this bill provides certain additional criteria for a qualified employee suggestion.~~

~~Under existing law, the Board is required to consider certain factors when evaluating each employee suggestion. (NRS 285.040, 285.060) Section 5 of this bill requires the Board to determine whether an employee suggestion is desirable and feasible before referring the suggestion to a state agency.~~

~~Existing law limits the amount of an award to $25,000 or 10 percent of any actual savings to the State. (NRS 285.070) Section 6 of this bill limits the amount of an award to $3,500 or 20 percent of actual savings and requires that the award relate directly to the reduction, elimination or avoidance of expenditures realized as a result of the employee suggestion.]~~

Sections 1 and 8 of this bill require each state agency to provide to its employees information relating to the Merit Award Program.

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

Section 1. NRS 284.337 is hereby amended to read as follows:

284.337 An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, the supervisory employee shall meet with the employee to ~~[discuss]~~ ***:***

(a) Discuss goals and objectives ~~[, to evaluate]~~ ***;***

(b) Evaluate the employee's improvement in performance and personal development ~~[, and to discuss]~~ ***;***

(c) Discuss the report ~~[.]~~ ***; and***

(d) Provide to the employee information relating to the Merit Award Program established by NRS 285.020.

2. Provide the employee with a copy of the report.

3. Transmit the report to the appointing authority.

Sec. 2. NRS 285.014 is hereby amended to read as follows:

285.014 "Employee suggestion" means a proposal by a state employee or group of state employees which would ~~[~~:

~~1. Reduce,~~**]** ***reduce,*** eliminate or avoid state expenditures, whether or not such money would be expended from the State General Fund **.** ~~[~~; ~~or~~

~~2. Improve the operation of the State Government.~~**]**

Sec. 3. ~~[~~NRS 285.030 is hereby amended to read as follows:

~~285.030 1. The controlling authority of the Merit Award Program is the Merit Award Board.~~

~~2. The Board~~ **[**~~must be composed~~**]** ***consists*** ~~of five members~~ **[**~~as follows:~~

~~(a) Two persons who are members of the American Federation of State, County and Municipal Employees or its successor, designated by the executive committee of that Federation or its successor.~~

~~(b) One member from the Budget Division of the Department of Administration appointed by the Chief of the Budget Division.~~

~~(c) One member from the Division of Human Resource Management of the Department of Administration appointed by the Administrator of the Division.~~

~~(d) One member appointed by and representing the Governor.~~**]** ***appointed by the Governor from among the directors of the departments of the Executive Department of the State Government. Each member of the Board serves a term of 4 years. A member of the Board may be reappointed.***

~~3.~~ **[**~~The member from either the Budget Division or the Division of Human Resource Management of the Department of Administration must serve as the Secretary of the Board.~~

~~4.~~**]** ~~The Board shall adopt regulations for transacting its business and carrying out the provisions of this chapter.~~

~~**[**5.~~**]** ***4.*** ~~Within the limits of legislative appropriations, the Board may expend up to $1,000 per year on expenses relating to the operation of the Board.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[~~NRS 285.050 is hereby amended to read as follows:

~~285.050 1. Except as otherwise provided in this section, any state employee or group of state employees may make an employee suggestion. An employee suggestion must be made in writing to the Board.~~

~~2. To be eligible for an award pursuant to NRS 285.070, a state employee or group of state employees must make a suggestion:~~

~~(a)~~ ***Which does not duplicate or closely resemble a suggestion that has been previously submitted and rejected;***

~~***(b)*** Which is not currently under active consideration by the state agency affected;~~

~~**[**(b)**]** ***(c)*** For which the act of developing or proposing is not a normal part of the job duties of the state employee, whether acting individually or as a member of a group of state employees;~~

~~**[**(c)**]** ***(d)*** Which is not within the state employee's authority or responsibility to carry out or implement, whether acting individually or as a member of a group of state employees;~~

~~**[**(d)**]** ***(e)*** Which proposes to do more than merely suggest that an existing policy or procedure be followed correctly;~~

~~**[**(e)**]** ***(f)*** Which does not concern an individual grievance or complaint;~~

~~**[**(f)**]** ***(g)*** Which would not reduce the quality or quantity of services provided by the relevant state agency; and~~

~~**[**(g)**]** ***(h)*** Which would not transfer costs from one state agency to another state agency.~~

~~3. If duplicate employee suggestions are submitted, only the state employee or group of state employees who makes the first employee suggestion received is eligible for an award pursuant to NRS 285.070.~~

~~4. **[**Except as otherwise provided in this subsection, a state employee, either individually or as a member of a group of state employees, may not make more than two employee suggestions in any calendar year. For any employee suggestion made by a state employee, either individually or as a member of a group of state employees, that is approved in a calendar year, the state employee may make one additional employee suggestion during the calendar year.~~

~~5.**]** The Board may, in consultation with the Budget Division of the Department of Administration and the Interim Finance Committee, establish such additional standards for the making and submission of employee suggestions as it deems proper.**]**~~ **(Deleted by amendment.)**

Sec. 5. NRS 285.060 is hereby amended to read as follows:

285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:

(a) Record and acknowledge receipt of the employee suggestion;

(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and

(c) Refer ~~***[If the Board determines that the employee suggestion is desirable and feasible, refer]***~~ the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.

2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:

(a) Whether the employee suggestion has been adopted.

(b) If adopted:

(1) The day on which the employee suggestion was placed in effect.

(2) The actual or estimated reduction, elimination or avoidance of expenditures ~~[or any improvement in operations]~~ made possible by the employee suggestion.

(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.

(c) If rejected, the reasons for rejection.

(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.

3. The Board shall:

(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.

(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.

(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.

(d) ~~*[If the Board determines that an employee suggestion which has been adopted and placed into effect by a state agency is applicable to another state agency, refer the employee suggestion to the other state agency.*~~

~~*(e)]*~~ Provide a report to the Budget Division of the Department of Administration and the Interim Finance Committee not later than 30 days after the end of each fiscal year summarizing, for that fiscal year:

(1) The employee suggestions that were rejected by state agencies.

(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures ~~[or any improvement in operations]~~ made possible by the employee suggestion.

(3) Any legislation required to be enacted before an employee suggestion may be adopted.

Sec. 6. NRS 285.070 is hereby amended to read as follows:

285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Department of Administration, may make an award to the state employee or to each state employee of a group of state employees who made the employee suggestion.

2. If the amount of a proposed award will exceed $5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed $5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:

(a) The reduction, elimination or avoidance of expenditures ~~[or any improvement in operations]~~ made possible by the employee suggestion; and

(b) The intent of the Legislature in enacting this chapter.

3. An award made pursuant to this section ~~***[must relate directly to the reduction, elimination or avoidance of expenditures realized as a result of the employee suggestion and]***~~ may not exceed:

(a) Ten ~~***[Twenty]***~~ percent of the amount of any ~~***[the]***~~ actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or

(b) A total of $25,000, ~~***[$3,500,]***~~

➥ whichever is less, whether distributed to an individual employee or to a group of state employees who made the employee suggestion.

4. ~~***[3.]***~~ Awards to employees arising out of adopted employee suggestions must, insofar as is practicable, be paid from money other than money in the State General Fund.

5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than 30 days after the end of the fiscal year during which the employee suggestion was adopted, and the second installment must be paid not later than 30 days after the end of the subsequent fiscal year.

6. ~~***[4.]***~~ A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she made an employee suggestion, or was a member of a group of state employees who made an employee suggestion, that is subsequently adopted.

7. ~~***[5.]***~~ An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of expenditures ~~[or any improvement in operations]~~ as a result of the employee suggestion.

8. ~~***[6.]***~~ Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:

(a) Fifty percent must be transferred to the State General Fund; and

(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state employees who made the employee suggestion for one-time, nonoperational expenses which do not

require ongoing maintenance, including, without limitation, training and equipment.

Sec. 7. ~~[NRS 218E.405 is hereby amended to read as follows:~~

~~"218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, [285.070,] subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.]~~ **(Deleted by amendment.)**

Sec. 8. As soon as practicable on or after July 1, 2013, each state agency, as defined in NRS 285.016, shall:

1. When the next reprint of any manual or handbook that the state agency provides to employees is prepared, add a description of the Merit Award Program established by NRS 285.020 to the manual or handbook.

2. When any Internet website maintained by the state agency is updated, add to the website a description of the Merit Award Program that is readily available to employees of the state agency.

Sec. 9. ~~[1. The term of any member of the Merit Award Board serving on July 1, 2013, expires on that date.~~

~~— 2. Notwithstanding the provisions of NRS 285.030, as amended by section 3 of this act, as soon as practicable on or after July 1, 2013, the Governor shall appoint to the Merit Award Board:~~

~~— (a) Two members to initial terms that expire on June 30, 2015.~~

~~— (b) Three members to initial terms that expire on June 30, 2017.~~**]** **(Deleted by amendment.)**

Sec. 10. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 311.

AN ACT relating to convicted persons; authorizing a court to commit certain convicted persons to the custody of the Department of Corrections for an evaluation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

NRS 176.158, which was repealed by Senate Bill No. 74 of the 1997 Legislative Session, authorized a court to commit certain convicted persons to the custody of the Director of the Department of Prisons, which is now the Department of Corrections, for a period of not more than 120 days for a complete evaluation. After the period during which the person was committed, the Department of Prisons was required to provide the court with a report of the results of the evaluation and any recommendations which the Department believed would be helpful to the court in determining the proper sentence for the person. (Chapter 257, Statutes of Nevada 1997, pp. 905-07)

Section 1 of this bill reinstates these provisions, but authorizes a court to commit such persons to the custody of the Director of the Department of Corrections for a period of not more than 90 days for a complete evaluation. **Sections 2-4** of this bill restore certain language which was deleted as a result of NRS 176.158 being repealed. **Section 5** of this bill provides a court with the option of committing an eligible person to the custody of the Director of the Department of Corrections for an evaluation pursuant to **section 1** if the person is convicted of a felony for which he or she may be sentenced to imprisonment that is committed on or after October 1, 2013.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a defendant has:

(a) Been convicted of a felony for which he or she may be sentenced to imprisonment; and

(b) Never been sentenced to imprisonment as an adult for more than 6 months,

↳ the court may, before sentencing the defendant, commit the defendant to the custody of the Director of the Department of Corrections for not more than 90 days. The period of commitment may be extended once for another 60 days at the request of the Department of Corrections. During the time for which a defendant is committed to the custody of the Director, the Director may assign the defendant to appropriate programs of rehabilitation to facilitate the evaluation of the defendant required pursuant to subsection 2.

2. The Department of Corrections shall conduct a complete evaluation of the defendant during the time of commitment pursuant to this section and shall inquire into such matters as the defendant's previous delinquency or criminal record, social background and capabilities, mental, emotional and physical health and the resources and programs available to suit his or her needs for rehabilitation.

3. The Department of Corrections shall return the defendant to the court not later than the end of the period for which he or she was committed pursuant to this section and provide the court with a report of the results of its evaluation, including any recommendations which it believes will be helpful to the court in determining the proper sentence.

4. Upon receiving the report and recommendations, the court shall sentence the defendant to:

(a) An appropriate term of imprisonment, the duration of which must be computed from the date of commitment pursuant to subsection 1; or

(b) Probation, a condition of which must be that the defendant serve a number of days in the state prison equal to or greater than the number of days spent in confinement pursuant to subsection 1, including the day of commitment.

Sec. 2. NRS 176.105 is hereby amended to read as follows:

176.105 1. If a defendant is found guilty and is ~~[~~sentenced~~]~~ ***:***

(a) To be committed to the custody of the Director of the Department of Corrections for an evaluation by the Department, the judgment of conviction must set forth the plea, the verdict or finding and the adjudication.

(b) Sentenced as provided by law, the judgment of conviction must set forth:

~~[(a)]~~ ***(1)*** The plea;

~~[(b)]~~ ***(2)*** The verdict or finding;

~~[(c)]~~ ***(3)*** The adjudication and sentence, including the date of the sentence, any term of imprisonment, the amount and terms of any fine, restitution or administrative assessment, a reference to the statute under which the defendant is sentenced and, if necessary to determine eligibility for parole, the applicable provision of the statute; and

~~[(d)]~~ ***(4)*** The exact amount of credit granted for time spent in confinement before conviction, if any.

2. If the defendant is found not guilty, or for any other reason is entitled to be discharged, judgment must be entered accordingly.

3. The judgment must be signed by the judge and entered by the clerk.

Sec. 3. NRS 209.341 is hereby amended to read as follows:

209.341 The Director shall:

1. Establish, with the approval of the Board, a system of initial classification and evaluation for offenders who are ***committed to the Director for evaluation by the Department or*** sentenced to imprisonment in the state prison; and

2. Assign every person ***who is committed to the Director for evaluation by the Department or*** who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

Sec. 4. NRS 209.385 is hereby amended to read as follows:

209.385 1. Each offender committed to the custody of the Department for ***evaluation or*** imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:

(a) The appropriate approved tests must be administered; and

(b) The offender must receive counseling regarding the virus.

2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Director determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of Health.

3. If the results of a supplemental test are positive, the name of the offender must be disclosed to:

(a) The Director;

(b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;

(c) The manager or warden of the facility or institution at which the offender is confined; and

(d) Each other employee of the Department whose normal duties involve the employee with the offender or require the employee to come into contact with the blood or bodily fluids of the offender.

4. The offender must be segregated from every other offender whose test results are negative if:

(a) The results of a supplemental test are positive; and

(b) The offender engages in behavior that increases the risk of transmitting the virus, such as battery, ~~[~~the infamous crime against nature,~~]~~ ~~*[sexual conduct,]*~~ sexual ~~[~~intercourse in its ordinary meaning~~]~~ ***activity*** or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.

5. The Director, with the approval of the Board:

(a) Shall establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Health Division of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Health Division.

(b) May adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section ~~[:~~

~~(a) "Incident"]~~ ***, "incident"*** means an occurrence, of a kind specified by regulation of the State Board of Health, that entails a significant risk of exposure to the human immunodeficiency virus.

~~[(b)] ["Infamous crime against nature"] */"Sexual conduct"* means anal intercourse, cunnilingus or fellatio between natural persons of the same sex.]~~

Sec. 5. The amendatory provisions of this act apply to offenses that are committed on or after October 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 251.

AN ACT relating to domestic relations; enacting the Uniform Deployed Parents Custody and Visitation Act; repealing provisions governing custody and visitation orders concerning children of members of the military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions governing the custody and visitation of a child when a parent or legal guardian of the child receives military deployment orders. (NRS 125C.100-125C.185) This bill repeals those provisions and enacts the Uniform Deployed Parents Custody and Visitation Act adopted by the Uniform Law Commission.

Section 23 of this bill sets forth the circumstances under which a court of this State has jurisdiction to issue orders concerning the custodial responsibility of a child when a parent or other custodian of the child has received military deployment orders. **Section 24** of this bill provides for notice of a pending deployment to the other parent and the provision of a plan for fulfilling the custodial responsibility of each parent during the deployment. **Section 25** of this bill requires a person to whom custodial responsibility for a child has been assigned or granted during a deployment to notify the deploying parent of a change of his or her mailing address. **Section 26** of this bill governs the manner in which a court considers the past or possible future deployment of a parent in a proceeding for custodial responsibility of the child.

Sections 27-31 of this bill provide procedures for out-of-court resolution of issues relating to the custodial responsibility of a child which arise upon the deployment of a service member. **Section 27** provides for a temporary agreement granting custodial responsibility during deployment. **Section 29** authorizes the modification of a temporary agreement regarding custodial responsibility. **Section 30** provides for a grant of custodial responsibility to a nonparent of the child under certain circumstances.

Sections 32-41 of this bill provide for a judicial resolution of issues that arise when the parents of a child do not reach an agreement concerning the custody or visitation of a child during the deployment of one parent. **Section 33** requires an expedited hearing if a motion to grant custodial responsibility is filed before a deploying parent deploys. **Section 34** authorizes a party or witness who is not reasonably available to appear personally in court to provide testimony and present evidence by electronic means, unless the court finds good cause to require a personal appearance. **Section 35** establishes certain rules that apply in a proceeding to grant custodial responsibility during the deployment of a parent**. [**, and section**]** **Section 36** authorizes the court to grant caretaking authority of a child to a nonparent under certain circumstances **[**.**]** **and requires the court to consider certain factors in determining whether to grant caretaking authority.** **Section 38** provides that a grant by a court of custodial responsibility or caretaking authority is temporary.

Sections 42-45 of this bill set forth the procedures governing the termination of a temporary custody arrangement following the return from

deployment of a deployed parent. **Section 42** provides the procedure for terminating a temporary custody arrangement established by an agreement of the parties. **Section 43** establishes a consent procedure for terminating a temporary custody arrangement established by court order. Under **section 45**, if no agreement to terminate a temporary custody arrangement established by court order is reached between the parents, the order terminates 60 days after the date on which the deploying parent gives notice of having returned from deployment to the other parent or to any nonparent granted custodial responsibility. **Section 45.5 of this bill authorizes an expedited hearing concerning custody or visitation under certain circumstances following the deploying parent's return from deployment.**

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

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section **[**~~, NRS 125C.100 to 125C.185, inclusive,~~**]** ***, sections 2 to 48, inclusive, of this act*** and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the provisions of **[**~~NRS 125C.100 to 125C.185, inclusive,~~**]** ***sections 2 to 48, inclusive, of this act*** and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is

achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and ~~[NRS 125C.100 to 125C.185, inclusive,]~~ ***sections 2 to 48, inclusive, of this act,*** and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 48, inclusive, of this act.

Sec. 3. ***Sections 3 to 48, inclusive, of this act may be cited as the Uniform Deployed Parents Custody and Visitation Act.***

Sec. 4. ***As used in sections 3 to 48, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 5 to 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Adult" means a person who is at least 18 years of age or an emancipated minor.***

Sec. 6. ***"Caretaking authority" means the right to live with and care for a child on a day-to-day basis, including physical custody, parenting time, right to access and visitation.***

Sec. 7. ***"Child" means:***

1. An unemancipated minor who has not attained 18 years of age; or

2. An adult son or daughter by birth or adoption, or under the laws of this State other than sections 3 to 48, inclusive, of this act, who is the subject of an existing court order concerning custodial responsibility.

Sec. 8. ***"Close and substantial relationship" means a relationship in which a significant bond exists between a child and a nonparent.***

Sec. 9. ***"Court" means an entity authorized under the laws of this State other than sections 3 to 48, inclusive, of this act to establish, enforce or modify a decision regarding custodial responsibility.***

Sec. 10. ***"Custodial responsibility" is a comprehensive term that includes any and all powers and duties relating to caretaking authority and decision-making authority for a child. The term includes custody, physical custody, legal custody, parenting time, right to access, visitation and the authority to designate limited contact with a child.***

Sec. 11. ***"Decision-making authority" means the power to make important decisions regarding a child, including decisions regarding the child's education, religious training, health care, extracurricular activities and travel. The term does not include day-to-day decisions that necessarily accompany a grant of caretaking authority.***

Sec. 12. ***"Deploying parent" means a service member, who is deployed or has been notified of impending deployment, and is:***

1. A parent of a child under the laws of this State other than sections 3 to 48, inclusive, of this act; or

2. A person other than a parent who has custodial responsibility of a child under the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 13. ***"Deployment" means the movement or mobilization of a service member to a location for more than 90 days but less than 18 months pursuant to an official order that:***

1. Is designated as unaccompanied;

2. Does not authorize dependent travel; or

3. Otherwise does not permit the movement of family members to that location.

Sec. 14. ***"Family member" includes a sibling, aunt, uncle, cousin, stepparent or grandparent of a child, and a person recognized to be in a familial relationship with a child under the laws of this State other than sections 3 to 48, inclusive, of this act.***

Sec. 15. ***"Limited contact" means the opportunity for a nonparent to visit with a child for a limited period of time. The term includes authority to take the child to a place other than the residence of the child.***

Sec. 16. ***"Nonparent" means a person other than a deploying parent or other parent.***

Sec. 17. ***"Other parent" means a person who, in common with a deploying parent, is:***

1. The parent of a child under the laws of this State other than sections 3 to 48, inclusive, of this act; or

2. A person other than a parent with custodial responsibility of a child under the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 18. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 19. ***"Return from deployment" means the conclusion of a service member's deployment as specified in uniformed service orders.***

Sec. 20. ***"Service member" means a member of a uniformed service.***

Sec. 21. ***"State" means a state of the United States, the District of Columbia, Puerto Rico and the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 22. ***"Uniformed service" means:***

1. Active and reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States;

2. The Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or

3. The National Guard.

Sec. 23. ***1. A court may issue an order regarding custodial responsibility under sections 3 to 48, inclusive of this act only if the court has jurisdiction pursuant to chapter 125A of NRS. If the court has issued a temporary order regarding custodial responsibility pursuant to sections 32 to 41, inclusive, of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS during the deployment.***

2. If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement pursuant to sections 27 to 31, inclusive, of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS.

3. If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS.

4. This section does not prohibit the exercise of temporary emergency jurisdiction by a court under chapter 125A of NRS.

Sec. 24. ***1. Except as otherwise provided in subsection 4, and subject to subsection 3, a deploying parent shall notify in a record the other parent of a pending deployment not later than 7 days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent such notification within 7 days, such notification must be made as soon as reasonably possible thereafter.***

2. Except as otherwise provided in subsection 4, and subject to subsection 3, each parent shall in a record provide the other parent with a plan for fulfilling that parent's share of custodial responsibility during deployment as soon as reasonably possible after receiving notice of deployment under subsection 1.

3. If an existing court order prohibits disclosure of the address or contact information of the other parent, a notification of deployment under subsection 1, or notification of a plan for custodial responsibility during deployment under subsection 2, may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.

4. Notice in a record is not required if the parents are living in the same residence and there is actual notice of the deployment or plan.

5. In a proceeding regarding custodial responsibility between parents, a court may consider the reasonableness of a parent's efforts to comply with this section.

Sec. 25. *1. Except as otherwise provided in subsection 2, a person to whom custodial responsibility has been assigned or granted during deployment pursuant to sections 27 to 41, inclusive, of this act shall notify the deploying parent and any other person with custodial responsibility of any change of mailing address or residence until the assignment or grant is terminated. The person shall provide the notice to any court that has issued an existing custody or child support order concerning the child.*

2. If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence under subsection 1 may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted.

Sec. 26. *In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child, but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.*

Sec. 27. *1. The parents of a child may enter into a temporary agreement granting custodial responsibility during deployment.*

2. An agreement under subsection 1 must be:

(a) In writing; and

(b) Signed by both parents and any nonparent to whom custodial responsibility is granted.

3. An agreement under subsection 1 may:

(a) Identify to the extent feasible the destination, duration and conditions of the deployment that is the basis for the agreement;

(b) Specify the allocation of caretaking authority among the deploying parent, the other parent and any nonparent, if applicable;

(c) Specify any decision-making authority that accompanies a grant of caretaking authority;

(d) Specify any grant of limited contact to a nonparent;

(e) If the agreement shares custodial responsibility between the other parent and a nonparent, or between two nonparents, provide a process to resolve any dispute that may arise;

(f) Specify the frequency, duration and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact and allocation of any costs of communications;

(g) Specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;

(h) Acknowledge that any party's existing child support obligation cannot be modified by the agreement and that changing the terms of the obligation during deployment requires modification in the appropriate court;

(i) Provide that the agreement terminates following the deploying parent's return from deployment according to the procedures under sections 42 to 45, inclusive, of this act; and

(j) If the agreement must be filed pursuant to section 31 of this act, specify which parent shall file the agreement.

Sec. 28. *1. An agreement under sections 27 to 31, inclusive, of this act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this act following the return from deployment of the deployed parent, unless the agreement has been terminated before that time by court order or modification of the agreement under section 29 of this act. The agreement derives from the parents' custodial responsibility and does not create an independent, continuing right to caretaking authority, decision-making authority or limited contact in a person to whom custodial responsibility is given.*

2. A nonparent given caretaking authority, decision-making authority or limited contact by an agreement under sections 27 to 31, inclusive, of this act has standing to enforce the agreement until it has been terminated pursuant to an agreement of the parents under section 29 of this act, under sections 42 to 45, inclusive, of this act or by court order.

Sec. 29. *1. The parents may modify an agreement regarding custodial responsibility made pursuant to sections 27 to 31, inclusive, of this act by mutual consent.*

2. If an agreement is modified under subsection 1 before deployment of a deploying parent, the modification must be in writing and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

3. If an agreement is modified under subsection 1 during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

Sec. 30. *If no other parent possesses custodial responsibility under the laws of this State other than sections 3 to 48, inclusive, of this act, or if an existing court order prohibits contact between the child and the other parent, a deploying parent, by power of attorney, may delegate all or part of custodial responsibility to an adult nonparent for the period of deployment. The power of attorney is revocable by the deploying parent through a revocation of the power of attorney signed by the deploying parent.*

Sec. 31. *An agreement or power of attorney made under sections 27 to 30, inclusive, of this act must be filed within a reasonable period of time with any court that has entered an existing order on custodial responsibility or child support concerning the child. The case number and heading of the existing case concerning custodial responsibility or child support must be provided to the court with the agreement or power of attorney.*

Sec. 32. *1. After a deploying parent receives notice of deployment and during the deployment, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 521-522. A court may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.*

2. At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in an existing proceeding for custodial responsibility of the child with jurisdiction under section 23 of this act or, if there is no existing proceeding in a court with jurisdiction under section 23 of this act, in a new action for granting custodial responsibility during deployment.

Sec. 33. *If a motion to grant custodial responsibility is filed before a deploying parent deploys, the court shall conduct an expedited hearing.*

Sec. 34. *In a proceeding brought under sections 32 to 41, inclusive, of this act, a party or witness who is not reasonably available to appear personally may appear and provide testimony and present evidence by electronic means unless the court finds good cause to require a personal appearance.*

Sec. 35. *In a proceeding for a grant of custodial responsibility pursuant to sections 32 to 41, inclusive, of this act, the following rules apply:*

1. A prior judicial order designating custodial responsibility of a child in the event of deployment is binding on the court unless the circumstances

meet the requirements of the laws of this State other than sections 3 to 48, inclusive, of this act for modifying a judicial order regarding custodial responsibility.

2. The court shall enforce a prior written agreement between the parents for designating custodial responsibility of a child in the event of deployment, including a prior written agreement executed under sections 27 to 31, inclusive, of this act, unless the court finds the agreement contrary to the best interest of the child.

Sec. 36. ***1. On the motion of a deploying parent and in accordance with the laws of this State other than sections 3 to 48, inclusive, of this act, a court may grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child.***

2. In determining whether to grant caretaking authority of a child to a nonparent pursuant to subsection 1, the court shall consider the following factors:

(a) The love, affection and other emotional ties existing between the nonparent and the child.

(b) The capacity and disposition of the nonparent to:

(1) Give the child love, affection and guidance and serve as a role model to the child;

(2) Provide the child with food, clothing and other material needs; and

(3) Provide the child with health care or alternative health care which is recognized and authorized pursuant to the laws of this State.

(c) The prior relationship between the nonparent and the child, including, without limitation, whether the child has previously resided with the nonparent and whether the child was previously included in holidays or family gatherings with the nonparent.

(d) The moral fitness of the nonparent.

(e) The mental and physical health of the nonparent.

(f) The reasonable preference of the child if the child has a preference and if the court determines that the child is of sufficient maturity to express a preference.

(g) The willingness and ability of the nonparent to facilitate and encourage a close and substantial relationship between the child and his or her deploying parent, other parent and family members.

(h) The medical and other health needs of the child which are affected by the grant of caretaking authority.

(i) The support provided by the nonparent, including, without limitation, whether the nonparent has contributed to the financial support of the child.

(j) Any objection by the other parent to the grant of caretaking authority to a nonparent. In the case of an objection by the other parent, there is a rebuttable presumption that the grant of caretaking authority to a nonparent is not in the best interest of the child. To rebut this presumption, the deploying parent must prove by clear and convincing evidence that the grant of caretaking authority to the nonparent is in the best interest of the child.

3. Unless the grant of caretaking authority to a nonparent under subsection 1 is agreed to by the other parent, the grant is limited to an amount of time not greater than:

(a) The time granted to the deploying parent in an existing permanent custody order, except that the court may add unusual travel time necessary to transport the child; or

(b) In the absence of an existing permanent custody order, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, except that the court may add unusual travel time necessary to transport the child.

~~[3.]~~ 4. A court may grant part of the deploying parent's decision-making authority for a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if the deploying parent is unable to exercise that authority. When a court grants the authority to a nonparent, the court shall specify the decision-making powers that will and will not be granted, including applicable health, educational and religious decisions.

Sec. 37. *On the motion of a deploying parent and in accordance with the laws of this State other than sections 3 to 48, inclusive, of this act, a court shall grant limited contact with a child to a nonparent who is either a family member of the child or a person with whom the child has a close and substantial relationship, unless the court finds that the contact would be contrary to the best interest of the child.*

Sec. 38. *1. A grant made pursuant to sections 32 to 41, inclusive, of this act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this act following the return from deployment of the deployed parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decision-making authority or limited contact in a person to whom it is granted.*

2. A nonparent granted caretaking authority, decision-making authority or limited contact under sections 32 to 41, inclusive, of this act has standing to enforce the grant until it is terminated under sections 42 to 45, inclusive, of this act or by court order.

Sec. 39. *1. An order granting custodial responsibility under sections 32 to 41, inclusive, of this act must:*

(a) Designate the order as temporary; and

(b) Identify to the extent feasible the destination, duration and conditions of the deployment.

2. If applicable, a temporary order for custodial responsibility must:

(a) Specify the allocation of caretaking authority, decision-making authority or limited contact among the deploying parent, the other parent and any nonparent;

(b) If the order divides caretaking or decision-making authority between persons, or grants caretaking authority to one person and limited contact to another, provide a process to resolve any significant dispute that may arise;

(c) Provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications;

(d) Provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or is otherwise available, unless contrary to the best interest of the child;

(e) Provide for reasonable contact between the deploying parent and the child following return from deployment until the temporary order is terminated, which may include more time than the deploying parent spent with the child before entry of the temporary order; and

(f) Provide that the order will terminate following return from deployment according to the procedures under sections 42 to 45, inclusive, of this act.

Sec. 40. *If a court has issued an order ~~[providing for grant of]~~ granting caretaking authority under sections 32 to 41, inclusive, of this act or an agreement granting caretaking authority has been executed under sections 27 to 31, inclusive, of this act the court may enter a temporary order for child support consistent with the laws of this State other than sections 3 to 48, inclusive, of this act , if the court has jurisdiction under NRS 130.0902 to 130.802, inclusive.*

Sec. 41. *1. Except for an order in accordance with section 35 of this act or as otherwise provided in subsection 2, and consistent with the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 521-522, on the motion of a deploying or other parent or any nonparent to whom caretaking authority, decision-making authority or limited contact has been granted, the court may modify or terminate a grant of caretaking authority, decision-making authority or limited contact made pursuant to sections 3 to 48, inclusive, of this act if the modification or termination is consistent with sections 32 to 41, inclusive, of this act and the court finds it*

is in the best interest of the child. Any modification must be temporary and terminates following the conclusion of deployment of the deployed parent according to the procedures under sections 42 to 45, inclusive, of this act unless the grant has been terminated before that time by court order.

2. On the motion of a deploying parent, the court shall terminate a grant of limited contact.

Sec. 42. *1. At any time following return from deployment, a temporary agreement granting custodial responsibility under sections 27 to 31, inclusive, of this act may be terminated by an agreement to terminate signed by the deploying parent and the other parent.*

2. The temporary agreement granting custodial responsibility terminates:

(a) If the agreement to terminate specifies a date for termination, on that date; or

(b) If the agreement to terminate does not specify a date, on the date the agreement to terminate is signed by both parents.

3. In the absence of an agreement to terminate, the temporary agreement granting custodial responsibility terminates 60 days ~~[from]~~ after the date of the deploying parent's giving notice to the other parent of having returned from deployment.

4. If the temporary agreement granting custodial responsibility was filed with a court pursuant to section 31 of this act, an agreement to terminate the temporary agreement must also be filed with that court within a reasonable period of time after the signing of the agreement. The case number and heading of the existing custodial responsibility or child support case must be provided to the court with the agreement to terminate.

Sec. 43. *At any time following return from deployment, the deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility issued under sections 32 to 41, inclusive, of this act. After an agreement has been filed, the court shall issue an order terminating the temporary order on the date specified in the agreement. If no date is specified, the court shall issue the order immediately.*

Sec. 44. *Following return from deployment of a deploying parent until a temporary agreement or order for custodial responsibility established under sections 27 to 41, inclusive, of this act is terminated, the court shall enter a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time exceeds the time the deploying parent spent with the child before deployment.*

Sec. 45. *1. A temporary order for custodial responsibility issued under sections 32 to 41, inclusive, of this act shall terminate, if no*

agreement between the parties to terminate a temporary order for custodial responsibility has been filed, 60 days ~~[from]~~ after the date of the deploying parent's giving notice of having returned from deployment to the other parent and any nonparent granted custodial responsibility.

2. Any proceedings seeking to prevent termination of a temporary order for custodial responsibility are governed by the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 45.5. The court may, upon a motion alleging immediate danger of irreparable harm to the child, hold an expedited hearing concerning custody or visitation following the deploying parent's return from deployment.

Sec. 46. ***In addition to other relief provided by the laws of this State other than sections 3 to 48, inclusive, of this act , if a court finds that a party to a proceeding under sections 3 to 48, inclusive, of this act has acted in bad faith or intentionally failed to comply with sections 3 to 48, inclusive, of this act or a court order issued under sections 3 to 48, inclusive, of this act , the court may assess reasonable attorney's fees and costs of the opposing party and order other appropriate relief.***

Sec. 47. ***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 48. ***This act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(b).***

Sec. 49. NRS 125C.100, 125C.105, 125C.110, 125C.115, 125C.120, 125C.125, 125C.130, 125C.135, 125C.140, 125C.145, 125C.150, 125C.155, 125C.160, 125C.165, 125C.170, 125C.175, 125C.180 and 125C.185 are hereby repealed.

Sec. 50. This act does not affect the validity of a temporary court order concerning custodial responsibility during deployment that was entered before January 1, 2014.

Sec. 51. This act becomes effective on January 1, 2014.

LEADLINES OF REPEALED SECTIONS

125C.100 Definitions.
125C.105 "Custody or visitation order" defined.
125C.110 "Deployment" defined.
125C.115 "Member of the military" defined.
125C.120 "Parent" defined.
125C.125 "Parent who received orders for deployment" defined.

125C.130 "Temporary duty" defined.

125C.135 Provisions not applicable to order for protection against domestic violence.

125C.140 Jurisdiction retained during deployment of parent; deployment not basis to assert inconvenient forum.

125C.145 Court to hold expedited hearing or allow alternative means of presenting testimony and evidence in certain circumstances.

125C.150 Deployment does not warrant permanent modification of order.

125C.155 Expedited hearing to issue temporary order.

125C.160 Temporary modification of order to accommodate deployment of parent; requirements of temporary order.

125C.165 Expiration of temporary order upon completion of parent's deployment; exception.

125C.170 Delegation of visitation rights to family member of parent to be deployed; termination of such rights; effect on ability of family member to seek separate visitation order.

125C.175 Limitation on issuance of final order modifying terms of existing order when parent receives mandatory order for deployment.

125C.180 Costs and attorney's fees.

125C.185 Requirement for parents to cooperate and provide information to each other.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Horne moved that the Assembly recess until 1:20 p.m.

Motion carried.

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:25 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 374.

Bill read second time.

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

Amendment No. 284.

AN ACT relating to counties; prohibiting **, with certain exceptions,** a board of county commissioners from regulating or licensing, or requiring a permit or fee relating to, assemblies, events or activities occurring on federal lands; providing **, under certain circumstances,** that certain requirements and prohibitions relating to assemblies do not apply to assemblies that occur on federal lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

Sections 1 and 2 of this bill prohibit **, with certain exceptions,** a board of county commissioners from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on **certain** federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

Sections 3 and 4 of this bill provide **, under certain circumstances,** that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[A]*~~

1. Except as otherwise provided in subsection 2, a board of county commissioners shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit for the assembly, event or activity or has otherwise authorized the assembly, event or activity.

2. A board of county commissioners may regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of a:

(a) Lease between the Federal Government and the county; or

(b) License for recreational or other public purposes from the Federal Government to the county.

Sec. 2. NRS 244.354 is hereby amended to read as follows:

244.354 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, ***and section 1 of this act*** may be incorporated in such ordinance.

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~[Every]~~

1. Except as otherwise provided in subsection 2, every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if ~~[a]~~ **:**

(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly ~~[.]~~ ***; and***

(b) The federal land is not the subject of a:

(1) Lease for recreational or other public purposes between the Federal Government and the county; or

(2) License for recreational or other public purposes from the Federal Government to the county.

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~[It]~~

1. Except as otherwise provided in subsection 2, it is unlawful for any licensee or any employee, agent or associate of a licensee to:

~~[1.]~~ ***(a)*** Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

~~[2.]~~ ***(b)*** Sell tickets to such an assembly without a license first having been obtained.

~~[3.]~~ ***(c)*** Hold such an assembly in such a manner as to create a public or private nuisance.

~~[4.]~~ ***(d)*** Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

~~[5.]~~ ***(e)*** Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

~~[6.]~~ ***(f)*** Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

~~[7.]~~ ***(g)*** Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.

2. The provisions of this section do not apply to an assembly, or conduct or activity at or during an assembly, that is held on federal land if ~~***[a]***~~ ***:***

(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly ~~***[.]***~~ ***; and***

(b) The federal land is not the subject of a:

(1) Lease for recreational or other public purposes between the Federal Government and the county; or

(2) License for recreational or other public purposes from the Federal Government to the county.

Sec. 5. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 312.

AN ACT relating to spendthrift trusts; **revising provisions governing self-settled spendthrift trusts; revising provisions governing the transfer of community property to a spendthrift trust;** prohibiting certain persons from being a distribution trustee of a spendthrift trust; ~~[repealing certain provisions governing the powers of a settlor;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to create a spendthrift trust, which is a trust the terms of which provide that the interest of a beneficiary may not be transferred voluntarily or involuntarily to another person. (NRS 166.020, 166.040) Under existing law, a beneficiary of a spendthrift trust may not transfer his or her interest in the trust and a creditor of the beneficiary may not satisfy the creditor's claim from the beneficiary's interest in the trust. (NRS 166.120) Existing law further authorizes the creation of self-settled spendthrift trusts, which are spendthrift trusts in which the settlor is a

beneficiary. Under existing law, a self-settled spendthrift trust may be created only if the trust is irrevocable, does not require any part of the income or principal to be distributed to the settlor and is not be intended to hinder, delay or defraud known creditors. (NRS 166.040)

Section 1.3 of this bill provides that a self-settled spendthrift trust is not enforceable against the settlor's child, spouse or domestic partner, or former spouse or domestic partner who has a judgment or court order against the settlor for support or maintenance. Section 1.3 further authorizes: (1) the settlor's child, spouse or domestic partner, or former spouse or domestic partner to obtain a court order attaching present or future distributions from a self-settled spendthrift trust to or for the benefit of the settlor; and (2) authorizes a court to order distributions from a self-settled spendthrift trust to satisfy a judgment or court order against the settlor for the support or maintenance of his or her child, spouse or domestic partner or former spouse or domestic partner. Section 1.6 of this bill enacts provisions governing the transfer of community property to a spendthrift trust. Section ~~[1]~~ 1.9 of this bill prohibits the settlor, certain relatives and employees of the settlor, and ~~[a business entity in which the settlor holds at least 30 percent of the total voting power of all interests entitled to vote,]~~ **business entities in which the settlor or certain relatives or employees of the settlor hold certain voting power,** from being a distribution trustee of a self-settled spendthrift trust.

~~[Section 2 of this bill repeals a provision of existing law which provides that any agreement or understanding between the settlor of a spendthrift trust and the trustee that attempts to grant or permit the retention of greater rights or authority than is stated in the trust instrument is void.]~~

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

Section 1. **Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.**

Sec. 1.3. 1. Notwithstanding any other provision of law, if a spendthrift trust is a self-settled spendthrift trust:

(a) The trust is unenforceable against the settlor's child, spouse or domestic partner, or former spouse or domestic partner who has a judgment or court order against the settlor for support or maintenance; and

(b) A claimant against whom the trust cannot be enforced pursuant to paragraph (a) may obtain from a court an order attaching present or future distributions to or for the benefit of a beneficiary of the trust who is a settlor of the trust.

2. Notwithstanding any other provision of law, if a trustee of a self-settled spendthrift trust has discretion to determine whether or not to make a distribution to a beneficiary who is a settlor of the trust:

(a) A distribution may be ordered by the court to satisfy a judgment or court order against the beneficiary who is a settlor of the trust for the support or maintenance of that beneficiary's child, spouse or domestic partner, or former spouse or domestic partner; and

(b) The court shall direct the trustee to pay to the child, spouse or domestic partner, or former spouse or domestic partner such amount as is equitable under the circumstances.

3. Notwithstanding any other provision of law, if a child, spouse or domestic partner, or former spouse or domestic partner has a judgment or court order for support or maintenance against a beneficiary of a self-settled spendthrift trust who is a settlor of the trust, the child, spouse or domestic partner, or former spouse or domestic partner may reach a distribution of income or principal which the trustee is required to make to that beneficiary under the terms of the trust, including, without limitation, a distribution upon termination of the trust.

4. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.

(b) "Self-settled spendthrift trust" means a spendthrift trust of which a settlor is a beneficiary.

Sec. 1.6. 1. A transfer of community property to a spendthrift trust is void unless both spouses or domestic partners, whichever is applicable, agree to the transfer in a writing which expressly waives the community property rights of each spouse or domestic partner, whichever is applicable, in the property being transferred to the trust. An agreement between spouses or domestic partners pursuant to this subsection must meet the standards which govern the actions of persons occupying relations of confidence and trust toward each other.

2. As used in this section:

(a) "Community property" means property that is community property pursuant to NRS 123.220.

(b) "Domestic partner" has the meaning ascribed to it in NRS 122A.030.

~~[Section 1.]~~ ***Sec. 1.9.*** NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust ~~[, at]~~ ***:***

(a) At least one trustee of a spendthrift trust must be:

~~[(a)]~~ ***(1)*** A natural person who resides and has his or her domicile in this State;

~~[(b)]~~ ***(2)*** A trust company that:

~~[(1)]~~ ***(I)*** Is organized under federal law or under the laws of this State or another state; and

~~[(2)]~~ ***(II)*** Maintains an office in this State for the transaction of business; or

~~[(c)]~~ ***(3)*** A bank that:

~~[(1)]~~ ***(I)*** Is organized under federal law or under the laws of this State or another state;

~~[(2)]~~ ***(II)*** Maintains an office in this State for the transaction of business; and

~~[(3)]~~ ***(III)*** Possesses and exercises trust powers.

(b) The following persons may not be a distribution trustee:

(1) The settlor;

(2) The spouse or domestic partner of the settlor;

(3) Any person related to the settlor by blood, adoption or marriage within the second degree of consanguinity or affinity;

(4) An employee of the settlor;

(5) A subordinate employee of the settlor or of a business entity in which the settlor is an executive; or

(6) A business entity in which the settlor , or any person listed in subparagraphs (2) to (5), inclusive, holds at least 30 percent of the total voting power of all interests entitled to vote.

3. As used in this section, "domestic partner" has the meaning ascribed to it in NRS 122A.030.

Sec. 2. ~~[NRS 166.045 is hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~166.045 Powers of settlor. The settlor of a spendthrift trust has only those powers and rights that are conferred to the settlor by the trust instrument. An agreement or understanding, express or implied, between the~~

~~settlor and the trustee that attempts to grant or permit the retention of greater rights or authority than is stated in the trust instrument is void.]~~

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 227.

AN ACT relating to vehicles; authorizing a person to apply for a letter of abandonment for an abandoned recreational vehicle under certain circumstances; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) **Section 1** of this bill authorizes an owner or occupant of private property who discovers an abandoned recreational vehicle on that property to apply for a letter of abandonment for the recreational vehicle. **Section 1** also sets forth the procedure for obtaining a letter of abandonment for a recreational vehicle. **Section 5** of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle or has obtained a letter of abandonment from the Department of Motor Vehicles; and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

~~[Existing law sets forth the requirements for the manufacture, sale, distribution, alteration, transportation and installation in this State of manufactured homes, mobile homes, travel trailers, manufactured buildings, commercial coaches and factory built housing. (Chapter 489 of NRS) A "commercial coach" is defined to mean a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. (NRS 489.062) Section 4 of this bill specifically excludes a special commercial coach from the existing definition of a "commercial coach." Section 2 of this bill defines a "special purpose commercial coach" to mean a structure without motive power, not intended for general public use, which is designed and equipped for human occupancy~~

~~for industrial, professional or commercial purposes. Section 2 specifically excludes from the definition of "special commercial coach" any recreational park trailer, portable building or commercial coach.~~]

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

Section 1. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the procedure for disposing of an abandoned vehicle set forth in NRS 487.205 to 487.300, inclusive, if a recreational vehicle is abandoned on private property and is discovered by the owner or occupant of the property, the person who discovers the recreational vehicle may apply for a letter of abandonment for the recreational vehicle. The issuance of a letter of abandonment pursuant to this section divests any other person of any interest in the abandoned recreational vehicle.

2. Before applying for a letter of abandonment, the owner or occupant of the property where the abandoned recreational vehicle is located shall:

(a) If the abandoned recreational vehicle has a serial number, vehicle identification number or registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and notify the owner by registered or certified letter to the last known address of the owner that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 60 days, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment. The owner or occupant of the property where the abandoned recreational vehicle is located is not required to send a registered or certified letter if an owner cannot be located or if an address for an owner cannot be ascertained.

(b) Place a notice in a newspaper of general circulation published in the county in which the abandoned recreational vehicle is located, describing the abandoned recreational vehicle and the location where the abandoned recreational vehicle was discovered and providing the serial or vehicle identification number or any other identifying information relating to the abandoned recreational vehicle. The owner or occupant of the property where the abandoned recreational vehicle is located shall state in the notice that, if the abandoned recreational vehicle is not claimed and removed within 60 days after the publication date of the newspaper, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment.

3. An owner or occupant of the property where the abandoned recreational vehicle is located may apply to the Department for a letter of abandonment upon the expiration of:

(a) Sixty days after the date on which the owner or occupant of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 2, if such a letter is required; or

(b) Sixty days after the date of publication of the notice required by paragraph (b) of subsection 2,

↪ whichever is later.

4. An application for a letter of abandonment for an abandoned recreational vehicle must contain:

(a) A completed application form prescribed by the Department;

(b) Proof that the letter required by paragraph (a) of subsection 2 was mailed at least 60 days before the submission of the application or a detailed explanation of the unsuccessful steps taken to identify all owners of the abandoned recreational vehicle;

(c) Proof that a notice was printed in a newspaper as required by paragraph (b) of subsection 2 at least 60 days before the submission of the application;

(d) A clear and accurate photograph of the abandoned recreational vehicle; and

(e) The serial number, vehicle identification number or registration number, if any, of the abandoned recreational vehicle.

5. The Department may charge and collect a fee for issuing a letter of abandonment pursuant to this section, which must not exceed the actual cost to the Department of issuing the letter of abandonment.

6. Upon receipt of the materials and information required in subsection 4 and any fees required pursuant to subsection 5, the Department shall enter the application upon the records of its office and issue to the applicant a letter of abandonment for the abandoned recreational vehicle.

7. As used in this section, "recreational vehicle" has the meaning ascribed to it in NRS 482.101.

Sec. 2. ~~[Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Special purpose commercial coach" means a structure without motive power, not intended for general public use, which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer, portable building or commercial coach.*~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 489.031 is hereby amended to read as follows:~~

~~489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 489.062 is hereby amended to read as follows:~~

~~489.062 "Commercial coach" means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer , [or] portable building [.] *or special purpose commercial coach.]*~~ **(Deleted by amendment.)**

Sec. 5. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

A municipal solid waste landfill shall accept a recreational vehicle for disposal if:

1. The person disposing of the recreational vehicle provides:

(a) The title to the recreational vehicle, indicating that he or she is the owner; or

(b) A letter of abandonment issued by the Department of Motor Vehicles pursuant to section 1 of this act; and

2. Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

Sec. 6. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 444.580 is hereby amended to read as follows:

444.580 ***Except as otherwise provided in section 5 of this act:***

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and section 5 of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 8. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 253.

AN ACT relating to parentage; providing that a child is not required to be made a party to certain actions to determine the paternity of the child; revising provisions governing the representation of a child in ~~[such an action;]~~ **certain actions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in an action to determine paternity, a child is required to be made a party to the action. Existing law also requires the child, if he or she is a minor, to be represented by his or her general guardian or a guardian ad litem appointed by the court. (NRS 126.101) ~~[This]~~ **Section 2 of this** bill removes from existing law the requirement that a child be made a party to an action to determine the paternity of the child and instead authorizes the child to be made a party to the action. ~~[Unless the action is brought by the district attorney pursuant to NRS 125B.150, this bill]~~ **Section 2** also removes from existing law the requirement that **: (1)** a minor child be represented by his or her general guardian or a guardian ad litem in an action to determine the paternity of the child ~~[but maintains the provisions of existing law governing the appointment of a guardian ad litem]~~ **; and (2)** in certain child support actions brought by a district attorney ~~[.]~~ **, the district attorney must act as guardian ad litem for the child or the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem for the child.**

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

Section 1. **NRS 125B.150 is hereby amended to read as follows:**

125B.150 1. The district attorney of the county of residence of the child, or of a parent, alleged parent or guardian who does not have physical custody of the child, shall take such action as is necessary to establish parentage of the child and locate and take legal action, including the establishment or adjustment of an obligation of support, against a person who has a duty to support the child when requested to do so by the parent, alleged parent or guardian or a public agency which provides assistance to the parent, alleged parent, guardian or child. If the court for cause transfers the action to another county, the clerk of the receiving court shall notify the district attorney of that county, and that district attorney shall proceed to prosecute the cause of action and take such further action as is necessary to establish parentage and to establish or adjust the obligation of support and to enforce

the payment of support pursuant to this chapter or chapter 31A, 126, 130 or 425 of NRS.

2. In a county where the district attorney has deputies to aid the district attorney in the performance of his or her duties, the district attorney shall designate himself or herself or a particular deputy as responsible for performing the duties imposed by subsection 1.

3. ~~[Except as otherwise provided in NRS 126.101, the]~~ ***The*** district attorney and his or her deputies do not represent the parent, alleged parent, guardian or child in the performance of their duties pursuant to this chapter and chapter 31A, 126, 130 or 425 of NRS, but are rendering a public service as representatives of the State.

4. Officials of the Division of Welfare and Supportive Services of the Department of Health and Human Services are entitled to access to the information obtained by the district attorney if that information is relevant to the performance of their duties. The district attorney or his or her deputy shall inform each person who provides information pursuant to this section concerning the limitations on the confidentiality between lawyer and client under these circumstances.

5. Disclosures of criminal activity by a parent or child are not confidential.

6. The district attorney shall inform each parent who applies for the assistance of the district attorney in this regard that a procedure is available to collect unpaid support from any refund owed to the parent who has a duty to support the child because an excessive amount of money was withheld to pay the parent's federal income tax. The district attorney shall submit to the Division of Welfare and Supportive Services all documents and information it requires to pursue such a collection if:

(a) The applicant is not receiving public assistance.

(b) The district attorney has in his or her records:

(1) A copy of the order of support for a child and any modifications of the order which specify their date of issuance and the amount of the ordered support;

(2) A copy of a record of payments received or, if no such record is available, an affidavit signed by the custodial parent attesting to the amount of support owed; and

(3) The current address of the custodial parent.

(c) From the records in the possession of the district attorney, the district attorney has reason to believe that the amount of unpaid support is not less than $500.

➥ Before submitting the documents and information to the Division of Welfare and Supportive Services, the district attorney shall verify the accuracy of the documents submitted relating to the amount claimed as

unpaid support and the name and social security number of the parent who has a duty to support the child. If the district attorney has verified this information previously, the district attorney need not reverify it before submitting it to the Division of Welfare and Supportive Services.

7. The Division of Welfare and Supportive Services shall adopt such regulations as are necessary to carry out the provisions of subsection 6.

~~[Section 1.]~~ ***Sec. 2.*** NRS 126.101 is hereby amended to read as follows:

126.101 1. ~~[The]~~ ***If the court determines that it is necessary for the*** child ~~[must]~~ ~~*[may]*~~ ***to*** be made ***a party to the action, the court may make the child*** a party to the action. If the child is a minor ~~[~~, ~~the child must be represented by his or her general guardian or a guardian ad litem appointed by the court.]~~ ***and the court determines that it is necessary to appoint a guardian ad litem to represent the child, the court may appoint a guardian ad litem for the child.*** The child's mother or father may not represent the child as guardian or otherwise. ~~[If a district attorney brings an action pursuant to NRS 125B.150 and the interests of the child:~~

~~(a) Are adequately represented by the appointment of the district attorney as the child's guardian ad litem, the district attorney shall act as guardian ad litem for the child without the need for court appointment.~~

~~(b) Are not adequately represented by the appointment of the district attorney as the child's guardian ad litem, the Division of Welfare and Supportive Services of the Department of Health and Human Services must be appointed as guardian ad litem in the case.]~~

2. The natural mother and a man presumed to be the father under NRS 126.051 must be made parties, but if more than one man is presumed to be the natural father, only a man presumed pursuant to subsection 2 or 3 of NRS 126.051 is an indispensable party. Any other presumed or alleged father may be made a party.

3. The court may align the parties.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time.

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

Amendment No. 501.

AN ACT relating to public officers; revising provisions relating to residency requirements with reference to eligibility for public office;

prohibiting a district court from issuing a declaratory judgment determining a question of residency of a candidate for certain offices after a certain date; **revising provisions governing the contest of a general election for the office of State Legislator;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person's "actual residence" for the purpose of eligibility to be a candidate for and hold elective public office is the place where the person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place the person declares as his or her principal permanent habitation when declaring or accepting candidacy is deemed to be his or her actual residence. Existing law provides a district court with jurisdiction to determine a question of residency in an action for declaratory judgment. (NRS 281.050)

Section 1 of this bill removes: (1) the provision regarding legal domicile and permanent habitation constituting "actual residency"; and (2) the provision authorizing a person with multiple habitations to declare an actual residence when declaring or accepting candidacy for public office. Instead, a person's residence is deemed to be that place where the person has been actually, physically and corporeally within the State. **Section 1** also provides that a district court does not have jurisdiction in an action to determine the residency of candidates for the Legislature or certain state offices after the statutory deadline for making a change to the ballot for a general election, which is the fourth Friday in June of the year of the general election. (NRS 293.165, 293.166)

Section 3 of this bill provides that, for a state officer who can be removed from office only through impeachment pursuant to Article 7 of the Nevada Constitution, ceasing to reside in the State or, for a certain type of judicial officer, in the district in which he or she is required to reside to be a candidate for the judicial office, is malfeasance for the purposes of impeachment.

Section 4 of this bill clarifies that a person who receives a certificate of election or appointment to office as a Legislator may be removed from office by reason of not residing in the district from which he or she is a Legislator only through expulsion from the Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, except that the election of a person to office as a Legislator may be contested on the grounds that the person does not reside in the district from which he or she is a Legislator pursuant to provisions regarding the contest of elections. (NRS 293.407-293.435)

Section 14 of this bill provides that in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, if the house in which the contest was tried or was to be tried finds that the contest or

defense of the contest was brought or maintained without reasonable ground or to harass the prevailing party, the house may require the party who is not the prevailing party to pay costs, attorney's fees or both, not to exceed certain amounts.

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

Section 1. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to eligibility to office is ~~[~~the person's actual residence~~]~~ ***that place where the person has been actually, physically and corporeally*** within the State or county or district, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed as a candidate for elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law for which the person is a candidate and in which the person is required ~~[~~actually, as opposed to constructively,~~]~~ to reside, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 4, the*** district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. ~~[~~As used in this section, "actual residence" means the place where a person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to be the person's actual residence.~~]~~ ***A district court does not have jurisdiction in an action to determine the residency of a candidate for:***

(a) The office of Assemblyman, Assemblywoman or State Senator; or

(b) State office if the holder of the office is removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution,

➥ after the deadline set forth in NRS 293.165 and 293.166 for making a change on the ballot for a general election.

Sec. 2. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.

(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of the incumbent's official oath or bond or a violation of NRS 241.040, 293.1755 or 293C.200.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, a refusal or neglect of the person to give the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be ~~[an actual, as opposed to constructive,]~~ ***, in accordance with the provisions of NRS 281.050, a*** resident of the State, district, county, city, ward or other unit prescribed by law in which the duties of the incumbent's office are to be exercised, or from which the incumbent was elected or appointed, or in which the incumbent was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of the incumbent's office for a period of 30 days, except when prevented by sickness or absence from the State or county, as provided by law. In a county whose population is less than 15,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of the incumbent's office for at least 6 months, the district attorney, either on the district attorney's own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the Attorney General, either on the Attorney General's own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

(1) The medical condition of the incumbent;

(2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of the incumbent's office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

(i) A determination pursuant to NRS 293.182 or 293C.186 that the incumbent fails to meet any qualification required for the office.

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish the incumbent's office, the Attorney General shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring that office vacant.

3. The provisions of this section do not apply to the extent that they conflict or are otherwise inconsistent with any provision of the Constitution of the State of Nevada regarding the power to judge of the qualifications, elections and returns of or to punish, impeach, expel or remove from office the Governor, other state and judicial officers or State Legislators.

Sec. 3. NRS 283.140 is hereby amended to read as follows:

283.140 1. Any state officer shall be liable to impeachment for misdemeanor or malfeasance in office pursuant to Article 7 of the Nevada Constitution. ***A state officer who is not a judicial officer commits malfeasance in office for the purposes of Article 7 of the Nevada Constitution by ceasing to reside in this State in violation of the provisions of NRS 281.050, and a judicial officer other than a justice of the peace commits malfeasance in office for the purposes of Article 7 of the Nevada Constitution by ceasing to reside in the district in which he or she is required to reside to be a candidate for the judicial office in violation of the provisions of NRS 281.050.***

2. As used in NRS 283.140 to 283.290, inclusive, "state officer" means the Governor and other state and judicial officers, except:

(a) Justices of the peace; and

(b) State Legislators removable from office only through expulsion by their own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 4. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who receives a certificate of election or appointment to office as a Legislator may be removed from office by reason of not residing in the district for which the person is a Legislator, in violation of the provisions of NRS 281.050, only through expulsion by the Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. The election of a person to office as a Legislator may be contested pursuant to NRS 293.407 to 293.435, inclusive, on the grounds that the

person does not reside in the district for which the person is a Legislator, in violation of the provisions of NRS 281.050.

Sec. 5. NRS 218A.200 is hereby amended to read as follows:

218A.200 A person is not eligible to be elected or appointed to office as a Legislator unless the person:

1. Is a qualified elector;

2. Has been ~~[an actual, as opposed to constructive,]~~ ***, in accordance with the provisions of NRS 281.050, a*** citizen resident of this State for 1 year next preceding the person's election or appointment; and

3. At the time of election or appointment, has attained the age of 21 years.

Sec. 6. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively,]~~ ***, in accordance with the provisions of NRS 281.050,*** resides in the district.

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively,]~~ ***, in accordance with the provisions of NRS 281.050,*** resides in the district. To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of

county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

Sec. 7. NRS 218A.700 is hereby amended to read as follows:

218A.700 1. Except as otherwise provided in this section, when the Legislature or a member thereof discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, the appointing authority shall appoint a person who has, in accordance with the provisions of NRS 281.050, **[**~~actually, as opposed to constructively,~~**]** resided, for at least 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 8. NRS 223.195 is hereby amended to read as follows:

223.195 1. Except as otherwise provided in this section, when the Governor discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, the Governor shall appoint a person who has, in accordance with the provisions of NRS 281.050, **[**~~actually, as opposed to constructively,~~**]** resided, for at least 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 9. NRS 232A.020 is hereby amended to read as follows:

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, **[**~~actually, as opposed to constructively,~~**]** resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. The Governor shall not appoint a person to a board, commission or similar body if the person is a member of any other board, commission or similar body.

7. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 10. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who ~~[actually, as opposed to constructively,]~~ ***, in accordance with the provisions of NRS 281.050,*** resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. No change may be made on the ballot after the fourth Friday in June of the year in which the general election is held. If a nominee dies after that date, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

3. The designation of a nominee pursuant to this section must be filed with the Secretary of State on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held, and the statutory filing fee must be paid with the designation.

Sec. 11. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, ~~[actually, as opposed to constructively,]~~ resided in the State, district, county, township or other area

prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 12. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of……

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I **[**~~actually, as opposed to constructively,~~**]** reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my **[**~~actual, as opposed to constructive,~~**]** residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of

NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

……
(Designation of name)

……..
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of…….

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I ~~[actually, as opposed to constructively,]~~ reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my ~~[actual, as opposed to constructive,]~~ residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that

I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

……..……..
(Designation of name)

……
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate ~~[actually, as opposed to constructively,]~~ resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 13. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 and have

~~[~~actually, as opposed to constructively,~~]~~ resided at the following residence or residences since November 1 of the preceding year:

……	…….
Street Address	Street Address
……	…….
City or Town	City or Town
…….	……
State	State
From……... To……..	From……. To…….
Dates of Residency	Dates of Residency
……	…….
Street Address	Street Address
……	……
City or Town	City or Town
……	…….
State	State
From…… To……..	From……. To……..
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate ~~[~~actually, as opposed to constructively,~~]~~ resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

Sec. 14. **NRS 293.427 is hereby amended to read as follows:**

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house.

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If after hearing the contest, the house decides to declare the contestant

elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to ~~[a]~~ ***the prevailing*** party to such a contest. ~~[The remedy may include, without limitation, any]~~ ***If the house finds that the contest or the defense of the contest was brought or maintained without reasonable ground or to harass the prevailing party, the house may require the party who is not the prevailing party to pay:***

(a) Any costs ***, as defined in NRS 18.005, actually and necessarily*** incurred by ~~[a]~~ ***the prevailing*** party in connection with the contest ~~[.]~~ ***, in an amount not to exceed $500;***

(b) Any attorney's fees actually and necessarily incurred by the prevailing party in connection with the contest, in an amount not to exceed $4,500; or

(c) Costs and attorney's fees as provided in paragraphs (a) and (b).

~~[Sec. 14.]~~ ***Sec. 15.*** NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I ~~[actually, as opposed to constructively,]~~ reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my ~~[actual, as opposed to constructive,]~~ residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this

office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

……...
(Designation of name)

……...
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……..
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate **[**~~actually, as opposed to constructively,~~**]** resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

~~[Sec. 15.]~~ ***Sec. 16.*** NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, ~~[actually, as opposed to constructively,]~~ resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 314.

AN ACT relating to parentage; revising provisions relating to assisted reproduction; revising provisions relating to gestational carrier arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the circumstances under which the legal relationship of parent and child is established. Under existing law, the legal relationship of mother and child is established by: (1) proof that the woman has given birth to the child; (2) an adjudication that the woman is the mother of the child; or (3) proof that the woman has adopted the child. (NRS 126.041) The legal relationship of father and child is established by: (1) certain presumptions of paternity that arise if a man was married to, or cohabitating with, the natural mother of the child; (2) a presumption of paternity that arises if the man resides with and holds out the child as his natural child; (3) genetic testing establishing that the man is the father of the child; or (4) a certain voluntary acknowledgment of paternity by the man. (NRS 126.041, 126.051, 126.053) Existing law also establishes the parentage of a child: (1) conceived by means of artificial insemination; or (2) born pursuant to a surrogacy agreement. (NRS 126.045, 126.061) This bill replaces the provisions of existing law governing artificial insemination and surrogacy agreements with provisions governing assisted reproduction and gestational agreements which are based on the Uniform Parentage Act adopted by the Uniform Law Commission and the Model Act Governing Assisted Reproductive Technology promulgated by the American Bar Association.

Sections 16-22 of this bill provide for the parentage of a child conceived by a woman by means of assisted reproduction. Under **section 18**, a person who donates eggs, sperm or embryos for assisted reproduction by a woman is not a parent of the resulting child. **Sections 19 and 20** provide that a person who donates eggs, sperm or embryos for assisted reproduction, or a person who consents to assisted reproduction, with the intent of being a parent of the

resulting child is a legal parent of that child. **Section 22** provides for the parentage of a child if the transfer of eggs, sperm or embryos occurs after a marriage or domestic partnership is dissolved.

Sections 23-33 of this bill enact provisions governing gestational agreements under which a woman carries and gives birth to a child intending that another person or persons become the legal parent or parents of the child. **Section 24** provides that if an enforceable gestational agreement is entered into by the gestational carrier, her spouse or domestic partner, if any, and the intended parent or parents: (1) the intended parent or parents under the gestational agreement become the legal parent or parents of the resulting child upon the birth of that child; and (2) the gestational carrier and her spouse or domestic partner, if any, are not the legal parents of the resulting child. **Sections 26 and 27** establish the requirements for: (1) a person to be eligible to be a gestational carrier and the intended parent or parents; and (2) the execution and contents of an enforceable gestational agreement. **Sections 30 and 31** establish remedies for a breach of a gestational agreement. **Sections 32 and 33**: (1) authorize the reimbursement of certain expenses incurred by a donor of a gestational carrier in connection with a gestational agreement; and (2) enact provisions governing the compensation paid to a gestational carrier.

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

Section 1. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, without limitation:***

1. Intrauterine insemination;

2. Donation of eggs;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 4. ***"Domestic partner" means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.***

Sec. 5. ***"Domestic partnership" has the meaning ascribed to it in NRS 122A.040.***

Sec. 6. ***"Donor" means a person with dispositional control of eggs, sperm or embryos who provides eggs, sperm or embryos to another person***

for gestation and relinquishes all present and future parental and inheritance rights and obligations to any resulting child.

Sec. 7. ***"Embryo" means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a woman under conditions in which gestation may be reasonably expected to occur.***

Sec. 8. ***"Gamete" means a cell containing a haploid complement of deoxyribonucleic acid that has the potential to form an embryo when combined with another gamete. The term includes:***

1. Sperm.

2. Eggs.

3. Nuclear deoxyribonucleic acid from one human being combined with the cytoplasm, including, without limitation, cytoplasmic deoxyribonucleic acid, of another human being.

Sec. 9. ***"Gestational agreement" means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.***

Sec. 10. ***"Gestational carrier" means an adult woman who is not an intended parent and who enters into a gestational agreement to bear a child*** ~~***[to whom she has no genetic relationship.]***~~ ***conceived using the gametes of other persons and not her own.***

Sec. 11. ***"Intended parent" means a person, married or unmarried, who manifests the intent as provided in sections 2 to 33, inclusive, of this act, to be legally bound as the parent of a child resulting from assisted reproduction.***

Sec. 12. ***"In vitro fertilization" means the formation of a human embryo outside the human body.***

Sec. 13. ***"Parent" means a person who has established the parent and child relationship.***

Sec. 14. ***"Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 15. ***"Sign" means, with present intent to authenticate or adopt a record:***

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 16. ***Except as otherwise provided by any other provision of law, unless parental rights are terminated, a parent and child relationship established under sections 2 to 33, inclusive, of this act applies for all purposes.***

Sec. 17. ***Sections 2 to 33, inclusive, of this act do not apply to the birth of a child conceived by means other than assisted reproduction.***

Sec. 18. ***A donor is not a parent of a child conceived by means of assisted reproduction.***

Sec. 19. ***A person who provides gametes for, or consents to, assisted reproduction by a woman, as provided in section 20 of this act, with the intent to be a parent of her child is a parent of the resulting child.***

Sec. 20. ***1. Consent by a person who intends to be a parent of a child born by assisted reproduction must be in a signed record. [~~This requirement does not apply to a donor.~~]***

2. Failure of a person to sign a consent required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if the woman and the person, during the first 2 years of the child's life, resided together in the same household with the child and openly held out the child as their own.

Sec. 21. ***1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a woman who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:***

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth;

(b) The legal spouse or domestic partner and the woman who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

[~~3. The provisions of this section only apply to a marriage or domestic partnership declared invalid after the assisted reproduction.~~]

Sec. 22. ***1. If a marriage or domestic partnership is dissolved or terminated before the transfer of eggs, sperm or embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.***

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before placement of the eggs, sperm or embryos. ~~[A person who withdraws his or her consent pursuant to this subsection is not a parent of the resulting child.]~~

Sec. 23. *1. A prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, a donor or the donors and the intended parent or parents may enter into a written agreement providing that:*

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of section 27 of this act.

4. ~~[A gestational agreement does not apply to the birth of a child conceived by means of sexual intercourse.~~

~~5.]~~ A gestational agreement may provide for payment of consideration pursuant to sections 32 and 33 of this act.

Sec. 24. *1. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act:*

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor her legal spouse or domestic partner, if any, shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a

court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of section 26 of this act;

(b) The intended parent or parents satisfy the requirements set forth in subsection 2 of section 26 of this act; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in section 27 of this act.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) The resulting child is to be born in this State;

(b) A copy of the gestational agreement is attached to the petition; and

(c) The requirements of sections 26 and 27 of this act are satisfied,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 25. *1. Except as otherwise provided in NRS 239.0115, all hearings held in a proceeding under sections 23 to 33, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the parties to a gestational agreement, their witnesses and attorneys, except by order of the court.*

2. The files and records pertaining to a gestational carrier arrangement, gestational agreement or proceeding under sections 23 to 33, inclusive, of this act are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor; or

(b) As provided pursuant to subsection 3.

3. A person who intends to file a petition to enforce a gestational agreement may inspect the files or the records of the court concerning the gestational agreement.

Sec. 26. *1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to sections 23 to 33, inclusive, of this act, if, at the time the gestational agreement is executed, she:*

(a) Is at least 21 years of age;

(b) Has given birth to at least one child;

(c) Has completed a medical evaluation relating to the anticipated pregnancy;

(d) Has completed a mental health evaluation relating to the anticipated gestational carrier arrangement;

(e) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(f) Did not contribute any gametes that will ultimately result in an embryo that she will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of sections 23 to 33, inclusive, of this act if, before the gestational carrier agreement is executed, he, she or they have:

(a) Completed a mental health evaluation relating to the anticipated gestational carrier arrangement; and

(b) Undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 27. *1. A gestational agreement is enforceable only if it satisfies the requirements of this section.*

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical or mental health evaluations required by section 26 of this act to determine the eligibility of the gestational carrier and the intended parent or parents, by:

(1) A gestational carrier satisfying the eligibility requirements of section 26 of this act and the legal spouse or domestic partner of the gestational carrier, if any; and

(2) An intended parent or parents satisfying the eligibility requirements of section 26 of this act;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician of her choosing, after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including,

without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

Sec. 28. *1. Any person who is considered to be the parent of a child under sections 23 to 33, inclusive, of this act is obligated to support the child.*

2. The breach of the gestational agreement by the intended parent or parents does not relieve such an intended parent or parents of the obligation to support a resulting child.

~~*[3. A donor may be liable for child support only if he or she fails to enter into a legal agreement in which the donor relinquishes his or her rights to any gametes, resulting embryos or resulting child, and the intended parent or parents fail to enter into an agreement in which the intended parent or parents agree to assume all rights and responsibilities for any resulting child.]*~~

Sec. 29. *The marriage or domestic partnership of a gestational carrier after she executes a gestational agreement does not affect the validity of the gestational agreement and:*

1. The consent of the legal spouse or domestic partner of the gestational carrier to the gestational agreement is not required.

2. The legal spouse or domestic partner of the gestational carrier must not be presumed to be the parent of any resulting child.

Sec. 30. *1. A gestational carrier, her legal spouse or domestic partner, if any, or the intended parent or parents are in noncompliance when he, she or they breach any provision of the gestational agreement or fail to meet any of the requirements of sections 23 to 33, inclusive, of this act.*

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement based solely on the evidence of the original intent of the parties.

3. There must be no specific performance remedy available for breach of the gestational agreement by the gestational carrier that would require the gestational carrier to be impregnated.

Sec. 31. *1. Except as otherwise provided by section 30 of this act or by an express term of the gestational agreement, the intended parent or parents are entitled to any remedy available at law or equity.*

2. Except as expressly provided by an express term of the gestational agreement, the gestational carrier is entitled to any remedy available at law or equity.

Sec. 32. *1. A gestational carrier may receive reimbursement for expenses and economic losses resulting from participation in the gestational carrier arrangement.*

2. A donor may receive reimbursement for expenses and economic losses resulting from the retrieval or storage of gametes or embryos and incurred after the donor has entered into a valid agreement in a record to be a donor.

3. Except as otherwise provided in subsection 4, economic losses occurring before the donor has entered into a valid agreement in a record to be a donor may not be reimbursed.

4. Any premiums paid for insurance against economic losses directly resulting from the retrieval or storage of gametes or embryos for donation may be reimbursed even if such premiums were paid before the donor entered into a valid agreement in a record, so long as such agreement becomes valid and effective before the gametes or embryos are used in assisted reproduction pursuant to the terms of the agreement.

Sec. 33. ***1. The consideration, if any, paid to a donor or prospective gestational carrier must be negotiated in good faith between the parties.***

2. Compensation must not be conditioned upon the purported quality or genome-related traits of the gametes or embryos.

Sec. 34. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. ~~[~~The natural mother~~]~~ ***A woman*** may be established by ***:***

(a) Except as otherwise provided in sections 23 to 33, inclusive, of this act proof of her having given birth to the child ~~[~~, or under~~]~~ ***;***

(b) An adjudication of the woman's maternity pursuant to this chapter, or NRS 125B.150 or 130.701 ~~[~~.~~]~~ ***;***

(c) Proof of adoption of the child by the woman;

(d) An unrebutted presumption of the woman's maternity;

(e) The consent of the woman to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or

(f) An adjudication confirming the woman as a parent of a child born to a gestational carrier if the gestational agreement is enforceable under the provisions of sections 23 to 33, inclusive, of this act or any other provision of law.

2. ~~[~~The natural father~~]~~ ***A man*** may be established ~~[~~under~~]~~ ***:***

(a) Under this chapter, or NRS 125B.150, 130.701 or 425.382 to 425.3852, inclusive ~~[~~.

~~3. An adoptive parent may be established by proof of adoption.]~~ ***;***

(b) By proof of adoption of the child by the man;

(c) By the consent of the man to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or

(d) By an adjudication confirming the man as a parent of a child born to a gestational carrier if the gestational agreement was validated pursuant to

the provisions of sections 23 to 33, inclusive, of this act, or other provision of law.

Sec. 35. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the natural parent of a child in return for the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

4. This section does not prohibit a natural parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a ~~[surrogate, be inseminated and give birth to the child of a man who is not her husband.]~~ ***gestational carrier, as defined in section 10 of this act.***

Sec. 36. NRS 126.045 and 126.061 are hereby repealed.

TEXT OF REPEALED SECTIONS

126.045 Contract requirements; treatment of intended parents as natural parents; unlawful acts.

1. Two persons whose marriage is valid under chapter 122 of NRS may enter into a contract with a surrogate for assisted conception. Any such contract must contain provisions which specify the respective rights of each party, including:

(a) Parentage of the child;

(b) Custody of the child in the event of a change of circumstances; and

(c) The respective responsibilities and liabilities of the contracting parties.

2. A person identified as an intended parent in a contract described in subsection 1 must be treated in law as a natural parent under all circumstances.

3. It is unlawful to pay or offer to pay money or anything of value to the surrogate except for the medical and necessary living expenses related to the birth of the child as specified in the contract.

4. As used in this section, unless the context otherwise requires:

(a) "Assisted conception" means a pregnancy resulting when an egg and sperm from the intended parents are placed in a surrogate through the intervention of medical technology.

(b) "Intended parents" means a man and woman, married to each other, who enter into an agreement providing that they will be the parents of a child born to a surrogate through assisted conception.

(c) "Surrogate" means an adult woman who enters into an agreement to bear a child conceived through assisted conception for the intended parents.

126.061 Artificial insemination.

1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if the husband were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by the husband and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the Health Division of the Department of Health and Human Services, where, except as otherwise provided in NRS 239.0115, it must be kept confidential and in a sealed file. The physician's failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is treated in law as if the donor were not the natural father of a child thereby conceived.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 424.

Bill read second time.

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

Amendment No. 445.

AN ACT relating to the State Fire Marshal; authorizing the State Fire Marshal and the State Board of Fire Services to issue administrative citations; **requiring the Board to establish by regulation a schedule of administrative fines;** establishing provisions for the contest of such citations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the membership and duties of the State Fire Marshal and the State Board of Fire Services. (NRS 477.030, 477.071-477.090) **Section 2** of this bill authorizes the State Fire Marshal and the Board to issue a written administrative citation if the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any statute or regulation relating to the State Fire Marshal. **Section 2 also requires the Board to establish by regulation a schedule of administrative fines based on the severity or frequency of the violation.** **Section 3** of this bill establishes the procedure by which a person may contest an administrative citation.

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

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. If the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has committed a violation of this chapter or the regulations of the State Fire Marshal, the State Fire Marshal or the Board may issue a written administrative citation to the person.***

2. A citation issued pursuant to this section includes, without limitation, an order to:

(a) Take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the State Fire Marshal, at the person's cost;

(b) Pay an administrative fine ~~[not to exceed $50,000;]~~ imposed in accordance with the schedule of administrative fines prescribed by the Board pursuant to subsection 4; and

(c) Reimburse the State Fire Marshal or the Board for the amount of the expense incurred to investigate the complaint.

3. If a written citation issued pursuant to subsection 1 includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the State Fire Marshal, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and must specifically describe the action required to be taken.

4. The Board shall by regulation establish a schedule of at least three different levels of administrative fines not to exceed $50,000, based on the severity and frequency of the violation of any provision of this chapter or any regulation of the State Fire Marshal.

5. The sanctions authorized by subsection 2 are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

~~[5.]~~ 6. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the State Fire Marshal or the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 3. ***1. A person who is issued a written citation pursuant to section 2 of this act may contest the citation within 15 business days after the date on which the citation is served on the person.***

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the State Fire Marshal;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the State Fire Marshal or the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation is reasonable.

3. If a person does not contest a citation issued pursuant to section 2 of this act within 15 business days after the date on which the citation is served on the person, or on or before such later date as specified by the State Fire Marshal or the Board pursuant to subsection 4, the citation shall be deemed a final order of the State Fire Marshal or the Board and not subject to review by any court or agency.

4. The State Fire Marshal or the Board may, for good cause shown, extend the time to contest a citation issued pursuant to section 2 of this act.

5. For the purposes of this section, a citation shall be deemed to have been served on a person on:

(a) The date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 4. NRS 477.071 is hereby amended to read as follows:

477.071 As used in NRS 477.071 to 477.090, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, "Board" means the State Board of Fire Services created pursuant to NRS 477.073.

Sec. 5. This act becomes effective ~~[on July 1, 2013.]~~ **:**

1. Upon passage and approval for the purpose of adopting regulations; and

2. On January 1, 2014, for all other purposes.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 351.

AN ACT relating to public servants; requiring a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies; providing for certain exceptions; providing civil remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Ethics in Government Law prohibits, for a cooling-off period of 1 year, a former public officer who served with a state or local agency from accepting compensation to represent or counsel another person upon certain matters that were under consideration by the agency during his or her former service. (NRS 281A.410) For violations of the Ethics Law, the Commission on Ethics may impose civil remedies and penalties. (NRS 281A.480)

Section 1 of this bill amends the Ethics Law to prohibit a former public officer who was elected to office as a member of a local legislative body or the Board of Regents of the University of Nevada from serving as a paid lobbyist on any matters under consideration by the public body on which he or she served for a cooling-off period of 2 years after leaving office. Under the Ethics Law, a local legislative body includes a board of county commissioners, a governing body of a city or a governing body of any other political subdivision that performs any policy-making function. (NRS 281A.125) **Section 1** also provides exceptions for former public officers who are employed by their former public bodies or another public body or agency after leaving office and who are acting in the course of their public employment. Additionally **section 1** provides exceptions for former public officers who are employed by a bona fide news medium and who are acting in the course of their professional duties and news gathering function.

Section 2 of this bill provides that the cooling-off period applies only to a ~~[former public officer who leaves]~~ **person who is elected to** such an office **for a term commencing** on or after July 1, 2013 ~~[.]~~ **, or a person who is appointed to serve the remainder of such an unexpired term.**

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

Section 1. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A former public officer who was elected as a member of a local legislative body shall not accept compensation or other consideration to serve as a lobbyist on any matter under consideration by that local legislative body for a period of 2 years after the date on which the former public officer leaves office as a member of that local legislative body.

2. A former public officer who was elected as a member of the Board of Regents of the University of Nevada shall not accept compensation or other consideration to serve as a lobbyist on any matter under consideration by the Board of Regents for a period of 2 years after the date on which the former public officer leaves office as a member of the Board of Regents.

3. As used in this section:

(a) "Consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

(b) "Elected" means elected to a public office listed in this section or appointed to serve the remainder of an unexpired term of such a public office.

(c) "Lobbyist" means a former public officer listed in this section who, for compensation or other consideration, communicates directly with a member of the public body on which he or she served on behalf of someone other than himself or herself to influence the member's action on any matter under consideration by that public body, except the term does not include:

(1) A former public officer who is employed by the public body on which he or she served and who engages in conduct described in this section only in the course of his or her employment with the public body.

(2) A former public officer who is employed by another public body or agency and who engages in conduct described in this section only in the course of his or her employment with the other public body or agency.

(3) A former public officer who is an employee of a bona fide news medium and who engages in conduct described in this section only in the course of his or her professional duties and who communicates with members of the public body for the sole purpose of carrying out his or her news gathering function.

Sec. 2. This act applies only to a ~~[former public officer who leaves]~~ **person who is elected to** a public office listed in section 1 of this act **for a**

term commencing on or after July 1, 2013 **[.] , or a person who is appointed to serve the remainder of such an unexpired term.**

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 441.

Bill read second time and ordered to third reading.

Assembly Bill No. 442.

Bill read second time and ordered to third reading.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 228.

AN ACT relating to highways; revising provisions relating to the construction, operation and maintenance of certain facilities to provide information **[**and assistance**]** **, services or products** to the traveling public; increasing fines for certain violations committed in roadside parks or rest areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation to designate appropriate locations for the construction of certain roadside facilities and signs which provide information to members of the traveling public concerning accommodations, food, fuel and recreation. (NRS 408.551, 408.553) Existing law allows such facilities or signs to be erected or constructed and maintained by the Department or by a city, county or other governmental agency or private person, under contract with the Department. (NRS 408.553) Federal law newly authorizes a state to allow the installation of signs that acknowledge the sponsorship of a rest area, and to allow a private party to operate limited commercial activities at a rest area. (23 U.S.C. §§ 111, 131) **Section 3** of this bill allows the Director of the Department, with the approval of the Board of Directors of the Department, to authorize a private person to erect or construct, sponsor, operate or maintain a facility or a sign at a rest area, under contract with the Department. **Section 4** of this bill makes conforming changes to the authorization of the Department to adopt regulations regarding such facilities and signs. (NRS 408.557)

Existing law makes it unlawful for any person, firm, corporation, association or other entity, other than a public utility, to sell, exhibit or offer for sale certain goods and services or to erect, place, post or maintain certain signs in any roadside park or safety rest area in this State. A person who violates that provision, or any regulation adopted governing roadside parks or safety rest areas, shall be punished by a fine of not more than $100 for a first offense and not more than $500 for each subsequent offense. (NRS 408.433) **Section 1** of this bill raises the limit on a fine for a first such offense to not more than $1,000, and for each subsequent offense to not more than $5,000.

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

Section 1. NRS 408.433 is hereby amended to read as follows:

408.433 1. ~~[It]~~ ***Except as otherwise provided in NRS 408.553, it*** is unlawful for any person, firm, corporation, association or other entity, other than a public utility, to:

(a) Sell, exhibit or offer for sale any goods, wares, products, merchandise or services; or

(b) Erect, place, post or maintain any sign, billboard, placard, notice or other form of advertising,

➥ in any roadside park or safety rest area in this state, or in the approaches thereto.

2. Any person who violates any provision of this section or any regulation adopted under this chapter governing roadside parks or safety rest areas shall be punished by a fine of not more than ~~[$100]~~ ***$1,000*** for a first offense and not more than ~~[$500]~~ ***$5,000*** for each subsequent offense.

Sec. 2. NRS 408.551 is hereby amended to read as follows:

408.551 As used in NRS 408.551 to 408.567, inclusive, "center" means a facility ***, including, without limitation, a safety rest area,*** to provide information***,*** ~~*[and]*~~ ***services or products*** to members of the traveling public, concerning accommodations, food, fuel and recreation, through an attendant or some ***other*** means of communication.

Sec. 3. NRS 408.553 is hereby amended to read as follows:

408.553 ***1.*** The Director may designate appropriate locations for the construction of centers and the erection and maintenance of directional and informational signs within the right-of-way.

2. The signs or centers may be erected or constructed ~~[and]~~ ***, sponsored, operated or*** maintained by:

~~[1.]~~ ***(a)*** The Department; ~~[or~~

~~2.]~~ ***(b)*** A city, county or other governmental agency ***,*** ~~[or private person,]~~ under contract with the Department ~~[.]~~ ***; or***

(c) A private person under contract with the Department, if the person has been authorized by the Director, with approval of the Board, to enter into such a contract.

Sec. 4. NRS 408.557 is hereby amended to read as follows:

408.557 1. The Director shall adopt regulations:

(a) Governing the size, shape, lighting and other characteristics of a sign to be erected at a location designated pursuant to NRS 408.553;

(b) Authorizing the use of trademarks and symbols identifying an individual enterprise on a sign erected at the location;

(c) Fixing the qualifications of a person or governmental agency to ***erect or construct,*** operate ***, sponsor or maintain*** a center ***or sign*** and of an enterprise to be identified on a directional or informational sign;

(d) Fixing reasonable fees, based upon the market value as determined by the Department, for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing ~~[~~information ~~*and assistance]*~~ ***:***

(I) Information, services or products concerning commercial attractions ***;*** and ~~[~~~~services; and]~~

(II) Items designed to promote tourism in this State;

(e) Otherwise necessary to carry out the provisions of NRS 408.551 to 408.567, inclusive.

2. The regulations adopted by the Director pursuant to subsection 1 must be consistent with the provisions of 23 U.S.C. ~~[§]~~ ***§§ 111 and*** 131.

Sec. 5. NRS 408.559 is hereby amended to read as follows:

408.559 The Department shall develop a plan, in cooperation with the Commission on Tourism, to carry out the provisions of NRS 408.551 to 408.567, inclusive. The plan must take into consideration such factors as:

1. Economic development in this state.
2. Availability of money for the purposes of NRS 408.551 to 408.567, inclusive.
3. Population in a particular area.
4. Proposed highway construction.
5. Need for information ***,*** ~~[.]~~ ~~*[and]*~~ ***services*** ~~[.]~~ ***or products.***

➥ The Department and the Commission shall review the plan at least once each year and revise it until the provisions of NRS 408.551 to 408.567, inclusive, have been uniformly put into effect throughout the State.

Sec. 6. NRS 408.562 is hereby amended to read as follows:

408.562 The Director may recommend to the Board, for its approval, programs to provide information ***,*** ~~*[and]*~~ ***services or products*** to the traveling public to be paid from such money as is available for this purpose pursuant to NRS 408.567.

Sec. 7. NRS 408.563 is hereby amended to read as follows:

408.563 The Department may contract or enter into other agreements with governmental agencies in this state or an adjoining state or with private persons to study various systems of providing information ***, ~~[and]~~ services or products*** to the traveling public and to ***erect or*** construct ***, sponsor, operate or maintain*** signs ***and centers*** which provide ***~~[~~***~~that~~***~~]~~*** ***such*** information ***~~[.]~~ ~~[such assistance]~~ , services or products to the traveling public.***

Sec. 8. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the Department from:

(a) Fees for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing ***~~[~~***~~information~~ ***and assistance]*** ***:***

(I) Information, services or products concerning commercial attractions ***;*** and ***~~[~~***~~services;~~***~~]~~***

(II) Items designed to promote tourism in this State;

(b) Participants in a telephone system established to reserve accommodations for travelers; and

(c) Appropriations made by the Legislature for the purposes of NRS 408.551 to 408.567, inclusive,

➥ must be deposited with the State Treasurer for credit to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund, which is hereby created.

2. Money in the Account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 306.

AN ACT relating to courts; **authorizing a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court to offset the costs of operating a law library established in the county; requiring the county treasurer to deposit the filing fees received into a special account to be used to support the operation of such a law library;** revising certain fees in the justice court; requiring the county treasurer to deposit a portion of **~~[~~**~~the~~**~~]~~** **such**

fees received from justice courts into a special account to be used for certain purposes; **requiring the county treasurer to reduce annually the amount deposited into the special account in certain circumstances; requiring each justice court that collects fees to submit an annual report to the board of county commissioners;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of any county to establish by ordinance a law library to be governed and managed by a board of law library trustees. (NRS 380.010) Section 1 of this bill authorizes a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court, in an amount not to exceed $8, to offset a portion of the costs of operating such a law library. Section 1 also provides that in a county in which such a fee has been imposed, the justice of the peace shall, on a monthly basis, pay to the county treasurer any such fees collected during the preceding month. The county treasurer is required to deposit the fees received into a special account administered by the county and maintained for the benefit of such a law library.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace ~~[shall]~~ **is required to** pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060) ~~[This]~~ **Section 1.5 of this** bill increases the amount of certain fees charged and collected by the justice court and revises the tiers upon which certain fees are based.

~~[This bill]~~ **Section 1.5** also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of ~~[the]~~ **each** justice ~~[courts]~~ **court** within the county. The money in the account ~~[must not be used to supplant existing budgets for the support or operation of the justice courts within the county, and]~~ must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for ~~[the]~~ **a** justice ~~[courts]~~ **court** or a multi-use facility that includes ~~[the]~~ **a** justice ~~[courts;]~~ **court;** (2) to acquire advanced technology for the use of ~~[the]~~ **a** justice ~~[courts;]~~ **court;** (3) to acquire equipment or additional staff to enhance the security of the facilities used by ~~[the]~~ **a** justice ~~[courts,]~~ **court,** justices of the peace, staff of ~~[the]~~ **a** justice ~~[courts]~~ **court** and residents of this State who access the justice courts; ~~[and]~~ (4) to pay for **the training of staff or the hiring of additional** staff to

support the operation of ~~[~~the~~]~~ **a** justice ~~[~~courts.~~]~~ **court; and (5) to pay for one-time projects for the improvement of a justice court. Section 1.5 also requires: (1) the county treasurer to reduce on an annual basis, if necessary, the amount deposited into the special account in certain circumstances; and (2) each justice court that collects fees to submit to the board of county commissioners of the county in which the justice court is located an annual report that contains certain information.**

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

Section 1. **Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to any other fee required by law, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of operating a law library established in that county by the board of county commissioners pursuant to NRS 380.010, in an amount not to exceed $8, to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the fifth day of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall deposit the fees received into a special account administered by the county and maintained for the benefit of a law library established pursuant to NRS 380.010. The money in the account must be used only to support the operation of such a law library.

~~***[Section 1]***~~ ***Sec. 1.5.*** NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed ~~[~~$1,000 ..... $28.00
~~If the sum claimed exceeds $1,000 but does not exceed~~~~]~~ $2,500..... ***$*** 50.00
If the sum claimed exceeds $2,500 but does not exceed ~~[~~$4,500~~]~~ ***$5,000*** 100.00
~~[If the sum claimed exceeds $4,500 but does not~~

~~exceed $6,500 ..... 125.00~~
~~If the sum claimed exceeds $6,500 but does not exceed $7,500 ..... 150.00~~**]**
If the sum claimed exceeds **[**~~$7,500~~**]** ***$5,000*** but does not exceed $10,000 ..... 175.00
In ~~[all]~~ a civil ~~[actions]~~ action for unlawful detainer pursuant to NRS ~~[40.250 to 40.254,]~~ 40.290 to 40.420, inclusive , in which a notice to quit has been served pursuant toNRS 40.255 ..... 225.00
In all other civil actions ..... **[**~~28.00~~**]** ***50.00***

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 ..... **[**~~$25.00~~**]** ***$45.00***
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... [~~45.00~~**]** ***65.00***
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... [~~65.00~~**]** ***85.00***
If the sum claimed exceeds $5,000 but does not exceed $7,500 ..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions ..... **[**~~$12.00~~**]** ***$50.00***
For every additional defendant, appearing separately ..... **[**~~6.00~~**]** ***25.00***

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.
(e) For the filing of any paper in intervention ..... **[**~~$6.00~~**]** ***$25.00***
(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court **,** ***other than a writ of restitution*** ..... **[**~~$6.00~~**]** ***$25.00***
(g) ***For the issuance of any writ of restitution*** ***$75.00***
(h) For filing a notice of appeal, and appeal bonds ..... **[**~~$12.00~~**]** ***$25.00***
One charge only may be made if both papers are filed at the same time.
[~~(h)~~**]** ***(i)*** For issuing supersedeas to a writ designed to enforce a judgment or order of the court ..... **[**~~$12.00~~**]** ***$25.00***
[~~(i)~~**]** ***(j)*** For preparation and transmittal of transcript and

papers on appeal .....~~[$12.00]~~ ***$25.00***

~~[(j)]~~ ***(k)*** For celebrating a marriage and returning the certificate to the county recorder or county clerk $50.00

~~[(k)]~~ ***(l)*** For entering judgment by confession……..~~[$6.00]~~ ***$50.00***

~~[(l)]~~ ***(m)*** For preparing any copy of any record, proceeding or paper, for each page.....~~[$.30]~~ ***$1.00***

~~[(m)]~~ ***(n)*** For each certificate of the clerk, under the seal of the court..... $3.00

~~[(n)]~~ ***(o)*** For searching records or files in his or her office, for each year $1.00

~~[(o)]~~ ***(p)*** For filing and acting upon each bail or property bond.....~~[$40.00]~~ ***$50.00***

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[(j)]~~ ***(k)*** of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected ***pursuant to subsection 1*** during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph ~~[(j)]~~ ***(k)*** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph ~~[(o)]~~ ***(p)*** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. ~~[The]~~ Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of ~~[the]~~ each justice ~~[courts]~~ court within the county. The money in that account ~~[must not be used to supplant existing budgets for the support or operation of the justice courts within the county, and]~~ must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for ~~[the]~~ a justice ~~[courts]~~ court or a multi-use facility that includes ~~[the]~~ a justice ~~[courts;]~~ court;

(b) Construct or acquire additional facilities or a portion of a facility for ~~[the]~~ a justice ~~[courts]~~ court or a multi-use facility that includes ~~[the]~~ a justice ~~[courts;]~~ court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for ~~[the]~~ a justice ~~[courts]~~ court or a multi-use facility that includes ~~[the]~~ a justice ~~[courts;]~~ court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for ~~[the]~~ a justice ~~[courts]~~ court or a multi-use facility that includes ~~[the]~~ a justice ~~[courts;]~~ court;

(e) Acquire advanced technology for the use of ~~[the]~~ a justice ~~[courts;]~~ court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by ~~[the]~~ a justice ~~[courts,]~~ court, justices of the peace, staff of ~~[the]~~ a justice ~~[courts]~~ court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of ~~[the]~~ a justice ~~[courts; and]~~ court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for ~~[the]~~ a justice ~~[courts]~~ court or a multi-use facility that includes ~~[the]~~ a justice ~~[courts.]~~ court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

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

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 59.

Bill read second time.

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

Amendment No. 410.

AN ACT relating to public works; formalizing and renaming existing components of the State Public Works Division of the Department of Administration to create a Public Works - Compliance and Code Enforcement Section and a Public Works - Professional Services Section within the Division; providing regulatory authority for the Administrator of the Division and the State Public Works Board of the Division; ~~[eliminating a requirement that the Division periodically inspect buildings owned by the Nevada System of Higher Education;]~~ eliminating a requirement that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation; repealing a requirement to report to the Legislature annually on projects of construction of state buildings that are financed by certain bonds or obligations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Public Works Division, consisting of the Administrator of the Division, the Buildings and Grounds Section and the State Public Works Board, within the Department of Administration. (NRS 341.017) **Section 1** of this bill formalizes and renames existing components of the State Public Works Division to create a Public Works - Compliance and Code Enforcement Section and a Public Works - Professional Services Section within the Division. **Section 2** of this bill provides that these two sections will each be led by one of the existing deputy administrators.

Existing law grants the Administrator such powers as may be necessary to fulfill his or her functions. (NRS 341.110) **Section 4** of this bill requires the Administrator to adopt such regulations as he or she determines are necessary

for the Buildings and Grounds Section and to recommend to the Board such regulations as he or she determines are necessary for the Public Works - Compliance and Code Enforcement Section and the Public Works - Professional Services Section. **Section 4** also requires the Board to consider the Administrator's recommendations and to adopt such regulations as it determines are necessary for the Public Works - Compliance and Code Enforcement Section and the Public Works - Professional Services Section.

~~[Existing law requires the Division to periodically inspect all state buildings and physical plant facilities, including all buildings at the University of Nevada, Reno, and the University of Nevada, Las Vegas. (NRS 341.128) Section 5 of this bill eliminates the requirement that all buildings at those universities be periodically inspected and excludes any building owned by the Nevada System of Higher Education from the periodic inspections of the Division.]~~

Existing law requires that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation for the building. (NRS 341.151) **Section 7** of this bill eliminates that requirement.

Existing law requires that the Division compile a report concerning projects of construction of state buildings that are financed by general obligation bonds, revenue bonds or medium-term obligations for each fiscal year and submit this report annually to the Legislature. (NRS 341.129) **Section 14** of this bill repeals that requirement.

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

Section 1. NRS 341.017 is hereby amended to read as follows:

341.017 1. There is hereby created the State Public Works Division of the Department of Administration.

2. The Division consists of:

(a) The Administrator;

(b) The Buildings and Grounds Section; ~~[and]~~

(c) ***The Public Works - Compliance and Code Enforcement Section;***

(d) The Public Works - Professional Services Section; and

(e) The State Public Works Board.

3. The Division shall, subject to the administrative supervision of the Director of the Department, administer the provisions of this chapter and NRS 331.010 to 331.145, inclusive.

Sec. 2. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator ~~[for professional services;]~~ ***of the Public Works - Professional Services Section;*** and

(b) A Deputy Administrator of the Buildings and Grounds Section.

➥ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator ~~[for compliance and code enforcement.]~~ ***of the Public Works - Compliance and Code Enforcement Section.*** The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator and the Deputy Administrator ~~[for professional services]~~ ***of the Public Works - Professional Services Section*** must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a

detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105 or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 3. NRS 341.105 is hereby amended to read as follows:

341.105 1. When acting in the capacity of building official pursuant to subsection 9 of NRS 341.100, the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** or his or her designated representative may issue an order to compel the cessation of work on all or any portion of a building or structure based on health or safety reasons or for violations of applicable building codes or other laws or regulations.

2. If a person receives an order issued pursuant to subsection 1, the person shall immediately cease work on the building or structure or portion thereof.

3. Any person who willfully refuses to comply with an order issued pursuant to subsection 1 or who willfully encourages another person to refuse to comply or assists another person in refusing to comply with such an order is guilty of a misdemeanor and shall be punished as provided in NRS 193.150. Any penalties collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

4. In addition to the criminal penalty set forth in subsection 3, the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** may impose an administrative penalty of not more than $1,000 per day for each day that a person violates subsection 3.

5. If a person wishes to contest an order issued to the person pursuant to subsection 1, the person may bring an action in district court. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. An action brought pursuant to this subsection does not stay enforcement of the order unless the district court orders otherwise.

6. If a person refuses to comply with an order issued pursuant to subsection 1, the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** may bring an action in the name of the State of Nevada in district court to compel compliance and to collect any administrative penalties imposed pursuant to subsection 4. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. Any attorney's fees and costs awarded by the court in favor of the State and any penalties collected in the action must be deposited with the State Treasurer for credit to the State General Fund.

7. No right of action exists in favor of any person by reason of any action or failure to act on the part of the Division, Director of the Department, Administrator, Board or the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** or any officers, employees or agents of the Division in carrying out the provisions of this section.

8. As used in this section, "person" includes a government and a governmental subdivision, agency or instrumentality.

Sec. 4. NRS 341.110 is hereby amended to read as follows:

341.110 ***1.*** In general, the Administrator shall have such powers as may be necessary to enable him or her to fulfill his or her functions and to carry out the purposes of this chapter.

2. The Administrator shall:

(a) Adopt such regulations as he or she determines are necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the duties of the Buildings and Grounds Section; and

(b) Recommend to the Board the adoption of such regulations as he or she determines are necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the duties of the Public Works - Compliance and Code Enforcement Section or the Public Works - Professional Services Section.

3. The Board shall:

(a) Consider the recommendations of the Administrator when adopting regulations; and

(b) Adopt such regulations as it determines are necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the duties of the Public Works - Compliance and Code Enforcement Section or the Public Works - Professional Services Section.

Sec. 5. ~~[NRS 341.128 is hereby amended to read as follows:~~

~~341.128 The Division shall~~ ***periodically,*** ~~inspect all state buildings [periodically, including all buildings at the University of Nevada, Reno, and at the University of Nevada, Las Vegas,] and all physical plant facilities at all state institutions~~ **[.]** ***, excluding any building owned by any component of the Nevada System of Higher Education and used for any purpose related to the System.*** ~~Reports of all inspections, including findings and recommendations, must be submitted to the appropriate state agencies and, if the Division finds any matter of serious concern in a report, it shall submit that report to the Legislative Commission.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 341.145 is hereby amended to read as follows:

341.145 1. The Administrator:

(a) Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the Administrator shall apply for the rebate.

(b) Shall solicit bids for and let all contracts for new construction or major repairs.

(c) May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

(1) The bid is less than the appropriation made by the Legislature for that building project; and

(2) The bid does not exceed the relevant budget item for that building project as established by the Administrator by more than 10 percent.

(d) May reject any or all bids.

(e) After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

(f) Shall obtain prior approval from the Interim Finance Committee before authorizing any change in the scope of the design or construction of a project as that project was authorized by the Legislature, if the change increases or decreases the total square footage or cost of the project by 10 percent or more.

(g) Except for changes that require prior approval pursuant to paragraph (f), may authorize change orders, before or during construction:

(1) In any amount, where the change represents a reduction in the total awarded contract price.

(2) Except as otherwise provided in subparagraph (3), not to exceed in the aggregate 15 percent of the total awarded contract price, where the change represents an increase in that price.

(3) In any amount, where the total awarded contract price is less than $50,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

(4) In any amount, where additional money was authorized or appropriated by the Legislature and issuing a new contract would not be in the best interests of the State.

(h) Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the Administrator a change order that has been authorized by the design professional. As used in this paragraph, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

(i) Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract, and to file the notice of completion for the building or structure.

(j) Shall obtain prior approval from the Legislature or the Interim Finance Committee, if the Legislature is not in session, before cancelling a project authorized by the Legislature or delaying the commencement or completion of such a project beyond the period for which money for the project was authorized.

2. The Deputy Administrator ~~[for compliance and code enforcement,]~~ ***of the Public Works - Compliance and Code Enforcement Section,*** when acting as building official pursuant to subsection 9 of NRS 341.100, has the final authority in:

(a) Requiring necessary alterations to conform to any building codes adopted by the Board; and

(b) Issuing a certificate of occupancy for a building or structure.

3. In acting upon a proposed change in the scope of the design or construction of a project pursuant to paragraph (f) of subsection 1 or a proposed cancellation or delay of a project pursuant to paragraph (j) of subsection 1, the Interim Finance Committee shall consider, among other things:

(a) The reason provided by the Administrator for the proposed change in the scope of the design or construction or the cancellation or delay of the project;

(b) The current need for the project; and

(c) The intent of the Legislature in originally approving the project.

Sec. 7. NRS 341.151 is hereby amended to read as follows:

341.151 1. The Division shall provide for a system of accounting for the total costs of state buildings throughout their expected useful life, taking into account all expenses of maintenance and operation.

2. Each proposal for the construction of a state building must include:

(a) Figures showing the final total cost of the building, which is the sum of:

(1) Initial construction costs; and

(2) Operating costs for the expected useful life of the building, including maintenance, heating, lighting ~~[,]~~ ***and*** air-conditioning ***;*** ~~[, personnel and other expenses of operation;]~~ and

(b) A statement of the proposed source of funding for the final total cost of the building.

Sec. 8. NRS 446.942 is hereby amended to read as follows:

446.942 Before the State Board of Health may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Board shall consult with the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** for the purposes of subsection 9 of NRS 341.100.

Sec. 9. NRS 449.345 is hereby amended to read as follows:

449.345 Before the State Department may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Department shall consult with the ~~[deputy manager for compliance and code enforcement]~~ ***Deputy Administrator of the Public Works - Compliance and Code Enforcement Section*** for the purposes of subsection 9 of NRS 341.100.

Sec. 10. NRS 455C.115 is hereby amended to read as follows:

455C.115 Before the Division may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Division shall consult with the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** for the purposes of subsection 9 of NRS 341.100.

Sec. 11. NRS 461.173 is hereby amended to read as follows:

461.173 Before the Division may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or

other property in this State, the Division shall consult with the Deputy Administrator ~~[for compliance and code enforcement]~~ ***of the Public Works - Compliance and Code Enforcement Section*** for the purposes of subsection 9 of NRS 341.100.

Sec. 12. NRS 472.105 is hereby amended to read as follows:

472.105 Before the State Forester Firewarden may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the State Forester Firewarden shall consult with the ~~[deputy manager for compliance and code enforcement]~~ ***Deputy Administrator of the Public Works - Compliance and Code Enforcement Section*** for the purposes of subsection 9 of NRS 341.100.

Sec. 13. NRS 477.0325 is hereby amended to read as follows:

477.0325 Before the State Fire Marshal may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State that is a state-owned building or facility, the State Fire Marshal shall consult with the ~~[deputy manager for compliance and code enforcement]~~ ***Deputy Administrator of the Public Works - Compliance and Code Enforcement Section*** for the purposes of subsection 9 of NRS 341.100.

Sec. 14. NRS 341.129 is hereby repealed.

Sec. 15. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

341.129 Duty to submit to Legislature annual report on projects of construction of state buildings financed by bonds or other obligations.

1. The Division shall, for each fiscal year, compile a report concerning projects of construction of state buildings that are financed by general obligation bonds, revenue bonds or medium-term obligations.

2. The report required to be compiled pursuant to subsection 1 must include:

(a) The source and amount of money received from the bonds and obligations during the fiscal year;

(b) A list of the projects completed during the fiscal year, including, without limitation, any change in the estimated cost of such a project and any change in the date for completion for such a project; and

(c) A list of projects under construction, the estimated cost of each of those projects, the date for completion of each of those projects and any changes in the estimated cost or date for completion of those projects.

3. The Division shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains

to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 248.

SUMMARY—Revises ~~[various]~~ provisions concerning ~~[criminal justice.]~~ **the delivery of copies of reports of presentence investigations and certain judgments of conviction.** (BDR 14-338)

AN ACT relating to criminal justice; revising ~~[the contents of certain presentence investigations and reports to include an evaluation for substance abuse, a needs assessment and a treatment and training plan; requiring]~~ **provisions concerning the delivery of copies of** reports of presentence investigations ~~[to be maintained in an offender information system; repealing provisions governing general investigations and reports; revising various provisions relating to the duties of the Director of the Department of Corrections; requiring documentation of an offender's performance and progress in and completion of certain programs; requiring the development of certain information systems to integrate the operations of certain agencies;]~~ **and certain judgments of conviction;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony. (NRS 176.135) Section 2 of this bill requires the Division, as part of its presentence investigation and report, to arrange for an evaluation of the defendant for substance abuse. Section 3 of this bill similarly requires the Division, as part of its presentence investigation and report, to conduct a needs assessment designed to assist the defendant in obtaining and maintaining employment. Section 4 of this bill additionally requires the Division, as part of its presentence investigation and report, to develop a treatment and training plan based upon the evaluation for substance abuse conducted pursuant to section 2 and the needs assessment conducted pursuant to section 3.~~

~~Pursuant to section 6 of this bill, the report of any presentence investigation must be developed and maintained in the offender information system which is managed by the Department of Corrections and which is established pursuant to section 13 of this bill. Section 6 also removes certain exceptions to the requirement to complete a presentence investigation and report.~~

~~Existing law requires that the report of any presentence investigation must contain certain information. (NRS 176.145) Section 7 of this bill: (1) requires the report of any presentence investigation to include certain additional information; and (2) requires the report of any presentence investigation concerning a defendant who is convicted of a felony to include the additional items required pursuant to sections 2-4.~~

~~Existing law provides that if a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division of Parole and Probation is generally required not to make a presentence investigation and report on the defendant and instead must make a general investigation and report. (NRS 176.151) Section 19 of this bill repeals the provisions governing general investigations and reports. Sections 6, 8-12 and 18 of this bill make technical changes resulting from the repeal of such provisions.~~

~~Section 13 of this bill requires the Director of the Department of Corrections to develop an offender information system that: (1) is managed by the Department; (2) facilitates the development and maintenance of certain reports concerning offenders; and (3) is accessible to the Division of Parole and Probation and the State Board of Parole Commissioners. Section 13 also requires the Director to prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature or to the Legislative Commission an annual report containing certain statistical data relating to offenders.~~

~~Existing law authorizes the Director to establish, with the approval of the Board of State Prison Commissioners, a system for offender management. (NRS 209.352) Section 14 of this bill requires the Director to establish a system of offender management using certain evidence-based practices. Section 14 also provides that before the Department assigns an offender to a program of general education, vocational education and training or other rehabilitation, the Department must consider certain information concerning the offender.~~

~~Existing law requires the Board of State Prison Commissioners to establish programs of general education, vocational education and training and other rehabilitation. (NRS 209.389) Section 15 of this bill requires the Department to: (1) enter into the offender information system established pursuant to section 13 data regarding an offender's performance and progress in and~~

~~completion of such a program; and (2) include such data in a report prepared for the State Board of Parole Commissioners for its review when the offender is considered for release on parole.~~

~~— Existing law requires the Director to provide certain information and items to an offender who is released from prison. (NRS 209.511) Section 16 of this bill requires the Director to provide an offender with certain additional information upon his or her release from prison.~~

~~— Section 17 of this bill provides that the development of any information system for the Division of Parole and Probation, the Department of Corrections or the State Board of Parole Commissioners must, to the extent feasible, integrate the operations of each agency with respect to information relating to convicted persons.~~**]**

Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS 176.159, 176.335) Section 1 of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. Section 1 further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report.

Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court, must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) Section 2 of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.

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

Delete existing sections 1 through 20 of this bill and replace with the following new sections 1, 2 and 3:

Section 1. **NRS 176.159 is hereby amended to read as follows:**

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program

of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered ***not later than*** when the judgment of imprisonment is delivered pursuant to NRS 176.335. ***Delivery of the report may, at the court's discretion, also be accomplished by electronic transmission or by affording the Department of Corrections the required electronic access necessary to retrieve the report.***

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.

Sec. 2. **NRS 176.325 is hereby amended to read as follows:**

176.325 When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified ***paper or electronic*** copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

Sec. 3. **NRS 176.335 is hereby amended to read as follows:**

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified ***paper or electronic*** copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction ~~[and a copy of the report of the presentence investigation or general investigation, as appropriate, if required pursuant to NRS 176.159,]~~ and take from the person a receipt for the prisoner, and the sheriff shall make return upon the certified copy of the judgment of conviction, showing the sheriff's proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 205.

AN ACT relating to crimes; authorizing a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; ~~[revising provisions governing the waiver of a preliminary examination;]~~ amending various provisions concerning the crimes of **pandering,** sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for **pandering,** sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340) Existing law also creates the crimes of involuntary servitude and trafficking in persons. (NRS 200.463-200.468)

Sections 1, 30-33, ~~[40-44,]~~ 40.7-44, 46-48 and 55 of this bill amend various provisions relating to the crimes of pandering, involuntary servitude and trafficking in persons. **Section 30** increases the penalty for conspiracy to commit sex trafficking, involuntary servitude or trafficking in persons, and **section 46** adds involuntary servitude and trafficking in persons to the list of crimes constituting racketeering activity. **Sections 41-44 ~~[change the crime of pandering to]~~ create** the crime of sex trafficking, set forth the actions constituting the **~~[crime]~~ crimes** of **pandering and** sex trafficking **,** and provide the terms of imprisonment and fines that must be imposed against a person convicted of **pandering or** sex trafficking. **Section 42** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking and that certain defenses are not available in a prosecution for **pandering or** sex trafficking. **Sections 32, 33 and 40** require a court to order a person convicted of sex trafficking, involuntary servitude or trafficking in persons to pay restitution to the victim of the

crime. **Section 47** authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime. **Section 48** prohibits the consideration of certain contributory conduct of a victim when considering compensation for a victim of sex trafficking. Finally, **section 1** authorizes a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action against any person who caused, was responsible for or profited from the sex trafficking, involuntary servitude or trafficking in persons.

Sections ~~[2,]~~ 4-6, 25, 34-39 and 49-51 of this bill revise provisions governing the investigation and prosecution of sex trafficking. **Section 25** authorizes law enforcement agencies to intercept wire and oral communications during an investigation of sex trafficking, involuntary servitude and trafficking in persons upon compliance with existing law governing the interception of wire and oral communications by law enforcement agencies. **Sections 4-6** provide that the provisions governing the statute of limitations for sex trafficking are the same as the provisions governing the statute of limitations for sexual assault. ~~[Section 2 prohibits the introduction of evidence concerning the sexual conduct of a victim of sex trafficking under certain circumstances.]~~ Finally, **sections 34-39 and 49-51** provide that certain information relating to a victim of sex trafficking must be kept confidential.

~~[Existing law provides for the forfeiture of certain property and proceeds of certain crimes in a civil proceeding brought by a law enforcement agency. (NRS 179.1156-179.121) Sections 3 and 12-24 of this bill provide for the criminal forfeiture of certain property and the proceeds of sex trafficking, involuntary servitude and trafficking in persons. Sections 18 and 19 of this bill authorize a court to take certain actions to secure the property during the prosecution of the defendant.]~~

Existing law provides for the taking and the use at trial of videotaped depositions of certain victims in certain circumstances. (NRS 174.227, 174.228) Sections 10.3 and 10.7 of this bill authorize the taking and use at trial of videotaped depositions of victims of sex trafficking in certain circumstances.

Existing law provides that a person convicted of pandering a child is required to register as an offender convicted of a crime against a child and is a Tier II offender for the purposes of offender registration and community notification. (NRS 179D.0357, 179D.115) **Section 27** of this bill provides that a person convicted of sex trafficking an adult is required to register as a sex offender and is a Tier I offender for the purposes of sex offender registration and community notification.

~~[Existing law authorizes the defendant to waive his or her right to a preliminary examination to determine whether probable cause exists to hold~~

~~the defendant for trial for an alleged criminal offense. If the defendant waives the preliminary examination, the defendant is bound over for trial. (NRS 171.196) Sections 7-10 of this bill provide that the requirement for a preliminary examination is waived only if both the prosecution and the defendant agree to waive the preliminary examination.]~~

Section 40.3 of this bill gives the Attorney General and the district attorneys of the counties in this State concurrent jurisdiction to prosecute crimes involving pandering, sex trafficking and living from the earnings of a prostitute.

Existing law creates the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and establishes the powers and duties of the Children's Advocate. (NRS 432.157) **Section 53** of this bill authorizes the Children's Advocate to investigate and prosecute certain crimes. **Section 53** also creates the Special Account for the Support of the Office of Advocate for Missing or Exploited Children and authorizes the Children's Advocate to apply for and accept gifts, grants and donations to assist the Children's Advocate in carrying out his or her duties.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court ~~[must]~~ may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court ~~[must]~~ may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,

↪ whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.

8. In the discretion of the court in an action brought under this section:

(a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.

(b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.

9. The consent of a victim is not a defense to a cause of action brought under this section.

10. For the purposes of this section:

(a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 , or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

(b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 , or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

Sec. 2. ~~[NRS 50.090 is hereby amended to read as follows:~~

~~50.090 In any prosecution for ***sex trafficking,*** sexual assault or statutory sexual seduction or for attempt to commit or conspiracy to commit [either crime,] ***those crimes,*** the accused may not present evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which~~

~~case the scope of the accused's cross-examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim.~~**] (Deleted by amendment.)**

Sec. 3. ~~[NRS 115.010 is hereby amended to read as follows:~~

~~"115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.~~

~~2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed $550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.~~

~~3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:~~

~~(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or~~

~~(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~" by both husband and wife, when that relation exists.~~

~~4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:~~

~~(a) Any mortgage or deed of trust thereon; and~~

~~(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~" unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.~~

~~5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive, 179.1211 to~~

~~179.1235, inclusive, or 207.350 to 207.520, inclusive~~ **~~[.]~~ *, or sections 12 to 21, inclusive, of this act.***

~~6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007.~~**] (Deleted by amendment.)**

Sec. 4. NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault **,** ~~**[**or**]**~~ a person authorized to act on behalf of a victim of a sexual assault ***, or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking,*** files with a law enforcement officer a written report concerning the sexual assault ~~**[**,**]**~~ ***or sex trafficking,*** the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault ***or sex trafficking*** must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault ***or sex trafficking*** is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault ***or sex trafficking*** is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault ***or sex trafficking*** is under a disability if the victim is insane, ~~**[**mentally retarded,**]**~~ ***intellectually disabled,*** mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

(a) A prosecuting attorney;

(b) A sheriff of a county or the sheriff's deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city; or

(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 5. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, ***sex trafficking,*** a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than the felonies listed in subsection 1 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 6. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child ~~[,]~~ as defined in NRS 432B.100 ~~[,]~~ ***or sex trafficking of a child as defined in NRS 201.300,*** before the victim ~~[of the sexual abuse]~~ is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse ***or sex trafficking*** by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse ***or sex trafficking*** by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 7. ~~[NRS 171.196 is hereby amended to read as follows:~~

~~171.196 1. If an offense is not triable in the Justice Court, the defendant must not be called upon to plead. If the defendant~~ ***[***~~waives~~***]*** ***and the prosecuting attorney stipulate to waive*** ~~preliminary examination, the~~

~~magistrate shall immediately hold the defendant to answer in the district court.~~

~~2. If the defendant~~ **[**~~does~~**]** ***and the prosecuting attorney do*** ~~not~~ ***stipulate to*** ~~waive examination, the magistrate shall hear the evidence within 15 days, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear.~~

~~3. Except as otherwise provided in this subsection, if the magistrate postpones the examination at the request of a party, the magistrate may order that party to pay all or part of the costs and fees expended to have a witness attend the examination. The magistrate shall not require a party who requested the postponement of the examination to pay for the costs and fees of a witness if:~~

~~(a) It was not reasonably necessary for the witness to attend the examination; or~~

~~(b) The magistrate ordered the extension pursuant to subsection 4.~~

~~4. If application is made for the appointment of counsel for an indigent defendant, the magistrate shall postpone the examination until:~~

~~(a) The application has been granted or denied; and~~

~~(b) If the application is granted, the attorney appointed or the public defender has had reasonable time to appear.~~

~~5. The defendant may cross-examine witnesses against him or her and may introduce evidence in his or her own behalf.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 171.208 is hereby amended to read as follows:~~

~~171.208 If a preliminary examination has not been had and the defendant~~ **[**~~has~~**]** ***and the prosecuting attorney have*** ~~not~~ ***stipulated to*** ~~unconditionally~~ **[**~~waived~~**]** ***waive*** ~~the examination, the district court may for good cause shown at any time before a plea has been entered or an indictment found remand the defendant for preliminary examination to the appropriate justice of the peace or other magistrate, and the justice or other magistrate shall then proceed with the preliminary examination as provided in this chapter.~~**]** **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 173.035 is hereby amended to read as follows:~~

~~173.035 1. An information may be filed against any person for any offense when :~~ **[**~~the person:~~**]**

~~(a)~~ **[**~~Has~~**]** ***The person has*** ~~had a preliminary examination as provided by law before a justice of the peace, or other examining officer or magistrate, and has been bound over to appear at the court having jurisdiction; or~~

~~(b)~~ **[**~~Has~~**]** ***The defendant and the prosecuting attorney*** ~~waived the right to a preliminary examination.~~

~~2. If, however, upon the preliminary examination the accused has been discharged, or the affidavit or complaint upon which the examination has~~

~~been held has not been delivered to the clerk of the proper court, the Attorney General when acting pursuant to a specific statute or the district attorney may, upon affidavit of any person who has knowledge of the commission of an offense, and who is a competent witness to testify in the case, setting forth the offense and the name of the person or persons charged with the commission thereof, upon being furnished with the names of the witnesses for the prosecution, by leave of the court first had, file an information, and process must forthwith be issued thereon. The affidavit need not be filed in cases where the defendant [has waived] *and the Attorney General or district attorney have stipulated to waive* a preliminary examination, or upon a preliminary examination has been bound over to appear at the court having jurisdiction.~~

~~3. The information must be filed within 15 days after the holding or waiver of the preliminary examination. Each information must set forth the crime committed according to the facts.~~

~~4. If [, with the consent of] the prosecuting attorney [, a] *and the* defendant [waives the right] *stipulate* to *waive* a preliminary examination in accordance with an agreement by the defendant to plead guilty, guilty but mentally ill or nolo contendere to a lesser charge or to at least one, but not all, of the initial charges, the information filed against the defendant pursuant to this section may contain only the offense or offenses to which the defendant has agreed to enter a plea of guilty, guilty but mentally ill or nolo contendere. If, for any reason, the agreement is rejected by the district court or withdrawn by the defendant, the prosecuting attorney may file an amended information charging all of the offenses which were in the criminal complaint upon which the preliminary examination was waived. The defendant must then be arraigned in accordance with the amended information.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 173.045 is hereby amended to read as follows:~~

~~173.045 1. All informations must be filed in the court having jurisdiction of the offenses specified therein, by the Attorney General when acting pursuant to a specific statute or by the district attorney of the proper county as informant, and his or her name must be subscribed thereto by him or her or by his or her deputy.~~

~~2. The district attorney or the Attorney General shall endorse thereon the names of such witnesses as are known at the time of filing the information. The district attorney or Attorney General shall not endorse the name of any witness whom he or she does not reasonably expect to call.~~

~~3. In all cases in which the defendant has not had , or [waived] *the defendant and the district attorney or Attorney General have not stipulated to waive,* a preliminary examination , there must be filed with the information the affidavit of some credible person verifying the information upon the~~

~~personal knowledge of affiant that the offense was committed.]~~ **(Deleted by amendment.)**

Sec. 10.3. **NRS 174.227 is hereby amended to read as follows:**

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

(a) A victim of sexual abuse as that term is defined in NRS 432B.100; ~~[or]~~

(b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age ~~[.]~~ ***; or***

(c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

➥ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

(a) For good cause shown may release the address of the person to be examined; and

(b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 10.7. **NRS 174.228 is hereby amended to read as follows:**

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. ***In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300:***

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 11. ~~[Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 21, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*As used in sections 12 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13, 14 and 15 of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[*"Human trafficking" means:*~~

~~*1. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464.*~~

~~*2. A violation of any provision of NRS 200.465.*~~

~~*3. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.*~~

~~*4. Sex trafficking in violation of any provision of NRS 201.300.*~~

~~*5. A violation of NRS 201.320.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~[*"Proceeds" means any property, or that part of an item of property, derived directly or indirectly from human trafficking.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[*"Property" includes, without limitation, any:*~~

~~*1. Real property or interest in real property.*~~

~~*2. Fixture or improvement to real property.*~~

~~*3. Personal property, whether tangible or intangible, or interest in personal property.*~~

~~*4. Conveyance, including, without limitation, any aircraft, vehicle or vessel.*~~

~~*5. Money, security or negotiable instrument.*~~

~~*6. Proceeds.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[*1. Except as otherwise provided in section 17 of this act, if an indictment or information filed in a criminal proceeding alleges that property was derived from, realized through, or used or intended for use in the course of human trafficking and the extent of that property:*~~

~~*(a) The jury; or*~~

~~*(b) If the trial is without a jury, the court,*~~

~~*↵ shall, upon a conviction, determine at a separate hearing the extent of the property to be forfeited. If the indictment or information does not include such an allegation, the property is not subject to criminal forfeiture pursuant to this section.*~~

~~*2. If, at a hearing to determine the extent of the property to be forfeited pursuant to subsection 1, the jury or, if the hearing is without a jury, the court determines by a preponderance of the evidence that the property:*~~

~~*(a) Was used or intended to be used in, or was used or intended to be used to facilitate, human trafficking; or*~~

~~*(b) Was acquired during human trafficking or within a reasonable time after the human trafficking and there was no likely source of such property other than human trafficking,*~~

~~*↵ the court shall order the forfeiture of the property.*~~

~~*3. The following property is subject to criminal forfeiture pursuant to subsection 1:*~~

~~*(a) Any proceeds attributable to human trafficking;*~~

~~*(b) Any property acquired directly or indirectly from human trafficking; and*~~

~~*(c) Any property used or intended to be used in, or used or intended to be used to facilitate, human trafficking.*~~

~~*4. If property which is ordered to be criminally forfeited pursuant to subsection 1:*~~

~~*(a) Cannot be located;*~~

~~*(b) Has been sold to a purchaser in good faith for value;*~~

~~*(c) Has been placed beyond the jurisdiction of the court;*~~

~~*(d) Has been substantially diminished in value by the conduct of the defendant;*~~

~~*(c) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or*~~

~~*(f) Is otherwise unreachable without undue injury to innocent persons,*~~

~~*↦ the court shall order the forfeiture of other property of the defendant up to the value of the property that is unreachable.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. A defendant who agrees to enter a plea of guilty to human trafficking may agree to the forfeiture of any property as part of the agreement.*~~

~~*2. If the court accepts the plea of guilty, the court shall order the forfeiture of the property that the defendant agreed to forfeit pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. The prosecuting attorney may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to criminal forfeiture pursuant to section 16 of this act if:*~~

~~*(a) An indictment or information alleging human trafficking has been filed in a criminal proceeding and the extent of criminally forfeitable property is included therein or the court believes there is probable cause for such an inclusion;*~~

~~*(b) The property is in the possession or control of the party against whom the order will be entered; and*~~

~~*(c) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.*~~

~~*2. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[1. After an information or indictment alleging human trafficking is filed in a criminal proceeding, the prosecuting attorney may request the court to:*~~

~~*(a) Enter a restraining order or injunction;*~~

~~*(b) Require the execution of a satisfactory bond;*~~

~~*(c) Appoint a receiver; or*~~

~~*(d) Take any other necessary action,*~~

~~*↦ to secure property which is subject to criminal forfeiture.*~~

~~*2. The court shall, after a hearing for which notice was given to any person whose rights in the property proposed for forfeiture would be affected, order such an action if the prosecuting attorney shows by a preponderance of the evidence that the action is necessary to preserve the defendant's property which is subject to criminal forfeiture.*~~

~~*3. If no indictment or information alleging human trafficking has been filed, the court may, after such a hearing and upon a showing of the prosecuting attorney that:*~~

~~*(a) There is probable cause to believe that the property for which the order is sought would be subject to criminal forfeiture; and*~~

~~*(b) The requested order would not result in substantial and irreparable harm or injury to the party against whom the order is to be entered that outweighs the need to secure the property for the potential criminal forfeiture,*~~

~~*↪ order an action to secure the property. Such an order may not be effective for more than 90 days unless it is extended for good cause or an indictment or information alleging human trafficking is filed and the extent of the criminally forfeitable property is listed therein.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[1. Upon a verdict of guilty or a plea of guilty to human trafficking, the court shall order the forfeiture of the appropriate property.*~~

~~*2. Upon entry of such an order, the court may:*~~

~~*(a) Enter a restraining order or injunction;*~~

~~*(b) Require the execution of a satisfactory bond;*~~

~~*(c) Appoint a receiver; or*~~

~~*(d) Take any other necessary action,*~~

~~*↪ to protect the interests of the State.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. The State, county or city shall sell any property forfeited pursuant to sections 12 to 21, inclusive, of this act as soon as commercially feasible. Except as otherwise provided in subsection 2, the proceeds from such a sale must be used:*~~

~~*(a) First to pay any restitution ordered by the court pursuant to section 32, 33 or 40 of this act; and*~~

~~*(b) Then for payment of all proper expenses of any proceedings for the forfeiture and sale, including any expenses for the seizure and maintenance of the property, advertising and court costs.*~~

~~*↪ The balance of the proceeds, if any, must be deposited with the county treasurer and distributed to organizations which provide treatment and services to victims of human trafficking which are designated to receive such distributions by the district attorney of the county.*~~

~~*2. If the property forfeited is encumbered by a bona fide security interest and the secured party shows that the secured party did not consent or have knowledge of the violation causing the forfeiture, the State, county or city shall distribute to the secured party from the proceeds of the sale of the forfeited property the amount of the secured party's interest in the property.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 179.1156 is hereby amended to read as follows:~~

~~179.1156 Except as otherwise provided in NRS 179.1211 to 179.1235, inclusive, and 207.350 to 207.520, inclusive, *and sections 12 to 21, inclusive, of this act,* the provisions of NRS 179.1156 to 179.121, inclusive, govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.~~**]** **(Deleted by amendment.)**

Sec. 23. ~~**[**NRS 179.118 is hereby amended to read as follows:~~

~~179.118 1. The proceeds from any sale or retention of property declared to be forfeited and any interest accrued pursuant to subsection 2 of NRS 179.1175 must be applied, first, to the satisfaction of any protected interest established by a claimant in the proceeding, then to the proper expenses of the proceeding for forfeiture and resulting sale, including the expense of effecting the seizure, the expense of maintaining custody, the expense of advertising and the costs of the suit.~~

~~2. Any balance remaining after the distribution required by subsection 1 must be deposited as follows:~~

~~(a) Except as otherwise provided in this subsection, if the plaintiff seized the property, in the special account established pursuant to NRS 179.1187 by the governing body that controls the plaintiff.~~

~~(b) Except as otherwise provided in this subsection, if the plaintiff is a metropolitan police department, in the special account established by the Metropolitan Police Committee on Fiscal Affairs pursuant to NRS 179.1187.~~

~~(c) Except as otherwise provided in this subsection, if more than one agency was substantially involved in the seizure, in an equitable manner to be directed by the court hearing the proceeding for forfeiture.~~

~~(d) If the property was seized pursuant to NRS 200.760, in the State Treasury for credit to the Fund for the Compensation of Victims of Crime to be used for the counseling and the medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710 to 200.730, inclusive, or 201.230.~~

~~(e) If the property was seized as the result of a violation of NRS 202.300, in the general fund of the county in which the complaint for forfeiture was filed, to be used to support programs of counseling of persons ordered by the court to attend counseling pursuant to NRS 62E.290.~~

~~(f) If the property was forfeited pursuant to **[**NRS 201.351,**]** *sections 12 to 21, inclusive, of this act,* with the county treasurer to be distributed in accordance with the provisions of subsection **[**4**]** *1* of **[**NRS 201.351.**]** *section 21 of this act.]*~~ **(Deleted by amendment.)**

Sec. 24. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~[to 201.340, inclusive,]~~ ***, 201.320,*** 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 25. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child ***, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468*** or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Sexual assault pursuant to NRS 200.366;

(e) Statutory sexual seduction pursuant to NRS 200.368;

(f) Open or gross lewdness pursuant to NRS 201.210; or

(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 26. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~[pandering]~~ ***sex trafficking pursuant to subsection 2 of NRS 201.300*** or prostitution pursuant to NRS ~~[201.300 to 201.340, inclusive.]~~ ***201.320.***

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 27. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(p) ***Sex trafficking pursuant to NRS 201.300.***

(q) A violation of NRS 201.320.

(r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ ***(s)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p),]~~ ~~*[(q),]*~~ ***(r),*** inclusive.

~~[(r)]~~ ***(t)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ ***(u)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ ***(v)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 28. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving ~~[~~pandering~~]~~ ***sex trafficking pursuant to NRS 201.300*** or prostitution pursuant to NRS ~~[~~201.300 to 201.340, inclusive;~~]~~ ***201.320;***

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 29. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(p)]~~ ***(r)*** of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 30. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, ***involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300*** or a violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, ***involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300*** or a violation of NRS 205.463, by imprisonment in the state prison for a

minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

➥ and may be further punished by a fine of not more than $5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

➥ each person is guilty of a gross misdemeanor.

Sec. 31. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. ***1. In addition to any other penalty, the court*** ~~***[shall]***~~ ***may order a person convicted of a violation of any provision of NRS 200.463, 200.464 or 200.465 to pay restitution to the victim as provided in subsection 2.***

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) ~~***[The greater of:***~~

~~***(1) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);***~~

~~(2) The gross income or value to the defendant of the victim's labor or services; or~~

~~(3) Any other appropriate means to determine restitution to the victim;~~

~~(d)~~ The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

~~[(e) Compensation for emotional distress, pain and suffering;~~

~~(f)~~ (d) Expenses incurred by a victim ~~[, members of the victim's household or members of the victim's family;]~~ in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim ~~[, members of the victim's household or members of the victim's family, or by a mental health professional to be necessary for the emotional well-being of the victim, and such expenses may include, without limitation:~~

~~(1) Deposits for utilities and telephone service;~~

~~(2) Deposits for rental housing or temporary lodging;~~

~~(3) Food expenses; and~~

~~(4) Clothing and personal items;~~

~~(g)~~ ;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

~~[(h)]~~ (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.463, 200.464 or 200.465.

3. ~~[The court shall order the person convicted of the violation of any provision of NRS 200.463, 200.464 or 200.465 to pay promptly upon sentencing any restitution ordered pursuant to this section.~~

~~4.]~~ The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

~~[5.]~~ 4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.463, 200.464 or 200.465 has been committed; or

(b) Who is the surviving ~~[spouse, a parent or a]~~ child of such a person.

Sec. 33. 1. In addition to any other penalty, the court ~~[shall]~~ may order a person convicted of violation of any provision of NRS 200.467 or 200.468 to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) ~~[The greater of:~~

~~*(1) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);*~~

~~*(2) The gross income or value to the defendant of the victim's labor or services; or*~~

~~*(3) Any other appropriate means to determine restitution to the victim;*~~

~~*(d)]*~~ ***The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;***

~~*[(e) Compensation for emotional distress, pain and suffering;*~~

~~*(f)]*~~ ***(d) Expenses incurred by a victim*** ~~*[, members of the victim's household or members of the victim's family]*~~ ***in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim*** ~~*[, members of the victim's household or members of the victim's family, or by a mental health professional to be necessary for the emotional well-being of the victim, and such expenses may include, without limitation:*~~

~~*(1) Deposits for utilities and telephone service;*~~

~~*(2) Deposits for rental housing or temporary lodging;*~~

~~*(3) Food expenses; and*~~

~~*(4) Clothing and personal items;*~~

~~*(g)]*~~ ***;***

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

~~*[(h)]*~~ ***(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468.***

3. ~~*[The court shall order the person convicted of the violation of any provision of NRS 200.467 or 200.468 to pay promptly upon sentencing any restitution ordered pursuant to this section.*~~

~~*4.]*~~ ***The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.***

~~*[5.]*~~ ***4. As used in this section, "victim" means any person:***

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 has been committed; or

(b) Who is the surviving ~~*[spouse, a parent or a]*~~ ***child of such a person.***

Sec. 34. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

3. ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~[4.]~~ ***5.*** "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

~~[5.]~~ ***6.*** "Statutory sexual seduction" means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or

(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

~~[6.]~~ ***7.*** "Victim" means a person who is a victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

Sec. 35. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking:***

(a) Reports the sexual offense **,** ~~[or]~~ offense involving a pupil ***or sex trafficking*** to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking;*** and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking.***

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses **,** ~~[or]~~ offenses involving a pupil ~~[.]~~ ***or sex trafficking.*** If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses **,** ~~[or]~~ offenses involving a pupil ~~[.]~~ ***or sex trafficking.***

3. A victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** is, in many ways, a unique, distinctive

and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses **,** ~~[or]~~ offenses involving a pupil ~~[.]~~ ***or sex trafficking.***

5. The public has no overriding need to know the individual identity of the victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses **,** ~~[and]~~ offenses involving a pupil ***or sex trafficking*** from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 36. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ that reveals the identity of a victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense ***,*** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 37. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense ***,*** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense ***,*** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking,*** including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense ***,*** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking.*** The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➥ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense ***,*** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking.***

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense **,** ~~[or]~~ offense involving a pupil ***or sex trafficking,*** or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 38. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 39. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense **,** ~~[or]~~ offense involving a pupil ***or sex trafficking*** voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 40. Chapter 201 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 40.3 and 40.7 of this act.**

Sec. 40.3. 1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320.

2. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

Sec. 40.7. 1. In addition to any other penalty, the court ~~[shall]~~ may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) ~~[The greater of:~~

~~(1) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);~~

~~(2) The gross income or value to the defendant of the victim's labor or services or acts of prostitution engaged in by the victim; or~~

~~(3) Any other appropriate means to determine restitution to the victim;~~

~~(d)]~~ The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

~~[(e) Compensation for emotional distress, pain and suffering;~~

~~(f)]~~ (d) Expenses incurred by a victim ~~[, members of the victim's household or members of the victim's family]~~ in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim ~~[, members of the victim's household or members of the victim's family, or by a mental health professional to be necessary for the emotional well-being of the victim, and such expenses may include without limitation:~~

~~(1) Deposits for utilities and telephone service;~~

~~(2) Deposits for rental housing or temporary lodging;~~

~~(3) Food expenses; and~~

~~(4) Clothing and personal items;~~

~~(g)]~~ ;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

~~[(h)]~~ (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320.

3. ~~[The court shall order the person convicted of the violation of NRS 201.300 or 201.320 to pay promptly upon sentencing any restitution ordered pursuant to this section.~~

~~4.]~~ The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

~~[5.]~~ 4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 201.300 or 201.320 has been committed; or

(b) Who is the surviving ~~[spouse, a parent or a]~~ child of such a person.

Sec. 41. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and ~~[section 40]~~ sections 40.3 and 40.7 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. ***"Induce" means to persuade, encourage, inveigle or entice.***
4. "Prostitute" means a male or female person who for a fee ***, monetary consideration or other thing of value*** engages in sexual ~~[intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.~~

~~4.~~] ***conduct.***

5. "Prostitution" means engaging in ***~~[, agreeing to or offering to engage in]~~*** sexual conduct ***with another person in return*** for a fee ~~[.~~

~~5.~~] ***, monetary consideration or other thing of value.***

6. "Sexual conduct" means ~~[any of the acts enumerated in subsection 3.~~] ***masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of a person, including sexual intercourse in its ordinary meaning.***

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 42. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~[:~~

~~(a) Induces,~~] ~~[~~persuades, encourages, inveigles, entices or compels~~]~~ ***~~[causes, recruits, harbors, transports, provides, obtains or maintains a]~~*** ~~[~~person to~~]~~ ***, without physical force or the immediate threat of physical force, induces an adult to unlawfully*** become a prostitute or to continue ***~~[child]~~*** to engage in prostitution ~~[;~~] ***, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution ~~[;~~***

~~(b)~~] ~~[~~By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where~~]~~ ***~~[Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any~~***

~~***place within this State in which* prostitution is practiced, encouraged or allowed]** [;] ***[for the purpose of sexual conduct or prostitution;***~~

~~(c) By threats, violence,**]** **[**or**]** ***[force, intimidation, fraud, duress, coercion,*** by any device or scheme,**]** **[**by fraud or artifice, or by duress of person or goods,**]** **[**or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors,**]** **[**inveigles, entices, persuades, encourages**]** ***[induces, causes, compels*** or procures a person to ***engage in prostitution, or to*** enter any place within this state in which prostitution is practiced, encouraged or allowed**]** **[**,**]** **[**for the purpose of ***sexual conduct or*** prostitution; ***or***~~

~~(d)**]** **[**By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;~~

~~(e)**]** **[**Takes or detains a person with the intent to compel the person by force, *violence*, threats**]** **[**, menace**]** **[**or duress to marry him or her or any other person ,**]** **[**; or~~

~~(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,**]**~~

[~~" is guilty of~~**]** **[**pandering.**]** ***[sex trafficking.***

~~2. A person who is found guilty of**]** **[**pandering:**]** ***[sex trafficking:***~~

~~(a) An adult:~~

~~(1) If physical force ***or violence*** or the immediate threat of physical force ***or violence*** is used upon the adult, is guilty of a category**]** **[**C**]** ***[B*** felony and shall be punished**]** **[**as provided in NRS 193.130.**]** ***[by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.***~~

~~(2) If no physical force or immediate threat of physical force is used upon the adult,**]** is guilty of ***pandering which is*** a category ~~**[**D**]**~~ ***C*** felony and shall be punished as provided in NRS 193.130.

~~**[**(b) A child:~~

~~(1) If**]** **[**physical force or the immediate threat of physical force is used upon**]** **[**the child**]** **[**,**]** **[**is ***less than 14 years of age when the offense is committed, is*** guilty of a category**]** **[**B**]** ***[A*** felony and shall be punished by imprisonment in the state prison for**]** **[**a minimum term of not less than 2 years and a maximum term of not more than 20 years**]** ***[life with the possibility of parole, with eligibility for parole beginning when a minimum***

~~***of 15 years has been served,*** and may be further punished by a fine of not more than $20,000.~~

~~(2) If~~ **[**~~no physical force or immediate threat of physical force is used upon~~**]** **[**~~the child~~**]** **[**~~,~~**]** **[**~~is ***at least 14 years of age but less than 18 years of age when the offense is committed, is*** guilty of a category~~**]** **[**~~B~~**]** ***[****~~A~~* ~~felony and shall be punished by imprisonment in the state prison for~~**]** **[**~~a minimum term of not less than 1 year and a maximum term of not more than 10 years~~**]** ***[life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served,*** ~~and may be further punished by a fine of not more than $10,000.~~

~~3.~~**]** This **[**~~section~~**]** ***subsection*** does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with

eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than $20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than $10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to ~~[this section.]~~ subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child ~~[,]~~ pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to ~~[this section.]~~ subsection 2.

Sec. 43. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or 201.320*** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 43.5. **NRS 201.351 is hereby amended to read as follows:**

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~[to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed]~~ ***or 201.320*** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~[10]~~ ***30*** days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution ***or for services to victims of child prostitution*** which are designated to receive such distributions by the district attorney of the county.

Sec. 44. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~[any provision]~~ ***subsection 2*** of NRS 201.300 ~~[to 201.340, inclusive, and]~~ ***or NRS 201.320,*** the victim of the violation is a child ~~[who is:~~

~~(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $100,000.~~

~~(b) Less than 14 years of age]~~ when the offense is committed ~~[,]~~ ***and physical force or violence or the immediate threat of physical force or violence is used upon the child,*** the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person is convicted of a violation of ~~[any provision]~~ ***subsection 2*** of NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or NRS 201.320,*** the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of ***subsection 2 of*** NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or NRS 201.320,*** the court may, in addition to the punishment prescribed by statute for the offense of a provision of ***subsection 2 of*** NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or NRS 201.320*** and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 45. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

7. Battery with intent to commit a crime pursuant to NRS 200.400.

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.

9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to NRS 200.471.

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.

12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.

13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.

15. Open or gross lewdness pursuant to NRS 201.210.

16. Lewdness with a child pursuant to NRS 201.230.

17. An offense involving pandering ***or sex trafficking in violation of NRS 201.300*** or prostitution in violation of NRS ~~[~~201.300,~~]~~ 201.320 **.** ~~[or 201.340.]~~

18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 46. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;

3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at $650 or more;
25. Embezzlement of money or property valued at $650 or more;
26. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 ***, 201.320*** or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
31. Any violation of NRS 205.506, 205.920 or 205.930;
32. Any violation of NRS 202.445 or 202.446; ~~[or]~~
33. Any violation of NRS 205.377 ~~[.]~~ ***;***

34. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

35. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 47. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; ~~[or]~~

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1) ~~[.]~~ ***; or***

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 48. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence ***,*** ~~[or]~~ sexual assault ~~[,]~~ ***or sex trafficking,*** the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422.050 and 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 49. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. ***"Victim of human trafficking" means a person who is a victim of:***

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320.

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

~~[8.]~~ ***9.*** "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 50. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the Secretary of State to have a fictitious address designated by the Secretary of State serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, ***human trafficking,*** sexual assault or stalking before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the Secretary of State may contact the applicant;

(d) A question asking whether the person wishes to:

(1) Register to vote; or

(2) Change the address of his or her current registration;

(e) A designation of the Secretary of State as agent for the adult, child or incompetent person for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the Secretary of State.

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The Secretary of State shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incompetent person has been a victim of domestic violence, ***human trafficking,*** sexual assault or stalking before the filing of the application.

5. The Secretary of State shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

Sec. 51. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, ***human trafficking,*** sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address;

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 52. NRS 432.153 is hereby amended to read as follows:

432.153 It is the intent of the Legislature that law enforcement agencies in this State give a high priority to the investigation of crimes concerning missing ***and exploited*** children.

Sec. 53. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children; ~~[and]~~

(c) Recommend legislation concerning missing or exploited children ~~[.]~~ ***; and***

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 [.]

~~***[(1) At the request of the district attorney of the county in which the violation occurred;***~~

~~***(2) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or***~~

~~***(3) Jointly with the district attorney of the county in which the violation occurred.]***~~ ***or a violation of NRS 201.320.***

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for

Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive.

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 54. ~~[Section 129 of the Charter of Boulder City is hereby amended to read as follows:~~

~~Section 129. [Pandering,] *Sex trafficking,* prostitution and disorderly houses prohibited.~~

~~1. [Pandering,] *Sex trafficking,* prostitution and disorderly houses, as defined and made unlawful by the general laws of the State, shall be unlawful within the City.~~

~~2. The Council shall enact such ordinances as may be necessary to implement this section.]~~ **(Deleted by amendment.)**

Sec. 55. NRS 201.310, 201.330 ~~[,]~~ **and** 201.340 ~~[and 201.351]~~ are hereby repealed.

Sec. 56. This act becomes effective on July 1, 2013.

~~[HEADLINES]~~ **TEXT OF REPEALED SECTIONS**

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other

person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

~~[201.351 Forfeiture of assets derived from or relating to pandering child; temporary restraining order to preserve property subject to forfeiture; use of proceeds derived from forfeiture.]~~

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 90.

Bill read second time.

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

Amendment No. 429.

AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may represent an injured worker before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim only if the person is: (1) employed full-time by the injured worker's labor organization; (2) an attorney admitted to practice law in Nevada; (3) a full-time employee of such an attorney who is supervised by that attorney; or (4) appearing on behalf of the injured worker without compensation. (NRS 616C.325) This bill allows any employee of the injured worker's labor organization **who is not an independent contractor** to appear on the injured worker's behalf in such situations. However, in all situations where representation of an injured worker is before an appeals officer, the representative must be admitted to practice law in this State.

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

Section 1. NRS 616C.325 is hereby amended to read as follows:

616C.325 1. It is unlawful for any person to represent an employee before a hearing officer, or in any negotiations, settlements, hearings or other

meetings with an insurer concerning the employee's claim or possible claim, unless the person is:

(a) Employed ~~[full-time]~~ by the employee's labor organization ~~[.]~~ ***and is not an independent contractor;***

(b) Admitted to practice law in this State;

(c) Employed full-time by and under the supervision of an attorney admitted to practice law in this State; or

(d) Appearing without compensation on behalf of the employee.

➥ It is unlawful for any person who is not admitted to practice law in this State to represent the employee before an appeals officer.

2. It is unlawful for any person to represent an employer at hearings of contested cases unless that person is:

(a) Employed full-time by the employer or a trade association to which the employer belongs that is not formed solely to provide representation at hearings of contested cases;

(b) An employer's representative licensed pursuant to subsection 3 who is not licensed as a third-party administrator;

(c) Admitted to practice law in this State; or

(d) A licensed third-party administrator.

3. The Director of the Department of Administration shall adopt regulations which include the:

(a) Requirements for licensure of employers' representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616D.120 or a violation of this section.

4. Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter or chapter 616A, 616B, 616D or 617 of NRS, the employer is liable for any penalty assessed because of that violation.

5. An employer shall not make the compensation of any person representing the employer contingent in any manner upon the outcome of any contested claim.

6. The Director of the Department of Administration shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees for licensure as an employer's representative:

(a) Application and license..... $78

(b) Triennial renewal of each license 78

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:44 p.m.

ASSEMBLY IN SESSION

At 1:53 p.m.
Madam Speaker presiding.
Quorum present.

Assembly Bill No. 145.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 63.
AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of county highway commissioners is authorized to construct, repair and maintain public highways and roads within the county. (NRS 403.090) ~~[A]~~ **Existing law also provides that a** county ~~[whose population is 100,000 or more (currently Clark and Washoe Counties)]~~ may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) **Section 5** of this bill allows a regional transportation commission ~~[, in Clark and Washoe Counties,]~~ to adopt a policy for a Complete Streets program, which means a program for the retrofitting of streets or highways under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities that provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. **Section 4.8 of this bill allows the board of county**

commissioners, in a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to adopt a Complete Streets program. **Section 9** of this bill allows the board of county highway commissioners, in ~~[all other counties,]~~ **a county whose population is less than 100,000 and in which a regional transportation commission does not exist,** to adopt a Complete Streets program.

Sections 2 and 3 of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration notice of a voluntary $2 contribution to be made to the Complete Streets program in the county where the vehicle is to be registered unless the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt out of making the contribution. **Section 1** of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties.

Sections 4.8, 5 and 9 require that a **board of county commissioners,** regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:

(a) In a county ~~[whose population is 100,000 or more, to the]~~ in which a regional transportation commission ~~[created pursuant to NRS 277A.170,]~~ exists, to the regional transportation commission.

(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.

(c) In a county whose population is less than 100,000 ~~[,]~~ and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.

2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its

agents during the preceding month, and that the money has been distributed as provided in this section.

3. As used in this section, "regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 2. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and

Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) A statement which informs the applicant that he or she may make a monetary contribution of $2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 3. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that he or she may make a monetary contribution of $2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state

in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 4. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

11. For each vehicle for which the registered owner has not indicated his or her intention to opt out of making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or paragraph (d) of subsection 3 of NRS 482.280, a contribution of $2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.

Sec. 4.2. **Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.**

Sec. 4.4. As used in this section and sections 4.6 and 4.8 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.

Sec. 4.6. 1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:

(a) Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county commissioners shall administer the Complete Streets fund.

Sec. 4.8. ***1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.***

2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission may adopt a policy for a Complete Streets program and may plan and ~~[, to the extent that money is received pursuant to section 1 of this act,]~~ carry out projects as a part of a Complete Streets program.

2. Any money received by a commission pursuant to paragraph (a) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 6. NRS 277A.240 is hereby amended to read as follows:

277A.240 The commission ***:***

1. Except as otherwise provided in subsection 2, may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

2. Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:

(a) Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections **7.5,** 8 and 9 of this act.

Sec. 7.5. As used in this section and sections 8 and 9 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.

Sec. 8. ***1. The board of county commissioners [of each county] shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:***

(a) Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. [A county shall not let a contract which is for a project that is a part of a Complete Streets program if the estimated cost of the contract exceeds the amount of money in the county's Complete Streets fund.

4.] The board of county highway commissioners [created pursuant to NRS 403.010] shall administer the Complete Streets fund.

Sec. 9. ***1. A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and [, to the extent that money is received pursuant to section 1 of this act,] carry out projects as a part of a Complete Streets program.***

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 10. NRS 403.160 is hereby amended to read as follows:

403.160 1. If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

2. The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

3. Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

4. A board of road commissioners shall:

(a) Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but ***, except as otherwise provided in section 9 of this act,*** no board of road commissioners shall contract for any amount of work in excess of the funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

Sec. 11. NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing ***,*** ~~[or]~~ graveling ~~[,]~~ ***or retrofitting pursuant to section 9 of this act,*** and shall have been declared by the board of county highway commissioners to be standard county roads, then they shall be termed and designated as standard county roads.

2. When the board of county highway commissioners shall have declared and designated any road to be a standard county road, then ***, except as otherwise provided in section 9 of this act,*** the cost of maintaining such road shall be paid out of the county general fund in the same manner as provided in NRS 403.460.

Sec. 12. NRS 403.435 is hereby amended to read as follows:

403.435 The board of county commissioners of any county is hereby authorized to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than state highways. The share of any county in the cost of such cooperative road project shall be paid ***:***

1. For a project that is a part of a Complete Streets program pursuant to section 9 of this act, from the Complete Streets fund created pursuant to section 8 of this act; or

2. For any other project, from county road funds; but donations may be accepted in lieu of appropriations from county road funds.

Sec. 13. NRS 403.460 is hereby amended to read as follows:

403.460 1. If, at a primary, general or special election, a majority of the voters of the county vote against the issuance of the bonds for roads and bridges, and no special county road and bridge fund is thereby created, or if for any other reason the fund is not created, ***except as otherwise provided in section 9 of this act,*** the cost of all county road and bridge work performed must be paid out of the county general fund by order of the board, if that work was performed by the order of and under the direction of the board of county highway commissioners or the county road supervisor, and according to the provisions of this chapter.

2. All claims presented to the board of county highway commissioners must be sworn and subscribed to and attested by the county road supervisor.

Sec. 14. NRS 403.470 is hereby amended to read as follows:

403.470 All money appropriated or expended by the board of county highway commissioners, whether it be appropriated or expended out of the county road and bridge fund which may be created by this chapter, ***the Complete Streets fund created pursuant to section 8 of this act,*** or out of the county general fund as provided in NRS 403.460, must be expended by the board of county highway commissioners for the purposes hereinafter named and for no other purposes:

1. For laying out, grading, draining, graveling or macadamizing, maintaining, and, when deemed necessary, sprinkling or oiling roads.

2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

5. The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.

Sec. 15. NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~[The]~~ ***Except as otherwise provided in section 8 of this act, the*** county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.

Sec. 16. NRS 403.590 is hereby amended to read as follows:

403.590 ***1.*** Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~[1. Cause]~~

(a) Except as otherwise provided in subsection 2, cause all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~[2.]~~ ***(b)*** Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.

2. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 8 of this act to be used for a purpose other than those set forth in section 9 of this act.

Sec. 17. This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

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

Amendment No. 296.

SUMMARY—Requires the notification ~~[to certain]~~ **of** patients regarding **breast density and** supplementary mammographic screening tests. (BDR 40-172)

AN ACT relating to mammography; requiring a notice regarding ~~[~~supplementary mammographic screening tests~~]~~ **breast density** to be included in a report provided to a patient **;** ~~[~~if the patient is categorized as having dense breasts;~~]~~ authorizing an administrative fine for failure to provide such notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, a facility that performs a mammogram must provide directly to each patient a summary report describing the results of the mammogram written in terms that are easily understood by a lay person. (42 U.S.C. § 263b) Existing state law imposes certain requirements on the operation of a machine used to perform mammography and further provides for the imposition of an administrative fine for operation in violation of those requirements. (NRS 457.182-457.187) ~~[~~This bill expresses the sense of the Legislature as to the importance of the awareness of a person's breast density.~~]~~ This bill ~~[~~also~~]~~ requires the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform a mammogram to ensure that the summary report required by federal law includes a **statement of the density of the patient's breasts and a** notice ~~[~~stating that~~]~~ **encouraging** the patient ~~[~~may benefit from supplementary screening tests if the patient is categorized as having heterogeneously dense breasts or extremely dense breasts.~~]~~ **to discuss the notice with his or her physician or other provider of health care.** In addition, this bill authorizes the Health Division of the Department of Health

and Human Services to impose an administrative fine for failure to provide such notice. (NRS 457.187)

WHEREAS, Forty percent of women have dense breast tissue; and

WHEREAS, Breast density is one of the strongest predictors of the failure of mammography to detect cancer; and

WHEREAS, Breast density is a greater risk factor for breast cancer than having two first-degree relatives with breast cancer; and

WHEREAS, The vast majority of women are unaware of the density of their breasts; and

WHEREAS, Less than 1 in 10 women with dense breast tissue learn about their dense breast tissue from their doctors; and

WHEREAS, Several states, including Connecticut, Texas, Virginia, New York and California, have enacted legislation relating to notification of breast density; now, therefore,

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient undergoes mammography , ~~[and, on the basis of that mammography, the patient is categorized as having heterogeneously dense breasts or extremely dense breasts based on the Breast Imaging Reporting and Database System established by the American College of Radiology, or its successor organization,]~~ the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes , without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Database System or subsequent guidelines established by the American College of Radiology, or its successor organization, and the following notice:

~~[Because your mammogram demonstrates that you have dense breast tissue, which could hide small abnormalities, you might benefit from supplementary screening tests, depending on your individual risk factors. A report of your mammography results, which contains information about your breast density, has been sent to your physician's office. You should contact your physician if you have any questions or concerns about this notice.]~~ The information about the results of your mammography report in relation to the density of your breast tissue is provided to you to raise your awareness. Dense breast tissue is common and not abnormal. As breast density increases, the ability of a mammogram to identify cancer or suspicious abnormalities

decreases, which may increase the risk of breast cancer not being detected until a later stage. Density may change over time and generally diminishes with age, but varies by person. Many factors affect a person's risk of developing breast cancer, including family history, personal medical history, smoking and, according to some studies, increased breast density. Use this letter when you speak with your physician or other provider of health care about your own individual risk factors for breast cancer. At that time, ask your physician or other provider of health care if further testing might be useful.

2. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

Sec. 3. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Health Division may impose an administrative fine, not to exceed $5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, ***and section 1 of this act,*** or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 319.

AN ACT relating to motorcycles; allowing lane splitting in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person other than a police officer in the performance of his or her duty may not drive a motorcycle or moped between moving or stationary vehicles occupying adjacent traffic lanes, a maneuver commonly known as lane splitting. (NRS 486.351) **Section 3** of this bill allows lane splitting by a person driving a motorcycle ~~[or moped]~~ provided that **, while driving between the other vehicles: (1)** the person drives in a ~~[cautious and prudent]~~ manner **that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions; (2) the motorcycle does not travel at a speed which is more than 10 miles per hour faster than the speed of those other vehicles;** and ~~[that]~~ **(3)** the motorcycle ~~[or moped]~~ does not exceed a **maximum** speed of 30 miles per hour **.** ~~[while driving between the other vehicles.]~~

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

Section 1. NRS 484B.207 is hereby amended to read as follows:

484B.207 1. ~~[The]~~ ***Except as otherwise provided in NRS 486.351, the*** driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. ~~[The]~~ ***Except as otherwise provided in NRS 486.351, the*** driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 3. NRS 486.351 is hereby amended to read as follows:

486.351 1. ~~[A]~~ ***Except as otherwise provided in this section, a*** person ~~[, except a police officer in the performance of his or her duty,]~~ shall not drive a motorcycle or moped ~~[between]~~ ***:***

(a) Between moving or stationary vehicles occupying adjacent traffic lanes.

~~[2. Except as provided in subsection 3, a person shall not drive a motorcycle, moped or trimobile abreast]~~

(b) Abreast of or overtake or pass another vehicle within the same traffic lane.

2. The provisions of subsection 1 do not apply to a police officer in the performance of his or her duty.

3. ***A person may drive a motorcycle*** ~~*[or moped]*~~ ***between moving or stationary vehicles occupying adjacent traffic lanes and traveling in the same direction as the motorcycle*** ~~*[or moped]*~~ ***provided that*** ~~*[the]*~~ ***:***

(a) The person drives in a ~~*[cautious and prudent]*~~ ***manner*** ~~*[and the]*~~ ***that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions; and***

(b) The motorcycle , ~~*[or moped does not exceed a speed of 30 miles per hour]*~~ ***while driving between such vehicles*** ~~[.]~~ ***:***

(1) Does not travel at a speed which is more than 10 miles per hour faster than the speed of those other vehicles; and

(2) Does not exceed a maximum speed of 30 miles per hour.

4. Motorcycles and mopeds may, with the consent of the drivers, be operated no more than two abreast in a single traffic lane.

Sec. 4. **This act becomes effective on January 1, 2014.**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 242 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 328.

AN ACT relating to license plates; requiring all special license plates designed, prepared and issued after ~~[July]~~ **October** 1, 2013, to have a uniform design and background color; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to design, prepare and issue special license plates that have been approved by the Commission on Special License Plates or the Legislature. (NRS 482.367002, 482.367008) This bill requires that all special license plates designed, prepared and issued by the Department on or after ~~[July]~~ **October** 1, 2013, have a uniform design and background color.

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

Section 1. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates with colors that are predominately blue and silver. The Director may substitute white in place of silver when no suitable material is available.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.

7. Each special license plate that is designed, prepared and issued ~~[~~pursuant to NRS 482.367002~~]~~ ***by the Department*** must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (e) of subsection 2 of ~~[~~that section; and~~]~~ ***NRS 482.367002;***

(b) The remainder of the plate conforms to the requirements for coloring, lettering and design that are set forth in this section ~~[~~.~~]~~ ***; and***

(c) All special license plates designed, prepared and issued by the Department on or after ~~***[July]***~~ ***October 1, 2013, have a uniform design and background color.***

8. As used in this section, "special license plate" has the meaning ascribed to it in subsection 1 of NRS 482.367008.

Sec. 2. 1. The amendatory provisions of this act do not apply to a special license plate designed, prepared or issued by the Department of Motor Vehicles before ~~[~~July~~]~~ **October** 1, 2013.

2. As used in this section, "special license plate" has the meaning ascribed to it in subsection 1 of NRS 482.367008.

Sec. 3. ~~[This act becomes effective on July 1, 2013.]~~ **(Deleted by amendment.)**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 373.

SUMMARY—Prohibits the sale or transfer of ownership of a live animal at a swap meet ~~[.]~~ **under certain circumstances.** (BDR 50-747)

AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet ~~[;]~~ **under certain circumstances;** providing ~~[an exception;]~~ **exceptions;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for operators, retailers and dealers of dogs and cats concerning the care of those dogs and cats, including, without limitation, requirements for buildings, enclosures, outdoor facilities, floor space, food and water, sanitation and examinations by veterinarians. (NRS 574.360-574.510) This bill prohibits a person ~~[, other than a nonprofit organization that was formed for animal welfare purposes,]~~ from selling, attempting to sell, offering for adoption or transferring ownership of a live animal at a swap meet ~~[. A person who violates that prohibition is guilty of a misdemeanor. This bill also requires a nonprofit organization which sells a live animal or offers a live animal for adoption to provide proof that the animal has been sterilized and that the animal's immunizations are current.]~~ **unless: (1) the swap meet is conducted in a county or incorporated city in this State which has adopted an ordinance authorizing the sale of a live animal at a swap meet; (2) the person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and (3) the ordinance adopted by the county or incorporated city is substantially similar to those provisions of existing law, but is applicable to all animals for sale and all persons who sell, attempt to sell, or offer for adoption or transfer ownership of an animal at a swap meet. This bill does not apply to the transfer or sale of livestock or to the adoption of a**

cat or dog at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code.

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 2, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.

2. ~~[The provisions of this section do not apply to a bona fide nonprofit organization formed for animal welfare purposes that sells or offers for adoption a cat, dog or rabbit at a swap meet. For each animal sold or offered for adoption, the nonprofit organization shall, upon request by the operator of the swap meet, a law enforcement officer or an officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040, provide the appropriate documentation, including, without limitation, a record of current immunizations and proof that the animal has been sterilized.]~~ A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive.

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(c) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Sell" means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

~~[(b)]~~ (c) "Swap meet" means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 326.

AN ACT relating to highways; revising provisions relating to the experience and financial ability of a prospective bidder on a highway project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who proposes to bid on a contract for a transportation project to provide the Director of the Department of Transportation with information on the person's financial ability and experience in performing similar public works. The Director may refuse to furnish a person with the necessary forms and information to submit a bid on the contract if the Director finds the person insufficiently qualified. (NRS 408.333) ~~[If the Director considers a person's past performance on contracts or volume of business in determining whether the person is qualified to bid on a transportation project,]~~ **Section 1 of** this bill requires the Director to consider the person's ~~[past performance and volume of business on all contracts for public works and any other]~~ comparable experience rather than considering only such information relating to transportation projects. **Section 1.5 of this bill requires persons wishing to bid on certain smaller transportation projects to submit certain information to the Director before the Director furnishes the person with the necessary forms and information to submit a bid on the project.**

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

Section 1. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS ***408.367 or*** 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work ~~*[.]*~~ ~~[of a similar nature.]~~ ~~*[If the Director requests or considers information concerning the person's past performance on contracts or volume of business, the Director may not limit his or her request or consideration to such information concerning contracts for transportation projects but must request and consider such information concerning all contracts for public works]*~~ ***and any other comparable experience.***

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117, the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in

his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 1.5. **NRS 408.367 is hereby amended to read as follows:**

408.367 1. With the approval of the Board, the Director may receive informal bids and award contracts for highway construction, reconstruction, improvements, and maintenance on projects estimated to cost not in excess of $250,000.

2. ***Before furnishing any person proposing to bid on any solicited work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire, which must include information describing:***

(a) The geographical regions of this State in which the person is willing to perform the public work;

(b) The type of license and classification, if any, held by the person; and

(c) The business license held by the person and its expiration date.

3. Before awarding a contract pursuant to subsection 1, the Director must:

(a) If the estimated cost of the project is $50,000 or less, solicit a bid from at least one properly licensed contractor; and

(b) If the estimated cost of the project is more than $50,000 but not more than $250,000, solicit bids from at least three properly licensed contractors.

~~[3.]~~ ***4.*** Any bids received in response to a solicitation for bids made pursuant to subsection ~~[2]~~ ***3*** may be rejected if the Director determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

~~[4.]~~ ***5.*** At least once each quarter, the Director shall prepare a report detailing, for each project for which a contract for its completion is awarded pursuant to paragraph (b) of subsection ~~[2,]~~ ***3,*** if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the project; and

(d) The names of all contractors from whom bids were solicited.

~~[5.]~~ ***6.*** A report prepared pursuant to subsection ~~[4]~~ ***5*** is a public record and must be maintained on file at the principal offices of the Department.

~~[6.]~~ *7.* Except as otherwise provided in NRS 408.354, contracts awarded pursuant to the provisions of this section must be accompanied by bonds and conditioned and executed in the name of the State of Nevada, and must be signed by the Director under the seal of the Department, and by the contracting party or parties. The form and legality of those contracts must be approved by the Attorney General or Chief Counsel of the Department.

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 284.

Bill read second time.

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

Amendment No. 278.

AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. **Section 1** of this bill: (1) establishes provisions concerning notice requirements for such an early termination; (2) establishes provisions concerning liability of unpaid amounts relating to the termination of a rental agreement; and (3) requires a landlord to install a new lock onto the dwelling of certain persons who are victims of domestic violence.

Existing law prohibits a landlord from taking certain retaliatory actions against a tenant. (NRS 118A.510) **Section 2** of this bill prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the

current rental period or 30 [days' written] days after the notice is provided to the landlord [.] , whichever occurs sooner.

2. The written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:

(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;

(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or

(c) A copy of a written [statement] affidavit signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence.

3. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence occurred within the 90 days immediately preceding the written notice of termination to the landlord.

4. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. [The amount due from the tenant or cotenant must be paid to the landlord on or before the date the tenant or cotenant vacates the dwelling.] If the tenant or cotenant has prepaid rent that would apply for the [month] rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that [month. If] rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.

5. A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.

6. A landlord shall not provide to an adverse party any information concerning a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.

7. If a tenant or cotenant provided notice pursuant to subsection 1 , the tenant, cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:

(a) Rekeying the lock if the lock is in good working condition; or

(b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.

8. A landlord who installs a new lock pursuant to subsection 7 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:

(a) Refuse to provide a key which unlocks the new lock to an adverse party.

(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.

9. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence.

10. As used in this section:

(a) "Adverse party" means a person who is named in an order for protection against domestic violence, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.

(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.

(c) "Domestic violence" means the commission of any act described in NRS 33.018.

(d) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.

(e) "Qualified third party" means:

(1) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. [,] or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

(2) A psychologist licensed to practice in this State;

(3) A social worker [.] licensed to practice in this State;

(4) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(5) [An attorney licensed to practice in this State;

(6) An employee of any court of this State;

(7)] A marriage and family therapist licensed to practice in this State pursuant to chapter 641A of NRS;

[(8) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS;

(9)] (6) Any person employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who [maintains, is employed by or serves as a volunteer for] is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence [and] or refers them to persons [and] or agencies where their request and needs can be met; [or

(10)] (7) A person who serves as a volunteer on the board of directors, or as a volunteer executive director, of an agency or service which is staffed, directed and managed entirely by volunteers and which has no paid employees and who advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met; or

(8) Any member of the clergy.

Sec. 2. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant; ~~[or]~~

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws ~~[.]~~ ***; or***

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence or terminates a rental agreement pursuant to section 1 of this act.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

➥ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in section 1 of this act.

(b) "Domestic violence" has the meaning ascribed to it in section 1 of this act.

(c) "Household member" has the meaning ascribed to it in section 1 of this act.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 310.

AN ACT relating to victims of crime; ~~[providing certain definitions relating]~~ **repealing and replacing certain provisions relating** to the ~~[assistance]~~ **treatment** of victims of sexual assault; ~~[authorizing a guardian ad litem to apply to the Fund for Compensation of Victims of Crime on behalf of a minor; revising provisions governing the payment of compensation from the Fund; authorizing certain persons to apply for treatment for emotional trauma as a result of a sexual assault;]~~ **revising various provisions relating to the medical and psychological treatment of victims of sexual assault and certain other persons;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes certain victims of crime to apply to receive compensation from the Fund for Compensation of Victims of Crime. (NRS 217.100, 217.260) Section 4 of this bill clarifies that a guardian ad litem may submit such an application on a minor's behalf.~~

~~Existing law provides that a compensation officer of the Department of Administration may award compensation from the Fund to or for the benefit of a victim of certain crimes or to certain other persons associated with such a victim. (NRS 217.160) Section 5 of this bill provides that payment from the Fund may include the reimbursement of a county for costs associated with certain examinations of victims of sexual assault.~~

~~Existing law prohibits the compensation of a victim, from the Fund, who was not a citizen of the United States or who was not lawfully entitled to reside in the United States at the time of the incident upon which the claim for compensation is based. (NRS 217.220) Section 6 of this bill removes the prohibition on the compensation of such persons.]~~

Existing law requires a county to pay any costs incurred for the medical care for any physical injuries resulting from a sexual assault that occurs within the county. (NRS 217.300) Existing law also requires any costs incurred by a hospital for: (1) the examination of the victim of a sexual offense; or (2) the initial medical care of the victim, to be charged to the county in whose jurisdiction the offense was committed. (NRS 449.244) **Section 14** of this bill repeals NRS 449.244 and replaces the provisions in

sections ~~[~~8 and~~]~~ 9 and 10 of this bill. ~~[~~Section 8 also provides that certain examinations of a victim of sexual assault must be paid by the county.~~]~~

Existing law **: (1)** authorizes a victim of a sexual assault, or the spouse of the victim who suffers emotional distress, to submit an affidavit and apply to the board of county commissioners in the county where the sexual assault occurred for certain treatment at county expense **~~[.]~~ ; and (2) authorizes a victim of a sexual assault who has suffered emotional trauma to select a relative or close friend to receive counseling with the victim under certain circumstances.** (NRS 217.310) ~~[~~Sections 2 and 9-12 of this bill expand the list of persons who may seek treatment for emotional distress to include a member of the victim's immediate family.~~]~~ **Section 10 of this bill provides that a victim of a sexual assault must file a report with the appropriate law enforcement agency or submit to a forensic medical examination before the victim, spouse, relative or close friend may receive such treatment.**

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

Section 1. ~~[~~Chapter 217 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.~~]~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~***"Eligible person" means a member of the victim's immediate family, including, without limitation, the victim's spouse or intimate partner, parent, brother, sister, child or any other person living in the household of that person and related to that person by blood or marriage.]*** **(Deleted by amendment.)**

Sec. 3. ~~[~~***"Victim of sexual assault" means a victim of an attempted sexual offense or a sexual offense pursuant to NRS 200.366.]*** **(Deleted by amendment.)**

Sec. 4. ~~[~~NRS 217.100 is hereby amended to read as follows:

~~217.100 1. Any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Board for such compensation. Where the person entitled to make application is:~~

~~(a) A minor, the application may be made on his or her behalf by a parent~~ ~~**,**~~ ~~[~~or~~]~~ ~~guardian~~ ~~**[.]** ***or guardian ad litem.***~~

~~(b) Mentally incompetent, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.~~

~~2. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.~~~~]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 217.160 is hereby amended to read as follows:~~

~~"217.160 1. The compensation officer may order the payment of compensation:~~

~~(a) To or for the benefit of the victim~~ **[.] *, including to any county for reimbursement of costs associated with a forensic medical examination pursuant to NRS 217.300.***

~~(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.~~

~~(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.~~

~~(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.~~

~~(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.~~

~~2. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(b) "Household" means an association of persons who live in the same home or dwelling and who:~~

~~(1) Have significant personal ties to the victim; or~~

~~(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~(c) "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~**] (Deleted by amendment.)**

Sec. 6. ~~[NRS 217.220 is hereby amended to read as follows:~~

~~"217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:~~

~~(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484C.110 or the use of the vehicle was punishable pursuant to NRS 484C.430 or 484C.440;~~

~~(b)~~ **[**~~Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or the victim is unable to provide proof that the victim was a~~

~~citizen of the United States or was lawfully entitled to reside in the United States at that time;~~

~~— (c)~~ **~~[~~**~~]~~ ~~Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;~~

~~— [(d)]~~ ***~~(c)~~*** ~~Was injured or killed while serving a sentence of imprisonment in a prison or jail;~~

~~— [(e)]~~ ***~~(d)~~*** ~~Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or~~

~~— [(f)]~~ ***~~(e)~~*** ~~Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.~~

~~— 2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484C.110 or is punishable pursuant to NRS 484C.430 or 484C.440.~~

~~— 3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.~~

~~— 4. The compensation officer may deny an award if the compensation officer determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:~~

~~— (a) The value of the victim's dwelling;~~

~~— (b) The value of one motor vehicle owned by the victim; or~~

~~— (c) The savings and investments of the victim up to an amount equal to the victim's annual salary.~~ **~~]~~ (Deleted by amendment.)**

Sec. 7. ~~**[**NRS 217.280 is hereby amended to read as follows:~~

~~217.280 As used in NRS 217.280 to 217.350, inclusive, **[**"victim of sexual assault" means a person who has been sexually assaulted as defined by NRS 200.366 or a person upon whom a sexual assault has been attempted.~~ **~~]~~** ***~~and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meanings ascribed to them in those sections.~~*** **~~]~~ (Deleted by amendment.)**

Sec. 8. ~~**[**NRS 217.290 is hereby amended to read as follows:~~

~~217.290 The board of county commissioners of each county shall provide by ordinance for the counseling and medical treatment of victims of sexual assault~~ ***~~and the counseling of eligible persons~~*** ~~in accordance with the provisions of NRS 217.280 to 217.350, inclusive **[**.~~ **~~]~~** ***~~, and sections 2 and 3 of this act~~*** **~~]~~ (Deleted by amendment.)**

Sec. 9. NRS 217.300 is hereby amended to read as follows:

217.300 ***1.*** The county in whose jurisdiction a sexual assault is committed shall ~~[pay]~~ ***:***

(a) Pay any costs incurred for medical care for any physical injuries resulting from the ***sexual*** assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.

(b) Pay any costs incurred by a hospital ~~[or health care provider]~~ for the forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim of sexual assault.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.

4. The costs associated with a forensic medical examination must not be included in the costs for medical treatment pursuant to NRS 217.310.

5. As used in this section ~~[:~~

~~(a) "Forensic]~~ , "forensic medical examination" means an examination by a health care provider to obtain evidence from a victim of sexual assault.

~~[(b) "Health care provider" has the meaning ascribed to it in NRS 439.583.]~~

Sec. 10. NRS 217.310 is hereby amended to read as follows:

217.310 1. If any victim of sexual assault requires medical treatment for physical injuries as a result of the sexual assault, in addition to any initial emergency medical care provided, or if any victim or spouse of such a victim ~~***[eligible person]***~~ suffers emotional trauma as a result of the sexual assault, the victim or spouse ~~***[eligible person]***~~ may, upon submitting an affidavit as required by subsection 2, apply to the board of county commissioners in the county where the sexual assault occurred for treatment at county expense.

2. The board shall approve an application for treatment upon receiving an affidavit from the applicant declaring that:

(a) The applicant is a victim of sexual assault or spouse of such a victim; ~~***[an eligible person;]***~~

(b) The sexual assault occurred in the county; and

(c) The victim requires medical treatment for physical injuries, or the victim or spouse ~~***[eligible person]***~~ has suffered emotional trauma, as a result of the sexual assault.

3. A victim who has suffered emotional trauma may select a relative or close friend to receive counseling with the victim if the counselor agrees that such companionship will be helpful to the victim. If the victim's application

for treatment is approved, counseling for the relative or friend must also be approved.

4. ~~[~~The~~]~~ ***~~[Unless the victim has submitted to a forensic medical examination pursuant to NRS 217.300, the~~*** filing of~~]~~ ***A victim must file*** a report with the appropriate law enforcement agency ~~[is]~~ ***or submit to a forensic medical examination pursuant to NRS 217.300 as*** a prerequisite ***for the victim or any other person eligible*** to qualify for treatment under the provisions of this section.

5. Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to this section for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed $1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.

Sec. 11. ~~[~~NRS 217.320 is hereby amended to read as follows:

~~217.320 1. Upon approval by the board of county commissioners as provided in NRS 217.310, medical treatment for the victim's physical injuries or treatment in the form of psychological, psychiatric and marital counseling for the victim [, the victim's spouse and] or any other eligible person must be made available at a county hospital or other facility with which the board may contract for the purpose of providing such treatment.~~

~~2. Any costs for treatment provided pursuant to this section, not exceeding $1,000 [,] per person, shall be paid by the county which authorized the treatment.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[~~NRS 217.330 is hereby amended to read as follows:

~~217.330 1. The board of county commissioners shall require the psychologist, psychiatrist or counselor treating a victim of sexual assault or [the victim's spouse] any other eligible person for emotional trauma suffered as a result of the sexual assault to certify from time to time that the counseling relates to the sexual assault and that the victim or [spouse] eligible person still suffers from the effects of the emotional trauma which resulted from the sexual assault.~~

~~2. If the person providing the treatment fails to make the certification upon request by the board, the board may order the treatment terminated.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[~~NRS 217.340 is hereby amended to read as follows:

~~217.340 No order for treatment pursuant to NRS 217.310 and 217.320 may be made by the board of county commissioners unless:~~

~~1. The application for treatment is made within 60 days after the date of the sexual assault; [or]~~

~~2. The sexual assault was reported to the police within [3] 7 days after its occurrence, or if the offense could not reasonably have been reported within~~

~~that period, within~~ **[**3**]** ***7*** days after the time when a report could reasonably have been made ~~**[**.**] ; or**~~

~~***3. The victim submits to a forensic medical examination pursuant to NRS 217.300. Any such examination must be conducted within 7 days after the date of the sexual assault.]***~~ **(Deleted by amendment.)**

Sec. 14. NRS 449.244 is hereby repealed.

TEXT OF REPEALED SECTION

449.244 Certain costs for examination or treatment of victims of sexual offenses to be charged to county.

1. Any costs incurred by a hospital for:

(a) The examination of the victim of a sexual offense, when the examination is performed for the purposes of gathering evidence for possible prosecution of the person who committed the offense; or

(b) Initial emergency medical care for the victim,

➥ must not be charged directly to the victim. The costs must be charged to the county in whose jurisdiction the offense was committed.

2. Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to NRS 217.310 for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed $1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 507.

AN ACT relating to economic development; directing the Southern Nevada Enterprise Community Board to develop additional neighborhood revitalization projects; revising the membership of the Board; ~~**[**making an appropriation;**]**~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates certain areas in the urban core of the Las Vegas Valley as the Southern Nevada Enterprise Community. Existing law also establishes the Southern Nevada Enterprise Community Board and requires the Board to prepare, develop and carry out the Southern Nevada Enterprise

Community Improvement Project to improve infrastructure in the Community. (Chapter 407, Statutes of Nevada 2007, pp. 1781-86)

Section 1 of this bill directs the Board, within the limits of available money, to develop additional neighborhood revitalization projects in the Community, which may include various projects relating to economic growth and sustainability, community revitalization and education. **Section 4** of this bill authorizes the Board to accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the additional neighborhood revitalization projects. **Section 3** of this bill **revises the qualifications for certain members of the Board and** increases the membership of the Board by adding one member who is a trustee of the Clark County School District ~~[. Section 5 of this bill makes an appropriation of $200,000 from the State General Fund to the Southern Nevada Enterprise Community Projects Account.]~~ **and one member who is a member of the Board of Regents of the University of Nevada.**

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

Section 1. Chapter 407, Statutes of Nevada 2007, at page 1781, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:

Sec. 12.5. The Legislature hereby directs the Board, within the limits of available money, to develop additional neighborhood revitalization projects, which may include, without limitation, projects relating to:

1. Economic growth and sustainability within the Community, including, without limitation, projects which encourage and assist:

(a) The development ~~[and expansion of opportunity zones]~~ of a promise neighborhood within the Community;

(b) The use of federal money and federal tax credits and participation in programs and awards available through the Federal Government;

(c) Public and private investment in the Community and collaboration among governmental entities, ~~[financial institutions]~~ the private sector and nonprofit organizations to support the Community and economic development in the Community; and

(d) The development and expansion of job training and job placement programs.

2. Revitalization of the Community, including, without limitation:

(a) The construction, repair and refurbishment of educational facilities within the Community and the provision of assistance with

issues relating to funding or bonding of such projects as necessary to improve access to education in the Community;

(b) The provision of assistance to persons applying for participation in revitalization programs and grant programs available through private and governmental entities;

(c) The construction and operation of community health centers and federally qualified health centers in the Community;

(d) The development of and assistance in the development of prisoner reentry programs;

(e) The development and support of programs that encourage community engagement and community leadership; and

(f) The development and support of initiatives to support the health and nutrition of the residents of the Community.

3. Education within the Community, including, without limitation, oversight and coordination of:

(a) Early childhood development programs, <u>English language learner programs,</u> K-12 education programs, programs designed to improve rates of high school graduation and college readiness programs;

(b) Programs designed to decrease rates of incarceration for youth in the Community;

(c) Programs designed to decrease gang violence;

(d) Programs designed to decrease teen pregnancy rates in the Community;

(e) Programs of adult care;

(f) Programs designed to address childhood obesity; and

(g) Programs designed to encourage faith-based and neighborhood partnerships which are dedicated to improving the Community.

Sec. 2. Chapter 407, Statutes of Nevada 2007, at page 1781, is hereby amended by adding thereto a new section to be designated as section 18.5, immediately following section 18, to read as follows:

Sec. 18.5. The Legislature hereby finds and declares that a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in the Southern Nevada Enterprise Community Infrastructure Improvement Act because of the number of atypical factors and special conditions relating thereto, including the economic and geographic diversity of the local governments of this State, the unique growth patterns occurring in Clark County, the special conditions experienced in the City of Las Vegas related to the need to revitalize specific areas of the City of Las Vegas to ensure that the residents of more densely populated urban areas are provided with a

safe environment in which to live and work and the necessity to ameliorate hardships imposed on specific areas of the City of Las Vegas as a consequence of projects undertaken for the general benefit of the people of this State.

Sec. 3. Section 8 of chapter 407, Statutes of Nevada 2007, as amended by chapter 481, Statutes of Nevada 2009, at page 2771, is hereby amended to read as follows:

Sec. 8. 1. The Southern Nevada Enterprise Community Board is hereby created.

2. The Board consists of ~~[nine]~~ ***~~[10]~~*** ***11*** members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Assembly and one member of the Senate who represent the Community selected by the Legislative Commission;

(c) One member of the Clark County Board of County Commissioners selected from among its membership;

(d) One member of the Las Vegas City Council from among its membership;

(e) One member of the North Las Vegas City Council from among its membership;

(f) ***One member of the Board of Trustees of the Clark County School District from among its membership;***

(g) One member of the Board of Regents of the University of Nevada;

(h) Two residents of the Community, ~~[recommended and selected by the Stop the F Street Closure, LLC;]~~ ***which must include a representative of a local housing agency and a parent of a pupil enrolled in a school located in the Community;*** and

~~[(g)]~~ ***~~[(h)]~~ (i)*** A representative of the private sector appointed by the Chamber of Commerce established in the Community.

3. Each member of the Board serves for a term of 3 years. A vacancy on the Board must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. ~~[The City of Las Vegas shall provide administrative support for the Board.]~~ ***A member of the Board who is unable to attend a meeting of the Board may select a designee to attend the meeting in place of the member. A designee selected pursuant to this subsection may not vote on any matter before the Board.***

Sec. 4. Section 13 of chapter 407, Statutes of Nevada 2007, as amended by chapter 481, Statutes of Nevada 2009, at page 2772, is hereby amended to read as follows:

Sec. 13. The Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project ~~[.]~~ ***, or such additional projects as may be directed by the Legislature.***

Sec. 5. ~~[There is hereby appropriated from the State General Fund to the Southern Nevada Enterprise Community Projects Account created by NRS 278.750 the sum of $200,000.]~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective ~~[on July 1, 2013.]~~ **upon passage and approval.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 312.

Bill read second time.

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

Amendment No. 401.

AN ACT relating to the Charter of Carson City; revising provisions of the Charter relating to the Charter Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Charter of Carson City provides for the appointment of a Charter Committee to advise the Board of Supervisors concerning potential amendments to the Charter. (Carson City Charter §§ 1.080, 1.090) Currently, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City nominates at least one person for membership on the Charter Committee, and the Board appoints the members of the Committee. The Charter also provides that each member of the Committee serves a term concurrent with the term of the public officer who nominated him or her for appointment. (Carson City Charter § 1.080) **Section 1** of this bill revises the appointment process to provide that ~~[each Supervisor]~~ **the Mayor, each other member of the Board** and each member

of the Senate and Assembly delegation representing the residents of Carson City is to appoint one member of the Committee. **Section 1** also provides that each member of the Committee serves a ~~[2-year term, beginning on January 1 of each even-numbered year.]~~ **term concurrent to the term of the public officer by whom he or she was appointed, or at the pleasure of that public officer.**

Section 1.5 of this bill revises provisions of the current Charter governing the meetings and duties of the Committee.

The current Charter also authorizes the Board of Supervisors to remove members of the Committee for good cause and requires the Board to fill any vacancy that occurs on the Committee. (Carson City Charter § 1.100) **Section 2** of this bill authorizes the public officer, or his or her successor, who has appointed a member of the Committee to remove the member with or without cause and fill any vacancy created by the removal or resignation of a member **.** ~~[for the remainder of the unexpired term.]~~

Section 3 of this bill provides that a member who is serving on the Committee as of the effective date of this bill (January 1, 2014) may continue to serve until the expiration of his or her term or until he or she is removed.

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

Section 1. Section 1.080 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.080 Charter Committee: ~~[Nomination; appointment; terms;]~~ ***Appointment;*** qualifications; ***terms;*** compensation **.** ~~***[; terms.]***~~

1. The ~~[candidates for membership on]~~ ***members of*** the Charter Committee must be ~~[nominated]~~ ***appointed*** as follows:

(a) ~~[Each Supervisor]~~ ***The Mayor and each other member of the Board*** shall ~~[nominate at least]~~ ***appoint*** one ~~[candidate;]~~ ***member;*** and

(b) Each member of the Senate and Assembly delegation representing the residents of the City shall ~~[nominate at least]~~ ***appoint*** one ~~[candidate.~~

~~2. The Board shall:~~

~~(a) Determine the appropriate number of members of the Charter Committee from the candidates nominated; and~~

~~(b) Appoint the members of the Charter Committee.~~

~~3.]~~ ***member.***

2. Each member of the Charter Committee must:

(a) Be a registered voter in Carson City;

(b) Serve a term concurrent to the term of the public officer by whom he or she was ~~[nominated;]~~ ***appointed, or at the pleasure of that public officer;***

(c) Reside in Carson City during his or her term of office; and

(d) ~~*[(c)]*~~ Serve without compensation.

~~*[3. Each member of the Charter Committee serves a term of 2 years beginning on January 1 of each even-numbered year. Members may be reappointed for additional terms of 2 years in the same manner as provided for the original appointments.]*~~

Sec. 1.5. **Section 1.090 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, as amended by chapter 68, Statutes of Nevada 2003, at page 451, is hereby amended to read as follows:**

Sec. 1.090 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect ~~[a Chair and Vice Chair]~~ from among its members ***a Chair and Vice Chair,*** who each serve for a term of 2 years ~~[;]~~ ***unless he or she resigns or is removed from the Committee pursuant to section 1.100;***

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the Board or the Chair of the Committee;

3. ~~[Meet jointly with the Board on a date to be set after the final biennial meeting of the Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the Board with regard to the recommendations of the Committee concerning necessary amendments to this Charter; and~~

~~4. Assist the Board in the timely preparation of such]~~ ***Prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to this Charter;***

4. Advise the Board of any amendments ***recommended*** for presentation to the Legislature ~~[on behalf of the City.]~~ ***by the Committee; and***

5. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, without limitation, hold meetings and public hearings and obtain assistance from officers of the City.

Sec. 2. Section 1.100 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.100 Charter Committee: Removal ~~[;]~~ ***of members;*** vacancies.

1. A member of the Charter Committee may be removed by the ~~[Board for:~~

~~(a) Missing three consecutive regular meetings; or~~

~~(b) Other good cause.]~~ ~~*[Supervisor or Legislator,]*~~ ***public officer, or his or her successor in office, who appointed the member.***

2. ~~[The Board shall fill any]~~ ***Any*** vacancy that occurs on the Charter Committee ***must be filled*** ~~[for the *remainder of the* unexpired term]~~ ~~[.]~~ ~~*[, in the same manner]*~~ ***as provided*** ~~*[for the initial appointment.]*~~ ***by section 1.080.***

Sec. 3. 1. Any person who is serving as a member of the Charter Committee of Carson City on January 1, 2014, and is qualified to serve in that capacity pursuant to subsection 2 of section 1.080 of the Charter of Carson City, as amended by section 1 of this act, may continue to serve until:

(a) The expiration of his or her term; or

(b) He or she is removed pursuant to section 1.100 of the Charter, as amended by section 2 of this act.

2. Any person described in subsection 1 whose term expires on or after January 1, 2014, may be reappointed to the Charter Committee pursuant to section 1.080 of the Charter, as amended by section 1 of this act.

Sec. 4. This act becomes effective on January 1, 2014.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 396.

AN ACT relating to common-interest communities; **revising provisions relating to the period of a declarant's control of a unit-owners' association and the date on which the executive board must include a certain percentage of members elected by units' owners other than the declarant;** requiring a unit-owners' association to submit and the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels to maintain certain information concerning ~~[settlements and awards obtained by the association for a]~~ constructional defect ~~[claims;]~~ **claims;** revising provisions governing the duties of the Ombudsman; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the period of a declarant's control of a unit-owners' association and the date on which the executive board must include a certain percentage of members elected by units' owners other than the declarant. (NRS 116.31032) Section 1 of this bill: (1) revises the period of a declarant's control for a common-interest community with 1,000 or more units; and (2) revises the date on which the executive

board must include a certain percentage of members elected by units' owners other than the declarant.

Existing law provides that, when appropriate, the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is required to: (1) investigate disputes involving the provisions of existing law governing common-interest communities or the governing documents of a unit-owners' association; and (2) assist in resolving such disputes. (NRS 116.625) ~~[Existing law further provides that the Ombudsman has jurisdiction to investigate alleged violations of existing law governing common-interest communities and must assist the parties in resolving a dispute concerning a violation of such laws. (NRS 116.750, 116.765)]~~ **Section ~~[1]~~ 1.5** of this bill removes the phrase "when appropriate" so that the Ombudsman is required to investigate and assist in resolving such disputes. ~~[Sections 2, 3 and 4 of this bill: (1) provide that an affidavit alleging a breach of the governing documents may be filed with the Real Estate Division of the Department of Business and Industry; (2) require the Division to refer such an affidavit to the Ombudsman; and (3) require the Ombudsman to give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the dispute concerning the alleged breach of the governing documents.]~~

Existing law requires an association to pay a fee and register with the Ombudsman on a form prescribed by the Ombudsman. (NRS 116.31155, 116.31158) The registration form must include certain information concerning the association which is required to be maintained by the Ombudsman. (NRS 116.31158, 116.625) **Section ~~[1]~~ 1.5** provides that the registration form must include and the Ombudsman must maintain a ~~[record]~~ **list** of each ~~[settlement and judgment obtained by the association for a]~~ constructional defect claim ~~[.]~~ **brought by the association.**

Existing law provides that a person who is aggrieved by an alleged violation of any provision of the Uniform Common-Interest Ownership Act (chapter 116 of NRS), any regulation adopted pursuant thereto or any order of the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Real Estate Division of the Department of Business and Industry a written affidavit that sets forth the facts constituting the alleged violation. (NRS 116.760) Section 3 of this bill increases the time in which a person may file such an affidavit from 1 year after the person discovers or reasonably should have discovered the alleged violation to 18 months after the person discovers or reasonably should have discovered the alleged violation.

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

Section 1. **NRS 116.31032 is hereby amended to read as follows:**

116.31032 1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by a declarant, may appoint and remove the officers of the association and members of the executive board. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period and, in that event, the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, a period of declarant's control terminates no later than the earliest of:

(a) ~~[Sixty]~~ ***For a common-interest community with:***

(1) Fewer than 1,000 units, 60 days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant ~~[or, if]~~ ***; or***

(2) One thousand or more units, 60 days after conveyance of 90 percent of the units that may be created to units' owners other than a declarant;

(b) If the association exercises powers over a common-interest community pursuant to this chapter and a time-share plan pursuant to chapter 119A of NRS, 120 days after conveyance of 80 percent of the units that may be created to units' owners other than a declarant;

~~[(b)]~~ ***(c)*** Five years after all declarants have ceased to offer units for sale in the ordinary course of business;

~~[(c)]~~ ***(d)*** Five years after any right to add new units was last exercised; or

~~[(d)]~~ ***(e)*** The day the declarant, after giving notice to units' owners, records an instrument voluntarily surrendering all rights to control activities of the association.

2. Not later than 60 days after conveyance of ~~[25]~~ ***15*** percent of the units that may be created to units' owners other than a declarant ~~[,]~~ ***or 3 years after the first unit is conveyed to a unit's owner other than a declarant, whichever is earlier,*** at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant. Not later than 60 days after conveyance of 50 percent of the units that may be created to units' owners other than a declarant, not less than one-third of the members of the executive board must be elected by units' owners other than the declarant.

~~[Section 1.]~~ ***Sec. 1.5*** NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive;

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) ~~[When appropriate, investigate]~~ ***Investigate*** disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; ~~[and]~~

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed ~~[.]~~ ***; and***

(9) A ~~[record]~~ list of each ~~[settlement of a]~~ claim ~~[, and each judgment in an action,] ***for a constructional defect brought by the association pursuant to NRS 40.600 to 40.695, inclusive . ~~[, which contains such information as the Ombudsman deems necessary to provide relevant information concerning the settlement or judgment to the units' owners.]~~***

Sec. 2. ~~[NRS 116.745 is hereby amended to read as follows:~~

~~116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires [, "violation"] :~~

~~***1. "Breach"*** means a ***breach of the governing documents.***~~

~~***2. "Violation" means a*** violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.~~] **(Deleted by amendment.)**

Sec. 3. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation ~~***[or breach]***~~ may, not later than ~~[1 year]~~ ***18 months*** after the person discovers or reasonably should have discovered the alleged violation , ~~***[or breach,]***~~ file with the Division a written affidavit that sets forth the facts constituting the alleged violation , ~~***[or breach.]***~~ The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation , ~~***[or breach.]***~~

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation ~~***[or breach]***~~ set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation , ~~***[or breach,]***~~ any actual damages suffered by the aggrieved person as a result of the alleged violation , ~~***[or breach,]***~~ and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Be accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to ~~[correct]~~ ***resolve*** the alleged violation ; ~~***[or breach;]***~~ and

(2) Reasonable efforts to resolve the alleged violation ~~***[or breach]***~~ have failed.

4. The Commission or a hearing panel may impose an administrative fine of not more than $1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.

Sec. 4. ~~[NRS 116.765 is hereby amended to read as follows:~~

~~116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760, the Division shall refer the affidavit to the Ombudsman.~~

~~2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation~~ **[**~~.~~**]** ~~***or breach.***~~

~~3. If the parties are unable to resolve~~ **[**~~the~~**]** ~~***an*** alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.~~

~~**[**4.**]** Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.~~

~~**[**5.**]** If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.~~**]** **(Deleted by amendment.)**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 376.

AN ACT relating to mining; ~~[revising the duties of the Division of Environmental Protection of the State Department of Conservation and Natural Resources concerning the approval of a plan for reclamation for an exploration project or mining operation; requiring the State Environmental Commission to adopt regulations necessary to assist the Division and the Commission to carry out certain provisions governing mining reclamation;~~] requiring ~~[each plan]~~ **certain plans** for reclamation **of an exploration project or mining operation** to provide for ~~[the reclamation]~~ **public**

nonmotorized access to the water level of a pit lake; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who applies for a permit for a mining operation from the Division of Environmental Protection of the State Department of Conservation and Natural Resources must file with the Division a plan for the reclamation of any land damaged as a result of the mining operation. (NRS 519A.210) Existing law also requires a person who applies for a permit to engage in an exploration project to agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project. (NRS 519A.190) Existing law imposes certain requirements on a plan for reclamation regarding the timing of reclamation activities, the provision of vegetative cover and the stability of the land disturbed by the mining operation or exploration project. The operator of the mining operation or exploration project may request from the Division an exception for open pits and rock faces which may not be feasible to reclaim. If such an exception is granted, the Division must require the operator to take sufficient measures to ensure public safety. (NRS 519A.230) **Section 3** of this bill requires that a plan for reclamation of an exploration project or mining operation must provide for the reclamation of a pit lake ~~[, a body of water that has resulted primarily from the seepage of groundwater into a pit or other excavation resulting from the exploration project or mining operation, and that]~~ **if the pit lake will have a predicted filled surface area of more than 200 acres. The plan for** reclamation **for such a pit lake** must provide for ~~[safe]~~ **at least one point of** public **nonmotorized** access **for traffic** to ~~[and beneficial and recreational use]~~ **the water level** of the pit lake. **Section 3** also ~~[requires that an operator seeking an exception to any of the requirements for a reclamation plan must petition the State Environmental Commission for such an exception, and, in the petition, the operator must demonstrate to the satisfaction of the Commission that the reclamation requirement from which the exception is sought is not feasible.]~~ **provides that certain past or present owners, operators, lessees or occupants of the premises for which public access to a pit lake is provided pursuant to a plan for reclamation owe no duty to keep the premises safe or to give warning of certain hazardous conditions, and do not incur liability for certain injuries that may occur on the premises in certain circumstances.** **Section 4** of this bill requires that an operator who has an ongoing reclamation plan on file with the Division before October 1, 2013, and whose mining operation or exploration project resulted in or included a pit lake ~~[to file an amended reclamation plan with the Division]~~ **provide, if feasible,** on or before ~~[January]~~ **July** 1, 2014, ~~[that addresses the requirements of this bill~~

~~regarding the reclamation of pit lakes.]~~ **for at least one point of public nonmotorized access to the pit lake as required in section 3.**

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

Section 1. ~~[NRS 519A.140 is hereby amended to read as follows:~~

~~519A.140 The Division shall:~~

~~1. Administer and enforce the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the Commission pursuant to NRS 519A.160.~~

~~2. Employ persons who are experienced and qualified in the area of reclamation.~~

~~3. Enter into a memorandum of understanding with the United States Bureau of Land Management and the United States Forest Service concerning the adoption by those agencies of plans of reclamation that:~~

~~(a) Apply to mining operations or exploration projects that are conducted on a site which includes public land administered by a federal agency and privately owned land; and~~

~~(b) Substantially provide for the reclamation and security required by this chapter.~~

~~4. Develop and offer to operators on a regular basis educational workshops that include and emphasize reclamation training and techniques suitable for small exploration projects and mining operations.~~

~~5. Offer advice and technical assistance to operators.~~

~~6. [Approve,]~~ ***Except as otherwise provided in NRS 519A.230, approve,*** ~~reject or impose conditions upon the approval of any plan for reclamation for an exploration project or mining operation.~~

~~7. Provide the Division of Minerals of the Commission on Mineral Resources with a copy of any conditions imposed upon an approved plan and the security required, on the same day that information is sent to the operator.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 519A.160 is hereby amended to read as follows:~~

~~519A.160 The Commission shall adopt regulations:~~

~~1. Establishing reasonable fees, based on the actual cost of administration and enforcement, to be charged by the Division for an application for and the issuance of a permit, the rates of which must be set to differentiate between mining operations located on federal land and those operations on state or private land;~~

~~2. Consistent with regulations adopted by the United States Bureau of Land Management that are contained in Title 43 of the Code of Federal Regulations and that do not conflict with any provision of this chapter or any other regulation adopted by the Commission pursuant to this section;~~

~~3. Setting forth the information required in relation to the mining operation and maps of the area for inclusion in the checklist developed pursuant to NRS 519A.220;~~

~~4. Providing for the holding of reclamation performance bonds or other surety by the State and conditions governing the release and forfeiture of those bonds or other surety;~~

~~5. Providing for a schedule within which reclamation must be completed;~~

~~6. Establishing a schedule of civil penalties for the violation of NRS 519A.010 to 519A.280, inclusive;~~

~~7. Providing for informational filings related to reclamation by small mining operations; and~~

~~8. Necessary to enable the Division ***and the Commission*** to carry out the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the Commission pursuant to this section.~~**] (Deleted by amendment.)**

Sec. 3. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

~~***[(d) For the reclamation of a pit lake that provides:***~~

~~***(1) Safe public access; and***~~

~~***(2) Beneficial and recreational use of the pit lake.]***~~

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. ~~***[to a requirement of this section by filing a petition with the Commission. In the petition, the operator must demonstrate to the satisfaction of the Commission that the requirement of this section from which an exception is sought is not feasible.]***~~ If an exception is granted, ***other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3,*** the Division shall require the operator to take sufficient measures to ensure public safety.

3. ***For a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager,***

and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

~~[4.]~~ ***7.*** Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

~~[5.]~~ ***8. As used in this section ~~[, "pit]~~ :***

(a) "Pit lake" means a body of water that has resulted ~~[primarily from the seepage of groundwater into a pit or other excavation resulting from the operation of]~~ , after the completion of an exploration project or mining operation ~~[.]~~ , from an open pit that has penetrated the water table of the area in which the pit is located.

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 4. 1. On or before ~~[January]~~ **July** 1, 2014, a plan for reclamation of an exploration project or mining operation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources before October 1, 2013, **that includes a pit lake having a filled surface area of more than 200 acres** must ~~[be amended and refiled as necessary by]~~ **provide, in consultation with** the operator of the exploration project or mining operation ~~[to ensure compliance with the amendatory provisions of this act regarding the reclamation of a pit lake if:~~

~~(a) The reclamation activities set forth in the plan are not complete on or before October 1, 2013; and~~

~~(b) The exploration project or mining operation resulted in or included such a pit lake.]~~ **and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. If it is determined that such access is warranted, the plan for reclamation may be amended and refiled.**

2. As used in this section, "pit lake" has the meaning ascribed to it in subsection ~~[5]~~ **8** of NRS 519A.230, as amended by section 3 of this act.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

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

Amendment No. 433.

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States and who are active members or veterans of, **the spouse of an active member of,** or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for a license by endorsement to practice in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section 1** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members or veterans of, **the spouse of an active member of,** or the surviving spouse of a veteran of, the Armed Forces of the

United States to apply for and receive a license by endorsement to practice their respective profession in this State.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information

required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than 45 days after receiving the application.

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

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

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

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 268.

SUMMARY—~~[Revises provisions relating]~~ **Authorizes the Board of Regents of the University of Nevada** to **establish a** financial aid ~~[programs]~~ **program** for students enrolled in the Nevada System of Higher Education. (BDR 34-918)

AN ACT relating to education; ~~[requiring]~~ **authorizing** the Board of Regents of the University of Nevada to establish a program for the award of need-based ~~[scholarships]~~ **financial aid** to certain students enrolled in the Nevada System of Higher Education; creating ~~[an account]~~ **the Fund for Financial Aid** ~~[administered by the Board of Regents]~~ for the purpose of ~~[providing money for the award of such scholarships;]~~ **distributing financial aid pursuant to the program;** requiring the State Treasurer ~~[annually]~~ **quarterly** to transfer certain money from the Abandoned Property Trust Account to the ~~[scholarship account;]~~ **Fund for Financial Aid;** requiring an **eligible** institution at which a **grant or** scholarship recipient is enrolled to award a **separate grant or** scholarship to the student in an amount **at least** equal to 25 percent of the amount of the **grant or** scholarship awarded ~~[by]~~ **pursuant to** the ~~[Board of Regents; requiring the Board of Regents to establish]~~ **financial aid program; establishing** certain criteria and procedures relating to the ~~[scholarship]~~ **financial aid** program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill ~~[requires]~~ **authorizes** the Board of Regents of the University of Nevada to establish a program for the award of need-based ~~[scholarships]~~ **financial aid** to students enrolled at a university, state college or community college of the Nevada System of Higher Education. **Section 5** creates ~~[an account]~~ **the Fund for Financial Aid, which is** administered by the Board of Regents **,** for the purpose of ~~[providing money for]~~ **distributing** such ~~[scholarships.]~~ **financial aid. Section 8** of this bill requires the State Treasurer ~~[annually]~~ **quarterly** to transfer certain money from the Abandoned Property Trust Account to the ~~[account]~~ **Fund** created by **section 5**. Additionally, the Board of Regents is authorized to accept gifts, grants, bequests and donations for deposit in the ~~[account.]~~ **Fund.**

Section 6 of this bill provides that **if the Board of Regents establishes such a financial aid program, the program must include criteria for determining the eligibility of students for financial aid, including requirements that** a student **be** enrolled in ~~[a certain number of]~~ **at least 12 semester** credit hours at a university, state college or community college of the Nevada System of Higher Education ~~[whose family lacks]~~ **and that the student lack** sufficient financial resources to pay for the costs of ~~[sending the student to a]~~ **attending the** university, state college or community college **. ~~[**~~of the System may apply for a scholarship under the program.~~]~~ Section 7** of this bill sets forth limitations on the use of the ~~[scholarship money and the process for disbursement of the scholarship money to an eligible institution.]~~ **financial aid by a student. Section 7** also provides that an eligible institution **at which a grant or scholarship recipient is enrolled** is required to award to ~~[a]~~ **the** student ~~[who receives]~~ a **separate grant or** scholarship ~~[under the program a scholarship]~~ that is **at least** equal to 25 percent of the amount of the scholarship awarded ~~[by the Board of Regents]~~ pursuant to the **financial aid** program.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Eligible institution" means a university, state college or community college of the System.***

Sec. 4. ***"Program" means ~~[the]~~ a need-based ~~[scholarship]~~ financial aid program established by the Board of Regents pursuant to section 5 of this act.***

Sec. 5. *1. The Fund for Financial Aid is hereby created in the State Treasury. Money in the Fund must be used only to provide financial aid pursuant to the program.*

2. The Board of Regents ~~[shall establish]~~ may administer and distribute the money in the Fund if the Board of Regents establishes a program for the award of need-based ~~[scholarships]~~ financial aid pursuant to sections 2 to 7, inclusive, of this act to students ~~[at]~~ attending eligible institutions.

~~[2. There is hereby created in the State General Fund an account for the purpose of providing money for scholarships awarded pursuant to the program. The Board of Regents shall administer the account.]~~

3. In addition to the money paid into the ~~[account]~~ Fund for Financial Aid pursuant to NRS 120A.620, the Board of Regents may accept gifts, grants, bequests and donations for deposit in the ~~[account.]~~ Fund.

~~[4. All interest and income earned on the money in the account must, after deducting any applicable charges, be credited to the account. All claims against the account must be paid as other claims against the State are paid.~~

~~5. The money in the account remains in the account and does not revert to the State General Fund at the end of any fiscal year.~~

~~6. Money in the account may be used only for the purposes set forth in sections 2 to 7, inclusive, of this act.]~~

Sec. 6. *~~[A student may apply to the Board of Regents for a scholarship from the program if the student:~~*

~~1. Is enrolled in at least:~~

~~(a) Six semester credit hours in a community college within the System;~~

~~(b) Twelve semester credit hours in another eligible institution; or~~

~~(c) A total of 12 or more semester credit hours in eligible institutions, if the student is enrolled in more than one eligible institution; and~~

~~2. Comes from a family that lacks]~~ If the Board of Regents establishes a program, the program must include:

1. Criteria for determining the eligibility of a student for financial aid, including, without limitation, a requirement that the student:

(a) Is enrolled in at least 12 semester credit hours at one or more eligible institutions; and

(b) Lacks sufficient financial resources to pay for the costs of ~~[sending the student to]~~ attending an eligible institution . ~~[within the System.]~~

2. Procedures and guidelines for the administration of financial aid for students who are enrolled in more than one eligible institution.

3. Criteria for determining whether a student who receives financial aid is making satisfactory academic progress toward a recognized degree or certificate.

4. Procedures for disbursing money from the Fund for Financial Aid created by section 5 of this act to the eligible institutions.

Sec. 7. *1. Except as otherwise provided in this section, within the limits of money available in the ~~[account]~~ Fund for Financial Aid created by section 5 of this act, a student who is eligible for ~~[a scholarship pursuant to section 6 of this act]~~ financial aid pursuant to the program may be awarded a grant or scholarship in an amount authorized in accordance with the procedures and guidelines established by the Board of Regents.*

2. A student who receives ~~[a scholarship]~~ financial aid pursuant to the program must , to continue to receive such financial aid, make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents . ~~[pursuant to subsection 6.]~~

3. ~~[A scholarship]~~ Financial aid awarded to a student pursuant to the program must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For any other costs related to the attendance of the student at the eligible institution.

4. ~~[The Board of Regents shall disburse a scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility set forth in section 6 of this act, and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 6. The scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 3. If a student is enrolled in more than one eligible institution, the scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.~~

~~5. An eligible institution shall, for each student for whom a scholarship is disbursed to the eligible institution pursuant to subsection 4, award to the student a scholarship in an amount equal to 25 percent of the amount of the scholarship awarded to the student pursuant to subsection 4.]~~ ~~[A scholarship awarded pursuant to this subsection is subject to all the requirements of this section.~~

~~6. The Board of Regents shall establish:~~

~~(a) Criteria for determining whether a student meets the requirements of subsection 2 of section 6 of this act.~~

~~*(b) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate.*~~

~~*(c) Procedures to ensure that all money from a scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the account created by section 5 of this act and not to the student.*~~

~~*(d) Procedures and guidelines for the administration of a scholarship for students who are enrolled in more than one eligible institution.]*~~ ***If the Board of Regents establishes a program, the program must include a requirement that each eligible institution award a separate grant or scholarship, from money of the eligible institution available for this purpose, for each semester to each student receiving a grant or scholarship pursuant to the program for that semester. The amount of the separate grant or scholarship must be at least equal to 25 percent of the amount of the grant or scholarship awarded pursuant to the program for the same period. All requirements for acceptance and use of grants and scholarships from the program apply equally to the acceptance and use of a separate grant or scholarship awarded pursuant to the requirements adopted in accordance with this section.***

5. If the Board of Regents establishes a program, the Board of Regents must, on or before February 1 of each odd-numbered year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature which includes, without limitation, for each year of the biennium:

(a) The amount of money deposited in the Fund for Financial Aid created by section 5 of this act;

(b) The amount of money expended for the award of financial aid pursuant to the program; and

(c) By eligible institution:

(1) The number of students who received an award of financial aid pursuant to the program; and

(2) The average amount of each such award.

Sec. 8. NRS 120A.620 is hereby amended to read as follows:

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

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

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the

company and the amount due. The record must be available for public inspection at all reasonable business hours.

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

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

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

(c) Reasonable service charges.

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

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

5. ***The portion of money in the Account generated from annual audits conducted by national audit firms on behalf of the State of Nevada must, after subtracting the total amount of the costs incurred by the State Treasurer to identify and recover the abandoned property, be transferred quarterly to the Fund for Financial Aid created by section 5 of this act.***

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

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

(b) The ***[Twenty-five percent of the remainder must be transferred to the account created by section 5 of this act.***

(c) Seventy-five percent of the] remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund ***[for the account created by section 5 of this act.***

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

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 512.

AN ACT relating to education; abolishing the Statewide Council for the Coordination of the Regional Training Programs and the governing body of each regional training program; transferring the powers and duties of the Council and governing bodies concerning the regional training programs to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates three regional training programs for the professional development of teachers and administrators and designates each of the 17 county school districts within the jurisdiction of one of the regional training programs. (NRS 391.500-391.556) Existing law also creates: (1) a Statewide Council for the Coordination of the Regional Training Programs; and (2) a governing body of each regional training program. This bill abolishes the Statewide Council and each governing body and transfers their powers and duties concerning the regional training programs to the Department of Education.

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

Section 1. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards; ***and***

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

~~[(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and]~~

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 2. NRS 385.3784 is hereby amended to read as follows:

385.3784 1. The Commission on Educational Excellence, consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:

(a) Three teachers, two of whom have experience in providing instruction at public elementary schools and who have been successful in school improvement efforts and one of whom has experience in providing instruction at secondary schools and who has been successful in school improvement efforts;

(b) Two principals, one of whom has experience in administering successful school improvement efforts at an elementary school and one of whom has experience in administering successful school improvement efforts at a secondary school;

(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more; and

(d) One parent or legal guardian of a pupil enrolled in a public school in this State. The parent must not be employed by the board of trustees of a school district or the governing body of a charter school.

➥ One or more of the members appointed pursuant to this subsection may be retired from employment, but those retired members that are appointed must have been employed with a public school in this State in the immediately preceding 5 years.

2. The Governor may solicit recommendations for appointments pursuant to this section from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils ~~[, the Statewide Council for the Coordination of the Regional Training Programs]~~ and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chair from among the members appointed by the Governor.

3. After the initial terms, the term of each appointed member of the Commission is 2 years, commencing on January 1 of the year in which the member is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his or her successor is appointed. Upon the expiration of a term of a member, the member may be reappointed if he or she still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

4. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chair.

5. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Except as limited by paragraph (a) of subsection 3 of NRS 385.379, the per diem allowances and travel expenses must be paid from the Account and accounted for separately in that Account. In addition, money in the Account may be used to pay compensation necessary for the employment of substitute teachers who are hired on those days when a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

6. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out its duties.

7. The Legislative Counsel Bureau:

(a) Must be provided with adequate notice of each meeting of the Commission; and

(b) Shall provide, as requested by the Committee, technical expertise and assistance to the Commission.

Sec. 3. NRS 385.635 is hereby amended to read as follows:

385.635 1. The Office of Parental Involvement and Family Engagement created by NRS 385.630 shall:

(a) Review and evaluate the programs implemented by the school districts and public schools, including, without limitation, programs which are supported in part with money received from the Federal Government, for carrying out and increasing parental involvement and family engagement in the public schools. The review and evaluation must include an identification of current strategies and practices for effective parental involvement and family engagement.

(b) Develop a list of practices which have been proven effective in increasing the involvement of parents and the engagement of families in the education of their children, including, without limitation, practices that increase the ability of school districts and public schools to effectively reengage parents and families and provide those parents and families with the skills and resources necessary to support the academic achievement of their children.

(c) ~~[Work]~~ ***Under the direction and supervision of the Department, work*** in cooperation with the ~~[Statewide Council for the Coordination of the Regional Training Programs]~~ ~~*[Department]*~~ ***regional training programs for the professional development of teachers and administrators*** to establish a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391.520.

(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:

(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;

(2) Training for parents and families in skills of leadership and volunteerism;

(3) Family literacy training;

(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and

(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.

(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to NRS 385.625 and encourage those school districts which have not established such an advisory council to consider creating an advisory council for the school district.

(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph (k) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each

summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385.357.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385.347 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385.357 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and

(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Sec. 4. NRS 389.0187 is hereby amended to read as follows:

389.0187 1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive.

2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:

(a) The board of trustees of each school district; and

(b) ~~[The governing body of each]~~ ***Each*** regional training program for the professional development of teachers and administrators.

3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.

4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.

5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.

6. ~~[The governing body of each]~~ ***A*** regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.

Sec. 5. NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, unless the context otherwise requires, ~~[the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.]~~ ***"regional training program" means a regional training program for the professional development of teachers and administrators created by NRS 391.512.***

Sec. 6. NRS 391.510 is hereby amended to read as follows:

391.510 The Superintendent of Public Instruction ~~[is]~~ ***and the Department are*** responsible for ensuring that the duties and responsibilities of the ~~[Statewide Council and the]~~ regional training programs set forth in NRS 391.500 to 391.556, inclusive, are carried out by the ~~[Statewide Council and the]~~ regional training programs successfully.

Sec. 7. NRS 391.512 is hereby amended to read as follows:

391.512 1. There are hereby created the Southern Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program ~~[. The governing body of each]~~ ***within the Department. Under the direction and supervision of the Department, each*** regional training program shall establish and operate a:

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. Except as otherwise provided in subsection 5, the Southern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Clark County;

(b) Esmeralda County;

(c) Lincoln County;

(d) Mineral County; and

(e) Nye County.

3. Except as otherwise provided in subsection 5, the Northeastern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Elko County;

(b) Eureka County;

(c) Lander County;

(d) Humboldt County;

(e) Pershing County; and

(f) White Pine County.

4. Except as otherwise provided in subsection 5, the Northwestern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Carson City;

(b) Churchill County;

(c) Douglas County;

(d) Lyon County;

(e) Storey County; and

(f) Washoe County.

5. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.

6. The board of trustees of the:

(a) Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.

(b) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.

(c) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.

7. As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Literacy Intervention Program **.** ~~[established and operated by the applicable governing body.]~~ ***A fiscal agent shall not use the money received for such maintenance and support for the purchase of programs of professional development from or the provision of professional development by an entity other than the regional training program.***

8. A person who is employed by or who enters into a contract to provide services for a regional training program shall not be deemed to be an employee of the Department.

Sec. 8. NRS 391.520 is hereby amended to read as follows:

391.520 1. The ~~[Statewide Council shall meet not less than four times per year.~~

~~2. The Statewide Council]~~ ***Department*** shall:

(a) Adopt uniform standards for use by ~~[the governing body of]~~ each regional training program in the review and approval ~~[by the governing body]~~ of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) ~~[In cooperation with]~~ ***Direct and supervise*** the ***regional training programs and the*** Office of Parental Involvement and Family Engagement created by NRS 385.630 ~~[, establish]~~ ***in establishing*** a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures for use by ~~[the governing body of]~~ each regional training program to report the evaluation conducted pursuant to NRS 391.552.

~~[3.]~~ ***2.*** The ~~[Statewide Council]~~ ***Department*** may:

(a) Accept gifts and grants from any source for use by the ~~[Statewide Council]~~ ***Department*** in carrying out its duties pursuant to ~~[this section]~~ ***NRS 391.500 to 391.556, inclusive,*** and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the ~~[Statewide Council]~~ ***Department*** in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the ~~[Statewide Council]~~ ***Department for the regional training programs*** to match the money received from a federal grant.

Sec. 9. NRS 391.540 is hereby amended to read as follows:

391.540 1. ~~[The governing body of]~~ ***[In cooperation with the Department, each]*** ***Each*** regional training program shall ~~[:~~

~~(a) Adopt]~~ ***submit*** a training model ~~[, taking]~~ ***to the Department for review and approval by the Department. In developing the training model, the regional training program shall:***

(a) Take into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the ~~[appropriate governing body]~~ ***Department*** for the types of training that should be offered by the regional training program.

~~[(c) In making]~~

2. The training model submitted to the Department pursuant to subsection 1 must be designed to address the assessment ***of training needs*** required by paragraph (b) ~~[and as deemed necessary by the]~~ ~~[governing body,]~~ ***[regional training program,*** review the:

~~(1)]~~ ***of subsection 1 and the goals and objectives of the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691 and, for the individual schools within the primary jurisdiction of the regional training program, the goals and objectives of the:***

(a) Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;

~~[(2)]~~ ***(b)*** Turnaround plans for schools implemented pursuant to NRS 385.37603; and

~~[(3)]~~ ***(c)*** Plans for restructuring schools implemented pursuant to NRS 385.37607,

~~[~~ for individual schools within the primary jurisdiction of the regional training program.

~~(d)~~ ***3. Each regional training program shall:***

(a) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan ~~[~~.

~~(e)~~ ***in accordance with the training model approved by the Department pursuant to subsection 1.***

(b) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

~~[2.]~~ ***4.*** The ~~[Department, the]~~ Nevada System of Higher Education and the board of trustees of a school district may ***submit a*** request ***to the Department for*** the ~~[governing body of the]~~ regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the ~~[governing body of]~~ ***Department for*** the regional training program to perform those duties or obligations. The ~~[governing body of a regional training program]~~ ***Department*** may, but is not required to, grant a request pursuant to this subsection.

Sec. 10. NRS 391.542 is hereby amended to read as follows:

391.542 1. The ~~[governing body of each regional training program]~~ ***Department*** shall establish an evaluation system for the teachers and other licensed educational personnel who participate in the program. The evaluation system must include:

(a) Specific measures of the success of each teacher and other licensed person who participates in the training provided by the program; and

(b) Recommendations for follow-up for the teacher or other licensed person to strengthen his or her skills in the classroom or otherwise in his or her position of employment with the school district or charter school.

2. Each evaluation must be provided in written form to the person who is evaluated and the principal of the school at which the person is employed, if applicable, or, if the person is not supervised by a school principal, his or her direct supervisor.

Sec. 11. NRS 391.544 is hereby amended to read as follows:

391.544 1. ~~[Based upon the assessment of needs for training within the region and priorities of training adopted by the]~~ ~~[~~governing body~~]~~ ***~~[regional training program in cooperation with]~~*** ***In accordance with the training model approved by the Department*** pursuant to NRS 391.540, each regional training program must provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the common core state standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a

content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b) of subsection 1, training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(d) In accordance with the program established ~~[by the Statewide Council]~~ pursuant to paragraph (b) of subsection ~~[2]~~ ***1*** of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the ~~[governing body]~~ ***regional training program*** for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. ~~[The governing body of each]~~ ***Each*** regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ ~~[The governing body]~~ ***Each regional training program*** shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. ~~[A]~~ ***Upon approval of the Department, a*** regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the

school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the ~~[governing body]~~ ***regional training program*** for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 12. NRS 391.545 is hereby amended to read as follows:

391.545 1. ~~[The governing body of a]~~ ***A*** regional training program may facilitate and coordinate access to information by teachers and administrators concerning issues related to suicide among pupils. Such information must be offered for educational purposes only.

2. Receipt of or access to information pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his or her employment.

Sec. 13. NRS 391.552 is hereby amended to read as follows:

391.552 ~~[The governing body of]~~ ***For*** each regional training program ***, the Department*** shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures adopted by the ~~[Statewide Council]~~ ***Department*** pursuant to NRS 391.520.

2. On or before September 1 of each year, submit an annual report to the State Board, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The priorities for training adopted by the ~~[governing body]~~ ***regional training program*** pursuant to NRS 391.540.

(b) The type of training offered through the program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the program in the immediately preceding year.

(d) The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.

(e) An evaluation of the success of the program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

(f) A description of the gifts and grants, if any, received by the ~~[governing body]~~ ***Department*** in the immediately preceding year ***for carrying out its duties pursuant to NRS 391.500 to 391.556, inclusive,*** and the gifts and grants, if any, received by the ~~[Statewide Council]~~ ***Department*** during the

immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(g) The 5-year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan ~~[made by the governing body]~~ in the immediately preceding year.

Sec. 14. NRS 391.504, 391.508, 391.516, 391.524, 391.528, 391.532 and 391.536 are hereby repealed.

Sec. 15. The terms of all members of the Statewide Council for the Coordination of the Regional Training Programs who are incumbent on June 30, 2013, expire on that date.

Sec. 16. The terms of all members of each governing body of each regional training program for the professional development of teachers and administrators who are incumbent on June 30, 2013, expire on that date.

Sec. 17. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

3. Any actions taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions was transferred.

Sec. 17.5. **The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.**

Sec. 18. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

391.504 "Regional training program" defined.

391.508 "Statewide Council" defined.

391.516 Statewide Council for the Coordination of the Regional Training Programs: Creation; membership; terms; compensation; administrative support authorized.

391.524 Governing body of regional training program: Membership; terms; vacancy.

391.528 Governing body of regional training program: Meetings; no salary or compensation.

391.532 Governing body of regional training program: Employment and salary of coordinator; duties of coordinator.

391.536 Governing body of regional training program: Annual review of budget; submission of proposed budget to Legislative Committee on Education; acceptance of gifts and grants authorized.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read second time.

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

Amendment No. 474.

AN ACT relating to renewable energy; authorizing the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant to certain businesses partial abatements of certain property taxes and local sales and use taxes imposed on certain renewable energy systems; revising provisions governing net metering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 9 of this bill authorizes a person who intends to locate a new business in this State to apply to the Director of the Office of Energy for a partial abatement of certain property taxes and local sales and use taxes imposed on certain renewable energy systems which are installed on the property of the business and which are for the purpose of supplying all or a part of the electricity requirements of the new business. **Section 9** requires the Director to hold a public hearing concerning each application. **Section 10** of this bill requires the Director to consult with the Office of Economic Development and to make certain determinations before approving any

application. **Section 11** of this bill sets forth the duration and maximum amount of the partial abatements.

Existing law provides generally that a renewable energy system does not qualify as a net metering system if the system exceeds a generating capacity of 1 megawatt. (NRS 704.771) **Section 15** of this bill authorizes the Director, in consultation with the Office of Economic Development, to make a determination that a renewable energy system for which a partial abatement has been approved pursuant to **sections 2-16** of this bill is deemed to be a net metering system regardless of the generating capacity of the system. **Section 17** of this bill revises certain other provisions governing net metering to provide that excess electricity which is generated by a net metering system and fed back to the utility must be credited to the customer-generator based on the value of the electricity under the otherwise applicable rate **or time-of-use rate** charged by the utility rather than the number of kilowatt-hours of excess electricity generated by the customer-generator.

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

Section 1. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Biomass" means any organic matter that is available on a renewable basis, including, without limitation:***

1. Agricultural crops and agricultural wastes and residues;

2. Wood and wood wastes and residues;

3. Animal wastes;

4. Municipal wastes; and

5. Aquatic plants.

Sec. 4. ***"Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.***

Sec. 5. ***"Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.***

Sec. 6. ***"Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.***

Sec. 7. ***1. "Renewable energy" means:***

(a) Biomass;

(b) Fuel cells;

(c) Solar energy;

(d) Waterpower; or

(e) Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel, geothermal energy or nuclear energy.

Sec. 8. *1. "Renewable energy system" means a system for the generation of electricity that:*

(a) Uses renewable energy as its primary source of energy; and

(b) Has a generating capacity of at least 1 megawatt.

2. The term includes all the machinery and equipment that is used by the system to collect and store the renewable energy and to convert the renewable energy into electricity.

3. The term does not include a system that is located on residential property.

Sec. 9. *1. A person who intends to locate a new business in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS for any renewable energy system which is constructed or installed on the property of the new business and which is for the purpose of supplying all or part of the electricity requirements of the new business.*

2. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The Office of Economic Development.

3. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the renewable energy system. A request for a presentation must be made within 30 days after receipt of the application.

4. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 2 have received a copy of the application.

Sec. 10. *1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to sections 2 to 16,*

inclusive, of this act if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which:

(1) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to section 11 of this act, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the partial abatement; and

(2) Binds the successors in interest in the business for the specified period.

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the renewable energy system or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) The financial benefits that will result to this State from the employment by the business of the residents of this State and from capital investments by the business in this State will exceed the loss of tax revenue that will result from the partial abatement.

(e) The business is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. If the Director, in consultation with the Office of Economic Development, determines that such action is necessary, the Director may add additional requirements that a business must meet to qualify for a partial abatement.

3. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

4. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 11. ***1. If the Director approves an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act of:***

(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:

(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;

(2) Be equal to not more than 55 percent of the taxes on real and personal property attributable to the renewable energy system and payable by the business each year; and

(3) Not apply during any period in which the business is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.

(b) Local sales and use taxes:

(1) The partial abatement must:

(I) Be for the 3 years beginning on the date of approval of the application;

(II) Be equal to that portion of the combined rate of all the local sales and use taxes attributable to the construction or installation of the renewable energy system and payable by the business each year which exceeds 0.25 percent; and

(III) Not apply during any period in which the business is receiving another abatement or exemption from local sales and use taxes.

(2) The Department of Taxation shall issue to the business a document certifying the partial abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.25 percent.

2. Upon approving an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act, the Director shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department of Taxation;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The Office of Economic Development.

Sec. 12. ***1. The Director may, with the assistance of the Chief of the Budget Division of the Department of Administration and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local government and to the Office of Economic Development.***

2. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to section 11 of this act, the Department of Taxation shall forward a copy of the certificate to each affected local government.

Sec. 13. *1. A partial abatement approved by the Director pursuant to sections 2 to 16, inclusive, of this act terminates upon any determination by the Director that the business has ceased to meet any eligibility requirements for the partial abatement.*

2. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the business has ceased to meet those requirements.

3. The Director shall immediately provide notice of each determination of termination to:

(a) The Department of Taxation, which shall immediately notify each affected local government of the determination;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The Office of Economic Development.

4. A business whose partial abatement is terminated pursuant to this section shall repay to:

(a) The county treasurer the amount of the exemption from property taxes imposed pursuant to chapter 361 of NRS; and

(b) The Department of Taxation the amount of the exemption from local sales and use taxes,

➥ that was allowed pursuant to this section before the date of that termination. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

Sec. 14. *Notwithstanding any statutory provision to the contrary, if the Director approves an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act of local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected for the period of the partial abatement from the business for the construction and operation of a renewable energy system in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.*

Sec. 15. *Notwithstanding the limitations on generating capacity set forth in NRS 704.771, the Director may, in consultation with the Office of Economic Development, make a determination that a renewable energy system installed on the property of a business which has been granted a partial abatement pursuant to sections 2 to 16, inclusive, of this act shall be*

deemed to be a net metering system for the purposes of and may participate in net metering pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 16. ***The Director:***

1. Shall adopt regulations:

(a) Prescribing such requirements for an application for a partial abatement pursuant to sections 2 to 16, inclusive, of this act as will ensure that all information and other documentation necessary for the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director; and

(b) Requiring each recipient of a partial abatement pursuant to section 2 to 16, inclusive, of this act to file annually with the Director such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the partial abatement; and

2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of sections 2 to 16, inclusive, of this act.

Sec. 17. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The ***value of the*** excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period ~~[as an addition to the kilowatt-hours generated by]~~ ***at the otherwise applicable rate or time-of-use rate charged to*** the customer-generator ***by the utility*** ~~[in]~~ ***during*** that billing period. ~~[If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the *value of the* excess electricity carried forward must be added to the same time-of-use period as the time-of-~~

~~use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the *value of the* excess electricity carried forward must be apportioned evenly among the available time-of-use periods.]~~

(3) ~~[Excess]~~ ***The value of the excess*** electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 18. The Legislature hereby finds that each exemption provided by sections 2 to 16, inclusive, of this act from any ad valorem tax on property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 19. 1. This act becomes effective on July 1, 2013.

2. Sections 1 to 16, inclusive, of this act expire by limitation on June 30, 2033.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 377.

SUMMARY—Revises provisions relating to the waters of this State. (BDR ~~[48-763)]~~ **26-763)**

AN ACT relating to water; providing persons with access to certain waters in this State for certain activities that use water; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Supreme Court expressly adopted the public trust doctrine in *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011). Under this doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability. Under existing law, the water of all sources of water supply within the boundaries of the State of Nevada is declared to belong to the public. (NRS 533.025) The use of water for recreational purposes is also recognized under existing law as a beneficial use of water. (NRS 533.030) In addition, Nevada has a recreational use statute in existing law which, with certain exceptions, limits the liability of an owner, lessee or occupant of a premises to persons who enter or use the land for recreational activities, including, without limitation, fishing and water sports. (NRS 41.510)

Subject to certain specified restrictions, this bill authorizes persons to use water that is navigable or capable of being navigated by oar, paddle or motorized watercraft year round at or below the ordinary high-water mark for any otherwise lawful activity that uses water, including boating, fishing, swimming and wading. This bill authorizes the owner of the bed of such water to place a fence or similar barrier across the water for legally authorized purposes, but requires the owner in such circumstances to **: (1)** authorize the placement of a ladder, gate or other device that allows portage around or over the fence or **barrier; and (2) post a sign at a certain location along the water indicating the existence of the fence or** barrier.

WHEREAS, The Nevada Supreme Court has expressly adopted the public trust doctrine in *Lawrence v. Clark County*, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011); and

WHEREAS, Under the public trust doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability; and

WHEREAS, In addition to other sources of Nevada law that manifest the public trust doctrine, the *Lawrence* Court cited NRS 533.025 as "effectively statutorily codify[ing] the principles behind the public trust doctrine in Nevada" by recognizing that the water in Nevada belongs to the public not the State (*Lawrence*, 254 P.3d at 613); and

WHEREAS, The *Lawrence* Court also recognized the application of the public trust doctrine to recreational resources (*Lawrence*, 254 P.3d at 616); and

WHEREAS, NRS 533.030 explicitly recognizes recreation as a beneficial use of water; now, therefore,

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

Section 1. Chapter ~~[533]~~ **322** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **3** to ~~[5,]~~ **5.6,** inclusive, of this act.

Sec. 2. ~~*[The Legislature hereby finds and declares:*~~

~~*1. The Nevada Supreme Court expressly adopted the public trust doctrine in Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011). Under the public trust doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability.*~~

~~*2. In addition to other sources of Nevada law that manifest the public trust doctrine, the Lawrence Court cited NRS 533.025 as "effectively statutorily codify[ing] the principles behind the public trust doctrine in Nevada" by recognizing that the water in Nevada belongs to the public not the State. Lawrence, 254 P.3d at 613.*~~

~~*3. The Lawrence Court also recognized the application of the public trust doctrine to recreational resources. Lawrence, 254 P.3d at 616.*~~

~~*4. NRS 533.030 explicitly recognizes recreation as a beneficial use of water.]*~~ **(Deleted by amendment.)**

Sec. 3. ***As used in ~~[this section and]~~ sections ~~[4 and 5]~~ 3 to 5.6, inclusive, of this act, unless the context otherwise requires, "public access water":***

1. Means water described in subsection 1 of NRS 533.025 which is:

(a) Flowing or collecting on the surface within a natural or realigned channel or in a natural lake, pond or reservoir on a natural or realigned channel; and

(b) Navigable or is capable of being navigated by oar, paddle or a watercraft propelled by a motor.

2. Does not include an irrigation ditch, flume or canal located on private property.

Sec. 4. *1. Public access water is open to use year round at or below the ordinary high-water mark for any otherwise lawful activity that uses water, including, without limitation, boating, fishing, swimming and wading.*

2. A person using public access water is subject to any other restriction lawfully placed on the use of the water by a governmental entity with authority to restrict the use of the water.

3. When leaving a public access water, a person shall remove any refuse or tangible personal property that the person brought to the public access water.

4. The provisions of this section do not:

(a) Except as otherwise provided in this paragraph, authorize a person to enter upon, cross or use private property where the person has been warned by the owner or occupant of the property not to trespass in the manner prescribed in NRS 207.200, or where signs are displayed forbidding such entry, crossing or use without permission obtained from the owner or occupant of the private property other than at or below the ordinary high-water mark of a public access water. If a natural or artificial obstruction interferes with the use of a public access water, a person may, along with his or her vessel, portage around the obstruction **:**

(1) At or below the ordinary high-water mark of the public access water;

(2) Along a trail identified for portage by the owner or occupant of the private property; or

(3) If the owner or occupant has not identified a trail for portage, in a manner that is reasonably direct and closest to the water to reenter the water immediately above or below the obstruction at the nearest point where it is safe to do so.

(b) Limit or enlarge any right granted by express easement.

5. As used in this section, "vessel" has the meaning ascribed to it in NRS 501.096.

Sec. 5. *1. The owner of the bed of a public access water may place a fence or similar barrier across the public access water for agricultural, livestock or other purposes authorized by law. Such a fence or barrier must:*

(a) Comply with any applicable federal, state or local law, ordinance or regulation; and

(b) Be constructed in a manner that does not create an unreasonably dangerous condition to persons lawfully using the public access water.

2. If an owner has placed or places a fence or similar barrier pursuant to subsection 1, the owner shall ~~[authorize]~~ :

(a) Authorize the placement of a ladder, gate or other device that allows portage around or over the fence or barrier ~~[.]~~ ; and

(b) Post a sign indicating the existence of the fence or barrier which is clearly visible from the public access water and is posted at a reasonable distance below and above the fence or barrier and along the public access water.

Sec. 5.2. The State Land Registrar shall:

1. Determine the location of each known diversion work, barrier and portage route located along all public access water in this State; and

2. Prepare and periodically revise a map setting forth the location of each of those diversion works, barriers and portage routes.

Sec. 5.4. 1. If the boundary between the bed of a natural lake in this State and the land that is adjacent to the bed of the lake is established by a specific statute, the boundary established by that statute shall be deemed to be the ordinary high-water mark of the lake for the purposes of sections 3 to 5.6, inclusive, of this act.

2. The provisions of sections 3 to 5.6, inclusive, of this act and any recreational activity authorized pursuant to those provisions do not affect any right to appropriate water for a beneficial use or the title or ownership of any water, bed or bank of any navigable or nonnavigable water or portage route in this State.

Sec. 5.6. In addition to any other remedy or penalty, if a person violates a provision of sections 3 to 5.6, inclusive, of this act, any person aggrieved by the violation may bring a civil action against the person for:

1. Actual damages;

2. Reasonable attorney's fees; and

3. Any other legal or equitable relief that the court deems appropriate.

***Sec. 5.8.* NRS 41.510 is hereby amended to read as follows:**

41.510 1. Except as otherwise provided in subsection 3, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

2. Except as otherwise provided in subsection 3, if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities upon those premises:

(a) The owner, lessee or occupant does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

(b) That person does not thereby acquire any property rights in or rights of easement to the premises.

3. This section does not:

(a) Limit the liability which would otherwise exist for:

(1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.

(2) Injury suffered in any case where permission to participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.

(3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

(b) Create a duty of care or ground of liability for injury to person or property.

4. As used in this section, "recreational activity" includes, but is not limited to:

(a) Hunting, fishing or trapping;

(b) Camping, hiking or picnicking;

(c) Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;

(d) Hang gliding or paragliding;

(e) Spelunking;

(f) Collecting rocks;

(g) Participation in winter sports, including cross-country skiing, snowshoeing or riding a snowmobile, or water sports;

(h) Riding animals, riding in vehicles or riding a road or mountain bicycle;

(i) Studying nature;

(j) Gleaning;

(k) Recreational gardening; ~~[and]~~

(l) ***Portaging a vessel or any other crossing of private property in accordance with the provisions of sections 3 to 5.6, inclusive, of this act; and***

(m) Crossing over to public land or land dedicated for public use.

Sec. 6. ~~[NRS 533.025 is hereby amended to read as follows:~~

~~533.025 *1.* The water of all sources of water supply within the boundaries of the State whether above or beneath the surface of the ground, belongs to the public.~~

~~*2. The right of the public to use public water is governed by sections 2 to 5, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 503.240 is hereby amended to read as follows:

503.240 1. ~~[It]~~ ***Except as otherwise provided in sections ~~[2]~~ 3 to ~~[5,]~~ 5.6, inclusive, of this act, it*** is unlawful for any person to hunt, fish in nonnavigable waters or trap upon land which is private property where the person has been warned by the owner or occupant of the property not to trespass in the manner prescribed in NRS 207.200, or where signs are displayed forbidding hunting, trapping or fishing without permission obtained from the owner or occupant of the private property.

2. Any person using that private property for hunting, fishing or trapping shall comply with the provisions of NRS 207.220.

Sec. 8. **NRS 533.025 is hereby amended to read as follows:**

533.025 ***1.*** The water of all sources of water supply within the boundaries of the State whether above or beneath the surface of the ground, belongs to the public.

2. The right of the public to use public water is governed by sections 3 to 5.6, inclusive, of this act.

Sec. 9. **1. There is hereby appropriated from the State General Fund to the State Land Registrar the sum of $50,000 for use by the State Land Registrar in carrying out the provisions of section 5.2 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 313.

AN ACT relating to criminal justice; revising provisions governing the crime of burglary; authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; ~~[revising provisions governing credits for offenders sentenced for certain crimes; requiring the suspension of proceedings for certain violations relating to controlled substances; revising provisions governing the crime of trafficking in certain controlled substances;]~~ requiring the Commission to study and report on certain issues; authorizing ~~[Clark County]~~ **each county** to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who enters certain structures with the intent to commit grand or petit larceny, assault or battery, any felony or to obtain money by false pretenses is guilty of the crime of burglary. (NRS 205.060) Existing law also provides that a person commits the crime of petit larceny if the person intentionally steals, takes and carries, leads or drives away certain goods or property. (NRS 205.240) ~~[Sections]~~ **Section 1** ~~[and 2]~~ of this bill ~~[remove]~~ **removes** the crime of petit larceny from the underlying offenses which constitute burglary ~~[.]~~ **if the petit larceny was intended to be committed in a commercial establishment during business hours and the person has not twice previously been convicted of a similar offense within the previous 7 years.**

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) **Section 3** of this bill authorizes the Chair of the Commission to apply for grants and accept grants, bequests, devises, donations and gifts. **Section 8** of this bill requires the Commission to include certain items relating to criminal justice on an agenda for discussion and to issue a report.

~~[Existing law provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence, except in certain circumstances. (NRS 209.4465) Section 5 of this bill provides that an offender convicted of a category B felony also qualifies to have certain credits deducted from the minimum term imposed by the sentence until the~~

~~offender becomes eligible for parole and from the maximum term imposed by the sentence, except in certain circumstances.~~

~~– Existing law authorizes, but does not require, a court to suspend the proceedings and place on probation certain first-time offenders who violate certain provisions relating to controlled substances. (NRS 453.3363) Section 6 of this bill requires a court to suspend the proceedings and place such offenders on probation.~~

~~– Existing law provides that a person is guilty of trafficking in a controlled substance if the person sells, manufactures, delivers or brings into this State or knowingly or intentionally possesses certain amounts of certain controlled substances which are listed in schedule I. (NRS 453.3385) Section 7 of this bill increases the threshold amounts by which a person may be found guilty of trafficking in those controlled substances.~~**]**

Existing law provides that a misdemeanor is punishable by a fine of not more than $1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) **Section 10** of this bill authorizes **[**~~Clark County~~**]** **each county** to establish a community court pilot project within **[**~~one~~**]** **any** of its justice courts located in the **[**~~County~~**]** **county** to provide an alternative to sentencing a person who is charged with a misdemeanor. **Section 11** of this bill requires the community court to evaluate each defendant to determine whether services or treatment is likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or any other services or treatment that the community court deems appropriate. **Section 11** provides that if the defendant successfully completes all conditions imposed by the community court, the sentence to which the defendant agreed upon with the justice court must not be executed or recorded. If the defendant does not successfully complete the conditions imposed, the case will be transferred back to the justice court, and the sentence must be carried out.

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

Section 1. NRS 205.060 is hereby amended to read as follows:

205.060 1. **[**~~A~~**]** ***Except as otherwise provided in subsection 5, a*** person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or

battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted two or more times for committing petit larceny in a commercial establishment during business hours within the immediately preceding 7 years.

Sec. 2. ~~[NRS 205.065 is hereby amended to read as follows:~~

~~205.065 Every person who unlawfully breaks and enters or unlawfully enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car may reasonably be inferred to have broken and entered or entered it with intent to commit grand [or petit] larceny, assault or battery on any person or a felony therein, unless the unlawful breaking and entering or unlawful entry is explained by evidence satisfactory to the jury to have been made without criminal intent.]~~ **(Deleted by amendment.)**

Sec. 3. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of this section and NRS 176.0121 to 176.0129, inclusive.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to this section and NRS 176.0121 to 176.0129, inclusive.

Sec. 4. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 3 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 5. ~~[~~NRS 209.4465 is hereby amended to read as follows:

~~209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:~~

~~(a) For the period the offender is actually incarcerated pursuant to his or her sentence;~~

~~(b) For the period the offender is in residential confinement; and~~

~~(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,~~

~~→ a deduction of 20 days from his or her sentence for each month the offender serves.~~

~~2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:~~

~~(a) For earning a general educational development certificate, 60 days.~~

~~(b) For earning a high school diploma, 90 days.~~

~~(c) For earning his or her first associate degree, 120 days.~~

~~3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.~~

~~4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.~~

~~5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.~~

~~6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.~~

~~7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:~~

~~(a) Must be deducted from the maximum term imposed by the sentence; and~~

~~(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.~~

~~8. Credits earned pursuant to this section by an offender who has not been convicted of:~~

~~(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;~~

~~(b) A sexual offense that is punishable as a felony;~~

~~(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or~~

~~(d) A category A **[**or B**]** felony,~~

~~**]** apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.**]**~~ **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 453.3363 is hereby amended to read as follows:~~

~~453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, **[**may**]** ***shall*** suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and~~

~~successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.~~

~~— 2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.~~

~~— 3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.~~

~~— 4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.~~

~~— 5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~~~]~~ **(Deleted by amendment.)**

Sec. 7. ~~[~~~~NRS 453.3385 is hereby amended to read as follows:~~

~~— 453.3385 Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~1. Is [4] *10* grams or more, but less than [14] *20* grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.~~

~~2. Is [14] *20* grams or more, but less than [28] *40* grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $100,000.~~

~~3. Is [28] *40* grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~and by a fine of not more than $500,000.~~**] (Deleted by amendment.)**

Sec. 8. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123, shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:

(a) A review of sentencing for all criminal offenses for which a term of imprisonment of more than 1 year may be imposed.

(b) An evaluation of the current system of parole, including a review of whether the current system should be maintained, amended or abolished.

(c) An evaluation of potential legislation relating to offenders for whom traditional imprisonment is not considered appropriate. In evaluating such potential legislation, the Commission shall consider current practices governing sentencing and release from imprisonment and correctional resources, including, without limitation, the capacities of local and state correctional facilities and institutions.

2. Upon review of the issues pursuant to subsection 1, the Commission shall prepare a comprehensive report including the Commission's recommended changes, the Commission's findings and any recommendations for proposed legislation. The report must be submitted to the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary no later than June 1, 2014.

Sec. 9. As used in sections 10 and 11 of this act, "community court" means the community court that is established as part of a pilot project pursuant to section 10 of this act.

Sec. 10. 1. ~~[Clark County]~~ **Each county** may establish a community court pilot project within ~~[one]~~ **any** of the justice courts located in the ~~[County]~~ **county** to provide an alternative to sentencing a person who is charged with a misdemeanor.

2. Notwithstanding any other provision of law, a defendant charged with a misdemeanor may be transferred to the community court by the justice court if the defendant:

(a) Pleads guilty to the offense;

(b) Has not previously been referred to the community court;

(c) Agrees to comply with the conditions imposed by the community court; and

(d) Agrees to a sentence, including, without limitation, a period of imprisonment in the county jail, which must be carried out if the defendant does not successfully complete the conditions imposed by the community court.

3. When a defendant is transferred to the community court, sentencing must be postponed and, if the defendant successfully completes all conditions imposed by the community court, the sentence of the defendant must not be executed or appear on the record of the defendant. If the defendant does not successfully complete all conditions imposed by the community court, the sentence must be carried out.

4. A defendant who is transferred to the community court remains under the supervision of the community court and must comply with the conditions established by the community court.

5. ~~[Clark County]~~ **Each county** may collaborate with state and local governmental entities as well as private persons and entities to coordinate and determine the services and treatment that may be offered to defendants who are transferred to the community court.

6. A defendant does not have a right to be referred to the community court pursuant to this section. It is not intended that the establishment or operation of the community court creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees. The decision by the justice court of whether to refer a defendant to the community court is not subject to appeal.

Sec. 11. 1. The community court shall provide for the evaluation of each defendant transferred to the community court to determine whether services or treatment is likely to assist the defendant to modify his or her behavior or obtain skills which may prevent the defendant from engaging in further criminal activity. Such services or treatment may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or such other services or treatment as the community court deems appropriate.

2. The community court shall provide or refer a defendant to a provider of such services or treatment. The community court may enter into contracts

with persons or private entities that are qualified to evaluate defendants and provide services or treatment to defendants.

3. A defendant who is ordered by the community court to receive services or treatment shall pay for the services or treatment to the extent of his or her financial resources.

4. The justice court shall not refuse to refer a defendant to the community court based on the inability of the defendant to pay any or all of the related costs.

5. The community court shall order a defendant to perform a specified amount of community service in addition to any services or treatment to which the defendant is ordered to receive. Such community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

6. Notwithstanding any other provision of law, if a defendant successfully completes the conditions imposed by the community court, the community court shall so certify to the justice court, and the sentence imposed pursuant to section 10 of this act must not be executed or recorded. If the defendant does not successfully complete the conditions imposed by the community court, the case must be transferred back to the justice court, and the sentence must be carried out.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

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

Amendment No. 276.

AN ACT relating to interior designers; revising certain requirements for an application for a certificate of registration to practice as a registered interior designer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on an applicant for a certificate of registration to practice as a registered interior designer. (NRS 623.192) This bill revises those requirements to provide that **[**~~: (1)~~**]** certain educational **[**~~and experience~~**]** requirements may be satisfied by the receipt of a degree from an architectural program **[**~~accredited by the National Architectural Accrediting Board; and (2) an applicant who has received a degree from such a program may submit an oath in writing instead of personally appearing~~

~~before the State Board of Architecture, Interior Design and Residential Design to take an oath.]~~ This bill also provides that any application submitted to the **State** Board **of Architecture, Interior Design and Residential Design** may be denied for any violation of the provisions of existing law governing architects, registered interior designers and residential designers, including any violation that might reasonably call into question the qualifications or experience of the applicant.

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

Section 1. NRS 623.192 is hereby amended to read as follows:

623.192 1. An applicant for a certificate of registration to practice as a registered interior designer must be of good moral character and submit to the Board:

(a) An application on a form provided by the Board;

(b) The fees required pursuant to NRS 623.310;

(c) Proof which is satisfactory to the Board that the applicant has at least 2 years of experience in interior design ; ~~***[or has received a degree from an architectural program accredited by the National Architectural Accrediting Board or its successor organization, if any;]***~~

(d) Proof which is satisfactory to the Board that the applicant has ***:*** ~~[successfully completed:]~~

(1) ~~[A]~~ ***Successfully completed a*** program of interior design accredited by the Council for Interior Design Accreditation or any successor in interest to that organization;

(2) ~~[A]~~ ***Successfully completed a*** substantially equivalent program of interior design approved by the Board; ~~[or]~~

(3) ~~[A]~~ ***Successfully completed a*** program of interior design ~~[,]~~ ***or architecture,*** other than a program described in subparagraph (1) ~~,~~ ~~[or]~~ (2) ~~[,]~~ ***or (4),*** which culminated in the award of a bachelor's degree or higher degree more than 5 years before the date of the application if the applicant possesses a combination of education and experience in interior design deemed suitable by the Board; ***or***

(4) Received a degree from an architectural program accredited by the National Architectural Accrediting Board or its successor organization, if any;

(e) A certificate issued by the National Council for Interior Design Qualification as proof that the applicant has passed the examination prepared and administered by that organization; and

(f) All information required to complete the application.

2. The Board shall, by regulation, adopt the standards of the National Council for Interior Design Qualification for the experience required

pursuant to the provisions of paragraph (c) of subsection 1 as those standards exist on the date of the adoption of the regulation.

3. Before ~~*[Except as otherwise provided in this subsection, before]*~~ being issued a certificate of registration to practice as a registered interior designer, each applicant must personally appear before the Board to take an oath prescribed by the Board. ~~*[An applicant who has received a degree from an architectural program accredited by the National Architectural Accrediting Board or its successor organization, if any, may submit an equivalent oath in writing.]*~~

4. Any application submitted to the Board may be denied for any violation of the provisions of this chapter ~~[.]~~ ***, including, without limitation, any violation that might reasonably call into question the qualifications or experience of the applicant.***

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 316.

AN ACT relating to motor vehicles; exempting certain fleet vehicles from the Department of Motor Vehicles insurance verification system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the liability insurance required by law. The only vehicles that are exempt from being included in such a system are certain golf carts. (NRS 485.313) **Section 2** of this bill creates an additional exemption for certain vehicles that are registered as part of a fleet of vehicles. **Section 2 further provides that verification of the required liability insurance for such fleet vehicles shall be deemed to have been satisfied by the submission to the Department by the insurer of the policy number and the name of the registered owner.**

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

Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle ~~[,]~~ ***or the registered owner of the vehicle;*** or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of ~~[10 or more vehicles based in this State]~~ ***more than one vehicle, all of which are covered by a commercial liability policy,*** or vehicles insured under a blanket policy which does not identify individual vehicles**,** may ~~[each]~~ be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 2. NRS 485.313 is hereby amended to read as follows:

485.313 1. The Department:

(a) Shall, in cooperation with insurers, create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the insurance required by NRS 485.185; and

(b) May enter into a contract with any person to provide services relating to the system.

2. The Director shall adopt regulations to carry out the provisions of this section **.** ~~[, including, without limitation, regulations for verifying that registered owners described in paragraph (b) of subsection 5 of NRS 482.215 maintain the insurance required by NRS 485.185.]~~

3. ***For vehicles which are part of a fleet of vehicles described in paragraph (b) of subsection 5 of NRS 482.215, the maintenance of the insurance required by NRS 485.185 shall be deemed to have been satisfied***

by the submission by the insurer to the Department of the policy number and the name of the registered owner of the vehicles.

4. As used in this section, "motor vehicle":

(a) Does not include ~~[, except]~~ ***:***

(1) Except as otherwise provided in subsection 1 of NRS 482.398, a golf cart as that term is defined in NRS 482.044.

(2) A vehicle that is registered as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215.

(b) Includes, without limitation ~~[~~:

~~(1) A~~ ***, a*** motortruck, truck-tractor, bus or other vehicle that is registered pursuant to paragraph (c) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.

~~[(2) A vehicle that is registered as part of a fleet of vehicles and described in paragraph (b) of subsection 5 of NRS 482.215.]~~

Sec. 3. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) Vehicle information, consisting of:

(1) The year, make and complete identification number of the insured vehicle or vehicles; or

(2) The word "Fleet" ***and the name of the registered owner*** if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 4. ~~[This act becomes effective on July 1, 2013.]~~ **(Deleted by amendment.)**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 515.

AN ACT relating to education; requiring the Department of Education to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements necessary to receive federal funding under the Elementary and Secondary Education Act of 1965; prescribing certain requirements for a uniform statewide system of accountability for public schools; **revising provisions governing the annual reports of accountability for public schools;** repealing provisions relating to adequate yearly progress and the designation of public schools and school districts based upon an annual determination of whether the public schools and school districts have made adequate yearly progress; repealing provisions governing the consequences and sanctions for public schools and school districts designated as needing improvement; repealing provisions governing the creation and duties of school support teams for certain public schools designated as needing improvement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The No Child Left Behind Act of 2001 requires each state to have a single, statewide system of accountability applicable to all pupils, challenging academic content standards and periodic examinations on those challenging academic standards. (20 U.S.C. §§ 6301 et seq.) The Act was a significant reauthorization of the Elementary and Secondary Education Act of 1965. Certain provisions of the Act apply only to those public schools and school districts receiving federal money pursuant to the provisions of the Act, also known as "Title I schools" and "Title I school districts." (NRS 385.3467, 385.34675) The intended goal of the No Child Left Behind Act was to hold the states, local school districts and public schools accountable for improving

the academic achievement of all pupils and to identify and turn around low performing schools. The Act's mechanism for determining the status of schools and school districts is based primarily upon an annual determination of whether the school or school district has made adequate yearly progress.

The Congress of the United States has not acted to make significant revisions to the No Child Left Behind Act and, in 2011, the United States Department of Education made it possible for states to apply to the Department for flexibility from some of the provisions of the Act. In August 2012, the Nevada Department of Education received approval from the United States Department of Education to implement an accountability system for public schools that allows for a waiver from some of the specific provisions of the No Child Left Behind Act. The approval requires the Nevada Department of Education to track the performance of pupils and public schools, including measuring, reporting on and supporting the achievement of pupils. Since the approval of the waiver, the Nevada Department of Education has developed the Nevada School Performance Framework for the statewide system of accountability for public schools.

Section 1 of this bill requires the Department of Education to obtain the approval necessary to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act. **Section 1** also establishes certain requirements for the statewide system of accountability for public schools which applies to all public schools, regardless of Title I status, and which must: (1) include a method to rate each public school based upon performance; (2) include a method to implement consequences, rewards and supports for public schools based upon the ratings; and (3) establish annual measurable objectives and performance targets for public schools. **Under existing law, the State Board of Education, the boards of trustees of school districts and the sponsors of charter schools are required to prepare annual reports of accountability that include various information on public schools and the pupils enrolled in public schools. (NRS 385.3469, 385.347) Sections 4 and 6 of this bill revise the contents of the annual reports of accountability to include information concerning violations of the code of honor relating to cheating or any other code of honor applicable to pupils enrolled in high school.**

Under existing law, the statewide system of accountability for public schools conforms with the No Child Left Behind Act and makes many of the provisions of that Act applicable to both Title I and non-Title I schools. (NRS 385.3455-385.391) Under Nevada's accountability system, public schools and school districts are designated as demonstrating: (1) exemplary achievement; (2) high achievement; (3) adequate achievement; or (4) need for improvement. (NRS 385.3611) These designations are based primarily

upon an annual determination of whether each public school and school district has made adequate yearly progress. (NRS 385.361, 385.3613, 385.3762) **Section 32** of this bill repeals these provisions requiring the designations of public schools and school districts based upon adequate yearly progress.

Under existing law, if a Title I school receives a designation as demonstrating need for improvement, the Title I school is subject to certain consequences, depending upon the number of consecutive years the Title I school receives the designation, including providing school choice, providing supplemental educational services, implementing certain corrective actions and implementing a plan for restructuring the school. (NRS 385.3661, 385.372, 385.3743, 385.3746, 385.37607, 385.3761) If a non-Title I school receives a designation as demonstrating need for improvement, depending upon the number of consecutive years the school receives the designation, the non-Title I school is subject to some of the consequences that apply to Title I schools. (NRS 385.3693, 385.3721, 385.3755, 385.3745, 385.376, 385.37603, 385.37605) In a similar manner, there are prescribed consequences for school districts that are designated as demonstrating need for improvement. (NRS 385.3772, 385.3773) **Section 32** repeals these provisions relating to the consequences for public schools and school districts based upon the annual designations.

Under existing law, the State Board of Education is required to prescribe by regulation differentiated corrective actions, consequences and sanctions for public schools designated as needing improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for the school. (NRS 385.3611, 385.36125-385.36129) **Section 32** repeals the provisions relating to the creation and duties of school support teams.

Section 4 of Assembly Bill No. 460 is hereby amended as follows:

Sec. 4. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the ~~[~~following~~]~~ groups of pupils ~~[~~:

~~(1) Pupils who are economically disadvantaged, as defined by the State Board;~~

~~(2) Pupils from major racial and ethnic groups, as defined by the State Board;~~

~~(3) Pupils with disabilities;~~

~~(4) Pupils who are limited English proficient; and~~

~~(5) Pupils who are migratory children, as defined by the State Board.~~**]** ***identified in the statewide system of accountability for public schools.***

(c) A comparison of the achievement of pupils in each group identified in **[**~~paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.~~**]** ***the statewide system of accountability for public schools with the performance targets established for that group.***

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in **[**~~paragraph (b).~~**]** ***the statewide system of accountability for public schools.***

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) **[**~~Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.~~**]** ***The rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.***

(h) Information on whether each public school, including, without limitation, each charter school, has made **[**~~:~~

~~(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.~~

~~(2) Progress~~**]** ***progress*** based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide

program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a

result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

(jj) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~[State Board]~~ ***Department*** shall ~~[prescribe a]~~ ***use the*** mechanism ***approved by the United States Department of Education for the statewide system of accountability for public schools*** for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) ~~[Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;~~

~~(b)]~~ Be prepared in a concise manner; and

~~[(c)]~~ ***(b)*** Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Section 6 of Assembly Bill No. 460 is hereby amended as follows:

Sec. 6. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the ~~[following]~~ groups of pupils ~~[~~:

~~(I) Pupils who are economically disadvantaged, as defined by the State Board;~~

~~(II) Pupils from major racial and ethnic groups, as defined by the State Board;~~

~~(III) Pupils with disabilities;~~

~~(IV) Pupils who are limited English proficient; and~~

~~(V) Pupils who are migratory children, as defined by the State Board.~~] ***identified in the statewide system of accountability for public schools.***

(4) A comparison of the achievement of pupils in each group identified in ~~[~~paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.~~]~~ ***the statewide system of accountability for public schools with the performance targets established for that group.***

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in ~~[~~subparagraph (3).~~]~~ ***the statewide system of accountability for public schools.***

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield

statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The ~~[State Board]~~ ***Department*** shall ~~[prescribe]~~ ***use*** the mechanism ***approved by the United States Department of Education for the statewide system of accountability for public schools*** for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as

long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) ~~[Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.~~

~~(bb) Information on whether~~] ***The rating of*** each public school in the district, including, without limitation, each charter school sponsored by the district, ~~[has made adequate yearly progress, including, without limitation:~~

~~(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and~~

~~(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.~~

~~(cc)~~] ***pursuant to the statewide system of accountability for public schools.***

(bb) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

[~~(dd)~~] ***(cc)*** For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

[~~(ee)~~] ***(dd)*** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

[~~(ff)~~] ***(ee)*** For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

~~[(gg)]~~ ***(ff)*** The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(hh)]~~ ***(gg)*** ***For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:***

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), ~~[(gg),]~~ ~~[(ff),]~~ inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section ~~[in the manner set forth in 20 U.S.C. §~~

~~6311(h)(2)(E)]~~ by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must ~~[:~~

~~(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and~~

~~(b) Be]~~ ***be*** presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher

Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, ~~[in the manner set forth in 20 U.S.C. § 6311(h)(2)(E)]~~ by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the

institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 230.

AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; **requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver's license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a

veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections 5 and 6 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) requests to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States provide evidence satisfactory to the Department indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of **section 5 or 6**, as applicable, **sections 2 and 3** of this bill require the Department to place a designation that the person is a veteran on the person's instruction permit, driver's license or identification card, as appropriate. **Sections 5 and 6 also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces.**

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Upon the application of a person who requests that his or her instruction permit or driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.292, and who satisfies the requirements of that subsection, the Department shall place on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.***

2. The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.

Sec. 3. ***1. Upon the application of a person who requests that his or her identification card indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.852, and who satisfies the requirements of that subsection, the Department shall place on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, a designation that the person is a veteran.***

2. The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any identification card to which this section applies.

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 5. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for ***the initial issuance of*** an instruction permit or driver's license pursuant to NRS 483.290 ~~[,]~~ ***or the renewal of an instruction permit or driver's license,*** the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ ***:***

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[,]~~ ***; and***

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ***In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States may request that his or her instruction permit or driver's license have imprinted the designation described in section 2 of this act. A person who submits a request pursuant to this subsection must provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States. The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.***

4. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

~~[4.]~~ ***5.*** The Department shall, at least once each ~~[quarter:]~~ ***month:***

(a) Compile ~~[the aggregate number]~~ ***a list*** of persons who have, during the immediately preceding ~~[quarter,]~~ ***month,*** declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ ***list*** to the Office of Veterans Services to be used for statistical ***and communication*** purposes.

Sec. 6. NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for ***the initial issuance of*** an identification card pursuant to NRS 483.850 ~~[,]~~ ***or the renewal of an identification card pursuant to NRS 483.875,*** the Department

shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ ***:***

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ ***; and***

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ***In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States may request that his or her identification card have imprinted the designation described in section 3 of this act. A person who submits a request pursuant to this subsection must provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States. The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.***

4. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

~~[4.]~~ ***5.*** The Department shall, at least once each ~~[quarter:]~~ ***month:***

(a) Compile ~~[the aggregate number]~~ ***a list*** of persons who have, during the immediately preceding ~~[quarter,]~~ ***month,*** declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ ***list*** to the Office of Veterans Services to be used for statistical ***and communication*** purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that, upon return from the printer, Assembly Bills Nos. 146, 256, 273, 325, 424, and 447 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 3:15 p.m.
Motion carried.

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 3:34 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Horne moved that Assembly Bills Nos. 200, 395, and 459 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 225, 351; Senate Bill No. 139, be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 73.
Bill read third time.
Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:
Assembly Bill 73 revises the information an applicant for a license to practice chiropractic must provide, modifies the passing score for the license examination, and makes changes to the duration of a license. The bill also makes changes to the definition of unprofessional conduct for purposes of professional discipline by the Chiropractic Physicians' Board of Nevada and allows the Board to waive certain continuing education requirements. Finally, A.B. 73 increases the maximum fee the Board may charge for a review of a course offered by a chiropractic school or college or a course of continuing education in chiropractic from $25 to $50.
This bill is being presented on behalf of the Chiropractic Physicians' Board of Nevada. When we originally presented the bill, which now has been amended, there were scope-of-practice issues, but those have all been resolved. The fees represent an increase in the charges, reflecting the cost to perform the services.

Roll call on Assembly Bill No. 73:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 73 having received a two-thirds constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 95 requires a pharmacist or practitioner to indicate the brand name of a drug, for which a generic drug is being substituted, on the prescription label under certain circumstances.

This is good, commonsense legislation that will help Nevadans understand what medications they are taking, and I urge your support.

Roll call on Assembly Bill No. 95:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 120 requires the Division of Insurance to post on its Internet website a list of companies that do not use credit information to create an insurance score for the purposes of rating an applicant or calculating the premium for a policy of insurance for a passenger car or homeowner's insurance.

The Insurance Commissioner has agreed to do this, and several companies I have talked to are also in accord with this.

Roll call on Assembly Bill No. 120:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 120 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

I rise in support of Assembly Bill 131. It amends the Virgin Valley Water District Act by requiring that all members of the Board of the Virgin Valley Water District be elected from the service area of the water district, rather than some elected and some appointed. All five members of the Board serve four-year terms.

The people in the service areas have a desire to elect all of their Board members rather than have some of them be appointed by the municipalities, and the Board agrees with this. I wish for your approval on this.

Roll call on Assembly Bill No. 131:
YEAS—36.
NAYS—Bobzien, Diaz, Ohrenschall, Pierce—4.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 131 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 179.
Bill read third time.
Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:
Assembly Bill 179 increases from $50,000 to $75,000 the amount of revenue received by a regulatory board that would require that board to engage the services of a public accountant to perform an annual fiscal audit. The bill also provides that a board must hire a public accountant or accounting firm to audit its fiscal records for any year in which the board was out of compliance in submitting certain reports.
I appreciate the opportunity to work with others on this bill and look forward to its passage. I hope you can support it.

Roll call on Assembly Bill No. 179:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.
Assembly Bill No. 179 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 185.
Bill read third time.
Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:
I rise in support of Assembly Bill 185. Assembly Bill 185 allows the Labor Commissioner to enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to promote compliance with labor laws that are of common concern.

Roll call on Assembly Bill No. 185:
YEAS—40.
NAYS—None.
EXCUSED—Benitez-Thompson.
VACANT—1.

Assembly Bill No. 185 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 231 provides that a vacancy in the membership of a governing body of a town board or of a town advisory board must be filled by appointment by the applicable board of county commissioners. Additionally, the board of county commissioners shall appoint a member to fill a vacancy on a board of directors of a local improvement district if the board of directors of the local improvement district fails to do so within 30 days.

This is a bill we brought forward to make sure vacancies are filled in a timely manner on some of these local boards. It is important, especially on some of the smaller boards, when there are only three members, if one of them is not present or not able to fulfill their duties.
I appreciate your support on this bill.

Roll call on Assembly Bill No. 231:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 231 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 264 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

I stand in support of Assembly Bill 266. Assembly Bill 266 defines "veteran" in Chapter 417 of the *Nevada Revised Statutes*, which is specific to veterans' services, for the purpose of establishing who is entitled to certain privileges and benefits.

Caleb Cage, Captain of the United States Army, Executive Director of the Nevada Office of Veterans Services, noted that it is the national practice to define "veteran" uniformly, and the definition that is proposed in the amendment would bring Nevada in line with the federal definition.

Roll call on Assembly Bill No. 266:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblymen Flores, Oscarson, and Bobzien.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 286. Assembly Bill 286 requires a host organization or sponsor of a special event with more than 2,500 persons in attendance or observation to provide a first-aid station and a dedicated advanced life support ambulance onsite if certain factors apply. The required number of first-aid stations, dedicated advanced life support ambulances, and medical personnel, including skill level, varies based upon the number of persons projected to attend the event.

I strongly urge this body to support this bill. It creates a basic and uniform level of medical services for all events that are held in Nevada which consist of very large gatherings of 2,500 people or more. It is especially important, I think, in light of a recent tragedy where we were able to see that having emergency medical services present at the event saves lives. It is important to ensure the safety of those in attendance, and time is of the essence in very large gatherings like this. In addition, throughout the entire state, some areas of the state do not have the emergency services available that others have. For example, in urban areas, you have the ability to call 911. It pulls ambulances and services from the grid, but that then means there are less services available for the community. In other areas of the state where there aren't that many services available, there isn't anyone to call if you do not plan ahead.

You never know when an emergency is going to arise, so it is incredibly important to ensure that those services are planned for in advance. If just basic first-aid services are available, they need to be there when tragedy strikes. If events already have this level of service, then clearly this bill is not going to affect them. So I strongly urge the body to support this bill. It is important that no matter where you are visiting in Nevada, if you are attending a very large event, you have emergency services available to you.

ASSEMBLYMAN OSCARSON:

I rise today in opposition to Assembly Bill 286. While I am extremely sensitive to tragedies that have occurred recently—I believe medical services are absolutely necessary to ensure the safety and welfare of participants and spectators for special events—Assembly Bill 286 creates an unnecessary financial impact on small communities and does not consider the practicality or impact it will have. Instead, we should consider less burdensome alternatives, strengthen emergency medical services [EMS], and create incentives that promote medical personnel and county officials to work together to provide responsible medical services. I urge members to seek out ways to improve public safety without creating additional financial hardships on our smaller communities.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 286. Nevada is well known for a number of signature large special events. They are the core of our economic development and our tourism efforts, and I believe the vast majority of the events, be they big or small around the state, can already comply

with the provisions of this bill rather readily. Certainly, as we have heard from the bill's sponsor, time is of the essence when a tragedy strikes. No matter whether you're in a small rural community or in a large urban area, we should be treating the need for preparation for these events equally. It is the right thing to do for our citizens, it is the right thing to do for our tourists that come here, It is the right thing to do for Nevada.

Roll call on Assembly Bill No. 286:

YEAS—26.

NAYS—Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—14.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 286 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 324 provides for the regulation of dental assistants and a new classification, certified dental assistants, by the Board of Dental Examiners of Nevada. The bill specifies that a dental assistant or certified dental assistant may only perform intraoral tasks and dental procedures authorized by the Board and under the supervision of a licensed dentist or dental hygienist. It prescribes qualifications, in terms of the certificate of registration, and continuing education components that will be required.

The bill becomes effective upon passage and approval for adopting regulations and for performing the administrative tasks. The dental assistants and certified dental assistant will have to be registered by July 1, 2015, so we are giving them plenty of time to comply with this new legislation.

Roll call on Assembly Bill No. 324:

YEAS—33.

NAYS—Duncan, Ellison, Fiore, Frierson, Livermore, Ohrenschall, Wheeler—7.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 324 having received a two-thirds constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 331 prohibits a provider of health care from requesting certain payment from a patient for any services rendered if the provider of health care fails to submit any claim to the patient's health care plan, under certain circumstances.

Roll call on Assembly Bill No. 331:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 331 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

I stand in support of Assembly Bill 356. Assembly Bill 356 encourages Carson City, any nonprofit organization, and any other interested stakeholder to work cooperatively with various state agencies to develop recommendations for the preservation of the Nevada State Prison in Carson City, Nevada, for use as a historical, educational, and scientific resource for the State of Nevada.

For everyone's information, on May 18, 2012, after 150 of continued service, Nevada State Prison was decommissioned. It was a pleasure to witness most of the day, the presentation out in the lobby about the historical artifacts that make Nevada State Prison so important to Nevada.

Roll call on Assembly Bill No. 356:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 356 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Assembly Bill 437 authorizes a title insurer to provide a closing protection letter to any party in a real estate transaction, not only the party purchasing title insurance. The bill restricts the acts or omissions that may affect the status of the title or the validity of the lien on the mortgage for the real estate subject to the transaction. A title insurer is restricted from providing indemnification for the type provided by the closing protection letter in any other manner. Additionally, A.B. 437 provides that a closing protection letter may indemnify the party to whom it is issued from acts or omissions by a person employed or approved by the title insurer to perform the closing or settlement services. It also authorizes the issuer of the letter to charge $25 per letter that they write.

Roll call on Assembly Bill No. 437:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson.

VACANT—1.

Assembly Bill No. 437 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblyman Ohrenschall and Madam Speaker.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 487. Assembly Bill 487 raises from 25 to 40 percent the recycling goal that must be taken into account when the State Environmental Commission adopts certain regulations related to recycling and the disposal of hazardous household products. The bill also directs the board of county commissioners of each county to report to the 2015 Legislature regarding efforts and progress made to establish programs for single-stream recycling.

This 25 percent goal that we currently have in law was first adopted in the 1991 Legislature. Assembly Bill 320 was sponsored by then-representative from District 24 Assemblywoman Vivian Freeman, who was a great leader in terms of environmental issues and recycling movements, and we just now hit 25 percent. It has taken us 20 years to get there. Our interim committee—on study issues related to recycling, bottle deposits, issues like that—came up with 40 percent, and hopefully it will not take us another 20 years to get there.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Assemblyman Ohrenschall, I have a question, and I apologize because I should have asked you this before. So this is not requiring them to go to single-stream, this is just requiring them to report all pilot programs that they have in place?

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, that is correct. The committee had many meetings and we took a lot of testimony. Originally, the goal of the committee was to look and see if a bottle deposit would work in Nevada. There was not support among the committee during the interim for that. However, there was a lot of testimony about the success of single-stream recycling in the communities where it has been tried as a pilot program. You are absolutely right, the bill does not require that single-stream recycling be implemented, but it does require that counties report on how a possible move toward single-stream recycling is going. Pursuant to the legislation sponsored by my colleague from District 27, that report will expire in five years.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Can I ask one more question? I apologize; I should have asked you sooner. So currently the health district gets a copy of that. Between the County Commission and the health district, it should true up with the state, correct?

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, you stumped me there. I believe the county will send that report to the Legislature. I am not sure if the health district gets in between when the report gets sent.

Roll call on Assembly Bill No. 487:

YEAS—30.

NAYS—Ellison, Fiore, Grady, Hansen, Hardy, Hickey, Horne, Kirner, Wheeler—9.

EXCUSED—Aizley, Benitez-Thompson—2.

VACANT—1.

Assembly Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Joint Resolution No. 7. This resolution urges the National Park Service to recognize the importance of mid-20th century architecture in Nevada and to provide assistance in listing significant examples of such architecture in the National Register of Historic Places. The resolution also urges the Governor to proclaim May 20, 2014, as the day to acknowledge and celebrate important examples of mid-20th century architecture in Nevada.

Roll call on Assembly Joint Resolution No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Aizley, Benitez-Thompson—2.

VACANT—1.

Assembly Joint Resolution No. 7 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 225, 264, 351; Senate Bill No. 139, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to James Chaney and Louis Conner.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Abel and Susan Sutton.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Rite of Passage Charter School: Damion Anaya, Cody Brooks,

Hector Carranza, Jose Carvajal, Markus Gallegos, Paul Haynes, Erick Johnson, Saul Meza, Logan Ortiz, Juan Jay Reyes, Christopher Romiski, Ruben Sanchez, Micah Taylor, Hunter Thomas, Cedric Vincent, and Christian Weikl.

Assemblyman Horne moved that the Assembly adjourn until Thursday, April 18, 2013, at 11 a.m.

Motion carried.

Assembly adjourned at 4:19 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

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

VOLUME 2

THE SEVENTY-FOURTH DAY—THE SEVENTY-EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 2

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ASSEMBLY PROCEEDINGS 1437

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 18, 2013

Assembly called to order at 11:13 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Benitez-Thompson, who was excused, and one vacant.

Prayer by the Chaplain, Father John Corona.

It is an honor to be here, because I have known the Hickeys for many, many, many years. It is George's 100th birthday, which is a great event, and I knew Pat's mother, Eileen, many years, so it's an honor to be here. I was told to be brief, be bright, and be gone. So let us pray.

Lord, we know that a grateful heart is a happy heart, so we pause now to give You thanks and praise for this day, for this Assembly, for the gift of life, the creation that surrounds us, and all our blessings. We know, too, in our own hearts, that You create all things new.

As we begin another day of deliberation, we ask You to refresh our minds and hearts along with a creative and discerning spirit. Guide our actions and our thoughts that we may better serve the people of Nevada who sent us here. Give us the perseverance and the wisdom that we need. We ask Your special blessings upon George Hickey, and we are ever mindful of our families and friends. We make our prayer in Your name, and we all say,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 226, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was rereferred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 9, 58, 218, 283, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 168, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 293, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 59, 382, 505.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 176, 276, 309, 344, 345, 442.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 396.

CINDY JONES
Fiscal Analysis Division

By Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, District No. 17, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler and

Woodbury; Senators Smith, Atkinson, Brower, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 5—Memorializing former Assemblyman John W. Marvel.

WHEREAS, The State of Nevada lost a true statesman and steadfast public servant on March 16, 2013, and the members of the Nevada Legislature note with sorrow the passing of one of their most highly regarded former colleagues; and

WHEREAS, John Wyland Marvel was born in Battle Mountain, Nevada, on September 11, 1926, and, after graduating as valedictorian of his class at Battle Mountain High School, served in the United States Army's 19th Infantry Regiment during World War II and was honored for his service with the Asiatic-Pacific Campaign Medal, the Army of Occupation Medal and the World War II Victory Medal; and

WHEREAS, After earning a bachelor of arts degree at the University of Nevada, Reno, in 1951, Mr. Marvel built a career as business manager of and working cowboy with one of the largest ranching operations in Nevada history, W.T. Jenkins Co., which was founded by his grandfather, and later he acquired and operated the Dunphy Ranch in Eureka County for over two decades; and

WHEREAS, This native Nevadan remained a loyal advocate for agricultural industries and the interests of this State's rural counties after he ran for the Nevada Assembly and was first elected in 1978, serving for 30 years, including 15 regular and 11 special sessions; and

WHEREAS, Assemblyman Marvel served as an invaluable member and leader of many legislative committees and contributed to forming countless public policies affecting the people of the State of Nevada, though he was proudest of his legislative efforts to support education, to secure funding for the University of Nevada School of Medicine and to reform the prison system, tax structure and water laws of this State; and

WHEREAS, Mr. Marvel earned distinction during his service in the Nevada Legislature through his contributions to national and regional legislative organizations, including the American Legislative Exchange Council and the Western Legislative Conference, and in 2009 was added to the Assembly Wall of Distinction; and

WHEREAS, A recognized expert in many fields, this distinguished Nevadan served as Chairman of the Nevada Tax Commission and the Lander County Planning Commission and as a member of the Advisory Council to the National Public Land Law Review Commission and, after his legislative service, served on the Nevada Commission on Ethics; and

WHEREAS, Mr. Marvel will be fondly remembered by those who have had the good fortune to work with him as a thoughtful, caring, down-to-earth, responsible man with a great sense of humor, who always thought of others' needs first; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 77th Session of the Nevada Legislature hereby extend their deepest condolences to former Assemblyman Marvel's wife Willie, his children Sharon, John and Michelle, and his brother Thomas; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to John's wife of more than 60 years, Willie Shidler Marvel.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady, Ohrenschall, Ellison, Stewart, Sprinkle, Carlton, Horne, and Madam Speaker.

ASSEMBLYMAN GRADY:

As set forth in the resolution before us, the State of Nevada lost a true statesman and steadfast public servant, and a real cowboy, with the passing of former Assemblyman John W. Marvel on March 16, 2013. Fewer than half of the current members of this body had the privilege of serving with John, whose last session here was the second Special Session of 2008. I feel so fortunate to have known and worked with John. He was simply an outstanding state legislator—a man who devoted 30 years of his life to serving the people of the State of Nevada here in the Assembly.

To all of his family and loved ones gathered with us today, the members of this body extend our deepest condolences on the passing of a good friend and one of our finest members.

The members of this body in 2009 wisely added John W. Marvel to the Assembly Wall of Distinction, an honor reserved only for those past members who served with great distinction and who made exemplary contributions to the State of Nevada. That description totally matches the legacy left to us by John Marvel.

The resolution before us does an excellent job of summarizing the life and accomplishments of John Marvel, but the very nature of such a special human being and public servant is so hard to capture in words. Let me just say that John was the best.

For 30 years, John Marvel served this body with wisdom, integrity, hard work, and good humor. In 1985, he finally got the opportunity to chair a standing committee of the Assembly and was rewarded for his knowledge and past service with the chairmanship of the Ways and Means Committee. I always think that was his favorite committee. I understand from a staffer who served back then that upon assuming his new duties, Chairman Marvel announced that Ways and Means would be convening at 7 a.m. each morning. For a cowboy and rancher like John, that was probably a little late in the day to start work. But not all of his committee members felt the same way. Despite a good deal of whining about the early start, John's schedule stayed in place for most of that session.

John was always remembered for his gentle good humor. He was patient, soft-spoken, seldom angry, never rushed, and never flustered. Those who did not know him well sometimes underestimated him, but they soon learned, at their great cost, that his quiet, unassuming demeanor concealed an acute talent for political calculation. They rarely made the mistake a second time. He knew how to play his cards close to the chest. It was these formidable political talents that made him a force to be reckoned with in this Assembly.

John was passionately devoted to the interests of rural Nevada. Those of you who served with him on the Public Lands Committee will remember that when the committee met in Ely, Elko, Battle Mountain, or Winnemucca, he was always very proud to show the city slickers from Las Vegas a little bit of the real Nevada.

On a personal note, John's wife Willie was his most devoted constituent. She often attended floor sessions and sat with him at his desk in the Assembly. Y Martin was his faithful secretary for many years, like a member of the family, and she ran his office and kept him on schedule. This was the kind of loyalty that John inspired in those around him.

The resolution points out that John successfully sponsored legislation on a wide variety of subjects throughout his 30 years of service. Among those, he was proudest of his legislative efforts to support education; to secure funding for the University of Nevada School of Medicine; and to reform the prison system, tax structure, and water laws. Those alone are monumental accomplishments for which we are all grateful.

On a very personal note, when John left our Assembly, I asked for this desk, which was John's. I was very pleased to take over, and we still have the John Marvel commemorative candy jar that he also left. He left me instructions: "If you get that desk and you keep my candy jar, you make damn sure it's filled all the time." So we have made sure that his candy jar is filled all the time.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Concurrent Resolution No. 5. I had the privilege of serving with former Assemblyman Marvel. I also had the privilege of getting to know him before I got elected. I want to share a couple of memories that mean a lot to me. One session, I remember when he and Willie would be there at the desk every day, and how devoted they were to each other and how doting he was to Willie.

I remember whenever something would come up involving the University of Nevada, Reno, former Assemblyman Marvel was very particular, and he always wanted to correct that. It was "University of Nevada" to him, not the "University of Nevada, Reno." I had the chance to talk to his grandson, Dusty. Dusty and I went to school together and learned that one of his proudest accomplishments was the South Fork Reservoir up near Elko and the state recreation area that is near there.

I do remember the 1995 Session. I got to speak to former Speaker Hettrick today and former Co-chair Assemblyman Arberry of the Ways and Means Committee. Chairing that committee was not easy—nobody knew how to handle that committee—but John and former Assemblyman Arberry did; they made it work. They alternated days, but they made it work. It could have been a disaster, but the two of them—one of urban Nevada, one from rural Nevada—achieved great success. I rise in support and I am glad the Assembly is doing this.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Concurrent Resolution No. 5. My friend and mentor, John Marvel, served in the Nevada Legislature from 1979 to 2008. He worked hard as a rancher in Battle Mountain to support and care for his family. He also worked hard in care for the state. He was passionate for rural Nevada and diligently monitored laws and regulations that might impact the land of his fellow Nevadans. John leaves his wife Wilburta, "Willie"; three children, Sharon, John, and Michelle; and ten grandchildren. Several years ago, we had NACO honor John, not only for his many years of service, but his loyalty to his counties and this state.

I can tell you at about the age of five, we bought horses from John Marvel named Tonka and Cowboy. I had never been bounced so many times on my rear as I was by Cowboy. My sister went on to rodeo with Tonka, but that is how many years we go back with John Marvel and his family. John was my mentor along with John Carpenter, so these two desks here mean a lot to me. I ask that everybody please keep in honor and remember the family on this day.

ASSEMBLYMAN STEWART:

I stand in support of A.C.R. 5. I have the honor of occupying John's former office. Every day I walk in there and I think of John Marvel and the legacy he left to this body. It has a great effect upon me to never disgrace his name. When I arrived here in 2007 as a semi-city slicker, John Marvel took me under his wing, and I learned a great deal from the wisdom of this great Nevadan and great rancher. I would request from his family a picture of him, so that we could put it in that office to permanently make it the John Marvel office; that would be very much appreciated.

I very much appreciate all that John has meant to us and the courage that he showed in the 2003 Session and the vote that he made there, which was a very courageous vote. I am very grateful for having known him and for the legacy that he left.

ASSEMBLYMAN SPRINKLE:

I am honored and pleased to be able to stand here today to talk about John. It may seem a little strange in what I am about to say, because in 2006 he was my opponent the first time I ran for the Assembly. Obviously, I lost, and I have said ever since then that I could not have lost to a better person. I learned so much from this man about how you treat people respectfully; how you can negotiate; how you can have differences of opinion and still be good to one another. This is something that I have kept with me this entire time. It is something that I will continue to keep with me as I progress through my professional career here in this building, but also my

personal life. This man meant a lot to me, and I really appreciate having had the time to be with him.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Concurrent Resolution No. 5. I would like to share a message from a former colleague, Chris Giunchigliani, otherwise known as Chris G. She wanted to make sure this was shared with the family today:

> I had the honor of serving with John, and he was a true statesman. John loved Willie dearly, and his family always came first, then the rurals, then the state as a whole. He voted for what he believed was right, despite any criticism. He understood compromise. The public school kids in Nevada still owe him a great thanks for his vote in 2003. He was a cowboy with a really big heart.

ASSEMBLYMAN HORNE:

I rise in support of A.C.R. 5. I have got a couple short stories about John Marvel. My freshman session here, I remember my colleague over in the Senate, Kelvin Atkinson, and I would be on this floor, and former Assemblyman Marvel would speak in that gravelly voice of his. Kelvin and I would look at each other and say, "What the hell did he just say?" If everybody remembers in 2003—that was the double special session—we went into July, and I remember John was speaking on the floor, and I said, "Been here too long," because I understood every single thing he said.

Also, my son was born that session—my freshman session—and I remember when he was born John said, "That is a good looking boy, that iss a good looking boy." He never failed to stop—even in subsequent sessions—to just stick his head in my office and ask how my family was and, "How is that boy of yours? That is a good looking boy." I will never forget that.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I think Mr. Marvel did bring a lot to the freshman coming into the session. He did not let you get down the hallway very far without stopping you and asking you who you were and what you were doing in the building. If you did not give the right answer, you got an earful. My freshman session I sat on Natural Resources. That was a good committee, but it probably was not my committee, and I had asked a question and said to a bunch of ranchers, "I don't have any paperwork. I'm trying to learn. I'm from southern Nevada."

Mr. Marvel said to the folks, "She don't have nothin' to read?" He looked at me and said, "Are you gonna' read all that if I get it to your office?"

I said, "Yes." By the time I got to my office, I had three copy boxes full of paper of everything I wanted to know about the state and the rules, and he came by to say, "Is that enough information? Because I can get more." I still have some of that. I think that it is important that we remember folks in this building and their contributions to the state for the historical part of the state. I want to thank the family for allowing us to be part of this today.

Resolution adopted unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess in order to hear a special tribute for former Assemblyman John Marvel.

Assembly in recess at 11:42 a.m.

REMARKS FROM THE FLOOR

Assemblyman Horne moved that the following remarks be entered in the Journal.

Motion carried.

FORMER SPEAKER RICHARD PERKINS:

Thank you for this privilege that I honestly thought I would never have the opportunity to experience again. Unfortunately, it is on the occasion of the loss of a great Nevadan.

There are many stories I could tell about John—some I will not tell in this company, as you might imagine. I remember as a freshman walking into these chambers—I sat in the back—and John, as many have already described, would greet you as if you were family. We got to talking and he asked me how old I was, and his quip was, "You know, I've got boots older than you." And that was just kind of how John would break the ice.

John Marvel was one of the most knowledgeable, most hardworking, dedicated legislators that I had ever served with. His dedication to this body was only surpassed by his dedication to his family, and mostly to his wife.

He was a very courageous legislator. Some agreed with him, some disagreed with him in 2003 on July 22, when we finished our second special session. The issues, many of you will remember, had to do with the budget and whether or not there would be a tax increase that session, not unlike many of the debates you have had since. And John was that Nevadan who stepped up to end our impasse and let the budget move forward.

He truly respected this institution—respected it more than I can express to you. He represented his district faithfully, and he had such a great wit about rural life and how our effects in this body would affect those folks in rural Nevada. He had an unsurpassed knowledge of our budget. He was quite a promoter of the Prison Industries section of the budget. He wanted to make sure we were getting the best bang for our buck in our correctional system and that Nevadans would benefit if we had to pay for the cost of incarcerating people that we would benefit from their labor.

Madam Speaker, I do also recall serving many hours, long hours, in the Ways and Means Committee room and having to excuse myself to use the men's room. It was right there, attached to that, and you always knew when John was there because you could smell the clove cigarettes coming from one of the stalls—too polite to ask if he was there—but you did not have to ask.

I truly learned a lot about service in this body from John Marvel. John instilled in me an understanding that my service here was not about being a Republican or Democrat, not being from the north or south, it was about being a Nevadan. More importantly, I can tell you that John was my friend. It was a true honor to serve here with John Marvel.

FORMER ASSEMBLYMAN LYNN HETTRICK:

I appreciate the opportunity to speak on the floor again. It is a privilege to be back in this house. Much has been said already about John Marvel, and I do not want to duplicate what has been said—truly a fine human being, a great guy, always had a smile, always had a quip. I chuckled when a comment was made by the Majority Leader. John would kind of mumble when he talked, and it could be hard to understand him. He would get rattling on about what he was doing—you always knew exactly what he was talking about—he was always right. If you sat next to him in committee or anywhere on the floor, it was hard not to laugh out loud, because John always had a comment to make under his breath, and occasionally some of those came back to haunt him. Many of the people in this body will remember a time when the microphones were turned on in the committee rooms, and John one time made a statement that I think was misunderstood. But it did not matter whether it was or not. It went out over the air and was heard by anyone who was listening to that committee hearing. It created a firestorm of controversy, but it was just absolutely John Marvel. It has been said already—he was a great

guy. He was fun to serve with; he really was knowledgeable. Nobody cared more for his wife. Willie has been less than healthy for many, many years. He was totally devoted to Willie. It was a privilege to serve with him.

FORMER ASSEMBLYMAN MORSE ARBERRY, JR:

This is an honor to be able to talk about my friend. I will try to put a different spin on it. I had an opportunity—I guess I was the longest serving with John. I never called him John: I called him Mr. Marvel. As long as I have known him over the years—the twenty-some years that we have served together—as everyone has stated, he has always been a statesman. Well, when John first got ill, he was no longer in this body—we were having Interim Finance and someone came over, I think it was Mark Stevens that told me that John was in the hospital. I adjourned the meeting very early so I could go over and see my friend. I went over to the hospital and the lady said, "He is in intensive care. You have to be immediate family to get in to see John." I said, "Can't you look at me and tell I'm his brother?" They let me in. I went to see John, and he had this air thing in his mouth and everything, but I was so glad that he was doing well.

When you mentioned the smoking room, I called it John's smoking room because you might not even realize it, but there used to be smoking in this building. When I was a freshman and a sophomore, the chairman of Ways and Means was Marvin Sedway. He smoked like a chimney, John smoked like a chimney, and I had to sit between John and Sedway in the Committee on Ways and Means. You have no idea, when they banned smoking in the building, these guys did not take that very well. They were the worst. So that is why, when they mention about the clove-smelling cigarettes, John would be in his smoking room, in the bathroom, and he would let me know.

I need to say to you that John, out of all the years, when, as a chair—some of you know that as a chair your staff comes in and says to you, "Where do you want everyone to sit?"—all those years John sat right next to me. There was a reason for that, and the reason I did that was I needed a Republican view, because I knew that if something was not going to pass, John had his fingers on the pulse. I would lean over and we would just sit and talk sometimes during the hearing, and I would say, "John, is that going to pass the Republicans?' "No." If it was going to pass, he would let me know.

Sometimes, as they mentioned, he would mumble along. When we first went live on the mics, as Lynn mentioned, I told John that morning—I said, "John, the mics are going to be live, today. People are going to hear us on their computers, so you really, really, really got to be careful of what you are going to say today." As soon as I banged that gavel, John said, "#!&#!!" Here comes the press. We had a wonderful week, but I loved him. I would never have traded him. He was a wonderful gentleman.

One day we were having a committee hearing and it went a little long. Willie steps into the back of the committee hearing room, and John did not see her. All of a sudden I hear from the back of the room, "Hey" and I turned around and said, "Hey" back. She was trying to get John's attention. That is the kind of family we were, and we served together in a dual process. It was an honor serving with Mr. Marvel, because we made Ways and Means work as a Democrat and a Republican. To the family, you had a great, great, great man, because he really loved this process.

FORMER ASSEMBLYMAN DAVID GOLDWATER:

I certainly share former Speaker Perkins' sentiment about the privilege of being able to speak on the floor today of former Assemblyman Marvel, or as one snot-nosed, irreverent, disrespectful kid-member of this body used to call him: Marvelous. Marvelous was not only a friend to most, he was a good friend to almost everybody he met. We are all different communicators, and we have spoken about John's communication methods, but you knew what he was saying even though he did not articulate the way some people articulate. That same snot-nosed, irreverent kid also did, what I consider, a spot on, fantastic John Marvel impression. That

impression was something where people would laugh, but nobody laughed harder than John Marvel when that kid would do that impression.

Professor Pavlov also had a theory, and I think that theory works real well. To this day, when you smell the smoke of clove, rather than getting all caught up in the smell of it, you kind of smile; I always did in this building. I think in this building it is still hanging around, and it still brings a smile to my face.

John Marvel was the gold standard of how to represent your district. I think if anybody learned anything in this building on how to represent the area to which you were elected, the gold standard is and will continue to be John Marvel. He also was a gold standard of how to treat a woman, your wife. For me—to watch how a couple married that long, how a man looks after them—it was something I had never seen before, it was something I was extremely impressed with, and it was something I will take in for the rest of my life. He was a gentleman; he was a cowboy; he was a statesman. It was an honor to have known him, and he will always be part of the fabric of Nevada.

ASSEMBLY IN SESSION

At 11:55 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Grady moved that all rules be suspended and that Assembly Concurrent Resolution No. 5 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Horne moved that Assembly Bills Nos. 9, 58, 168, 209, 218, 226, 244, 283, 293, 306, 327, 336, 345, 403, and 414, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time.

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

Amendment No. 178.

AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; **providing for the creation and duties of a Charter Committee;** authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; making various other changes to the Charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Reno. **Sections 1 and 2** of this bill adopt certain definitions and rules of construction applicable to the Charter as a whole. **Section 1.5 of this bill provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter.** **Section 6** of this bill expands the prohibition against holding other employment or another office, which is applicable to the Mayor or a Council Member. ~~[Section 7 of this bill revises the procedure by which the City Council may establish additional appointive positions, outside the City's Civil Service System, for officers and employees of the City.]~~ **Section 9** of this bill provides that certain provisions applicable to appointive officers also apply to appointive employees of the City. **Section 15** of this bill authorizes the Mayor and any Council Member to waive the payment of any part of the salary or benefits otherwise payable to him or her and establishes the requirements for such a waiver. **Section 27** of this bill prohibits the Mayor and Council Members from giving orders to any subordinate of the City Manager, or otherwise dealing directly with such a person.

The existing provisions of the Charter permit the City Council to establish additional departments in the Municipal Court and thereby increase the number of Municipal Judges. (Reno City Charter § 4.010) **Section 28** of this bill ~~[authorizes]~~ **prohibits** the Council ~~[to reduce the number of departments and]~~ **from reducing the term of office of any** Municipal ~~[Judges.]~~ **Judge.**

Sections 31 and 32 of this bill revise provisions relating to the general city election to clarify that the election is to occur concurrently with the statewide general election. **Section 34** of this bill establishes a procedure for determining a tie vote in any city election.

Under existing law, various provisions governing the examination, appointment and transfer of employees in the Civil Service System are codified in the Charter. (Reno City Charter §§ 9.090, 9.190-9.250) **Section 47** of this bill repeals those provisions, and **section 43** of this bill provides

that such matters are to be governed by the rules of the City's Civil Service Commission. **Section 44** of this bill expands the list of characteristics that may not affect appointment to or removal from a position in the Civil Service.

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

Section 1. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.011, 1.012, 1.013, 1.014, 1.015, ~~[1.016,]~~ 1.017, 1.018 and 1.019, respectively, immediately following section 1.010, to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.012 "City" defined. "City" means the City of Reno in Washoe County, Nevada.

Sec. 1.013 "City Council" or "Council" defined. "City Council" or "Council" means the governing body of the City.

Sec. 1.014 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020.

Sec. 1.015 "Commission" defined. "Commission" means the Civil Service Commission created by section 9.030.

~~***[Sec. 1.016 "Council Member" defined. "Council Member" means a member of the City Council, other than the Mayor.]***~~

Sec. 1.017 "County" defined. "County" means Washoe County, Nevada.

Sec. 1.018 "State" defined. "State" means the State of Nevada.

Sec. 1.019 Construction of Charter.

1. Except where the context by clear implication otherwise requires, this Charter must be construed as follows:

(a) The titles or leadlines which are applied to the articles and sections of this Charter are inserted only as a matter of convenience and ease in reference and are not intended to limit the scope or intent of any provision of this Charter.

(b) Words in the singular number include the plural, and words in the plural include the singular number.

(c) Words in the masculine gender include the feminine, and words in the neuter gender refer to any gender.

2. This Charter being necessary to secure and preserve the public health, safety, prosperity, security, comfort, convenience, general welfare and property of the residents of the City, ~~[the rule of strict construction has no application to this Charter, and]~~ it is expressly declared that it is the intent of the Legislature that each of the provisions of this Charter be liberally construed to effect the purposes and objects for which this Charter is intended, and the specific mention of particular powers must not be construed as limiting in any way the general powers which are necessary to carry out the purposes and objects of this Charter.

Sec. 1.5. **The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.140, 1.150 and 1.160, respectively, immediately following section 1.130, to read as follows:**

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation, serves a term of 4 years;

(c) If appointed by members of the Assembly delegation, serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

3. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

Sec. 1.150 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Charter Committee;

3. Meet jointly with the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter;

4. If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;

5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and

6. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.

Sec. 1.160 Charter Committee: Removal of member; grounds. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including failure or refusal to perform the duties of the office, absence from three successive regular meetings or ceasing to meet any qualification for appointment to the Charter Committee.

Sec. 2. Section 1.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Section 1.010 ~~[Preamble: Legislative intent.]~~ ***Purpose; other laws.***

1. In order to provide for the orderly government of the City of Reno and the general welfare of its citizens the Legislature hereby establishes this Charter for the government of the City of Reno. ~~[It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.]~~

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS) which are not in conflict with the provisions of this Charter apply to the City of Reno.

Sec. 3. Section 1.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Sec. 1.020 Incorporation of City.

~~[1.]~~ All persons who are inhabitants of that portion of the State ~~[of Nevada]~~ embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Reno" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

~~[2. Whenever used throughout this charter, "City" means the City of Reno.]~~

Sec. 4. Section 1.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 482, Statutes of Nevada 1973, at page 714, is hereby amended to read as follows:

Sec. 1.030 Description of territory.

1. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and County Assessor **,** ~~[of Washoe County,]~~ as such plat is amended from time to time.

2. The territory described in paragraph (a) of subsection 2 of section 1 of article I of chapter 180, Statutes of Nevada 1949, lying within the City ~~[of Reno]~~ is hereby detached from the City ~~[of Reno]~~ and is included within the boundaries of the City of Sparks.

Sec. 5. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In ~~[such a case,]~~ ***filling a prospective vacancy,*** each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter.

Sec. 6. Section 1.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 1.080 Mayor and Council Members not to hold other office or employment.

1. The Mayor and Council Members shall not:

(a) Hold any other elective ***or appointive*** office ***,*** ~~[or employment with Washoe County or the City,]~~ except as provided by law or as a member of a board or commission ***which is ancillary to the office of Mayor or Council Member and*** for which no compensation is received.

(b) ***Hold any other employment with the County, the City or any other political subdivision of the State which is governed or advised by a board or commission to which the Mayor or Council Member may be appointed in the course of his or her duties as Mayor or Council Member.***

(c) Be appointed to any office or position created by or the compensation for which was increased or fixed by the City Council until

1 year after the expiration of the term for which ~~[such person]~~ ***the Mayor or Council Member*** was elected.

2. Any person who violates the provisions of subsection 1 shall automatically forfeit his or her office.

Sec. 7. ~~[Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:~~

~~Sec. 1.090 Appointive [officers.]~~ ***offices and positions.***

~~1. The City Council shall provide for the appointment of a City Manager to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.~~

~~2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.~~

~~3.~~ ***The City Council shall appoint a City Clerk.***

~~***4.*** The City Council may establish such other appointive offices as it [may deem]~~ ***deems*** ~~necessary for the operation of the City by designating the [position]~~ ***office*** ~~and the qualifications therefor by [ordinance.]~~ ***resolution.*** ~~Appointive offices~~ ***established pursuant to this subsection*** ~~are limited to [the head of each department or division except:~~

~~(a) One immediate assistant for the Director of Public Works.~~

~~(b)]~~ ***:***

~~***(a) Department heads;***~~

~~***(b) Division heads; and***~~

~~***(c)*** Special technical staff members who report directly to the City Manager.~~

~~[(c) In the Fire Department and Police Department, no positions below the office of Chief.~~

~~Appointment of such officers must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.~~

~~4. A City Clerk must be appointed by the City Council.]~~

~~***5. In addition to clerical and administrative assistants appointed by the City Manager pursuant to subsection 2 of section 3.020, the City Council may establish such other appointive positions as it deems necessary for the operation of the City by designating the position and the qualifications therefor by resolution, except that no such proposed resolution may be adopted until after the Commission has been***

~~*provided a reasonable opportunity to comment on the proposed resolution.*~~

~~*— 6. The City Manager shall appoint persons to, and remove persons from, appointive offices established pursuant to subsection 4 or appointive positions established pursuant to subsection 5, except that the appointment of the Chief of Police and the Fire Chief must be confirmed by a majority vote of the members of the City Council to become effective. If an appointment of the Chief of Police or the Fire Chief is not confirmed by the City Council, the City Manager shall continue to name appointees until an appointment is confirmed by the City Council.*~~

~~*— 7. The City Manager may authorize any person holding an appointive office established pursuant to subsection 4 to appoint any subordinate to, or remove any subordinate from, an appointive position.*~~

~~*— 8. As used in this section:*~~

~~*— (a) "Department head" means a person whose primary duty is the management of a city department.*~~

~~*— (b) "Division head" means a person whose primary duty is the management of a division within a city department.*~~

~~*— (c) "Special technical staff member" means an Assistant City Manager or any other staff member whose duties are intellectual, varied in character and require the application of independent judgment, and whose successful performance directly supports the accomplishment of the goals of the City.]*~~ **(Deleted by amendment.)**

Sec. 8. Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:

Sec. 1.100 Appointive officers ~~[:]~~ ***and appointive employees:*** Miscellaneous provisions.

1. All appointive officers ~~[,]~~ ***and appointive employees,*** except the City Clerk and his or her deputy, shall perform such duties as ~~[may be]~~ ***are*** designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City ~~[and]~~ who is appointed to any position provided for in section 1.090 does not lose his or her Civil Service rating while serving in that position.

3. ~~[All appointive officers are entitled to all employment benefits to which Civil Service employees are entitled.~~

~~— 4.]~~ The City Council may require from all other officers and employees of the City constituted or appointed under this Charter,

except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

Sec. 9. Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1964, is hereby amended to read as follows:

Sec. 1.110 Appointive officers ~~[:]~~ ***and appointive employees:*** Duties; salary ~~[.]~~ ***; benefits.***

1. All appointive officers ***and appointive employees*** of the City, ***including those appointed by the City Council,*** except ~~[the]~~ ***:***

(a) The City Manager ***;***

(b) The City Clerk and the chief deputy and the Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) Assistants appointed by the City Attorney pursuant to section 3.060; and ~~[the]~~

(d) The members of the City Board of Health ***and the City Health Officer, if the City administers the operations of the Board of Health,***

↳ shall perform ~~[such]~~ ***their*** duties under the direction of the City Manager ~~[, as may be]~~ ***or as*** designated by the City Council ~~[.]~~ ***through the City Manager.***

2. All appointive officers ***and appointive employees*** of the City ~~[shall receive such salary as may be]~~ ***are entitled to the salary*** designated by the City Council ~~[.]~~ ***through the adoption of a resolution establishing the salary ranges applicable to each office and position.***

3. All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.

Sec. 10. ~~[Section 2.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended to read as follows:~~

~~Sec. 2.020 City Council: Contracts. *Council* Members : [of the City Council:]~~

~~1. May vote on any lease, contract or other agreement which extends beyond their terms of office.~~

~~2. Shall not have any interest, directly or indirectly, in any lease, contract or other agreement entered into with the City.]~~ **(Deleted by amendment.)**

Sec. 11. Section 2.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, ~~*[Council Members,]*~~ other persons; subpoena power.

1. The City Council may:

(a) Provide for the punishment of ***the City Clerk or*** any member ***[Council Member]*** for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all papers relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such ***an*** order:

(a) The City Council or any member thereof ***[Council Member]*** may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) **[**Such Clerk**]** ***The clerk of the district court*** may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why **[**such**]** ***the*** person should not be held in contempt of court and upon ***the*** hearing of the matter may adjudge **[**such**]** ***the*** person guilty of contempt and punish him or her accordingly.

Sec. 12. Section 2.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 255, Statutes of Nevada 2001, at page 1131, is hereby amended to read as follows:

Sec. 2.040 Meetings: Quorum.

1. The City Council shall hold not less than two regular meetings each month. The times and dates of **[**the**]** ***regular*** meetings must be established by **[**ordinance.**]** ***resolution.***

2. ***Special meetings of the City Council may be held at the call of the Mayor . [or City Manager.]***

3. Except as otherwise provided in NRS 241.0355, a majority of all the members of the City Council ***[Members]*** constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

[3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.**]** ***[Council Members.]***

4. The meetings of the City Council must be conducted in accordance with chapter 241 of NRS.

Sec. 13. **[**Section 2.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1966, is hereby amended to read as follows:

Sec. 2.060 Meetings: Time and place; rules. The City Council may:

1. Fix the time and place of its meetings and judge the qualifications and election of **[**its own members.**]** ***Council Members.***

2. Adopt rules for the government of its **[**members and**]** proceedings **[.]** ***and Council Members.]*** **(Deleted by amendment.)**

Sec. 14. Section 2.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.070 Oaths and affirmations. The Mayor, ~~[Assistant]~~ ***the Vice*** Mayor while acting in the place of the Mayor, each Council Member and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City, before the City Council or to be considered by the City Council.

Sec. 15. Section 2.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 599, Statutes of Nevada 1993, at page 2499, is hereby amended to read as follows:

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders ~~[.]~~ ***; waiver of salary and benefits.***

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the ***Constitution of the*** State of Nevada, or to the provisions of Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.

2. When power is conferred upon the City Council to do and perform anything ~~[,]~~ and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.

4. The City Council shall have such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and subsection 6,*** the City Council shall not pass any ordinance ***or resolution*** increasing or diminishing the salary of any elective officer during the term for which he or she is elected or appointed. The City Council may pass an ordinance increasing the salary of a Municipal Judge during the term for which he or she is elected or appointed.

6. Except as otherwise prohibited or limited by statute or regulation or as otherwise provided in this subsection, the Mayor and any Council Member may waive the payment of any part of the salary and benefits otherwise payable to him or her during any budget year. Any such waiver must be in writing, does not extend beyond the current term of the Mayor or Council Member and may not be rescinded . ~~*[at any time.]*~~

Sec. 16. Section 2.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the City Council. The style of all ordinances ~~[shall]~~ ***must*** be as follows: "The City Council of the City of Reno ~~[do]~~ ***does*** ordain:".

2. No ordinance ~~[shall]~~ ***may*** contain more than one ***general*** subject ~~[, which shall]~~ ***matter and matters which pertain to or are necessarily connected with the general subject matter, and the general subject must*** be briefly indicated in the title. Where the ***general*** subject of the ordinance is not so expressed in the title, the ordinance is void **.** ~~[as to the matter not expressed in the title.]~~

3. Any ordinance which amends an existing ordinance ~~[shall]~~ ***must*** set out in full the ordinance or sections thereof to be amended, and ~~[shall]~~ ***must*** indicate matter to be omitted by enclosing it in brackets and ~~[shall indicate]~~ ***any*** new matter by underscoring or by italics.

Sec. 17. Section 2.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be ~~[referred to a committee for consideration,]~~ ***read to the City Council by title,*** after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance, or an amendment thereto, within 45 days after the date of publication.

2. At the next regular meeting or adjourned ***regular*** meeting of the City Council held at least 10 days after the date of publication, the ~~[committee shall report the ordinance back to the City Council. Thereafter, it]~~ ***proposed ordinance must be returned to the City Council for consideration and possible adoption. At that meeting, the title of the proposed ordinance*** must be read as first proposed or as amended, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, by unanimous consent of the City Council,

final action may be taken immediately or at an emergency meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published by title, together with the names of the ***members of the City*** Council ~~[Members]~~ voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City for at least one publication, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 18. Section 2.120 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1393, is hereby amended to read as follows:

Sec. 2.120 Codification of ordinances; publication of Code.

1. The City Council may codify and publish a Code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the City Council, have incorporated therein a copy of this Charter and such additional data as the City Council ~~[may prescribe. When such Code is published, two copies shall be filed with]~~ ***prescribes. Whenever the Code is published or revised, a copy must be provided to*** the Librarian at the County Public Library in Reno, the County Law Library and the Supreme Court Law Library. ***The requirements of this subsection are satisfied by the provision of a paper copy, an electronic copy or a copy of the Code in such other format as is requested by a library.***

2. The ordinances in the Code ~~[shall]~~ ***must*** be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor, attestations and other formal parts.

3. The codification ~~[shall]~~ ***must*** be adopted by an ordinance and ~~[shall]~~ ***must*** not contain any substantive changes, modifications or alterations of existing ordinances, and the only title necessary for the ordinance ~~[shall be,]~~ ***is,*** "An ordinance for codifying and compiling the general ordinances of the City of Reno."

4. The codification may be amended or extended by ordinance.

Sec. 19. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 216, Statutes of Nevada 2007, at page 726, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State **.** ~~[of Nevada.]~~ An offense that is made a misdemeanor by the laws of the State ~~[of Nevada]~~ shall ~~[also]~~ be deemed ***also*** to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunication service to the general public.

5. As used in this section:

(a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 20. Section 3.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; ~~[~~Assistant~~]~~ ***Vice*** Mayor.

1. The Mayor:

(a) Shall serve as a member of the City Council ~~***[Member]***~~ and preside over its meetings. ~~***[of the City Council.]***~~

(b) Shall not have any administrative duties.

(c) Must be recognized as the head of the City Government for all ceremonial purposes.

(d) Shall determine the order of business at meetings pursuant to the rules of the City Council.

(e) Is entitled to vote and shall vote last on all roll call votes.

(f) Shall take all proper measures for the preservation of the public peace and order and for the suppression of riots and all forms of public disturbance, for which he or she is authorized to appoint extra police officers temporarily and without regard to Civil Service rules and regulations, and to call upon the ***County*** Sheriff ~~[~~of Washoe County,~~]~~ or, if that force is inadequate, to call upon the Governor for assistance.

(g) Shall perform such other duties, except administrative duties, as ~~[~~may be~~]~~ ***are*** prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized pursuant to the provisions of a special charter.

2. At the first regular City Council meeting in November of each year ~~[.]~~ ***or whenever a vacancy occurs in the office of Vice Mayor,*** the City Council shall elect one of the Council Members to be ~~[~~Assistant~~]~~ ***Vice*** Mayor. That person:

(a) Holds that office and title, without additional compensation, for a term of 1 year or until removed after a hearing for cause by a vote of six-sevenths of the City Council ~~[.]~~ ***or the office otherwise becomes vacant.***

(b) Shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor if the office of Mayor becomes vacant until the vacancy is filled pursuant to section 1.070 of this Charter.

Sec. 21. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation.

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. The City Manager may appoint such clerical and administrative assistants as he or she ~~[may deem]~~ ***deems*** necessary.

3. ~~[He or she]~~ ***The City Manager*** may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

4. No ***member of the City*** Council ~~[Member]~~ may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

5. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.

Sec. 22. ~~[Section 3.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at page 736, is hereby amended to read as follows:~~

~~Sec. 3.030 City Manager: Removal.~~

~~1. The City Council may remove the City Manager from office in accordance with the procedure contained in this section.~~

~~2. The City Council shall adopt by affirmative vote of a majority of all [its members] *Council Members* a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 15 days. A copy of the resolution must be delivered promptly to the City Manager.~~

~~3. Within 5 days after a copy of the resolution is delivered to the City Manager, he or she may file with the City Council a written request for a public hearing. The public hearing must be held at a City Council meeting not earlier than 15 days nor later than 30 days after the request~~

~~is filed. The City Manager may file with the City Council a written reply not later than 5 days before the hearing.~~

~~4. The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all [its members,] *Council Members,* at any time after 5 days from the date when a copy of the preliminary resolution was delivered to the City Manager if he or she has not requested a public hearing or at any time after the public hearing if he or she has requested one.~~

~~5. The City Manager is entitled to receive his or her salary until the effective date of the final resolution of removal.]~~ **(Deleted by amendment.)**

Sec. 23. Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants ***for payment*** issued.

(d) Number and sign all ***business*** licenses issued by the City. All ***business*** licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one chief deputy and one Manager of Record Systems, who are not

subject to the provisions of article IX of this Charter. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

Sec. 24. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as ~~[may be]~~ ***are*** designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the ~~[Civil Service]~~ Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. The City Attorney may appoint and remove such assistants as he or she ~~[may require]~~ ***requires*** in the discharge of the duties of his or her office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it ~~[may deem]~~ ***deems*** proper to compensate such assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 25. Section 3.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.080 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of ~~[Washoe]~~ ***the*** County shall be ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

Sec. 26. Section 3.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 414, Statutes of Nevada 1975, at page 607, is hereby amended to read as follows:

Sec. 3.090 County Treasurer to be ex officio City Treasurer; duties.

1. The Treasurer of ~~[~~Washoe~~]~~ ***the*** County shall be ex officio City Treasurer and Tax Receiver of the City. The County Treasurer shall perform such duties for the City without additional compensation.

2. The City Treasurer shall, with the consent of the City Council, appoint the City Clerk or other city officer as Deputy City Treasurer to perform such duties as may be designated by the City Council.

3. The City shall compensate ~~[~~Washoe~~]~~ ***the*** County annually in an amount agreed upon by the City Council and the Board of County Commissioners of ~~[~~Washoe~~]~~ ***the*** County for the services rendered by the Treasurer of ~~[~~Washoe~~]~~ ***the*** County under this section.

Sec. 27. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.140 Interference ***and direction*** by City Council.

1. The Mayor or Council Members shall not dictate the appointment, suspension or removal of any City administrative officer or employee appointed by the City Manager or his or her subordinates. No person covered by the rules and regulations of the ~~[~~Civil Service~~]~~ Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. ***Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager.*** The City Council or <u>its members</u> ~~***[a Council Member]***~~ shall not ~~[~~deal~~]~~ ***:***

(a) Deal directly with a City official or employee on a matter pertaining to City business ***, except for the purpose of inquiry,*** but shall deal through the City Manager ~~[.]~~ ***; or***

(b) Give any order, publicly or privately, to any subordinate of the City Manager.

~~***[3. If the Mayor or any Council Member intentionally violates any provision of this section or votes in favor of the adoption of a resolution that violates this section, he or she is subject to removal from office in accordance with section 3.150 or chapter 283 of NRS, as applicable.]***~~

Sec. 28. Section 4.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 21, is hereby amended to read as follows:

Sec. 4.010 Municipal Court.

1. The Municipal Court must include one department and may include additional departments in the discretion of the City Council. If the City Council determines to create additional departments <u>, it</u> ~~[:~~

~~*(a) It]*~~ shall do so by resolution and may appoint additional Municipal Judges to serve until the next election.

~~*[(b) Subject to the limitations of subsection 2, it may thereafter reduce the number of departments.]*~~

2. The City Council may not reduce the term of office of any appointed or elected Municipal Judge.

Sec. 29. Section 4.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

(a) An attorney licensed to practice law in the State **.** **[**~~of Nevada.~~**]**

(b) A qualified elector within the City.

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 30. Section 4.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 1985, at page 676, is hereby amended to read as follows:

Sec. 4.040 Procedure, additional judges. The practice and proceedings in the Court must conform as nearly as practicable to that of justices' courts in similar cases. Upon the written request of the City Manager an additional temporary Municipal Judge may be provided for so long as the City Council authorizes additional compensation for such a Judge. **[**~~Whenever a person is sentenced to pay a fine, the Court may adjudge and enter upon the docket a supplemental order that the offender may, if he or she desires, work on the streets or public works of the City at the rate of $25 for each day. The money so earned must be applied against the fine until it is satisfied.~~**]**

Sec. 31. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. **[**~~On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards, one Council Member at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~3.~~ On the ~~[~~Tuesday after the first Monday~~]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2002, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

~~[4.]~~ ***2.*** On the ~~[~~Tuesday after the first Monday~~]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2002, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[5.]~~ ***3.*** On the ~~[~~Tuesday after the first Monday~~]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2004, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, ~~[~~three~~]~~ ***one or more*** Municipal Judges, ***other than the Municipal Judge referred to in subsection 1,*** all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

~~[6.]~~ ***4.*** On the ~~[~~Tuesday after the first Monday~~]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2004, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

Sec. 32. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of ~~[this]~~ ***the*** State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. ***The general election must be held on the date fixed by the election laws of the State for the statewide general election.***

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 33. Section 5.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 470, Statutes of Nevada 2005, at page 2304, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.5002 and 293.558, permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list upon payment of the cost established by ~~[state]~~ ***the*** election ~~[law.]~~ ***laws of the State.***

Sec. 34. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 24, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie ~~[by lot.]~~ ***as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose . ~~[, who shall cut the deck. Each]~~ One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds.*** The ***City*** Clerk shall issue to the winner a certificate of election.

Sec. 35. Section 6.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2106, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.140 and section 2.150, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;

2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; ~~[and]~~
13. Water projects ~~[.]~~ ***; and***

14. Any other projects authorized by the laws of the State, including, without limitation, chapter 271 of NRS.

Sec. 36. Section 7.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1980, is hereby amended to read as follows:

Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the City ~~[.]~~ ***, as shown on the tax list or assessment roll in effect as of the date of issuance of the municipal securities constituting the debt.***

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Warrants or other securities which are payable upon presentation or demand or within 1 year from the date thereof.

(b) Securities payable from special assessments against benefited property, whether issued pursuant to any general or special law and irrespective of whether such special assessment securities are payable from general ad valorem taxes.

(c) Securities issued pursuant to any general or special law the principal and interest of which are payable solely from revenues of the City derived from other than general ad valorem taxes.

Sec. 37. Section 7A.040 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, is hereby amended to read as follows:

Sec. 7A.040 "Engineer" defined. "Engineer" means the ***Director of Public Works, the*** City Engineer or ***a*** firm of engineers employed by the City in connection with any undertaking, any project or the exercise of any power authorized in this article.

Sec. 38. Section 8.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 561, Statutes of Nevada 1977, at page 1397, is hereby amended to read as follows:

Sec. 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax not exceeding 2 percent upon the assessed value of all real and personal property within the City except as otherwise provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied ~~[shall]~~ ***must*** be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State ~~[of Nevada]~~ for collection of State and County taxes. The revenue laws of the State ~~[shall,]~~ ***are,*** in every respect not inconsistent with the provisions of this Charter, ~~[be]~~ applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of the equalization of assessments, the rights of the City and the inhabitants thereof ~~[shall]~~ ***must*** be protected in the same manner and to the same extent by the action of the County Board of Equalization as are the State and County.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties ~~[shall,]~~ ***must,*** with such alterations or additions as ~~[may be]~~ ***are*** necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it ~~[may deem]~~ ***deems*** necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 39. Section 9.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 882, is hereby amended to read as follows:

Sec. 9.010 Civil Service: Objectives. The purpose of this article is to provide the City ~~[of Reno]~~ with an efficient workforce, with equity to all persons concerned. To attain this objective:

1. All appointments and promotions to positions in the Civil Service ~~[shall]~~ ***must*** be made on the sole basis of merit and fitness, without regard to non-job-related considerations.

2. Career and promotional opportunities ~~[shall]~~ ***must*** be readily available to employees.

3. A high level ***of*** performance ~~[shall be]~~ ***is*** required of employees to meet their obligations to the City administration, to the users of City services and to the taxpayers.

Sec. 40. Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 561, Statutes of Nevada 1977, at page 1398, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees ***of the City*** except:

(a) A person ***elected or*** appointed to a position pursuant to this Charter.

(b) A person ***who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.***

(c) A person employed by the City for less than 18 hours per week.

~~[(c)]~~ ***(d)*** A person for whose position half or more of the money is provided by a source other than the City.

~~[(d)]~~ ***(e)*** A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.

(f) An employee of the Municipal Court who is hired directly by the Court.

2. ***The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.***

3. Any employee whose position was within the provisions of the Civil Service System before ~~[May 15, 1977,]~~ ***the effective date of this act*** shall retain all rights and benefits to which he or she would otherwise be entitled under the ***Civil Service*** System.

Sec. 41. Section 9.040 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.040 Commission meetings. The Commission shall provide by rule for the holding of not less than one regular meeting per month, for special meetings as needed, for the election of one member as Chair, for the election of one member or appointment of a nonmember as Secretary, for public announcement of the time and place of meetings, and for meetings to be open to the public except as provided for by Commission rule. ***A special meeting of the Commission may be called by the Chair ~~[or the Chief Examiner]~~ of the Commission.***

Sec. 42. Section 9.050 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2501, is hereby amended to read as follows:

Sec. 9.050 Authority of Commission. Except as otherwise provided in ~~[subsection 3 of section 9.250 of this article,]~~ ***this Charter,*** the Commission has authority over and is responsible for:

1. All phases of the selection, appointment and promotion of employees in the Civil Service;

2. The appeal rights of such employees in regard to dismissal, demotion, suspension and disciplinary actions; and

3. The transfer of employees,

➥ together with all responsibilities assigned to the Commission by this article.

Sec. 43. Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. ~~[~~The~~]~~ ***Except as otherwise provided in this section, the*** Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. ~~[~~At~~]~~ ***The Commission shall give or cause to be given at*** least 10 days' notice of time and place of a ~~[~~hearing~~]~~ ***public meeting of the Commission*** on proposed rules ~~[~~shall be given~~]~~ by posting ~~[~~such~~]~~ ***the*** notice and a copy of each proposed rule on the bulletin board of each department and by giving ~~[~~three copies thereof~~]~~ ***a copy of the notice and each proposed rule*** to the ***City Council, the*** City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. ***At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.***

2. The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:

(a) The review and approval by the Commission of minimum qualifications set out in class specifications for positions.

(b) Open and promotional recruitment of employees.

(c) The development and scoring of examinations of candidates for positions.

(d) The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.

(e) Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.

(f) The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after

completion of any applicable probationary period, and procedures for the dismissal of probationary employees , including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the [heads] head of [departments] a department without right of appeal.

(g) Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

(h) Procedures for the transfer and layoff of employees.

(i) Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

[(j) Such other matters as the Commission determines are necessary or appropriate to carry into effect the provisions of this article.]

3. A copy of all rules adopted and all changes in them [shall] ***must*** be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be [printed and] distributed as it [shall deem necessary. Copies shall be] ***deems necessary, except that the Commission shall cause a copy to be made*** available to all officers and employees of the City [.

2.] ***on the City's website or in such other format as the Commission determines is appropriate.***

4. The head of each department may adopt [rules] ***procedures*** for the governance of his or her department not inconsistent with this article or ***the*** rules ***of the Commission*** adopted thereunder.

5. As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.

Sec. 44. Section 9.160 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.160 Prohibited acts.

1. No [appointments] ***appointment*** to or removal from a position in the Civil Service [shall] ***may*** be affected in any manner by any [individual's:] ***person's:***

(a) Race, color, national origin, ***age, sex, marital status, sexual orientation, gender identity or expression, disability,*** membership or nonmembership in an employee organization, [or] ***religion,*** religious beliefs or affiliations [.

~~(b) Sex, marital status, age, or physical or visual handicap except when the Commission has certified that such fact constitutes a reasonable occupational qualification or disqualification for employment.~~

~~(c)~~ ***, or any other characteristic for which such action is prohibited by the law of the State or of the United States, except when based upon a bona fide occupational qualification or otherwise authorized by law.***

(b) Political beliefs or affiliations except if that ~~[individual]~~ ***person*** advocates or is a member of any organization that advocates the overthrow of the government of the United States by other than lawful means.

2. ~~[No]~~ ***A*** person shall ***not*** practice any deception, fraud or unfair practice with respect to application, examination, employment or any other procedure authorized under this article or Commission rule, or in any information given to the Commission.

Sec. 45. Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 65, Statutes of Nevada 1981, at page 162, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. In all appeals to the Commission, the City Attorney shall represent the interest of the City.

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City ~~[of Reno]~~ and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an

order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district court. The Commission shall render its decision within 7 days after the date of the hearing.

4. The action taken by the City Manager may be affirmed, modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken is insufficient it must modify or revoke the action.

5. The Commission shall adopt a rule for the hearing and disposition of appeals concerning procedures or the content of examinations.

Sec. 46. Section 9.280 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 97, Statutes of Nevada 1995, at page 115, is hereby amended to read as follows:

Sec. 9.280 Disciplinary authority of Commission; judicial review.

1. Verified charges may be filed with the Commission setting forth cause for disciplinary action against any Civil Service employee by any resident of the City. The Commission may conduct investigations and hold such hearings as it deems appropriate to determine the facts. If the Commission finds the charges true it may order the suspension, dismissal or discipline of the employee.

2. The Commission on its own initiative may conduct investigations and hearings with respect to violations of this article or rules of the Commission and impose such sanctions as it deems appropriate.

3. ~~[Any]~~ ***Within ~~[30]~~ 180 days after service of the decision, any*** person who is aggrieved by a final decision of the Commission may petition ~~[for judicial review in the manner provided by chapter 233B of NRS.]~~ ***the district court in the County for relief in the form of a writ of certiorari, mandamus or prohibition where such relief is otherwise authorized by chapter 34 of NRS or other applicable law.***

Sec. 47. Section 7A.030 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, section 9.090 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, section 9.190 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, section 9.200 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.210 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.220 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.240

of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, and section 9.250 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2502, are hereby repealed.

Sec. 48. ~~[1.]~~ The amendatory provisions of this act apply prospectively.

~~[2. The limitation on appointive offices set forth in subsection 4 of section 1.090 of the Charter of the City of Reno, as amended by section 7 of this act, does not apply to any person holding such an appointive office before the effective date of this act.]~~

Sec. 49. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

Sec. 7A.030 "County" defined.
Sec. 9.090 Transfer of employees.
Sec. 9.190 Examinations, general.
Sec. 9.200 Open and promotional examinations.
Sec. 9.210 Assembled and continuous examinations.
Sec. 9.220 Examination scores.
Sec. 9.240 Eligible lists.
Sec. 9.250 Appointments.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 58.

Bill read second time.

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

Amendment No. 518.

The Title of Assembly Bill No. 58 is hereby amended as follows:

AN ACT relating to veterans; making the Office of Veterans Services the Department of Veterans Services; creating the Office of Veterans Policy and Coordination in the Office of the Governor; creating the Interagency Council on Veterans Affairs; revising provisions relating to donations for veterans homes; ~~[providing exceptions to provisions governing public works and lease-purchase agreements with respect to certain projects of the Department of Veterans Services;]~~ requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue annual permits for the free use of state parks and other recreational areas to certain veterans; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel Digest will be changed as follows:

Legislative Counsel's Digest:

Under existing law, the Office of Veterans Services has various duties and powers relating to veterans and servicemen and servicewomen and their dependents in Nevada, including assisting them with obtaining benefits to which they are entitled and any services that they require and providing administrative oversight of veterans homes and veterans cemeteries in Nevada. (Chapter 417 of NRS) **Section 14** of this bill changes the Office to the Department of Veterans Services, a state department. Accordingly, the Executive Director and Deputy Executive Director of the Office become the Director and Deputy Director of the Department, respectively. The Nevada Veterans Services Commission will now advise the Department instead of the Office. (NRS 417.190) **Sections 1-7, 13, 15-33, 45 and 48-50** of this bill make conforming changes.

Sections 8 and 9 of this bill create the Office of Veterans Policy and Coordination in the Office of the Governor. This Office is headed by an Executive Director who is in the nonclassified service. The Office of Veterans Policy and Coordination is charged with developing policies, initiatives and strategies concerning services provided to veterans and servicemen and servicewomen and their families and coordinating those services.

In 2012, the Governor established by executive order the Interagency Council on Veterans Affairs. (Executive Order 2012-15 (7-3-2012)) The Council was charged with identifying and prioritizing the needs of Nevada's veterans, working toward increasing the coordination of the efforts of public and private agencies to meet those needs and preparing a report of its findings and recommendations by December 31, 2013, for submission to the Governor. **Section 10** of this bill creates the Council in statute **_ ~~[.]~~ and prescribes its membership, which includes ex officio members and members appointed by the Governor.** **Section 11** of this bill provides that the Executive Director of the Office of Veterans Policy and Coordination serves as the Chair of the Council **_ ~~[and the Governor appoints the other members.]~~** **Section 11** also requires the Council to hold meetings at least once every 3 months. **Section 12** of this bill prescribes issues for the Council to study and requires the Council to submit a report of its findings and recommendations to each regular session of the Legislature.

The Gift Account for Veterans Homes is established under existing law to receive gifts of money or personal property which a donor has restricted to one or more uses at a veterans home. (NRS 417.145) As a result of the authorization of the creation of a veterans home in northern Nevada in **section 55** of this bill, **section 23** of this bill changes the existing Gift

Account for Veterans Homes to the Gift Account for the Veterans Home in Southern Nevada to be used for the deposit of gifts which donors have restricted to use at that home. **Section 23** also creates the Gift Account for the Veterans Home in Northern Nevada to be used for the deposit of gifts which donors have restricted to use at this new veterans home. **Sections 37-44 and 47** of this bill make conforming changes.

~~**[** Under existing law, public agencies, with certain exceptions, are mandated to comply with certain requirements relating to their public works projects. (Chapter 338 of NRS) Similar to the exception for the Nevada System of Higher Education, section 35 of this bill exempts the Department of Veterans Services from those requirements if at least 75 percent of the funding for the project is not money appropriated by the State or federal money, including, for example, private donations.~~

~~Certain state agencies are authorized under existing law to enter into lease-purchase agreements to acquire real property, an interest in real property or an improvement to real property under certain circumstances. (NRS 353.500-353.630) The Nevada System of Higher Education is not subject to the requirements relating to lease-purchase agreements unless it is anticipated that payments under the agreement will be made with state appropriations. (NRS 353.540) Section 36 of this bill extends this same exemption to the Department of Veterans Services for lease purchase agreements for which the payments will not be made with state appropriations, but instead with money from private donations, for example.**]**~~

Under existing law, the Division of State Parks of the State Department of Conservation and Natural Resources is required to issue an annual permit for the free use of all state parks and recreational areas in this State to persons who are 65 years of age or older and who meet certain residency requirements. (NRS 407.065) Section 46 of this bill extends this same benefit to a veteran with a permanent service-connected disability of 10 percent or more who received an other than dishonorable discharge from the Armed Forces of the United States and who is a resident of Nevada.

Section 8 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 8. ***1. There is hereby created within the Office of the Governor the Office of Veterans Policy and Coordination.***

2. The Governor shall propose a budget for the Office of Veterans Policy and Coordination.

3. The Governor shall appoint the Executive Director of the Office of Veterans Policy and Coordination. To be eligible for appointment as the Executive Director, a person must:

(a) Be an actual and bona fide resident of the State of Nevada; and

(b) Possess an honorable discharge from a branch of the military and naval service of the United States.

4. The Executive Director is not in the classified or unclassified service of this State and serves at the pleasure of the Governor. The Executive Director shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.

~~[4.]~~ 5. The Office of Veterans Policy and Coordination shall consist of the Executive Director and not more than 10 employees.

6. Employees of the Office of Veterans Policy and Coordination are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Section 9 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 9. *The Executive Director:*

1. Shall direct and supervise the administrative and technical activities of the Office of Veterans Policy and Coordination.

2. As directed by the Governor, shall identify, recommend and carry out policies , initiatives and strategies relating to the provision of services to veterans and servicemen and servicewomen and their families in Nevada, including, without limitation, the funding, delivery and coordination of those services.

3. Shall work in coordination with the Department and the Interagency Council on Veterans Affairs to carry out the policies , initiatives and strategies described in subsection 2 ~~[.]~~ and to communicate those policies, strategies and initiatives to veterans and servicemen and servicewomen and their families.

4. Shall work to increase collaboration and coordination between the State of Nevada and veterans and veterans organizations.

5. Shall collaborate and coordinate with the Federal Government and the appropriate officials of other states to develop best practices for the provision of services to veterans and servicemen and servicewomen and their families.

6. Shall develop recommendations for proposed legislation regarding veterans and servicemen and servicewomen and their families.

7. On or before February 15 of each year, shall submit a report concerning the activities of the Office of Veterans Policy and Coordination during the preceding calendar year to the Nevada Veterans Services Commission, the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction over the subject matter; or

(b) If the Legislature is not in session, the Legislative Commission.

8. May apply for and accept any gift, donation, bequest, grant or other source of money to assist the Executive Director in carrying his or her duties.

~~[5.]~~ 9. May adopt such regulations as may be necessary to carry out the provisions of this section.

Section 10 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 10. *1. The Interagency Council on Veterans Affairs is hereby created. The Council consists of:*

(a) The Executive Director of the Office of Veterans Policy and Coordination;

(b) The Director of the Department of Business and Industry;

(c) The Director of the Department of Corrections;

(d) The Director of the Department of Employment, Training and Rehabilitation;

(e) The Director of the Department of Health and Human Services;

(f) The Director of the Department of Public Safety;

(g) The Director of the Department of Veterans Services;

(h) The Adjutant General;

~~[(h)]~~ (i) The Chancellor of the Nevada System of Higher Education;

~~[(i)]~~ (j) The Executive Director of the Office of Economic Development;

~~[(j)]~~ (k) The Executive Director of the Nevada Indian Commission; and

~~[(k)]~~ (l) Any other persons appointed by the Governor, including, without limitation, representatives of federal and local governmental agencies and private entities that provide services to veterans. Members appointed pursuant to this paragraph serve at the pleasure of the Governor.

2. A member of the Council set forth in paragraphs (b) to ~~[(j),]~~ (l), inclusive, may designate a person to represent him or her at any meeting of the Council. The person designated may exercise all the duties, rights and privileges of the member that he or she represents.

Section 35 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 35. ~~[NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter:~~

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~3. "Contractor" means:~~

~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~

~~(b) A design-build team.~~

~~4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker~~

~~or workers employed by them on public works by the day and not under a contract in writing.~~

~~5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.~~

~~6. "Design-build team" means an entity that consists of:~~

~~(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~(b) For a public work that consists of:~~

~~(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.~~

~~(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.~~

~~7. "Design professional" means:~~

~~(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~

~~8. "Division" means the State Public Works Division of the Department of Administration.~~

~~9. "Eligible bidder" means a person who is:~~

~~(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~13. "Offense" means failing to:~~

~~(a) Pay the prevailing wage required pursuant to this chapter;~~

~~(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~(d) Comply with subsection 4 or 5 of NRS 338.070.~~

~~14. "Prime contractor" means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~(c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~

~~The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~

~~16. "Public work" means any project for the new construction, repair or reconstruction of:~~

~~(a) A project financed in whole or in part from public money for:~~

~~(1) Public buildings;~~

~~(2) Jails and prisons;~~

~~(3) Public roads;~~

~~(4) Public highways;~~
~~(5) Public streets and alleys;~~
~~(6) Public utilities;~~
~~(7) Publicly owned water mains and sewers;~~
~~(8) Public parks and playgrounds;~~
~~(9) Public convention facilities which are financed at least in part with public money; and~~
~~(10) All other publicly owned works and property.~~

~~(b) A building for the ***Department of Veterans Services or the*** Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.~~

~~17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~18. "Stand alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,~~

~~→ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.~~

~~19. "Subcontract" means a written contract entered into between:~~

~~(a) A contractor and a subcontractor or supplier; or~~

~~(b) A subcontractor and another subcontractor or supplier,~~

~~→ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~20. "Subcontractor" means a person who:~~

~~(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~22. "Wages" means:~~

~~(a) The basic hourly rate of pay; and~~

~~(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.~~

~~23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.]~~

(Deleted by amendment.)

Section 36 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 36. ~~[NRS 353.540 is hereby amended to read as follows:~~

~~353.540 "State agency" means an agency, bureau, board, commission, department, division or any other unit of the government of this State that is required to submit information to the Chief pursuant to subsection 1 or 6 of NRS 353.210. "State agency" does not include the ***Department of Veterans Services or the*** Nevada System of Higher Education unless it is anticipated that payments under the agreement will be made with state appropriations.]~~

(Deleted by amendment.)

Section 38 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 38. NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 may, in lieu of claiming the exemption:

(a) Pay to the county ~~[assessor]~~ ***tax receiver*** all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the county ~~[assessor]~~ ***tax receiver*** to deposit that amount for credit to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to ~~[the]~~ ***a Gift*** Account on a form provided by the Nevada Tax Commission.

3. The county ~~[assessor]~~ ***tax receiver*** shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to ~~[the]~~ ***a Gift*** Account pursuant to this section and NRS 371.1035 during any fiscal year.

Section 56 of Assembly Bill No. 58 is hereby amended as follows:

Sec. 56. On or before October 1, 2013, the Governor shall appoint the members of the Interagency Council on Veterans Affairs pursuant to paragraph ~~[(k)]~~ **(l)** of subsection 1 of section 10 of this act.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 372.

AN ACT relating to wildlife; requiring the membership of each county advisory board to manage wildlife to include one qualified member who represents the interests of the general public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a county advisory board to manage wildlife in each county in the State of Nevada. (NRS 501.260) The boards are required to solicit and evaluate local opinion and advise the Board of Wildlife Commissioners on matters relating to the management of wildlife within their respective counties, including recommendations for setting seasons for fishing, hunting and trapping, bag limits and hours. (NRS 501.297, 501.303) **The board of county commissioners of each county is required to appoint the members of the county advisory board to manage wildlife for the county.** Each person appointed to a county advisory board is required to: (1) be a hunter, trapper, angler or a person engaged in ranching or farming; and (2) reside in the county in which the board sits. (NRS 501.265, 501.270) This bill requires **each board of county commissioners to appoint** one person who represents the interests of the general public to occupy one position on ~~[each]~~ **the county advisory** board **[.]** **to manage wildlife in that county. This bill also requires the board of county commissioners, when filling a vacancy in the membership of a hunter, trapper, angler, rancher or farmer, to consider the recommendations of persons who are engaged in ranching or farming in the county.**

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

Section 1. NRS 501.265 is hereby amended to read as follows:

501.265 1. The board of county commissioners shall appoint qualified persons to the board who are residents of the county and are: ~~*[, including one member who represents the interests of the general public. The remaining members of the board appointed by the board of county commissioners must be:]*~~

(a) Hunters, trappers or anglers; or

(b) Engaged in ranching or farming in the county.

2. ***In addition to the members appointed pursuant to subsection 1, the board of county commissioners shall appoint one qualified person to the board who represents the interests of the general public of the county. The person appointed pursuant to this subsection must be a resident of the county from which he or she is appointed.***

3. Within 60 days after a vacancy occurs, the board of county commissioners shall ***, if the vacant member was appointed:***

(a) Pursuant to subsection 1, appoint a member to the board upon the recommendation of ~~[the organized]~~ ***:***

(1) Organizations that represent hunters, trappers or anglers ~~[and residents of]~~ ***in*** the county ~~[.~~

~~3.]~~ ***; and***

(2) Persons who are engaged in ranching or farming in the county.

(b) Pursuant to subsection 2, appoint a member to the board pursuant to the provisions of that subsection.

4. Within 90 days after a vacancy occurs, the board of county commissioners shall report to the Commission the name and address of each member appointed.

Sec. 2. 1. As soon as practicable after the first vacancy in the membership of a county advisory board to manage wildlife occurs on or after July 1, 2013, the board of county commissioners which appoints the members of that county advisory board to manage wildlife shall appoint one member who is qualified to represent the interests of the general public pursuant to subsection ~~[1]~~ **2** of NRS 501.265, as amended by section 1 of this act.

2. Upon appointing the member of the county advisory board to manage wildlife pursuant to subsection 1, the board of county commissioners shall submit the name and address of the appointed member to the Board of Wildlife Commissioners.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 209.

Bill read second time.

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

Amendment No. 525.

AN ACT relating to dairy products; ~~[revising certain provisions governing the sale of milk and milk products to be consistent with federal law;]~~

providing that raw milk certified by the county milk commission of the county in which the raw milk is produced may be sold anywhere in this State; **making various other changes to provisions governing county milk commissions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county milk commission to regulate the production and distribution of certified raw milk and certified raw milk products in that county. (NRS 584.207, 584.208) **Sections 2 and 3** of this bill provide that raw milk certified by the county milk commission of the county in which the raw milk is produced can be sold anywhere in this State. **Section 2 requires, rather than authorizes, a county milk commission to adopt regulations to establish certain fees and charges. Section 2 also requires a county milk commission to conduct certain daily tests, regular inspections and analyses and to adopt certain regulations. Such regulations must include, without limitation, requirements for the labeling of certified raw milk, procedures for daily testing and requirements that an applicant for certification maintain liability insurance in a specified amount to insure against any potential adverse effect on human health that may result from the consumption of raw milk produced by the applicant.**

Section 1 of this bill ~~[revises existing law relating to the sale of milk and milk products to be consistent with federal law, which prohibits the interstate sale of unpasteurized milk and milk products. (NRS 584.205; 21 C.F.R. § 1240.61)]~~ **removes the provision allowing raw milk to be imported to Nevada if produced under certain standards.**

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

Section 1. NRS 584.205 is hereby amended to read as follows:

584.205 1. In addition to the initial inspection of new applicants, the Commission shall, except as otherwise provided in subsection 2, direct a periodic inspection, not less than annually, of all facilities belonging to permittees to ascertain whether the services, facilities and equipment continue to comply with the regulations referred to in NRS 584.195.

2. Except as otherwise provided in NRS 584.208 and the regulations adopted pursuant to that section, milk ~~*[Milk]*~~ and milk products , including certified raw milk and products made from it, imported from outside the State of Nevada may be sold in this state without inspection by the Commission if ***:*** ~~[the requirements of paragraph (c) and the requirements of paragraph (a) or (b) are met:]~~

(a) ~~[In the case of certified raw milk and products made from it, they have been produced under standards adopted by the American Association of~~

~~Medical Milk Commissions and under the statutory provisions of the State of California applicable to such products.~~

~~(b)~~] The milk and milk products have been produced, pasteurized, processed, transported and inspected under statutes or regulations substantially equivalent to the Nevada milk and milk products statutes and regulations ~~[.]~~ ~~*[; and]*~~ ***; or***

~~[(c)~~] ***(b)*** The milk and milk products have been awarded an acceptable milk sanitation, compliance and enforcement rating by a state milk sanitation rating officer certified by the United States Public Health Service.

3. Whenever the Commission has reasonable grounds to believe that a seller of milk or milk products , including certified raw milk and products made from it, is violating any of the regulations adopted by the Commission or any county milk commission relating to the sanitation and grading of milk and milk products including certified raw milk and products made from it, or that the seller's facilities or products fail to meet the regulations , or that the seller's operation is in any other manner not in the best interests of the people of this state, the Commission may conduct a reasonable inspection, and if any violation or other condition inimical to the best interests of the people of this state is found, to take corrective action pursuant to NRS 584.180 to 584.210, inclusive.

Sec. 2. NRS 584.207 is hereby amended to read as follows:

584.207 1. Certified raw milk is unpasteurized, marketed milk which conforms to the regulations and standards ~~[adopted by the county milk commission]~~ for the production and distribution of certified raw milk and certified raw milk products ~~[in]~~ ***adopted by the county milk commission of*** the county in which ~~[they]~~ ***the certified raw milk and certified raw milk products*** are produced.

2. In each county in which certified raw milk or certified raw milk products are produced for public consumption, there must be a county milk commission to regulate the production and distribution of those products. The board of county commissioners shall appoint to the commission three members for terms of 4 years, all of whom are eligible for reappointment. The members must all be residents of the county and have the following respective qualifications:

(a) One member must be a physician licensed in this State and a member of the medical society of the state;

(b) One member must be a veterinarian licensed in this State and a member of the county or regional veterinarian association; and

(c) One member must be a representative of the public at large.

3. A county milk commission shall:

(a) Elect one of its members as chair and adopt appropriate rules to govern:

(1) The time and place of its meetings;

(2) Its rules of procedure; and

(3) Its recordkeeping and other internal operations.

(b) Adopt written regulations, which must be approved by the State Dairy Commission, governing the production, distribution and sale ~~[in the county]~~ of certified raw milk and products made from it, to protect the public health and safety and the integrity of the product. The regulations so adopted must ~~[conform as nearly as practicable to, but may be more stringent than, the standards adopted by the American Association of Medical Milk Commissions.]~~ ***include, without limitation:***

(1) Requirements for the labeling of certified raw milk;

(2) Procedures for the daily testing required pursuant to paragraph (e);

(3) Requirements that an applicant for certification maintain liability insurance in a specified amount to insure against any potential adverse effect on human health that may result from the consumption of raw milk produced by the applicant; and

(4) Any fees and charges as are reasonably necessary to defray the costs and expenses incurred by the county milk commission in the performance of its duties under this section.

(c) Certify raw milk and the products thereof for any applicant producing raw milk within the county, whose product and methods of production, distribution and sale comply with the regulations and standards adopted by the county milk commission.

~~[4. A county milk commission may:~~

~~(a) Establish and collect such]~~

(d) Collect any fees ~~[and]~~ ***or*** charges ~~[as appear reasonably necessary to defray the costs and expenses incurred by it in the performance of its duties under this section,]~~ ***imposed pursuant to regulations adopted pursuant to paragraph (b)*** and expend any money so collected as is necessary for ~~[such performance.~~

~~(b) Conduct]~~ ***the performance of its duties under this section.***

(e) Require such ***daily*** tests, ***regular*** inspections and analyses as are necessary to enable ~~[it]~~ ***the county milk commission*** to perform its duties under this section and employ such personnel and equipment as it deems necessary therefor.

~~[5.]~~ ***4.*** Each applicant for certification must, as a condition for entertaining his or her application and as a condition for any certification granted, submit for testing by the county milk commission such samples as the county milk commission requests, and allow inspections by the county milk commission or its agents at any reasonable times, of any or all of the facilities, equipment, herds or other property employed in the applicant's

dairy operations, including, without limitation, all of the applicant's books and records relating thereto.

Sec. 3. NRS 584.208 is hereby amended to read as follows:

584.208 1. Certified raw milk and products made from it may be sold ***anywhere in this State*** if the milk has been:

(a) Cooled to 45 degrees Fahrenheit or less immediately after being drawn from the cow or goat and maintained at or below that temperature until it is delivered to the consumer, at which time it may not contain more than 10 coliform bacteria per milliliter or more than 10,000 bacteria per milliliter; and

(b) Certified by the county milk commission of the county in which it was produced.

2. No person may come in contact with or be near raw milk before it is sold to the consumer unless the person maintains scrupulous cleanliness and is not afflicted with any communicable disease or in a condition to disseminate any disease which can be transmitted by milk. No person may handle milk to be sold as raw unless the person has a physical examination before any employment requiring the person to do so and every 3 months thereafter while continuing in the employment.

3. The State Dairy Commission shall adopt regulations governing:

(a) Inspections to determine the health of cows and goats which produce milk for sale as raw milk.

(b) Inspections of dairy farms which produce milk for sale as raw milk and establishing minimum standards of cleanliness and sanitation for the farms.

(c) Examinations of all persons who come in contact with raw milk before it is sold to a consumer.

(d) Other matters connected with the production and sale of raw milk which the Commission deems necessary to protect the public health.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 218.

Bill read second time.

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

Amendment No. 402.

AN ACT relating to public works; defining the term "bona fide fringe benefit" for certain provisions applicable to the payment of wages for public

works; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Existing law also authorizes the Labor Commissioner: (1) to provide certain remedies for violations of those provisions; and (2) after providing notice and an opportunity for a hearing, to impose an administrative penalty against a person who violates those provisions. (NRS 338.015, 338.017, 338.090) Further, under existing law, a contractor or subcontractor engaged on a public work is authorized to discharge his or her obligation to pay prevailing wages to workers in part by making certain contributions in the name of the worker. (NRS 338.035)

Section 4 of this bill sets forth the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. **Section 1** of this bill defines "bona fide fringe benefit" for the purposes of the provisions applicable to public works. **Section 4** also requires the Labor Commissioner, after providing notice and an opportunity for a hearing, to: (1) impose an administrative penalty against a contractor or subcontractor who violates the provisions of that section; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain governmental and other entities of the violation.

Existing law provides that if an administrative penalty is imposed against a person for the commission of an offense as defined in relation to public works: (1) the person and any corporate officer of the person are prohibited from receiving a contract for a public work for specified periods depending on the number of offenses; and (2) the Labor Commissioner is required to notify the State Contractors' Board with regard to each contractor who is prohibited from being awarded such a contract. (NRS 338.010, 338.017) **Section 1** of this bill makes this provision of existing law applicable to discharging an obligation to pay wages in a manner that violates the provisions of **section 4** by adding that violation to the definition of an "offense" in **section 1**.

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

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. ***"Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:***

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

➥ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement.

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

~~[3.]~~ ***4.*** "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

~~[4.]~~ ***5.*** "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~[5.]~~ ***6.*** "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~[6.]~~ ***7.*** "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~[7.]~~ ***8.*** "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~[8.]~~ ***9.*** "Division" means the State Public Works Division of the Department of Administration.

~~[9.]~~ ***10.*** "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[10.]~~ ***11.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[11.]~~ ***12.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[12.]~~ ***13.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[13.]~~ ***14.*** "Offense" means ~~[failing]~~ ***:***

(a) Failing to:

~~[(a)]~~ ***(1)*** Pay the prevailing wage required pursuant to this chapter;

~~[(b)]~~ ***(2)*** Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

~~[(c)]~~ ***(3)*** Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

~~[(d)]~~ ***(4)*** Comply with subsection 4 or 5 of NRS 338.070.

~~[14.]~~ ***(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.***

15. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[15.]~~ ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[16.]~~ ***17.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[17.]~~ ***18.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[18.]~~ ***19.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[19.]~~ ***20.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[20.]~~ ***21.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[21.]~~ ***22.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[22.]~~ ***23.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training ~~[or other similar programs]~~ or other bona fide fringe benefits which are a benefit to the worker.

~~[23.]~~ ***24.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.

2. ~~[In]~~ ***Except as otherwise provided in NRS 338.035 and in*** addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice

and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 4. NRS 338.035 is hereby amended to read as follows:

338.035 ***1.*** The obligation of a contractor engaged on a public work or a subcontractor engaged on a public work to pay wages in accordance with the determination of the Labor Commissioner may be discharged in part by ~~[making contributions to a third person pursuant to a fund, plan or program]~~ ***providing bona fide fringe benefits*** in the name of the worker.

2. A contractor or subcontractor may, pursuant to subsection 1, discharge any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner only to the extent that the bona fide fringe benefits provided in the name of the worker are annualized.

3. A contractor or subcontractor who, pursuant to subsection 1, discharges any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner shall provide to the Labor Commissioner and the public body that awarded the contract for the public work any information requested by the Labor Commissioner or the public body, as applicable, to verify compliance with this section.

4. In addition to any other remedy or penalty provided in this chapter, after providing the contractor or subcontractor with notice and an opportunity for a hearing, the Labor Commissioner shall, if the Labor Commissioner finds that the contractor or subcontractor has violated a provision of this section:

(a) For the first violation, impose against the contractor or subcontractor an administrative penalty of not less than $2,500 or more than $5,000;

(b) For the second or any subsequent violation within 5 years after the date of imposition of an administrative penalty pursuant to paragraph (a),

impose against the contractor or subcontractor an administrative penalty of not less than $5,000;

(c) Require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits in a manner prescribed by the Labor Commissioner;

(d) Report the violation to the Attorney General, and the Attorney General may prosecute the contractor or subcontractor in accordance with law; and

(e) In addition to notifying the State Contractors' Board pursuant to NRS 338.017, notify the provider of workers' compensation for the contractor or subcontractor, the Employment Security Division of the Department of Employment, Training and Rehabilitation and the public body that awarded the contract for the public work of the violation.

5. The provisions of this section do not apply with regard to ~~[a]~~ :

(a) A worker whose benefits are determined pursuant to a collective bargaining agreement ~~[.]~~ ; or

(b) Contributions made in the name of the worker by a contractor or subcontractor to a defined contribution plan to the extent that the amount contributed does not exceed 25 percent of the hourly rate of wages paid to the worker on the public work.

6. As used in this section ~~[, "annualized"]~~ :

(a) "Annualized" means an amount paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor who is providing bona fide fringe benefits.

(b) "Defined contribution plan" has the meaning ascribed to it in 29 U.S.C. § 1002(34).

Sec. 5. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall ***, except as otherwise provided in subsection 4,*** assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an

amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

Sec. 7. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. §

17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[12]~~ ***13*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 8. Section 9.5 of the Reno-Tahoe Airport Authority Act, being chapter 369, Statutes of Nevada 2005, at page 1386, is hereby amended to read as follows:

Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:

(a) Complies with the provisions of subsection 3; and

(b) Finances the contract, project, acquisition, works or improvement by means of:

(1) Revenue bonds issued by the Authority; or

(2) An installment obligation of the Authority in a transaction in which:

(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and

(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.

2. A contract entered into by the Board pursuant to this section must:

(a) Contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and

(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, "design professional" has the meaning ascribed to it in subsection ~~[7]~~ ***8*** of NRS 338.010.

3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection 4 which establish:

(a) One or more competitive procurement processes for letting such a contract; and

(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:

(1) The estimated cost of the contract exceeds $250,000; and

(2) Price is a factor in determining the successful bid on the contract.

4. The Board:

(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:

(1) Include:

(I) A statement of the need for and purpose of the proposed regulation.

(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(III) The estimated cost to the Board for enforcement of the proposed regulation.

(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.

(2) State each address at which the text of the proposed regulation may be inspected and copied.

(3) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Authority for that purpose.

(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.

(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:

(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(2) Consider methods to reduce the impact of the proposed regulation on small businesses.

(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).

(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:

(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(I) Both adverse and beneficial effects; and

(II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

(1) In writing to each person who has requested to be placed on a mailing list; and

(2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and 2 of NRS 241.035.

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

(k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:

(1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or

(2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.

➥ After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.

5. The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

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

Amendment No. 191.

SUMMARY—Enacts provisions governing certain policies of insurance, annuities **, benefit contracts** and retained asset accounts. (BDR 57-588)

AN ACT relating to insurance; requiring an insurer to request certain information from its insureds, annuity holders and retained asset account holders; requiring an insurer to perform a comparison of the insurer's life insurance policies, annuities **, benefit contracts** and retained asset accounts against the Death Master File from the Social Security Administration or other approved database; requiring an insurer to perform certain actions if a comparison with the Death Master File results in a match with an insured, annuity holder or retained asset account holder; **requiring an insurer to notify the State Treasurer of certain unclaimed benefits which revert by escheat to the State and to transfer the unclaimed benefit to the State Treasurer; authorizing the Commissioner of Insurance to issue certain orders relating to certain duties of an insurer; providing that certain violations may constitute an unfair trade practice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the business of conducting insurance in this State. (Title 57 of NRS) Existing law further regulates the duties of insurers who issue policies of life insurance and annuities in this State. (Chapter 688A of NRS) This bill sets forth new provisions concerning establishing the identity and death of an insured or beneficiary and the payment of death benefits under a policy of life insurance, annuity or retained asset account.

Sections ~~[3]~~ 2.5-6 of this bill define the terms **"benefit contract,"** "Death Master File," "insured," "policy of life insurance" and "retained asset account" for the purposes of this bill. **Section 7** of this bill requires an insurer, on or before the effective date of a life insurance policy**, ~~[or]~~** annuity **or benefit contract** or on or before the date a retained asset account is

established, to request from its insureds, annuity contract holders and retained asset account holders sufficient information to ensure that all benefits are distributed to the correct person upon the death of the insured, annuity holder or retained asset account holder. ~~[Section]~~ **With certain exceptions, section 8** of this bill requires an insurer, at least semiannually, to perform a comparison of the names on the Death Master File from the Social Security Administration with its insureds' life insurance policies, annuities **, benefit contracts** and retained asset accounts to identify potential matches. If an insurer identifies a potential match through a search of the Death Master File, **section 8** requires an insurer to: (1) make a reasonable effort to confirm the death of the insured, annuity holder or retained asset account holder; and (2) determine whether death benefits are due in accordance with the applicable policy or contract. If benefits are due, **section 8** also requires an insurer to: (1) make a reasonable effort to locate each beneficiary; (2) provide each beneficiary with the appropriate claim forms and instructions that detail the procedure for making a claim; and (3) process any claims received accordingly. **Section 9.3 of this bill requires an insurer to notify the State Treasurer upon the reversion by escheat of a benefit under a policy of life insurance or an annuity and transfer to the State Treasurer the unclaimed benefit as soon as practicable after providing notice. Section 9.5 of this bill authorizes the Commissioner of Insurance to issue certain orders modifying the duties of an insurer under the provisions of this bill. Section 9.7 provides that the failure of an insurer to comply with the provisions of this bill may constitute an unfair trade practice.**

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~[3]~~ 2.5 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. "Benefit contract" has the meaning ascribed to it in NRS 695A.003.

Sec. 3. ***"Death Master File" means the Death Master File from the Social Security Administration or any other database or service which is at least as comprehensive as the Death Master File from the Social Security Administration and which is acceptable to the Commissioner for determining that a person has reportedly died.***

Sec. 4. ***"Insured" means:***

1. A person covered by a policy of life insurance;

2. A holder of a retained asset account; ~~[or]~~

3. An annuitant or other owner of an annuity, when the annuity provides for benefits to be paid or other money to be distributed upon the death of the annuitant or other owner of the annuity ~~[.]~~ ; or

4. A person covered by a benefit contract under which contractual death benefits are payable to a beneficiary pursuant to NRS 695A.180.

Sec. 5. *1. "Policy of life insurance" means any policy , contract or certificate of life insurance that provides a death benefit.*

2. The term does not include:

(a) ~~[Any policy or certificate of life insurance that provides a death benefit under an employee benefit program which is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002, as periodically amended or provided pursuant to any federal employee benefit program;~~

~~(b)]~~ A policy or certificate of life insurance that is used to fund a preneed contract or sales agreement for funeral or burial services pursuant to chapter 689 of NRS; or

~~[(c)]~~ (b) A policy or certificate of credit life insurance or credit accident and health insurance pursuant to chapter 690A of NRS.

Sec. 6. *"Retained asset account" means any account or other mechanism by which the settlement of any proceeds payable under a policy of life insurance is accomplished by the insurer or a person acting on behalf of the insurer by depositing the proceeds into an account with draft or check writing privileges, where the proceeds are retained by the insurer, pursuant to a supplementary contract not involving annuity benefits.*

Sec. 6.5. The provisions of this chapter do not apply to any policy of life insurance, annuity or benefit contract that is used to fund or otherwise provide a death benefit under an employee benefit program which is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

Sec. 7. *On or before the effective date of a policy of life insurance , ~~[or]~~ annuity or benefit contract or on or before the date of the establishment of a retained asset account, and upon any change in an insured, an owner or a beneficiary, an insurer shall request information sufficient to ensure that all benefits are distributed to the appropriate beneficiary upon the death of the insured . ~~[, including, without limitation, the name, address, social security number, date of birth and telephone number of the insured and each beneficiary, as applicable.]~~*

Sec. 8. *1. ~~[Each]~~ Except as otherwise provided by order of the Commissioner pursuant to section 9.5 of this act, each insurer shall, at least semiannually, for the purpose of paying death benefits to a*

beneficiary, perform a comparison against the Death Master File of the policies of life insurance, annuities , benefit contracts and retained asset accounts of its insureds [,] whose contracts are in force at the time the insurer performs the comparison.

2. [If an insurer only has the partial name, social security number or date of birth, or a combination thereof, of an insured, the insurer shall use the available information to perform the comparison pursuant to subsection 1.

3.] Each insurer shall implement reasonable procedures to account for common variations in data that may otherwise preclude an exact match with the Death Master File.

[4.] 3. Within 90 days after identifying a potential match resulting from a comparison of the Death Master File performed pursuant to subsection 1, the insurer shall:

(a) Make a reasonable effort to confirm the death of the insured against any other available records and information; [and]

(b) Determine whether the deceased insured had purchased any other products of the insurer; and

(c) Determine whether death benefits are due in accordance with the applicable policy of life insurance , [or] annuity [,]

5.] or benefit contract and, if death benefits are due:

(1) Make a reasonable effort to locate each beneficiary; and

(2) Provide to each beneficiary who is located the appropriate claim forms and instructions for making a claim under the policy of life insurance, annuity or benefit contract.

4. If the insurer determines that death benefits are due in accordance with the applicable policy , [or] annuity [,] or benefit contract, the insurer shall [:

(a) Make a reasonable effort to locate each beneficiary;

(b) Keep] keep a complete record of all efforts made to locate each beneficiary . [; and

(c) Provide to each beneficiary the appropriate claim forms and instructions for making a claim under the policy of life insurance or annuity.

6.] 5. The insurer shall process all claims and make prompt payments in accordance with NRS 686A.310, 688A.140, 688A.410 and 688B.100 and chapter 695A of NRS, as applicable, and any regulations adopted or order issued by the Commissioner.

[7.] 6. If an insurer is unable to locate a beneficiary pursuant to this section, but is otherwise able to reasonably determine the death of an insured and determine that a death benefit is due in accordance with the applicable policy of life insurance , [or] annuity [,] or benefit contract, the

death benefit, ~~[to the extent it is property pursuant to NRS 120A.113,]~~ other than a death benefit payable pursuant subsection 3 of NRS 695A.210, shall be deemed abandoned pursuant to NRS 120A.500.

~~[8.]~~ 7. To the extent permitted by law, the insurer may disclose minimum necessary personal information about the insured or beneficiary to a person who the insurer reasonably believes may be able to assist the insurer in locating the beneficiary or a person otherwise entitled to payment of the claims proceeds.

~~[9.]~~ 8. With respect to a policy of group life insurance delivered or issued for delivery pursuant to chapter 688B of NRS, an insurer is required to confirm the possible death of an insured pursuant to this chapter if the insurer maintains at least the following information for the insured under such a policy:

(a) Social security number or name and date of birth;

(b) Beneficiary designation information;

(c) Coverage eligibility;

(d) Benefit amount; and

(e) Premium payment status.

Sec. 9. *An insurer shall not charge or collect from an insured or a beneficiary any fees or costs associated with any search or verification conducted pursuant to this chapter.*

Sec. 9.3. 1. An insurer shall notify the State Treasurer upon the reversion by escheat of a benefit under a policy of life insurance or an annuity. The notice must state that:

(a) The beneficiary under the policy or annuity has failed to submit a claim with the insurer; and

(b) The insurer has complied with section 8 of this act and, after a good faith effort which has been documented pursuant to section 8 of this act, has been unable to contact any beneficiary of the policy or annuity.

2. As soon as practicable after providing notice pursuant to subsection 1, an insurer shall transfer to the State Treasurer the amount of the unclaimed benefit owed under the policy of life insurance or annuity, including any accrued interest thereon.

3. The provisions of this section do not apply to a death benefit which vests under a benefit contract and which is payable pursuant to subsection 3 of NRS 695A.210.

Sec. 9.5. The Commissioner may, after notice and a hearing, issue an order:

1. Authorizing an insurer to limit its comparison against the Death Master File pursuant to section 8 of this act to its files that are searchable electronically.

2. Approving a timeline by which an insurer must convert its files into a form that is searchable electronically.

3. Exempting an insurer from any requirement of section 8 of this act, including authorizing an insurer to perform a comparison against the Death Master File less frequently than semiannually, upon a demonstration of financial hardship by the insurer.

4. Approving the plan of an insurer to comply with the requirements of this chapter during the period and in the manner set forth in the plan.

Sec. 9.7. Except as otherwise provided in section 9.5 of this act, the failure of an insurer to comply with any provision of this chapter may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

Sec. 10. ***The Commissioner may adopt regulations to carry out the provisions of this chapter . [, including, without limitation, regulations to assist a person in locating unclaimed life insurance benefits.]***

Sec. 11. [The amendatory provisions of this act do not apply to an agreement by the Commissioner with an insurer, entered into before January 1, 2014, regarding unclaimed life insurance benefits originating under:

1. A policy of life insurance;

2. An annuity;

3. A retained asset account;

4. A certificate issued under a policy of life insurance or an annuity; or

5. A certificate issued to a fraternal benefit society pursuant to chapter 695A of NRS under which benefits are payable upon the death of an insured.] **(Deleted by amendment.)**

Sec. 12. This act becomes effective on [January] **July** 1, 2014.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time and ordered to third reading.

Assembly Bill No. 283.

Bill read second time.

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

Amendment No. 414.

AN ACT relating to public works; **extending the authority for the Department of Transportation to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways on and after July 1, 2013;** amending certain

requirements governing contractors involved in public works; amending certain requirements governing bidding for public works when a public body decides to contract with a construction manager at risk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who serves as a contractor on a public work to be licensed. (NRS 338.010) **Section 2** of this bill limits that requirement so that a person who performs work that does not otherwise require licensure is not required to be licensed to provide services on a public work.

~~[Sections]~~ **Existing law requires certain prime contractors who submit bids for a public work to include with the bid a list that discloses the first tier subcontractors who will perform a certain portion of the work on the public work. (NRS 338.141) Section 6** ~~[and 11]~~ of this bill ~~[require]~~ **amends the provisions prescribing which subcontractors must be named on the list. Section 6 also requires** the prime contractor ~~[on a public work, who is the contractor who contracts for and coordinates all of the work performed for an entire public work project, to be included]~~ **to include** on the list ~~[that is required to be submitted with the bid which discloses the first tier subcontractors who will perform a significant portion of the work on the project and require the prime contract to perform a certain percentage of the work for the project. Section 6 further limits the amount that a prime contractor may use to pay for materials that are not directly associated with work that will actually be performed by the prime contractor. Section 8 of this bill requires any proposal for a public work to include a statement that the prime contractor will meet these requirements.]~~ **: (1) a description of the labor or portion of the work that the prime contractor will perform; or (2) a statement that the prime contractor will perform all work other than that being performed by a subcontractor named on the list.**

Existing law allows a public body to contract with a construction manager at risk, which is a construction manager who is required to construct a public work within a guaranteed maximum price, a fixed price or a fixed price plus reimbursement for certain costs. (NRS 338.169, 338.1696) **Section** ~~[7]~~ **8** of this bill ~~[limits the authorization of a public body to contract with a construction manager at risk for a discrete project to situations where: (1) the public body has approved the use of a construction manager at risk for the design and construction of the project; and (2) the estimated cost of the project is over $5,000,000.]~~ **requires a proposal for a construction manager at risk to include an explanation of the experience that the applicant has as a construction manager at risk. Section 10** of this bill requires a construction manager at risk who has entered into a contract with a public body for services related to construction that are provided before actual construction begins to ~~[select each subcontractor]~~ **provide to the**

public body, before entering ~~[negotiations]~~ **into a contract** for construction of the public work ~~[.]~~ **, a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed a certain percentage of the estimated cost of the public work.**

Existing law requires a public body to appoint a panel of at least three persons, with at least two having experience in the construction industry, to rank proposals and interview the top applicants for a public work. (NRS 338.1693) **Section 9** of this bill limits such a panel to seven members ~~[.]~~ **and** requires that a majority of the panel have experience in the construction industry **.** ~~[and prohibits members of such a panel from being employed by the public body.]~~ **Section 9** also ~~[requires]~~ **authorizes** the public body to appoint another panel, similarly comprised, to interview the top applicants.

Section 11 of this bill provides that if a public work involves predominantly horizontal construction, a construction manager at risk who enters into a contract for the construction of the public work shall perform construction work equal in value to at least 25 percent of the estimated cost of construction himself or herself, or using his or her own employees. Section 2 of this bill defines the term "horizontal construction."

Sections 12 and 13 of this bill modify requirements governing the procedure that a construction manager at risk is required to use when selecting and contracting with subcontractors.

Under existing law, the Department of Transportation may award a contract for the construction, reconstruction, improvement and maintenance of a highway to a construction manager at risk on or before June 30, 2013. Section 5 of this bill authorizes the Department of Transportation to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways on and after July 1, 2013.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that the provisions of this section and NRS 338.169 to 338.16995, inclusive, relating to contracts involving construction managers at risk, are intended to promote public confidence and trust in the contracting and bidding procedures for public works established therein and, for the benefit of the public, to promote the philosophy of obtaining the best possible value as compared to low-bid contracting.

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who ~~[is]~~ ***:***

(1) Is licensed pursuant to the provisions of chapter 624 of NRS ~~[.]~~ ***; or***

(2) Performs such work that the person is not required to be licensed pursuant to the provisions of chapter 624 of NRS; or

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ***"Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer or sewage disposal system, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any sewage plant, pump, transfer station or other building.***

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[13.]~~ ***14.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[14.]~~ ***15.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[15.]~~ ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[16.]~~ ***17.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[17.]~~ ***18.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[18.]~~ ***19.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[19.]~~ ***20.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[20.]~~ ***21.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[21.]~~ ***22.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building , ~~[or]~~ structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and ~~[of]~~ any ~~[structure not specified in subsection 12.]~~ improvement appurtenant thereto.

~~[22.]~~ ***24.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[23.]~~ ***25.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 3. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher

Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 4. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 5. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16995, inclusive ~~[;]~~ ***, and section 1 of this act;*** or

(d) NRS 338.1711 to 338.173, inclusive.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ~~[, 338.169 to 338.16995, inclusive, *and section 1 of this act,*]~~ and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

Sec. 6. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 or paragraph (a) of subsection 1 of NRS 338.143 applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing ~~[the]~~ ***:***

(1) The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding ***$250,000.***

(2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding $250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or $50,000, whichever is greater ***.*** ~~[, and]~~

(3) For each first tier subcontractor ~~***[who will provide labor or a portion of the work on the public work to the prime contractor,]***~~ ***whose name is listed pursuant to subparagraph (1) or (2),*** the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) or (b) of subsection 1 ***.*** ~~[if, as the prime contractor,]~~ ***If*** the prime contractor will perform any ~~[of the]~~ work ~~[required to be]~~ ***which is more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor*** listed pursuant to paragraph (a) or (b) of subsection 1 ~~[.]~~ ***, the prime contractor shall also include on the list*** ~~***[a]***~~ ***:***

(a) A description of the labor or portion of the work that the prime contractor will perform ~~***[.]***~~ ***; or***

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor **,** ~~[~~indicated pursuant to subsection 3 that he or she would perform a portion of work on the public work and,~~]~~ after the submission of the bid, substitutes a subcontractor to perform ~~[~~such work,~~]~~ ***the work indicated pursuant to subsection 3 that the prime contractor would perform,*** the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8**.** ~~*[A prime contractor shall perform:*~~

~~*(a) With respect to a public work that involves predominantly horizontal construction, construction work equal in value to at least 50 percent of his or her total bid. Not more than 30 percent of the cost of the construction work required by this paragraph to be performed by the prime contractor may be used to pay for material that is not directly associated with work which will actually be performed by the prime contractor.*~~

~~*(b) With respect to a public work that involves predominantly vertical construction, construction work equal in value to at least 15 percent of his or her total bid. Not more than 50 percent of the cost of the construction work required by this paragraph to be performed by the prime contractor may be used to pay for material that is not directly associated with work which will actually be performed by the prime contractor.*~~

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

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 7. ~~[NRS 338.169 is hereby amended to read as follows:~~

~~338.169 1. A public body may construct a public work by:~~

~~[1.] *(a)* Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and~~

~~[2.] *(b)* Entering into separate contracts with a construction manager at risk:~~

~~[(a)] *(1)* For preconstruction services, including, without limitation:~~

~~[(1)] *(I)* Assisting the public body in determining whether scheduling or constructability problems exist that would delay the construction of the public work;~~

~~[(2)] *(II)* Estimating the cost of the labor and material for the public work; and~~

~~[(3)] *(III)* Assisting the public body in determining whether the public work can be constructed within the public body's budget; and~~

~~[(b)] *(2)* To construct the public work.~~

~~*2. A public body may contract with a construction manager at risk for the design and construction of a public work that is a discrete project only if:*~~

~~*(a) The public body has approved the use of a construction manager at risk for the design and construction of the public work; and*~~

~~*(b) The public work has an estimated cost which exceeds $5,000,000.]*~~ **(Deleted by amendment.)**

Sec. 8. NRS 338.1692 is hereby amended to read as follows:

338.1692 1. A public body or its authorized representative shall advertise for proposals for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which proposals must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a proposal;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work;

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate proposals; and

(i) A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including, without limitation, the terms and general conditions of the contract, is available from the public body.

3. A proposal must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors, including, without limitation, an explanation of the experience that the applicant has in assisting in the design of such projects and an explanation of the experience that the applicant has in such projects in Nevada;

(b) ***An explanation of the experience that the applicant has as a construction manager at risk;***

(c) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

~~[(c)]~~ ***(d)*** Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

~~[(d)]~~ ***(e)*** Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;

~~[(e)]~~ ***(f)*** A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

~~[(f)]~~ ***(g)*** The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;

~~[(g)]~~ ***(h)*** The safety programs established and the safety records accumulated by the applicant;

~~[(h)]~~ ***(i)*** Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS;

~~[(i)]~~ ***(j)*** The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work ~~[;]~~ and ~~*[, including]*~~ ***which includes, if the public work involves predominantly horizontal construction, a statement that the applicant will perform*** ~~*[:*~~

~~*(1) With respect to a public work that involves predominantly horizontal construction,]*~~ ***construction work equal in value to at least*** ~~*[50]*~~ ***25 percent of the estimated cost of construction*** ~~*; [. Not more than 30 percent of the cost of the construction work required by this subparagraph to be performed by the applicant may be used to pay for material that is not directly associated with work which will actually be performed by the applicant; and*~~

~~*(2) With respect to a public work that involves predominantly horizontal construction, construction work equal in value to at least 15 percent of the estimated cost of construction. Not more than 50 percent of the cost of the construction work required by this subparagraph to be performed by the applicant may be used to pay for material that is not directly associated with work which will actually be performed by the applicant;]*~~ ***and***

~~[(j)]~~ ***(k)*** If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 9. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three ***but not more than seven*** members, ~~[at least two]~~ ***a majority*** of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3. ~~***[The panel must consist of at least three but not more than seven members, a majority of whom:***~~

~~***(a) Must have experience in the construction industry; and***~~

~~***(b) Must not be employed by the public body constructing the public work.]***~~

2. The panel ***appointed pursuant to subsection 1*** shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel ***appointed pursuant to subsection 1*** shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel ***appointed pursuant to subsection 1*** ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection ~~[5,]~~ ***8,*** select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative ~~***[shall]***~~ ***may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4.*** ~~***[The]***~~ ***If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom*** ~~***[:***~~

~~***(a) Must]***~~ ***must have experience in the construction industry*** ~~***. [; and***~~

~~***(b) Must not be employed by the public body constructing the public work.]***~~

6. During the interview process, the ~~[public body or its authorized representative]~~ ***panel*** ~~***[appointed pursuant to subsection 5]***~~ ***conducting the***

interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. ***All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by ~~[one senior manager]~~ key personnel employed by the applicant , as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.***

7. After conducting such interviews, the panel ***~~[appointed pursuant to subsection 5]~~ that conducted the interviews*** shall rank the applicants by using a ranking process that is separate from the process used to rank ~~[~~proposals~~]~~ ***the applicants*** pursuant to subsection 2 ***~~[.]~~*** and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.

~~[~~5.~~]~~ ***When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117.***

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

~~[~~6.~~]~~ ***9.*** Upon receipt of the final rankings of the applicants from the panel ~~[.]~~ ***~~[appointed pursuant to subsection 5,]~~ that conducted the interviews,*** the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to ~~[~~subsections 2, 3 and 4~~]~~ ***the provisions of this section*** for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the

public body, approved by the public body or until a determination is made by the public body to reject all applicants.

~~[7.]~~ ***10.*** The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants **,** ***as determined by the panel*** ~~***[appointed pursuant to subsection 5,]***~~ ***that conducted the interviews,*** and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 10. NRS 338.1696 is hereby amended to read as follows:

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, after the public body has finalized the design for the public work, or any portion thereof sufficient to determine the provable cost of that portion, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work or the portion thereof for the public body for:

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work or portion thereof.

2. ~~***[Before entering into negotiations with the construction manager at risk for a contract to construct a public work or a portion thereof pursuant to subsection 1, the public body shall provide the construction manager at risk with a list of the labor or portions of the work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work.***~~

~~***3. Before entering into negotiations with the public body for a contract to construct the public work or a portion thereof, the construction manager at risk shall select each subcontractor who is to provide labor or a portion of the work which is estimated to exceed 3 percent of the estimated cost of the public work in accordance with NRS 338.16991 and 338.16995 and provide the names of each selected subcontractor to the public body. A public body shall not interfere with the right of the construction manager at risk to select the subcontractor whom the construction manager at risk determines to have submitted the best proposal pursuant to NRS 338.16995.***~~

~~***4.]***~~ If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work or portion thereof, the public body shall terminate negotiations with that applicant and:

(a) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive; and

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

3. Before entering into a contract with the public body to construct a public work or a portion thereof pursuant to subsection 1, the construction manager at risk shall:

(a) Provide the public body with a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work; and

(b) Select each subcontractor who is to provide labor or a portion of the work which is estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work in accordance with NRS 338.16991 and 338.16995 and provide the names of each selected subcontractor to the public body.

4. Except as otherwise provided in subsection 5 of NRS 338.141, a public body shall not interfere with the right of the construction manager at risk to select the subcontractor whom the construction manager at risk determines to have submitted the best proposal pursuant to NRS 338.16995.

Sec. 11. NRS 338.16985 is hereby amended to read as follows:

338.16985 A construction manager at risk who enters into a contract for the construction of a public work pursuant to NRS 338.1696:

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves ~~[~~the~~]~~ ***predominantly horizontal*** construction ***,*** ~~[~~of a fixed work that is described in subsection 2 of NRS 624.215,~~]~~ shall perform ~~[~~not less than 25~~]~~ ***construction work equal in value to at least*** ~~*[50]*~~ ***25*** percent of the ***estimated cost of*** construction ~~[~~of the fixed work~~]~~ himself or herself ***,*** or using his or her own employees. ~~*[Not more than 30 percent of the cost of the construction work required by this subsection to be performed by the construction manager at risk, or his or her own employees, may be used to pay for material that is not directly associated with work that will actually be performed by the construction manager at risk, or his or her employees.]*~~

3. If the public work involves ~~[~~the~~]~~ ***predominantly vertical*** construction ***,*** ~~[~~of a building or structure that is described in subsection 3 of NRS 624.215,~~]~~ may ~~*[, shall]*~~ perform ~~*[construction work equal in value to at least 15 percent of the estimated cost of construction]*~~ himself or herself ~~*[,]*~~ or using

his or her own employees ~~*[.]*~~ as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that the construction manager at risk or his or her own employees have performed on similar projects. ~~*[Not more than 50 percent of the cost of the construction work required by this subsection to be performed by the construction manager at risk, or his or her own employees, may be used to pay for material that is not directly associated with work which will actually be performed by the construction manager at risk, or his or her employees.]*~~

Sec. 12. NRS 338.16991 is hereby amended to read as follows:

338.16991 1. To be eligible to provide labor, materials or equipment on a public work, the contract for which a public body has entered into with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Qualified pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.

2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph (b) of subsection 1.

3. ~~*[After]*~~ ***Not earlier than 30 days after a construction manager at risk has been selected pursuant to NRS 338.1693*** ~~*[, the construction manager at risk may accept an application from a subcontractor to determine whether the subcontractor is qualified to submit a proposal for the provision of labor, materials or equipment on the public work. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to apply to qualify to submit a meaningful and responsive proposal for the provision of labor, materials or equipment on the public work,]*~~ and not later than ~~[21]~~ ***10 working*** days before the date by which ~~[such]~~ an application must be submitted, the construction manager at risk shall advertise for ~~[such]~~ applications ***from subcontractors*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county. ***The construction manager at risk may accept an application from a subcontractor before advertising for applications pursuant to this subsection.***

4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the

provision of labor, materials or equipment must include, and must be limited to:

(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;

(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;

(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;

(d) The safety programs established and the safety records accumulated by the applicant;

(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;

(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;

(h) The principal personnel of the applicant;

(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and

(j) The truthfulness and completeness of the application.

5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.

6. The construction manager at risk shall notify each applicant and the public body in writing of a determination made pursuant to subsection 2.

7. A determination made pursuant to subsection 2 that an applicant is not qualified may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.

Sec. 13. NRS 338.16995 is hereby amended to read as follows:

338.16995 1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS 338.1696, the construction manager at risk may enter into a subcontract for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work ~~[.]~~ ***or $50,000, whichever is greater.***

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to NRS 338.16991 to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) ~~[The]~~ ***If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is to be held, the*** date, time and place at which ~~[a]~~ ***the*** preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;

2. The proposal must be timely received;

3. ~~[The]~~ ***If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is held, the*** subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body **.** ~~[and]~~ ***The public body may require*** the architect or engineer responsible for the design of the public work ~~[but]~~ ***to attend the opening of the proposals. The opening of the proposals*** is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal **.** ~~[and the price of the proposal submitted by the subcontractor. The list must be made available to the public upon request.]~~

9. Not ~~[less]~~ ***more*** than 10 working days after opening the proposals ~~[,]~~ ***and before the construction manager at risk submits a guaranteed maximum price, a fixed price or a fixed price plus reimbursement pursuant to NRS 338.1696,*** the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. ***Subject to the provisions of subparagraphs (1), (2) and (3), if only one subcontractor submits a proposal, the construction manager at risk may select that subcontractor.*** The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting ~~[,]~~ ***regarding the scope of the work to be performed by the subcontractor , if such a preproposal meeting was held;***

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in subsection 13, the construction manager at risk shall enter into a subcontract with a subcontractor selected

pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. The construction manager at risk shall make available to the public ~~[, including, without limitation,]~~ ***the name of*** each subcontractor who submits a proposal ~~[, the final rankings of the subcontractors and shall provide, upon request, an explanation to any subcontractor who is not selected of the reasons why the subcontractor was not selected.]~~.

15. If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

Sec. 14. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection **[**~~12~~**]** ***13*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 15. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 510.

AN ACT relating to off-highway vehicles; ~~[making failure to register an off-highway vehicle a secondary offense; providing for the temporary registration of an off-highway vehicle by officers of the Department of Motor Vehicles and other peace officers under certain circumstances; providing for exclusive enforcement of provisions governing off-highway vehicles by certain officers of this State; revising provisions relating to renewal of the registration of an off-highway vehicle; providing a penalty;]~~ **revising provisions regarding the size of the registration sticker or decal provided by the Department of Motor Vehicles for off-highway vehicles;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the operator of an off-highway vehicle is required to register the vehicle and to ensure that the registration sticker or decal is attached to the vehicle. (NRS 490.082, 490.130) Section 2 of this bill makes failure to register an off-highway vehicle or display the sticker or decal on the vehicle a secondary offense and authorizes an officer of the Department of Motor Vehicles or a peace officer of this State to issue a citation for such a violation only if the violation is discovered when the off-highway vehicle is halted or its operator is arrested for another alleged violation or offense. Section 2 also requires an officer of the Department or a peace officer, before issuing a citation to the operator of an off-highway vehicle for a violation of the registration requirement, to offer instead to allow the operator of the vehicle to fill out an application for registration of the vehicle and pay the registration fee to the officer. The officer shall then issue to the operator a receipt which is deemed a temporary certificate of registration of the vehicle that expires 30 days after issuance. The officer is then required to submit the application for registration and the fee to the Department in a timely manner. Section 2 additionally requires the Department to make available to its officers and to all peace officers in this State applications for off-highway vehicle registration and receipt forms. Section 3 of this bill requires the Department, upon receipt of an application and fee from such officers, to send to the applicant an acknowledgment of receipt of the application and fee, along with a list of any other documents or evidence required by the~~

~~Department to complete the registration process. Upon receipt of such documents or evidence, the Department is required to register the off-highway vehicle and send to the applicant a registration sticker or decal.~~

~~Section 4 of this bill limits the application of the provisions governing off-highway vehicles to only those off-highway vehicles that are propelled by an engine which has a displacement of 500 cubic centimeters or more. (NRS 490.060)~~

~~Existing law requires all officers of the Department and all peace officers in this State to enforce the provisions governing off-highway vehicles. (NRS 490.065) Section 5 of this bill provides that those officers are the only persons authorized to enforce those provisions and that the State does not authorize the Federal Government to enforce those provisions.~~**]**

Existing law requires the registration and an annual renewal of the registration of off-highway vehicles and requires that such registration be in the form of a sticker or decal that is approximately the size of a license plate for a motorcycle. (NRS 490.082, 490.083) **[**~~Section 6 of this bill revises the registration renewal period from once a year to every 3 years. Section 7 of this~~**]** **This** bill revises the size requirement of the registration sticker or decal, providing that it must be **[**~~smaller than the size of a license plate for a motorcycle.~~**]** **at least 3 inches high by 3 1/2 inches wide.**

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

Section 1. **[**~~Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.~~**]** **(Deleted by amendment.)**

Sec. 2. **[**~~*1. An officer of the Department or a peace officer in this State who is authorized to enforce the provisions of this chapter may not stop an off-highway vehicle for a violation of subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130. Except as otherwise provided in subsection 2, a citation may be issued for such a violation only if the violation is discovered when the off-highway vehicle is halted or its operator arrested for another alleged violation or offense.*~~

~~*2. Before issuing a citation for a violation of subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130, an officer of the Department or a peace officer in this State shall allow the operator of the off-highway vehicle to, in lieu of receiving a citation, fill out an application provided by the officer for registration of the off-highway vehicle and pay to the officer the fee required pursuant to NRS 490.084. The officer, upon receipt of the application and fee, shall:*~~

~~*(a) Issue to the operator a receipt which bears the date of issuance and includes a statement that the receipt shall be deemed a temporary*~~

~~*certificate of registration for the off-highway vehicle that expires 30 days after issuance; and*~~

~~*(b) Submit to the Department, in a timely manner, the application and fee.*~~

~~*3. If the operator does not fill out the application and does not pay the fee pursuant to subsection 2, the officer may issue a citation for the violation of subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130, as applicable.*~~

~~*4. The Department shall make available to its officers and all peace officers in this State the applications for registration of an off-highway vehicle and receipts required by this section in a form that is prescribed by the Department.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. Upon receipt of an application for registration of an off-highway vehicle and the fee from an officer of the Department or a peace officer in this State pursuant to section 2 of this act, the Department shall send to the applicant:*~~

~~*(a) An acknowledgment of receipt of the application for registration and the fee required pursuant to NRS 490.084;*~~

~~*(b) A list of any other documents or evidence required by the Department for registration of the off-highway vehicle pursuant to NRS 490.082; and*~~

~~*(c) The mailing addresses of the Department.*~~

~~*2. Upon receipt by the Department of the documents or evidence required pursuant to paragraph (b) of subsection 1 from the applicant, the Department shall register the off-highway vehicle and mail to the applicant the registration sticker or decal for the off-highway vehicle pursuant to NRS 490.083.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 490.060 is hereby amended to read as follows:~~

~~490.060 1. "Off-highway vehicle" means a motor vehicle that is designed primarily for off-highway and all-terrain use~~ **[.]** ~~*and is propelled by an engine which has a displacement of 500 cubic centimeters or more.*~~ ~~The term includes, but is not limited to:~~

~~(a) An all-terrain vehicle;~~

~~(b) An all-terrain motorcycle;~~

~~(c) A dune buggy;~~

~~(d) A snowmobile; and~~

~~(e) Any motor vehicle used on public lands for the purpose of recreation.~~

~~2. The term does not include:~~

~~(a) A motor vehicle designed primarily for use in water;~~

~~(b) A motor vehicle that is registered by the Department;~~

~~(c) A low-speed vehicle as defined in NRS 484B.637; or~~

~~(d) Special mobile equipment, as defined in NRS 482.123.~~] **(Deleted by amendment.)**

Sec. 5. ~~[NRS 490.065 is hereby amended to read as follows:~~

~~490.065 The Department, all officers thereof and all peace officers in this State shall enforce~~ ***, and are the only persons authorized to enforce,*** ~~the provisions of this chapter.~~ ***The State of Nevada does not authorize the Federal Government or any representative thereof to enforce the provisions of this chapter.]*** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 490.082 is hereby amended to read as follows:~~

~~490.082 1. An owner of an off-highway vehicle that is acquired:~~

~~(a) Before the effective date of this section:~~

~~(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.~~

~~(2) Except as otherwise provided in subsection 3~~ **[,]** ***and section 2 of this act,*** ~~shall, within 1 year after the effective date of this section, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.~~

~~(b) On or after the effective date of this section, shall, within 30 days after acquiring ownership of the off-highway vehicle:~~

~~(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.~~

~~(2) Except as otherwise provided in subsection 3~~ **[,]** ***and section 2 of this act,*** ~~apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.~~

~~2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:~~

~~(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.~~

~~(b) The registration of the off-highway vehicle,~~ ***except as otherwise provided in section 2 of this act,*** ~~the owner shall submit:~~

~~(1) If ownership of the off-highway vehicle was obtained before the effective date of this section, proof prescribed by the Department:~~

~~(I) That he or she is the owner of the off-highway vehicle; and~~

~~(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or~~

~~(2) If ownership of the off-highway vehicle was obtained on or after the effective date of this section:~~

~~(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway~~

~~vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and~~

~~(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.~~

~~3. Registration of an off-highway vehicle is not required if the off-highway vehicle:~~

~~(a) Is owned and operated by:~~

~~(1) A federal agency;~~

~~(2) An agency of this State; or~~

~~(3) A county, incorporated city or unincorporated town in this State;~~

~~(b) Is part of the inventory of a dealer of off-highway vehicles;~~

~~(c) Is registered or certified in another state **;** **[**and is located in this State for not more than 60 days;**]**~~

~~(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;~~

~~(e) Is used for work conducted by or at the direction of a public or private utility; or~~

~~(f) Was manufactured before January 1, 1976.~~

~~4. **[**The**]** ***Except as otherwise provided in section 2 of this act, the*** registration of an off-highway vehicle expires **[**1 year**]** ***3 years*** after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the **[**annual**]** renewal fee and a late fee of $25. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. ***The Department shall not replace a temporary registration issued pursuant to section 2 of this act.*** The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:~~

~~(a) Set forth by the Department by regulation; and~~

~~(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.~~**] (Deleted by amendment.)**

Sec. 7. NRS 490.083 is hereby amended to read as follows:

490.083 Each ***[Except as otherwise provided in section 2 of this act, each]*** registration of an off-highway vehicle must:

1. Be in the form of a sticker or decal, as prescribed by the **[**~~Department.~~**]** ***Commission.***

2. Be **[**~~approximately~~**]** ***[smaller than*** ~~the size of a license plate for a motorcycle, as set forth by the Department.~~**]** ***at least 3 inches high by 3 1/2 inches wide, and display not more than 4 characters that are at least 1 1/4 inches high.***

3. Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

4. Be displayed on the off-highway vehicle in the manner set forth by the Commission.

Sec. 8. **[**~~NRS 490.084 is hereby amended to read as follows:~~

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

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

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

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

~~(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 15 percent must be deposited into the Fund.~~

~~(b) On or after July 1, 2013:~~

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

~~(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Fund.~~**]** **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 490.110 is hereby amended to read as follows:~~

~~490.110 1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the requirements of this chapter and the operator holds a valid driver's license and operates the off-highway vehicle in accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with NRS 490.090 to 490.130, inclusive~~ **[.]** ***, and sections 2 and 3 of this act.***

~~2. An off-highway vehicle may not be operated pursuant to this section:~~

~~(a) On an interstate highway;~~

~~(b) On a paved highway in this State for more than 2 miles; or~~

~~(c) Unless the highway is specifically designated for use by off-highway vehicles in a city whose population is 100,000 or more.~~**]** **(Deleted by amendment.)**

Sec. 10. **[**~~NRS 490.120 is hereby amended to read as follows:~~

~~490.120 In addition to the requirements set forth in NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, *and sections 2 and 3 of this act,* unless the off-highway vehicle has:~~

~~1. At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;~~

~~2. At least one tail lamp that is visible from at least 500 feet behind the vehicle;~~

~~3. At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;~~

~~4. A stop lamp on the rear of the vehicle; and~~

~~5. A muffler which is in working order and which is in constant operation when the vehicle is running.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 490.130 is hereby amended to read as follows:~~

~~490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, *and sections 2 and 3 of this act,* shall:~~

~~1. Comply with all traffic laws of this State;~~

~~2.~~ **[**~~Ensure~~**]** ***Except as otherwise provided in section 2 of this act, ensure*** ~~that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083; and~~

~~3. Wear a helmet.~~**]** **(Deleted by amendment.)**

Sec. 12. ~~[NRS 490.520 is hereby amended to read as follows:~~

~~490.520 1. It is a gross misdemeanor for any person knowingly to falsify:~~

~~(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or~~

~~(b) An application or document to obtain any license, permit, *temporary registration,* certificate of title or registration issued under the provisions of this chapter.~~

~~2. Except as otherwise provided in subsection 3, it is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.~~

~~3. [~~Any~~] *Except as otherwise provided in subsection 2 of section 2 of this act, any* person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a misdemeanor and shall be punished by a fine not to exceed $100.~~]~~ **(Deleted by amendment.)**

Sec. 13. ~~[This act becomes effective on July 1, 2013.]~~ **(Deleted by amendment.)**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 306.

Bill read second time.

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

Amendment No. 280.

AN ACT relating to certain regulated professions; revising the definition of "private investigator"; exempting certain activities from the applicability of provisions of existing law governing private investigators and related professions; revising provisions governing employees of certain licensees; requiring certain licensees to maintain a principal place of business in this State; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of the term "private investigator" to include certain activities relating to investigations into computerized data not available to the public and certain crimes and torts. **Section 2** of this bill revises the applicability of provisions governing private investigators and related professions to exempt from the requirements for

licensure certain persons who perform maintenance or repair of computers under certain circumstances.

Section 6 of this bill requires a person licensed to engage in the business of a private investigator, private patrol officer, process server, repossessor, dog handler, security consultant, or polygraphic examiner or intern to maintain a principal place of business in this State. **Section 5** of this bill requires that a licensee post his or her license in a conspicuous place in the licensee's principal place of business in this State. **Section 4** of this bill requires a licensee to: (1) ensure that every registered person employed in this State by the licensee is supervised by a licensee who is physically located in this State; and (2) maintain at a location in this State records relating to employment **, compensation, licensure** and registration of employees.

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

Section 1. NRS 648.012 is hereby amended to read as follows:

648.012 "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, ***including, without limitation, through the review, analysis and investigation of computerized data not available to the public,*** information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

4. ***A crime or tort that has been committed, attempted, threatened or suspected;***

5. Securing evidence to be used before any court, board, officer or investigating committee; or

~~[5.]~~ ***6.*** The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

Sec. 2. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely

for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

Sec. 3. NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. ~~[A specific description of the location]~~ ***The complete address*** of the principal place of business of the applicant ~~[, the]~~ ***in this State and of each branch office or other place of business of the applicant in this State.***

4. The business ***or businesses*** in which the applicant intends to engage and the category ***or categories*** of license he or she desires.

~~[4.]~~ ***5.*** A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[5.]~~ ***6.*** A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

~~[6.]~~ ***7.*** Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

~~[7.]~~ ***8.*** If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

~~[8.]~~ ***9.*** Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 4. NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many persons registered pursuant to this chapter as may be necessary, but at all times every licensee ~~[is]~~ ***:***

(a) Shall ensure that each registered person employed in this State by the licensee is supervised by a licensee who is physically present in this State; and

(b) Is accountable for the good conduct of every person employed by the licensee in connection with his or her business.

3. Each licensee shall ~~[furnish]~~ ***:***

(a) Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;

(b) Furnish the Board with the information requested by it concerning all employees registered pursuant to this chapter, except clerical personnel ***;*** ~~[,]~~ and ~~[shall notify]~~

(c) Notify the Board within 3 days after such employees begin their employment.

Sec. 5. NRS 648.142 is hereby amended to read as follows:

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the ***licensee's*** principal place of business ~~[of the licensee.]~~ ***in this State.***

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

Sec. 6. NRS 648.148 is hereby amended to read as follows:

648.148 1. Each licensee shall ~~[file]~~ ***:***

(a) Maintain a principal place of business in this State; and

(b) File with the Board the complete address of his or her principal place of business ***in this State,*** including the name and number of the street, or, if

the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and ~~[address]~~ ***the number of the licensee's license*** as they appear in the records of the Board.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 327.

Bill read second time.

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

Amendment No. 427.

AN ACT relating to state accountability; requiring the ~~[State Controller]~~ **Director of the Department of Administration** to establish a telephone number for the purpose of receiving information relating to abuse, fraud or waste with respect to the receipt and use of public money ~~[;]~~ **by certain state agencies or contractors;** requiring ~~[a state agency, contractor, grant recipient or local government that receives public money to post]~~ a notice identifying the telephone number **to be posted** at certain locations ~~[; transferring the Division of Internal Audits from the Department of Administration to the Office of the State Controller;]~~ **and online;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this]~~ **This** bill requires the ~~[State Controller]~~ **Director of the Department of Administration** to establish a telephone number to receive information relating to abuse, fraud and waste with respect to the receipt and use of public money ~~[.]~~ **by certain state agencies or contractors,** and requires written notice of the telephone number to be posted ~~[by a state]~~ **: (1) on the Internet website maintained by the Department; and (2) in each public building of an** agency **. ~~[, contractor, grant recipient or local government that receives public money at certain locations throughout the State.~~**

~~Sections 2 to 13 of this bill transfer the Division of Internal Audits, including its powers and duties, from the Department of Administration to the Office of the State Controller.]~~

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

Section 1. Chapter 353A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[State Controller]~~ Director shall:

(a) Establish a telephone number at which a person may report information relating to abuse, fraud or waste with respect to public money received and used by an agency ~~[,]~~ or contractor ~~[, grant recipient or local government,]~~ and

(b) Create a written notice that:

(1) Clearly identifies the telephone number established pursuant to paragraph (a); and

(2) Contains a statement directing any person with any information relating to abuse, fraud or waste with respect to public money received and used by an agency ~~[,]~~ or contractor ~~[, grant recipient or local government]~~ to report the information at the telephone number established pursuant to paragraph (a).

2. The written notice created pursuant to paragraph (b) of subsection 1 must be posted conspicuously:

(a) In each public building of an agency ; ~~[and local government;]~~ and

(b) ~~[At any location where an agency, contractor, grant recipient or local government is utilizing public money to complete a project or carry out any duty pursuant to a contract or grant with the State.]~~ On the Internet website maintained by the Department of Administration.

3. As used in this section:

(a) ~~[“Agency” means an agency, department, division, board, commission or similar body, political subdivision or elected officer of the Executive Department of the State Government, or a regulatory body as defined by NRS 622.060. The term does not include:

(1) A Native American tribe or any political subdivision thereof;

(2) The Nevada System of Higher Education;

(3) The Public Employees’ Retirement System; or

(4) The Colorado River Commission of Nevada.

(b)] “Contractor” means any person, business, organization or nonprofit corporation that contracts with ~~[the State or a local government]~~ an agency to receive public money. The term includes a subcontractor or a third party who receives any portion of the public money from the contractor to carry out any obligation pursuant to a contract between the contractor and the ~~[State or the local government.

(c) “Grant recipient” means any person, agency, contractor or local government that receives public money from the State or a local

~~*government in the form of a grant. The term includes a third party who receives from the grant recipient any portion of the public money to carry out the purposes of a grant received by the grant recipient from the State or the local government.*~~

~~*(d) "Local government" means a local government or any political subdivision or officer of a local government.*~~

~~*(e)]*~~ *agency.*

(b) "Public money" means any money deposited with a depository by the State Treasurer ~~*[or by an official custodian of a local government with plenary authority]*~~ *and includes money which is received by* ~~*[the State or a local government]*~~ *an agency from the Federal Government for distribution and use in this State pursuant to a federal law or federal regulation.* ~~*[The term does not include money deposited with a depository by or on behalf of:*~~

~~*(1) A Native American tribe;*~~

~~*(2) The Nevada System of Higher Education;*~~

~~*(3) The Public Employees' Retirement System; or*~~

~~*(4) The Colorado River Commission of Nevada.]*~~

Sec. 2. ~~[NRS 353A.010 is hereby amended to read as follows:~~

~~353A.010 As used in this chapter, unless the context otherwise requires:~~

~~1. "Agency" means every agency, department, division, board, commission or similar body, or elected officer, of the Executive Branch of the State.~~

~~2. "Committee" means the Executive Branch Audit Committee created pursuant to NRS 353A.038.~~

~~3. [~~"Director" means the Director of the Department of Administration.~~

~~4.]~~ "Internal accounting and administrative control" means a method through which agencies can safeguard assets, check the accuracy and reliability of their accounting information, promote efficient operations and encourage adherence to prescribed managerial policies.~~]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 353A.020 is hereby amended to read as follows:~~

~~353A.020 1. The [Director,]~~ ~~*State Controller,*~~ ~~in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:~~

~~(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;~~

~~(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;~~

~~(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;~~

~~(d) A system of practices to be followed in the performance of the duties and functions of each agency; and~~

~~(e) An effective system of internal review.~~

~~2. The [Director,] *State Controller,* in consultation with the Committee and Legislative Auditor, may modify the system whenever the [Director] *State Controller* considers it necessary.~~

~~3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.~~

~~4. For the purposes of this section, "agency" does not include:~~

~~(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.~~

~~(b) The Nevada System of Higher Education.~~

~~(c) The Public Employees' Retirement System.~~

~~(d) The Housing Division of the Department of Business and Industry.~~

~~(e) The Colorado River Commission of Nevada.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 353A.025 is hereby amended to read as follows:~~

~~353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.~~

~~2. On or before July 1 of each even-numbered year, the head of each agency shall report to the [Director] *State Controller* whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.~~

~~3. For the purposes of this section, "agency" does not include:~~

~~(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.~~

~~(b) The Nevada System of Higher Education.~~

~~(c) The Public Employees' Retirement System.~~

~~(d) The Housing Division of the Department of Business and Industry.~~

~~(e) The Colorado River Commission of Nevada.~~

~~4. The [Director] *State Controller* shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:~~

~~(a) Director of the Legislative Counsel Bureau for transmittal to the:~~

~~(1) Senate Standing Committee on Finance; and~~

~~(2) Assembly Standing Committee on Ways and Means;~~

~~(b) Governor; and~~

~~(c) Legislative Auditor.~~

~~5. The report submitted by the [Director] *State Controller* pursuant to subsection 4 must include, without limitation:~~

~~(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;~~

~~(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and~~

~~(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 353A.036 is hereby amended to read as follows:~~

~~353A.036 "Division" means the Division of Internal Audits *of the Office* of the [Department of Administration.] *State Controller.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 353A.041 is hereby amended to read as follows:~~

~~353A.041 1. *The State Controller shall appoint an Administrator of the Division.*~~

~~*2.* The Administrator must:~~

~~(a) Be a certified public accountant licensed by this state or a public accountant qualified pursuant to chapter 628 of NRS to practice public accounting in this state; and~~

~~(b) Have at least 5 years of progressively responsible experience in professional auditing and performing internal audits or postaudits. The experience must include, without limitation, the performance of audits of governmental entities or of private business organizations, whether or not organized for profit.~~

~~[2.] *3.* The Administrator may [employ,] *:*~~

~~*(a) Appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143; and*~~

~~*(b) Employ,* within the limits of legislative appropriations, *any other* such staff as is necessary to [the performance of] *carry out* his or her duties.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 353A.045 is hereby amended to read as follows:~~

~~353A.045 The Administrator shall:~~

~~1. Report to the [Director.] *State Controller.*~~

~~2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be~~

~~submitted to the [Director] *State Controller* for approval. Such agencies must not include:~~

~~(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.~~

~~(b) The Nevada System of Higher Education.~~

~~(c) The Public Employees' Retirement System.~~

~~(d) The Housing Division of the Department of Business and Industry.~~

~~(e) The Colorado River Commission of Nevada.~~

~~3. Provide a copy of the approved annual work plan to the Legislative Auditor.~~

~~4. In consultation with the [Director,] *State Controller,* prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:~~

~~(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and~~

~~(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.~~

~~5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.~~

~~6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.~~

~~7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:~~

~~(a) The adequacy of the internal accounting and administrative controls of the agency; and~~

~~(b) The efficiency and effectiveness of the management of the agency.~~

~~8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.~~

~~9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.~~

~~10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.~~

~~11. Appoint a Manager of Internal Controls.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 353A.065 is hereby amended to read as follows:~~

~~353A.065 1. Within 90 days after the end of each fiscal year, the Administrator shall submit an annual report to the Committee for its approval which:~~

~~(a) Lists the agencies to which the Division provided training and assistance;~~

~~(b) Separately lists any other activities undertaken by the Division that are related to the provision of training and assistance and the status of those activities;~~

~~(c) Contains a list of the final reports that have been submitted pursuant to NRS 353A.085;~~

~~(d) Contains a separate list of any other activities undertaken by the Division that are related to the final reports submitted pursuant to NRS 353A.085 and the status of those activities; and~~

~~(e) Describes the accomplishments of the Division.~~

~~2. The Administrator shall provide a copy of the annual report to the:~~

~~(a) Committee;~~

~~(b) [Director;] *State Controller;*~~

~~(c) Interim Finance Committee; and~~

~~(d) Legislative Auditor.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 232.213 is hereby amended to read as follows:~~

~~232.213 1. The Department of Administration is hereby created.~~

~~2. The Department consists of a Director and the following:~~

~~(a) Budget Division.~~

~~(b) Risk Management Division.~~

~~(c) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.~~

~~(d) State Public Works Division.~~

~~(e) Purchasing Division.~~

~~(f) Administrative Services Division.~~

~~(g) [Division of Internal Audits.~~

~~(h)] Division of Human Resource Management.~~

~~[(i)] *(h)* Division of Enterprise Information Technology Services.~~

~~[(j)] *(i)* Division of State Library and Archives.~~

~~[(k)] *(j)* Office of Grant Procurement, Coordination and Management.~~

~~3. The Director may establish a Motor Pool Division or may assign the functions of the State Motor Pool to one of the other divisions of the Department.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 232.215 is hereby amended to read as follows:~~

~~232.215 The Director:~~

~~1. Shall appoint an Administrator of the:~~

~~(a) Risk Management Division;~~

~~(b) State Public Works Division;~~

~~(c) Purchasing Division;~~

~~(d) Administrative Services Division;~~

~~(e) [Division of Internal Audits;~~

~~(f)~~**]** ~~Division of Human Resource Management;~~

~~[(g)~~**]** ***(f)*** ~~Division of Enterprise Information Technology Services;~~

~~[(h)~~**]** ***(g)*** ~~Division of State Library and Archives;~~

~~[(i)~~**]** ***(h)*** ~~Office of Grant Procurement, Coordination and Management; and~~

~~[(j)~~**]** ***(i)*** ~~Motor Pool Division, if separately established.~~

~~2. Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by NRS 353.175.~~

~~3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.~~

~~4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242, 284, 331, 333, 336, 338 and 341 of NRS, NRS 353.150 to 353.246, inclusive,~~ **[**~~and 353A.031 to 353A.100, inclusive,~~**]** ~~chapter 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.~~

~~5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.~~

~~6. Has such other powers and duties as are provided by law.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 232.2165 is hereby amended to read as follows:~~

~~232.2165 The Administrator of:~~

~~1. The State Public Works Division;~~

~~2. The Purchasing Division;~~

~~3. The Administrative Services Division;~~

~~4.~~ **[**~~The Division of Internal Audits;~~

~~5.~~**]** ~~The Division of Human Resource Management;~~

~~[6.~~**]** ***5.*** ~~The Division of Enterprise Information Technology Services;~~

~~[7.~~**]** ***6.*** ~~The Division of State Library and Archives;~~

~~[8.~~**]** ***7.*** ~~The Office of Grant Procurement, Coordination and Management; and~~

~~[9.~~**]** ***8.*** ~~If separately established, the Motor Pool Division,~~

~~**"**~~ ~~of the Department serves at the pleasure of the Director and is in the unclassified service of the State.~~**]** **(Deleted by amendment.)**

Sec. 12. **[**~~NRS 232.217 is hereby amended to read as follows:~~

~~232.217 Unless federal law or regulation otherwise requires, the Chief of the Budget Division and the Administrator of the:~~

~~1. State Public Works Division;~~

~~2. Purchasing Division;~~

~~3.~~ **[**~~Division of Internal Audits;~~

~~4.~~**]** ~~Division of Human Resource Management;~~

~~**[**5.**]** ***4.*** ~~Division of Enterprise Information Technology Services;~~

~~**[**6.**]** ***5.*** ~~Division of State Library and Archives; and~~

~~**[**7.**]** ***6.*** ~~Motor Pool Division, if separately established,~~

~~➥ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.~~**]** **(Deleted by amendment.)**

Sec. 13. ~~**[**NRS 232.219 is hereby amended to read as follows:~~

~~232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.~~

~~2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:~~

~~(a) State Public Works Division;~~

~~(b) Budget Division;~~

~~(c) Purchasing Division;~~

~~(d) Hearings Division;~~

~~(e) Risk Management Division;~~

~~(f) **[**Division of Internal Audits;~~

~~(g)**]** Division of Human Resource Management;~~

~~**[**(h)**]** ***(g)*** Division of Enterprise Information Technology Services;~~

~~**[**(i)**]** ***(h)*** Division of State Library and Archives; and~~

~~**[**(j)**]** ***(i)*** If separately established, the Motor Pool Division.~~

~~3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.~~

~~4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.~~**]** **(Deleted by amendment.)**

Sec. 14. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 342.

AN ACT relating to vehicle registration; authorizing the registration of certain trailers for a ~~[5-year]~~ **3-year** period in lieu of a 12-month period; requiring a registrant who elects to register a trailer for the longer period to pay fees commensurate with that longer period; **authorizing the registration of certain commercial trailers and semitrailers for as long as the trailer is owned by the person who obtained the registration; providing for a one-time imposition of a flat governmental services tax on commercial trailers registered for as long as the trailer is owned by the person who obtained the registration;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the annual registration of trailers and semitrailers that are to be operated on the highways of this State and the imposition of a governmental services tax. (NRS 371.030, 482.205, 482.206) **Section ~~[1]~~ 1.4** of this bill allows a person who owns a trailer ~~[or semitrailer]~~ to instead elect to register the trailer ~~[or semitrailer]~~ for a period of ~~[5]~~ **3** years. **Section ~~[1 of this bill]~~ 1.4** also requires a person who registers a trailer ~~[or semitrailer]~~ for a ~~[5-year]~~ **3-year** period to pay upon registration all applicable fees and taxes which the person would pay if the trailer ~~[or semitrailer]~~ was registered for 1 year and then renewed for ~~[4]~~ **2** consecutive years, including, without limitation, governmental services taxes, registration fees, license plate fees and additional fees, if applicable, for personalized prestige license plates and special license plates.

Sections 2, 3, 34.5 and 36 of this bill authorize the owners of certain commercial trailers and semitrailers to pay a flat registration fee of $24 and the imposition of the governmental services tax in the amount of $86 for a registration that is valid for as long as the person owns the trailer. Section 2 provides that such a registration is nontransferable if the person transfers ownership of the trailer, and is valid until the owner either transfers ownership of the trailer or cancels the registration of the trailer and surrenders the license plates to the Department of Motor Vehicles. Section 36 provides that the governmental services tax is imposed only when the trailer is registered and is nonrefundable. Section 4.5 of this bill provides that the Department shall not, for a trailer being registered in this manner, issue any of the various special license plates offered for other vehicles.

Sections ~~[2-5]~~ 2-4, 5 and 35 of this bill make conforming changes to provisions concerning the transfer of registration, the imposition of the governmental services tax, renewal stickers, the replacement of license plates or decals that are lost, mutilated or illegible, and the reporting of stolen motor vehicles, trailers or semitrailers. (NRS 482.206, 482.260, 482.2705, 482.285,

482.520) **Sections ~~[6-34]~~ 6-34.1** of this bill make conforming changes to provisions authorizing the issuance of special license plates which are available for **certain** trailers and semitrailers. **Sections 36-38 of this bill make conforming changes to provisions concerning the imposition of the governmental services tax.**

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.2 and 1.4 of this act.**

Sec. 1.2. ***"Full trailer" means any commercial vehicle without motive power supported by front and rear axles and pulled by a drawbar.***

Sec. 1.4. 1. A trailer ~~[or semitrailer]~~ may be registered for a ~~[5-year]~~ 3-year period as provided in this section.

2. A person who registers a trailer ~~[or semitrailer]~~ for a ~~[5-year]~~ 3-year period must pay upon registration all fees and taxes that would be due during the ~~[5-year]~~ 3-year period if he or she registered the trailer ~~[or semitrailer]~~ for 1 year and renewed that registration for ~~[4]~~ 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 1.5. **NRS 482.010 is hereby amended to read as follows:**

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 1.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section ~~[,]~~ ***and section ~~[1]~~ 1.4 of this act,*** every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ***and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483,*** must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. ~~[~~Every~~]~~ ***Except as otherwise provided in subsection 7 and section ~~[1]~~ 1.4 of this act, every*** vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. ~~[~~A~~]~~ ***Except as otherwise provided in subsection 7 and section ~~[1]~~ 1.4 of this act, a*** vehicle which must be registered through the Motor Carrier Division of the Department, or a motor vehicle which has a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. ~~[~~When~~]~~ ***Except as otherwise provided in ~~[subsection 6,]~~ subsections 6 and 7, when*** the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer ~~[or semitrailer]~~ that is registered for a ~~[5-year]~~ 3-year period pursuant to section ~~[1]~~ 1.4 of this act is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to section ~~[1]~~ 1.4 of this act, for a period of ~~[5]~~ 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the ~~[semitrailer or]~~ trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current

period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 ~~[,]~~ ***and ~~[subsection 6,]~~ subsections 6 and 7,*** every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A ~~[semitrailer or]~~ trailer being registered pursuant to section ~~[1]~~ 1.4 of this act must be taxed for the purposes of the governmental services tax for a ~~[5-year]~~ 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable. The

Department shall remit the governmental services tax collected pursuant to this subsection to the Department of Taxation.

Sec. 4. NRS 482.2705 is hereby amended to read as follows:

482.2705 1. The Director shall order the preparation of vehicle license plates for passenger cars and trucks in the same manner as is provided for motor vehicles generally in NRS 482.270.

2. Except as otherwise provided by specific statute, the Director shall determine the combinations of letters and numbers which constitute the designations for license plates assigned to passenger cars and trucks.

3. Any license plate issued for a passenger car or truck before January 1, 1982, bearing a designation which is not in conformance with the system described in subsection 2 is valid during the period for which the plate was originally issued as well as during any ~~[~~annual~~]~~ extensions by stickers.

Sec. 4.5. **NRS 482.274 is hereby amended to read as follows:**

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270 ~~[.]~~ ***, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.***

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive.

Sec. 5. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees.

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

(a) A duplicate number plate or a substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

(a) A substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and

(b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Signs a declaration that the plates were stolen; and

(b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. ~~[Credit]~~ ***Except as otherwise provided in subsection 7 of NRS 482.260, credit*** must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full ~~[12-month]~~ period of registration.

Sec. 6. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The Department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of such license plates.

2. The Department shall issue personalized prestige license plates, upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers ~~[.]~~ ***, except that such plates may not be issued for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.***

3. ~~[~~Personalized~~]~~ ***Except as otherwise provided in section ~~[1]~~ 1.4 of this act, personalized*** prestige license plates are valid for 12 months and are renewable upon expiration. These plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter.

4. In case of any conflict, the person who first made application for personalized prestige license plates and has continuously renewed them by payment of the required fee has priority.

5. The Department may limit by regulation the number of letters and numbers used and prohibit the use of inappropriate letters or combinations of letters and numbers.

6. The Department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 7. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of $5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 7 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the

registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 8. NRS 482.3747 is hereby amended to read as follows:

482.3747 1. The Department, in cooperation with the Board of Regents and the athletic departments of the University of Nevada, Reno, and the University of Nevada, Las Vegas, shall design, prepare and issue collegiate license plates, using any appropriate colors and designs to represent each university.

2. The Department may issue collegiate license plates for any passenger car or light commercial vehicle upon application by any person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with collegiate license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the collegiate license plates pursuant to subsections 3 and 4.

3. The fee for the collegiate license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. Collegiate license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a collegiate license plate shall pay for the initial issuance of a plate an additional fee of $25 and for each renewal of the plate an additional fee of $20 for academic and athletic scholarships to students of the University of Nevada, Reno, and the University of Nevada, Las Vegas.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Collegiate License Plate Account in the State General Fund created pursuant to NRS 396.384.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of collegiate plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 9. NRS 482.3748 is hereby amended to read as follows:

482.3748 1. Except as otherwise provided in this section, the Department, in cooperation with the Grand Lodge of Free and Accepted Masons of the State of Nevada, shall design, prepare and issue license plates

that indicate affiliation with the Grand Lodge of Free and Accepted Masons using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons.

3. An application for the issuance or renewal of license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons is void unless it has been stamped or otherwise validated by the Grand Lodge of Free and Accepted Masons. The Grand Lodge of Free and Accepted Masons may charge a fee for validating an application.

4. The fee payable to the Department for license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

5. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. For the purposes of this section, "Grand Lodge of Free and Accepted Masons" means the Grand Lodge of Free and Accepted Masons of the State of Nevada, or its successor, and any recognized sister jurisdiction or organization of the Grand Lodge of Free and Accepted Masons.

Sec. 10. NRS 482.3749 is hereby amended to read as follows:

482.3749 1. The Department shall, in cooperation with the Nevada Commission on Sports and using any colors and designs that the Department deems appropriate, design, prepare and issue license plates which indicate

status as a hall of fame athlete. The design of the license plates must include the words "hall of fame."

2. The Department shall issue license plates that indicate status as a hall of fame athlete for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate status as a hall of fame athlete if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate status as a hall of fame athlete.

3. An application for the issuance or renewal of license plates that indicate status as a hall of fame athlete is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of identity and status as a hall of fame athlete.

4. In addition to all other applicable registration and license fees and governmental services taxes:

(a) A person who requests license plates that indicate status as a hall of fame athlete shall pay a fee to the Department of $35.

(b) License plates that indicate status as a hall of fame athlete are renewable upon the payment to the Department of $10.

5. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. As used in this section, "hall of fame athlete" means a current or former athlete who has been inducted into a hall of fame pertaining to the sport in which the athlete participates or participated, including, but not limited to:

(a) The National Baseball Hall of Fame, located in Cooperstown, New York.

(b) The Basketball Hall of Fame, located in Springfield, Massachusetts.

(c) The Pro Football Hall of Fame, located in Canton, Ohio.

(d) The Hockey Hall of Fame, located in Toronto, Ontario, Canada.

(e) The National Soccer Hall of Fame, located in Oneonta, New York.

(f) The International Tennis Hall of Fame, located in Newport, Rhode Island.

(g) The Pro Rodeo Hall of Fame, located in Colorado Springs, Colorado.

(h) Any hall of fame which has been established at a university, state college or community college within the Nevada System of Higher Education.

Sec. 10.5. **NRS 482.375 is hereby amended to read as follows:**

482.375 1. An owner of a motor vehicle who is a resident of the State of Nevada and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application accompanied by proof of ownership of that license, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for plates as prescribed by law, and the payment of an additional fee of $35, must be issued a license plate or plates, upon which in lieu of the numbers as prescribed by law must be inscribed the words "RADIO AMATEUR" and the official amateur radio call letters of the applicant as assigned by the Federal Communications Commission. The annual fee for a renewal sticker is $10 unless waived by the Department pursuant to subsection 2. The plate or plates may be used only on a private passenger car, trailer or travel trailer or on a noncommercial truck ~~[.]~~ ***, except that such plates may not be used on a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.***

2. The Department may waive the annual fee for a renewal sticker if the applicant for renewal:

(a) Submits with the application for renewal a statement under penalty of perjury that the applicant will assist in communications during local, state and federal emergencies; and

(b) Satisfies any other requirements established by the Department by regulation for such a waiver.

3. The cost of the die and modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.

4. The Department may adopt regulations:

(a) To ensure compliance with all state license laws relating to the use and operation of a motor vehicle before issuance of the plates in lieu of the regular Nevada license plate or plates.

(b) Setting forth the requirements and procedure for obtaining a waiver of the annual fee for a renewal sticker.

5. All applications for the plates authorized by this section must be made to the Department.

Sec. 11. NRS 482.3753 is hereby amended to read as follows:

482.3753 1. Except as otherwise provided in this section, the Department, in cooperation with professional full-time salaried firefighters in

the State of Nevada, shall design, prepare and issue license plates that recognize current or former employment as a professional full-time salaried firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former employment as a professional full-time salaried firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former employment as a professional full-time salaried firefighter if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that recognize current or former employment as a professional full-time salaried firefighter.

3. An application for the issuance or renewal of license plates that recognize current or former employment as a professional full-time salaried firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's:

(a) Current employment as a professional full-time salaried firefighter; or

(b) Status as a former professional full-time salaried firefighter who retired from employment after completing at least 10 years of creditable service as a firefighter within this State with:

(1) A fire department; or

(2) A federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

4. Proof of an applicant's current or former employment as a professional full-time salaried firefighter must consist of:

(a) An identification card issued by the Professional Fire Fighters of Nevada or its successor;

(b) An identification card issued by the Nevada Fire Chiefs Association or its successor; or

(c) A letter certifying the applicant's current or former employment as a professional full-time salaried firefighter, which letter must be from:

(1) The Professional Fire Fighters of Nevada or its successor;

(2) The Nevada Fire Chiefs Association or its successor; or

(3) The chief officer of a federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

5. The fee payable to the Department for license plates that recognize current or former employment as a professional full-time salaried firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

6. In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 5, a person who requests a set of license plates that recognize current or former employment as a professional full-time salaried firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the Professional Fire Fighters of Nevada Benevolent Association.

7. The Department shall deposit the fees collected pursuant to subsection 6 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Professional Fire Fighters of Nevada Benevolent Association.

8. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

9. As used in this section, "professional full-time salaried firefighter" means a person employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public.

Sec. 12. NRS 482.3754 is hereby amended to read as follows:

482.3754 1. Except as otherwise provided in this section, the Department, in cooperation with the Nevada State Firefighters' Association or its successor, shall design, prepare and issue license plates that recognize current or former service as a volunteer firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former service as a volunteer firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former service as a volunteer firefighter if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that recognize current or former service as a volunteer firefighter.

3. An application for the issuance or renewal of license plates that recognize current or former service as a volunteer firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's current service as a volunteer firefighter or status as a former volunteer firefighter who retired from service as a volunteer firefighter within this State after completing at least 10 years of active service. Proof of an applicant's current or former service as a volunteer firefighter must consist of:

(a) An identification card which indicates that the applicant currently serves as a volunteer firefighter; or

(b) A letter from the chief officer of a volunteer or combination fire department certifying the applicant's current or former service as a volunteer firefighter.

4. The fee payable to the Department for license plates that recognize current or former service as a volunteer firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 4, a person who requests a set of license plates that recognize current or former service as a volunteer firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the training of volunteer firefighters.

6. The Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection and reserve such money for expenditure by the State Fire Marshal in accordance with this subsection. The State Fire Marshal may expend the money reserved pursuant to this subsection solely for the support of, and to

pay expenses related to, training for volunteer firefighters provided by or as directed by the Board of Directors of the Nevada State Firefighters' Association or its successor.

7. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

8. As used in this section:

(a) "Combination fire department" means a fire department that is:

(1) Served by both volunteer and full-time salaried firefighters; and

(2) Recognized as such by the State Fire Marshal.

(b) "Volunteer fire department" means a fire department recognized as a bona fide volunteer fire department by the State Fire Marshal.

(c) "Volunteer firefighter" means a person who serves actively in an unpaid capacity in a volunteer or combination fire department within this State as a firefighter for the benefit or safety of the public.

Sec. 13. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:

(a) A veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard;

(b) A female veteran; or

(c) The spouse, parent or child of a person described in paragraph (a) or (b).

➥ The plates must be inscribed with the word "VETERAN" and with the seal of the branch of the Armed Forces of the United States, the seal of the National Guard or an image representative of the female veterans, as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special

license plates for the support of outreach programs and services for veterans and their families pursuant to subsection 4.

3. If, during a registration ~~[year,]~~ ***period,*** the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $10.

Sec. 14. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is $10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay $25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, and governmental services taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of $10.

7. If during a registration ~~[year,]~~ ***period,*** the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a replacement license plate or set of replacement license plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the $25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the State Treasurer for credit to the Account for Nevada's 125th Anniversary in the State General Fund;

(b) Deposit $7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit $2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue replacement commemorative license plates after June 30, 1995.

Sec. 15. NRS 482.37903 is hereby amended to read as follows:

482.37903 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Board of Museums and History of the Department of Tourism and Cultural Affairs, shall design, prepare and issue license plates which commemorate the 100th anniversary of the founding of the City of Las Vegas, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the commemorative license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of the commemorative license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued

pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees to the City Treasurer of the City of Las Vegas to be used to pay for projects relating to the commemoration of the history of the City of Las Vegas, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings or structures.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of the commemorative license plates disposes of the vehicle to which the commemorative license plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

Sec. 16. NRS 482.37905 is hereby amended to read as follows:

482.37905 1. Except as otherwise provided in this subsection, the Department, in cooperation with the organizations in this State which assist in the donation and procurement of human organs, shall design, prepare and issue license plates that encourage the donation of human organs using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates that encourage the donation of human organs, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that

personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that encourage the donation of human organs if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which encourage the donation of human organs pursuant to subsections 3 and 4.

3. The fee for license plates to encourage the donation of human organs is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who, on or after July 1, 2003:

(a) Requests a set of license plates to encourage the donation of human organs must pay for the initial issuance of the plates an additional fee of $25, to be deposited pursuant to subsection 5; and

(b) Renews a set of license plates to encourage the donation of human organs must pay for each renewal of the plates an additional fee of $20, to be deposited pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Anatomical Gift Account created in the State General Fund by NRS 460.150.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 17. NRS 482.37917 is hereby amended to read as follows:

482.37917 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the State Department of Agriculture and the Nevada Future Farmers of America Foundation or its successor, shall design, prepare and issue license plates which indicate support for the promotion of agriculture within this State, including, without limitation, support for the programs and activities of the Future Farmers of America or its successor within this State, using any colors that the Department deems appropriate. The design of the license plates must include the phrase “People Grow Things Here!” and an identifying symbol furnished by the Nevada Future Farmers of America Foundation or its successor. The

Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates which indicate support for the promotion of agriculture within this State, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates which indicate support for the promotion of agriculture within this State if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which indicate support for the promotion of agriculture within this State pursuant to subsections 3 and 4.

3. The fee for license plates which indicate support for the promotion of agriculture within this State is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates which indicate support for the promotion of agriculture within this State must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section in the following manner:

(a) Remit one-half of the fees to the Nevada Future Farmers of America Foundation or its successor for the support of programs and activities of the Future Farmers of America or its successor within this State.

(b) Deposit one-half of the fees for credit to the Account for License Plates for the Promotion of Agriculture Within this State created pursuant to NRS 561.411.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 18. NRS 482.379175 is hereby amended to read as follows:

482.379175 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department shall design, prepare and issue license plates for the appreciation of animals, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the appreciation of animals, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the appreciation of animals if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the appreciation of animals pursuant to subsections 3 and 4.

3. The fee for license plates for the appreciation of animals is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the appreciation of animals must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed in the manner prescribed in subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute to each county the fees collected for the preceding quarter for license plates for vehicles registered in that county. The money may be used by the county only:

(a) For programs that are approved by the board of county commissioners for the adoption of animals and for the spaying and neutering of animals.

(b) To make grants to nonprofit organizations to carry out the programs described in paragraph (a).

6. If, during a registration ~~[~~~year,~~]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 19. NRS 482.37918 is hereby amended to read as follows:

482.37918 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Nevada Test Site Historical Foundation or its successor, shall design, prepare and issue license plates for the support of the preservation of the history of atomic testing in Nevada, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the preservation of the history of atomic testing in Nevada, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation of the history of atomic testing in Nevada if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation of the history of atomic testing in Nevada pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation of the history of atomic testing in Nevada is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation of the history of atomic testing in Nevada must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Nevada Test Site Historical Foundation or its successor for its programs and activities in support of the preservation of the history of atomic testing in Nevada.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 20. NRS 482.379185 is hereby amended to read as follows:

482.379185 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with Nevada Ducks Unlimited or its successor, shall design, prepare and issue license plates for the support of the conservation of wetlands, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of the conservation of wetlands, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the conservation of wetlands if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the conservation of wetlands pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the conservation of wetlands is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the conservation of wetlands must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the

Treasurer of Nevada Ducks Unlimited or its successor for use by Nevada Ducks Unlimited or its successor in carrying out:

(a) Projects for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor; and

(b) Fundraising activities for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. As used in this section, "wetland" has the meaning ascribed to it in NRS 244.388.

Sec. 21. NRS 482.37919 is hereby amended to read as follows:

482.37919 1. Except as otherwise provided in this subsection, the Department shall, in cooperation with the Board of Directors of the Las Vegas Valley Water District, design, prepare and issue license plates to support the desert preserve established by the Board of Directors of the Las Vegas Valley Water District. The license plates may include any colors and designs that the Department deems appropriate.

2. The Department may issue license plates specified in subsection 1 for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to the provisions of NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to the provisions of this chapter. A person may request that personalized prestige license plates issued pursuant to the provisions of NRS 482.3667 be combined with license plates specified in subsection 1 if that person pays, in addition to the fees specified in subsections 3 and 4, the fees for the personalized prestige license plates.

3. The fee for license plates specified in subsection 1 is $35. The fee is in addition to any other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to the fees for the license, registration and governmental services taxes, a person who requests the issuance of license plates specified in subsection 1 must pay:

(a) For the initial issuance of the plates, an additional fee of $25; and

(b) For each renewal of the plates, an additional $20 to support the desert preserve specified in subsection 1.

5. The Department shall deposit the fees collected pursuant to the provisions of subsection 4 with the State Treasurer for credit to an Account for the Support of the Desert Preserve established by the Board of Directors of the Las Vegas Valley Water District. On or before January 1, April 1, July 1 and October 1 of each year, the State Controller shall distribute the money deposited in the Account for the preceding quarter to the Board of Directors of the Las Vegas Valley Water District.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix the license plates to another vehicle that meets the requirements of this section if the transfer and registration fees are paid pursuant to the provisions of this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return the plates to the Department.

Sec. 22. NRS 482.3792 is hereby amended to read as follows:

482.3792 1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall, in cooperation with the Nevada Arts Council of the Department of Tourism and Cultural Affairs, design, prepare and issue license plates for the support of the education of children in the arts, using any colors and designs which the Department of Motor Vehicles deems appropriate. The Department of Motor Vehicles shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department of Motor Vehicles may issue license plates for the support of the education of children in the arts for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the education of children in the arts if that person pays the fee for the personalized prestige license plates in addition to the fees for the license plates for the support of the education of children in the arts pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the education of children in the arts is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of the education of children in the arts must pay for the initial issuance of the plates an additional fee of $15 and for each renewal of the plates an additional fee of $10 to finance programs which promote the education of children in the arts.

5. The Department of Motor Vehicles shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of the Education of Children in the Arts created pursuant to NRS 233C.094.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department of Motor Vehicles.

Sec. 23. NRS 482.3793 is hereby amended to read as follows:

482.3793 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Director of the Clearinghouse established pursuant to NRS 432.170, shall design, prepare and issue license plates for the support of missing or exploited children. The license plates must be inscribed with a hand. The Department may designate any appropriate colors for the license plates. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department may issue license plates for the support of missing or exploited children for any passenger car or light commercial vehicle upon application by any person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of missing or exploited children if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of missing or exploited children pursuant to subsections 3 and 4.

3. The fee for license plates for the support of missing or exploited children is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of missing or exploited children must pay for the initial issuance of the plates an additional fee of $15 and for each renewal of the plates an additional fee of $10 to carry out the provisions of NRS 432.150 to 432.220, inclusive.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of Missing or Exploited Children created pursuant to NRS 432.154.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 24. NRS 482.37933 is hereby amended to read as follows:

482.37933 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Division of State Lands of the State Department of Conservation and Natural Resources, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Lake Tahoe and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department may issue license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to finance projects for the preservation and restoration of the natural environment of the Lake Tahoe Basin.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of the Preservation and Restoration of the Natural Environment of the Lake Tahoe Basin created pursuant to NRS 321.5951.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 25. NRS 482.37934 is hereby amended to read as follows:

482.37934 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Outside Las Vegas Foundation or its successor, shall design, prepare and issue license plates to support preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates pursuant to this section, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if that person pays the fees for the personalized prestige

license plates in addition to the fees prescribed pursuant to subsections 3 and 4 for the license plates issued pursuant to this section.

3. The fee for license plates issued pursuant to this section is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates pursuant to this section must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the Outside Las Vegas Foundation or its successor for its programs and activities in support of preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 26. NRS 482.37935 is hereby amended to read as follows:

482.37935 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Division of State Lands of the State Department of Conservation and Natural Resources, shall design, prepare and issue license plates for the support of the natural environment of the Mount Charleston area using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Mount Charleston and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the natural environment of the Mount Charleston area, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person

may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the natural environment of the Mount Charleston area if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the natural environment of the Mount Charleston area pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the natural environment of the Mount Charleston area is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the natural environment of the Mount Charleston area must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Board of County Commissioners of Clark County. The fees distributed pursuant to this subsection:

(a) May be used by the Board of County Commissioners, with the advice of the Mount Charleston Town Advisory Board or its successor, only:

(1) For the support of programs for the natural environment of the Mount Charleston area, including, without limitation, programs to improve the wildlife habitat, the ecosystem, the forest, public access to the area and its recreational use.

(2) To make grants to governmental entities and nonprofit organizations to carry out the programs described in subparagraph (1).

(b) Must not be used to replace or supplant money available from other sources.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 27. NRS 482.379355 is hereby amended to read as follows:

482.379355 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Immigrant Workers Citizenship Project or its successor, shall design, prepare and issue license plates for the support of naturalized citizenship, using any colors and designs that the Department deems appropriate. The design of the license plates must include a depiction of the Aztec Calendar. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of naturalized citizenship, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of naturalized citizenship if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of naturalized citizenship pursuant to subsections 3 and 4.

3. The fee for license plates for the support of naturalized citizenship is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of naturalized citizenship must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Immigrant Workers Citizenship Project or its successor for its programs and charitable activities in support of naturalized citizenship.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the

registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 28. NRS 482.379365 is hereby amended to read as follows:

482.379365 1. Except as otherwise provided in this subsection, the Department, in cooperation with the State Emergency Response Commission, shall design, prepare and issue "United We Stand" license plates to reflect public solidarity after the acts of terrorism committed on September 11, 2001. The design of the license plates must include the phrase "United We Stand" and incorporate an image of the flag of the United States. The colors red, white and blue must be displayed on the license plates. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of "United We Stand" license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with "United We Stand" license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the "United We Stand" license plates pursuant to subsections 3 and 4.

3. The fee for "United We Stand" license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of "United We Stand" license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Contingency Account for Hazardous Materials created by NRS 459.735 in the State General Fund.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 29. NRS 482.37937 is hereby amended to read as follows:

482.37937 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Pyramid Lake Paiute Tribe, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Pyramid Lake and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to

this subsection to the Pyramid Lake Paiute Tribe. The fees deposited pursuant to this subsection may only be used to:

(a) Protect, restore and enhance the water quality and natural resources of or relating to the Lower Truckee River and Pyramid Lake, including, without limitation:

(1) Providing matching money for grants that are available from federal or state agencies for such purposes; and

(2) Paying the costs of the Tribe's portion of joint projects with local, state or federal agencies for such purposes.

(b) Pay for, or match grants for, projects for the enhancement of the economic development of the area surrounding the Lower Truckee River and Pyramid Lake.

(c) Pay for the development and construction of an arena on the Pyramid Lake Indian Reservation for activities pertaining to fairgrounds or rodeos, or both, and to provide financial support for the establishment of a rodeo team or other designated activities at Pyramid Lake High School. Until October 1, 2006, 25 percent of the fees deposited pursuant to this subsection must be used for the purposes described in this paragraph.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 30. NRS 482.379375 is hereby amended to read as follows:

482.379375 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Reno Recreation and Parks Commission or its successor, shall design, prepare and issue license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless:

(a) The Commission on Special License Plates approves the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) The Department receives at least 1,000 applications for the issuance of those plates.

2. If the Commission on Special License Plates approves the design, preparation and issuance of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to

subsection 1, and the Department receives at least 1,000 applications for the issuance of the license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsections 3 and 4.

3. The fee for license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the City Treasurer of the City of Reno to be used to pay for the support and enhancement of parks, recreation facilities and programs in the City of Reno.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 31. NRS 482.37938 is hereby amended to read as follows:

482.37938 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Reno Rodeo Foundation and the Nevada High School Rodeo Association or their successors, shall design, prepare and issue license plates for the support of

rodeos, including support for the programs and charitable activities of the Reno Rodeo Foundation and the Nevada High School Rodeo Association, or their successors, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of rodeos, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of rodeos if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of rodeos pursuant to subsections 3 and 4.

3. The fee for license plates for the support of rodeos is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of rodeos must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in the following manner:

(a) Remit one-half of the fees to the Reno Rodeo Foundation or its successor for the support of programs and charitable activities of the Reno Rodeo Foundation or its successor.

(b) Remit one-half of the fees to the Nevada High School Rodeo Association or its successor for the support of programs and charitable activities of the Nevada High School Rodeo Association or its successor.

➥ The Nevada High School Rodeo Association or its successor may grant a portion of the proceeds it receives pursuant to this subsection to one or more high school rodeo associations established in this State for the support of those associations.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 32. NRS 482.37945 is hereby amended to read as follows:

482.37945 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Northern Nevada Railway Foundation or its successor, shall design, prepare and issue license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad using any colors that the Department deems appropriate. The design of the license plates must include a depiction of a locomotive of the Virginia & Truckee Railroad and the phrase "The Virginia & Truckee Lives." The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall transmit the fees collected pursuant to subsection 4 to the treasurer with whom the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties has entered into an agreement as required by subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, for deposit in the fund created pursuant to that section. The fees transmitted pursuant to this subsection must be used only for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 33. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and three or four consecutive numbers.

3. If, during a registration ~~[year,]~~ ***period,*** the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission

control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 34. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and three or four consecutive numbers.

3. If, during a registration ~~[year,]~~ ***period,*** the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 34.1. **NRS 482.3824 is hereby amended to read as follows:**

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, ***and full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483,*** upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to

NRS 482.3667 to 482.3823, inclusive. The term includes the successor, if any, of a charitable organization.

Sec. 34.2. **NRS 482.399 is hereby amended to read as follows:**

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3 of NRS 482.483, the*** holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. ~~[If]~~ ***Except as otherwise provided in subsection 2 of NRS 371.040 and subsection 7 of NRS 482.260, if*** a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 34.5. **NRS 482.483 is hereby amended to read as follows:**

482.483 In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department:

1. ~~[For]~~ ***Except as otherwise provided in subsection 3, for*** every trailer or semitrailer having an unladen weight of 1,000 pounds or less, a flat registration fee of $12.

2. ~~[For]~~ ***Except as otherwise provided in subsection 3, for*** every trailer having an unladen weight of more than 1,000 pounds, a flat registration fee of $24.

3. For any full trailer or semitrailer, other than a recreational vehicle or travel trailer, for a nontransferable registration that does not expire until the owner transfers the ownership of the full trailer or semitrailer, a flat nonrefundable registration fee of $24. If, pursuant to NRS 482.399, the owner of a full trailer or semitrailer that is registered pursuant to this section cancels the registration and surrenders the license plates to the Department, no portion of the flat registration fee will be refunded to the owner.

Sec. 35. NRS 482.520 is hereby amended to read as follows:

482.520 Whenever the owner of any motor vehicle, trailer or semitrailer which is stolen or embezzled files an affidavit alleging such fact with the Department, it shall immediately suspend the registration of and refuse to reregister such vehicle until such time as it is notified that the owner has recovered the vehicle, but notices given as herein provided shall be effective only during the current registration ~~[year]~~ ***period*** in which given. If during such ~~[year]~~ ***period*** the vehicle is not recovered a new affidavit may be filed with like effect during the ensuing ~~[year.]~~ ***period.*** Every owner who has filed an affidavit of theft or embezzlement must immediately notify the Department of the recovery of such vehicle.

Sec. 36. **NRS 371.040 is hereby amended to read as follows:**

371.040 ~~[The]~~

1. Except as otherwise provided in subsection 2, the annual amount of the basic governmental services tax throughout the State is 4 cents on each $1 of valuation of the vehicle as determined by the Department.

2. A full trailer or semitrailer registered pursuant to subsection 3 of NRS 482.483 is subject to the basic governmental services tax in the nonrefundable amount of $86 each time such a full trailer or semitrailer is registered pursuant to subsection 3 of NRS 482.483.

Sec. 37. **NRS 371.060 is hereby amended to read as follows:**

371.060 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and subsection 2 of NRS 371.040,*** each vehicle must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	95 percent
2 years	85 percent
3 years	75 percent
4 years	65 percent
5 years	55 percent
6 years	45 percent
7 years	35 percent
8 years	25 percent
9 years or more	15 percent

2. ~~[Each]~~ ***Except as otherwise provided in subsection 2 of NRS 371.040, each*** bus, truck or truck-tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	85 percent
2 years	69 percent
3 years	57 percent
4 years	47 percent
5 years	38 percent
6 years	33 percent
7 years	30 percent
8 years	27 percent
9 years	25 percent
10 years or more	23 percent

3. Notwithstanding any other provision of this section, the minimum amount of the governmental services tax:

(a) On any trailer having an unladen weight of 1,000 pounds or less is $3; and

(b) On any other vehicle is $16.

4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the Department and has never been registered with the appropriate agency of any other state, the

District of Columbia, any territory or possession of the United States or any foreign state, province or country.

Sec. 38. **NRS 371.070 is hereby amended to read as follows:**

371.070 ~~[Upon]~~ ***Except as otherwise provided in subsection 2 of NRS 371.040, upon*** the registration for the first time in this State after the beginning of the period of registration of a vehicle which is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or which has a declared gross weight in excess of 26,000 pounds, the amount of the governmental services tax must be reduced one-twelfth for each month which has elapsed since the beginning of the period of registration.

~~[Sec. 36.]~~ ***Sec. 39.*** This act becomes effective on ~~[July 1, 2013.]~~ **January 1, 2015.**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 375.

AN ACT relating to wildlife; ~~[declaring that]~~ **requiring the Board of Wildlife Commissioners and the Department of Wildlife, in managing the** wildlife in this State ~~[must]~~ **, to** be ~~[managed according to]~~ **informed by** the best ~~[scientific data]~~ **science** available; requiring the ~~[Department of Wildlife to use money in the Wildlife Fund Account in the State General Fund for costs related to programs to improve the habitat of sage grouse in this State and to conduct a study of predatory wildlife in this State;]~~ **Commission to establish policies for certain programs, activities and research relating to predatory wildlife;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Legislature has declared that wildlife in this State is part of the natural resources belonging to the people of the State of Nevada and that preserving, protecting, managing and restoring wildlife in this State contributes immeasurably to the aesthetic, recreational and economic aspects of those natural resources. (NRS 501.100) **Section 1** of this bill expands the legislative declaration to require ~~[that]~~ **the Board of Wildlife Commissioners and the Department of Wildlife, in managing the** wildlife in this State **, to** be ~~[managed according to]~~ **informed by** the best ~~[scientific data]~~ **science** available.

Under existing law, in addition to the fee for a game tag, the Department of Wildlife charges an additional fee of $3 for processing each application for a game tag, the revenue from which must be deposited into the Wildlife Fund Account in the State General Fund and be used by the Department for costs related to **: (1) programs for** the management and control of injurious predatory wildlife ~~[and]~~ **; (2) wildlife management activities relating to** the protection of certain game animals and wildlife habitat **~~[.]~~ ; and (3) research to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Commission.** (NRS **501.181,** 502.253) **Section 2** of this bill requires the ~~[Department to use the revenue generated from that fee for programs to improve the habitat of sage grouse in this State and to conduct any necessary research to determine successful techniques for managing and controlling predatory wildlife. **Section 3** of this bill requires the Department to: (1) spend between $20,000 and $100,000 from the Wildlife Fund Account to contract with a private entity to conduct a study concerning predatory wildlife in this State, including any programs or other actions taken in this State to control predatory wildlife and the effectiveness of those actions; and (2) use any money remaining in the Wildlife Fund Account to improve the habitat of sage grouse in this State. **Section 3** also requires the Department to prepare a report summarizing the results of the study and submit the report to the 78th Session of the Nevada Legislature.]~~ **Commission, in providing guidance relating to any wildlife management activity, the development of a program to control any species of predatory wildlife or any research concerning that species, to establish a policy for the activity, program or research that specifies the goals and required results of the activity, program or research.**

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

Section 1. NRS 501.100 is hereby amended to read as follows:

501.100 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada ~~[.]~~ ***and , in managing that wildlife, the Commission and the Department must be ~~[managed according to]~~ informed by the best ~~[scientific data]~~ science available.***

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

Sec. 2. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) Programs for the management and control of ***, and research relating to,*** injurious predatory ***wildlife for the benefit of all other species of*** wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and ***other species of game animals which are historically subject to or are at risk of excessive predation by predatory wildlife, and*** related wildlife habitat;

(c) ~~*[to improve the habitat of sage grouse in this State; and*~~

~~*(b)]*~~ Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife ~~*[.]*~~ ; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. ~~*[2.]*~~ Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181. ***In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:***

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of

the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

4. ~~*[3.]*~~ The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. ~~[In addition to any research conducted pursuant to subsection 1 of NRS 502.253, as amended by section 2 of this act, and if sufficient money is available from any amount deposited for credit to the Wildlife Fund Account pursuant to NRS 502.253, as amended by section 2 of this act, the Department of Wildlife shall expend not less than $20,000 but not more than $100,000 from the Wildlife Fund Account in the State General Fund to contract with a private, peer reviewed entity to conduct a study concerning predatory wildlife in this State. The study must include, without limitation, any programs or actions taken to control predatory wildlife in this State and the effectiveness of those actions. After the completion of the study and any projects for the control of predatory wildlife recommended by the Department for the fiscal year beginning on July 1, 2013, and ending on June 30, 2014, the Department shall use any money remaining in the Account to improve the habitat of sage grouse in this State. The Department shall prepare a report summarizing the results of the study and submit the report to the 78th Session of the Nevada Legislature.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2013**. [**~~, and expires by limitation on June 30, 2015.]~~

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 345.

AN ACT relating to county school districts; authorizing the board of trustees of a county school district to ~~[impose]~~ **adopt an ordinance imposing** a fee on ~~[each acre of real property]~~ **certain parcels of land** located in the county ~~[for the purposes of constructing, maintaining or operating a vocational school in]~~ **to fund a vocational program for** the county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain sources of revenue for county school districts and prescribes the manner in which that revenue must be used by the county school district. (NRS 387.170-387.225) This bill authorizes the board

of trustees of a county school district to ~~[impose an annual]~~ **adopt an ordinance imposing a** fee of $2 per **month per** acre **, or portion thereof,** of real property in the county ~~[for the purposes of constructing, maintaining or operating a vocational school in the county]~~ **to fund a vocational program** and further sets forth certain restrictions on the imposition of the fee. This bill also requires a board of trustees that imposes such a fee to establish a committee to oversee the collection of the fee and the use of the proceeds of the fee.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. [Except as otherwise provided in subsection 2, the board of trustees of a county school district may impose annually a fee on all real property located within the boundaries of the county at the rate of $2 per acre or an equivalent fraction thereof.*~~

~~*2. A board of trustees may not impose a fee pursuant to subsection 1:*~~

~~*(a) On more than 500 acres of any parcel of real property.*~~

~~*(b) On any parcel of real property for more than 10 years.*~~

~~*3. A board of trustees shall use the proceeds from any fees collected pursuant to subsection 1 only to fund the construction, maintenance or operation of a vocational school in the county.]*~~ ***On or before January 1, 2014, the board of trustees of a county school district may adopt an ordinance imposing a fee on each taxable parcel of land located within the boundaries of the county at the rate of $2 per month per acre, or portion thereof, pursuant to subsection 2. The ordinance imposing the fee must specify:***

(a) That the fee will first be collected for the fiscal year beginning on July 1, 2014; and

(b) The period for which the fee will be collected, which must not exceed 10 years.

2. If a board of trustees imposes a fee pursuant to subsection 1, the board shall limit the number of acres in a parcel to which the fee is applied based on the use of the land and the following minimum and maximum numbers of acres contained in the parcel:

(a) For single-family residential use up to four units, not less than 1 acre, or portion thereof, and not more than 10 acres;

(b) For vacant, open space or agricultural use, not less than 1 acre, or portion thereof, and not more than 100 acres; and

(c) For multi-residential, mining, utility, industrial and other commercial use, not less than 1 acre, or portion thereof, and not more than 500 acres.

3. The fees imposed pursuant to this section must be collected on the tax roll and constitute a lien against the parcel of land on which the fee has been imposed as of the time when the lien of taxes on the roll attaches. The county treasurer shall include the amount of the fee on bills for taxes levied against the respective parcels of land. Thereafter, the fees must be collected at the same time, in the same manner and by the same persons as, and together with, the general taxes for the county. The fee becomes delinquent at the same time as such taxes and is subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of general taxes of the county, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, apply to such charges.

4. The fees collected pursuant to ~~[subsection 1]~~ this section must be ~~[deposited]~~ :

(a) Deposited with the county treasurer for credit to the county school district fund and ~~[must be]~~ accounted for separately ~~[for use in accordance with the provisions of subsection 3.]~~ , including any interest and other income earned on the money; and

(b) Used only to fund the design, planning and construction, and not more than 2 years of operation, of a vocational program for the county.

5. If a board of trustees imposes a fee pursuant to subsection 1, the board of trustees shall establish a committee to oversee the collection of the fee and the use of the proceeds of the fee in accordance with the provisions of ~~[subsection 3.]~~ this section and make recommendations to the board regarding the proposed curriculum and programs, including coordinating with and complementing existing school district programs, coordinating with community colleges, colleges and businesses in the county and working with economic development agencies. The board must submit all proposed expenditures of money from the fee imposed pursuant to this section to the committee for approval before expending or committing the money for expenditure. The committee shall approve the proposed expenditure if it determines that the proposed expenditure is within the authorized scope for vocational programs and is otherwise in compliance with this section. A committee established pursuant to this subsection must meet at least annually at the call of the Chair and must consist of the superintendent of schools of the county school district, who shall serve as the Chair, the president of the board of trustees and three members ~~[appointed by the board of trustees]~~ as follows:

(a) One State Senator who represents the county in which the school district is located or any portion thereof ~~[.]~~ , appointed by the Majority Leader of the Senate;

(b) One Assemblyman or Assemblywoman who represents the county in which the school district is located or any portion thereof [.] , appointed by the Speaker of the Assembly; and

(c) One member of the public who resides in the county school district [.] , appointed by the board of trustees.

➥ If a member of the committee ceases to hold the office that qualified the member for appointment, a vacancy on the committee is created. All vacancies on the committee must be filled in the same manner and pursuant to the same qualifications as the former member was appointed.

6. For the purposes of this section, the term "taxable parcel" means a parcel of land as described in the county parcel map prepared pursuant to NRS 361.189 for the year in which the fee is collected. The term does not include any such parcel that is exempt from property or other state or local taxes.

Sec. 2. NRS 387.175 is hereby amended to read as follows:

387.175 The county school district fund is composed of:

1. All local taxes for the maintenance and operation of public schools.

2. All money received from the Federal Government for the maintenance and operation of public schools.

3. Apportionments by this State as provided in NRS 387.124.

4. ***Any fees imposed by the board of trustees of a school district pursuant to section 1 of this act . [for the purposes of funding the construction, maintenance or operation of a vocational school.]***

5. Any other receipts, including gifts, for the operation and maintenance of the public schools in the county school district.

Sec. 3. NRS 387.205 is hereby amended to read as follows:

387.205 1. [Subject] ***Except as otherwise provided in section 1 of this act and subject*** to the limitations set forth in NRS 387.206 and 387.207, money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of the public schools controlled by the county school district.

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages, when approved by the Superintendent of Public Instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

(h) Repayment of a loan made from the State Permanent School Fund pursuant to NRS 387.526.

(i) Programs of education and projects relating to air quality pursuant to NRS 445B.500.

2. Subject to the limitations set forth in NRS 387.206 and 387.207, money on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.

Sec. 4. This act becomes effective on July 1, 2013 **~~[.]~~ , and expires by limitation on January 1, 2025.**

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 344.

SUMMARY—Requires a course of study in health to include **, to the extent money is available for this purpose,** instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator for certain grade levels. (BDR 34-204)

AN ACT relating to education; requiring instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator to be included **, to the extent money is available for this purpose,** within the course of study for health for pupils enrolled in **~~[middle schools, junior high schools and]~~** high schools; **providing exceptions for certain pupils;** requiring private secondary schools to include similar instruction **, to the extent money is available for this purpose,** in a course of study for health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates, in addition to the core academic subjects that must be taught in all public schools, the following subjects that must be taught as applicable for grade levels: (1) the arts; (2) computer education and technology; (3) health; and (4) physical education. (NRS 389.018) The State

Board of Education is required to adopt regulations establishing the courses of study for the prescribed academic subjects, including health. (NRS 389.0185) **Sections 1 and 2** of this bill require a course of study in health established by the State Board to include, for pupils enrolled in ~~[middle schools, junior high schools and]~~ high schools **~~[,]~~ and to the extent money is available for this purpose,** instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator. The requirements also apply **, to the extent money is available for this purpose,** to charter schools that enroll pupils at ~~[those]~~ **the high school** grade levels. **If instruction is offered, a pupil who is enrolled in a course of study of health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.**

Existing law requires a private school to provide instruction in the courses of study prescribed by the State Board or courses of study prepared by the private school and approved by the State Board. (NRS 394.130) **Section 3** of this bill requires a private secondary school which provides a course of study in health to include in the course of study **, to the extent money is available for this purpose,** instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator for the grade levels determined by the private school. **The same exemptions as prescribed by section 2 apply to a pupil enrolled in a private school through a program of distance education and a pupil with a disability.**

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

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. ~~[~~Unless~~]~~ ***Except as otherwise provided for a course of study in health ~~[required]~~ prescribed by subsection 1 of NRS 389.0185, unless*** a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 2. NRS 389.0185 is hereby amended to read as follows:

389.0185 ***1.*** The State Board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

~~[1.]~~ ***(a)*** The academic subjects set forth in NRS 389.018. ***A course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018 must, to the extent money is available for this purpose, for pupils enrolled in ~~[middle school, junior high school and]~~ high school, including, without limitation, pupils enrolled in ~~[those]~~ the high school grade levels at a charter school, include instruction in:***

~~[(a)]~~ (1) The administration of hands-only or compression-only cardiopulmonary resuscitation , including a psychomotor skill-based

component, according to the guidelines of the American ~~[National]~~ Red Cross or American Heart Association; and

~~[(b)]~~ (2) The use of an automated external defibrillator.

~~[2.]~~ ***(b)*** Citizenship and physical training for pupils enrolled in high school.

~~[3.]~~ ***(c)*** Physiology, hygiene and ***, except as otherwise ~~[required]~~ prescribed by ~~[subsection 1,]~~ paragraph (a),*** cardiopulmonary resuscitation.

~~[4.]~~ ***(d)*** The prevention of suicide.

~~[5.]~~ ***(e)*** Instruction relating to child abuse.

~~[6.]~~ ***(f)*** The economics of the American system of free enterprise.

~~[7.]~~ ***(g)*** American Sign Language.

~~[8.]~~ ***(h)*** Environmental education.

~~[9.]~~ ***(i)*** Adult roles and responsibilities.

➥ A course of study established for ~~[subsection 1]~~ ***paragraph (a)*** may include one or more of the subjects listed in ~~[subsections 2 to 9,]~~ ***paragraphs (b) to (i),*** inclusive.

2. If a course of study in health in high school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district pursuant to NRS 391.092 or by the governing body of the charter school.

(b) The board of trustees of the school district or the governing body of the charter school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

Sec. 3. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the ~~[State]~~ Board ~~[of Education]~~ or under courses of study prepared by such private schools and approved by the ~~[State]~~ Board ~~[of Education.]~~

2. ***A course of study in health provided at a private secondary school must include, to the extent money is available for this purpose and for the grade levels determined by the private school, instruction in:***

(a) The administration of hands-only or compression-only cardiopulmonary resuscitation , including a psychomotor skill-based component, according to the guidelines of the American [National] Red Cross or American Heart Association; and

(b) The use of an automated external defibrillator.

3. If a course of study in health in a private secondary school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation.

(b) The private school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

4. Such private schools shall be required to furnish from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools.

~~[3.]~~ ~~*[4.]*~~ ***5.*** Nothing in this section shall be so construed as:

(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.

(b) To give such private schools any right to share in the public school funds apportioned for the support of the public schools of this State.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 67, 145, 242, 320, 353, 388, and 396 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 5 p.m.
Motion carried.

Assembly in recess at 12:35 p.m.

ASSEMBLY IN SESSION

At 5:28 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 186, 213, 334, 354, 391, 435, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 25, 291, 363, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 25, 93, 186, 213, 291, 334, 354, 363, 391, 417, 435, and 456, just reported out of committee, be placed on the Second Reading File.
Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 172 and 200 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 358 and 374 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 54, 77, 90, 182, 202, and 321 be taken from their positions on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Horne moved that Assembly Bill No. 316 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 93.

Bill read second time.

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

Amendment No. 466.

AN ACT relating to child welfare; requiring an applicant for a license to operate a child care facility or a licensee to notify the Health Division of the Department of Health and Human Services upon the occurrence of certain events; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Health Division of the Department of Health and Human Services to request information on the background and personal history of various persons associated with a child care facility, including: (1) employees of an applicant for a license to operate a child care facility or of a licensee; (2) certain residents of a child care facility; and (3) certain participants in an outdoor youth program, which is a type of child care facility. (NRS 432A.024, 432A.170) The Health Division is required to request this information not later than 3 days after the date upon which such an employee is hired, such a resident begins his or her residency or such a participant begins his or her participation. (NRS 432A.170) This bill requires an applicant for a license or a licensee to notify the Health Division as soon as practicable but not later than 24 hours after the applicant or licensee hires such an employee, begins the residency of such a resident or begins the participation of such a participant.

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

Section 1. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee and employee of such an applicant or licensee, and every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Health Division, or to the person or agency designated by the Health Division, to enable the Health Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Health Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Health Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility or licensee, or a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Health Division shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.1755.

3. ***An applicant for a license to operate a child care facility or licensee shall notify the Health Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.***

4. An applicant for a license to operate a child care facility or licensee shall notify the Health Division within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 2. This act becomes effective on July 1, **~~[~~2013.~~]~~ 2014.**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 25.

Bill read second time.

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

Amendment No. 407.

AN ACT relating to ~~[cities;]~~ **local governments;** revising provisions governing the imposition of special assessments for the abatement of certain conditions and nuisances on property **;** ~~[within a city;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an owner of property ~~[within a city]~~ fails to abate a dangerous or noxious condition, a chronic nuisance or, **in a city** in larger counties, an abandoned nuisance on the property after being directed to do so, the owner may be required to pay civil penalties as well as any costs incurred by the city **or county, as applicable,** to abate the condition or nuisance. In addition to any other reasonable means of recovering those costs and penalties, the city **or county, as applicable,** is authorized to make the costs and penalties a special assessment against the property and collect the special assessment in the same manner as ordinary county taxes are collected. However, before a special assessment for civil penalties may be imposed, existing law requires that 12 months must have elapsed after the final date specified for the abatement of the condition or nuisance. (NRS **244.3603, 244.3605,** 268.4122-268.4126)

This bill provides that a special assessment for the costs of abatement and civil penalties may be imposed by a designee of the governing body ~~[.]~~ **of a city or the board of county commissioners, as applicable.** If a special assessment is imposed by a designee of the governing body ~~[,]~~ **or the board,** the bill requires that the designee periodically report certain information about each such assessment to the governing body ~~[.]~~ **or the board.** The bill also shortens ~~[,]~~ **in some cases,** from 12 months to ~~[30]~~ **180** days, the length of time that must elapse before a special assessment for civil penalties may be imposed.

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

Section 1. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body ***relating to the order of abatement*** and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant

to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body ***or its designee*** may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body ***or its designee*** unless:

(a) At least 12 months ~~***[30 days]***~~ have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. ***If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:***

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 2. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on the property of two or more nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the city attorney for legal action.

(2) If the nuisance is not an immediate danger to the public health, safety and welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than $750 per day; or

(2) If the property is residential property, of not more than $500 per day,

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the governing body ***or its designee*** may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body ***or its designee*** unless:

(a) At least ~~[12 months]~~ ***[30]*** ***180 days*** have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. ***If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:***

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

(f) "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

(g) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 3. NRS 268.4126 is hereby amended to read as follows:

268.4126 1. The governing body of each city which is located in a county whose population is 100,000 or more may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to seek:

(a) The abatement of an abandoned nuisance that is located or occurring within the city;

(b) The repair, safeguarding or demolition of any structure or property where an abandoned nuisance is located or occurring within the city;

(c) Authorization for the city to take the actions described in paragraphs (a) and (b);

(d) Civil penalties against an owner of any structure or property where an abandoned nuisance is located or occurring within the city; and

(e) Any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by a person authorized by the city to issue a citation, of the existence on the property of two or more abandoned nuisance activities and the date by which the owner must abate the abandoned nuisance to prevent the matter from being submitted to the city attorney for legal action.

(2) If the abandoned nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the abandoned nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the abandoned nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will, if the owner fails to abate the abandoned nuisance, recover money expended for labor and materials used to:

(1) Abate the abandoned nuisance on the property; or

(2) If applicable, repair, safeguard or demolish a structure or property where the abandoned nuisance is located or occurring.

3. If the court finds that an abandoned nuisance exists, the court shall order the owner of the property to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring, and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than $750 per day; or

(2) If the property is residential property, of not more than $500 per day,

➥ for each day that the abandoned nuisance was not abated after the date specified in the notice by which the owner was required to abate the abandoned nuisance;

(b) If applicable, order the owner of the property to pay reasonable expenses for the relocation of any tenants who occupy the property legally and who are affected by the abandoned nuisance;

(c) If the owner of the property fails to comply with the order:

(1) Direct the city to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring; and

(2) Order the owner of the property to pay the city for the cost incurred by the city in taking the actions described in subparagraph (1); and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the abandoned nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the governing body of the city ***or its designee*** may make the expense and civil penalties a special assessment against the property upon which the abandoned nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body ***or its designee*** unless:

(a) At least ~~[12 months]~~ ~~*[30]*~~ ***180 days*** have elapsed after the date specified in the order of the court by which the owner must abate the abandoned nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the abandoned nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. ***If a designee of the governing body imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:***

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) An "abandoned nuisance" exists on any property where a building or other structure is located on the property, the property is located in a city that is in a county whose population is 100,000 or more, the property has been vacant or substantially vacant for 12 months or more and:

(1) Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or

(2) A person associated with the property has caused or engaged in two or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.

(b) "Abandoned nuisance activity" means:

(1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;

(2) The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances;

(3) The presence of unsanitary conditions or hazardous materials;

(4) The lack of adequate lighting, fencing or security;

(5) Indicia of the presence or activities of gangs;

(6) Environmental hazards;

(7) Violations of city codes, ordinances or other adopted policy; or

(8) Any other activity, behavior, conduct or condition defined by the governing body of the city to constitute a threat to the public health, safety or welfare of the residents of or visitors to the city.

(c) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(d) "Person associated with the property" means a person who, on the occasion of an abandoned nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

(e) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 3.3. **NRS 244.3601 is hereby amended to read as follows:**

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 or 244.3605, a board of county commissioners may, by ordinance, provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,

➥ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to

the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.

4. The costs of securing or summarily abating the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection ~~[6]~~ *7* of NRS 244.3605.

(b) "Imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:

(1) The occupants, if any, of the real property on which the structure or condition is located; or

(2) The general public.

Sec. 3.5. **NRS 244.3603 is hereby amended to read as follows:**

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action.

(2) If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty:

(1) If the property is nonresidential property, of not more than $750 per day; or

(2) If the property is residential property, of not more than $500 per day,

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board ***or its designee*** may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the board ***or its designee*** unless:

(a) At least ~~[12 months]~~ ***180 days*** have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. ***If a designee of the board imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the board at least***

once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

(f) "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

(g) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 3.7 **NRS 244.3605 is hereby amended to read as follows:**

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board ***relating to the order of abatement*** and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(4) Afforded an opportunity for a hearing before the designee of the board relating to the imposition of civil penalties and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

4. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the ***board or its designee may make the*** expense and civil penalties ~~[are]~~ a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. Any civil penalties that have not been collected from the owner of the property ~~[are not]~~ ***may not be made*** a special assessment against the property pursuant to subsection 4 ***by the board or its designee*** unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. ***If a designee of the board imposes a special assessment pursuant to subsection 4, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:***

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

7. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time.

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

Amendment No. 481.

AN ACT relating to labor; creating the Wage Claim Restitution Account; requiring an employer to provide to his or her employees at the time of hire ~~[written notice containing]~~ certain employment-related information **;** ~~[on a form prescribed by the Labor Commissioner; requiring an employer to obtain from an employee acknowledgment of receipt of the notice;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer in this State to conspicuously post on the premises where any person is employed a printed abstract of chapter 608 of NRS, which governs compensation, wages and hours. (NRS 608.013) ~~[Sections 3 and]~~ **Section 5** of this bill ~~[require]~~ **requires** an employer ~~[also]~~ to provide to his or her employees at the time of hire ~~[written notice containing]~~ certain employment-related information **.** ~~[on a form prescribed by the Labor Commissioner. Each time an employer provides such notice to an employee, section 5 requires the employer to obtain from the employee and maintain a signed and dated acknowledgment of receipt of the notice.]~~

Section 4 of this bill creates the Wage Claim Restitution Account into which must be deposited 25 percent of the amount of certain administrative penalties collected by the Labor Commissioner. The money in the Account must be used only to provide restitution to certain employees who are underpaid by their employers in violation of certain provisions of existing law when no other source of restitution is available.

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

Section 1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor

Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. ~~[All]~~ ***Except as otherwise provided in section 4 of this act, all*** money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund.

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may seek a civil remedy, impose an administrative penalty or take other administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 2. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ~~*[1. The Labor Commissioner shall:*~~

~~*(a) Prescribe by regulation the forms on which an employer may provide the notice required by subsection 2 of NRS 608.013 and obtain the acknowledgment required by subsection 3 of NRS 608.013. Each form must be printed in English and may be printed in one or more additional languages as determined by the Labor Commissioner pursuant to paragraph (b).*~~

~~*(b) Determine the languages, in addition to English, in which to provide the forms described in paragraph (a), taking into account the population of persons working within the State of Nevada who speak languages other than English and any other factors the Labor Commissioner deems relevant.*~~

~~*2. An employer may not be penalized for errors or omissions in the non-English portions of any notice provided on a form prescribed by the Labor Commissioner pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 4. ***1. The Wage Claim Restitution Account is hereby created in the State General Fund. The Labor Commissioner shall administer the***

Account. Twenty-five percent of the amount of each administrative penalty collected by the Labor Commissioner pursuant to NRS 608.195 [and 608.290] for a violation of NRS 608.040 must be delivered to the custody of the State Treasurer for deposit to the credit of the Account.

2. The money in the Account must be used only to provide restitution to an employee who is underpaid by an employer in violation of the provisions of NRS 608.017, 608.100 or 608.250 when no other source of restitution is available. An employee who is underpaid by an employer in violation of the provisions of NRS 608.017, 608.100 or 608.250 may make a claim against the Account, and the Labor Commissioner may approve such a claim in accordance with regulations adopted by the Labor Commissioner.

3. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

4. Any interest earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of any fiscal year does not revert to the State General Fund.

Sec. 5. NRS 608.013 is hereby amended to read as follows:

608.013 Every employer shall [conspicuously] ***:***

1. Conspicuously post and keep so posted on the premises where any person is employed a printed abstract of this chapter to be furnished by the Labor Commissioner.

2. At the time of hire, provide to each employee, [in the language the employer normally uses to communicate employment-related information to the employee, written notice containing] the following information:

(a) The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission or otherwise [;] , that are applicable to the employee at the time of hire;

(b) [For any employee eligible for] The provisions concerning overtime compensation [pursuant to] set forth in NRS 608.018, [the regular hourly rate of pay and the overtime rate of pay;] if applicable;

(c) Allowances, if any, claimed as part of the minimum wage, including [tip,] meal or lodging allowances;

(d) The regular paydays established by the employer in accordance with the provisions of NRS 608.080;

(e) The name of the employer;

(f) The physical address of the employer's main office or principal place of business;

(g) If different from the address described in paragraph (f), a mailing address of the employer;

(h) The telephone number of the employer; and

(i) The name, address and telephone number of the workers' compensation insurance carrier of the employer . [; and

~~*(j) Any other information the Labor Commissioner may prescribe.*~~

~~*3. Obtain from each employee a written acknowledgment that the employee has received the notice required by subsection 2, which must:*~~

~~*(a) Be signed and dated by the employee; and*~~

~~*(b) Include an affirmation by the employee that the employee accurately identified his or her primary language to the employer and that the notice provided by the employer to the employee pursuant to subsection 2 contained the information required by subsection 2.*~~

~~*4. Provide the notice required by subsection 2 and obtain the acknowledgment required by subsection 3 in English and the primary language of the employee, if that language is a language other than English and the Labor Commissioner has prescribed a form in that language pursuant to section 3 of this act. If the Labor Commissioner has not prescribed such a form in the language the employee has identified as his or her primary language, the employer may provide the notice required by subsection 2 and obtain the acknowledgment required by subsection 3 in English only.*~~

~~*5. Maintain a copy of each notice provided pursuant to subsection 2 and the original or a signed and dated copy of the acknowledgment required by subsection 3 for a period of not less than 3 years after the date the employer obtained the acknowledgment.]*~~

Sec. 6. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and*** ~~***[sections 3 and]***~~ ***section 4 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on October 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 213.

Bill read second time.

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

Amendment No. 514.

AN ACT relating to service contracts; allowing a provider to qualify for the issuance of a certificate of registration by maintaining a reserve account and depositing certain security with the Commissioner of Insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in order to be issued a certificate of registration, a provider who wishes to issue, sell or offer for sale any service contracts in this State must: (1) purchase a contractual liability insurance policy which insures the obligations of each service contract that the provider issues, sells or offers for sale; or (2) maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. (NRS 690C.170) Without revising those provisions of existing law, this bill reenacts provisions, repealed in the 2011 Legislative Session, that allow a provider to qualify for the issuance of a certificate of registration by: (1) maintaining a reserve account that contains at all times at least 40 percent of the gross consideration received by the provider for any unexpired contracts, less any claims paid on those contracts; and (2) depositing security with the Commissioner of Insurance in the amount of ~~[$25,000 or 5]~~ **$50,000 or 10** percent of the gross consideration received by the provider for any unexpired service contracts, less any claims paid on those contracts, whichever is greater.

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

Section 1. NRS 690C.170 is hereby amended to read as follows:

690C.170 To be issued a certificate of registration, a provider must comply with one of the following:

1. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must be issued by an insurer which is not an affiliate of the provider and which is authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS **.** ~~[; or]~~

2. ***Maintain a reserve account and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the gross consideration received by the provider for any unexpired service contracts,***

less any claims paid on those unexpired service contracts. The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to ~~[$25,000 or 5]~~ $50,000 or 10 percent of the gross consideration received by the provider for any unexpired service contracts, less any claims paid on the unexpired service contracts, whichever is greater. The security must be:

(a) A surety bond issued by a surety company authorized to do business in this State;

(b) Securities of the type eligible for deposit pursuant to NRS 682B.030;

(c) Cash;

(d) An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

(e) In any other form prescribed by the Commissioner.

3. Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

Sec. 2. This act becomes effective on January 1, 2014.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 291.

Bill read second time.

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

Amendment No. 420.

AN ACT relating to veterans; revising provisions relating to preferences in state purchasing for businesses owned by a veteran with a service-connected disability; revising provisions relating to preferences in public works for

businesses owned by a veteran with a service-connected disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law deems a bid or proposal submitted by a local business owned by a veteran with a service-connected disability for a state purchasing contract or contract for a public work to be 5 percent lower than the bid actually submitted. (NRS 333.3366, 338.13844) **Sections 3 and 16** of this bill provide that a business qualifies for the 5 percent preference **on a contract for which the estimated cost is less than a $100,000** if it is certified as a local business owned and operated by a veteran with a service-connected disability pursuant to **section 11** of this bill. **A business qualifies for the 5 percent preference on a contract for which the estimated cost exceeds $100,000 but is less than $250,000 if it is certified as a local business owned and operated by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs.** **Sections 3 and 16** also provide for the breaking of a tie for low bid in favor first of a business certified pursuant to **section 11** and second of the business with the lowest net worth.

Section 11 requires the Office of Economic Development to certify a business as a local business owned and operated by a veteran with a service-connected disability if the business submits certain information and the Office determines that the business meets the definitions of a "business owned and operated by a veteran with a service-connected disability" and a "local business." Such a certification is valid for 2 years and may be renewed. **Section 11** requires such a certified business to report any event that may affect the certification of the business within 30 business days after the event. **Section 11 further requires the Office to indicate on such a certification if the service-connected disability of the veteran who owns and operates the business has been determined by the United States Department of Veterans Affairs to be at least a 50 percent disability.**

Section 12 of this bill requires: (1) each state agency to submit all solicitations for the award of a contract and any information supporting the solicitation to the Office; and (2) the Office to maintain a database of such information that is made available to the certified businesses. **Section 13** of this bill requires the Office to maintain an electronic directory of certified businesses for use by the State, its agencies and political subdivisions and the public. **Section 13** requires the Office of Economic Development to cooperate with the Office of Veterans Services and certain nonprofit organizations to support businesses that may be eligible for certification. **Section 13** allows the Executive Director of the Office of Economic Development, in cooperation with the Purchasing Division of the Department

of Administration and the State Public Works Division of the Department of Administration, to adopt such regulations as are necessary to carry out the preference for certified businesses.

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

Section 1. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified local business owned and operated by a veteran with a service-connected disability" means a business that is certified pursuant to section 11 of this act.

Sec. 2. NRS 333.3361 is hereby amended to read as follows:

333.3361 As used in NRS 333.3361 to 333.3369, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[333.3362 to 333.3365, inclusive,]~~ ***333.3364 and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 333.3366 is hereby amended to read as follows:

333.3366 For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if ~~[a]~~ ***:***

1. A certified local business owned ***and operated*** by a veteran with a service-connected disability submits a bid or proposal ***for a contract for which the estimated cost is $100,000 or less*** and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

2. A certified local business owned and operated by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a contract for which the estimated cost exceeds $100,000 but is less than $250,000 and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

3. After the application of subsection 1 ~~[,]~~ or 2, as applicable, two or more lowest bids or proposals are identical and only one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid or proposal shall be deemed to be the lowest responsive and responsible bidder.

~~[3.]~~ 4. After the application of subsection 1 ~~[,]~~ or 2, as applicable, two or more lowest bids or proposals are identical and more than one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business

owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder.

Sec. 4. NRS 333.3368 is hereby amended to read as follows:

333.3368 The Purchasing Division shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain, for the period since the last report:

1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. The number of ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 5. NRS 333.3369 is hereby amended to read as follows:

333.3369 The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 333.3361 to 333.3369, inclusive ~~[. The regulations may include, without limitation, provisions setting forth:~~

~~1. The method by which a business may apply to receive a preference described in NRS 333.3366;~~

~~2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in NRS 333.3366; and~~

~~3. Such other matters as the Purchasing Division deems relevant.~~

~~➥~~] ***, and section 1 of this act.*** In carrying out the provisions of this section, the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Division of the Department of Administration ***and the Office of Economic Development*** so that any regulations adopted pursuant to this section and NRS 338.13847 ***and section 13 of this act*** are reasonably consistent.

Sec. 6. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 13, inclusive, of this act.

Sec. 7. ***As used in sections 7 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Business owned and operated by a veteran with a service-connected disability" means a business:***

1. Of which at least 51 percent of the ownership interest is held by one or more veterans with service-connected disabilities;

2. That is organized to engage in commercial transactions;

3. That is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities or, if a veteran with a service-connected disability is permanently and totally disabled, the spouse or caregiver of such a veteran;

4. That employs not more than 200 permanent, full-time employees; and

5. That has, together with any affiliates, a net worth of not more than $5,000,000 or, if the business is a sole proprietorship, whose sole proprietor has a net worth of not more than $5,000,000, including both business and personal investments.

➥ The term includes a business which meets the above requirements that is transferred to the spouse of a veteran with a service-connected disability upon the death of the veteran, as determined by the United States Department of Veterans Affairs.

Sec. 9. ***"Local business" means a business that is domiciled in this State.***

Sec. 10. ***"Veteran with a service-connected disability" means a veteran of the Armed Forces of the United States who:***

1. Is a resident of this State; and

2. Has a service-connected disability of at least 5 percent as determined by the United States Department of Veterans Affairs.

Sec. 11. ***1. To receive certification as a local business owned and operated by a veteran with a service-connected disability, a local business must submit an application to the Office of Economic Development, on a form prescribed by the Office, which includes:***

(a) The name of the business;

(b) The name and service-connected disability rating of the veteran with a service-connected disability submitting the application on behalf of the business;

(c) The name, percentage of ownership interest and service-connected disability rating, if any, of each person with an ownership interest in the business;

(d) The name and service-connected disability rating, if any, of each person that manages or operates the business on a day-to-day basis, including the name and service-connected disability rating of each veteran whose spouse or permanent caregiver manages or operates the business on a day-to-day basis;

(e) Documentation issued by the United States Department of Veterans Affairs or United States Department of Defense which supports the service-connected disability rating reported for each person pursuant to paragraphs (b), (c) and (d);

(f) The number of permanent, full-time employees of the business;

(g) The location of the headquarters of the business; and

(h) The net worth of the business, including any affiliates, or, if the business is a sole proprietorship, the net worth of the sole proprietor, including both personal and business investments.

2. If the Office of Economic Development determines that an applicant for certification pursuant to subsection 1 meets the definition of "business owned and operated by a veteran with a service-connected disability" pursuant to section 8 of this act and the definition of "local business" pursuant to section 9 of this act, the Office shall certify the applicant as a local business owned and operated by a veteran with a service-connected disability. If the service-connected disability of the applicant has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the Office shall note that in the certification issued.

3. A certification issued pursuant to subsection 2 expires on the date 2 years after its issuance and may be renewed by submitting an application pursuant to subsection 1.

4. A business certified pursuant to this section shall notify the Office of Economic Development within 30 business days after the occurrence of any event that may affect the certification of the business, including, without limitation, a change in the ownership or management of daily operations of the business. The Office of Economic Development shall:

(a) Revoke the certification of a business that violates this subsection;

(b) Prohibit each person with an ownership interest in the business that violated this subsection from holding an ownership interest in any business that applies for or holds certification pursuant to this section for 1 year; and

(c) Allow the business that violated this subsection to reapply for certification 1 year after the date of the revocation.

5. A business whose certification is revoked pursuant to subsection 4 may submit a bid or proposal for a state contract but may not receive a preference for that bid or proposal pursuant to NRS 333.3366 or 338.13844.

Sec. 12. *1. Each state agency shall, in a timely manner, provide the Office of Economic Development with each solicitation for the award of a contract by the state agency and any information relating to that solicitation which may be necessary to enable a business to offer a bid or proposal for the contract.*

2. The Office of Economic Development shall maintain a database of the information submitted to the Office pursuant to subsection 1 and make the database available to businesses certified pursuant to section 11 of this act.

3. The Office of Economic Development shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain, for the period since the last report:

(a) The number of businesses certified pursuant to section 11 of this act;

(b) The number of certified businesses that used the database maintained pursuant to subsection 2 to offer a bid or proposal for a contract with a state agency; and

(c) The number of certified businesses who were awarded a contract with a state agency, including the number of certified businesses who were awarded a contract after using the database maintained pursuant to subsection 2 to offer a bid or proposal for the contract.

Sec. 13. *1. The Office of Economic Development shall:*

(a) Maintain an electronic directory of businesses certified pursuant to section 11 of this act for use by the State, its agencies and political subdivisions and the public; and

(b) Cooperate with the Office of Veterans Services to:

(1) Identify local businesses that may be eligible for certification pursuant to section 11 of this act;

(2) Encourage and assist such businesses in applying for certification; and

(3) Provide information regarding services that are available to such businesses from the Office of Economic Development or from a nonprofit organization to support local businesses owned and operated by a veteran with a service-connected disability, including, without limitation, the Elite Service Disabled Veteran Owned Business Network of Nevada; and

(c) Accept and consider recommendations and information relating to the certification of a business submitted to the Office of Economic Development by a nonprofit organization to support businesses owned and operated by a veteran with a service-connected disability, including, without limitation, the Elite Service Disabled Veteran Owned Business Network of Nevada.

2. The Executive Director may adopt such regulations as may be necessary to carry out the provisions of sections 7 to 13, inclusive, of this act. In carrying out the provisions of this subsection, the Executive Director shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration and the State Public Works Division of the Department of Administration so that any regulations adopted pursuant to this section, NRS 333.3369 and 338.13847 are reasonably consistent.

Sec. 14. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139,

inclusive, and 231.1573 to 231.1597, inclusive ~~[.]~~ ***, and sections 7 to 13, inclusive, of this act.***

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive ~~[.]~~ ***, and sections 7 to 13, inclusive, of this act.***

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 15. NRS 338.1384 is hereby amended to read as follows:

338.1384 As used in NRS 338.1384 to 338.13847, inclusive, unless the context otherwise requires, ~~[the words and terms defined in NRS 338.13841, 338.13842 and 338.13843 have the meanings ascribed to them in those sections.]~~ ***"certified local business owned and operated by a veteran with a service-connected disability" means a business that is certified pursuant to section 11 of this act.***

Sec. 16. NRS 338.13844 is hereby amended to read as follows:

338.13844 1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is $100,000 or less, as governed by NRS 338.13862, if ~~[a]~~ ***:***

(a) A certified local business owned ***and operated*** by a veteran with a service-connected disability submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.

(b) After the application of paragraph (a), two or more lowest bids are identical and only one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.

(c) After the application of paragraph (a), two or more lowest bids are identical and more than one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.

2. ***For the purpose of awarding a contract for a public work in this State for which the estimated cost is more than $100,000 but less than $250,000, if:***

(a) A certified local business owned and operated by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

(b) After the application of paragraph (a), two or more lowest bids or proposals are identical and only one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability which has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the certified local business owned and operated by a veteran with such a service-connected disability that submitted the bid or proposal shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid or proposal.

(c) After the application of paragraph (a), two or more lowest bids or proposals are identical and more than one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability which has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the certified local business owned and operated by a veteran with such a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid or proposal.

3. The ~~[preference]~~ ***preferences*** described in ~~[subsection]~~ ***subsections*** 1 ***and 2*** may not be combined with any other preference.

Sec. 17. NRS 338.13846 is hereby amended to read as follows:

338.13846 The Division shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain, for the period since the last report:

1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

3. The number of ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities that submitted a bid or proposal on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities.

5. The total number of dollars' worth of contracts for public works of this State that were awarded to ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 18. NRS 338.13847 is hereby amended to read as follows:

338.13847 The State Public Works Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 338.1384 to 338.13847, inclusive. ~~[The regulations may include, without limitation, provisions setting forth:~~

~~1. The method by which a business may apply to receive the preference described in NRS 338.13844;~~

~~2. The documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in NRS 338.13844; and~~

~~3. Such other matters as the Division deems relevant.~~

~~]~~ In carrying out the provisions of this section, the State Public Works Board and the Division shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration ***and the Office of Economic Development*** so that any regulations adopted pursuant to this section and NRS 333.3369 ***and section 13 of this act*** are reasonably consistent.

Sec. 19. NRS 417.105 is hereby amended to read as follows:

417.105 1. Each year on or before October 1, the Office of Veterans Services shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Office of Veterans Services shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board of the State Public Works Division of the Department of Administration.

(c) The Office of Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) ~~[Local]~~ ***Certified local*** businesses owned ***and operated*** by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Office of Veterans Services shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for ***certified*** local businesses owned ***and***

operated by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section ~~[~~:

~~(a) "Business]~~ ***, "Certified local business*** owned ***and operated*** by a veteran with a service-connected disability" has the meaning ascribed to it in NRS ~~[338.13841.~~

~~(b) "Local business" has the meaning ascribed to it in NRS 333.3363.~~

~~(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.]~~ ***338.1384.***

Sec. 20. NRS 333.3362, 333.3363, 333.3365, 338.13841, 338.13842 and 338.13843 are hereby repealed.

Sec. 21. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

333.3362 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Business owned by a veteran with a service-connected disability" defined.

333.3363 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Local business" defined.

333.3365 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Veteran with a service-connected disability" defined.

338.13841 "Business owned by a veteran with a service-connected disability" defined.

338.13842 "Local business" defined.

338.13843 "Veteran with a service-connected disability" defined.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 334.

Bill read second time.

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

Amendment No. 209.

AN ACT relating to contractors; exempting certain ~~[property owners,]~~ licensed real estate brokers and salespersons from provisions relating to contractors; **requiring certain licensed real estate brokers and salespersons to maintain certain records;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[exempts]~~ **provides certain exemptions** from **the applicability of** the provisions of chapter 624 of NRS, which provides for the licensing and regulation of contractors**. .** ~~[, a property owner who is building or improving a residential structure on the property for his or her own occupancy and not intended for sale or lease.]~~ (NRS 624.031) This bill ~~[also exempts from those provisions: (1) a property owner who is building or improving a residential structure regardless of whether the structure is for his or her own occupancy and is intended for sale or lease, unless the work requires a building permit; and (2) any employee of such a property owner. In addition, this bill]~~ exempts from those provisions a licensed real estate broker, real estate broker-salesperson or real estate salesperson who, acting within the scope of his or her license or a permit to engage in property management, assists a client in scheduling ~~[or performing]~~ work to repair or maintain **a residential** property **~~[, unless a building permit is required to perform the work.]~~ under certain circumstances. This bill also requires the person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson to maintain a record of any such work that the person assists a client in scheduling.**

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

Section 1. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. An officer of a court when acting within the scope of his or her office.

3. Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

4. An owner of property who is building or improving a residential structure on the property for his or her own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. ~~***[for an employee of such an owner, unless a building permit is required to perform the work.]***~~ An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

5. Any work to repair or maintain property the value of which is less than $1,000, including labor and materials, unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is $500 or more; or

(2) For which contracts of less than $500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

6. The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his or her use or occupancy and not intended for sale or lease.

10. Construction oversight services provided to a long-term recovery group by a qualified person within a particular geographic area that is described in a proclamation of a state of emergency or declaration of disaster by the State or Federal Government, including, without limitation, pursuant to NRS 414.070. A long-term recovery group may reimburse such reasonable expenses as the qualified person incurs in providing construction oversight services to that group. Except as otherwise provided in this subsection, nothing in this subsection authorizes a person who is not a licensed contractor to perform the acts described in paragraphs (a) and (b) of subsection 1 of NRS 624.700. As used in this subsection:

(a) "Construction oversight services" means the coordination and oversight of labor by volunteers.

(b) "Long-term recovery group" means a formal group of volunteers coordinating response and recovery efforts related to a state of emergency or disaster that is proclaimed or declared by the State or Federal Government.

(c) "Qualified person" means a person who possesses the abilities, education, experience, knowledge, skills and training that a long-term recovery group has identified as being necessary to provide construction oversight services for a project to be performed by that group.

11. A person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson pursuant to chapter 645 of NRS who, acting within the scope of the license or a permit to engage in property management issued pursuant to NRS 645.6052, assists a client in scheduling ~~[or performing]~~ work to repair or maintain residential property pursuant to a written brokerage agreement or a property management agreement. Such assistance includes, without limitation, assisting a client in the hiring of any number of ~~[specialty]~~ licensed contractors to perform the work. Nothing in this subsection authorizes the performance of any work for which a license is required pursuant to this chapter by a person who is not licensed pursuant to this chapter or the payment of any additional compensation to a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson for assisting a client in scheduling the work. The provisions of this subsection ~~[do not]~~ apply only if a building permit is not required to perform the work ~~[.]~~ and if the value of the work does not exceed $10,000 per residential property during the fixed term of the written brokerage agreement, if the assistance is provided pursuant to such an agreement, or during a period not to exceed 6 months if the assistance is provided pursuant to a property management agreement. As used in this subsection:

(a) "Brokerage agreement" has the meaning ascribed to it in NRS 645.005.

(b) "Property management agreement" has the meaning ascribed to it in NRS 645.0192.

(c) "Real estate broker" has the meaning ascribed to it in NRS 645.030.

(d) "Real estate broker-salesperson" has the meaning ascribed to it in NRS 645.035.

(e) "Real estate salesperson" has the meaning ascribed to it in NRS 645.040.

(f) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 2. **Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person licensed pursuant to this chapter as a real estate broker, real estate broker-salesperson or real estate salesperson shall maintain a record of all work performed on a residential property that the person assists a client in scheduling pursuant to subsection 11 of NRS 624.031.

2. The record required by subsection 1 must include, without limitation:

(a) The name of any person licensed pursuant to chapter 624 of NRS who performs such work;

(b) The date on which the work was performed;

(c) A copy of any written contract to perform the work; and

(d) A copy of any invoice prepared in connection with the work.

3. As used in this section, "residential property" has the meaning ascribed to it in NRS 624.031.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time.

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

Amendment No. 472.

SUMMARY—Prohibits the ~~[use]~~ **manufacture, sale or distribution** of certain ~~[chemicals in various]~~ consumer products ~~[.]~~ **that contain or come in direct physical contact with Bisphenol A.** (BDR 52-789)

AN ACT relating to consumer protection; prohibiting the ~~[use]~~ **manufacture, sale or distribution** of **certain consumer products that contain or come in direct physical contact with** Bisphenol A (BPA) **;** ~~[in certain products; prohibiting the use of toxic flame retardants in any children's product or residential furniture; requiring the Health Division of the Department of Health and Human Services to identify a list of harmful chemicals; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 10 of this bill prohibits the manufacturing of certain products which contain Bisphenol A (BPA). Section 11 of this bill prohibits a manufacturer from replacing BPA with certain other substances. Section 12 of this bill requires the Commissioner of Food and Drugs to create a process whereby residents of this State can petition for the addition of a chemical to the list of prohibited replacement substances. Section 13 of this bill requires that food packaging containing BPA be labeled as such. Section 14 of this~~

~~bill requires a manufacturer to identify on its Internet website the chemical identity of certain substances used in canned food.~~

~~Sections 23 and 24 of this bill prohibit a manufacturer, wholesaler or retailer from selling any children's product or residential furniture containing certain prohibited substances. Section 25 of this bill requires manufacturers of products containing such prohibited substances to notify sellers of the products not less than 90 days before the effective date of the restriction of the chemical. Section 26 of this bill provides a civil penalty for a violation of sections 23 and 24.~~

~~Section 36 of this bill requires the Health Division of the Department of Health and Human Services to create a list of not less than 50 and not more than 100 chemicals of high concern which are chemicals that have been identified as toxic, carcinogenic or harmful to the human body. Section 37 of this bill authorizes the Health Division to participate in an interstate clearinghouse to promote the use of safer chemicals in consumer products.~~**]**

This bill prohibits the manufacture, sale or distribution of: (1) certain bottles and cups which contain intentionally added Bisphenol A (BPA) and are intended primarily for use by certain children; and (2) baby food and infant formula stored in any container which contains intentionally added BPA.

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

Delete existing sections 1 through 39 of this bill and replace with the following new sections 1 through 4:

Section 1. **Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***A person shall not knowingly manufacture, sell or distribute in this State any bottle or cup which contains intentionally added Bisphenol A if the bottle or cup is designed or intended to be filled with any liquid or food intended primarily for consumption directly from the bottle or cup by a child who is less than 4 years of age.***

Sec. 3. ***1. A person shall not knowingly manufacture, sell or distribute in this State any baby food or infant formula stored in a container which contains intentionally added Bisphenol A.***

2. As used in this section:

(a) "Baby food" means any prepared solid food consisting of a soft paste or is otherwise easily chewed and is intended primarily for consumption by a child who is less than 4 years of age and is commercially available.

(b) "Container" means any receptacle, including, without limitation, a box, can, jar, or a lid, that comes in direct physical contact with baby food or infant formula.

(c) "Infant formula" means any liquid or powder that purports or is represented to be for special dietary use solely as a food for infants by nature of its simulation of human milk or its suitability as a complete or partial substitute for human milk.

Sec. 4. **1. This section and sections 1 and 2 of this act become effective on January 1, 2014.**

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

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time.

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

Amendment No. 441.

AN ACT relating to local governments; authorizing certain local governments to abate public nuisances and conditions involving abandoned, ~~[~~unregistered,~~]~~ inoperable or junk vehicles by requesting the operator of a tow car to abate the public nuisance or condition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners of a county or the governing body of a city may adopt by ordinance procedures pursuant to which the board or governing body, or a designee thereof, may order an owner of property to abate a public nuisance or condition on the property, including the clearing of certain debris, to protect the public health, safety and welfare of the residents of the county or city. (NRS 244.3605, 268.4122) Existing law further provides that if, after the provision of notice about the nuisance or condition and an opportunity for a hearing, the property owner does not abate the nuisance or condition, the county or city may abate the nuisance or condition and recover from the property owner the amount expended by the county or city for the labor and materials used to abate the nuisance or condition.

Section 2 of this bill adds abandoned, ~~[~~unregistered,~~]~~ inoperable or junk vehicles **which are not concealed from ordinary public view** to the list of ~~[~~debris and rubbish that constitutes~~]~~ **conditions that constitute** a public nuisance for the purposes of an ordinance adopted by a board of county commissioners ~~[.]~~ **in a county whose population is 700,000 or more (currently only Clark County). Section 2** also provides that such an ordinance may authorize the county to request the operator of a tow car to

abate a public nuisance by towing an abandoned, inoperable ~~[, unregistered]~~ or junk vehicle if certain ~~[conditions]~~ **requirements** relating to notice and the opportunity for a hearing are satisfied. Similarly, **section 3** of this bill adds vehicles ~~[that are unregistered or]~~ **which are abandoned,** inoperable **or junk and which are not concealed from ordinary public view** to the list of ~~[debris and rubbish that constitutes a]~~ **conditions that constitute an unhealthful or unsafe** condition for the purposes of an ordinance adopted by the governing body of a city ~~[,]~~ **in any county whose population is 700,000 or more (currently only Clark County),** and provides that such an ordinance may authorize the city to request the operator of a tow car to abate **such** a condition by towing an abandoned, inoperable ~~[, unregistered]~~ or junk vehicle if certain ~~[conditions]~~ **requirements** relating to notice and the opportunity for a hearing are satisfied.

Existing law provides for the regulation of tow cars and the operators of tow cars. (NRS 706.445-706.453) **Sections 2 and 3** provide that the operator of a tow car who is requested by a county or city to tow a vehicle to abate a public nuisance or condition must comply with those provisions. ~~[Sections]~~ **Section 4** ~~[and 5]~~ of this bill ~~[provide]~~ **provides** that the registered owner of a vehicle towed pursuant to a request by a county or a city to abate a public nuisance or condition is responsible for the cost of removal and storage of the vehicle **.** ~~[, unless the owner can show that he or she no longer owns the vehicle or that the vehicle was stolen. If the registered owner of the vehicle makes such a showing, the owner of the property from which the car was towed is responsible for the cost of removal and storage of the vehicle.]~~

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

Section 1. NRS 244.3601 is hereby amended to read as follows:

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 or 244.3605, a board of county commissioners may, by ordinance, provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,

➥ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.

4. The costs of securing or summarily abating the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection ~~[6]~~ ***7*** of NRS 244.3605.

(b) "Imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:

(1) The occupants, if any, of the real property on which the structure or condition is located; or

(2) The general public.

Sec. 2. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish and refuse ~~***[and abandoned, unregistered, inoperable or junk vehicles]***~~ which is ~~***[are]***~~ not subject to the provisions of chapter 459 of NRS;

(c) ***In any county whose population is 700,000 or more, clear abandoned, inoperable or junk vehicles which are not concealed from***

ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means;

(d) Clear weeds and noxious plant growth; or

~~[(d)]~~ ***(e)*** Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. ~~***[An]***~~ ***In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned, inoperable*** ~~***[, unregistered]***~~ ***or junk vehicles described in paragraph (c) of subsection 1 if the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive.***

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance ***or request abatement by the operator of a tow car pursuant to subsection 3*** if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

~~[4.]~~ ***5.*** In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection ~~[5,]~~ ***6*** for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the expense and civil penalties are a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

~~[5.]~~ ***6.*** Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection ~~[4]~~ ***5*** unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

~~[6.]~~ ***7.*** As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 3. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter , ~~[or]~~ garbage ~~[,]~~ ~~[or abandoned, unregistered, inoperable or junk vehicles]~~ or junk appliances which are not subject to the provisions of chapter 459 of NRS; ~~[or]~~

(c) ***In any county whose population is 700,000 or more, clear abandoned, inoperable or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means; or***

(d) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. ~~[An]~~ ***In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned,***

inoperable ~~[, unregistered]~~ or junk vehicles described in paragraph (c) of subsection 1 if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive.

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

~~[4.]~~ ***5.*** In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection ~~[5,]~~ ***6*** for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

~~[5.]~~ ***6.*** Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection ~~[4]~~ ***5*** by the governing body unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

~~[6.]~~ ***7.*** As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of

the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 4. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. ***If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:***

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

3. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1 ~~[.]~~ ***or 2:***

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Is ~~***[Except as otherwise provided in subsection 5, is]***~~ responsible for the cost of removal and storage of the motor vehicle.

~~[3.]~~ ***4.*** The registered owner may rebut the presumption in subsection ~~[2]~~ ***3*** by showing that:

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

[5. For a vehicle towed pursuant to subsection 2, if every registered owner rebuts the presumption in subsection 3 pursuant to paragraph (b) of subsection 4, the owner of the real property from which the vehicle was towed is responsible for the cost of removal and storage of the vehicle.]

Sec. 5. ~~[NRS 706.4479 is hereby amended to read as follows:~~

~~706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:~~

~~(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:~~

~~(1) Of the location where the motor vehicle is being stored;~~

~~(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;~~

~~(3) Of the charge for towing and storage;~~

~~(4) Of the date and time the vehicle was placed in storage;~~

~~(5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and~~

~~(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.~~

~~(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:~~

~~(1) Twenty one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or~~

~~(2) Fifteen days after placing any other motor vehicle in storage.~~

~~→ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.~~

~~(c) If the owner of the property from which the vehicle was towed is responsible for the cost of removal and storage of the vehicle pursuant to~~

~~*subsection 5 of NRS 706.4477, the operator shall notify the owner of the property by certified mail not later than 15 days after placing the vehicle in storage:*~~

~~*(1) Of the date and time the vehicle was placed in storage;*~~

~~*(2) Of the location where the vehicle is being stored;*~~

~~*(3) Of the charges for towing and storage; and*~~

~~*(4) Of the actions that the owner of the property may take to incur the lowest possible liability in accrued assessments, fees, penalties or other charges.*~~

~~2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:~~

~~(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or~~

~~(b) For more than 15 days after placing any other vehicle in storage,~~

~~→ unless the operator complies with the requirements set forth in subsection 1.~~

~~3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle, the operator shall not:~~

~~(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or~~

~~(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.~~~~]~~ **(Deleted by amendment.)**

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

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

Amendment No. 478.

AN ACT relating to energy; ~~[revising provisions relating to wages paid to certain employees by persons who intend to locate certain renewable energy facilities in this State and who apply to the Director of the Office of Energy for a partial abatement of certain taxes;]~~ providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy

systems on property owned or occupied by a public body may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~**[** Under existing law, a person who intends to locate certain facilities for the generation or transmission of electricity from renewable energy may apply to the Director of the Office of Energy for a partial abatement of certain taxes. An applicant for such an abatement must meet several requirements, including requirements concerning the wages which must be paid to the employees of the facility and the employees working on the construction of the facility. (NRS 701A.300-701A.390) Section 1 of this bill defines "wage" for this purpose to include the hourly rate of pay and the amount of benefits paid to an employee in a manner consistent with provisions of existing law governing public works projects. Section 4 of this bill revises provisions relating to the wages paid to employees working on the construction of such a facility to provide that contributions to a third person pursuant to a fund, plan or program in the name of an employee may satisfy a portion of the requirement that employees be paid a certain percentage of the prevailing wage.**]**~~

Sections 9 and 10 of this bill revise provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to provide that the amount of any incentive issued by a utility for the installation of the renewable energy system may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects.

Section 11 of this bill requires any contractor or subcontractor who enters into a contract pursuant to the Green Jobs Initiative to provide written certification to the Labor Commissioner that the employees of the contractor or subcontractor who perform work under the contract are paid the prevailing wage required by the Initiative. (NRS 701B.900-701B.924)

Existing law provides that certain entities which are declared to be utilities but which provide services only to their members are subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada. (NRS 704.675) **Section 12** of this bill provides that such a utility is subject to the full jurisdiction, control and regulation of the Commission if

the Commission determines that the utility ~~[has exceeded the scope of the services which the utility is authorized to provide pursuant to the]~~ **or any entity that is owned or controlled by the utility: (1) is being operated without a** certificate of public convenience and necessity issued to the utility by the Commission ~~[.]~~ **; (2) is supplying services to persons other than its own members; (3) is offering services outside the geographic area for which it holds a certificate of public convenience and necessity; (4) qualifies as a public utility or utility under applicable law outside the geographic area for which it holds a certificate of public convenience and necessity; or (5) has otherwise violated certain provisions of law relating to utilities.**

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

Section 1. ~~[Chapter 701A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Wage" means:*~~

~~*1. The basic hourly rate of pay; and*~~

~~*2. The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the employee.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 701A.300 is hereby amended to read as follows:~~

~~701A.300 As used in NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 701A.360 is hereby amended to read as follows:~~

~~701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the generation of electricity from geothermal resources or a facility for the transmission of electricity produced from renewable energy or geothermal resources in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.~~

~~2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive~~ **[.] *, and section 1 of this act.***

~~3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:~~

~~(a) The Chief of the Budget Division of the Department of Administration;~~

~~(b) The Department of Taxation;~~

~~(c) The board of county commissioners;~~

~~(d) The county assessor;~~

~~(e) The county treasurer; and~~

~~(f) The Office of Economic Development.~~

~~4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.~~

~~5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.~~**] (Deleted by amendment.)**

Sec. 4. **[**~~NRS 701A.365 is hereby amended to read as follows:~~

~~701A.365 1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive,~~ ***and section 1 of this act*** ~~if the Director, in consultation with the Office of Economic Development, makes the following determinations:~~

~~(a) The applicant has executed an agreement with the Director which must:~~

~~(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and~~

~~(2) Bind the successors in interest in the facility for the specified period.~~

~~(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.~~

~~(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.~~

~~(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:~~

~~(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;~~

~~(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;~~

~~(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and~~

~~(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year , and~~ **[**~~:~~

~~(I) The~~**]** ***the*** employees working on the construction of the facility **[**~~must~~**]** ***will*** be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees **. [**~~, and~~

~~(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.~~**]**

~~(c) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:~~

~~(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;~~

~~(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;~~

~~(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and~~

~~(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the~~

~~Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, and [:~~

~~(I) The] *the* employees working on the construction of the facility [must] *will* be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees, [; and~~

~~(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.]~~

~~(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.~~

~~(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.~~

~~2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.~~

~~3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:~~

~~(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or~~

~~(b) Add additional requirements that a facility must meet to qualify for a partial abatement.~~

~~4. *The obligation of an applicant to pay to the employees working on the construction of the facility the wage required by subparagraph (4) of paragraph (d) of subsection 1 or subparagraph (4) of paragraph (e) of subsection 1 may be discharged in part by making contributions to a third*~~

~~***person pursuant to a fund, plan or program in the name of the employee in the manner provided in NRS 338.035.***~~

~~***5.*** The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.~~

~~**[**5.**]** ***6.*** The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.~~**]** (Deleted by amendment.)**

Sec. 5. ~~**[**NRS 701A.370 is hereby amended to read as follows:~~

~~701A.370 1. If the Director approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, ***and section 1 of this act*** of:~~

~~(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:~~

~~(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;~~

~~(2) Be equal to 55 percent of the taxes on real and personal property payable by the facility each year; and~~

~~(3) Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.~~

~~(b) Local sales and use taxes:~~

~~(1) The partial abatement must:~~

~~(I) Be for the 3 years beginning on the date of approval of the application;~~

~~(II) Be equal to that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds 0.25 percent; and~~

~~(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.~~

~~(2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.25 percent.~~

~~2. Upon approving an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, ***and section 1 of this act,*** the Director shall immediately forward a certificate of eligibility for the abatement to:~~

~~(a) The Department of Taxation;~~

~~(b) The board of county commissioners;~~

~~(c) The county assessor;~~

~~(d) The county treasurer; and~~

~~(e) The Office of Economic Development.~~] **(Deleted by amendment.)**

Sec. 6. ~~[NRS 701A.380 is hereby amended to read as follows:~~

~~701A.380 1. A partial abatement approved by the Director pursuant to NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act* terminates upon any determination by the Director that the facility has ceased to meet any eligibility requirements for the abatement.~~

~~2. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the facility has ceased to meet those requirements.~~

~~3. The Director shall immediately provide notice of each determination of termination to:~~

~~(a) The Department of Taxation, which shall immediately notify each affected local government of the determination;~~

~~(b) The board of county commissioners;~~

~~(c) The county assessor;~~

~~(d) The county treasurer; and~~

~~(e) The Office of Economic Development.~~

~~4. A facility whose partial abatement is terminated pursuant to this section shall repay to:~~

~~(a) The county treasurer the amount of the exemption from property taxes imposed pursuant to chapter 361 of NRS; and~~

~~(b) The Department of Taxation the amount of the exemption from local sales and use taxes,~~

~~" that was allowed pursuant to this section before the date of that termination. Except as otherwise provided in NRS 360.232 and 360.320, the facility shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~] **(Deleted by amendment.)**

Sec. 7. ~~[NRS 701A.385 is hereby amended to read as follows:~~

~~701A.385 Notwithstanding any statutory provision to the contrary, if the Director approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act* of:~~

~~1. Property taxes imposed pursuant to chapter 361 of NRS, the amount of all the property taxes which are collected from the facility for the period of the abatement must be allocated and distributed in such a manner that:~~

~~(a) Forty-five percent of that amount is deposited in the Renewable Energy Fund created by NRS 701A.450; and~~

~~(b) Fifty-five percent of that amount is distributed to the local governmental entities that would otherwise be entitled to receive those taxes~~

~~in proportion to the relative amount of those taxes those entities would otherwise be entitled to receive.~~

~~— 2. Local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the facility for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 701A.390 is hereby amended to read as follows:~~

~~— 701A.390 The Director:~~

~~— 1. Shall adopt regulations:~~

~~— (a)~~ **[**~~Prescribing the minimum level of benefits that a facility must provide to its employees if the facility is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;~~

~~— (b)~~**]** ~~Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive,~~ ***and section 1 of this act*** ~~as will ensure that all information and other documentation necessary for the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director;~~

~~—~~ **[**~~(c)~~**]** ***(b)*** ~~Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive,~~ ***and section 1 of this act*** ~~to file annually with the Director such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and~~

~~—~~ **[**~~(d)~~**]** ***(c)*** ~~Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and~~

~~— 2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive~~ **[**~~.~~**]** ***, and section 1 of this act.]*** **(Deleted by amendment.)**

Sec. 9. NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from **[**~~the~~**]** ***any*** requirements of ***chapter 338 of*** NRS **.** **[**~~338.020 to 338.090, inclusive.~~**]**

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 10. NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~[the]~~ ***any*** requirements of ***chapter 338 of*** NRS **.** ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 11. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS ~~[.]~~ ***and requiring that each contractor and subcontractor certify to the Labor Commissioner in writing that all employees of the contractor or subcontractor who work on the project are paid prevailing wages as required by this paragraph;***

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 12. NRS 704.675 is hereby amended to read as follows:

704.675 ~~[Every]~~

1. Except as otherwise provided in subsection 2, every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330, 704.350 to 704.410, inclusive, but not to any other jurisdiction, control and regulation of the Commission or to the provisions of any section not specifically mentioned in this ~~[section.]~~ ***subsection.***

2. The limitations set forth in subsection 1 governing the applicability of this chapter and the jurisdiction, control and regulation of the Commission do not apply to a cooperative association, nonprofit corporation or association or any other supplier of services described in this chapter that supplies those services for the use of its own members if the Commission determines that the cooperative association, nonprofit corporation or association or ~~[any]~~ other supplier of services ~~[is]~~ described in this chapter, or any entity that is owned or controlled by the cooperative association, nonprofit corporation or association or other supplier of services:

(a) Is being operated without a certificate of public convenience and necessity as required by NRS 704.330 ;

(b) Is supplying those services to persons other than its own members;

(c) Is offering those services outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission;

(d) Qualifies as a public utility or utility under NRS 704.020 outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission; or ~~[has]~~

(e) Has otherwise violated any provision of ~~[that section,]~~ NRS 704.330.

Sec. 13. 1. This act becomes effective on October 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 417.

Bill read second time.

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

Amendment No. 446.

AN ACT relating to redevelopment; requiring the legislative body of each community in which a redevelopment area has been established to create a revolving loan account administered by the redevelopment agency; authorizing a redevelopment agency to use money in a revolving loan account to make loans at or below market rate to new or existing small businesses in the redevelopment area; setting forth certain requirements relating to loans made from a revolving loan fund; requiring a redevelopment agency to adopt certain regulations and prepare certain reports relating to loans of money from a revolving loan account; **authorizing a redevelopment agency to adopt an ordinance providing for the recalculation of the amount of the total assessed value of property in a redevelopment area under certain circumstances; providing for the set aside and use of certain revenues from taxes imposed on property in such a redevelopment area;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Community Redevelopment Law (NRS 279.382-279.685) authorizes the city council, board of county commissioners or other legislative body of a city or county to declare the need for a redevelopment agency to function in the community. The Community Redevelopment Law grants a redevelopment agency certain powers and duties with regard to the elimination of blight in a redevelopment area in the community.

Sections 2-6 of this bill require the legislative body of a community to create a revolving loan account administered by the redevelopment agency. Money in the revolving loan account may be used by the agency only to make loans at or below market rate to new or existing small businesses in the redevelopment area. **Section 2** defines a "small business" as a business that employs not more than 25 persons. **Section 4** sets forth certain requirements for the making of loans from the revolving loan account and provides that the term of a loan of money from the revolving loan account must be ~~[3]~~ **5** years or less. **Section 5** requires each redevelopment agency to adopt regulations prescribing: (1) the ~~[annual deadline for submission of]~~ **process by which a**

small business may submit an application for a loan from the revolving loan account; (2) the criteria for eligibility for a loan; (3) the contents of an application for a loan; (4) the maximum amount of a loan which may be made from the revolving loan account; ~~[and]~~ (5) the rate of interest for loans made from the revolving loan account ~~[.]~~ **; and (6) the collateral and security interest a small business is required to provide as security for the loan.** **Section 6** requires each redevelopment agency to make certain annual reports to the Legislature concerning loans of money from the revolving loan account.

Existing law provides that if a redevelopment agency provides property for development at less than the fair market value of the property or provides financial incentives to a developer with a value of more than $100,000, the agency must provide in the agreement with the developer that the project is subject to certain provisions of existing law governing public works. (NRS 279.500) Section 13.3 of this bill extends the same requirements to any loan made by an agency to a small business pursuant to sections 2-6.

Section 13.5 of this bill authorizes a redevelopment agency in a city located in a county whose population is 700,000 or more (currently Clark County) to adopt, under certain circumstances, an ordinance which provides for the recalculation of the amount of the total assessed value of the taxable property in a redevelopment area for certain purposes. Section 13.5 provides that such a redevelopment agency may adopt such an ordinance only once and that the election to adopt such an ordinance is irrevocable. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes, section 13.5 requires that 18 percent of such revenues received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. Section 13.5 also provides that the obligation of a redevelopment agency to set aside 18 percent of such revenues is subordinate to any existing obligations of the agency.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, "small business" means a business that employs not more than 25 persons.***

Sec. 3. ***1. Each legislative body shall create a revolving loan account in the treasury of the community. The account must be administered by the agency.***

2. The money in a revolving loan account created pursuant to this section must be invested as money in other accounts in the treasury of the community is invested. All interest and income earned on the money in a revolving loan account must be credited to the account. Any money remaining in a revolving loan account at the end of a fiscal year does not revert to the general fund of the community, and the balance in the account must be carried forward.

3. All payments of principal and interest on loans made to a small business from a revolving loan account must be deposited with the treasurer of the community for credit to the account.

4. Claims against a revolving loan account must be paid as other claims against the agency are paid.

5. An agency may accept gifts, grants, bequests and donations from any source for deposit in the revolving loan account.

Sec. 4. ***1. After deducting the costs directly related to administering a revolving loan account created pursuant to section 3 of this act, an agency may use the money in the account, including repayments of principal and interest on loans made from the account, and interest and income earned on money in the account, only to make loans at or below market rate to small businesses located within the redevelopment area or persons wishing to locate or relocate a new small business in the redevelopment area for the costs incurred:***

(a) In expanding or improving an existing small business, including, without limitation, costs incurred for remodeling; or

(b) In locating or relocating a small business in the redevelopment area.

2. The term of any loan that may be made from the revolving loan account must be ~~*[3]*~~ *5 years or less.*

Sec. 5. ***1. A small business located in a redevelopment area or a person who wishes to locate or relocate a new small business in a redevelopment area may submit an application to the agency for a loan from the revolving loan account created pursuant to section 3 of this act. An application must include a written description of the manner in which the loan will be used.***

2. An agency shall, within the limits of money available for use in the revolving loan account, make loans to small businesses and persons whose applications have been approved. If an agency makes a loan from the revolving loan account, the agency shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. Each agency:

(a) Shall adopt regulations that prescribe:

(1) The ~~[annual deadline for submission]~~ process by which a small business may submit to the agency ~~[of]~~ an application for a loan from the revolving loan account;

(2) The criteria for eligibility for a loan from the revolving loan account;

(3) The contents of an application for a loan from the revolving loan account, which must include, without limitation:

(I) A description of the business history of the applicant;

(II) A description of the income history of the applicant;

(III) A copy of the business plan of the applicant;

(IV) A description of the contributions of the applicant to the revitalization of the redevelopment area; and

(V) A statement of whether any money from the loan will be used by the applicant to maintain or create any jobs;

(4) The maximum amount of a loan which may be made from the revolving loan account; ~~[and]~~

(5) The rate of interest for loans made from the revolving loan account

~~[.]~~ ; and

(6) The collateral and security interest that a small business is required to provide as security for the loan, which must be an amount sufficient to allow the agency to recoup the amount of the loan made to a small business if the small business defaults on the loan.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of sections 2 to 6, inclusive, of this act.

Sec. 6. ***For each fiscal year beginning with Fiscal Year 2013-2014 and ending with Fiscal Year 2016-2017, each agency in this State shall prepare a written report of the loans made from the revolving loan account created pursuant to section 3 of this act, which must include, without limitation, information concerning the amount of each loan made from the revolving loan account, the terms of each loan and a description of the small businesses which have received loans from the account. The agency shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.***

Sec. 7. NRS 279.382 is hereby amended to read as follows:

279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, ***and sections 2 to 6, inclusive, of this act*** may be cited as the Community Redevelopment Law.

Sec. 8. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 279.386 is hereby amended to read as follows:

279.386 "Agency" means a redevelopment agency created under NRS 279.382 to 279.685, inclusive, ***and sections 2 to 6, inclusive, of this act*** or a legislative body which has elected to exercise the powers granted to an agency under NRS 279.382 to 279.685, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.***

Sec. 10. NRS 279.410 is hereby amended to read as follows:

279.410 "Redevelopment area" means an area of a community whose redevelopment is necessary to effectuate the public purposes declared in NRS 279.382 to 279.685, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.***

Sec. 11. NRS 279.428 is hereby amended to read as follows:

279.428 An agency shall not transact any business or exercise any powers under NRS 279.382 to 279.685, inclusive, ***and sections 2 to 6, inclusive, of this act*** unless, by resolution, the legislative body declares that there is need for an agency to function in the community.

Sec. 12. NRS 279.444 is hereby amended to read as follows:

279.444 1. As an alternative to the appointment of five members of the agency pursuant to NRS 279.440 and as an alternative to the procedures set forth in NRS 279.443, the legislative body may, at the time of the adoption of a resolution pursuant to NRS 279.428, or at any time thereafter, declare itself to be the agency, in which case, all the rights, powers, duties, privileges and immunities vested by NRS 279.382 to 279.685, inclusive, ***and sections 2 to 6, inclusive, of this act*** in an agency are vested in the legislative body of the community. If the legislative body of a city declares itself to be the agency pursuant to this subsection, it may include the mayor of the city as part of the agency regardless of whether the mayor is a member of the legislative body.

2. A city may enact its own procedural ordinance and exercise the powers granted by NRS 279.382 to 279.685, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.***

3. An agency may delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which that community is authorized to act, and that community may carry out or perform those powers or functions for the agency.

Sec. 13. NRS 279.462 is hereby amended to read as follows:

279.462 An agency may:

1. Sue and be sued.

2. Have a seal.

3. Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

4. Make, amend and repeal bylaws and regulations not inconsistent with, and to carry into effect, the powers and purposes of NRS 279.382 to 279.685, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.***

5. Obtain, hire, purchase or rent office space, equipment, supplies, insurance and services.

6. Authorize and pay the travel expenses of agency members, officers, agents, counsel and employees on agency business.

Sec. 13.3. **NRS 279.500 is hereby amended to read as follows:**

279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency ~~[provides]~~ **:**

(a) Provides property for development at less than the fair market value of the property ~~[.]~~ **;**

(b) Provides a loan to a small business pursuant to sections 2 to 6, inclusive, of this act; or ~~[provides]~~

(c) Provides financial incentives to ~~[the]~~ ***a*** developer with a value of more than $100,000,

➥ ***regardless of whether the project is publicly or privately owned,*** the agency must provide in the ***loan agreement with the small business or the*** agreement with the developer ***, as applicable,*** that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the ***loan agreement between the agency and the small business or the*** agreement between the agency and the developer ~~[.]~~ ***, as applicable.*** This subsection does not apply to future development of the property unless ***an additional loan, or*** additional financial incentives with a value of more than $100,000 **,** are provided to the ***small business or*** developer ~~[.]~~ ***, as applicable.***

Sec. 13.5. **NRS 279.676 is hereby amended to read as follows:**

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon

the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by ~~[the]~~ ***:***

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan ~~[,]~~ ***; or***

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

➥ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of paragraph (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue from taxes pursuant to paragraph (b) of subsection 1 shall set aside not less than 18 percent of that revenue received on and after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside not less than 18 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 13.7. **NRS 279.685 is hereby amended to read as follows:**

279.685 1. Except as otherwise provided in this section ~~[,]~~ ***or subsections 6 and 7 of NRS 279.676,*** an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; and

(b) Eighteen percent of that revenue received on or after October 1, 2011, to increase, improve and preserve the number of:

(1) Dwelling units in the community for low-income households; and

(2) Educational facilities within the redevelopment area.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve and preserve the number of dwelling units in the community for low-income households; or

(b) Increase, improve and preserve the number of educational facilities within the redevelopment area,

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in paragraph (b) of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 14. 1. This act becomes effective upon passage and approval.

2. Section 6 of this act expires by limitation on December 31, 2017.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time.

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

Amendment No. 470.

AN ACT relating to insurance; revising the manner in which an assessment imposed on insurers in this State is calculated; revising requirements concerning reinsurance; exempting certain **domestic insurers and** prepaid limited health service organizations from a requirement to submit certain information to the Commissioner of Insurance; revising provisions governing the Nevada Life and Health Insurance Guaranty Association, the Interstate Insurance Product Regulation Compact, insurance holding companies and requirements that certain groups submit information to the Commissioner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the business of insurance in this State, including, without limitation, kinds of insurance, assets and liabilities of insurers, holding companies, captive insurers and liability risk retention. (Chapters 681A, 681B, 686C, 687C, 692C, 694C, 695E of NRS) This bill makes various changes to those provisions.

Existing law requires insurers authorized to transact business in this State to pay an assessment to fund a program to investigate unfair or fraudulent insurance practices. (NRS 679B.630, 679B.700) **Section 1** of this bill revises the way in which this assessment is calculated.

Sections 2-5 of this bill revise the requirements certain insurers must meet in order to be allowed credit when assuming reinsurance. **Section 6** of this bill authorizes the Commissioner of Insurance to exempt certain **domestic insurers and** prepaid limited health service organizations from the requirement to prepare and submit to the Commissioner a report of the level

of risk-based capital of the insurer at the end of the immediately preceding calendar year.

Existing law requires all insurers who provide life and health insurance in this State to maintain membership in the Nevada Life and Health Insurance Guaranty Association and requires the Association to cover the policies and contracts of an insolvent insurer. (NRS 686C.130, 686C.152) **Section 7** of this bill provides that the Association is not required to cover certain policies and contracts for health care benefits pursuant to Medicare. **Section 8** of this bill revises the amounts of certain benefits the Association is required to cover.

Under existing law, this State prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products. (NRS 687C.030) **Section 9** of this bill deletes the prospective opt-out of this State. **Section 12** of this bill enacts certain requirements concerning the corporate governance of a domestic insurer.

Section 13 of this bill authorizes the Commissioner to convene a supervisory college, which is a forum for communication and cooperation between regulators, to ascertain the financial condition or legality of the conduct of certain insurers. **Sections 15 and 16** of this bill revise provisions relating to the investments of a domestic insurer. **Sections 17-21** of this bill revise provisions governing the acquisition of an insurer. **Sections 22 and 23** of this bill require an insurer to submit certain information to the Commissioner concerning the insurer's general financial condition and corporate governance. **Sections 24 and 25** of this bill revise provisions governing transactions by registered insurers with their affiliates.

~~[Sections 26 and 27 revise]~~ **Section 27 of this bill revises** the method used to determine whether a dividend or distribution may be paid without requesting approval from the Commissioner. **Section 28** of this bill revises provisions governing the authority of the Commissioner to examine an insurer. **Section 29** of this bill changes the date by which certain insurers are required to submit to the Commissioner a report of the financial condition of the insurer. **Sections 30-34** of this bill revise information which certain groups that conduct business concerning insurance are required to submit to the Commissioner.

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

Section 1. NRS 679B.700 is hereby amended to read as follows:

679B.700 1. The Special Investigative Account is hereby established in the Fund for Insurance Administration and Enforcement created by NRS 680C.100 for use by the Commissioner. The Commissioner shall

deposit all money received pursuant to this section with the State Treasurer for credit to the Account. Money remaining in the Account at the end of a fiscal year does not lapse to the State General Fund and may be used by the Commissioner in any subsequent fiscal year for the purposes of this section.

2. The Commissioner shall:

(a) In cooperation with the Attorney General, biennially prepare and submit to the Governor, for inclusion in the executive budget, a proposed budget for the program established pursuant to NRS 679B.630; and

(b) Authorize expenditures from the Special Investigative Account to pay the expenses of the program established pursuant to NRS 679B.630 and of any unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

3. The money authorized for expenditure pursuant to paragraph (b) of subsection 2 must be distributed in the following manner:

(a) Fifteen percent of the money authorized for expenditure must be paid to the Commissioner to oversee and enforce the program established pursuant to NRS 679B.630; and

(b) Eighty-five percent of the money authorized for expenditure must be paid to the Attorney General to pay the expenses of the unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

4. Except as otherwise provided in ~~[~~subsections~~]~~ ***subsection*** 5 ***,*** ~~[~~and 6,~~]~~ costs of the program established pursuant to NRS 679B.630 must be paid by the insurers authorized to transact insurance in this State. The Commissioner shall ~~[~~annually determine the total cost of the program and divide that amount among the insurers pro rata based upon the total amount of premiums charged to the insureds in this State by the insurer.

~~5. The annual amount so assessed on each reinsurer that has the authority to assume only reinsurance must not exceed $500. For all other insurers subject to the annual assessment, the~~~~]~~ ***collect an annual assessment from each insurer authorized to transact insurance in this State. The*** annual amount so assessed to each insurer:

(a) ~~[~~Must not exceed~~]~~ ***Is*** $500, if the total amount of the premiums charged to insureds in this State by the insurer is less than $100,000 ~~[~~;~~]~~ ***or if the insurer is a reinsurer that has the authority to assume only reinsurance;***

(b) ~~[~~Must not exceed~~]~~ ***Is*** $750, if the total amount of the premiums charged to insureds in this State by the insurer is $100,000 or more, but less than $1,000,000;

(c) ~~[~~Must not exceed~~]~~ ***Is*** $1,000, if the total amount of the premiums charged to insureds in this State by the insurer is $1,000,000 or more, but less than $10,000,000;

(d) ~~[Must not exceed]~~ ***Is*** $1,500, if the total amount of the premiums charged to insureds in this State by the insurer is $10,000,000 or more, but less than $50,000,000; and

(e) ~~[Must not exceed]~~ ***Is*** $2,000, if the total amount of the premiums charged to insureds in this State by the insurer is $50,000,000 or more.

~~[6.]~~ ***5.*** The provisions of this section do not apply to an insurer who provides only workers' compensation insurance and pays the assessment provided in NRS 232.680.

~~[7.]~~ ***6.*** The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, the ~~[calculation and]~~ collection of the assessment.

~~[8.]~~ ***7.*** As used in this section, "reinsurer" has the meaning ascribed to it in NRS 681A.370.

Sec. 2. NRS 681A.140 is hereby amended to read as follows:

681A.140 As used in NRS 681A.140 to 681A.240, inclusive, "qualified financial institution in the United States" means an institution that:

1. Is organized, or in the case of a branch or agency of a foreign banking organization in the United States licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; ~~[and]~~

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies ~~[.]~~ ***; [and]***

3. Is determined:

(a) By the Commissioner to meet the standards of financial condition and standing prescribed by the Commissioner; or

(b) By the National Association of Insurance Commissioners to meet the standards of financial condition and standing prescribed by the National Association of Insurance Commissioners [.] ; and

4. Is determined by the Commissioner to be otherwise acceptable.

Sec. 3. NRS 681A.160 is hereby amended to read as follows:

681A.160 1. Except as otherwise provided in subsection 2, credit must be allowed if reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state. An accredited reinsurer is one which:

(a) Files with the Commissioner an executed form approved by the Commissioner as evidence of its submission to this state's jurisdiction;

(b) Submits to this state's authority to examine its books and records;

(c) Files with the Commissioner a certified copy of a certificate of authority or other evidence approved by the Commissioner indicating that it is licensed to transact insurance or reinsurance in at least one state, or in the case of a branch in the United States of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one state;

(d) Files annually with the Commissioner a copy of its annual statement filed with the Division of its state of domicile or entry and a copy of its most recent audited financial statement;

(e) Maintains a surplus as regards policyholders in an amount which is ~~[not]~~ ***:***

(1) Not less than $20,000,000 and whose accreditation ~~[:~~

~~(1) Has]~~ ***has*** not been denied by the Commissioner within 90 days after its submission; or

(2) ~~[Has]~~ ***Less than $20,000,000 and whose accreditation has*** been approved by the Commissioner; and

(f) Pays all applicable fees, including, without limitation, all applicable fees required pursuant to NRS 680C.110.

2. No credit may be allowed for a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the Commissioner after notice and a hearing.

Sec. 4. NRS 681A.180 is hereby amended to read as follows:

681A.180 1. Except as otherwise provided in subsection 4, credit must be allowed if reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified financial institution in the United States for the payment of the valid claims of its policyholders and ceding insurers in the United States, their assigns and successors in interest. The assuming insurer shall ~~[report]~~ ***:***

(a) Report annually to the Commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners' form of annual statement by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund ~~[.]~~ ***; and***

(b) Submit to the authority of ~~[this State]~~ the Commissioner to examine its books and records.

2. In the case of a single assuming insurer, the trust must consist of an account in trust equal to the assuming insurer's liabilities attributable to business written in the United States and the assuming insurer shall maintain a surplus in trust of not less than $20,000,000.

3. In the case of a group of incorporated and individual unincorporated underwriters ~~[, the]~~ ***:***

(a) The trust must consist of an account in trust equal to the group's liabilities attributable to business written in the United States ***.*** ~~[and the]~~

(b) The group shall ~~[maintain]~~ ***:***

(1) Maintain a surplus in trust of which $100,000,000 must be held jointly for the benefit of ceding insurers in the United States to any member of the group ***;*** ~~[,]~~ and ~~[the group shall make]~~

(2) Make available to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants.

(c) The incorporated members of the group:

(1) Shall not engage in any business other than underwriting as a member of the group; and

(2) Must be subject to the same level of regulation and solvency control by the applicable regulatory agency of the state in which the group is domiciled as the individual unincorporated members of the group.

4. If the assuming insurer does not meet the requirements of NRS 681A.110, 681A.160 or 681A.170, credit must not be allowed unless the assuming insurer has agreed to the following conditions set forth in the trust agreement:

(a) Notwithstanding any provision to the contrary in the trust instrument, if the trust fund consists of an amount that is less than the amount required pursuant to this section, or if the grantor of the trust fund is declared to be insolvent or placed into receivership, rehabilitation, liquidation or a similar proceeding in accordance with the laws of the grantor's state or country of domicile, the trustee of the trust fund must comply with an order of the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in that state or country or a court of competent jurisdiction requiring the trustee to transfer to that commissioner or person all the assets of the trust fund;

(b) The assets of the trust fund must be distributed by and claims filed with and valued by the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in accordance with the laws of the state in which the trust fund is domiciled that are applicable to the liquidation of domestic insurers in that state;

(c) If the commissioner of insurance or other appropriate person with regulatory authority over the trust fund determines that the assets of the trust fund or any portion of the trust fund are not required to satisfy any claim of any ceding insurer of the grantor of the trust fund in the United States, the assets must be returned by that commissioner or person to the trustee of the trust fund for distribution in accordance with the trust agreement; and

(d) The grantor of the trust must waive any right that:

(1) Is otherwise available to the grantor under the laws of the United States; and

(2) Is inconsistent with the provisions of this subsection.

Sec. 5. NRS 681A.240 is hereby amended to read as follows:

681A.240 A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of NRS 681A.110 or the regulations of the Commissioner concerning risk-

based capital must be allowed in an amount not exceeding the liabilities carried by the ceding insurer and the reduction must be in the amount of assets held by or on behalf of the ceding insurer, including assets held in trust for the ceding insurer, under a contract of reinsurance with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified financial institution in the United States. The security may be in any of the following forms:

1. Cash.

2. Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets.

3. Irrevocable, unconditional letters of credit, each issued or confirmed by a qualified financial institution in the United States ~~[which has been determined by the Commissioner, or the Securities Valuation Office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary or appropriate to regulate the quality of financial institutions]~~ whose letters of credit are acceptable to the Commissioner, no later than December 31 of the year for which filing is made, and in the possession of the ceding company on or before the date of filing its annual statement. A letter of credit meeting applicable standards of acceptability of its issuer as of the date of its issuance or confirmation, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of acceptability, continues to be acceptable as security until its expiration, extension, renewal, modification or amendment, whichever first occurs.

4. Any other form of security acceptable to the Commissioner.

Sec. 6. NRS 681B.290 is hereby amended to read as follows:

681B.290 1. Except as otherwise provided in subsection 3, on or before March 1 of each year, each domestic insurer, and each foreign insurer domiciled in a state which does not have requirements for reporting risk-based capital, that transacts property, casualty, life or health insurance in this state shall prepare and submit to the Commissioner, and to each person designated by the Commissioner, a report of the level of the risk-based capital of the insurer as of the end of the immediately preceding calendar year. The report must be in such form and contain such information as required by the regulations adopted by the Commissioner pursuant to this section.

2. The Commissioner shall adopt regulations concerning the amount of risk-based capital required to be maintained by each insurer licensed to do business in this state that is transacting property, casualty, life or health insurance in this state. The regulations must be consistent with the

instructions for reporting risk-based capital adopted by the National Association of Insurance Commissioners, as those instructions existed on January 1, 1997. If the instructions are amended, the Commissioner may amend the regulations to maintain consistency with the instructions if the Commissioner determines that the amended instructions are appropriate for use in this state.

3. The Commissioner may exempt from the provisions of this section ~~[a]~~ ***:***

(a) A domestic insurer who:

~~[(a)]~~ ***(1)*** Does not transact insurance in any other state; ~~[and]~~

~~[(b)]~~ ***(2)*** Does not assume reinsurance that is more than 5 percent of the direct premiums written by the insurer ~~[.]~~ ***; and***

(3) Writes annual premiums of not more than $2,000,000.

(b) A prepaid limited health service organization that provides or arranges for the provision of limited health services to fewer than 1,000 enrollees.

4. As used in this section, "prepaid limited health service organization" has the meaning ascribed to it in NRS 695F.050.

Sec. 7. NRS 686C.035 is hereby amended to read as follows:

686C.035 1. This chapter does not provide coverage for:

(a) A portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the owner of the policy or contract.

(b) A policy or contract of reinsurance unless assumption certificates have been issued pursuant to that policy or contract.

(c) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate or similar factor determined by the use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(1) Averaged over the period of 4 years before the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting 2 percentage points from Moody's Corporate Bond Yield Average averaged for the same period, or for the period between the date of issuance of the policy or contract and the date the association became obligated, whichever period is less; and

(2) On or after the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting 3 percentage points from Moody's Corporate Bond Yield Average as most recently available.

(d) A portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health or annuity benefits to its employees, members or other persons to the extent that the

plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or other person under:

(1) A multiple employer welfare arrangement described in 29 U.S.C. § ~~[1144;]~~ ***1002(40);***

(2) A minimum-premium group insurance plan;

(3) A stop-loss group insurance plan; or

(4) A contract for administrative services only.

(e) A portion of a policy or contract to the extent that it provides for dividends, credits for experience, voting rights or the payment of any fee or allowance to any person, including the owner of a policy or contract, for services or administration connected with the policy or contract.

(f) A policy or contract issued in this state by a member insurer at a time when the member insurer was not authorized to issue the policy or contract in this state.

(g) A portion of a policy or contract to the extent that the assessments required by NRS 686C.230 with respect to the policy or contract are preempted by federal law.

(h) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer, including:

(1) Claims based on marketing materials;

(2) Claims based on side letters or other documents that were issued by the insurer without satisfying applicable requirements for filing or approval of policy forms;

(3) Misrepresentations of or regarding policy benefits;

(4) Extra-contractual claims; or

(5) A claim for penalties or consequential or incidental damages.

(i) A contractual agreement that establishes the member insurer's obligation to provide a guarantee based on accounting at book value for participants in a defined-contribution benefit plan by reference to a portfolio of assets owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer.

(j) A portion of a policy or contract to the extent that it provides for interest or other changes in value which are determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the rights of the owner of the policy or contract are subject to forfeiture, determined on the date the member insurer becomes an impaired or insolvent insurer, whichever occurs first. If the interest or changes in value of a policy or contract are credited less frequently than annually, for the purpose of determining the values that have been credited and are not subject to forfeiture, the interest or change in value determined by using procedures stated in the policy or contract must be credited as if the contractual date for

crediting interest or changing values was the date of the impairment or insolvency of the insured member, whichever occurs first and is not subject to forfeiture.

(k) An unallocated annuity contract other than an annuity owned by a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively, or the trustees of such a plan.

(l) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to 42 U.S.C. §§ 1395w-21 et seq. and 1395w-101 et seq., and any regulations adopted pursuant thereto.

2. As used in this section, "Moody's Corporate Bond Yield Average" means the monthly average for corporate bonds published by Moody's Investors Service, Inc., or any successor average.

Sec. 8. NRS 686C.210 is hereby amended to read as follows:

686C.210 1. The benefits that the Association may become obligated to cover may not exceed the lesser of:

(a) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer;

(b) With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in death benefits from life insurance, but not more than $100,000 in net cash for surrender and withdrawal for life insurance; or

(2) ~~[~~~~One~~~~]~~ ***Two*** hundred ***fifty*** thousand dollars in the present value of benefits from annuities, including net cash for surrender and withdrawal;

(c) With respect to health insurance for any one ~~[~~~~natural person:~~~~]~~ ***life:***

(1) One hundred thousand dollars for coverages other than disability insurance, ***long-term care insurance,*** basic hospital, medical and surgical insurance or major medical insurance, including any net cash for surrender or withdrawal;

(2) Three hundred thousand dollars for disability ***insurance or long-term care*** insurance; or

(3) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance;

(d) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, ~~[~~~~$100,000~~~~]~~ ***$250,000*** in present value of benefits from the annuity in the aggregate, including any net cash for surrender or withdrawal; or

(e) With respect to each participant in a governmental retirement plan covered by an unallocated annuity contract which is owned by a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively,

or the trustees of such a plan, and which is approved by the Commissioner, an aggregate of ~~[$100,000,]~~ ***$250,000 in present-value annuity benefits, including the value of net cash for surrender and net cash for withdrawal,*** regardless of the number of contracts.

2. In no event is the Association obligated to cover more than:

(a) With respect to any one life or person under paragraphs (b) ~~[and (c)]~~ ***to (e), inclusive,*** of subsection 1:

(1) An aggregate of $300,000 in benefits, excluding benefits for basic hospital, medical and surgical insurance or major medical insurance; or

(2) An aggregate of $500,000 in benefits, including benefits for basic hospital, medical and surgical insurance or major medical insurance.

(b) With respect to one owner of several nongroup policies of life insurance, whether the owner is a natural person or an organization and whether the persons insured are officers, managers, employees or other persons, more than $5,000,000 in benefits, regardless of the number of policies and contracts held by the owner.

3. The limitations set forth in this section are limitations on the benefits for which the Association is obligated before taking into account its rights to subrogation or assignment or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The cost of the Association's obligations under this chapter may be met by the use of assets attributable to covered policies, or reimbursed to the Association pursuant to its rights to subrogation or assignment.

4. In performing its obligation to provide coverage under NRS 686C.150 and 686C.152, the Association need not guarantee, assume, reinsure or perform, or cause to be guaranteed, assumed, reinsured or performed, the contractual obligations of the impaired or insolvent insurer under a covered policy or contract which do not materially affect the economic value or economic benefits of the covered policy or contract.

Sec. 9. NRS 687C.030 is hereby amended to read as follows:

687C.030 1. It is the policy of this State to opt out of and the Commissioner of Insurance shall by regulation opt out of any uniform standard adopted by the Interstate Insurance Product Regulation Commission which provides less protection than a law of this State or otherwise diminishes the rights of policyholders and persons applying for a policy of insurance in this State.

2. Upon determining, or upon becoming aware of a finding of a court of competent jurisdiction which found, that this State must opt out of a uniform standard pursuant to subsection 1, the Commissioner shall provide to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature notice of such determination or finding.

~~[3. This State prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products.]~~

Sec. 10. Chapter 692C of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.

Sec. 11. ***"Enterprise risk" means any activity, circumstance, event or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect on the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, without limitation, any activity, circumstance, event or series of events that may cause:***

1. The risk-based capital of the insurer to fall below the minimum amount of risk-based capital required by regulations adopted pursuant to NRS 681B.290; or

2. The insurer to be in a hazardous financial condition as set forth in regulations adopted pursuant to NRS 680A.205.

Sec. 12. ***1. If a domestic insurer is under the control of a foreign person, the officers and directors of the domestic insurer are not relieved of any obligations or liabilities to which they are subject by law. The domestic insurer must be managed in a manner that ensures its separate operating identity.***

2. The provisions of this section do not prohibit a registered domestic insurer and one or more other persons from having or sharing common management, participating as a cooperative or sharing employees, property or services in a manner authorized under NRS 692C.360.

3. Except as otherwise provided in subsections 6 and 7, at least one person in any quorum for the transaction of business at any meeting of the board of directors of a registered domestic insurer or any committee thereof must be a person who is not:

(a) An officer or employee of the domestic insurer or of any entity controlling, controlled by or under common control with the domestic insurer; or

(b) A beneficial owner of a controlling interest in the voting stock of the domestic insurer or entity.

4. Except as otherwise provided in subsections 6 and 7, not less than one-third of the members of the board of directors of a registered domestic insurer and not less than one-third of the members of each committee of the board of directors of any registered domestic insurer must be persons described in subsection 3.

5. Except as otherwise provided in subsections 6 and 7, the board of directors of a registered domestic insurer shall establish one or more

committees consisting solely of persons described in subsection 3. Each committee shall:

(a) Nominate candidates for director for election by shareholders or policyholders;

(b) Evaluate the performance of each principal officer of the registered domestic insurer; and

(c) Make recommendations to the board of directors concerning the selection and compensation of each of those principal officers.

6. The provisions of subsections 3, 4 and 5 do not apply to a registered domestic insurer if the registered domestic insurer is controlled by an entity and the board of directors of the controlling entity and the committees thereof meet the requirements of subsections 3, 4 and 5.

7. A registered domestic insurer may apply to the Commissioner for a waiver of the provisions of this section if the registered domestic insurer has:

(a) Annual direct written and assumed premiums of less than $300,000,000, excluding any premiums reinsured with:

(1) The Federal Crop Insurance Corporation of the Risk Management Agency of the United States Department of Agriculture; and

(2) The National Flood Insurance Program of the Federal Emergency Management Agency of the United States Department of Homeland Security; or

(b) In any other circumstances determined by the Commissioner to warrant a waiver.

8. In considering whether or not to grant a waiver pursuant to subsection 7, the Commissioner may consider any relevant factors, including, without limitation:

(a) The type of business entity applying for the waiver;

(b) The volume of business written;

(c) The availability of persons specified in subsection 3 to serve on the board of directors; and

(d) The ownership or organizational structure of the registered domestic insurer or controlling person thereof.

Sec. 13. ***1. The Commissioner may, for any registered insurer who is part of an insurance holding company system with international operations, convene a supervisory college or participate in a supervisory college convened by a state, federal or international regulatory agency with authority over any insurer who is part of the insurance holding company system:***

(a) To determine whether or not the registered insurer is in compliance with the provisions of this chapter;

(b) To assess the business strategy, financial position, legal and regulatory compliance, risk exposure, risk management and governance procedures of the registered insurer; or

(c) As part of an examination of the registered insurer pursuant to NRS 692C.410.

2. In convening a supervisory college pursuant to subsection 1, the Commissioner may, without limitation:

(a) Establish:

(1) The membership of the supervisory college;

(2) The functions of the supervisory college; and

(3) The role of each regulatory agency participating in the supervisory college;

(b) Designate a regulatory agency as supervisor of the supervisory college; and

(c) Coordinate the activities of the supervisory college, including, without limitation:

(1) Meetings;

(2) Supervisory activities; and

(3) The sharing of information among members of the supervisory college.

3. In convening or participating in a supervisory college pursuant to this section, the Commissioner may enter into agreements with other state, federal or international regulatory agencies concerning the governance of a supervisory college. Such an agreement must meet the confidentiality requirements of NRS 692C.420.

4. The provisions of this section must not be construed to:

(a) Limit the authority of the Commissioner; or

(b) Delegate to any supervisory college the authority of the Commissioner to regulate a registered insurer or any affiliate of a registered insurer pursuant to this title.

5. As used in this section, "supervisory college" means a temporary or permanent forum for communication and cooperation between regulators, including, without limitation, state, federal and international regulatory agencies which are charged with regulating and supervising an insurer.

Sec. 14. NRS 692C.020 is hereby amended to read as follows:

692C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 692C.025 to 692C.110, inclusive, ***and section 11 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 692C.140 is hereby amended to read as follows:

692C.140 In addition to making investments in common stock, preferred stock, debt obligations and other securities permitted under chapter 682A of NRS, a domestic insurer may invest:

1. In common stock, preferred stock, debt obligations and other securities of one or more subsidiaries, amounts which do not exceed the lesser of 10 percent of the insurer's assets or 50 percent of its surplus as regards policyholders, if the insurer's surplus as regards policyholders remains at a reasonable level in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments ~~[, the]~~ ***:***

(a) Any investment in a domestic or foreign insurance subsidiary or health maintenance organization must be excluded.

(b) The following must be included:

~~[(a)]~~ ***(1)*** Total ***net*** money or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of the subsidiary whether or not represented by the purchase of capital stock or issuance of other securities; and

~~[(b)]~~ ***(2)*** All amounts expended in acquiring additional common stock, preferred stock, debt obligations and other securities and all contributions to the capital or surplus of a subsidiary after its acquisition or formation.

2. Any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries ~~[,]~~ ***that are engaged exclusively in or organized to engage exclusively in the ownership and management of assets which are authorized as investments of the domestic insurer,*** if each subsidiary agrees to limit its investments in any asset so that those investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in subsection 1 or in chapter 682A of NRS. For the purpose of this subsection, "total investment of the insurer" includes any direct investment by the insurer in an asset and the insurer's proportionate share of any investment in an asset by any subsidiary of the insurer, which must be calculated by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership of the subsidiary.

3. Any amount in common stock, preferred stock, debt obligations or other securities of one or more subsidiaries, with the approval of the Commissioner, if the insurer's surplus as regards policyholders remains at a reasonable level in relation to the insurer's outstanding liabilities and adequate to its financial needs.

Sec. 16. NRS 692C.160 is hereby amended to read as follows:

692C.160 Whether or not any investment made pursuant to NRS 692C.140 meets the applicable requirements thereof is to be determined ~~[immediately after]~~ ***before*** such investment is made ~~[,]~~ ***by calculating the applicable investment limitations as though the investment has already been made,*** taking into account the then outstanding principal balance on all

previous investments in debt obligations, ~~[and]~~ the value of all previous investments in equity securities as of the date they were made ~~[.]~~ ***and the net of any return of capital invested, not including dividends.***

Sec. 17. NRS 692C.180 is hereby amended to read as follows:

692C.180 1. No person other than the issuer may make a tender for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire or acquire in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, the person would directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of the insurer, nor may any person enter into an agreement to merge with or otherwise acquire control of a domestic insurer, unless, at the time any such offer, request or invitation is made or any such agreement is entered into, or before the acquisition of those securities if no offer or agreement is involved, the person has filed with the Commissioner and has sent to the insurer, and the insurer has sent to its shareholders, a statement containing the information required by NRS 692C.180 to 692C.250, inclusive, and ***, except as otherwise provided in subsection 4,*** the offer, request, invitation, agreement or acquisition has been approved by the Commissioner in the manner prescribed in this chapter.

2. ***The statement required by subsection 1 must be filed with the Commissioner at least 60 days before the proposed date of the acquisition. The statement must set forth, without limitation, the information required by NRS 692C.254. A person who fails to comply with this subsection is subject to the penalties set forth in subsections 6 and 7 of NRS 692C.258.***

3. A person controlling a domestic insurer who is seeking to divest his or her controlling interest in the domestic insurer shall file with the Commissioner, and send to the insurer, notice of the proposed divestiture at least 30 days before the proposed divestiture, unless a statement has been filed pursuant to subsection 1 concerning the proposed transaction. Notice filed pursuant to this subsection is confidential until the conclusion, if any, of the divestiture unless the Commissioner determines that such confidentiality will interfere with the enforcement of this section.

4. Upon receiving a statement or notice pursuant to this section by a person seeking to acquire a controlling interest in a domestic insurer or divest a controlling interest in a domestic insurer, the Commissioner shall determine whether or not the person will be required to file for and obtain the approval of the Commissioner for the acquisition or divestiture. As soon as practicable after making that determination, the Commissioner shall notify the person of the results of the determination.

5. For purposes of this section, a domestic insurer includes any other person controlling a domestic insurer unless the other person is directly or through affiliates primarily engaged in a business other than the business of

insurance. If a person is directly or through affiliates primarily engaged in a business other than the business of insurance, the person shall, at least 60 days before the proposed effective date of the acquisition, file a notice of intent to acquire with the Commissioner setting forth the information required by NRS 692C.254.

6. As used in this section, "person" does not include a securities broker who, in the regular course of business as a broker, holds less than 20 percent of the voting securities of an insurer or of any person who controls an insurer.

Sec. 18. NRS 692C.190 is hereby amended to read as follows:

692C.190 The statement to be filed with the Commissioner hereunder shall be made under oath or affirmation and shall contain the following:

1. The name and address of each person (hereinafter called the "acquiring party") by whom or on whose behalf the merger or other acquisition of control referred to in ***subsection 1 of*** NRS 692C.180 is to be effected and, if such person is:

(a) An individual, the individual's principal occupation and all offices and positions held by the individual during the past 5 years, and any conviction of crimes other than for minor traffic violations during the past 10 years.

(b) Not an individual, a report of the nature of its business operations during the past 5 years or for such lesser period as such person and any predecessors thereof shall have been in existence, together with an informative description of the business intended to be done by such person and such person's subsidiaries, and a list of all individuals who are or who have been selected to become directors or executive officers of such person or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph (a) of this subsection.

2. The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, but where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

3. Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding 5 fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement.

4. Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

5. The number of shares of any security referred to in ***subsection 1 of*** NRS 692C.180 which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement or acquisition referred to in ***subsection 1 of*** NRS 692C.180 and a statement as to the method by which the fairness of the proposal was determined.

6. The amount of each class of any security referred to in ***subsection 1 of*** NRS 692C.180 which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

7. A full description of any contracts, arrangements or understandings with respect to any security referred to in ***subsection 1 of*** NRS 692C.180 in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been made.

8. A description of the purchase of any security referred to in ***subsection 1 of*** NRS 692C.180 during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid therefor.

9. A description of any recommendations to purchase any security referred to in ***subsection 1 of*** NRS 692C.180 made during the 12 calendar months preceding the filing of the statement by any acquiring party, or by anyone based upon interviews with or at the suggestion of such acquiring party.

10. Copies of all tenders, offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection 1, and, if distributed, additional soliciting material relating thereto.

11. The terms of any agreement, contract or understanding made with any broker-dealer, as to solicitation of securities referred to in ***subsection 1 of*** NRS 692C.180, for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

12. Such additional information as the Commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policy holders and security holders of the insurer or for the protection of the public interest.

➥ If the person required to file the statement referred to in this section is a partnership, limited partnership, syndicate or other group, the Commissioner may require that the information required by ~~[subsections 1 to 12, inclusive, of]~~ this section, be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in ***subsection 1 of*** NRS 692C.180 is a corporation, the Commissioner may require that the information required by ~~[subsections 1 to 12, inclusive, of]~~ this section, be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10 percent of the outstanding voting securities of such corporation. If any material change occurs in the facts set forth in the statement filed with the Commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the Commissioner and sent to such insurer within 2 business days after the person learns of such change. Such insurer shall send each such amendment to its shareholders.

Sec. 19. NRS 692C.200 is hereby amended to read as follows:

692C.200 If any offer, request, invitation, agreement or acquisition referred to in ***subsection 1 of*** NRS 692C.180 is proposed to be made by means of a registration statement under the Securities Act of 1933, 15 U.S.C. §§ 77a to 77aa, inclusive, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 15 U.S.C. §§ ~~[77b]~~ ***78a*** et seq., or under any state law requiring similar registration or disclosure, the person required to file the statement referred to in ***subsection 1 of*** NRS 692C.180 may utilize such documents in furnishing the information called for by that statement.

Sec. 20. NRS 692C.210 is hereby amended to read as follows:

692C.210 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 5 ~~[,]~~ ***and 7,*** the Commissioner shall approve any merger or other acquisition of control referred to in ***subsection 1 of*** NRS 692C.180 unless, after a public hearing thereon, the Commissioner finds that:

(a) After the change of control, the domestic insurer specified in ***subsection 1 of*** NRS 692C.180 would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(b) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly;

(c) The financial condition of any acquiring party may jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining security holders who are unaffiliated with the acquiring party;

(d) The terms of the offer, request, invitation, agreement or acquisition referred to in ***subsection 1 of*** NRS 692C.180 are unfair and unreasonable to the security holders of the insurer;

(e) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer or not in the public interest;

(f) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer or of the public to permit the merger or other acquisition of control;

(g) If approved, the merger or acquisition of control would likely be harmful or prejudicial to the members of the public who purchase insurance; or

(h) The practices of the applicant in managing claims have evidenced a pattern in which the applicant has knowingly committed, or performed with such frequency as to indicate a general business practice of:

(1) Misrepresentation of pertinent facts or provisions of policies of insurance as they relate to coverages at issue;

(2) Failure to affirm or deny coverage of claims within a reasonable time after written proofs of loss have been furnished; or

(3) Failure to pay claims in a timely manner.

2. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 7, the*** public hearing specified in subsection 1 must be held within ~~[~~60~~]~~ ***30*** days after the statement required by ***subsection 1 of*** NRS 692C.180 has been filed, and at least 20 days' notice thereof must be given by the Commissioner to the person filing the statement. Not less than 7 days' notice of the public hearing must be given by the person filing the statement to the insurer and to any other person designated by the Commissioner. The insurer shall give such notice to its security holders. The Commissioner shall make a determination within 60 days after the conclusion of the hearing. If the Commissioner determines that an infusion of capital to restore capital in connection with the change in control is required, the requirement must be met within 60 days after notification is given of the determination. At the hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent and any other person whose interests may be affected thereby may present evidence, examine and cross-examine witnesses, and offer oral and

written arguments and, in connection therewith, may conduct discovery proceedings in the same manner as is presently allowed in the district court of this state. All discovery proceedings must be concluded not later than 3 days before the commencement of the public hearing.

3. The Commissioner may retain at the acquiring party's expense attorneys, actuaries, accountants and other experts not otherwise a part of the staff of the Commissioner as may be reasonably necessary to assist the Commissioner in reviewing the proposed acquisition of control.

4. The period for review by the Commissioner must not exceed the 60 days allowed between the filing of the notice of intent to acquire required pursuant to subsection ~~[2]~~ ***5*** of NRS 692C.180 and the date of the proposed acquisition if the proposed affiliation or change of control involves a financial institution, or an affiliate of a financial institution, and an insured.

5. When making a determination pursuant to paragraph (b) of subsection 1, the Commissioner:

(a) Shall require the submission of the information specified in subsection 2 of NRS 692C.254; ~~[and]~~

(b) ***Shall consider:***

(1) The standards set forth in the Horizontal Merger Guidelines issued by the United States Department of Justice and the Federal Trade Commission and in effect at the time the Commissioner receives the statement required pursuant to subsection 1 of NRS 692C.180; and

(2) The factors described in subsection 3 of NRS 692C.256; and

(c) May condition approval of the merger or acquisition of control in the manner provided in subsection 4 of NRS 692C.258.

6. If, in connection with a change of control of a domestic insurer, the Commissioner determines that the person who is acquiring control of the domestic insurer must maintain or restore the capital of the domestic insurer in an amount that is required by the laws and regulations of this state, the Commissioner shall make the determination not later than 60 days after the notice of intent to acquire required pursuant to subsection ~~[2]~~ ***5*** of NRS 692C.180 is filed with the Commissioner.

7. If the proposed merger or other acquisition of control referred to in subsection 1 of NRS 692C.180 requires the approval of the commissioner of more than one state, the public hearing required pursuant to subsection 1 may, upon the request of the person who filed the statement required pursuant to subsection 1 of NRS 692C.180, be consolidated with the hearings required in other states. Not more than 5 days after receiving such a request, the Commissioner shall file with the National Association of Insurance Commissioners a copy of the statement that was filed with the Commissioner pursuant to subsection 1 of NRS 692C.180 by the person requesting a consolidated hearing. The Commissioner may opt out of a

consolidated hearing and, if the Commissioner elects to do so, he or she shall provide notice to the person requesting the consolidated hearing not more than 10 days after receiving the statement filed pursuant to subsection 1 of NRS 692C.180. A consolidated hearing must be public and must be held within the United States before participating commissioners of the states in which the insurers are domiciled. Participating commissioners may hear and receive evidence at the hearing.

Sec. 21. NRS 692C.256 is hereby amended to read as follows:

692C.256 1. The Commissioner may issue an order pursuant to NRS 692C.258 relating to an acquisition if:

(a) The effect of the acquisition may substantially lessen competition in any line of insurance in this state or tend to create a monopoly; or

(b) The acquiring person fails to file sufficient materials or information pursuant to NRS 692C.254.

2. In determining whether to issue an order pursuant to subsection 1, the Commissioner shall consider the standards set forth in the Horizontal Merger Guidelines issued by the United States Department of Justice and the Federal Trade Commission and in effect at the time the Commissioner receives the notice required pursuant to NRS 692C.254.

3. The Commissioner shall, before issuing an order specified in subsection 1, consider:

(a) If:

(1) The acquisition creates substantial economies of scale or economies in the use of resources that may not be created in any other manner; and

(2) The public benefit received from those economies exceeds the public benefit received from not lessening competition; or

(b) If:

(1) The acquisition substantially increases the availability of insurance; and

(2) The public benefit received by that increase exceeds the public benefit received from not lessening competition.

4. The public benefits set forth in subparagraph 2 of paragraphs (a) and (b) of subsection 3 may be considered together, as applicable, in assessing whether the public benefits received from the acquisition exceed any benefit to competition that would arise from disapproving the acquisition.

5. The ~~[acquiring person]~~ ***Commissioner*** has the burden of establishing that the acquisition will ~~[not]~~ result in a violation of the competitive standard set forth in subsection 1.

Sec. 22. NRS 692C.270 is hereby amended to read as follows:

692C.270 Every insurer subject to registration shall file ~~[a]~~ ***:***

1. ***A*** registration statement on a form provided by the Commissioner, which must contain current information about:

~~[1.]~~ ***(a)*** The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer.

~~[2.]~~ ***(b)*** The identity of every member of the insurance holding company system.

~~[3.]~~ ***(c)*** The following agreements in force, relationships subsisting and transactions currently outstanding between the insurer and its affiliates:

~~[(a)]~~ ***(1)*** Loans, other investments or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates.

~~[(b)]~~ ***(2)*** Purchases, sales or exchanges of assets.

~~[(c)]~~ ***(3)*** Transactions not in the ordinary course of business.

~~[(d)]~~ ***(4)*** Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business.

~~[(e)]~~ ***(5)*** All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles.

~~[(f)]~~ ***(6)*** Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

~~[(g)]~~ ***(7)*** Any dividend or other distribution made to a shareholder.

~~[(h)]~~ ***(8)*** Any consolidated agreement to allocate taxes.

~~[4.]~~ ***(d)*** Any pledge of the insurer's stock, including the stock of any subsidiary or controlling affiliate of the insurer, for a loan made to any member of the insurance holding company system.

~~[5.]~~ ***(e)*** Any other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the Commissioner.

2. A statement verifying that:

(a) The board of directors of the insurer oversees the corporate governance and internal controls of the insurer; and

(b) Officers or senior management of the insurer have approved, implemented and continue to maintain and monitor the corporate governance and internal controls of the insurer.

3. Financial statements of the insurance holding company system and all affiliates, if requested by the Commissioner. This requirement may be satisfied by providing the most recent statement filed with the United States Securities and Exchange Commissioner pursuant to the Securities Act of 1933, 15 U.S.C. §§ 78a et seq., by the insurance holding company system or its parent corporation.

Sec. 23. NRS 692C.290 is hereby amended to read as follows:

692C.290 ***1.*** Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material

changes or additions on forms provided by the Commissioner within 15 days after the end of the month in which it learns of each such change or addition, and not less often than annually, except that, subject to the provisions of NRS 692C.390, each registered insurer shall report all dividends and other distributions to shareholders within 5 business days following the declaration and 10 days before payment.

2. If the principal of a registered insurer does not file a report of enterprise risk with the commissioner of the lead state of the insurance company system, as determined by the most recent edition of the Financial Analysis Handbook, published by the National Association of Insurance Commissioners, in a calendar year, the principal shall file a report of enterprise risk with the Commissioner. The principal shall include in the report the material risks within the insurance holding company system that, to the best of his or her knowledge and belief, may pose enterprise risk to the registered insurer.

Sec. 24. NRS 692C.360 is hereby amended to read as follows:

692C.360 ***1.*** Material transactions by registered insurers with their affiliates are subject to all of the following standards:

~~[1.]~~ ***(a)*** The terms must be fair and reasonable.

~~[2.]~~ ***(b)*** Charges or fees for services performed must be reasonable.

~~[3.]~~ ***(c)*** Expenses incurred and payment received must be allocated to the insurer in conformity with customary accounting practices concerning insurance consistently applied.

~~[4.]~~ ***(d)*** The books, accounts and records of each party must be so maintained as to disclose clearly and accurately the precise nature and details of the transactions ~~[.~~

~~5.]~~ ***and must include any accounting information required to support the reasonableness of any charges or fees.***

(e) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

2. The Commissioner may adopt regulations governing agreements for sharing the cost of services or management between registered insurers and their affiliates.

Sec. 25. NRS 692C.363 is hereby amended to read as follows:

692C.363 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** domestic insurer shall not enter into any of the following transactions with an affiliate unless the insurer has notified the Commissioner in writing of its intention to enter into the transaction at least ~~[60]~~ ***30*** days previously, or such shorter period as the Commissioner may permit, and the Commissioner has not disapproved it within that period:

(a) A sale, purchase, exchange, loan or extension of credit, guaranty or investment if the transaction equals at least:

(1) With respect to an insurer other than a life insurer, the lesser of 3 percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders; or

(2) With respect to a life insurer, 3 percent of the insurer's admitted assets,

➥ computed as of December 31 next preceding the transaction.

(b) A loan or extension of credit to any person who is not an affiliate, if the insurer makes the loan or extension of credit with the agreement or understanding that the proceeds of the transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer if the transaction equals at least:

(1) With respect to insurers other than life insurers, the lesser of 3 percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders; or

(2) With respect to life insurers, 3 percent of the insurer's admitted assets,

➥ computed as of December 31 next preceding the transaction.

(c) ~~[An]~~ ***A pooling agreement or other*** agreement for reinsurance or a modification thereto in which the premium for reinsurance or a change in the insurer's liabilities equals at least 5 percent of the insurer's surplus as regards policyholders as of December 31 next preceding the transaction, including an agreement which requires as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of those assets will be transferred to an affiliate of the insurer.

(d) An agreement for management, ***agreement to allocate taxes,*** contract for service, guarantee or arrangement to share costs.

(e) A guaranty made by a domestic insurer, ***regardless of whether the guaranty is quantifiable as to amount,*** except that a guaranty that is quantifiable as to amount is not subject to the provisions of this subsection unless the guaranty exceeds the lesser of one-half of 1 percent of the admitted assets of the domestic insurer or 10 percent of its surplus as regards policyholders as of December 31 next preceding the guaranty.

(f) Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a direct or indirect acquisition of or investment in a person who controls the domestic insurer or an affiliate of the domestic insurer in an amount that, when added to its present holdings, exceeds 2.5 percent of the domestic insurer's surplus to policyholders.

(g) A material transaction, specified by regulation, which the Commissioner determines may adversely affect the interest of the insurer's policyholders.

2. ***A domestic insurer shall not amend or modify any agreement with an affiliate to enter into a transaction subject to the provisions of subsection 1 unless the insurer notifies the Commissioner. The notice must be given not less than 30 days before the effective date of the amendment or modification and must include, without limitation, the reasons for the amendment or modification and the financial impact, if any, of the amendment or modification on the domestic insurer. Upon receipt of a notice pursuant to this subsection, the Commissioner shall determine whether the amendment or modification is subject to the provisions of subsection 1 and notify the domestic insurer of the Commissioner's determination [.] within 30 days. If the Commissioner does not give such notice within 30 days after receiving the notice from the domestic insurer, the amendment or modification shall be deemed to be approved.***

3. This section does not authorize or permit any transaction which, in the case of an insurer not an affiliate, would be contrary to law.

[3.**]** ***4.*** The provisions of paragraph (f) of subsection 1 do not apply to a direct or indirect acquisition of or investment in:

(a) A subsidiary acquired in accordance with this section or NRS 692C.140; or

(b) A nonsubsidiary insurance affiliate that is subject to the provisions of this chapter.

Sec. 26. **[**NRS 692C.380 is hereby amended to read as follows:

692C.380 For purposes of NRS 692C.360 to 692C.400, inclusive, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the **[**greater**]** ***lesser*** of:

1. Ten percent of the insurer's surplus as regards policyholders as of December 31 next preceding the dividend or distribution; or

2. The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, not including realized capital gains if the insurer is not a life insurer, for the 12-month period ending December 31 next preceding the dividend or distribution,

but does not include pro rata distributions of any class of the insurer's own securities.**]** **(Deleted by amendment.)**

Sec. 27. NRS 692C.390 is hereby amended to read as follows:

692C.390 1. An insurer subject to registration under NRS 692C.260 to 692C.350, inclusive, shall not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until:

(a) Thirty days after the Commissioner has received notice of the declaration thereof and has not within that period disapproved the payment; or

(b) The Commissioner approves the payment within the 30-day period.

2. A request for approval of an extraordinary dividend or any other extraordinary distribution pursuant to subsection 1 must include:

(a) A statement indicating the amount of the proposed dividend or distribution;

(b) The date established for the payment of the proposed dividend or distribution;

(c) A statement indicating whether the proposed dividend or distribution is to be paid in the form of cash or property and, if it is to be paid in the form of property, a description of the property, its cost and its fair market value together with an explanation setting forth the basis for determining its fair market value;

(d) A copy of a work paper or other document setting forth the calculations used to determine that the proposed dividend or distribution is extraordinary, including:

(1) The amount, date and form of payment of each regular dividend or distribution paid by the insurer, other than any distribution of a security of the insurer, within the 12 consecutive months immediately preceding the date established for the payment of the proposed dividend or distribution;

(2) The amount of surplus, if any, as regards policyholders, including total capital and surplus, as of December 31 next preceding;

(3) If the insurer is a life insurer, the amount of any net gains obtained from the operations of the insurer for the 12-month period ending December 31 next preceding;

(4) If the insurer is not a life insurer, the amount of net income of the insurer less any realized capital gains for the 12-month period ending on the December 31 of the year next preceding and the two consecutive 12-month periods immediately preceding that period; and

(5) If the insurer is not a life insurer, the amount of each dividend paid by the insurer to shareholders, other than a distribution of any securities of the insurer, during the preceding 2 calendar years;

(e) A balance sheet and statement of income for the period beginning on the date of the last annual statement filed by the insurer with the Commissioner and ending on the last day of the month immediately preceding the month in which the insurer files the request for approval; and

(f) A brief statement setting forth:

(1) The effect of the proposed dividend or distribution upon the insurer's surplus;

(2) The reasonableness of the insurer's surplus in relation to the insurer's outstanding liabilities; and

(3) The adequacy of the insurer's surplus in relation to the insurer's financial requirements.

3. ***In determining whether a dividend or distribution is extraordinary, an insurer other than a life insurer may carry forward net income from the previous 2 calendar years that has not already been paid out as dividends. The amount the insurer may carry forward must be computed by taking the net income from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediately preceding calendar years.***

4. Each insurer specified in subsection 1 that pays an extraordinary dividend or makes any other extraordinary distribution to its shareholders shall, within 15 days after declaring the dividend or making the distribution, report that fact to the Commissioner. The report must include the information specified in paragraph (d) of subsection 2.

Sec. 28. NRS 692C.410 is hereby amended to read as follows:

692C.410 1. Subject to the limitation contained in this section and in addition to the powers which the Commissioner has under NRS 679B.230 to 679B.287, inclusive, relating to the examination of insurers, the Commissioner may ~~[order]~~ ***examine*** any insurer registered under NRS 692C.260 to 692C.350, inclusive, ~~[to produce such records, books or other information papers in its possession or in the possession of its affiliates as may be necessary to ascertain the financial condition or legality of conduct of such insurer.]~~ ***and any affiliate of the insurer to ascertain the financial condition of the insurer, including, without limitation, the enterprise risk posed to the insurer by a person controlling the insurer, any entity or combination of entities within the insurance holding company system or by the insurance holding company system. The Commissioner may order any insurer registered under NRS 692C.260 to 692C.350, inclusive, to produce any information not in the possession of the insurer if the insurer is able to obtain the information pursuant to any contractual or statutory requirement or any other method. If the insurer is unable to obtain any information requested by the Commissioner pursuant to this section, the insurer shall provide to the Commissioner a statement setting forth the reasons the insurer is unable to obtain the information and the identity of the holder of the information, if known to the insurer. Whenever it appears to the Commissioner that the detailed explanation is without merit, the Commissioner may require, after notice and hearing, the insurer to pay a penalty of $100 for each day the requested information is not produced or may suspend or revoke the license of the insurer.*** In the event such insurer

fails to comply with such order, the Commissioner may examine such affiliates to obtain such information.

2. The Commissioner shall exercise his or her power under ~~[subsection]~~ ***subsections*** 1 ***and 5*** only if the examination of the insurer under NRS 679B.230 to 679B.287, inclusive, is inadequate or the interests of the policyholders of such insurer may be adversely affected.

3. The Commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants and other experts not otherwise a part of the Commissioner's staff as may be reasonably necessary to assist in the conduct of the examination under ~~[subsection]~~ ***subsections*** 1 ~~[.]~~ ***and 5.*** Any persons so retained shall be under the direction and control of the Commissioner and shall act in a purely advisory capacity.

4. Each ~~[registered]~~ insurer producing for examination ***any information pursuant to subsection 1 or any*** records, books and papers pursuant to subsection ~~[1]~~ ***5*** shall be liable for and shall pay the expense of such examination in accordance with NRS 679B.290.

5. To carry out the provisions of this section and except as otherwise provided in subsection 2, the Commissioner may subpoena witnesses, compel their attendance, administer oaths, examine any person under oath concerning the subject of the examination and require the production of any books, papers, records, correspondence or any other documents which the Commissioner deems relevant to the examination. If any person fails to obey a subpoena or refuses to testify as to any matter relating to the subject of the examination, the Commissioner may file a written report describing the refusal and proof of service of the subpoena in any court of competent jurisdiction in the county in which the examination is being conducted, for such action as the court may determine. Failure by the person to obey an order of the court pursuant to this section is punishable as contempt of court.

6. A person subpoenaed under subsection 5 is entitled to witness fees and mileage as allowed for testimony in a court of record. The insurer or affiliate being examined must pay the witness fees and mileage, as well as any other expense incurred in securing the attendance of witnesses for the examination in accordance with NRS 679B.290.

Sec. 29. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before ~~[June 30]~~ ***March 1*** of each year, a captive insurer shall submit to the Commissioner a report of its financial condition **.** ~~[, as prepared by a certified public accountant.]~~ A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by

the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by NRS 680A.270. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted ~~[~~:

~~(a) The~~~~]~~ ***, the*** annual report is due not later than ~~[~~180~~]~~ ***60*** days after the end of each such fiscal year ***.*** ~~[~~; and

~~(b) The~~~~]~~

3. A pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

~~[~~3.~~]~~ ***4.*** Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual statement as required by subsection 1 shall pay a penalty of $100 for each day the captive insurer fails to file the report, but not to exceed an aggregate amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

~~[~~4.~~]~~ ***5.*** Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 30. NRS 695E.080 is hereby amended to read as follows:

695E.080 "Plan of operation" means an analysis of the expected activities and results of a risk retention group, including:

1. The coverages, deductibles, limits of coverage, rates and systems of rating classification for each line of insurance the group intends to offer;

2. Historical and expected loss experience of the proposed members, and national experience of similar exposures to the extent that this experience is reasonably available;

3. Pro forma financial statements and projections;

4. Appropriate opinions by a qualified, independent casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent a hazardous financial condition;

5. Identification of management, underwriting procedures, policies for investment and methods for managerial oversight; ~~[~~and~~]~~

6. ***Identification of each state in which the group has obtained, or sought to obtain, a charter and a license, and a description of the status of the group in each of those states;***

7. Information that is deemed sufficient by the Commissioner to verify that members of the group are engaged in business activities similar or related with respect to the liability to which they are exposed because of any related, similar or common business, trade, product, service, premise or operation; and

8. Such other matters as are prescribed by the Commissioner for liability insurers authorized by the insurance laws of the state in which the risk retention group is chartered.

Sec. 31. NRS 695E.120 is hereby amended to read as follows:

695E.120 A purchasing group that intends to conduct business in this state shall register with the Commissioner and:

1. Furnish notice to the Commissioner that:

(a) Identifies the state in which the group is domiciled;

(b) Specifies the lines and classifications of liability insurance that the purchasing group intends to purchase;

(c) Identifies the insurer from which the group intends to purchase its insurance and the domicile of the insurer;

(d) Identifies the principal place of business of the group;

(e) Identifies all other states in which the group intends to do business; ~~[and]~~

(f) ***Specifies the method by which insurance will be offered to its members whose risks are resident, located or to be performed in this State;***

(g) Provides the name, address and telephone number of each person, if any, through whom insurance will be offered to its members whose risks are resident, located or to be performed in this State; and

(h) Provides such other information as the Commissioner requires to verify and determine:

(1) Its qualification as a purchasing group;

(2) Where the purchasing group is located; and

(3) The appropriate tax treatment of the purchasing group; and

2. Appoint the Commissioner as its agent solely to receive service of legal process, and pay the fee for filing a power of attorney required by subsection 4 of NRS 680B.010, except that this subsection does not apply to a purchasing group that:

(a) Was domiciled before April 1, 1986, and on and after October 27, 1986, in any state;

(b) Before and after October 27, 1986, purchased its insurance from an insurer licensed in any state;

(c) Was a purchasing group under the requirements of the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

(d) Does not purchase insurance that was not authorized for an exemption under that act, as in effect before October 27, 1986.

Sec. 32. NRS 695E.140 is hereby amended to read as follows:

695E.140 1. A risk retention group seeking to be chartered in this State must obtain a certificate of authority pursuant to chapter 694C of NRS to transact liability insurance and, except as otherwise provided in this chapter, must comply with:

(a) All of the laws, regulations and requirements applicable to liability insurers in this State ~~[.]~~ ***, unless otherwise approved by the Commissioner;*** and

(b) The provisions of NRS 695E.150 to 695E.210, inclusive, to the extent that those provisions do not limit or conflict with the provisions with which the group is required to comply pursuant to paragraph (a).

2. ***A risk retention group applying to be chartered in this State must submit to the Commissioner in summary form:***

(a) The identities of:

(1) All members of the group;

(2) All organizers of the group;

(3) Those persons who will provide administrative services to the group; and

(4) Any person who will influence or control the activities of the group;

(b) The amount and nature of initial capitalization of the group;

(c) The coverages to be offered by the group; and

(d) Each state in which the group intends to operate.

3. Before it may transact insurance in any state, the risk retention group must submit to the Commissioner for approval by the Commissioner a plan of operation. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation within 10 days after the change. The group shall not offer any additional kinds of liability insurance, in this State or in any other state, until a revision of the plan is approved by the Commissioner.

~~[3.]~~ ***4. A risk retention group chartered in this State must file with the Commissioner on or before February 1 of each year a statement containing information concerning the immediately preceding year, which must be:***

(a) Submitted in a form prescribed by the National Association of Insurance Commissioners;

(b) Prepared in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance

Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Submitted on a diskette, if required by the Commissioner.

5. The Commissioner shall transmit to the National Association of Insurance Commissioners a copy of:

(a) All information submitted by a risk retention group to the Commissioner pursuant to subsections 2 and 4; and

(b) Any revisions to a plan of operation submitted to the Commissioner pursuant to subsection 3.

6. A risk retention group chartered in a state other than Nevada that is seeking to transact insurance as a risk retention group in this State must comply with the provisions of NRS 695E.150 to 695E.210, inclusive.

Sec. 33. NRS 695E.150 is hereby amended to read as follows:

695E.150 ***1.*** Before transacting insurance in this state, a risk retention group must submit to the Commissioner:

~~[~~1.~~]~~ ***(a)*** A statement of registration identifying:

~~[~~(a)~~]~~ ***(1)*** Each state in which the risk retention group is chartered or licensed as a liability insurer;

~~[~~(b)~~]~~ ***(2)*** The date of its charter;

~~[~~(c)~~]~~ ***(3)*** Its principal place of business; and

~~[~~(d)~~]~~ ***(4)*** Such other information, including information concerning its membership, as the Commissioner requires to verify its qualification as a risk retention group;

~~[~~2.~~]~~ ***(b)*** A copy of its plan of operation and any revisions of the plan submitted to its state of domicile, except with respect to any line or classification of liability that was:

~~[~~(a)~~]~~ ***(1)*** Defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

~~[~~(b)~~]~~ ***(2)*** Offered before that date by a risk retention group that had been chartered and operating for not less than 3 years before that date; and

~~[~~3.~~]~~ ***(c)*** A statement appointing the Commissioner as its agent for service of process pursuant to NRS 680A.250, together with the fee for filing a power of attorney required by subsection 4 of NRS 680B.010.

2. The Commissioner shall, upon receipt of any revisions of a plan of operation provided by a risk retention group pursuant to paragraph (b) of subsection 1, transmit a copy of those revisions to the National Association of Insurance Commissioners.

Sec. 34. NRS 695E.170 is hereby amended to read as follows:

695E.170 1. A risk retention group and its agents and representatives are subject to the provisions of NRS 686A.010 to 686A.310, inclusive. Any injunction obtained pursuant to those sections must be obtained from a court of competent jurisdiction.

2. All premiums paid for coverages within this state to a risk retention group are subject to the provisions of chapter 680B of NRS. Each risk retention group shall report all premiums paid to it and shall pay the taxes on premiums and any related fines or penalties for risks resident, located or to be performed in the state.

3. Any person acting as an agent or a broker for a risk retention group pursuant to NRS 695E.210 shall:

(a) Report to the Commissioner each premium for direct business for risks resident, located or to be performed in this State which the person has placed with or on behalf of a risk retention group that is not chartered in this State.

(b) Maintain a complete and separate record of each policy obtained from each risk retention group. Each record maintained pursuant to this subsection must be made available upon request by the Commissioner for examination pursuant to NRS 679B.240, and must include, for each policy and each kind of insurance provided therein:

(1) The limit of liability;

(2) The period covered;

(3) The effective date;

(4) The name of the risk retention group which issued the policy;

(5) The gross annual premium charged; and

(6) The amount of return premiums, if any.

4. As used in this section, "premiums for direct business" means any premium written in this State for a policy of insurance. The term does not include any premium for reinsurance or for a contract between members of a risk retention group.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

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

Amendment No. 477.

AN ACT relating to health care; ~~[requiring that advertisements for health care services include certain information;]~~ requiring ~~[certain]~~ **a** health care ~~[professionals]~~ **professional** to ~~[communicate certain information to the public;]~~ **wear a name tag indicating his or her licensure or certification under certain circumstances;** limiting the use of the term "board certified" by certain health care professionals; providing that a health care professional

is subject to disciplinary action under certain circumstances; ~~[providing for the submission to the State Board of Health of certain proposals for the modification of the scope of practice of a health care profession;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 2 of this bill requires that an advertisement for health care services identify the type of license or certification held by each health care professional named in the advertisement. Such an advertisement must not include any deceptive or misleading information regarding a health care professional. Section 2 further]~~ **This bill** requires a health care professional ~~[who provides]~~ **to wear a name tag indicating his or her licensure or certification while providing** health care services ~~[in this State to provide information concerning his or her license or certification to all current and prospective patients by: (1) conspicuously displaying in each office in which the health care professional practices a written patient disclosure statement that clearly identifies the type of license or certification he or she holds; and (2) if the health care professional wears a name tag while delivering health care services, including his or her licensure or certification on the tag. Section 2]~~ **in a health care facility. This bill also** prohibits a health care professional who is a physician or osteopathic physician from using the term "board certified" unless he or she discloses the name of the board by which he or she is certified and the board: (1) is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or (2) meets certain other requirements. ~~[Section 2]~~ **This bill further** provides that a health care professional who violates ~~[an advertising or patient disclosure requirement]~~ **the provisions of this bill** is subject to disciplinary action.

~~[Section 3 of this bill authorizes a person, regulatory body or other entity acting on behalf of a health care profession that proposes to modify the scope of practice of the health care profession to submit a written proposal to the State Board of Health. Section 3 requires that the proposal contain certain information and requires the Board to meet certain notice and publication requirements upon receiving a proposal. Section 3 requires the Board to appoint a committee to conduct a hearing for the purpose of examining and investigating each proposal received by the Board. Section 3 further requires the committee to submit a report containing the findings and recommendations of the committee to the proponent, certain regulatory bodies and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.]~~

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in subsection 2:*

(a) ~~[An advertisement for health care services that names a health care professional must identify the type of license or certification held by the health care professional and must not contain any deceptive or misleading information.~~

~~(b) A health care professional who provides health care services in this State shall provide to all current and prospective patients information which identifies the type of license or certificate held by the health care professional. Such information must be provided by, without limitation:~~

~~(1) A written patient disclosure statement which is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The writing must be of sufficient size to be visible and apparent to all current and prospective patients.~~

~~(2) If the]~~ A health care professional ~~[wears a name tag]~~ shall, during the course of providing health care services ~~[, an indication of]~~ in a health care facility, wear a name tag which indicates his or her specific licensure or certification . ~~[on the name tag.~~

~~(c) A health care professional who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.~~

~~(d)~~ (b) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty unless the physician or osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) ~~[A]~~ Successful completion of a postgraduate training program ~~[that]~~ which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

~~[~~ ~~An advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or~~

~~*subspecialty unless the physician or osteopathic physician satisfies the requirements of this paragraph.*~~

~~*(e) If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.*~~

~~*(f)*~~ *(c) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.*

2. The provisions of this section do not apply to:

(a) A veterinarian or other person licensed under chapter 638 of NRS.

(b) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS, unless the person provides services directly to a patient or the public.

3. As used in this section:

(a) ~~*"Advertisement" means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard and any other communication or statement used in the course of business.*~~

~~*(b) "Deceptive or misleading information" means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care professional.*~~

~~*(c)*~~ *"Health care facility" has the meaning ascribed to it in NRS 449.2414.*

(b) "Health care professional" means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title.

~~*(d)*~~ *(c) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.*

~~*(e)*~~ *(d) "Osteopathic physician" has the meaning ascribed to it in NRS 633.091.*

~~*(f)*~~ *(e) "Physician" has the meaning ascribed to it in NRS 630.014.*

Sec. 3. ~~*1. Any person, regulatory body or other entity acting on behalf of a health care profession that proposes to modify the scope of*~~

~~*practice of the health care profession may submit a written proposal to the State Board of Health not later than July 1 of any even-numbered year.*~~

~~*2. A proposal submitted pursuant to subsection 1 must include:*~~

~~*(a) A general description of the proposed modification to the scope of practice;*~~

~~*(b) A description of the public health and safety benefits that will be achieved if the proposal were approved and, if applicable, a description of any harm to public health and safety if the proposal were denied;*~~

~~*(c) A description of the impact that the modification of the scope of practice will have on public access to health care;*~~

~~*(d) A summary of any applicable state or federal laws or regulations governing the scope of practice of the health care profession;*~~

~~*(e) A description of the current educational, training and examination requirements applicable to the health care profession;*~~

~~*(f) A summary of any known changes to the scope of practice of the health care profession during the 5 years immediately preceding the submission of the proposal;*~~

~~*(g) A statement of the anticipated economic impact of the modification of the scope of practice on the delivery of health care in this State;*~~

~~*(h) A description of any regional and national trends concerning the scope of practice of the health care profession;*~~

~~*(i) The identification of any health care professions that can reasonably be anticipated to be directly impacted by the proposal, the nature of the impact and any efforts made by the applicant to address any such impact; and*~~

~~*(j) A description of how the proposal relates to the ability of a health care professional to practice to the full extent of his or her education or training within a health care profession.*~~

~~*3. Not later than 30 days after receiving a proposal pursuant to subsection 1, the State Board of Health shall:*~~

~~*(a) Provide written notice of the proposal to:*~~

~~*(1) The Director of the Legislative Counsel Bureau for transmission to the appropriate interim legislative committee with jurisdiction over the subject matter of the proposal; and*~~

~~*(2) Each regulatory body to which the proposal is applicable.*~~

~~*(b) Publish a copy of the proposal on the Internet website maintained by the State Board of Health.*~~

~~*(c) Appoint a committee to examine and investigate the proposal. The committee must consist of six appointed members and one member of the State Board of Health, who shall serve as chair of the committee. The chair of the committee must not be a member of any health care profession whose scope of practice is the subject of the proposal. The State Board of*~~

~~*Health shall ensure that the composition of the committee is fair, impartial and equitable. The State Board of Health shall not appoint to the committee more than two members of the same health care profession.*~~

~~*4. Not later than 30 days after the State Board of Health satisfies the notice and publication requirements of subsection 3, any person, regulatory body or other entity acting on behalf of a health care profession that may be directly impacted by a proposal submitted pursuant to subsection 1 may submit to the State Board of Health an impact statement identifying the nature of the impact on the health care profession. Upon receiving an impact statement, the State Board of Health shall provide a copy of the impact statement to the person, regulatory body or entity that submitted the proposal and shall provide notice of and publish the impact statement in the same manner prescribed for publication of a proposal by subsection 3. The person, regulatory body or entity that submitted the proposal may submit to the State Board of Health a written response to any impact statement received or published pursuant to this subsection.*~~

~~*5. A committee appointed pursuant to paragraph (c) of subsection 3 shall conduct a hearing on or before October 31 of the year of its appointment to examine and investigate the proposal for which it was appointed and to receive any testimony or other evidence related to the proposal. A committee shall conduct a hearing pursuant to this subsection in accordance with the applicable provisions of chapter 241 of NRS governing the meetings of state and local agencies.*~~

~~*6. A committee that conducts a hearing pursuant to subsection 5 shall, on or before December 31 of the year of its appointment, submit a report of the findings and recommendations of the committee to the State Board of Health for transmittal to:*~~

~~*(a) The person, regulatory body or entity that submitted the proposal;*~~

~~*(b) Each regulatory body to which the report is applicable; and*~~

~~*(c) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.*~~

~~*7. As used in this section:*~~

~~*(a) "Health care profession" means a profession regulated by a regulatory body.*~~

~~*(b) "Health care professional" has the meaning ascribed to it in paragraph (c) of subsection 3 of section 2 of this act.*~~

~~*(c) "Regulatory body" means:*~~

~~*(1) Any state agency, board or commission which has the authority to regulate a health care professional; and*~~

~~*(2) Any officer of a state agency, board or commission which has the authority to regulate a health care professional.]*~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 358.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 522.

[~~ASSEMBLYMAN~~] **ASSEMBLYMEN** Ohrenschall **AND BUSTAMANTE ADAMS**

AN ACT relating to domestic relations; enacting the Uniform Deployed Parents Custody and Visitation Act; repealing provisions governing custody and visitation orders concerning children of members of the military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions governing the custody and visitation of a child when a parent or legal guardian of the child receives military deployment orders. (NRS 125C.100-125C.185) This bill repeals those provisions and enacts the Uniform Deployed Parents Custody and Visitation Act adopted by the Uniform Law Commission.

Section 23 of this bill sets forth the circumstances under which a court of this State has jurisdiction to issue orders concerning the custodial responsibility of a child when a parent or other custodian of the child has received military deployment orders. **Section 24** of this bill provides for notice of a pending deployment to the other parent and the provision of a plan for fulfilling the custodial responsibility of each parent during the deployment. **Section 25** of this bill requires a person to whom custodial responsibility for a child has been assigned or granted during a deployment to notify the deploying parent of a change of his or her mailing address. **Section 26** of this bill governs the manner in which a court considers the past or possible future deployment of a parent in a proceeding for custodial responsibility of the child.

Sections 27-31 of this bill provide procedures for out-of-court resolution of issues relating to the custodial responsibility of a child which arise upon the deployment of a service member. **Section 27** provides for a temporary agreement granting custodial responsibility during deployment. **Section 29** authorizes the modification of a temporary agreement regarding custodial responsibility. **Section 30** provides for a grant of custodial responsibility to a nonparent of the child under certain circumstances.

Sections 32-41 of this bill provide for a judicial resolution of issues that arise when the parents of a child do not reach an agreement concerning the custody or visitation of a child during the deployment of one parent. **Section 33** requires an expedited hearing if a motion to grant custodial responsibility is filed before a deploying parent deploys. **Section 34** authorizes a party or witness who is not reasonably available to appear personally in court to provide testimony and present evidence by electronic means, unless the court finds good cause to require a personal appearance. **Section 35** establishes certain rules that apply in a proceeding to grant custodial responsibility during the deployment of a parent. **Section 36** authorizes the court to grant caretaking authority of a child to a nonparent under certain circumstances and requires the court to consider certain factors in determining whether to grant caretaking authority. **Section 38** provides that a grant by a court of custodial responsibility or caretaking authority is temporary.

Sections 42-45 of this bill set forth the procedures governing the termination of a temporary custody arrangement following the return from deployment of a deployed parent. **Section 42** provides the procedure for terminating a temporary custody arrangement established by an agreement of the parties. **Section 43** establishes a consent procedure for terminating a temporary custody arrangement established by court order. Under **section 45**, if no agreement to terminate a temporary custody arrangement established by court order is reached between the parents, the order terminates 60 days after the date on which the deploying parent gives notice of having returned from deployment to the other parent or to any nonparent granted custodial responsibility. **Section 45.5** of this bill authorizes an expedited hearing concerning custody or visitation under certain circumstances following the deploying parent's return from deployment.

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

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section ~~[, NRS 125C.100 to 125C.185, inclusive,]~~ ***, sections 2 to 48, inclusive, of this act*** and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the provisions of ~~[NRS 125C.100 to 125C.185, inclusive,]~~ ***sections 2 to 48, inclusive, of this act*** and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and ~~[NRS 125C.100 to 125C.185, inclusive,]~~ ***sections 2 to 48, inclusive, of this act,*** and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 48, inclusive, of this act.

Sec. 3. ***Sections 3 to 48, inclusive, of this act may be cited as the Uniform Deployed Parents Custody and Visitation Act.***

Sec. 4. ***As used in sections 3 to 48, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 5 to 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Adult" means a person who is at least 18 years of age or an emancipated minor.***

Sec. 6. ***"Caretaking authority" means the right to live with and care for a child on a day-to-day basis, including physical custody, parenting time, right to access and visitation.***

Sec. 7. *"Child" means:*

1. An unemancipated minor who has not attained 18 years of age; or

2. An adult son or daughter by birth or adoption, or under the laws of this State other than sections 3 to 48, inclusive, of this act, who is the subject of an existing court order concerning custodial responsibility.

Sec. 8. *"Close and substantial relationship" means a relationship in which a significant bond exists between a child and a nonparent.*

Sec. 9. *"Court" means an entity authorized under the laws of this State other than sections 3 to 48, inclusive, of this act to establish, enforce or modify a decision regarding custodial responsibility.*

Sec. 10. *"Custodial responsibility" is a comprehensive term that includes any and all powers and duties relating to caretaking authority and decision-making authority for a child. The term includes custody, physical custody, legal custody, parenting time, right to access, visitation and the authority to designate limited contact with a child.*

Sec. 11. *"Decision-making authority" means the power to make important decisions regarding a child, including decisions regarding the child's education, religious training, health care, extracurricular activities and travel. The term does not include day-to-day decisions that necessarily accompany a grant of caretaking authority.*

Sec. 12. *"Deploying parent" means a service member, who is deployed or has been notified of impending deployment, and is:*

1. A parent of a child under the laws of this State other than sections 3 to 48, inclusive, of this act; or

2. A person other than a parent who has custodial responsibility of a child under the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 13. *"Deployment" means the movement or mobilization of a service member to a location for more than 90 days but less than 18 months pursuant to an official order that:*

1. Is designated as unaccompanied;

2. Does not authorize dependent travel; or

3. Otherwise does not permit the movement of family members to that location.

Sec. 14. *"Family member" includes a sibling, aunt, uncle, cousin, stepparent or grandparent of a child, and a person recognized to be in a familial relationship with a child under the laws of this State other than sections 3 to 48, inclusive, of this act.*

Sec. 15. *"Limited contact" means the opportunity for a nonparent to visit with a child for a limited period of time. The term includes authority to take the child to a place other than the residence of the child.*

Sec. 16. ***"Nonparent" means a person other than a deploying parent or other parent.***

Sec. 17. ***"Other parent" means a person who, in common with a deploying parent, is:***

1. The parent of a child under the laws of this State other than sections 3 to 48, inclusive, of this act; or

2. A person other than a parent with custodial responsibility of a child under the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 18. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 19. ***"Return from deployment" means the conclusion of a service member's deployment as specified in uniformed service orders.***

Sec. 20. ***"Service member" means a member of a uniformed service.***

Sec. 21. ***"State" means a state of the United States, the District of Columbia, Puerto Rico and the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 22. ***"Uniformed service" means:***

1. Active and reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States;

2. The Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or

3. The National Guard.

Sec. 23. ***1. A court may issue an order regarding custodial responsibility under sections 3 to 48, inclusive of this act only if the court has jurisdiction pursuant to chapter 125A of NRS. If the court has issued a temporary order regarding custodial responsibility pursuant to sections 32 to 41, inclusive, of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS during the deployment.***

2. If a court has issued a permanent order regarding custodial responsibility before notice of deployment and the parents modify that order temporarily by agreement pursuant to sections 27 to 31, inclusive, of this act, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS.

3. If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of chapter 125A of NRS.

4. This section does not prohibit the exercise of temporary emergency jurisdiction by a court under chapter 125A of NRS.

Sec. 24. ***1. Except as otherwise provided in subsection 4, and subject to subsection 3, a deploying parent shall notify in a record the other parent of a pending deployment not later than 7 days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent such notification within 7 days, such notification must be made as soon as reasonably possible thereafter.***

2. Except as otherwise provided in subsection 4, and subject to subsection 3, each parent shall in a record provide the other parent with a plan for fulfilling that parent's share of custodial responsibility during deployment as soon as reasonably possible after receiving notice of deployment under subsection 1.

3. If an existing court order prohibits disclosure of the address or contact information of the other parent, a notification of deployment under subsection 1, or notification of a plan for custodial responsibility during deployment under subsection 2, may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.

4. Notice in a record is not required if the parents are living in the same residence and there is actual notice of the deployment or plan.

5. In a proceeding regarding custodial responsibility between parents, a court may consider the reasonableness of a parent's efforts to comply with this section.

Sec. 25. ***1. Except as otherwise provided in subsection 2, a person to whom custodial responsibility has been assigned or granted during deployment pursuant to sections 27 to 41, inclusive, of this act shall notify the deploying parent and any other person with custodial responsibility of any change of mailing address or residence until the assignment or grant is terminated. The person shall provide the notice to any court that has issued an existing custody or child support order concerning the child.***

2. If an existing court order prohibits disclosure of the address or contact information of a person to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence under subsection 1 may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the person to whom custodial responsibility has been assigned or granted.

Sec. 26. ***In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the***

child, but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.

Sec. 27. *1. The parents of a child may enter into a temporary agreement granting custodial responsibility during deployment.*

2. An agreement under subsection 1 must be:

(a) In writing; and

(b) Signed by both parents and any nonparent to whom custodial responsibility is granted.

3. An agreement under subsection 1 may:

(a) Identify to the extent feasible the destination, duration and conditions of the deployment that is the basis for the agreement;

(b) Specify the allocation of caretaking authority among the deploying parent, the other parent and any nonparent, if applicable;

(c) Specify any decision-making authority that accompanies a grant of caretaking authority;

(d) Specify any grant of limited contact to a nonparent;

(e) If the agreement shares custodial responsibility between the other parent and a nonparent, or between two nonparents, provide a process to resolve any dispute that may arise;

(f) Specify the frequency, duration and means, including electronic means, by which the deploying parent will have contact with the child, any role to be played by the other parent in facilitating the contact and allocation of any costs of communications;

(g) Specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;

(h) Acknowledge that any party's existing child support obligation cannot be modified by the agreement and that changing the terms of the obligation during deployment requires modification in the appropriate court;

(i) Provide that the agreement terminates following the deploying parent's return from deployment according to the procedures under sections 42 to 45, inclusive, of this act; and

(j) If the agreement must be filed pursuant to section 31 of this act, specify which parent shall file the agreement.

Sec. 28. *1. An agreement under sections 27 to 31, inclusive, of this act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this act following the return from deployment of the deployed parent, unless the agreement has been terminated before that time by court order or modification of the agreement under section 29 of this act. The agreement derives from the parents' custodial responsibility and does not create an independent, continuing right to caretaking authority, decision-*

making authority or limited contact in a person to whom custodial responsibility is given.

2. A nonparent given caretaking authority, decision-making authority or limited contact by an agreement under sections 27 to 31, inclusive, of this act has standing to enforce the agreement until it has been terminated pursuant to an agreement of the parents under section 29 of this act, under sections 42 to 45, inclusive, of this act or by court order.

Sec. 29. ***1. The parents may modify an agreement regarding custodial responsibility made pursuant to sections 27 to 31, inclusive, of this act by mutual consent.***

2. If an agreement is modified under subsection 1 before deployment of a deploying parent, the modification must be in writing and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

3. If an agreement is modified *under subsection 1* ***during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.***

Sec. 30. ***If no other parent possesses custodial responsibility under the laws of this State other than sections 3 to 48, inclusive, of this act, or if an existing court order prohibits contact between the child and the other parent, a deploying parent, by power of attorney, may delegate all or part of custodial responsibility to an adult nonparent for the period of deployment. The power of attorney is revocable by the deploying parent through a revocation of the power of attorney signed by the deploying parent.***

Sec. 31. ***An agreement or power of attorney made under sections 27 to 30, inclusive, of this act must be filed within a reasonable period of time with any court that has entered an existing order on custodial responsibility or child support concerning the child. The case number and heading of the existing case concerning custodial responsibility or child support must be provided to the court with the agreement or power of attorney.***

Sec. 32. ***1. After a deploying parent receives notice of deployment and during the deployment, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 521-522. A court may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.***

2. At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in an existing proceeding for custodial responsibility of the child with jurisdiction under section 23 of this act or, if there is no existing proceeding in a court with jurisdiction

under section 23 of this act, in a new action for granting custodial responsibility during deployment.

Sec. 33. *If a motion to grant custodial responsibility is filed before a deploying parent deploys, the court shall conduct an expedited hearing.*

Sec. 34. *In a proceeding brought under sections 32 to 41, inclusive, of this act, a party or witness who is not reasonably available to appear personally may appear and provide testimony and present evidence by electronic means unless the court finds good cause to require a personal appearance.*

Sec. 35. *In a proceeding for a grant of custodial responsibility pursuant to sections 32 to 41, inclusive, of this act, the following rules apply:*

1. A prior judicial order designating custodial responsibility of a child in the event of deployment is binding on the court unless the circumstances meet the requirements of the laws of this State other than sections 3 to 48, inclusive, of this act for modifying a judicial order regarding custodial responsibility.

2. The court shall enforce a prior written agreement between the parents for designating custodial responsibility of a child in the event of deployment, including a prior written agreement executed under sections 27 to 31, inclusive, of this act, unless the court finds the agreement contrary to the best interest of the child.

Sec. 36. *1. On the motion of a deploying parent and in accordance with the laws of this State other than sections 3 to 48, inclusive, of this act, a court may grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child.*

2. In determining whether to grant caretaking authority of a child to a nonparent pursuant to subsection 1, the court shall consider the following factors:

(a) The love, affection and other emotional ties existing between the nonparent and the child.

(b) The capacity and disposition of the nonparent to:

(1) Give the child love, affection and guidance and serve as a role model to the child;

(2) Provide the child with food, clothing and other material needs; and

(3) Provide the child with health care or alternative health care which is recognized and authorized pursuant to the laws of this State.

(c) The prior relationship between the nonparent and the child, including, without limitation, whether the child has previously resided with

the nonparent and whether the child was previously included in holidays or family gatherings with the nonparent.

(d) The moral fitness of the nonparent.

(e) The mental and physical health of the nonparent.

(f) The reasonable preference of the child if the child has a preference and if the court determines that the child is of sufficient maturity to express a preference.

(g) The willingness and ability of the nonparent to facilitate and encourage a close and substantial relationship between the child and his or her deploying parent, other parent and family members.

(h) The medical and other health needs of the child which are affected by the grant of caretaking authority.

(i) The support provided by the nonparent, including, without limitation, whether the nonparent has contributed to the financial support of the child.

(j) Any objection by the other parent to the grant of caretaking authority to a nonparent. In the case of an objection by the other parent, there is a rebuttable presumption that the grant of caretaking authority to a nonparent is not in the best interest of the child. To rebut this presumption, the deploying parent must prove by clear and convincing evidence that the grant of caretaking authority to the nonparent is in the best interest of the child.

3. Unless the grant of caretaking authority to a nonparent under subsection 1 is agreed to by the other parent, the grant is limited to an amount of time not greater than:

(a) The time granted to the deploying parent in an existing permanent custody order, except that the court may add unusual travel time necessary to transport the child; or

(b) In the absence of an existing permanent custody order, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, except that the court may add unusual travel time necessary to transport the child.

4. A court may grant part of the deploying parent's decision-making authority for a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if the deploying parent is unable to exercise that authority. When a court grants the authority to a nonparent, the court shall specify the decision-making powers that will and will not be granted, including applicable health, educational and religious decisions.

Sec. 37. ***On the motion of a deploying parent and in accordance with the laws of this State other than sections 3 to 48, inclusive, of this act, a court shall grant limited contact with a child to a nonparent who is either a***

family member of the child or a person with whom the child has a close and substantial relationship, unless the court finds that the contact would be contrary to the best interest of the child.

Sec. 38. ***1. A grant made pursuant to sections 32 to 41, inclusive, of this act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this act following the return from deployment of the deployed parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decision-making authority or limited contact in a person to whom it is granted.***

2. A nonparent granted caretaking authority, decision-making authority or limited contact under sections 32 to 41, inclusive, of this act has standing to enforce the grant until it is terminated under sections 42 to 45, inclusive, of this act or by court order.

Sec. 39. ***1. An order granting custodial responsibility under sections 32 to 41, inclusive, of this act must:***

(a) Designate the order as temporary; and

(b) Identify to the extent feasible the destination, duration and conditions of the deployment.

2. If applicable, a temporary order for custodial responsibility must:

(a) Specify the allocation of caretaking authority, decision-making authority or limited contact among the deploying parent, the other parent and any nonparent;

(b) If the order divides caretaking or decision-making authority between persons, or grants caretaking authority to one person and limited contact to another, provide a process to resolve any significant dispute that may arise;

(c) Provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications;

(d) Provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or is otherwise available, unless contrary to the best interest of the child;

(e) Provide for reasonable contact between the deploying parent and the child following return from deployment until the temporary order is terminated, which may include more time than the deploying parent spent with the child before entry of the temporary order; and

(f) Provide that the order will terminate following return from deployment according to the procedures under sections 42 to 45, inclusive, of this act.

Sec. 40. ***If a court has issued an order granting caretaking authority under sections 32 to 41, inclusive, of this act or an agreement granting***

caretaking authority has been executed under sections 27 to 31, inclusive, of this act the court may enter a temporary order for child support consistent with the laws of this State other than sections 3 to 48, inclusive, of this act, if the court has jurisdiction under NRS 130.0902 to 130.802, inclusive.

Sec. 41. *1. Except for an order in accordance with section 35 of this act or as otherwise provided in subsection 2, and consistent with the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 521-522, on the motion of a deploying or other parent or any nonparent to whom caretaking authority, decision-making authority or limited contact has been granted, the court may modify or terminate a grant of caretaking authority, decision-making authority or limited contact made pursuant to sections 3 to 48, inclusive, of this act if the modification or termination is consistent with sections 32 to 41, inclusive, of this act and the court finds it is in the best interest of the child. Any modification must be temporary and terminates following the conclusion of deployment of the deployed parent according to the procedures under sections 42 to 45, inclusive, of this act unless the grant has been terminated before that time by court order.*

2. On the motion of a deploying parent, the court shall terminate a grant of limited contact.

Sec. 42. *1. At any time following return from deployment, a temporary agreement granting custodial responsibility under sections 27 to 31, inclusive, of this act may be terminated by an agreement to terminate signed by the deploying parent and the other parent.*

2. The temporary agreement granting custodial responsibility terminates:

(a) If the agreement to terminate specifies a date for termination, on that date; or

(b) If the agreement to terminate does not specify a date, on the date the agreement to terminate is signed by both parents.

3. In the absence of an agreement to terminate, the temporary agreement granting custodial responsibility terminates 60 days after the date of the deploying parent's giving notice to the other parent of having returned from deployment.

4. If the temporary agreement granting custodial responsibility was filed with a court pursuant to section 31 of this act, an agreement to terminate the temporary agreement must also be filed with that court within a reasonable period of time after the signing of the agreement. The case number and heading of the existing custodial responsibility or child support case must be provided to the court with the agreement to terminate.

Sec. 43. *At any time following return from deployment, the deploying parent and the other parent may file with the court an agreement to*

terminate a temporary order for custodial responsibility issued under sections 32 to 41, inclusive, of this act. After an agreement has been filed, the court shall issue an order terminating the temporary order on the date specified in the agreement. If no date is specified, the court shall issue the order immediately.

Sec. 44. ***Following return from deployment of a deploying parent until a temporary agreement or order for custodial responsibility established under sections 27 to 41, inclusive, of this act is terminated, the court shall enter a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time exceeds the time the deploying parent spent with the child before deployment.***

Sec. 45. ***1. A temporary order for custodial responsibility issued under sections 32 to 41, inclusive, of this act shall terminate, if no agreement between the parties to terminate a temporary order for custodial responsibility has been filed, 60 days after the date of the deploying parent's giving notice of having returned from deployment to the other parent and any nonparent granted custodial responsibility.***

2. Any proceedings seeking to prevent termination of a temporary order for custodial responsibility are governed by the laws of this State other than sections 3 to 48, inclusive, of this act.

Sec. 45.5. ***The court may, upon a motion alleging immediate danger of irreparable harm to the child, hold an expedited hearing concerning custody or visitation following the deploying parent's return from deployment.***

Sec. 46. ***In addition to other relief provided by the laws of this State other than sections 3 to 48, inclusive, of this act, if a court finds that a party to a proceeding under sections 3 to 48, inclusive, of this act has acted in bad faith or intentionally failed to comply with sections 3 to 48, inclusive, of this act or a court order issued under sections 3 to 48, inclusive, of this act, the court may assess reasonable attorney's fees and costs of the opposing party and order other appropriate relief.***

Sec. 47. ***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 48. ***This act modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(b).***

Sec. 49. NRS 125C.100, 125C.105, 125C.110, 125C.115, 125C.120, 125C.125, 125C.130, 125C.135, 125C.140, 125C.145, 125C.150, 125C.155,

125C.160, 125C.165, 125C.170, 125C.175, 125C.180 and 125C.185 are hereby repealed.

Sec. 50. This act does not affect the validity of a temporary court order concerning custodial responsibility during deployment that was entered before January 1, 2014.

Sec. 51. This act becomes effective on January 1, 2014.

LEADLINES OF REPEALED SECTIONS

125C.100 Definitions.

125C.105 "Custody or visitation order" defined.

125C.110 "Deployment" defined.

125C.115 "Member of the military" defined.

125C.120 "Parent" defined.

125C.125 "Parent who received orders for deployment" defined.

125C.130 "Temporary duty" defined.

125C.135 Provisions not applicable to order for protection against domestic violence.

125C.140 Jurisdiction retained during deployment of parent; deployment not basis to assert inconvenient forum.

125C.145 Court to hold expedited hearing or allow alternative means of presenting testimony and evidence in certain circumstances.

125C.150 Deployment does not warrant permanent modification of order.

125C.155 Expedited hearing to issue temporary order.

125C.160 Temporary modification of order to accommodate deployment of parent; requirements of temporary order.

125C.165 Expiration of temporary order upon completion of parent's deployment; exception.

125C.170 Delegation of visitation rights to family member of parent to be deployed; termination of such rights; effect on ability of family member to seek separate visitation order.

125C.175 Limitation on issuance of final order modifying terms of existing order when parent receives mandatory order for deployment.

125C.180 Costs and attorney's fees.

125C.185 Requirement for parents to cooperate and provide information to each other.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

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

Assembly Bill No. 374.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 527.

AN ACT relating to counties; prohibiting, with certain exceptions, a board of county commissioners from regulating or licensing, or requiring a permit or fee relating to, assemblies, events or activities occurring on federal lands; providing, under certain circumstances, that certain requirements and prohibitions relating to assemblies do not apply to assemblies that occur on federal lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

Sections 1 and 2 of this bill prohibit, with certain exceptions, a board of county commissioners from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

Sections 3 and 4 of this bill provide, under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a board of county commissioners shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit for the assembly, event or activity or has otherwise authorized the assembly, event or activity.

2. A board of county commissioners may ~~*[regulate]*~~ ***:***

(a) Enter into an agreement, with a person or organization which has been issued a license or permit by a federal agency for an assembly, event or activity occurring on federal land, for the county to provide reasonable and necessary law enforcement services for the assembly, event or activity and to receive compensation for the provision of such services; and

(b) Regulate ***or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of a:***

[(a)] ***(1) Lease between the Federal Government and the county; or***

[(b)] ***(2) License for recreational or other public purposes from the Federal Government to the county.***

Sec. 2. NRS 244.354 is hereby amended to read as follows:

244.354 ~~[~~The~~]~~ ***Except as otherwise provided in section 1 of this act, the*** board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, ***and section 1 of this act*** may be incorporated in such ordinance.

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~[~~Every~~]~~

1. Except as otherwise provided in subsection 2, every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive ~~[~~.~~]~~ ***, and section 1 of this act.***

2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if:

(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and

(b) The federal land is not the subject of a:

(1) Lease for recreational or other public purposes between the Federal Government and the county; or

(2) License for recreational or other public purposes from the Federal Government to the county.

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~[~~It~~]~~

1. Except as otherwise provided in subsection 2, it is unlawful for any licensee or any employee, agent or associate of a licensee to:

~~[~~1.~~]~~ ***(a)*** Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

~~[~~2.~~]~~ ***(b)*** Sell tickets to such an assembly without a license first having been obtained.

~~[~~3.~~]~~ ***(c)*** Hold such an assembly in such a manner as to create a public or private nuisance.

~~[4.]~~ ***(d)*** Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

~~[5.]~~ ***(e)*** Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

~~[6.]~~ ***(f)*** Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

~~[7.]~~ ***(g)*** Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.

2. The provisions of this section do not apply to an assembly, or conduct or activity at or during an assembly, that is held on federal land if:

(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and

(b) The federal land is not the subject of a:

(1) Lease for recreational or other public purposes between the Federal Government and the county; or

(2) License for recreational or other public purposes from the Federal Government to the county.

Sec. 5. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

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

Assembly Bill No. 172.

Bill read third time.

The following amendment was proposed by Assemblyman Horne:

Amendment No. 511.

AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public

work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; (4) at least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and (5) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) **Section 1** of this bill revises the requirements for such a preference in bidding by: (1) limiting the requirement for design professionals to design-build teams; and (2) eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. **Section 1** clarifies that the driver's licenses and identification cards used to satisfy the statutory requirements must be issued by the Department of Motor Vehicles of the State of Nevada. **Section 1** requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. **Section 1** restricts who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work.

Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with certain requirements within the preceding year for a contract for a public work that cost more than $25,000,000 and prohibits a contractor who has failed to comply with certain requirements for a contract for a public work which exceeds $5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS 338.1379, 338.1382, 338.1389, 338.1415, 338.147, 408.333) **Sections ~~[4-8]~~ 3-8** of this bill instead condition those prohibitions on a material breach of a contract for a public work which exceeds $25,000,000 or $5,000,000, as applicable.

Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013. **Section 9** also declares that any contract for such a public work that fails to comply with this bill is void.

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

Section 1. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team,

respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project ~~[.]~~ ***, collectively, and not on any specific day:***

(a) At least 50 percent of ~~[all]~~ ***the*** workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[,]~~ ***of the State of Nevada;***

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) ~~[At]~~ ***If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at*** least 50 percent of the design professionals working on the public work, including, without limitation, ~~[any]~~ employees of the ~~[contractor, applicant or]~~ design-build team and of any subcontractor ***or consultant*** engaged ~~[on]~~ ***in the design of*** the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[,]~~ ***of the State of Nevada; and***

(d) ~~[At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and~~

~~(e)]~~ The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work ***that is*** awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 ~~[and who receives]~~ ***as a result of the contractor, applicant or design-build team receiving*** a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 ~~[is a material breach of the contract and]~~ entitles the public body to ~~[liquidated damages]~~ ***a penalty*** only as provided in subsections 5 and 6.

3. A person ~~[or entity]~~ ***who submitted a bid on the public work or an entity*** who believes that a contractor, applicant or design-build team has

obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 may file ***, before the substantial completion of the public work,*** a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1, ~~[liquidated damages]~~ ***a penalty*** as described in subsection 6 for ~~[a breach of a contract for a public work caused by]~~ a failure to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1. If a public body recovers ~~[liquidated damages]~~ ***a penalty*** pursuant to this subsection ***,*** ~~[for a breach of a contract for a public work,]~~ the public body shall report to the State Contractors' Board the date of the ~~[breach,]~~ ***failure to comply,*** the name of each entity which ~~[breached the contract]~~ ***failed to comply*** and the cost of the contract ~~[.]~~ ***to which the entity that failed to comply was a party.*** The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract ~~[,]~~ ***as a result of that preference,*** the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build

team and a subcontractor ~~[or supplier]~~ and each contract between a subcontractor and a ***lower tier*** subcontractor ~~[or supplier]~~ must provide that:

(a) If a party to the contract causes ~~[a material breach of the contract between]~~ the contractor, applicant or design-build team ~~[and the public body as a result of a failure]~~ ***to fail*** to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1, the party is liable to the public body for ~~[liquidated damages]~~ ***a penalty*** in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that ~~[causes the material breach;]~~ ***caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1;*** and

(c) No other party to the contract is liable to the public body for ~~[liquidated damages.]~~ ***a penalty.***

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1.

8. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of the paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 2. (Deleted by amendment.)

Sec. 3. ~~[(Deleted by amendment.)]~~ NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the ~~*[The]*~~ Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the ~~*[The]*~~ local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 . ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.]~~

Sec. 4. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **,** ~~[~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~]~~ and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 5. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, ~~[~~has~~]~~ ***provides*** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[~~At the time the contractor submits his or her bid,~~]~~ ***Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~[have,]~~ ***provide,*** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to

the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, ***materially*** breached a contract for a public work for which the cost exceeds $5,000,000 **,** ~~[~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~]~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[~~be deemed the best bid~~]~~ ***receive a preference in bidding*** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity ***who submitted a bid on the public work and*** who believes that ~~[~~a~~]~~ ***the*** contractor ***who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **.** ~~[~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.~~]~~

Sec. 7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, ~~[~~has~~]~~ ***provides*** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[~~At the time the contractor submits his or her bid,~~]~~ ***Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~[have,]~~ ***provide,*** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who

is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required

pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, ***materially*** breached a contract for a public work for which the cost exceeds $5,000,000 **,** ~~[~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~]~~ the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[~~be deemed a best bid~~]~~ ***receive a preference in bidding*** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity ***who submitted a bid on the public work and*** who believes that ~~[~~a~~]~~ ***the*** contractor ***who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 8. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **, [**~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~**]** the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any

bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 9. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after July 1, 2013.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section, "contract" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Assembly Bill No. 200.

Bill read third time.

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

Amendment No. 520.

AN ACT relating to food establishments; allowing farms to hold farm-to-fork events in certain circumstances without being considered a food establishment for purposes of inspections by the health authority and other

regulations; requiring such farms to register with the health authority; providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term "food establishment" for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

Section 5 of this bill adds to the list of entities that are excluded from the definition of "food establishment" a farm holding a farm-to-fork event. **Section 2** of this bill defines the term "farm-to-fork event" as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm. **Section 3** of this bill authorizes a farm to hold a farm-to-fork event **without being subject to the requirements of a food establishment** provided that: (1) any rabbit meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with and acknowledges receipt of a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and processing of the meat or poultry. **Section 3 further provides that a farm which holds more than two events in any month becomes a food establishment subject to all the requirements of a food establishment for the remainder of the calendar year.** **Section 3.5** requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances. **Section 5** also adds to the list of entities that are excluded from the definition of "food establishment" a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. **Section 4** of this bill specifies which food items qualify a farm for that exemption.

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3, 3.5 and 4 of this act.

Sec. 2. ***"Farm-to-fork event" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.***

Sec. 3. ***1. ~~[A]~~ Except as otherwise provided in subsection 3, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:***

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. A farm which holds a farm-to-fork event shall:

(a) Before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1; and

(b) Obtain from each guest a signed acknowledgment of receipt of the notice.

3. A farm which holds more than two events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.

Sec. 3.5. ***1. A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:***

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; and

(c) The address of the farm.

2. The health authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of farms holding farm-to-fork events.

3. The health authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of section 3 of this act and except that the health authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak

or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the health authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the health authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

Sec. 4. ***1. A farm which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each such food item is:***

(a) Made substantially from ingredients that were grown or produced on the farm;

(b) Sold at the farm or at a farmers' market licensed pursuant to chapter 244 or 268 of NRS;

(c) Sold to a natural person for his or her consumption and not for resale;

(d) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;

(e) Labeled with "NOT FOR RESALE - PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and

(f) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.

2. As used in this section:

(a) "Farm" means land used for an agricultural purpose, including, without limitation, the production of crops and the on-site storage, preparation and sale of agricultural products principally produced on the land.

(b) "Food item" means any food that is not potentially hazardous, does not require time or temperature controls for safety and has a pH of 4.6 or less.

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any

part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; ~~[or]~~

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers ~~[.]~~ ***;***

(h) A farm that meets the requirements of section 4 of this act with respect to a food item as defined in that section; or

(i) A farm for purposes of holding a farm-to-fork event.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

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

Assembly Bill No. 10.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 10 provides that it is unlawful to use, possess with intent to use, or assist another person in using any software, hardware, or combination thereof that is designed to obtain an advantage at any game in a licensed gaming establishment or any game offered by a licensee or affiliate.

This bill also clarifies that the prohibition on using, possessing with intent to use, or assisting another person in using any device to obtain an advantage at playing any such game applies to persons acting alone or in conjunction with others.

Roll call on Assembly Bill No. 10:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 10 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Assembly Bill 18 allows Nevada's Department of Transportation [NDOT] and certain local governments to enter into agreements for the relinquishment or trade of any portion of a state highway or local road. Before a relinquishment or trade may take place, the parties must agree in writing to terms of the trade, including requirements for bringing the highway or local road into good repair or, if necessary, to ensure equitable compensation or equitable trade considerations.

The bill also requires NDOT, in cooperation with local governments, to develop a procedural document that addresses the process by which portions of roadways are to be relinquished.

Roll call on Assembly Bill No. 18:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 18 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 21 clarifies that an occupant of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or the occupant of the living quarters of a house coach or house trailer, other than the driver of such a vehicle, is allowed to possess an open container of an alcoholic beverage while that vehicle is upon a state highway.

The bill also clarifies the accident reporting duties and responsibilities of the Department of Motor Vehicles and the Department of Public Safety. Finally, the bill provides that accident reports may be filed electronically.

Roll call on Assembly Bill No. 21:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 21 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblyman Daly and Madam Speaker.

ASSEMBLYMAN DALY:

Assembly Bill 41 moves the provisions governing contracting with current and former state employees out of personnel laws and into state purchasing laws. The measure requires the using agency to submit a written disclosure to the State Board of Examiners regarding the services to be provided and to specify when approval by the State Board of Examiners must occur.

The measure raises the threshold for requiring formal contracts for purchases by the state from $25,000 to $50,000. It further increases the delegated authority of the Clerk of the State Board of Examiners from $10,000 to $50,000 for contracts, including those contracts necessary to preserve life and property, which is raised from $25,000 to $50,000. New language is added to prohibit an agency from splitting a contract to avoid the competitive bid process.

Further, a contract is void if it does not comply with statutory and regulatory provisions. Both the head of the using agency and the employee entering the contract are personally liable for the costs of services delivered pursuant to the void contract.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Mr. Daly, I apologize for not asking this sooner. What Is the current definition for a using agency? It seems a little vague.

ASSEMBLYMAN DALY:

I believe it would be any state agency that comes under NRS 333, which is state government purchasing.

Roll call on Assembly Bill No. 41:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 41 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 44 prohibits a homeowners' association from regulating the manner in which containers for collection of solid waste or recyclables are stored on the premise of a residential unit with curbside service, except as provided in the bill itself. This measure authorizes a homeowners' association to adopt reasonable rules regarding the location, screening, and storage of containers when the containers are not in the collection area, and the conditions under which containers may be placed in the collection area.

Assembly Bill 44 requires any rules adopted by the association to allow the storage or containers outdoors and to comply with all applicable codes and regulations. The effective date of this measure would be October 1, 2013.

Roll call on Assembly Bill No. 44:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 44 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Assembly Bill 59 formalizes and renames existing components of the State Public Works Division, Department of Administration, to create a Public Works – Compliance and Code Enforcement Section and a Public Works – Professional Services Section within the State Public Works Division. Each of the sections will be led by one of the existing deputy administrators. The Administrator of the State Public Works Division is authorized to adopt necessary regulations for these two new sections and to recommend to the State Public Works Board the adoption of such regulations.

The bill eliminates the requirement that a proposal for the construction of a state building include operating costs for personnel and other expenses of operation for the building. Further, the measure repeals the requirement that the State Public Works Division compile a report concerning state building projects that are financed by general obligation bonds, revenue bonds, or medium-term obligations for each fiscal year and submitted annually to the Legislature.

Roll call on Assembly Bill No. 59:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 59 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 64. Assembly Bill 64 authorizes a district court to deliver a copy of a presentence investigation report to the Department of Corrections by electronic transmission or by giving the Department electronic access to retrieve the report. The bill also allows the district court to furnish electronic copies of judgments of imprisonment to the sheriff of the county.

Roll call on Assembly Bill No. 64:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 64 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 97 requires a prosecuting attorney to inform a defendant if the attorney is going to seek a penalty enhancement pursuant to Nevada's habitual criminal statute in a reasonable amount of time before trial. The bill authorizes the defense and prosecution to stipulate a different procedure and authorizes the court to order a time extension for good cause. The prosecution may amend or supplement a habitual criminal count at any time before the sentence is imposed.

The bill strikes me as an example of fairness and clarity and allows the defendant to know the possible consequences.

Roll call on Assembly Bill No. 97:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 97 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 98 concerns three items. First, candidates for a homeowners' association [HOA] board must be in good standing and must reveal any potential conflicts of interest. Secondly, bids for projects costing at least $2,500 or 10 percent of the total annual assessments of the HOA must be reviewed and compared. Revised bids may be requested. Finally, if the annual budget of the HOA is $150,000 or less, the bill requires its financial statement to be reviewed by an independent certified public accountant every fiscal year unless a majority of the voting members of the HOA submit a written request for an audit.

The most frequent complaint that I heard while campaigning was about HOAs, and there are a lot of them in my district. This bill is in response to those complaints, and I expect it will create more professional-acting boards. The bill defines members to be in good standing and eligible for serving on the board if they are current with all association dues and assessments. Current board members cannot prevent a member in good standing from seeking election to the board by assessing a fine for a frivolous reason. I was amazed that so many thought a board could or

would do this. Assembly Bill 98 is a positive step in improving HOA boards, and your support is appreciated.

Roll call on Assembly Bill No. 98:

YEAS—30.

NAYS—Duncan, Ellison, Fiore, Grady, Hambrick, Kirner, Oscarson, Wheeler, Woodbury—9.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 98 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblymen Flores, Hickey, and Spiegel.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 126. Assembly Bill 126 requires an owner or operator of any restaurant or similar retail food establishment that is part of a chain with 15 or more locations within this state to disclose the same nutritional information as required by federal law for such a chain with 20 or more locations. The bill also provides that an owner or operator of a restaurant or similar retail food establishment who violates these provisions is guilty of a misdemeanor and subject to tiered fines.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 126. Nutrition labeling is a very complex issue, and individuals should know what is in the foods they consume. However, I don't believe this bill aligns with current federal regulations and may cause confusion by state and local officials. Nutrition labeling should be done by the federal government. There is a huge difference between the resources smaller businesses have and big national chains. In addition, there are various proposed regulations that have not been adopted by the FDA as of yet, and it seems a bit premature to reference them in our NRS when they likely will not be finished until 2015. I applaud the sponsor's efforts on this measure, but I cannot support this bill as it stands currently.

ASSEMBLYWOMAN SPIEGEL:

I rise in support of Assembly Bill 126. As somebody who has been watching my weight for 45 or so years, I have to tell you that when I travel to other states that have nutritional information posted on their menus, I am much more likely to frequent those restaurants. The majority of people I have attended Weight Watchers with throughout the years have all felt the same way. I actually think this bill will help not only Nevadans make good choices when they are eating out in restaurant establishments, I think it will also make more people feel comfortable eating in such dining establishments. I urge your support for this bill.

Roll call on Assembly Bill No. 126:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Stewart, Wheeler, Woodbury—14.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 129 authorizes certain persons to apply for the issuance of license plates specifically designed to honor peace officers who have received one or more of several specified medals or the equivalent thereof. The special license plates may also be issued to a family member of a peace officer who receives posthumously the Medal of Honor or the equivalent thereof.

Roll call on Assembly Bill No. 129:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 129 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Kirner.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 147 requires a notice regarding the results of a mammogram to include a statement of the density of the patient's breasts and encourage the patient to discuss the notice with his or her physician or other health care provider. In addition, this bill authorizes the Health Division of the Department of Health and Human Services to impose an administrative fine for failure to provide such notice.

During your committee on Health and Human Services, there was compelling testimony in favor of this bill. There was testimony that at least 40 percent of women have dense breast tissue, and for those women, mammography can be very ineffective. Many of them get a false negative, when in reality there may be an issue, and further testing and ultrasounds may be warranted. At the hearing, there were two very poignant stories. One had to do with a member of the Reno community who we know very well, Wendy Damonte. Her mother Diane Wyness passed away. Wendy and the doctors believe it was due to a false negative, due to a cancer that was not found, because the mammogram is not a good enough test. There was also a story of a young doctor, Caroline Graham Lamberts. I think most of us know her parents very well. She had just turned 30 when they lost her. Her parents and the doctors who treated Caroline believed she lived an extra five years because Caroline's medical training gave her the knowledge to go and get these additional tests—the kind of tests we are hoping women will ask for. This is a bill that I think will make a difference. Here, knowledge is power and this is knowledge that women should have. I urge everyone's support.

ASSEMBLYMAN KIRNER:

I rise in support of this bill. I believe any time we provide information to a patient that enhances the medical care that a patient gets, it is important. I urge your support of this bill as well.

Roll call on Assembly Bill No. 147:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 147 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 165 prohibits the Director of the Department of Motor Vehicles from providing personal information to individuals or companies for the purpose of marketing extended vehicle warranties. The bill also eliminates the authority of the Director to release personal information for use in the bulk distribution of surveys, marketing material, or solicitations.

Roll call on Assembly Bill No. 165:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 165 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 176 exempts a consignee from a requirement to provide the buyer or long-term lessee of a vehicle with evidence of compliance certifying that the vehicle is equipped with pollution control devices and complies with certain requirements of the State Environmental Commission. Instead, this bill requires the consignee to inform the buyer that the buyer may be responsible for obtaining an emissions inspection or testing before the vehicle may be registered, post a notice at the site of the consignment auction stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction, and make the vehicle available for inspection before the auction.

Roll call on Assembly Bill No. 176:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 176 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 225 revises the definition of "business broker" to expand its application to acts that are performed as part of a transaction, proposed transaction, or prospective transaction involving an interest or estate in real property, whether or not the person performing the transaction is acting as a real estate licensee.

Roll call on Assembly Bill No. 225:

YEAS—38.

NAYS—Daly.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 225 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 236 allows a person to drive a motorcycle between moving or stationary vehicles occupying adjacent traffic lanes. While driving between other vehicles traveling in the same direction as the motorcycle, the following conditions apply: The person must drive in a manner that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather, and other highway conditions. The motorcycle must not travel at a speed that is more than 10 miles per hour faster than the speed of those other vehicles, and the motorcycle must not exceed a maximum speed of 30 miles per hour.

Roll call on Assembly Bill No. 236:

YEAS—35.

NAYS—Paul Anderson, Carlton, Fiore, Livermore—4.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 236 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 243 requires all special license plates designed, prepared, and issued by the Department of Motor Vehicles after October 1, 2013, to have a uniform design and background color. This bill is effective October 1, 2013.

Roll call on Assembly Bill No. 243:

YEAS—32.

NAYS—Ellison, Fiore, Hickey, Kirner, Livermore, Spiegel, Wheeler—7.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 243 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 246 makes it a misdemeanor to sell, attempt to sell, offer for adoption, or transfer ownership of a live animal at a swap meet, except in counties and incorporated cities that have adopted an ordinance authorizing live animal sales at such events. The bill further provides that these ordinances must meet certain minimum criteria relating to the care of animals.

The provisions of the bill do not apply to livestock or to the adoption of dogs or cats at an outdoor event held by an animal shelter or rescue organization that is exempt under section 501(c)(3) of the Internal Revenue Code.

Roll call on Assembly Bill No. 246:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 246 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 259 makes various changes to the P-16 Advisory Council, including, changing the name of the Council to the P-20W Advisory Council and highlighting its role in the early childhood and workforce sectors; adding the Director of the Department of Employment, Training and Rehabilitation; and broadening the role of the Council.

Roll call on Assembly Bill No. 259:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 259 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 263 requires that, rather than consider only a person's experience relating to public transportation projects, the Director of the Department of Transportation also consider any other comparable experience a person may have when determining if the person is sufficiently qualified to bid on a certain highway construction project.

Roll call on Assembly Bill No. 263:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 263 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Assembly Bill 264 makes the following actions a gross misdemeanor: A second or subsequent violation of the statutory prohibition against feeding estray or feral livestock, and unless otherwise authorized by law, the taking up or possession of estray or feral livestock by a person who is not the owner and does not have the owner's consent.

We have had a lot of conversations on this bill, and I would like to clear up some of the misconceptions. Number one, this is not a horse bill. This is a safety bill. If you have driven around our area, you will see that horses, cattle, deer, and cars do not mix on our rural highways. This bill has been on the books for a number of years. I have worked on different horse bills during my six terms here. We finally got the people to agree to what they really wanted and what the state really needed. We had involvement from the Department of Agriculture, Highway Patrol, sheriff departments, ranchers, and a number of people in the different horse organizations. They all agreed we have to quit feeding horses and bringing them down on the highway.

If you have ever seen a wreck between an automobile and a horse, it is ugly. A horse is tall enough that it will come right through your windshield. We have tried to give warnings. People do not pay any attention to the warnings. So this bill was worked out among many people. If someone is found feeding horses, they will get a warning. On the second or subsequent time,

they will receive a ticket and a violation. We have had concerns about whether it should be a misdemeanor or a gross misdemeanor. The folks I have talked to have said if you make it a misdemeanor, you can go into a court and they could say it's a $25 fine—please don't do it again. All the people who worked on the bill agreed that we had to put some teeth into it. That is why we put in a gross misdemeanor, so that the fine could be up to $2,000. It's a harsh fine, it's a heavy fine, but life is worth more than trying to keep fighting people that insist that they are going to feed these horses. So I ask you to support this bill, not as an anti-horse bill, but as a safety bill for not only the horses, but for our traveling public.

Roll call on Assembly Bill No. 264:

YEAS—30.

NAYS—Carlton, Diaz, Flores, Frierson, Healey, Horne, Martin, Spiegel, Swank—9.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 264 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 282 revises provisions governing surety bonds related to motor vehicle sales. This bill provides that surety bond compensation is for the use and benefit of a consumer injured by the action of a broker, dealer, distributor, manufacturer, rebuilder, or their representative or salesperson.

The term "any person" in the original bill was interpreted by the Supreme Court to mean any of these other areas that could recover the funds. It is believed the intention was for this to be a protection for consumers since other groups have other sources to recover their funds. I urge support of the bill.

Roll call on Assembly Bill No. 282:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 282 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblymen Flores, Sprinkle, Fiore, Elliot Anderson, Duncan, and Horne.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 284. Assembly Bill 284 allows for the early termination of a rental agreement if a tenant, cotenant, or household member is a victim of domestic violence. The bill establishes notice requirements and provisions concerning liability for unpaid amounts. It also requires a landlord to install a new lock onto the dwelling of a victim of domestic

violence under certain circumstances. Furthermore, the measure prohibits a landlord from taking retaliatory action against a tenant who terminates an agreement because he or she is a victim of domestic violence.

I cannot urge this body enough to support this measure. Nevada is number one in domestic violence-related homicides. I can tell you that from a personal prospective, and as someone who was a victim of domestic violence, it was incredibly difficult after I decided to leave my abuser—when I finally had the courage to do that—to find housing once I was ready to be by myself again, because I had to break leases. Despite the fact that I was hospitalized, that I had injuries, my landlord did not let me out of my lease because they did not think that was enough.

This bill provides protection for landlords to hold the abuser accountable for any financial losses that they might sustain. Not only are there protections for landlords in this bill, but in addition to that and most importantly, it provides protection for domestic abuse victims.

Lastly, I will just add that it is very important that domestic violence victims are able to go to their churches, to social workers, and to domestic violence organizations, because often times that is the safest thing to do. There were many times where I did not get law enforcement involved because it was scary, and I do not believe that it is right as a state to pass a law that says that the only way you can get out of your lease is to involve law enforcement. That may not be the safest thing for that person to do for themselves, or for their children, or for their family. I tell you from personal experience, this is not a measure that is going to hurt landlords or business in this state; it is a measure that hopefully is going to provide victims of domestic abuse the ability to safely leave their homes without the burden of trying to figure out what they are going to do for housing or how much money they are going to be obligated to pay once they decide to leave. I strongly urge this body to support this measure, and I thank you all for your time.

ASSEMBLYMAN SPRINKLE:

I rise in support of Assembly Bill 284. Having done a lot of work in this area in the past, I want to mimic a lot of the words that you just heard the sponsor speak to. Oftentimes these victims do not feel like they can go to law enforcement to get the help and the protection they need. They end up using their clergy; they end up using other advocates; they go to shelters to immediately get away. So to eliminate them from the process of determining whether or not these women are in a position of danger—and I say women only because statistics prove over 93 percent are women—these advocates, these licensed professionals, should be in a position where they can help.

Secondly, from a more personal prospective having worked in emergency medicine for over 20 years, I have had many of these people as patients of mine in the back of my ambulance. I know that the sooner they can get out of a situation that is dangerous to them, the better they can be. Oftentimes in domestic violence, leases and an inability to get out of where they are living is what keeps them in these domestic violence situations. This bill is necessary, and it is important to protect the men, and especially the women, that oftentimes become battered and are stuck in these domestic violence situations. I strongly urge the passage of this bill.

ASSEMBLYWOMAN FIORE:

I rise in opposition of Assembly Bill 284. While I applaud its intent to protect a victim of domestic violence, I am concerned that this measure fails to take into consideration the safety of the community as a whole. I also thank the sponsor's effort to amend the bill, but the changes fall short of addressing serious concerns raised by members. The bill fails to properly protect the victim or the landlord and gives little guidance on identifying or prosecuting those persons who commit the crime of domestic violence. Without proper documentation from law enforcement, perpetrators of domestic violence would remain free in our communities, and it does nothing to discourage future acts of domestic violence. I believe that victims of domestic violence should be protected to the fullest extent of the law, however, this bill fails to bring all appropriate parties to the table, including law enforcement.

Madam Speaker, I cannot support Assembly Bill 284 and encourage the sponsor to continue to work with members and stakeholders on this important issue. On a personal note, I have had a protective order in place on a domestic violence issue, so I totally get this bill, and I would urge the sponsor to seek more counsel.

ASSEMBLYMAN ELLIOT ANDERSON:

I want to first thank my colleague from District 28 for bringing this bill forward. This is something—working in criminal defense—that really spoke to me and said we really need to do something about this. So many times you get into situations where you have an abuser and the abusee in a relationship living together, and because the abusee often gets involved in crime because of the abuser, you end up in a situation where the victim cannot always go to law enforcement, so they feel trapped. There are sometimes prostitution situations. My colleague from District 2 probably knows that sex trafficking is sometimes used as leverage over someone who is getting abused, so this is really important to break the cycle of abuse. You cannot just have law enforcement being the only documentation, not to mention, the undocumented community, which brings up another problem. If you have a situation like that, there could be an abuser that would use the victim's legal status, or lack thereof, against them. I strongly urge my colleagues to support this legislation as written.

ASSEMBLYMAN DUNCAN:

If I may, I would like to ask the sponsor a couple of questions. Under current law, are there circumstances where domestic violence victims can break their lease if there are any circumstances?

ASSEMBLYWOMAN FLORES:

To my colleague from the south, currently it is just like a regular contract that one enters into. Unless the other person to that contract decides to let you out, you are obligated under the terms of that agreement. There are currently, to my knowledge, no provisions whatsoever in the state of Nevada that will allow for such a breaking of that contract unless this bill gets passed.

ASSEMBLYMAN HORNE:

I rise in support of Assembly Bill 284. I think it is important to note—because we are getting away from the intent of this bill—that the intent of this bill is to protect a victim of domestic violence. It is not meant to protect a landlord; it is not meant to protect the community at large; it is not meant to protect business owners; it is meant to protect a victim of domestic violence. As an attorney, I have been on both sides where I have represented victims of domestic violence and perpetrators of domestic violence. I can tell you, in both circumstances, that if you can provide an easier way for that victim to get out of that dangerous situation, you should provide it.

Assemblymen Horne, Frierson, and Carlton moved the previous question.

Motion carried.

The question being the passage of Assembly Bill No. 284.

Roll call on Assembly Bill No. 284:

YEAS—28.

NAYS—Ellison, Fiore, Grady, Hambrick, Hansen, Hickey, Kirner, Livermore, Stewart, Wheeler, Woodbury—11.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 284 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 305 requires the Board of Directors of Nevada's Department of Transportation to prescribe regulations specifying the operational requirements for commercial electronic variable message signs. The operational requirements for these signs must conform to the regulations promulgated by the Secretary of the United States Department of Transportation.

Roll call on Assembly Bill No. 305:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 305 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 307 requires a county to pay any costs incurred by a hospital for a forensic medical examination of a victim of sexual assault. The bill also specifies that any costs incurred by a county for medical care provided to a victim within 72 hours after arriving for treatment and any costs for a forensic medical examination must be charged to the county where the offense was committed and that the filing of a police report must not be a prerequisite to filing for a forensic medical examination.

The bill also requires a victim of sexual assault to file a police report or submit to a forensic medical examination in order for the victim or the victim's spouse, relative, or close friend to be eligible for any additional treatment at county expense for physical injuries or emotional trauma suffered as the result of the sexual assault.

Roll call on Assembly Bill No. 307:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 307 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Assembly Bill 310 allows an irrigation district to buy insurance or make other financial arrangements on behalf of its agents, officers, employees, delegates, and representatives for liability and expenses related to such persons' involvement with the district. The bill also raises the limit of indebtedness for an irrigation district from $500,000 to $1 million. The effective date is July 1, 2013.

Roll call on Assembly Bill No. 310:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 310 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Assembly Bill 312 revises the appointment process and terms of service for the members of the Charter Committee of Carson City. The measure provides that the mayor, each supervisor, and each member of the Senate and Assembly delegation representing the residents of Carson City appoint one member to the Committee. Each member serves at the pleasure of his or her appointing public officer throughout that public officer's term. The bill also revises the duties of the Charter Committee.

Assembly Bill 539, Chapter 341, *Statutes of Nevada 1999*, amended several provisions of the Charter Committee of Carson City, including the establishment of a Charter Committee to make recommendations to the Board of Supervisors on necessary Charter amendments.

Roll call on Assembly Bill No. 312:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 312 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 313 prohibits an investigative or law enforcement officer from tracking a mobile phone without first obtaining a court order, except with the consent of the owner of the mobile phone or in an emergency involving the immediate risk of death or serious harm. The bill authorizes an officer to apply to the district court for an order, specifies the contents of the application and the order, and limits the duration of any order or extension to 30 days. The bill

also requires the court to make a finding of probable cause for belief that the information to be obtained is relevant to an ongoing criminal investigation before issuing an order or extension.

Assembly Bill 313 reflects a tremendous amount of work on the part of the bill sponsor. We were working with stakeholders to make sure that their concerns were taken into consideration. It is significantly different from the original bill. I think it reflects some hard work and a serious effort at compromise. Not all the areas in the bill were a reflection of compromise, but I think the strongest concerns launched with respect to this bill were addressed, and I think the product of that work is reflected now. I think it is a bill that is attempting to make sure that it is fair and that the access and the ability to do these searches is not abused.

Roll call on Assembly Bill No. 313:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—12.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 313 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblymen Bobzien and Wheeler.

ASSEMBLYMAN BOBZIEN:

I rise in support of Assembly Bill 346. The bill requires that reclamation plans for mining operations and exploration projects must, if feasible, provide for at least one point of public nonmotorized access to the water level of a pit lake that has a predicted filled surface area of more than 200 acres. Such access must be provided when the pit reaches at least 90 percent of its predicted maximum capacity.

The bill also makes provisions regarding the responsibilities and liability of certain persons involved with the premises on which such a pit lake with public access is located, including past and present owners, operators, lessees, occupants, contractors, employees, and others. Such persons have no duty to keep the premises safe for entry or use or to give warning of any hazardous conditions. These persons also do not assume responsibility or incur liability for injuries to any person or property caused by an act of a person who has permission to access the premises.

Finally, A.B. 346 provides that relevant reclamation plans that were filed before the bill takes effect must provide for public access to a pit lake as set forth in the bill. These plans may be amended and refiled if it is determined that such access is warranted.

As we are all aware, the mining industry has tremendous importance in this state and has tremendous impact on our landscape across the state. This bill is a commonsense solution and a product of all the parties working together to plan for the future legacy of these pit lakes and how the public can derive benefit from them.

ASSEMBLYMAN WHEELER:

I also rise in support of Assembly Bill 346. I wanted to thank the bill sponsor for working hard with negotiations with the mining industry and with the other side of the aisle on this bill.

Roll call on Assembly Bill No. 346:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 346 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 349 authorizes a regulatory body to grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member, or surviving spouse of a veteran of the Armed Forces of the United States, to practice his or her respective profession in this state.

Roll call on Assembly Bill No. 349:

YEAS—38.

NAYS—Eisen.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 349 having received a two-thirds constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351.

Bill read third time.

Remarks by Assemblymen Horne, Duncan, Eisen, and Carlton.

ASSEMBLYMAN HORNE:

Yes, Madam Speaker. Assembly Bill 351 provides that a person who holds a registry identification card and engages in the medical use of marijuana is exempt from prosecution for a criminal offense for driving, operating, or being in actual physical control of a vehicle or vessel under power or sail with a certain concentration of marijuana or marijuana metabolite in his or her blood or urine. The bill does not exempt a person from state prosecution for the aforementioned offense if the person is under the influence of marijuana not related to the medical use.

Basically, this bill puts medical marijuana on the same footing as other prescription drugs, which means there's no per se limit. You can still be prosecuted for driving under the influence of marijuana if you are driving while intoxicated on this medication. Just like any other medication, there's just no per se limit on it. That only applies to those with medical marijuana cards. It does not apply to other persons who partake in the use of marijuana.

ASSEMBLYMAN DUNCAN:

I rise in opposition to Assembly Bill 351. I do appreciate my colleague from District 34 visiting with our caucus last night. I know that his comments were well received by some in our caucus, and I appreciate him coming and explaining this bill to us more and more. I want to take a step back, though, because in 1999 this same body had a debate about per se levels for

marijuana. We decided as a policy matter to allow for marijuana to have per se levels—that if you have either two nanograms of active THC in your system, or five nanograms or more of metabolite in your system, that you were per se impaired. The reason for having that policy discussion was that we were worried about traffic safety. We were worried about impaired drivers on the road. So while I appreciate the efforts—and I do believe that we do have to have a policy discussion about medical marijuana and how we deal with people who have the cards—I think this policy in A.B. 351 may not be completely thought out in the sense that whether you are impaired or not, we are now essentially exempting people with medical marijuana cards. We made a policy decision in 1999 that people who had marijuana in their system were impaired and they were dangerous to be on the road.

I would suggest that either we raise the inactive metabolite level higher to capture those people with medical marijuana cards or we make a policy decision to just exempt marijuana completely from per se rules and make it so that in a court of law, we prove beyond a reasonable doubt that someone is impaired. For those reasons, I stand in opposition, but I do applaud my colleague from District 34 for opening this discussion.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 351. I think it is important that we clarify the issue here with marijuana. For one, as the majority leader pointed out, this only applies to individuals who have the legal right to use marijuana as a medicine. This does not prevent the arrest or conviction of an individual who is driving impaired under the influence of marijuana. What it simply does is remove the ability for that prosecution to proceed on the basis of a level of marijuana or marijuana metabolites in the blood. Given the lack of correlation between a blood level and impairment with marijuana, and very much unlike alcohol, a variable rate of metabolism of marijuana, I think a reliance simply on a number to indicate impairment is problematic. If there is, in fact, evidence of impairment of a driver, they still can be charged, they still can be prosecuted, and they still can be convicted of driving under the influence. This bill only removes the per se number from evidence if someone has a legal right to use marijuana as a medical aid.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 351. To respond to one of my previous colleagues in citing the debate that happened in 1999, at that time, we all need to remember that marijuana was not considered a medicine that year. It now is actually prescribed for medical reasons. I do not believe that debate has any impact on the actual use of a medicine. We were talking about an illegal substance at the time.

Roll call on Assembly Bill No. 351:

YEAS—31.

NAYS—Duncan, Ellison, Hambrick, Kirner, Oscarson, Stewart, Wheeler, Woodbury—8.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 351 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:17 p.m.

ASSEMBLY IN SESSION

At 7:21 p.m.
Madam Speaker presiding.
Quorum present.

Assembly Bill No. 357.
Bill read third time.
Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 357 abolishes the Statewide Council for the Coordination of the Regional Training Programs and the governing bodies of each regional training program for the professional development of teachers and administrators and transfers their powers and duties to the Department of Education. This measure also requires the Office of Parental Involvement and Family Engagement to work in cooperation with the regional training programs, stipulates that staff of the regional training programs are not employees of the Department of Education, ensures the Clark and Washoe County School Districts use their portions of the regional training funds in partnership with the regional training programs; and clarifies the process for drafting, approving, and implementing regional training models and plans.

Nevada has seen a wave of education reforms and policy changes that have vast impact on teachers and classrooms and students in this state. It is essential that the regional training programs be refocused and a new model be built that involves the state Department of Education facilitating coordination across the state for the delivery of professional development. This bill is a vital portion of that effort.

Roll call on Assembly Bill No. 357:
YEAS—39.
NAYS—None.
EXCUSED—Benitez-Thompson, Pierce—2.
VACANT—1.

Assembly Bill No. 357 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 378.
Bill read third time.
Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 378 provides that a self-settled spendthrift trust is unenforceable against the settlor's child, spouse, or domestic partner who has a judgment or court order against the settlor for support or maintenance. The bill also makes the transfer of community property to a spendthrift trust void unless both spouses or domestic partners agree to the transfer in writing and expressly waive the community property rights of each spouse or domestic partner.

If the settlor of the spendthrift trust is also a beneficiary of the trust, A.B. 378 prohibits the following persons from being a distribution trustee: the settlor; the spouse or domestic partner of the settlor; a person related to the settlor by blood, adoption, or marriage within the second degree of consanguinity or affinity; an employee of the settlor; a subordinate employee of the settlor or the settlor's business; and a business entity in which the settlor or any of the previously-listed persons holds at least 30 percent of the total voting power.

Roll call on Assembly Bill No. 378:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 378 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 379 authorizes the owner or occupant of property where an abandoned recreational vehicle[RV] is located to apply for the Department of Motor Vehicles[DMV] for a letter of abandonment. Before applying for a letter of abandonment, the property owner or occupant must attempt to locate the legal owner of the RV and notify the person that if the ownership is not claimed and the RV is not removed within 60 days, the property owner or occupant will apply for a letter of abandonment. If the owner of the RV cannot be located, the property owner or occupant must place a notice in the local newspaper in the county in which the RV is located stating that if the RV is not claimed and removed within 60 days after the publication date of the newspaper, the property owner or occupant will apply for a letter of abandonment.

This bill also requires a municipal solid waste landfill to accept the RV for disposal if the person disposing of the RV provides either the title to the vehicle or a letter of abandonment issued by the DMV, and if accepting the RV for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill. This bill will become effective July 1, 2013.

Roll call on Assembly Bill No. 379:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 379 having received a two-thirds constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 389.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 389 authorizes the court to make the child a party to an action to determine parentage or to appoint a guardian ad litem for a minor child in such an action, if the court determines it is necessary. The bill also deletes existing provisions that require the district attorney or the Division of Welfare and Supportive Services, Department of Health and Human Services, to act as guardian ad litem.

Roll call on Assembly Bill No. 389:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 389 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 407 amends state law relative to residency requirements for eligibility purposes for public office by deleting the reference to a person's "actual residence" and the provision relative to a person with multiple residences. Instead, the bill defines residency as, "that place where the person has been actually, physically, and corporeally living."

The measure provides that moving outside of the district in which a person is required to reside to be a candidate for that office is an impeachable act of malfeasance for those officers impeachable under Article 7 of the *Nevada Constitution*.

This bill further clarifies that a person who receives a certificate of election or appointment to office as a legislator may be removed from office for not residing in his or her district only through expulsion from the legislator's own house of the Legislature. However, the election of a legislator may be contested on the grounds that the person does not reside in the district from which he or she is a legislator. The bill limits the financial cost potentially incurred to contest a candidate of a general election for the office of state legislator. This measure is effective, if passed, October 1, 2013.

Roll call on Assembly Bill No. 407:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 407 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 415 provides that the crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit a petit larceny, unless the person who enters has two or more previous convictions for petit larceny in a commercial establishment within the last seven years.

This measure also creates the Special Account for the Support of the Advisory Commission on the Administration of Justice and requires the Advisory Commission to review sentencing for

all criminal offenses, the current system of parole, and potential legislation relating to offenders for whom traditional imprisonment is not considered appropriate.

Assembly Bill 415 was a result of a significant amount of bipartisan work to take a look at our criminal sentencing and criminal procedures, to at least put forth an effort to try to make sure that our punishment reflects the behavior. The bill started out with a significant number of proposals, but with all the stakeholders at the table, resulted in us saying that shoplifting is shoplifting and that you should not be exposed to a one-to ten-year sentence for shoplifting. There is a provision that allows for a habitual shoplifter to be addressed, but at least for the typical shoplifter, under few circumstances—whether they believe that person should be exposed to a one-to ten-year sentence—the remainder of the bill refers criminal measures, as a few other bills have done, to the Advisory Commission on the Administration of Justice to further look at it and take the proper amount of time to make a well thought out decision about how we move forward and protect Nevada citizens while being smart with the limited resources that we have.

Roll call on Assembly Bill No. 415:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

VACANT—1.

Assembly Bill No. 415 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 59, 176, 276, 309, 344, 345, 382, 442, and 505 be taken from the First Reading File and placed on the First Reading for the next legislative day.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 54, 77, 90, 182, 202, 321, 421, 434, 438, 441, 442, 453, 455, 460; Senate Bill No. 139, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Horne requested the following proclamation be entered in the Journal.

A PROCLAMATION BY THE GOVERNOR
RECOGNIZING GEORGE HICKEY

WHEREAS, George Hickey is a native Nevadan and was born in Gardnerville on April 19, 1913, on the Hickey Homestead Ranch; and

WHEREAS, his parents immigrated to the Carson Valley in the 1870's and he will be celebrating his 100th birthday tomorrow, April 19; and

WHEREAS, George Hickey is a WWII Veteran, having served in the Army as a Master Sergeant, where he has decorated for his service along the Burma Highway with a Bronze Star; and

WHEREAS, upon his return from the War, George inherited his father's ice business at Lake Tahoe, started a heating oil business where he served customers like baseball legend, Ty Cobb, and also served as Post Master in Bijou, South Lake Tahoe; and

WHEREAS, with assistance from the U.S. Forest Service, George Hickey created the first garbage company at South Lake Tahoe; and

WHEREAS, until last year, George resided with his son, Assemblyman Pat Hickey and currently resides at Park Place, in Northwest Reno;

NOW, THEREFORE, I, BRIAN SANDOVAL, GOVERNOR OF THE STATE OF NEVADA, do hereby proclaim April 19, 2013 as a day in honor of

GEORGE HICKEY

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 26th day of March, 2013.

BRIAN SANDOVAL
Governor

ROSS MILLER
Secretary of State

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Cox.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Henderson.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Sevier and Amber Andreasen.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Bernie Anderson.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Miles.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Gourdoux and Brandon Grider.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Stevens, Steve Abba, and Gary Ghiggeri.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Cooper.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to David Flatt.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Georgia Coulombe.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Barba, Bernadette Howell, and Kim Swanson.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Johnson, Morse Arberry, and Bonnie Parnell.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Marques Ivey.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Johnson.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to John Carpenter, Michelle Slagle, Dave Slagle, and Johnnie Marvel.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Kelley Miner.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Marvel, Chris Slagle, Nick Slagle, and Pat Slagle.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear, Shari Andreasen, and Sharon Andreason.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Slagle, Delanie Slagle, Sunny DeStefani, Joan Westover, and David Layton.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kirt Kirtley and Sue Smuskiewicz.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Williams, Ashley Williams, and Renjith Moolakatt.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Tyrone Thompson.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to David Goldwater and Richard Perkins.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Tonya Clements, Niki Cutler, and the following students from Hunsberger Elementary School: Carly Beeg, Carson Billings, Eliza Bowen, Madison Callahan, Nikki Christie, Ryan Day, Harrison Desarle, Haley Estipona, Ava Gotchy, Morgan Harrison, Nick Hosilyk, Harris Hurley, Cameron King, Piper Klefman, Autumn McCuin, Baylee Mee, Teyvin Broadbent, Jack Nicely, Ben Palmer, Ivey Quintero, Evan Richardson, Ethan Rost, Ashton Sady, John Snelgrove, Brooks Watson, Jasmine Wells, Allison Christy, Samantha Clark, Joseph Curtis, Carter Dodd, Connor Dugan, Kallie Grady, Savannah Green, Layla Hansen, Luke Jackson, Taylor Jensen, Kole Johnson, Colin Klein, Joseph Kretzschmar, Morgan Louie, Ryan Mack, William McGee, Ethan Moreno, Hudson Neal, Chase Nelson, Alana Pankopf, Madison Rund, Sean Sady, Anika Schauss, Noamiti Selby, Taylor Singleton, Tara Spencer, Blake Watson, and Hayden Wittman.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Leticia Servin.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Ford.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Swanson.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Tami Berg, Rebecca Andreasen, and Jackie Sevier.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Phelps, Daren Phelps, Kimberly Smith, Dino Davis, and Tammy Davis.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Raquel Eddib.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Brown, Lynn Hettrick, and the following students from Rite of Passage Charter School: Audrianna Contreras, Brianna Dominguez, Aleigha Freitas, Roxy Garcia, Alexis Holman, Annays Jureidine, Martha Morales,

Angela Perez, Janesa Ramirez, Robyn Rubio, Crystalann Smith, Jessica Wilson, and Destinee Moreno.

Assemblyman Horne moved that the Assembly adjourn until Monday, April 22, 2013, at 10:30 a.m.

Motion carried.

Assembly adjourned at 7:43 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 22, 2013

Assembly called to order at 11:34 a.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats. The Assembly observed a moment of silence for the victims of the Boston bombing.

This week reminds us we have neighbors in Boston. Earth Day reminds us we are neighbors with all the Earth. In compassion we pray for all the peoples of the Earth. Remove from our minds fear, hatred, prejudice, and contempt for those who are not of our own race or color, class or creed. Keep our hearts focused on unity of the spirit in the bond of peace.

We pray for relief of suffering of people affected by the bombing in Boston one week ago today. Grant the survivors peace of mind. Protect us all from the violence of others; keep us safe from the weapons of hate and restore us to tranquility and peace. Help us learn how to foster deep unity and peace in light of the whole of the Earth's being: human, animal, plant and mineral; water, air, and the ground itself. In the heart of love, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 17, 161, 163, 205, 210, 230, 272, 288, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 50, 251, 333, 382, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 215, 287, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 91, 113, 184, 207, 223, 248, 332, 360, 367, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 35, 48, 150, 227, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 61, 410, 413, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 26, 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 2, 356, 440, 470, 476.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 27, 45, 47, 60, 65, 101, 106, 122, 131, 134, 143, 177, 198, 235, 236, 258, 268, 272, 273, 287, 305, 313, 315, 436, 508; Senate Joint Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 19, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 41, 74, 140, 269.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 510.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Joint Resolution No. 1.

Assemblyman Horne moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 395 and 459 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 345 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 27.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 36.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 41.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 45.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 47.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 59.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 60.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 65.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 74.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 101.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 106.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 122.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 131.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 134.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 140.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 143.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 176.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 177.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 198.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 235.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 236.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 258.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 268.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 269.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 272.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 273.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 276.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 287.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 305.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 309.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 313.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 315.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 344.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 345.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 356.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 382.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 436.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 440.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 442.

Assemblyman Horne moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 470.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 476.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 505.

Assemblyman Horne moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 508.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 117 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Carlton moved that Assembly Bills Nos. 58, 186, 213, 226, 291, 336, 414, and 435 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 17, 26, 35, 38, 48, 50, 61, 91, 113, 125, 150, 161, 163, 184, 189, 205, 207, 210, 215, 223, 227, 230, 248, 251, 272, 287, 288, 326, 332, 333, 348, 360, 367, 370, 382, 386, 410, 413, 418, 440, and 496, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 202 and 321 be placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 261.

SUMMARY—Revises provisions governing ~~[interagency panels convened when]~~ **the conditions under which the access of** a school district employee operating a program of education for incarcerated persons ~~[is excluded from]~~ **at** a facility or institution operated by the Department of Corrections ~~[.]~~ **may be restricted.** (BDR 34-319)

AN ACT relating to ~~[education;]~~ **governmental administration;** revising provisions governing ~~[interagency panels convened when]~~ **the conditions under which the access of** a school district employee operating a program of education for incarcerated persons ~~[is excluded from]~~ **at** a facility or institution operated by the Department of Corrections ~~[.]~~ **may be restricted; revising provisions governing the interagency panel convened to conduct a hearing on the matter; requiring the Director of the Department to take proper measures to protect the health and safety of school district employees operating such a program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a statewide program of education for incarcerated persons. (NRS 388.575) Existing law also requires that if a manager or warden excludes from a facility or institution operated by the Department of Corrections a person employed by a school district to operate a program of education for incarcerated persons in the facility or institution, an interagency panel must be convened to conduct a hearing to determine whether to uphold the exclusion. (NRS 388.583) ~~[Instead of having the panel render a final decision, this bill requires the Director of the Department of Corrections to render a written decision affirming or disaffirming, in whole or in part, the determination of the~~

~~interagency panel within 10 business days after such a hearing is conducted and provides that the decision of the Director is not subject to appeal.]~~ **Section 1 of this bill removes the reference to a manager or warden excluding a school district employee from a facility or institution and instead authorizes the Director of the Department of Corrections, upon good cause shown, to restrict the access of such an employee to a facility or institution for not more than 30 days. During the 30-day period, the interagency panel must be convened to conduct a hearing and render a final decision on the matter. Section 1 also defines "good cause shown" to include the failure of a school district employee to adhere to rules or regulations of the Director pertaining to health and safety and to exclude disagreements over the courses of study for the program of education.**

Under existing law, the Director of the Department is required to take proper measures to protect the health and safety of the staff and offenders in the institutions. (NRS 209.131) Section 2 of this bill requires the Director to take proper measures to protect the health and safety of school district employees who operate a program of education for incarcerated persons in an institution or facility.

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

Section 1. NRS 388.583 is hereby amended to read as follows:

388.583 1. ~~[If a manager or warden excludes from the facility or institution]~~ ***The Director of the Department of Corrections may, upon good cause shown, restrict the access of*** a person employed by a school district to operate a program of education for incarcerated persons ~~[in the]~~ ***to a*** facility or institution ~~[,]~~ ***in which the program is operated for not more than 30 days. Within the 30-day period,*** an interagency panel must be convened ~~[.]~~ ***to conduct a hearing and render a final decision pursuant to subsection 2.***

2. The interagency panel must:

(a) Consist of:

~~(1)~~ The Director of the Department of Corrections or the Director's designee;

(2) The Superintendent of Public Instruction or the Superintendent's designee; and

(3) The immediate supervisor of the person employed by the school district.

(b) Conduct a hearing in compliance with all applicable provisions of chapter 233B of NRS.

3. ~~*[Upon conclusion of the hearing conducted pursuant to subsection 2, the Director shall render a written decision affirming or disaffirming, in whole or in part, the determination made by the interagency panel within*~~

~~*10 business days after the hearing.]*~~ The decision of the interagency panel ~~*[Director]*~~ is a final decision in a contested case. ~~*[and is not subject to appeal.]*~~

4. For purposes of subsection 1, "good cause shown":

(a) May include the failure of a person employed by a school district to adhere to rules or regulations established by the Director of the Department of Corrections to protect the health and safety of staff of the facility or institution, offenders in the facility or institution and employees of the school district who operate a program of education for incarcerated persons in a facility or institution.

(b) May not include disagreements over the content of the courses of study for such a program of education.

Sec. 2. **NRS 209.131 is hereby amended to read as follows:**

209.131 The Director shall:

1. Administer the Department under the direction of the Board.

2. Supervise the administration of all institutions and facilities of the Department.

3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.

4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.

5. Ensure that any person employed by the Department whose primary responsibilities are:

(a) The supervision, custody, security, discipline, safety and transportation of an offender;

(b) The security and safety of the staff; and

(c) The security and safety of an institution or facility of the Department,

➥ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.

6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.

7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.

8. ***Take proper measures to protect the health and safety of persons employed by a school district to operate a program of education for incarcerated persons in an institution or facility pursuant to NRS 388.573 to 388.583, inclusive.***

9. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.

~~[9.]~~ ***10.*** Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 454.

AN ACT relating to the taxation of property; reducing the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of the property; **making an appropriation for a study;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under current law, the taxable value of an improvement made on real property must be determined by subtracting from the cost of replacement of the improvement all applicable depreciation and obsolescence. That depreciation is required to be calculated at the rate of 1.5 percent of the cost of replacement of the improvement for each year that the improvement has aged, up to a maximum of 50 years. (NRS 361.227) The application of this formula for the entire 50-year period results in a maximum rate of depreciation of 75 percent of the cost of replacement.

~~[This]~~ **Section 1 of this** bill reduces the future rate of depreciation for an improvement made on real property to 1 percent of the cost of replacement of the improvement for each year that the improvement ages after 2012. ~~[This bill]~~ **Section 1** does not affect the maximum rate of depreciation allowed under current law. The change in the rate of depreciation pursuant to ~~[this bill]~~ **section 1** does not affect the determination of the taxable value of any improvements for the purposes of any property taxes imposed before July 1, 2014.

Section 1.5 of this bill makes an appropriation for the purpose of conducting a study of the effect of reducing the depreciation rate applicable to improvements made to real property for property tax purposes.

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

Section 1. NRS 361.227 is hereby amended to read as follows:

361.227 1. Any person determining the taxable value of real property shall appraise:

(a) The full cash value of:

(1) Vacant land by considering the uses to which it may lawfully be put, any legal or physical restrictions upon those uses, the character of the terrain, and the uses of other land in the vicinity.

(2) Improved land consistently with the use to which the improvements are being put.

(b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at ***:***

(1) The rate of 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement ~~[.]~~ ***that ends on or before December 31, 2012; and***

(2) The rate of 1 percent of the cost of replacement for each year of adjusted actual age of the improvement that ends on or after January 1, 2013,

➥ up to a maximum ***rate of depreciation*** of ~~[50 years.]~~ ***75 percent of the cost of replacement of the improvement.***

2. The unit of appraisal must be a single parcel unless:

(a) The location of the improvements causes two or more parcels to function as a single parcel;

(b) The parcel is one of a group of contiguous parcels which qualifies for valuation as a subdivision pursuant to the regulations of the Nevada Tax Commission; or

(c) In the professional judgment of the person determining the taxable value, the parcel is one of a group of parcels which should be valued as a collective unit.

3. The taxable value of a leasehold interest, possessory interest, beneficial interest or beneficial use for the purpose of NRS 361.157 or 361.159 must be determined in the same manner as the taxable value of the property would otherwise be determined if the lessee or user of the property was the owner of the property and it was not exempt from taxation, except that the taxable value so determined must be reduced by a percentage of the taxable value that is equal to the:

(a) Percentage of the property that is not actually leased by the lessee or used by the user during the fiscal year; and

(b) Percentage of time that the property is not actually leased by the lessee or used by the user during the fiscal year, which must be determined in accordance with NRS 361.2275.

4. The taxable value of other taxable personal property, except a mobile or manufactured home, must be determined by subtracting from the cost of replacement of the property all applicable depreciation and obsolescence. Depreciation of a billboard must be calculated at 1.5 percent of the cost of replacement for each year after the year of acquisition of the billboard, up to a maximum of 50 years.

5. The computed taxable value of any property must not exceed its full cash value. Each person determining the taxable value of property shall reduce it if necessary to comply with this requirement. A person determining whether taxable value exceeds that full cash value or whether obsolescence is a factor in valuation may consider:

(a) Comparative sales, based on prices actually paid in market transactions.

(b) A summation of the estimated full cash value of the land and contributory value of the improvements.

(c) Capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow.

➥ A county assessor is required to make the reduction prescribed in this subsection if the owner calls to his or her attention the facts warranting it, if the county assessor discovers those facts during physical reappraisal of the property or if the county assessor is otherwise aware of those facts.

6. The Nevada Tax Commission shall, by regulation, establish:

(a) Standards for determining the cost of replacement of improvements of various kinds.

(b) Standards for determining the cost of replacement of personal property of various kinds. The standards must include a separate index of factors for application to the acquisition cost of a billboard to determine its replacement cost.

(c) Schedules of depreciation for personal property based on its estimated life.

(d) Criteria for the valuation of two or more parcels as a subdivision.

7. In determining, for the purpose of computing taxable value, the cost of replacement of:

(a) Any personal property, the cost of all improvements of the personal property, including any additions to or renovations of the personal property, but excluding routine maintenance and repairs, must be added to the cost of acquisition of the personal property.

(b) An improvement made on land, a county assessor may use any final representations of the improvement prepared by the architect or builder of the

improvement, including, without limitation, any final building plans, drawings, sketches and surveys, and any specifications included in such representations, as a basis for establishing any relevant measurements of size or quantity.

8. The county assessor shall, upon the request of the owner, furnish within 15 days to the owner a copy of the most recent appraisal of the property, including, without limitation, copies of any sales data, materials presented on appeal to the county board of equalization or State Board of Equalization and other materials used to determine or defend the taxable value of the property.

9. The provisions of this section do not apply to property which is assessed pursuant to NRS 361.320.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of contracting with a consultant to conduct a study of the effect of reducing the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of property.**

2. Any remaining balance of the appropriation made by subsection 1 of this act must not be committed for expenditure after June 30, 2015, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to or affect the determination pursuant to NRS 361.227 of the taxable value of any property for any fiscal year beginning before July 1, 2014.

Sec. 3. ~~[This act becomes effective:]~~

1. **This section and sections 1.5 and 2 of this act become effective upon passage and approval.**

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and determining the taxable value of real property for the fiscal year beginning on July 1, 2014; and

~~[2.]~~ **(b)** On July 1, 2014, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 505.

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 ~~[, 4 and 5]~~ **to 5, inclusive,** of this act.

Sec. 3. ***"General election" includes:***

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

2. A general city election, as defined in NRS 293.059.

Sec. 4. ***"Primary election" includes:***

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

2. A primary city election, as defined in NRS 293.079.

Sec. 4.5. 1. For the purposes of this chapter, an expenditure is coordinated with a candidate or group of candidates if the expenditure is made, without limitation:

(a) With the cooperation of or in consultation with the candidate or group of candidates for whose benefit the expenditure is made;

(b) Pursuant to any formal, informal, oral or written contract or arrangement with a candidate or group of candidates;

(c) With the involvement of a candidate or group of candidates in any decision regarding, for any communication paid for by the expenditure:

(1) The content, intended audience, timing, frequency, size or prominence of the communication;

(2) The means or mode of making the communication; or

(3) The specific media outlet used to make the communication; or

(d) By a person to whom is conveyed, during a discussion with a candidate or group of candidates, information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates

which is material to the creation, production or distribution of any communication paid for by the expenditure.

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

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

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

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

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

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

(c) An agent of a candidate or group of candidates.

Sec. 5. ***If a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:***

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

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or

294A.362 is due on or before the 15th day of the second month after the primary election.

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

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

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

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

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

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

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

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, ~~[~~primary city election,~~]~~ general election, ~~[~~general city election,~~]~~ special election or question on the ballot.

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

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

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

(c) An individual natural person.

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

(e) A labor union.

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

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

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

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

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

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ ***a*** candidate or group who makes an expenditure ~~[on behalf of]~~ ~~*[:*~~

~~*(I) For* the~~ ***for or against a*** candidate or group which is not solicited ~~[or]~~ ***by,*** approved by ***or coordinated with*** ~~[the]~~ ***a*** candidate or group; ~~*[or*~~

~~*(II) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group;]*~~ or

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

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

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

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

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

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

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

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

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

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

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

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

(a) Each ~~[~~campaign~~]~~ contribution in excess of $100 received during the period;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~5. Every~~**]**

4. Except as otherwise provided in subsection 5 and section 5 of this act, every candidate for **[**~~state, district, county, municipal or township~~**]** office

at a special election to determine whether a public officer will be recalled shall ~~[list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

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

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

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

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

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

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

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

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

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

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

to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 **,** ~~[or 294A.360,]~~ report:

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

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

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

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

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

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

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

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

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

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

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

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

(a) Every person who is not under the direction or control of a candidate for office **,** ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ ***a*** candidate or group ***and*** who makes an expenditure ~~[on behalf of the]~~ ~~*[:*~~

~~*(1) For the]*~~ ***for or against a*** candidate or group which is not solicited ~~[or]~~ ***by,*** approved by ***or coordinated with*** ~~[the]~~ ***a*** candidate or group ~~[,]~~ ~~*; [or*~~

~~*(2) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group;]*~~ and ~~[every]~~

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

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

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

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

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

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

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

➥ report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which

cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

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

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

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

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

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

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

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

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

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

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

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

~~6. Every~~]

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

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

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

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

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

~~(b)~~]

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

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

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

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

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

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

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

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

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of

this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which

~~cumulatively exceed $1,000. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

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

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

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

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

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

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

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

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

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

~~7.~~**]** ***4. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the***

committee for political action advocates the passage or defeat of is removed from the ballot by a court order.

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

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

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

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

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

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

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

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

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

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

(2) A political party; or

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

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

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

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

(a) Return the unspent money to contributors;

(b) Contribute the money to:

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

(2) A political party; or

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

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

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

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

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

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

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

~~[~~(c)~~]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection ~~[~~3.~~]~~ ***4.***

7. ***A public officer who:***

(a) Resigns from his or her office;

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

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

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

8. A public officer who:

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

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

~~[~~(c)~~]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,

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

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

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

~~10.]~~ ***4.***

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

~~[~~11.~~]~~ ***12.*** As used in this section, "contributions" include any interest and other income earned thereon.

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

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

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

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

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

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are $100 or less **.** ~~[,~~

~~➥ on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~

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

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

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

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

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

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

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

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

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

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for~~

~~which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

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

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

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

~~6. Every~~**]**

5. Except as otherwise provided in subsection 6 and section 5 of this act, every candidate for **[**~~state, district, county, municipal or township~~**]** office at a special election to determine whether a public officer will be recalled shall **[**~~report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State~~

~~pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

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

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

(b) ~~If~~ ***Thirty days after*** the special election ~~is not held because~~ ***, for the remaining period through the date of the special election,***

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

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

~~➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~ ***order, report each of the campaign expenses described in subsection 1 during the period.***

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

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

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

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

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

(a) Every person who is not under the direction or control of a candidate for ~~an~~ office **,** ~~at a primary election, primary city election, general election or general city election,~~ of a group of such candidates or of any person involved in the campaign of ~~that~~ ***a*** candidate or group ***and*** who makes an expenditure ~~on behalf of the~~ ~~:~~

~~*(1) For the*~~ ***for or against a*** candidate or group which is not solicited ~~[or]~~ ***by,*** approved by ***or coordinated with*** ~~[the]~~ ***a*** candidate or group ~~[, and every]~~ ***;*** ~~*[or*~~

~~*(2) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group;] and*~~

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

2. Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates]~~ in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and expenditures made during the period to one recipient which cumulatively exceed $100.*** The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

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

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

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

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

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

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

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

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

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

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

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

~~➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State~~

~~pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~

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

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

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

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

5. ~~[Every]~~ ***Except as otherwise provided in subsection 6 and section 5 of this act, every*** person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ ***for or against*** a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ ***for or against*** a group of such candidates shall ~~[list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

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

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

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

➥ report each expenditure in excess of $100 made during the period and expenditures made during the period to one recipient which cumulatively exceed $100.

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

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

~~6.]~~ ***order, report each expenditure in excess of $100 made during the period and expenditures made during the period to one recipient which cumulatively exceed $100.***

7. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[7.]~~ ***8.*** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** If an expenditure is made ~~[on behalf of]~~ ***for or against*** a group of candidates, the reports must be itemized by the candidate.

~~[9.]~~ ***10.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

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

Sec. 20. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a

primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of]~~ ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.*** The provisions of this subsection apply to the committee for political action:

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

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

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

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

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

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

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

➥ report each expenditure made during the period ~~[on behalf of]~~ ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

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

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

~~➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed~~

~~by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every~~**]** ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.***

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

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each expenditure made during the period **[**~~on behalf of~~**]** ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 **[**~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~**]** ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.***

~~[6.]~~ ***4.*** Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[7.]~~ ***5. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.***

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

~~[8.]~~ ***7.*** If an expenditure is made ~~[on behalf of]~~ ***for or against*** a group of questions, the reports must be itemized by question or petition.

~~[9.]~~ ***8.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 21. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary ~~[,]~~ ***election,*** general ***election*** or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 22. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 3 and 4,*** each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015,*** through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the ***special*** election, for the remaining period through ***the date of*** the ***special*** election,

➥ report each contribution received or made by the committee ***for the recall of a public officer during the period*** in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

2. If a petition for the ~~[purpose of recalling]~~ ***recall of*** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~[,]~~ ***for the recall of a public officer,*** and each contribution made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

3. If a ***district*** court ~~[does not order a special election]~~ ***determines that the petition*** for the recall of the public officer ~~[,]~~ ***is legally insufficient pursuant to subsection 6 of NRS 306.040,*** the committee for the recall of a public officer shall, not later than 30 days after the ***district*** court ~~[determines that an election will not be held,]~~ ***orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the day ***of*** the ~~[court determines that an election will not be held,]~~ ***district court's order,*** report each contribution received ***or made*** by the committee ~~[, and each contribution made by the committee]~~ ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

4. ***If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:***

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ ***report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~[5.]~~ ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[6.]~~ ***7.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

8. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 23. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 3 and 4,*** each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the ***special*** election, for the remaining period through ***the date of*** the ***special*** election,

➥ report each expenditure made by the committee ***for the recall of a public officer during the period*** in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

2. If a petition for the ~~[purpose of recalling]~~ ***recall of*** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of

the notice of intent, report each expenditure made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

3. If a ***district*** court ~~[does not order a special election]~~ ***determines that a petition*** for the recall of the public officer ~~[,]~~ ***is legally insufficient pursuant to subsection 6 of NRS 306.040,*** the committee for the recall of a public officer shall, not later than 30 days after the ***district*** court ~~[determines that an election will not be held,]~~ ***orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the day ***of*** the ~~[court determines that an election will not be held,]~~ ***district court's order,*** report each expenditure made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

4. ***If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:***

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~[5.]~~ ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

8. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 24. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 **,** ~~[or 294A.360,]~~ report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 **.** ~~[or 294A.360.]~~

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

(b) Donate the money to any tax-exempt nonprofit entity.

Sec. 25. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not solicited ~~[or]~~ ***by,*** approved by ***or coordinated with*** the candidate or group;

(e) A political party or committee sponsored by a political party that makes an expenditure ~~[on behalf of]~~ ***for or against*** a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 26. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ***;*** ~~[or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, ***political*** party or committee for political action,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, ***political*** party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ***;*** ~~[or primary city election;]~~ and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 27. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. ~~[Every]~~ ***Except as otherwise provided in subsection 2, every*** candidate for ~~[state, district, county, municipal or township]~~ office shall file the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, ***294A.125,*** 294A.128, 294A.200 and ~~[294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286, even though the candidate:

(a) Withdraws his or her candidacy ~~[;]~~ ***pursuant to NRS 293.202 or 293C.195;***

(b) ***Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;***

(c) Receives no ~~[~~campaign~~]~~ contributions;

~~[~~(c)~~]~~ ***(d)*** Has no campaign expenses;

~~[~~(d)~~]~~ ***(e) Is not opposed in the election by another candidate;***

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

~~[~~(e)~~]~~ ***(h)*** Is the subject of a petition to recall and the special election is not held.

2. ~~[~~A~~]~~ ***Except as otherwise provided in subsection 3, a*** candidate ~~[~~who withdraws his or her candidacy pursuant to NRS 293.202 may file~~]~~ ***described in paragraph (a), (b), (f) or (g) of subsection 1 [is not required to file the reports otherwise required by NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.286 that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, and closes the separate account established pursuant to NRS 294A.130, and thereafter:***

[(a) Files] ***may*** simultaneously ***file*** all the reports ~~[~~of campaign contributions and expenses~~]~~ required by NRS 294A.120, ***294A.125,*** 294A.128, 294A.200 and ~~[~~294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS~~]~~ 294A.286 ~~[~~, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, ***294A.125 or*** 294A.200~~]~~ ~~[~~or 294A.360.~~]~~ ***[; and***

[(b) Gives] ***that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this [subparagraph] subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

3. This section does not exempt a person whose name appears on the ballot and who is elected to office from any reporting requirement of this chapter.

Sec. 28. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***and*** 294A.200 ***,*** ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***or*** 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such ~~[campaign]~~ contribution in excess of $100 received during the reporting period;

(b) Each such ~~[campaign]~~ contribution from a contributor received during the reporting period which cumulatively exceeds $100;

(c) Each such ***campaign*** expense in excess of $100 incurred during the reporting period;

(d) The total of all such ~~[campaign]~~ contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such ***campaign*** expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State ~~[and each city clerk]~~ shall not require a candidate to list the ~~[campaign]~~ contributions and ***campaign*** expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***or*** 294A.200 ***.*** ~~[or 294A.360.]~~

Sec. 29. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report ~~[of expenditures]~~ required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each ***campaign*** expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the ***campaign*** expense or expenditure and the date on which the ***campaign*** expense was incurred or the expenditure was made.

2. The categories of ***campaign*** expense or expenditure for use on the report of ***campaign*** expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and

(l) Other miscellaneous expenses.

3. Each report of ***campaign*** expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~[campaign]~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 4 of NRS 294A.286 ~~[.]~~ ***, as applicable.***

Sec. 30. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

(a) Advertising ~~[on behalf of]~~ ***for or against*** any candidate or ***a*** group of ***such*** candidates;

(b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

➥ shall, during the period beginning at least 10 days before each primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 31. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ ***this chapter.***

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee ~~[or]~~ ***and*** political party that is required to file a report ~~[described in subsection 1:]~~ ***pursuant to this chapter:***

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 32. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report ***;*** ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report ***.*** ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~[described in subsection 1 of NRS 294A.373.]~~ ***pursuant to this chapter.***

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 33. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee or political party that is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** is not required to file the report electronically if the person, committee or political party:

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee or political party does not own or have the ability to access the technology necessary to file electronically the report ***;*** ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The person, committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report ***.*** ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~[described in subsection 1 of NRS 294A.373]~~ is required to be filed ***pursuant to this chapter*** by the person, committee or political party.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee or political party was required to file any report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** in the previous year.

3. A person, committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 34. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~[,]~~ ***or*** 294A.280 ~~[or 294A.360]~~ relating to the making, accepting or reporting of ~~[campaign]~~ contributions, ***campaign*** expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 35. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286 ~~[, 294A.360]~~ and 294A.362, prepare and make available for public inspection a compilation of:

1. The total ~~[campaign]~~ contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and ***campaign*** expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the

total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person ~~[on behalf of]~~ ***for or against*** a candidate other than the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ ***a*** candidate or group who makes an expenditure ~~[on behalf of]~~ ~~*[:*~~

~~*(1) For* the]~~ ***for or against a*** candidate or group which is not solicited ~~[or]~~ ***by,*** approved by ***or coordinated with*** ~~[the]~~ ***a*** candidate or group ***.*** ~~*[; or*~~

~~*(2) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group.]*~~

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~[on behalf of]~~ ***for or against*** a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 36. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election ~~[, general city election]~~ or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

(a) Any person alleged in the notice to have committed the violation; or

(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 37. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a ***candidate,*** person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~[,]~~ ***or*** 294A.286 ~~[or~~

~~294A.360]~~ has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that ***candidate,*** person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ***candidate,*** person, committee or entity that violates an applicable provision of this chapter is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a ***candidate,*** person, committee or entity has reported its contributions, ***campaign*** expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 38. NRS 294A.360 is hereby repealed.

Sec. 39. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 455.

AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property purchased by a new or expanded business; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210) **Section 2** of this bill repeals those qualifications that apply solely to a business that furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product. **Sections 3, 4, 8 and 9** of this bill make various changes to those qualifications, including changes in the number of employees required and a requirement that any employees or capital investments used to qualify for the abatement must be retained at the location of the business for the first 5 years. **Section 5** of this bill, which expires by limitation on June 30, 2017, temporarily extends the maximum duration and amount of the property tax abatement available to a business that is or will be located in a foreign trade zone in this State.

Existing law authorizes the Office of Economic Development to grant to a new or expanded business in this State a deferment of the payment of sales and use taxes due on purchases of capital goods for a sales price of $100,000 or more. (NRS 372.397, 374.402) **Sections 6 and 7** of this bill make various changes to the qualifications for such a deferment, including ~~[the addition of a description of the eligible property,]~~ an increase in the required sales price to $1 million and a requirement to retain the property at the location of the business in this State for the 5-year duration of the deferment, and require the taxpayer to begin making partial payments of the deferred taxes within 1 year after the deferment is granted.

Existing law authorizes the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant a partial abatement of property taxes and local sales and use taxes to certain renewable energy facilities that locate in this State and meet certain qualifications for the abatement. (NRS 701A.300-701A.390) **Section 10** of this bill revises those qualifications to require that the capital investments used to qualify for the abatement must be retained at the location of the facility for the first 5 years.

Section 13 of this bill causes the tax abatements authorized pursuant to the amendatory provisions of this bill to cease to be effective on July 1, 2032.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of ~~[capital goods]~~ ***eligible property*** pursuant to NRS 372.397 or 374.402; or

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 2. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4,]~~ ***becomes effective,*** continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city

whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

~~[(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8.]~~

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), ~~[(e), (f) or (g)]~~ ***(e) or (f)*** of subsection 2;

(2) Make the requirements set forth in paragraph (d), ~~[(e), (f) or (g)]~~ ***(e) or (f)*** of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph ~~[(d), (e) or (g)]~~ ***(d) or (e)*** of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which ~~[a certificate of eligibility for the abatement is issued pursuant to subsection 4,]~~ ***the abatement becomes effective,*** continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have ~~[75]~~ ***50*** or more full-time employees on the payroll of the business by the fourth ***calendar*** quarter ~~[that it is in operation.]~~ ***following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) Establishing the business will require the business to make ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** a capital investment of at least $1,000,000 in this State ~~[.]~~ ***in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have ~~[15]~~ ***10*** or more full-time employees on the payroll of the business by the fourth ***calendar*** quarter ~~[that it is in operation.]~~ ***following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) Establishing the business will require the business to make ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** a capital investment of at least $250,000 in this State ~~[.]~~ ***in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) ~~[The]~~ ***For a business in:***

(I) A county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000 or a city whose population is less than 60,000, the business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** increase the number of employees on its payroll ***in that county or city*** by 10 percent more than it employed in the ~~[immediately preceding]~~ fiscal year ***immediately preceding the fiscal year in which the abatement***

becomes effective or by six employees, whichever is greater ~~[.]~~ ***, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) The business will expand by making a capital investment in this State ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the ~~[immediately preceding]~~ fiscal year ~~[.]~~ ***immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.*** The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e) or (f) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e) or (f) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3.5. **NRS 360.757 is hereby amended to read as follows:**

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330 or 360.750 or any other specific statute unless the Office:

(a) Takes that action at a public ~~[hearing]~~ ***meeting*** conducted for that purpose; and

(b) At least 30 days before the ~~[hearing,]~~ ***meeting,*** provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the ~~[hearing]~~ ***meeting*** at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 4. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** make a capital investment in the county ***or city*** of ~~[at]~~ ***:***

(I) At least $50,000,000 if the business is an industrial or manufacturing business ***;*** or ~~[at]~~

(II) At least $5,000,000 if the business is not an industrial or manufacturing business ~~[;]~~ ***,***

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** make a capital investment in the county ***or city*** of ~~[at]~~ ***:***

(I) At least $5,000,000 if the business is an industrial or manufacturing business ***;*** or ~~[at]~~

(II) At least $500,000 if the business is not an industrial or manufacturing business ~~[;]~~ ***,***

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is ***or will be*** located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 5. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

(I) At least ~~[$50,000,000]~~ ***$5,000,000*** if the business is an industrial or manufacturing business; or

(II) At least ~~[$5,000,000]~~ ***$1,000,000*** if the business is not an industrial or manufacturing business,

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

(I) At least ~~[$5,000,000]~~ ***$1,000,000*** if the business is an industrial or manufacturing business; or

(II) At least ~~[$500,000]~~ ***$250,000*** if the business is not an industrial or manufacturing business,

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in ***subsection 4 and*** NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is or will be located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

4. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750 for a business which is or will be located in a foreign trade zone in this State, the partial abatement must:

(a) Be for a duration of at least 1 year but not more than 15 years; and

(b) Not exceed ~~[85]~~ 60 percent of the taxes on personal property payable by a business each year pursuant to this chapter.

5. As used in this section, "foreign trade zone" means a foreign trade zone established, operated and maintained in accordance with chapter 237A of NRS and any applicable federal laws.

Sec. 6. NRS 372.397 is hereby amended to read as follows:

372.397 1. ~~[Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:~~

~~(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.~~

~~(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.~~

~~(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.~~

~~(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.~~

~~(e) One million dollars or more, the tax must be paid within 60 months.~~

~~➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.~~

~~2.~~ A person may apply to the Office of Economic Development for ~~[~~such~~]~~ a deferment ~~[.]~~ ***of the payment of the tax on the sale of eligible property for a sales price of $1,000,000 or more for use by the person in a business in this State.*** If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

~~[3.]~~ ***2.*** The Office of Economic Development shall certify the person's eligibility for a deferment ***pursuant to this section*** if:

(a) ***The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to chapter 374 of NRS;***

(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and

~~[(b)]~~ ***(c)*** The Office determines that ~~[the]~~ ***:***

(1) The deferment is a significant factor in the decision of the person to locate or expand a business in this State ~~[.]~~ ***; and***

(2) The eligible property will be retained at the location of the person's business in this State until at least the date which is 5 years after the date on which the Office certifies the person's eligibility for the deferment.

➥ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.

~~[4.]~~ ***3.*** Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid ***,*** ~~[and]~~ the date of the sale and ~~[assign]~~ the

applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

~~[5.]~~ ***4. If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:***

(a) Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60-month period beginning on the date the Office makes that certification; and

(b) Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace ~~[~~capital equipment;~~]~~ ***eligible property;*** and

(b) The period within which such purchases may be aggregated.

6. As used in this section, ~~[unless the context otherwise requires,]~~ "eligible property" ~~[means]~~ does not include any of the following capital assets : ~~[for which a deduction is authorized pursuant to 26 U.S.C. § 179.]~~

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 7. NRS 374.402 is hereby amended to read as follows:

374.402 1. ~~[~~Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:

(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.

(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.

(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.

(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.

(e) One million dollars or more, the tax must be paid within 60 months.

➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.

2.~~]~~ A person may apply to the Office of Economic Development for ~~[~~such~~]~~ a deferment ~~[.]~~ ***of the payment of the tax on the sale of eligible property for a sales price of $1,000,000 or more for use by the person in a***

business in this State. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

~~[3.]~~ ***2.*** The Office of Economic Development shall certify the person's eligibility for a deferment ***pursuant to this section*** if:

(a) ***The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to this chapter;***

(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and

~~[(b)]~~ ***(c)*** The Office determines that ~~[the]~~ ***:***

(1) The deferment is a significant factor in the decision of the person to locate or expand a business in this State ~~[.]~~ ***; and***

(2) The eligible property will be retained at the location of the person's business in this State until at least the date which is 5 years after the date on which the Office certifies the person's eligibility for the deferment.

➥ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.

~~[4.]~~ ***3.*** Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid ***,*** ~~[and]~~ the date of the sale and ~~[assign]~~ the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

~~[5.]~~ ***4. If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:***

(a) Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60-month period beginning on the date the Office makes that certification; and

(b) Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace ~~[capital equipment;]~~ ***eligible property;*** and

(b) The period within which such purchases may be aggregated.

6. As used in this section, ~~[unless the context otherwise requires,]~~ "eligible property" ~~[means]~~ does not include any of the following capital assets : ~~[for which a deduction is authorized pursuant to 26 U.S.C. § 179:]~~

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 8. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4.]~~ ***becomes effective:***

(1) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital ~~[.]~~ ***assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4.]~~ becomes effective.***

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of

NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4:]~~ ***becomes effective:***

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment ~~[.]~~ ***that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4.]~~ becomes effective.***

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9.5. **NRS 274.330 is hereby amended to read as follows:**

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4:]~~ ***becomes effective:***

(1) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the

Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

8. As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 10. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to NRS 701A.370,]~~ ***becomes effective,*** continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State ~~[;]~~ ***in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which*** ~~***[a certificate of eligibility for]***~~ ***the abatement*** ~~***[is issued pursuant to NRS 701A.370;]***~~ ***becomes effective;***

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State ~~[;]~~ ***in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which*** ~~***[a certificate of eligibility for]***~~ ***the abatement*** ~~***[is issued pursuant to NRS 701A.370;]***~~ ***becomes effective;***

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the

generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 11. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 12. 1. The amendatory provisions of sections 1 to 10, inclusive, of this act do not apply to or otherwise affect any abatement of taxes or deferment of the payment of taxes approved by the Office of Economic Development or the Director of the Office of Energy before July 1, 2013.

2. The expiration of section 5 of this act by limitation pursuant to section 15 of this act does not affect any abatement of taxes approved by the Office of Economic Development before July 1, 2017.

Sec. 13. Notwithstanding the provisions of NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210 and 701A.300 to 701A.390, inclusive, a person is not, after June 30, 2032, entitled to any

abatement of taxes approved by the Office of Economic Development or the Director of the Office of Energy pursuant to those provisions on or after July 1, 2013, and before July 1, 2032.

Sec. 14. The provisions of NRS 218D.355 do not apply to this act.

Sec. 15. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2013, for all other purposes.

2. Section 5 of this act expires by limitation on June 30, 2017.

3. Sections 3, 4, 8, 9 and 10 of this act expire by limitation on June 30, 2032.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 504.

AN ACT relating to elections; providing that a person who is not a qualified elector and who votes or attempts to vote knowing that fact, or a person who votes or attempts to vote using the name of another person, is guilty of a category ~~[B]~~ **D** felony; revising certain nomination procedures; requiring county clerks to certify certain lists of candidates and nominees to the Secretary of State; extending the period in which a person may register to vote by computer; making various other changes relating to the administration and conduct of an election; expanding the definition of "campaign expenses"; amending reporting requirements relating to special elections; requiring persons and entities which make expenditures against candidates to report contributions and expenditures; ~~[requiring nonprofit corporations to report certain contributions and campaign expenditures;]~~ eliminating a requirement that the Secretary of State obtain certain advice and consent of the Legislative Commission; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a person is guilty of a category ~~[B]~~ **D** felony if the person: (1) is not a qualified elector and votes or attempts to

vote knowing that fact; or (2) votes or attempts to vote using the name of another person.

Section 2 of this bill provides that if a vacancy occurs in a ~~[nonpartisan]~~ nomination **for a nonpartisan office** during a certain period, ~~[the vacancy in nomination will be filled pursuant to procedures established by rule of the Secretary of State.]~~ **a person may become a candidate for the nonpartisan office by filing a declaration or acceptance of candidacy during a certain period.**

Sections 3 and 55 of this bill change, from the first Tuesday in September to the last Tuesday in August before a general election, the deadline by which a minor political party that wishes to place candidates for President and Vice President on the ballot must file a certificate of nomination with the Secretary of State.

Section 4 of this bill provides that provisions relating to the nomination of candidates apply to a special election to fill a vacancy, subject to certain exceptions.

Sections 5 and 6 of this bill require county clerks to certify to the Secretary of State lists of candidates who have filed candidacy papers with the county clerks and of candidates who are nominated for office at primary elections.

Section 7 of this bill clarifies that an independent candidate for partisan office must file a copy of his or her petition of candidacy before the petition may be circulated for signatures.

Section 8 of this bill changes the date by which permanent regulations of the Secretary of State must be effective in order to govern an election from the December 31 immediately preceding the election to the last business day of February immediately preceding the election.

Section 9 of this bill provides that certain persons who register to vote by mail or computer must provide, under certain circumstances, certain proof of residency before voting.

Under existing law, for the period beginning on the fifth Sunday preceding a primary or general election and ending on the third Tuesday preceding the primary or general election, a person may only register to vote in person. (NRS 293.560) **Section 12** of this bill allows a person to register to vote by computer during that period.

Section 14 of this bill defines a "committee sponsored by a political party" for purposes of provisions relating to campaign practices.

Sections 15, 17, 20, 22-41, 43-49, 51, 53, 54 and 56 of this bill clarify reporting requirements related to campaign finance.

Existing law requires a person who is not under the direction or control of a candidate or candidate group or of a person involved in the campaign of the candidate or candidate group and who makes an expenditure on behalf of the

candidate or candidate group to report to the Secretary of State all contributions to and expenditures made by the person ~~[.]~~ **in excess of $100.** (NRS 294A.140, 294A.210) **Sections 30 and 34** of this bill clarify that such a person is making an independent expenditure. **Sections 30 and 34 also raise the threshold for expenditures and contributions that must be reported from $100 to $1,000. Section 16** of this bill defines the term "independent expenditure."

Sections 21 and 45 of this bill provide that fees for filing declarations or acceptances of candidacy, repayments or forgiveness of loans ~~[guaranteed by third parties]~~ and the disposal of unspent contributions are considered, and must be reported by candidates as, campaign expenses.

Sections 18, 20, 22, 26, 30-38 and 41 of this bill provide that reporting requirements related to campaign finance are the same for a general election, a primary election and a special election that is held on the same day as a primary or general election.

~~[Existing law requires a nonprofit corporation to register with the Secretary of State before it engages in certain activities designed to affect the outcome of an election or a question on the ballot. (NRS 294A.225) Sections 30, 34, 42, 47, 49, 50 and 54 of this bill provide that those nonprofit corporations are subject to the same campaign finance reporting requirements as certain other persons, committees for political action, political parties and committees sponsored by political parties.]~~

Section 47 of this bill removes the requirement that the Secretary of State obtain the advice and consent of the Legislative Commission before making a copy of, or access to, the contribution, expenditure and campaign expense forms designed by the Secretary of State available to a candidate, person, committee, political party or nonprofit corporation.

Section 52 of this bill amends the required content and due date of the compilation prepared by the Secretary of State of contribution and campaign expense reports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is not a qualified elector and who votes or attempts to vote knowing that he or she is not a qualified elector is guilty of a category ~~[B]~~ D felony and shall be punished ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.]~~ as provided in NRS 193.130.

2. A person who votes or attempts to vote using the name of another person is guilty of a category ~~[B]~~ D felony and shall be punished ~~[by~~

~~*imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.]*~~ ***as provided in NRS 193.130.***

Sec. 2. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections ~~[4]~~ ***3*** and ~~[5.]~~ ***4.***

2. A vacancy occurring in a nonpartisan ***office or*** nomination ***for a nonpartisan office*** after the close of filing and ~~[on or]~~ before 5 p.m. of the ~~[~~second Tuesday in April must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in March and not later than the fourth Tuesday in April. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election, and the candidate's name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in April and on or before 5 p.m. on the~~]~~ fourth Friday in June of the year in which the general election is held must be filled by the person who receives ***or received*** the next highest vote for the nomination in the primary ~~[.]~~ ***election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election,*** ~~*[the vacancy occurring in the nonpartisan nomination must be filled pursuant to procedures established by rule of the Secretary of State. The provisions of NRS 233B.0395 to 233B.120, inclusive, do not apply to the establishment of procedures by rule pursuant to this subsection.*~~

~~4.~~ ***a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in June.***

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held. If ~~[a]~~ ***, after that time and date:***

(a) A nominee ***for a nonpartisan office*** dies ~~[after that time and date,]~~ ***; or***

(b) A vacancy in ~~[a]~~ ***the nomination is otherwise created,***

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

~~[5.]~~ ***4.*** All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 3. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the ~~[first]~~ ***last*** Tuesday in ~~[September.]~~ ***August.***

Sec. 4. NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the second Tuesday in June of each even-numbered year.

2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.

3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive ~~[, do not apply to:~~

~~(a) Special elections~~]***:***

(a) Apply to a special election to fill ~~[vacancies.]~~ ***a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred.***

(b) ~~[The]~~ ***Do not apply to the*** nomination of the officers of incorporated cities.

(c) ~~[The]~~ ***Do not apply to the*** nomination of district officers whose nomination is otherwise provided for by statute.

Sec. 5. NRS 293.187 is hereby amended to read as follows:

293.187 1. ***Not later than 5 working days after the last day on which any candidate may withdraw his or her candidacy pursuant to NRS 293.202:***

(a) The Secretary of State shall forward to each county clerk a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the Office of the Secretary of State, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents ~~[. The Secretary of State shall forward the certified list not later than 5 working days after the last day upon which any candidate on the list may withdraw his or her candidacy pursuant to NRS 293.202.]~~ ***; and***

(b) Each county clerk shall forward to the Secretary of State a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the office of the county clerk, and who

is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents.

2. There must be a party designation only for candidates for partisan offices.

Sec. 6. NRS 293.190 is hereby amended to read as follows:

293.190 ~~[Immediately following]~~ ***Not later than 15 days after*** the primary election at which candidates are nominated for any public office ~~[, the]~~ ***:***

1. The Secretary of State shall certify to each county clerk the name of each person nominated and the title of the office for which he or she is nominated for all candidates required to file declarations, certificates and acceptances of candidacies in the Office of the Secretary of State ~~[.]~~ ***; and***

2. Each county clerk shall certify to the Secretary of State the name of each person nominated and the title of the office for which he or she is nominated for all candidates required to file declarations, certificates and acceptances of candidacies in the office of the county clerk.

Sec. 7. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer ~~[:]~~ ***as set forth in NRS 293.185:***

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4. ***The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.***

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a

statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 8. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary,

general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election ~~[that]~~ ***and*** are effective on or before ~~[December 31 of the year]~~ ***the last business day of February*** immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

(p) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(q) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

(r) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 9. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail or computer to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➥ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of ~~[this section]~~ ***subsection 1*** do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates

the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) ~~[~~Registers~~]~~ ***Except as otherwise provided in subsection 3, registers*** to vote by mail ***or computer*** and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 10. NRS 293.368 is hereby amended to read as follows:

293.368 1. ~~[~~Whenever~~]~~ ***Except as otherwise provided in subsection 3 of NRS 293.165, if*** a candidate ~~[~~whose name appears upon~~]~~ ***on*** the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection ~~[2]~~ ***2*** of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed

vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 11. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports **[**~~on campaign contributions and expenditures~~**]** submitted to the Secretary of State pursuant to the provisions of ***chapter 294A of*** NRS**.** **[**~~294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.~~**]**

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 12. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close on the third Tuesday preceding any primary or general election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only ~~[by]~~ ***:***

(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035 ~~[.]~~ ***; or***

(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 12.5. **NRS 293C.115 is hereby amended to read as follows:**

293C.115 1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to ~~[5,]~~ ***4.*** inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.

3. If a governing body of a city adopts an ordinance pursuant to subsection 1:

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.

Sec. 13. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 18, inclusive, of this act.

Sec. 14. ***"Committee sponsored by a political party" means any committee, group or organization that is officially affiliated with a political party and:***

1. Makes or intends to make contributions to candidates or other persons; or

2. Makes or intends to make expenditures.

Sec. 15. ***"General election" includes:***

1. A general election, as defined in NRS 293.060; and

2. A general city election, as defined in NRS 293.059.

Sec. 16. ***"Independent expenditure" means an expenditure which is made by a person who is not under the direction or control of a candidate for office, of a group of such candidates or of any person involved in the campaign of ~~[that]~~ a candidate or group and which is made ~~[:~~***

~~*1. For the]*~~ ***for or against a candidate or group and is not solicited by, approved by or coordinated with ~~[the]~~ a candidate or group . ~~[; or~~***

~~*2. Against any other candidate or group and not solicited by, approved by or coordinated with the candidate or group.]*~~

Sec. 17. ***"Primary election" includes:***

1. A primary election, as defined in NRS 293.080; and

2. A primary city election, as defined in NRS 293.079.

Sec. 18. ***If a special election is held on the same day as a primary election or general election, any candidate, person, committee, political party or nonprofit corporation that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special***

election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:

1. A candidate, person, committee, political party or nonprofit corporation is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 that was due on or before the date on which the call for the special election was issued; and

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 is due on or before the 15th day of the second month after the primary election.

Sec. 19. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.009, inclusive, ***and sections 14 to 17, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 20. NRS 294A.0025 is hereby amended to read as follows:

294A.0025 "Advocates expressly" or "expressly advocates" means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, ~~[~~primary city election,~~]~~ general election ~~[~~, general city election~~]~~ or special election. A communication does not have to include the words "vote for," "vote against," "elect," "support" or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 21. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund; ~~[~~and~~]~~

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a

committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250 ~~[.]~~ ***;***

(k) Fees for filing declarations of candidacy or acceptances of candidacy; and

(l) Repayment or forgiveness of a loan . ~~*[which is guaranteed by a third party.]*~~

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.160.

Sec. 22. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, ~~[primary city election,]~~ general election, ~~[general city election,]~~ special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as ~~[campaign]~~ contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 23. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who ~~[is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who]~~ makes an ***independent*** expenditure ***;*** ~~[on behalf of the candidate or group which is not solicited or approved by the candidate or group;]~~ or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~[on behalf of]~~ ***for or against*** a candidate or group of candidates,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 24. NRS 294A.0075 is hereby amended to read as follows:

294A.0075 ~~*[1.]*~~ "Expenditures" means:

1. ~~[~~Those expenditures made~~]~~

~~*[(a)]*~~ ***Money paid*** for advertising ***or communication*** on television, radio, billboards ~~[,]~~ ***or*** posters ***,*** ~~[and]~~ in newspapers ~~[;]~~ ***or other periodicals or by mail;*** and

2. ~~*[(b)]*~~ All other ~~[expenditures made,]~~ ***money paid,***

➥ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

~~*[2. The term does not include payment of money for any communication:*~~

~~*(a) Appearing in a news story, commentary or editorial distributed through the facilities of any television or radio broadcasting station, unless the facilities are owned or controlled by a political party, committee for political action or candidate; or*~~

~~*(b) Made during a candidate debate or forum or promoting a candidate debate or forum.]*~~

Sec. 25. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election ***,*** ~~[or primary city election,]~~ regardless of the number of candidates for the office, and $5,000

for the general election **,** ~~[or general city election,]~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last ***general*** election for the office and ending 30 days before the regular session of the Legislature immediately following the next ***general*** election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days ~~[before]~~ ***after*** the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 26. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for ~~[state, district, county or township]~~ office at a primary ***election*** or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each ~~[campaign]~~ contribution in excess of $100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed $100; and

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for ~~[state, district, county or township]~~ office at a primary ***election*** or general election shall, ~~[if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,]~~ not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each ~~[campaign]~~ contribution described in subsection 1 received during the period. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~➥ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~4.~~ ***3.*** Except as otherwise provided in ~~[subsection]~~ ***subsections 4 and*** 5 ~~[,]~~ ***and section 18 of this act,*** every candidate for ~~[a district]~~ office at a special election shall, not later than:

(a) ~~[Seven]~~ ***Four*** days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through ~~[12]~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~[and]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each ~~[campaign]~~ contribution described in subsection 1 received during the period. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5. Every]~~

4. Except as otherwise provided in subsection 5 and section 18 of this act, every candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election,]~~ ***, not later than:***

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through the ***5 days before the beginning of early voting by personal appearance for the*** special election; ~~[or]~~

(b) ~~[A]~~ ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution described in subsection 1 received during the period.

5. If a district court determines that ~~[the]~~ ***a*** petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision.~~

~~➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~**]** ***order, report each contribution described in subsection 1 received during the period.***

6. Except as otherwise provided in NRS 294A.3733, reports of campaign contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 27. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 **[**~~,~~**]** ***and*** 294A.200 **,** **[**~~and 294A.360,~~**]** a candidate who receives contributions in any year before the year in which the general election **[**~~or general city election~~**]** in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; and

(2) The total of all contributions received and expenditures which are $100 or less.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election **[**~~or general city election~~**]** in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; and

(2) The total of all contributions received and expenditures which are $100 or less.

2. **[**~~The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~3.~~**]** The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution

in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

~~[4.]~~ ***3.*** Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

~~[5.]~~ ***4.*** A report shall be deemed to be filed on the date it was received by the Secretary of State.

Sec. 28. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ ***and*** 294A.200 ***,*** ~~[and 294A.360,]~~ a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 ***,*** ~~[or 294A.360,]~~ report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. ~~[The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~3.]~~ Except as otherwise provided in NRS 294A.3733, the reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 ***.*** ~~[or 294A.360.]~~

Sec. 29. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate ~~[for state, district, county, city or township office]~~ shall, not later than 1 week after receiving minimum ~~[campaign]~~ contributions of $100, open and maintain a separate account in a financial institution for the deposit of any ~~[campaign]~~ contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥ and as soon as all payments of money committed have been made.

Sec. 30. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. ***The provisions of this section apply to:***

(a) Every person who ~~[is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who]~~ makes an ***independent*** expenditure ~~[on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every]~~ ***in excess of $1,000 ; and***

(b) Every committee for political action, political party ~~*[,]*~~ and committee sponsored by a political party ~~*[and nonprofit corporation]*~~ which receives contributions in excess of ~~[$100]~~ ***$1,000*** or makes an expenditure ~~[on behalf of such]~~ ***for or against*** a candidate ***for office*** or ***a*** group of ***such*** candidates.

2. Every person, committee ~~*[,]*~~ ***and political party*** ~~*[and nonprofit corporation]*~~ ***described in subsection 1*** shall, not later than January 15 of each year that the provisions of this subsection apply ***,*** ~~[to the person, committee or political party,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of ~~[$100]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ***$1,000.*** The provisions of this subsection apply to the person, committee ~~*[,]*~~ or political party ~~*[or nonprofit corporation]*~~ beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ ***3.*** Every person, committee ~~*[,]*~~ ~~[or]~~ ***and*** political party ~~*[and nonprofit corporation]*~~ described in subsection 1 ~~[which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ ***shall,*** not later than:

(a) Twenty-one days before the primary election ~~[or primary city election]~~ for that office, for the period from the January 1 immediately preceding the primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election ~~[or primary city election]~~ for that office, for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election ~~[or general city election]~~ for that office, for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election ~~[or general city election]~~ for that office, for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election **,** ~~[or general city election,]~~

➥ report each ~~[campaign]~~ contribution in excess of ~~[$100]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.~~

~~4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

➥ ~~report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5.~~ ~~]~~ ***$1,000.***

4. Except as otherwise provided in ~~[~~~~subsection 6,~~~~]~~ ***subsections 5 and 6 and section 18 of this act,*** every person, committee ~~[,]~~ ~~[~~~~or~~~~]~~ ***and*** political party ~~[~~***~~and nonprofit corporation~~***~~]~~ described in subsection 1 which makes an ***independent expenditure or other*** expenditure ~~[~~~~on behalf of~~~~]~~ ***, as applicable, for or against*** a candidate for office at a special election or ~~[~~~~on behalf of~~~~]~~ ***for or against*** a group of such candidates shall, not later than:

(a) ~~[~~~~Seven~~~~]~~ ***Four*** days before the beginning of early voting by personal appearance for the special ~~[~~~~election for the office for which the candidate or a candidate in the group of candidates seeks~~~~]~~ election, for the period from the nomination of the candidate through ~~[~~~~12~~~~]~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~[~~~~and~~~~]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each ~~[~~~~campaign~~~~]~~ contribution in excess of ~~[~~~~$100~~~~]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[~~~~$100.~~~~]~~ ~~[~~~~The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Every~~ ~~]~~ ***$1,000.***

5. Except as otherwise provided in subsection 6 and section 18 of this act, every person, committee ~~[,]~~ ~~[~~~~or~~~~]~~ ***and*** political party ~~[~~***~~and nonprofit corporation~~***~~]~~ described in subsection 1 which makes an ***independent expenditure or other*** expenditure ~~[~~~~on behalf of~~~~]~~ ***, as applicable, for or***

against a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ ***for or against*** a group of candidates for offices at such special elections shall ***, not later than:***

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of ~~[$100]~~ ***$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$100.]~~ ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b)]~~ ***$1,000.***

6. If ~~[the special election is not held because]~~ a district court determines that ~~[the]~~ ***a*** petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every person, committee ~~[,]~~ and political party ~~[and nonprofit corporation]~~ described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***order, report each contribution in excess of ~~[$100]~~ $1,000 received during the period and contributions received during the period which cumulatively exceed ~~[$100.]~~ $1,000.***

7. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. Every person, committee ~~[,]~~ ~~[or]~~ ***and*** political party ~~*[and nonprofit corporation]*~~ described in ~~[subsection 1]~~ ***this section*** shall file a report required by this section even if the person, committee ~~[,]~~ or political party ~~*[or nonprofit corporation]*~~ receives no contributions.

10. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of ~~[$100]~~ $1,000 and contributions which a contributor has made cumulatively in excess of ~~[$100]~~ $1,000 since the beginning of the current reporting period.

Sec. 31. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for each question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this~~

~~subsection.]~~ A committee for political action described in ~~[this]~~ subsection ***1*** shall, not later than:

(a) Twenty-one days before the primary election **,** ~~[or primary city election,]~~ for the period from the January 1 immediately preceding the primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election **,** ~~[or primary city election,]~~ for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election **,** ~~[or general city election,]~~ for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election **,** ~~[or general city election,]~~ for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election **,** ~~[or general city election,]~~

➥ report each ~~[campaign]~~ contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

~~4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every~~**]**

3. Except as otherwise provided in section 18 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) **[**~~Seven~~**]** ***Four*** days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through **[**~~12~~**]** ***5*** days before the beginning of early voting by personal appearance for the special election; **[**~~and~~**]**

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each **[**~~campaign~~**]** contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. **[**~~The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A~~

~~person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~7.~~**]** ***4. The provisions of this section apply to a committee for political action even if the question or group of questions does not appear on the ballot*** ~~*[that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.]*~~ ***at a primary, general or special election.***

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

[~~8.~~**]** ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

[~~9.~~**]** ***7.*** If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

Sec. 32. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a **[**~~campaign~~**]** contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use **[**~~campaign~~**]** contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of **[**~~campaign~~**]** contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 **[**~~,~~**]** ***or*** 294A.200 **.** **[**~~or 294A.360.~~**]** A candidate or public officer shall not use **[**~~campaign~~**]** contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for ~~[~~a state, district, county, city or township~~]~~ office at a primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for ~~[~~a state, district, county, city or township~~]~~ office at a primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office and who received contributions that were not spent or committed for expenditure before the primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for ~~[a state, district, county, city or township]~~ office who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office at a primary ~~[or primary city]~~ election and received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the ***primary*** election, return any money in excess of $5,000 to the contributor.

6. Except as otherwise provided in subsection 7, every public officer who:

(a) ~~[Holds a state, district, county, city or township office;~~

~~(b)]~~ Does not run for reelection to ~~[that]~~ ***the*** office ***which he or she holds*** and is not a candidate for any other office; and

~~[(c)]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 3.

7. A public officer who:

(a) ~~[Holds a state, district, county, city or township office;~~

~~(b)]~~ Does not run for reelection to ~~[that]~~ ***the*** office ***which he or she holds*** and is a candidate for any other office; and

~~[(c)]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent ~~[campaign]~~ contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 ~~[, 294A.360]~~ and 294A.362 for as long as the public officer is a candidate for any office.

8. In addition to the methods for disposing the unspent money set forth in subsections 3, 4, 5 and 7, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

9. Any contributions received before a candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

10. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

11. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 33. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for ~~[~~state, district, county or township~~]~~ office at a primary ***election*** or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of $100 incurred during the period;

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection ~~[4]~~ ***3*** of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection ~~[4]~~ ***3*** of NRS 294A.286 which are $100 or less

. ~~[~~,

➥ ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~]~~

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for ~~[~~state, district, county or township~~]~~ office at a primary ***election*** or general election shall, ~~[~~if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,~~]~~ not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period **.** ~~[~~on the form designed and made available by the

~~Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~➥ report each of the campaign expenses described in subsection 1 incurred during the period on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5.~~ ***4.*** Except as otherwise provided in ~~[subsection 6,]~~ ***subsections 5 and 6 and section 18 of this act,*** every candidate for ~~[a district]~~ office at a special election shall, not later than:

(a) ~~[Seven]~~ ***Four*** days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through ~~[12]~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~[and]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through ***the date of*** the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period ***.*** ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who~~

~~signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~6. Every~~]

5. Except as otherwise provided in subsection 6 and section 18 of this act, every candidate for [~~state, district, county, municipal or township~~] office at a special election to determine whether a public officer will be recalled shall [~~report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The~~] ***, not later than:***

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the [~~filing of~~] ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ***5 days before the beginning of early voting by personal appearance for*** the special election; [~~or~~]

(b) [~~If~~] ***Four days before*** the special election [~~is not held because~~] ***, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period.

6. If a district court determines that [~~the~~] ***a*** petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's [~~decision.~~

~~➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~] ***order, report each of the campaign expenses described in subsection 1 incurred during the period.***

7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 34. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. ***The provisions of this section apply to:***

(a) Every person who ~~[is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who]~~ makes an ***independent*** expenditure ~~[on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every]~~ ***in excess of $1,000 ; and***

(b) Every committee for political action, political party ~~[,]~~ ~~[or]~~ ***and*** committee sponsored by a political party ~~[and nonprofit corporation]~~ which receives contributions in excess of ~~[$100]~~ ***$1,000*** or makes an expenditure ~~[on behalf of such]~~ ***for or against*** a candidate ***for office*** or ***a*** group of ***such*** candidates **.**

2. Every person, committee ~~[,]~~ ***and political party*** ~~[and nonprofit corporation]~~ ***described in subsection 1*** shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ or political party, ~~[or nonprofit corporation,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ***independent expenditure or other*** expenditure***, as applicable,*** made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates]~~ in excess of ~~[$100]~~ ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed*** ~~[$100.]~~ ***$1,000.*** The provisions of this subsection apply to the person, committee ~~[,]~~ or political party ~~[or nonprofit corporation]~~ beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ ***3.*** Every person, committee ~~[,]~~ ~~[or]~~ ***and*** political party ~~[and nonprofit corporation]~~ described in subsection 1 ~~[which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ ***shall,*** not later than:

(a) Twenty-one days before the primary election ~~[or primary city election]~~ for that office, for the period from the January 1 immediately preceding the primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election ~~[or primary city election]~~ for that office, for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election ~~[or general city election]~~ for that office, for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election ~~[or general city election]~~ for that office, for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election **,** ~~[or general city election,]~~

➥ report each ***independent expenditure or other*** expenditure ***, as applicable, in excess of*** ~~*[$100]*~~ ***$1,000*** made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of]~~ ***and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed*** ~~[$100.]~~ ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ ***$1,000.***

4. Except as otherwise provided in ~~[~~subsection 5,~~]~~ ***subsections 5 and 6 and section 18 of this act,*** every person, committee ~~[,]~~ ~~[or]~~ ***and*** political party ~~[and nonprofit corporation]~~ described in subsection 1 which makes an ***independent expenditure or other*** expenditure ~~[on behalf of]~~ ***, as applicable, for or against*** a candidate for office at a special election or ~~[on behalf of]~~ ***for or against*** a group of such candidates shall, not later than:

(a) ~~[Seven]~~ ***Four*** days before the beginning of early voting by personal appearance for the special ~~[election for the office for which the candidate or a candidate in the group of candidates seeks]~~ election, for the period from the nomination of the candidate through ~~[12]~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~[and]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each ***independent expenditure or other*** expenditure ***, as applicable, in excess of*** ~~[$100]~~ ***$1,000*** made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~] ***and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed*** ~~[$100.]~~ ***$1,000.***

5. ~~[Every]~~ ***Except as otherwise provided in subsection 6 and section 18 of this act, every*** person, committee ~~[,]~~ ~~[or]~~ ***and*** political party ~~[and nonprofit corporation]~~ described in subsection 1 which makes an ***independent expenditure or other*** expenditure ~~[on behalf of]~~ ***, as applicable,***

for or against a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ ***for or against*** a group of such candidates shall ~~[list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The~~] ***, not later than:***

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ***5 days before the beginning of early voting by personal appearance for*** the special election; ~~[or]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of ~~[$100]~~ $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed ~~[$100.]~~ $1,000.

6. If ~~[the special election is not held because]~~ a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every person, committee ~~[,]~~ and party ~~[and nonprofit corporation]~~ described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Expenditures~~] ***order, report each independent expenditure or other expenditure, as applicable, in excess of ~~[$100]~~ $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed ~~[$100.]~~ $1,000.***

7. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including ***independent expenditures and other*** expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[7.]~~ ***8.*** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~[8.]~~ ***9.*** If an ***independent expenditure or other*** expenditure ***, as applicable,*** is made ~~[on behalf of]~~ ***for or against*** a group of candidates, the reports must be itemized by the candidate.

~~[9.]~~ ***10.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee ~~*[,]*~~ or political party ~~*[and nonprofit corporation]*~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~*[,]*~~ or political party ~~*[or nonprofit corporation]*~~ receives no contributions.

Sec. 35. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of]~~ ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.*** The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for a question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general~~

~~election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.~~] A committee for political action described in [~~this~~] subsection ***1*** shall, not later than:

(a) Twenty-one days before the primary election **,** [~~or primary city election,~~] for the period from the January 1 immediately preceding the primary election [~~or primary city election~~] through 25 days before the primary election ***;*** [~~or primary city election;~~]

(b) Four days before the primary election **,** [~~or primary city election,~~] for the period from 24 days before the primary election [~~or primary city election~~] through 5 days before the primary election ***;*** [~~or primary city election;~~]

(c) Twenty-one days before the general election **,** [~~or general city election,~~] for the period from 4 days before the primary election [~~or primary city election~~] through 25 days before the general election ***;*** [~~or general city election;~~] and

(d) Four days before the general election **,** [~~or general city election,~~] for the period from 24 days before the general election [~~or general city election~~] through 5 days before the general election **,** [~~or general city election,~~]

➥ report each expenditure made during the period [~~on behalf of~~] ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 [~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~]

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every~~ ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.***

3. Except as otherwise provided in section 18 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) ~~Seven~~ ***Four*** days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through ~~12~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~and~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each expenditure made during the period ~~on behalf of~~ ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form~~

~~must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~**]** ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.***

[~~6.~~**]** ***4.*** Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

[~~7.~~**]** ***5. The provisions of this section apply to a committee for political action even if the question or group of questions does not appear on the ballot*** ~~*[that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.]*~~ ***at a primary, general or special election.***

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

[~~8.~~**]** ***7.*** If an expenditure is made **[**~~on behalf of~~**]** ***for or against*** a group of questions, the reports must be itemized by question or petition.

[~~9.~~**]** ***8.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 36. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary ~~[,]~~ ***election,*** general ***election*** or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 37. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~[~~subsection 3,~~]~~ ***subsections 3 and 4,*** each committee for the recall of a public officer shall, not later than:

(a) ~~[~~Seven~~]~~ ***Four*** days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[~~filing of~~]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ~~[~~12~~]~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~[~~and~~]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the ***special*** election, for the remaining period through ***the date of*** the ***special*** election,

➥ report each contribution received or made by the committee ***for the recall of a public officer during the period*** in excess of $100 ~~[~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

2. If a petition for the ~~[~~purpose of recalling~~]~~ ***recall of*** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~[,]~~ ***for the recall of a public officer,*** and each contribution made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and contributions made to one recipient which cumulatively exceed $100.***

3. If a ***district*** court ~~[~~does not order a special election~~]~~ ***determines that the petition*** for the recall of the public officer ~~[,]~~ ***is legally insufficient pursuant to subsection 6 of NRS 306.040,*** the committee for the recall of a public officer shall, not later than 30 days after the ***district*** court ~~[~~determines that an election will not be held,~~]~~ ***orders the officer with whom the petition***

is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day ***of*** the ~~[court determines that an election will not be held,]~~ ***district court's order,*** report each contribution received ***or made*** by the committee ~~[, and each contribution made by the committee]~~ ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

4. ***If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:***

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~[5.]~~ ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[6.]~~ ***7.*** The name and address of the contributor ***or recipient*** and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation **.** ~~[, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.]~~

Sec. 38. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 3 and 4,*** each committee for the recall of a public officer shall, not later than:

(a) ~~[Seven]~~ ***Four*** days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ~~[12]~~ ***5*** days before the beginning of early voting by personal appearance for the special election; ~~[and]~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the ***special*** election, for the remaining period through ***the date of*** the ***special*** election,

➥ report each expenditure made by the committee ***for the recall of a public officer during the period*** in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

2. If a petition for the ~~[purpose of recalling]~~ ***recall of*** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

3. If a ***district*** court ~~[does not order a special election]~~ ***determines that the petition*** for the recall of the public officer ~~[,]~~ ***is legally insufficient pursuant to subsection 6 of NRS 306.040,*** the committee for the recall of a public officer shall, not later than 30 days after the ***district*** court ~~[determines that an election will not be held,]~~ ***orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the day ***of*** the ~~[court determines that an election will not be held,]~~ ***district court's order,*** report each expenditure made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

4. ***If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:***

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th of the second month after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~[5.]~~ ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

Sec. 39. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 ***,*** ~~[or 294A.360,]~~ report any contribution received by or expenditure made from the legal defense fund.

2. ~~[The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3.]~~ Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 ***.*** ~~[or 294A.360.~~

~~4.]~~ ***3.*** Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

(b) Donate the money to any tax-exempt nonprofit entity.

Sec. 40. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who ~~[is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who]~~ makes an ***independent*** expenditure ***;*** ~~[that is not solicited or approved by the candidate or group;]~~

(e) A political party or committee sponsored by a political party that makes an expenditure ~~[on behalf of]~~ ***for or against*** a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to

return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 41. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ***;*** ~~[or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, party or committee for political action,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ***;*** ~~[or primary city election;]~~ and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 42. ~~[NRS 294A.348 is hereby amended to read as follows:~~

~~294A.348 1. A person, committee for political action, political party , [or] committee sponsored by a political party *or nonprofit corporation* that expends more than $100 for the purpose of financing a communication~~

~~through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:~~

~~(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or~~

~~(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,~~

~~↦ shall disclose on the communication the name of the person, committee for political action, political party , [or] committee sponsored by a political party *or nonprofit corporation* that paid for the communication.~~

~~2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party , [or] committee sponsored by a political party *or nonprofit corporation* that paid for the communication.~~

~~3. A person, committee for political action, political party , [or] committee sponsored by a political party *or nonprofit corporation* that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:~~

~~(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or~~

~~(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,~~

~~↦ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party , [or] committee sponsored by a political party [.] *or nonprofit corporation.*~~

~~4. The disclosures and statements required pursuant to this section must be clear and conspicuous, and easy to read or hear, as applicable.]~~ **~~(Deleted by amendment.)~~**

Sec. 43. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Every candidate [~~for state, district, county, municipal or township office~~] shall file the reports [~~of campaign contributions and expenses~~] required by NRS 294A.120, 294A.128, 294A.200 and [~~294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS~~] 294A.286, even though the candidate:

(a) Withdraws his or her candidacy;

(b) Receives no [~~campaign~~] contributions;

(c) Has no campaign expenses;

(d) Is removed from the ballot by court order; or

(e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his or her candidacy pursuant to NRS 293.202 may file simultaneously all the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, 294A.128, 294A.200 and ~~[294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 **.** ~~[or 294A.360.]~~

Sec. 44. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***and*** 294A.200 **,** ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***or*** 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such ~~[campaign]~~ contribution in excess of $100 received during the reporting period;

(b) Each such ~~[campaign]~~ contribution from a contributor received during the reporting period which cumulatively exceeds $100;

(c) Each such ***campaign*** expense in excess of $100 incurred during the reporting period;

(d) The total of all such ~~[campaign]~~ contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such ***campaign*** expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State ~~[and each city clerk]~~ shall not require a candidate to list the ~~[campaign]~~ contributions and ***campaign*** expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***or*** 294A.200 **.** ~~[or 294A.360.]~~

Sec. 45. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report ~~[of expenditures]~~ required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each ***campaign***

expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the ***campaign*** expense or expenditure and the date on which the ***campaign*** expense was incurred or the expenditure was made.

2. The categories of ***campaign*** expense or expenditure for use on the report of ***campaign*** expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; ~~[and]~~

(l) ***Fees for filing declarations of candidacy or acceptances of candidacy;***

(m) Repayments or forgiveness of loans ; ~~*[guaranteed by third parties;]*~~

(n) The disposal of unspent contributions pursuant to NRS 294A.160; and

(o) Other miscellaneous expenses.

3. Each report of ***campaign*** expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~[campaign]~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection ~~[4]~~ ***3*** of NRS 294A.286 ~~[.]~~ ***, as applicable.***

Sec. 46. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

(a) Advertising ~~[on behalf of]~~ ***for or against*** any candidate or group of candidates;

(b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

➥ shall, during the period beginning at least 10 days before each primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 47. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. ***Any report required pursuant to this chapter must be completed on the form designed and made available by the Secretary of State pursuant to this section.***

2. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ ***this chapter.***

~~[2.]~~ ***3.*** The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

~~[3.]~~ ***4.*** The Secretary of State shall make available to each candidate, person, committee ~~*[,]*~~ or political party ~~*[and nonprofit corporation]*~~ that is required to file a report ~~[described in subsection 1:]~~ ***pursuant to this chapter:***

(a) If the candidate, person, committee ~~*[,]*~~ or political party ~~*[or nonprofit corporation]*~~ has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee ~~*[,]*~~ or political party ~~*[or nonprofit corporation]*~~ is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

~~[4.]~~ ***5. A report filed pursuant to this chapter must be signed under an oath to God or penalty of perjury.*** If the candidate, person, committee ~~*[,]*~~ or political party ~~*[or nonprofit corporation]*~~ is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the ***report or***

form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

~~[5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.]~~

Sec. 48. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report ***;*** ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report ***.*** ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~[described in subsection 1 of NRS 294A.373.]~~ ***pursuant to this chapter.***

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 49. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee ~~*[,]*~~ or political party ~~*[or nonprofit corporation]*~~ that is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** is not required to file the report electronically if the person, committee ~~*[,]*~~ or political party : ~~*[or nonprofit corporation:]*~~

(a) Did not receive ***contributions*** or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee ~~[,]~~ or political party ~~[or nonprofit corporation]~~ does not own or have the ability to access the technology necessary to file electronically the report ***;*** ~~[~~described in subsection 1 of NRS 294A.373;~~]~~ and

(2) The person, committee ~~[,]~~ or political party ~~[or nonprofit corporation]~~ does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report **.** ~~[~~described in subsection 1 of NRS 294A.373.~~]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~[~~described in subsection 1 of NRS 294A.373~~]~~ is required to be filed ***pursuant to this chapter*** by the person, committee ~~[,]~~ or political party . ~~[or nonprofit corporation.]~~

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee ~~[,]~~ or political party ~~[or nonprofit corporation]~~ was required to file any report ~~[~~described in subsection 1 of NRS 294A.373~~]~~ ***pursuant to this chapter*** in the previous year.

3. A person, committee ~~[,]~~ or political party ~~[or nonprofit corporation]~~ that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 50. ~~[~~NRS 294A.382 is hereby amended to read as follows:

~~294A.382 The Secretary of State shall not request or require a candidate, person, committee~~ **,** ~~[~~or~~]~~ political party ~~**or nonprofit corporation**~~ to list each of the expenditures or campaign expenses of $100 or less on a form designed and made available pursuant to NRS 294A.373.~~]~~ **(Deleted by amendment.)**

Sec. 51. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a ***nonprofit corporation pursuant to NRS 294A.225, a*** committee for political action pursuant to NRS 294A.230

or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~[,]~~ ***or*** 294A.280 ~~[or 294A.360]~~ relating to the making, accepting or reporting of ~~[campaign]~~ contributions, ***campaign*** expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 52. NRS 294A.400 is hereby amended to read as follows:

294A.400 ~~[The]~~ ***Based on the reports received pursuant to this chapter, the*** Secretary of State shall, ~~[within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286, 294A.360 and 294A.362,]~~ ***not later than February 15 of each odd-numbered year,*** prepare and make available for public inspection a compilation of:

1. The ~~[total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of]~~ ***following totals for*** each ~~[of the candidates]~~ ***candidate*** from whom reports of ~~[those]~~ contributions and ***campaign*** expenses are required ~~[.~~

~~2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.~~

~~3.]~~ ***pursuant to this chapter:***

(a) The total amount of monetary contributions to the candidate;

(b) The total amount of goods and services provided to the candidate in kind for which money would otherwise have been paid;

(c) The total amount of loans guaranteed by a third party and forgiveness of any loans previously made to the candidate;

(d) The total amount committed to the candidate via written commitments for contributions; and

(e) The total amount of campaign expenses.

2. The following totals for each person, committee, political party or nonprofit corporation from which reports of contributions and campaign expenses are required pursuant to this chapter:

(a) The total amount of monetary contributions to the person, committee, political party or nonprofit corporation;

(b) The total amount of goods and services provided to the person, committee, political party or nonprofit corporation in kind for which money would otherwise have been paid; and

(c) The total amount of independent expenditures or other expenditures, as applicable, made by the person, committee, political party or nonprofit corporation.

3. The following totals for each committee for political action for which reports of contributions and expenditures are required pursuant to this chapter:

(a) The total amount of monetary contributions to the committee for political action;

(b) The total amount of goods and services provided to the committee for political action in kind for which money would otherwise have been paid; and

(c) The total amount of expenditures made by the committee for political action.

4. The contributions made to ***and expenditures from*** a committee for the recall of a public officer in excess of $100.

~~[4. The expenditures exceeding $100 made by a:~~

~~(a) Person on behalf of a candidate other than the person.~~

~~(b) Group of persons advocating the election or defeat of a candidate.~~

~~(c) Committee for the recall of a public officer.~~

~~5. The contributions in excess of $100 made to:~~

~~(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.~~

~~(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.~~

~~6.]~~ ***5.*** The total contributions received by and expenditures made from a legal defense fund.

Sec. 53. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election ~~[, general city election]~~ or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

(a) Any person alleged in the notice to have committed the violation; or

(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause

to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 54. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a ***candidate,*** person, committee ~~[or entity]~~ ***, political party or nonprofit corporation*** that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~[,]~~ ***or*** 294A.286 ~~[or 294A.360]~~ has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that ***candidate,*** person, committee ~~[or entity,]~~ ***, political party or nonprofit corporation,*** cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ***candidate,*** person, committee ~~[or entity]~~ ***, political party or nonprofit corporation*** that violates an applicable provision of this chapter is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a ***candidate,*** person, committee ~~[or entity]~~ ***, political party or nonprofit corporation*** has reported its contributions, ***campaign*** expenses ***, independent expenditures*** or ***other*** expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 55. NRS 298.020 is hereby amended to read as follows:

298.020 1. Each major political party in this State, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall, at the state convention of the major political party held in that year, choose from the qualified electors, who are legally registered members of that political party, the number of presidential electors required by law and no more, who must be nominated by the delegates at the state convention. Upon the nomination thereof, the chair and the secretary of the convention shall certify the names and addresses of the nominees to the Secretary of State, who shall record the names in the Secretary of State's office as the nominees of that political party for presidential elector.

2. Each minor political party in this State, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall choose from the qualified electors, the number of presidential electors required by law. The person who is authorized to file the list of candidates for partisan office of the minor political party with the Secretary of State pursuant to NRS 293.1725 shall ***, not later than the last Tuesday in August,*** certify the names and addresses of the nominees to the Secretary of State, who shall record the names in the Secretary of State's office as the nominees of that political party for presidential elector.

Sec. 56. NRS 294A.360 is hereby repealed.

Sec. 57. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the

reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 408.

AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; ~~[providing specific authority for redevelopment agencies to loan money to finance the purchase of land and the construction and installation of certain improvements to real property under certain circumstances;]~~ requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the ~~[tax]~~ **set aside and use of certain revenues from taxes** imposed ~~[on the revenues from the rental of transient lodging in a district created to defray the cost of improving a central business area;]~~ **on property in a redevelopment area;** eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency of a city or county before January 1, 1991, terminates at the end of the fiscal year in which the later of the following events occurs: (1) the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid; or (2) 45 years after the date on which the original redevelopment plan was adopted. (NRS 279.438) **Section ~~[1]~~ 1.5** of this bill extends the deadline for that second event from 45 years to 60 years with respect to a redevelopment plan adopted by the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) **~~[.]~~ if certain requirements are met.**

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) ~~[Section 2 of this bill provides the additional specific authority to loan money for this purpose to a redevelopment agency.]~~ **Section 2 ~~[also]~~ of this bill** requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to make available to the general public a detailed report concerning such a proposed expenditure ~~[or loan]~~ for land or improvements by the agency at least 7 days before a meeting at which the

governing body of the city is scheduled to consider the proposed expenditure **.** ~~[or loan.]~~

Under existing law, a redevelopment agency that has adopted a redevelopment plan for a redevelopment area on or after July 1, 2011, is required to submit soon after the adoption of the plan one report to the Legislature and the governing body of the city or county, as applicable, containing certain initial information about the redevelopment area. Existing law also requires a redevelopment agency that has adopted a redevelopment plan for a redevelopment area at any time to submit to the Legislature and the governing body of the city or county, as applicable, an annual report containing information about the redevelopment area for the previous fiscal year. (NRS 279.6025) **Section 3** of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to include certain additional information in the annual report.

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is ~~[authorized to impose a tax on the revenues from the rental of transient lodging to defray the costs of improving a central business area. (NRS 268.801-268.809) The city is allowed to collect that tax until the final payment of: (1) the bonds initially issued to which the tax is pledged; or (2) any bonds refunding those initially issued bonds as long as the final payment date for such refunding bonds is not later than the final payment date for the initially issued bonds. (NRS 268.804) Section 4 of this bill extends the time in which the city is authorized to collect the tax until the final payment date for any bonds issued in addition to the initially issued bonds as long as such additional bonds do not have a final payment date that is after July 1, 2040.]~~ **required to set aside 18 percent of the revenue received from taxes levied upon taxable property in a redevelopment area each year to increase, improve and preserve the number of: (1) dwelling units in the community for low-income households; and (2) educational facilities within the redevelopment area. Section 3.5 of this bill instead requires that 18 percent of such revenues received on or after October 1, 2011, but before March 6, 2031, be set aside to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 3.5 requires that on or after March 6, 2031, 18 percent of such revenues be set aside and used to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 1 of this bill prohibits a school district from using any money received pursuant to section 3.5 to reduce or supplant the amount**

of any money which the school district would otherwise expend to improve such public educational facilities.

Section 5 of this bill eliminates the prohibition in existing law against a city or county creating a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:**

A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 or paragraph (c) of subsection 1 of NRS 279.685 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 and paragraph (c) of subsection 1 of NRS 279.685, respectively.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 279.438 is hereby amended to read as follows:

279.438 ***1.*** A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or ***:***

~~[1.]~~ ***(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more*** ~~[,]~~ ***if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.***

~~[2.]~~ ***(b) With respect to*** ~~[(a)~~ ***any other redevelopment plan*** ~~[adopted by any other agency,]~~ ***, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more if the requirements set forth in subsection 2 are not met,*** 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if, on the date on which the redevelopment plan would otherwise terminate pursuant to paragraph (b) of subsection 1:

(a) The assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted;

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and

(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.

Sec. 2. NRS 279.486 is hereby amended to read as follows:

279.486 1. An agency may, with the consent of the legislative body, pay all or part of ~~*[, or loan money to finance,]*~~ the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. Within 7 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:

(a) A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.

(b) A summary of the redevelopment project which includes, without limitation:

(1) A full and complete description of:

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any ~~*[loan made or]*~~ ***bonds issued or sold to finance the project.***

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and

materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent ~~[,]~~ ***to an action proposed by the agency pursuant to subsection 1,*** it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➥ Those determinations by the agency and the legislative body are final and conclusive.

~~[2.]~~ ***4.*** In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for ~~*[or, if applicable, financed]*~~ by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

~~[3.]~~ ***5.*** If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other

improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 3. NRS 279.6025 is hereby amended to read as follows:

279.6025 1. In addition to the report required pursuant to the provisions of subsection 2, for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586 on or after July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

(a) A legal description of the boundaries of the redevelopment area;

(b) The date on which the redevelopment plan for the redevelopment area was adopted;

(c) The scheduled termination date of the redevelopment plan;

(d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan; and

(2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;

(e) The combined overlapping tax rate of the redevelopment area;

(f) The property tax rate of the redevelopment area;

(g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;

(h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and

(i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government

Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

(a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;

(b) The combined overlapping tax rate of the redevelopment area;

(c) The property tax rate of the redevelopment area;

(d) The total sum of the assessed value of the taxable property in the redevelopment area;

(e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;

(f) Copies of any memoranda of understanding into which the agency enters;

(g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and

(h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. ***In addition to the information required pursuant to the provisions of subsection 2, an agency of a city whose population is 500,000 or more shall include in the report submitted pursuant to subsection 2 the following information for the redevelopment area for the previous fiscal year:***

(a) A statement of all revenues and expenditures of the agency.

(b) A statement of efforts by the agency to promote the goals of the regional development authority, as defined in NRS 231.009, including, without limitation, an explanation of the extent to which the activities of the agency have promoted private investment, the formation of businesses and the creation of jobs.

4. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

Sec. 3.5. **NRS 279.685 is hereby amended to read as follows:**

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; ~~[and]~~

(b) Eighteen percent of that revenue received on or after October 1, 2011, ***but before March 6, 2031,*** to ~~[increase,]~~ **:**

(1) Increase, improve **,** ~~[and]~~ preserve ~~[the number of:~~
~~(1) Dwelling]~~ ***or enhance the operating viability of dwelling*** units in the community for low-income households; and

(2) ~~[Educational]~~ ***Improve existing public educational*** facilities ***located*** within ~~[the]~~ ***a*** redevelopment area ~~.~~ ~~[.]~~ ***or within 1 mile of a redevelopment area; and***

(c) Eighteen percent of that revenue received on or after March 6, 2031, to improve existing public educational facilities described in subparagraph (2) of paragraph (b).

➥ For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subparagraph (2) of paragraph (b) or paragraph (c), as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve **,** ~~[and]~~ preserve ~~[the number]~~ ***or enhance the operating viability*** of dwelling units in the community for low-income households; or

(b) ~~[Increase, improve and preserve the number of]~~ ***Improve existing public*** educational facilities ***located*** within ~~[the]~~ ***a*** redevelopment area ~~[,]~~ ***or within 1 mile of a redevelopment area,***

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in ~~[paragraph]~~ ***paragraphs*** (b) ***and (c)*** of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 4. ~~[NRS 268.804 is hereby amended to read as follows:~~

~~268.804 1. In addition to all other taxes imposed on the revenues from the rental of transient lodging, the governing body may by ordinance impose a tax upon all persons in the business of providing transient lodging within the boundaries of the district at a rate not to exceed 2 percent of the gross receipts from the rental of transient lodging.~~

~~2. The collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.~~

~~3. The tax may be waived or imposed at different rates in certain areas or for a particular business if:~~

~~(a) The governing body determines that certain areas will receive less benefits from the project constructed with the proceeds of the tax or any obligations payable therefrom.~~

~~(b) The governing body determines that a business does not have sufficient rooms dedicated to providing transient lodging for it to benefit equally from the project constructed with the proceeds of the tax or any obligations payable therefrom.~~

~~4. The determinations made by the governing body pursuant to subsection 3 are conclusive unless it is shown that it acted with fraud or a gross abuse of discretion.~~

~~5. A tax imposed pursuant to this section must be collected and enforced in the same manner as provided for the collection of the tax imposed by NRS 268.096.~~

~~6. The collection of the tax imposed pursuant to this section must cease upon the final payment of:~~

~~(a) The bonds initially issued to which the tax imposed pursuant to this section is pledged; [or]~~

~~(b) Any bonds refunding those initially issued bonds, but any such refunding bonds may not have a final payment date that is later than the final payment date of the bonds initially issued~~ ***[.] ; or***

~~*(c) Any bonds issued in addition to those bonds initially issued to which the tax imposed pursuant to this section is pledged, but any such additional bonds may not have a final payment date that is after July 1, 2040.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

3. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any

improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

4. ~~[~~The~~]~~ ***If the*** governing body of a municipality ~~[~~shall not, after October 1, 2009, create~~]~~ ***creates*** a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~[.]~~ ***, the governing body and an agency:***

(a) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(b) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

5. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 456.

AN ACT relating to economic development; revising various provisions relating to regional development authorities; requiring the Board of Economic Development to approve certain contracts entered into by the Office of Economic Development; revising the duties of the Executive Director of the Office; abolishing the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Office of Economic Development and the Executive Director of the Office of Economic Development exist within the Office of the Governor and are responsible for developing and carrying out the State Plan for

Economic Development. (NRS 231.043, 231.053) This bill proposes to make numerous changes relating to economic development.

Under current law, entities seeking to receive partial tax abatements must apply to the Office for approval. (NRS 274.310, 274.320, 274.330, 360.750) **Section 1** of this bill requires entities whose cumulative partial tax abatements for the immediately preceding 2 years plus the partial tax abatement that is being requested equals $250,000 or more to seek the approval of the Board of Economic Development. **Section 1** also specifies that entities whose cumulative partial tax abatements for the immediately preceding 2 years plus the partial tax abatement that is being requested equals less than $250,000 must seek the approval of the Executive Director.

~~[Under current law, regional development authorities are organizations that have been designated by the Executive Director and are local governmental entities, private nonprofit entities or are composed solely of two or more local governmental entities. (NRS 231.009) Section 2 of this bill deletes the requirement that an organization must be a local governmental entity or group of two or more local governmental entities or a private nonprofit entity in order to be designated as a regional development authority.]~~

Under existing law, the Board is composed of 11 members, including the Governor, the Lieutenant Governor and the Secretary of State or their designees and a member appointed by the Department of Employment, Training and Rehabilitation from the membership of the Governor's Workforce Investment Board. (NRS 231.033) **Section 3** of this bill revises the provisions authorizing the Governor, the Lieutenant Governor and the Secretary of State to choose designees and requires that the Director of the Department of Employment, Training and Rehabilitation serve on the Board instead of appointing a member. **Section 3 also requires the Governor's designee to serve as the Chair of the Board.**

Under existing law, the Executive Director is required to designate as many regional development authorities as he or she deems appropriate to implement the State Plan for Economic Development. The Executive Director is also authorized to remove the designation of any previously designated regional development authority if he or she determines that such action would aid in the implementation of the State Plan for Economic Development. (NRS 231.053) **Section 4** of this bill authorizes the Executive Director to void any contract entered into between the Office and a regional development authority after removing the designation of that regional development authority.

~~[Under existing law, the Office is required to coordinate and oversee all economic development programs to ensure such programs are consistent with the State Plan for Economic Development, including reviewing, analyzing and making recommendations for approval or disapproval of abatements.~~

~~(NRS 231.055) Section 5 of this bill removes the requirement that the Office review, analyze and make recommendations for approval or disapproval of abatements.~~**]**

Existing law requires the Office to develop a State Plan for Inland Ports which includes a comprehensive plan for the physical development of inland ports which promotes, encourages, and aids in the development of the economic interests in this State. (NRS 231.075) **Section 6** of this bill deletes that requirement.

Under existing law, local governmental entities may apply for a grant or loan of money from the Catalyst Fund if the local governmental entity or entities are designated as a regional development authority. The Executive Director is required to review each application and, if he or she determines that approval of the application would promote economic development in this State, may approve the application and make a grant or loan of money from the Catalyst Fund. (NRS 231.1577) **Section 7** of this bill authorizes **only** counties or incorporated cities **[**~~which are not designated as regional development authorities~~**]** to apply for a grant or loan of money from the Catalyst Fund. **Section 7** also requires the Executive Director to review any application for a grant or a loan from the Catalyst Fund that requests more than $100,000. **Section 9** of this bill abolishes the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purpose of any partial tax abatement which the Office is required or authorized to approve, the Office shall be deemed to have approved the partial tax abatement:

(a) Upon approval by the Board for partial tax abatements with a projected value to a single entity of $250,000 or more; and

(b) Upon approval by the Director for partial tax abatements with a projected value to a single entity of less than $250,000.

2. For the purposes of this section, "projected value" means the dollar value of the abatement requested by an entity plus the accumulated value of all tax abatements received by that entity for the immediately preceding 2 years.

Sec. 2. **[**~~NRS 231.009 is hereby amended to read as follows:~~

~~231.009 "Regional development authority" means an organization for economic development which is~~ **[**~~:~~

~~1. A local governmental entity, composed solely of two or more local governmental entities or a private nonprofit entity; and~~

~~2. Designated~~**]** ***designated*** ~~by the Executive Director as a regional development authority pursuant to subsection 4 of NRS 231.053.~~**]** **(Deleted by amendment.)**

Sec. 3. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor ***;*** **[**~~or his or her designee;~~**]**

(2) The Lieutenant Governor ***;*** **[**~~or his or her designee;~~**]**

(3) The Secretary of State ***;*** **[**~~or his or her designee;~~**]** and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee; and

(2) **[**~~One member appointed by~~**]** ***The Director of*** the Department of Employment, Training and Rehabilitation **.** **[**~~from the membership of the Governor's Workforce Investment Board.~~**]**

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor **[**~~or his or her designee~~**]** shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 **[**~~and subparagraph (2) of paragraph (b) of subsection 1~~**]** are appointed for terms of 4 years. The initial members of the Board shall by lot select three of

the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. ***The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board.*** Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority ~~*[of the voting members]*~~ of the Board constitutes a quorum, and a majority of the Board ~~*[those voting members]*~~ is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair ~~[.]~~ or a majority of the members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 4. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section ~~[.]~~ ***and declare void any contract between the Office and that regional development authority.***

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 5. ~~[NRS 231.055 is hereby amended to read as follows:~~

~~231.055 Under the direction of the Executive Director, the Office:~~

~~1. Shall provide administrative and technical support to the Board.~~

~~2. Shall support the efforts of the Board, the regional development authorities designated by the Executive Director pursuant to subsection 4 of NRS 231.053 and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.~~

~~3. Shall coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053, including, without limitation:~~

~~(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;~~

~~(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all~~

~~necessary permits and licenses for the creation or expansion of businesses in Nevada or the relocation of businesses to Nevada; and~~

~~(c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for [abatements,] financial incentives, development resources, and grants and loans of money provided by the Office.~~

~~4. May:~~

~~(a) Participate in any federal programs for economic development that are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and~~

~~(b) When practicable and authorized by federal law, act as the agency of this State to administer such federal programs.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 231.075 is hereby amended to read as follows:

231.075 1. The Office of Economic Development shall:

(a) ~~[Develop a State Plan for Inland Ports. The Plan must include, without limitation:~~

~~(1) A comprehensive, long-term general plan for the physical development of inland ports which promotes, encourages and aids in the development of the economic interests of this State.~~

~~(2) Requirements for the creation of inland ports for the purposes of the Inland Port Authority Act which affect economic and industrial development.~~

~~(b)]~~ Promote, encourage and aid in the development of inland ports in this State.

~~[(c)]~~ ***(b)*** Identify sources of financing to assist local governments in developing or expanding inland ports.

~~[(d)]~~ ***(c)*** Encourage and assist local governments in planning and preparing projects for inland ports.

~~[(e)]~~ ***(d)*** Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.

2. As used in this section, "inland port" has the meaning ascribed to it in NRS 277B.050.

Sec. 7. NRS 231.1577 is hereby amended to read as follows:

231.1577 1. The Executive Director shall, after considering the advice and recommendations of the Board, establish procedures for applying to the Office for ~~[a development resource or]~~ a grant or loan of money from the Catalyst Fund created by NRS 231.1573. The procedures must:

(a) Include, without limitation, a requirement that applications for ~~[development resources,]~~ grants or loans must set forth:

(1) The proposed use of the ~~[development resource,]~~ grant or loan;

(2) The plans, projects and programs for which the ~~[development resource,]~~ grant or loan will be used;

(3) The expected benefits of the ~~[development resource,]~~ grant or loan; and

(4) A statement of the short-term and long-term impacts of the use of the ~~[development resource,]~~ grant or loan; and

(b) Allow an applicant to revise his or her application upon the recommendation of the Executive Director.

2. In accordance with the procedures established pursuant to subsection 1 ~~[and subject to the requirements of this subsection:~~

~~(a) A regional development authority which is a local government or composed solely of two or more local governmental entities;]~~ ~~[or]~~

~~[(b) A private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments]~~ ~~[,]~~ ~~*[; or*~~

~~*(c) Any]*~~ ***, any*** ***county or incorporated city in this State*** ~~*[,*~~ ~~"]~~ may apply for a grant or loan of money from the Catalyst Fund. ~~[If a private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments applies for a grant or loan of money from the Catalyst Fund, the regional development authority which is a local government or composed solely of two or more local governments must be the entity which submits the application and receives and distributes the grant or loan.]~~

3. ~~[In accordance with the procedures established pursuant to subsection 1 and subject to the requirements of this subsection, a regional development authority may apply for a development resource. A private nonprofit regional development authority applying for a development resource which is a grant or loan of money must apply in partnership with a regional development authority which is a local government or composed solely of two or more local governments. Any development resource which is a grant or loan of money must be received and distributed by the regional development authority which is a local government or composed solely of two or more local governments.~~

~~4.]~~ Upon receipt of an application pursuant to subsection 2 **,** ~~[or 3,]~~ the Executive Director shall review the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and ~~[provide a development resource or]~~ make a grant or loan of money from the Catalyst Fund to the applicant ~~[.~~

~~5.~~] ***if the applicant is requesting $100,000 or less. If the applicant is requesting more than $100,000, the Board may approve the application and make a grant or loan of money from the Catalyst Fund to the applicant.***

4. ~~[Except as otherwise provided in this subsection or another specific statute, each] [development resource or] [grant or loan of money from the Catalyst Fund which the Office provides to a regional development authority must be used to provide] [development resources,] [grants or loans to or to make investments in, businesses seeking to create or expand in this State or relocate to this State. The Executive Director may provide] [a development resource or] [a grant or loan of money to a regional development authority to be used for administrative or operating purposes, but no money from the Catalyst Fund may be used by any organization for economic development for such purposes.]~~

~~[6.] [5. After considering the advice and recommendations of the Board, the Executive Director shall:~~

~~(a) Require each regional development authority to which the Executive Director proposes to provide a] [development resource or a] [grant or loan of money from the Catalyst Fund to enter into an agreement with the Executive Director that sets forth terms and conditions of the] [development resource,] [grant or loan, which must include, without limitation, a provision requiring the regional development authority to enter into a separate agreement with each business to which the regional development authority provides any portion of the] [development resource,] [grant or loan which requires the business to return the] [development resource,] [grant or loan to the Office if it is not used in accordance with the agreement between the regional development authority and the Executive Director.~~

~~(b) Establish the requirements for reports from regional development authorities concerning the use of] [development resources and] [grants and loans of money from the Catalyst Fund. The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:~~

~~(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;~~

~~(2) The return on the money provided by the grant or loan;~~

~~(3) A statement of the benefit to the public from the grant or loan; and~~

~~(4) Such documentation as the Executive Director deems appropriate to support the information provided in the report.]~~

~~[7.]~~ ~~*[6.]*~~ On or before November 1, 2012, and on or before November 1 of every year thereafter, the Executive Director shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during

an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(a) The amount of grants and loans awarded from the Catalyst Fund;

(b) The amount of all grants, gifts and donations to the Catalyst Fund from public and private sources;

(c) The number of businesses which have been created or expanded in this State, or which have relocated to this State, because of grants and loans from the Catalyst Fund; and

(d) The number of jobs which have been created or saved because of grants and loans from the Catalyst Fund.

Sec. 8. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more participating entities may apply to the Office to create, operate and maintain an inland port and authority.

2. A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.

3. The Office may approve the creation of an inland port and authority if ***the Office determines that*** the proposed inland port and authority ~~[conform to the State Plan for Inland Ports developed by the Office pursuant to NRS 231.075.]~~ ***will serve the economic interests of this State.***

Sec. 9. NRS 231.015 and 231.025 are hereby repealed.

Sec. 10. The amendatory provisions of subsection 4 of section 4 of this act do not apply to a contract specified in that subsection which is entered into before July 1, 2013.

Sec. 11. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

231.015 Creation; membership; meetings; duties; subcommittees.

1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chair, the Lieutenant Governor, who is its Vice Chair, the Director of the Department of Tourism and Cultural Affairs, the Executive Director of the Office of Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Department of Tourism and Cultural Affairs and the Office of Economic Development.

(c) Formulate cooperative agreements between the Department of Tourism and Cultural Affairs or the Office of Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that the Department and Office may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

231.025 Advisory Council on Economic Development: Creation; membership; expenses; duties.

1. The Advisory Council on Economic Development is hereby created. The Advisory Council consists of:

(a) The Governor;

(b) The Lieutenant Governor;

(c) The Speaker of the Assembly;

(d) The Majority Leader of the Senate;

(e) The Minority Leader of the Assembly;

(f) The Minority Leader of the Senate; and

(g) The Secretary of State.

2. The Lieutenant Governor shall serve as the Chair of the Advisory Council.

3. The members of the Advisory Council shall serve without compensation except that:

(a) Upon the prior approval of the Executive Director, the members of the Advisory Council who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Advisory Council; and

(b) For each day or portion of a day during which a member of the Advisory Council who is a Legislator is engaged in the official business of the Advisory Council, except during a regular or special session of the Legislature, the Legislator is entitled to receive the per diem allowance provided for state officers generally and the travel expenses provided pursuant to NRS 218A.655. The per diem allowances and travel expenses of the members of the Advisory Council who are Legislators must be paid from the Legislative Fund.

4. The members of the Advisory Council shall:

(a) Meet at least once each quarter to discuss the efforts made by each member to further the economic development of this State and the results and expected results of those efforts.

(b) Market this State to further the economic development of this State and, after the Executive Director has developed the State Plan for Economic Development pursuant to subsection 2 of NRS 231.053, conduct such marketing in accordance with the State Plan for Economic Development. The efforts made pursuant to this paragraph may include, without limitation, attending industry conferences, publicizing the economic development programs of this State and meeting with the leaders of businesses who express interest in expanding or relocating in this State.

(c) Provide advice to the Board concerning the economic development of this State.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 554.

AN ACT relating to sentencing; revising certain provisions relating to eligibility for a program of regimental discipline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to order certain defendants who have been convicted of a felony that does not involve an act of violence to a program of regimental discipline. (NRS 176A.780) This bill revises the eligibility requirements for such a program **.** ~~[by removing the requirement that the felony conviction not involve an act of violence, and replacing it with a requirement that the felony conviction not be for a category A felony.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.780 is hereby amended to read as follows:

176A.780 1. If a defendant:

(a) Is male;

(b) Has been convicted of a felony that ~~[does]~~ **;**

(1) Does not involve an act of violence; ~~*[is not a category A felony;]*~~ ***or***

(2) Involves an act of violence, but the district attorney stipulates to the defendant's eligibility to participate in a program of regimental discipline;

(c) Is at least 18 years of age;

(d) ***Has not been incarcerated in jail during his lifetime for a cumulative total of more than 365 days;***

(e) Has never been incarcerated in ~~[~~jail or~~]~~ prison ***;*** ~~[~~as an adult for more than 6 months;~~]~~ and

~~[(e)]~~ ***(f)*** Is otherwise eligible for probation,

➥ the court may order the defendant satisfactorily to complete a program of regimental discipline for 150 days before sentencing the defendant or in lieu of causing the sentence imposed to be executed upon violation of a condition of probation or suspension of sentence.

2. If the court orders the defendant to undergo a program of regimental discipline, it:

(a) Shall place the defendant under the supervision of the Director of the Department of Corrections for not more than 190 days, not more than the first 30 days of which must be used to determine the defendant's eligibility to participate in the program. ***In determining the defendant's eligibility to participate in the program, the Director shall:***

(1) Make all reasonable efforts to accommodate the defendant in the program; and

(2) Consider the facts and circumstances of the defendant's offense based on the police report, the report of the presentence investigation and any other information available to the Director.

(b) Shall, if appropriate, direct the Chief Parole and Probation Officer to provide a copy of the defendant's records to the Director of the Department of Corrections.

(c) Shall require the defendant to be returned to the court not later than 30 days after the defendant is placed under the supervision of the Director, if the defendant is determined to be ineligible for the program.

(d) May require such reports concerning the defendant's participation in the program as it deems desirable.

3. If the defendant is ordered to complete the program before sentencing, the Director of the Department of Corrections shall return the defendant to the court not later than 150 days after the defendant began the program. The Director shall certify either that the defendant satisfactorily completed the program or that the defendant did not, and shall report the results of the Director's evaluation, including any recommendations which will be helpful in determining the proper sentence. Upon receiving the report, the court shall sentence the defendant.

4. If the defendant is ordered to complete the program in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation and the defendant satisfactorily completes the program, the Director of the Department of Corrections shall, not later than 150 days after the defendant began the program, return the defendant to the court with certification that the defendant satisfactorily completed the program. The court shall direct that:

(a) The defendant be placed under the supervision of the Chief Parole and Probation Officer; and

(b) The Director of the Department of Corrections cause a copy of the records concerning the defendant's participation in the program to be provided to the Chief Parole and Probation Officer.

5. If a defendant is ordered to complete the program of regimental discipline in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation, a failure by the defendant satisfactorily to complete the program constitutes a violation of that condition of probation and the Director of the Department of Corrections shall return the defendant to the court.

6. Time spent in the program must be deducted from any sentence which may thereafter be imposed.

Sec. 2. **NRS 209.481 is hereby amended to read as follows:**

209.481 1. ~~[The]~~ ***Except as otherwise provided in NRS 176A.780, the*** Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him or her in a faithful and orderly manner;

(d) Has ever been convicted of a sexual offense that is punishable as a felony;

(e) Has, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 308.

SUMMARY—Revises provisions relating to sex trafficking. (BDR ~~[~~4-63~~]~~ **14-63)**

AN ACT relating to sex trafficking; ~~[~~amending provisions concerning the admissibility of certain evidence in a prosecution for sex trafficking;~~]~~ amending various provisions concerning the ~~[~~crime~~]~~ **crimes** of **pandering and** sex trafficking; revising various provisions governing the penalties for **pandering and** sex trafficking; authorizing victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime under certain circumstances; prohibiting the consideration of certain conduct by a victim of sex trafficking in determining whether to order compensation from the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340)

Sections 8-13, 16 and 17 of this bill amend various provisions relating to the crime of pandering. **Sections 8-13, 16 and 17** ~~[~~change the crime of pandering to~~]~~ **create** the crime of sex trafficking, set forth the actions constituting the ~~[~~crime~~]~~ **crimes** of **pandering and** sex trafficking and provide the terms of imprisonment and fines that must be imposed against a person convicted of **pandering or** sex trafficking. **Section 9** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking **a child** and that certain defenses are not available in a prosecution for **pandering or** sex trafficking. **Section 14** of this bill authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime, and **section 15** of this bill prohibits the consideration of certain contributory conduct when considering such compensation for a victim of sex trafficking.

~~[~~ Existing law prohibits the defendant in a prosecution for sexual assault or statutory sexual seduction from presenting evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness, unless certain exceptions are applicable. Section 1 of this bill applies this prohibition to prosecutions for sex trafficking.~~]~~

Existing law provides that the statute of limitations for pandering is 3 years after the commission of the offense or, if the offense is committed in a secret manner, 3 years after the discovery of the offense. (NRS 171.085, 171.095) **Sections 2-4** of this bill provide that the statute of limitations for sex trafficking is 4 years, which is the statute of limitations for sexual assault, and provide that certain extensions of the statute of limitations for sexual assault also apply to sex trafficking.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 50.090 is hereby amended to read as follows:~~

~~"50.090 In any prosecution for *sex trafficking,* sexual assault or statutory sexual seduction or for attempt to commit or conspiracy to commit [either crime,] *those crimes,* the accused may not present evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused's cross-examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault ***,*** ~~[or]~~ a person authorized to act on behalf of a victim of a sexual assault ***, or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking ,*** files with a law enforcement officer a written report concerning the sexual assault ~~[,]~~ ***or sex trafficking,*** the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault ***or sex trafficking*** must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault ***or sex trafficking*** is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault ***or sex trafficking*** is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault ***or sex trafficking*** is under a disability if the victim is insane, ~~[mentally retarded,]~~

intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

(a) A prosecuting attorney;

(b) A sheriff of a county or the sheriff's deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city; or

(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, ***sex trafficking,*** a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than the felonies listed in subsection 1 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child ~~[,]~~ as defined in NRS 432B.100 ~~[,]~~ ***or sex trafficking of a child as defined in NRS 201.300,*** before the victim ~~[of the sexual abuse]~~ is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse ***or sex trafficking*** by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse ***or sex trafficking*** by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the

commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 5. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~[to 201.340, inclusive,]~~ ***, 201.320,*** 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party

neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 6. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~[~~pandering~~]~~ ***sex trafficking pursuant to subsection 2 of NRS 201.300*** or prostitution pursuant to NRS ~~[~~201.300 to 201.340, inclusive.~~]~~ ***201.320.***

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 7. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime

against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving ~~[~~pandering~~]~~ ***sex trafficking pursuant to NRS 201.300*** or prostitution pursuant to NRS ~~[~~201.300 to 201.340, inclusive;~~]~~ ***201.320;***

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 8. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.

2. "Child" means a person less than 18 years of age.

3. ***"Induce" means to persuade, encourage, inveigle or entice.***

4. "Prostitute" means a male or female person who for a fee ***, monetary consideration or other thing of value*** engages in sexual ~~[~~intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

~~4.~~~~]~~ ***conduct.***

5. "Prostitution" means engaging in ~~*[, agreeing to or offering to engage in]*~~ sexual conduct ***with another person in return*** for a fee ~~[~~.

~~5.~~~~]~~ ***, monetary consideration or other thing of value.***

6. "Sexual conduct" means ~~[~~any of the acts enumerated in subsection 3.~~]~~ ***masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted***

by a person into the genital or anal openings of the body of a person, including sexual intercourse in its ordinary meaning.

7. "Transport" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 9. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~[:~~

~~(a) Induces,]~~ ~~[~~persuades, encourages, inveigles, entices or compels~~]~~ ~~[~~*causes, recruits, harbors, transports, provides, obtains or maintains a*~~]~~ ~~[~~person~~]~~ ~~[*child to*~~]~~ ***, without physical force or the immediate threat of physical force, induces an adult to unlawfully*** become a prostitute or to continue to engage in prostitution ~~[;]~~ ***, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution*** ~~[;~~

~~(b)]~~ ~~[~~By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where~~]~~ ~~[~~*Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which* prostitution is practiced, encouraged or allowed~~]~~ ~~[;]~~ ~~[~~*for the purpose of sexual conduct or prostitution;*

~~(c) By threats, violence,]~~ ~~[~~or~~]~~ ~~[~~*force, intimidation, fraud, duress, coercion,* by any device or scheme,~~]~~ ~~[~~by fraud or artifice, or by duress of person or goods,~~]~~ ~~[~~or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors,~~]~~ ~~[~~inveigles, entices, persuades, encourages~~]~~ ~~[~~*induces, causes, compels* or procures a person to *engage in prostitution, or to* enter any place within this state in which prostitution is practiced, encouraged or allowed~~]~~ ~~[,]~~ ~~[~~for the purpose of *sexual conduct or* prostitution; or

~~(d)]~~ ~~[~~By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;

~~(e)]~~ ~~[~~Takes or detains a person with the intent to compel the person by force, *violence*, threats~~]~~ ~~[~~, menace~~]~~ ~~[~~or duress to marry him or her or any other person ,~~]~~ ~~[~~; or

~~(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,~~ **[**~~" is guilty of~~**]** **[**pandering.**]** ~~*[sex trafficking.*~~

~~2. A person who is found guilty of~~**]** **[**pandering:**]** ~~*[sex trafficking:*~~

~~(a) An adult:~~

~~(1) If physical force *or violence* or the immediate threat of physical force *or violence* is used upon the adult, is guilty of a category~~**]** **[**~~C~~**]** ~~*[B* felony and shall be punished~~**]** **[**as provided in NRS 193.130.**]** ~~*[by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.*~~

~~(2) If no physical force *or violence* or immediate threat of physical force *or violence* is used upon the adult,~~**]** is guilty of ***pandering which is*** a category **[**~~D~~**]** ***C*** felony and shall be punished as provided in NRS 193.130.

[~~(b) A child:~~

~~(1) If~~**]** **[**~~physical force or the immediate threat of physical force is used upon~~**]** **[**~~the child~~**]** **[**~~,~~**]** **[**~~is *less than 14 years of age when the offense is committed, is* guilty of a category~~**]** **[**~~B~~**]** ~~*[A* felony and shall be punished by imprisonment in the state prison for~~**]** **[**~~a minimum term of not less than 2 years and a maximum term of not more than 20 years~~**]** ~~*[life with the possibility of parole with eligibility for parole beginning when a minimum of 15 years has been served,* and may be further punished by a fine of not more than $20,000.~~

~~(2) If~~**]** **[**~~no physical force or immediate threat of physical force is used upon~~**]** **[**~~the child~~**]** **[**~~,~~**]** **[**~~is *at least 14 years of age but less than 18 years of age when the offense is committed, is* guilty of a category~~**]** **[**~~B~~**]** ~~*[A* felony and shall be punished by imprisonment in the state prison for~~**]** **[**~~a minimum term of not less than 1 year and a maximum term of not more than 10 years~~**]** ~~*[life with the possibility of parole with eligibility for parole beginning when a minimum of 10 years has been served,* and may be further punished by a fine of not more than $10,000.~~

~~3.~~**]** This ~~[section]~~ ***subsection*** does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means knowing, or in reckless disregard of the

fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than $20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than $10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to ~~*[this section.]*~~ ***subsection 2.***

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child ~~[,]~~ pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to ~~[this section.]~~ subsection 2.

Sec. 10. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or 201.320*** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 11. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~[to 201.340, inclusive,]~~ ~~*[or 201.320 in which the victim of the offense is a child when the offense is committed]*~~ ***or 201.320*** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~[10]~~ ***30*** days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution ***or for services to victims of child prostitution*** which are designated to receive such distributions by the district attorney of the county.

Sec. 12. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~[any provision]~~ ***subsection 2*** of NRS 201.300 ~~[to 201.340, inclusive, and]~~ ***or NRS 201.320,*** the victim of the violation is a child ~~[who is:~~

~~(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $100,000.~~

~~(b) Less than 14 years of age~~**]** when the offense is committed, ***and physical force or violence or the immediate threat of physical force or violence is used upon the child,*** the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person is convicted of a violation of **[**~~any provision~~**]** ***subsection 2*** of NRS 201.300 **[**~~to 201.340, inclusive,~~**]** ***or NRS 201.320,*** the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of ***subsection 2 of*** NRS 201.300 **[**~~to 201.340, inclusive,~~**]** ***or NRS 201.320,*** the court may, in addition to the punishment prescribed by statute for the offense of a provision of ***subsection 2 of*** NRS 201.300 **[**~~to 201.340, inclusive,~~**]** ***or NRS 201.320*** and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 13. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or

battery which is committed by strangulation as described in NRS 200.481 or 200.485.

12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.

13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.

15. Open or gross lewdness pursuant to NRS 201.210.

16. Lewdness with a child pursuant to NRS 201.230.

17. An offense involving pandering ***or sex trafficking in violation of NRS 201.300*** or prostitution in violation of NRS ~~[~~201.300,~~]~~ 201.320 **.** ~~[or 201.340.]~~

18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 14. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; ~~[or]~~

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1) ~~[.]~~ ***; or***

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 15. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence **,** ~~[or]~~ sexual assault ~~[,]~~ ***or sex trafficking,*** the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422.050 and 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 16. ~~[Section 129 of the Charter of Boulder City is hereby amended to read as follows:~~

~~Section 129. [Pandering,] *Sex trafficking,* prostitution and disorderly houses prohibited.~~

~~1. [Pandering,]~~ ***Sex trafficking,*** ~~prostitution and disorderly houses, as defined and made unlawful by the general laws of the State, shall be unlawful within the City.~~

~~2. The Council shall enact such ordinances as may be necessary to implement this section.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 201.310, 201.330 and 201.340 are hereby repealed.

Sec. 18. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 494.

SUMMARY—Revises provisions ~~[governing the lease of state lands.]~~ **relating to governmental administration.** (BDR 26-30)

AN ACT relating to ~~[state lands; authorizing, under certain circumstances, the lease]~~ **governmental administration; exempting the lease** of **certain** state lands ~~[for less than market value for purposes of economic development;]~~ **from appraisal and certain procedural requirements; authorizing the discounted lease of state lands and buildings to certain businesses seeking to locate or expand in this State; revising provisions relating to the annual inventory of real property owned by or leased to the State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Land Registrar to lease state land for certain purposes**.** ~~[and sets forth the requirements for the applications for and the terms of such leases.]~~ (Chapter 321 of NRS) **Section 3** of this bill authorizes the ~~[State Land Registrar to lease state land for purposes of economic development without first offering the state land to the public and for less than its fair market value.]~~ **lease of state land to certain businesses seeking to locate or expand in this State for less than fair market value for the first year of the lease. Section 3** requires the State Land Registrar**, the Administrator of the State Public Works Division of the Department of Administration** and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease**.** ~~[, taking into consideration the amount the lessee is able to pay.]~~

With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 1.5, 2, ~~[and]~~ 4 and 5** of this bill except from these requirements the lease of state land ~~[pursuant to section 3 for purposes of economic development.]~~ **if the lease is for less than 25,000 square feet of land or the lease is approved pursuant to section 3.**

Existing law requires: (1) each state officer, department, agency, board and commission to maintain an inventory of all real property leased to the State; and (2) the Division of State Lands of the State Department of Conservation and Natural Resources, the Department of Transportation and the State Public Works Division to maintain an inventory of all real property owned by the State. (NRS 331.110) Section 8 of this bill provides that each inventory must be provided to the

Administrator on or after April 1 but not later than June 30 of each year. Section 8 also sets forth certain requirements relating to those inventories. Section 6 of this bill requires the Administrator of the State Public Works Division to provide the inventory of real property owned by the State to the Executive Director of the Office of Economic Development and authorizes the Administrator to enter into a lease or agreement with certain businesses seeking to locate or expand in this State for the lease of certain state-owned buildings to the business for less than the fair market value during the first year of the lease.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:**

The State Land Registrar may offer any state land for lease without complying with the provisions of NRS 321.007 or 321.335 if the area of the state land is less than 25,000 square feet.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, ***or section 1 or 3 of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, ***or section 1 or 3 of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral

offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3. Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land ~~*[for the purpose of economic development:*~~

~~*(a) Without first offering the state land to the public; and*~~

~~*(b) For less than fair market value of the state land.*~~

~~*2. Before the State Land Registrar may lease state land pursuant to this section, the State Land Registrar must make a finding that it is in the best interest of the public to lease the state land:*~~

~~(a) Without offering the state land to the public; and~~

~~(b) For less than fair market value of the state land.~~

~~3. To lease]~~ ***pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if the business meets the requirements of subsection 4.***

2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:

(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar ;

(b) The Administrator of the State Public Works Division of the Department of Administration; and ~~[the]~~

(c) The Executive Director of the Office of Economic Development . ~~[must jointly approve the lease and establish the amount of rent to be received for the state land. The State Land Registrar and the Executive Director shall render a decision on an application to lease state land pursuant to this section not later than 60 days after the application is filed with the State Land Registrar.~~

~~4. In determining the amount of rent for the lease of state land pursuant to this section, the State Land Registrar and the Executive Director shall give consideration to the amount the lessee is able to pay.~~

~~5. The State Land Registrar may waive any fee for the consideration of an application submitted pursuant to this section.~~

~~6. As used in this section, "economic development" means:~~

~~(a) The establishment of new commercial enterprises or facilities within the State;~~

~~(b) The support, retention or expansion of existing commercial enterprises or facilities within the State;~~

~~(c) The establishment, retention or expansion of public, quasi public or other facilities or operations within the State;~~

~~(d) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities within the State; or~~

~~(e) Any combination of the activities described in paragraphs (a) to (d), inclusive,~~

~~→ to create and retain opportunities of employment for the residents of this State.]~~

3. Any lease entered into pursuant to this section must be for a term of at least 10 years.

4. The lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of

Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

Sec. 4. NRS 322.007 is hereby amended to read as follows:

322.007 Any lease of state land, except a lease for residential purposes **,** ~~[or]~~ a lease for farming or grazing ~~[,]~~ ***or a lease*** ~~*[for economic development]*~~ ***authorized pursuant to section 1 or 3 of this act,*** whose term extends or is renewable beyond 1 year must be approved by the State Board of Examiners and the Interim Finance Committee.

Sec. 5. NRS 322.060 is hereby amended to read as follows:

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, ***and section 3 of this act,*** for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 6. **Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Based upon the inventories submitted pursuant to subsection 3 of NRS 331.110 and any other information available to him or her, the Administrator shall provide a list of all real property owned by the State to the Executive Director of the Office of Economic Development.

2. The Administrator may enter into agreements to lease state-owned buildings which are not being actively used or for which no future use is reasonably anticipated to businesses seeking to locate or expand in this State.

3. Any lease or agreement into which the Administrator enters pursuant to subsection 2:

(a) Must be for a term of at least 5 years;

(b) Must be approved by the Executive Director of the Office of Economic Development; and

(c) Subject to the provisions of subsection 4, may be for less than fair market value for the first year of the lease, including, without limitation, an offer to lease the state-owned building without the payment of rent for the first year of the lease.

4. The lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits

established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

Sec. 7. **NRS 331.090 is hereby amended to read as follows:**

331.090 The Administrator may accept rent money from various departments and agencies ***and from nongovernmental entities or businesses*** that are occupying space in the various state-owned buildings. The rent money must be deposited in the Buildings and Grounds Operating Fund in the State Treasury.

Sec. 8. **NRS 331.110 is hereby amended to read as follows:**

331.110 1. Except as otherwise provided by law, the Administrator may lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the

State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission, the Administrator shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

3. Each state officer, department, agency, board and commission shall maintain and ***, on or after April 1 but not later than June 30 of each year,*** provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of Transportation and State Public Works Division of the Department of Administration shall maintain and ***, on or after April 1 but not later than June 30 of each year,*** provide to the Administrator an inventory of all real property owned by the State. ***Each inventory must identify:***

(a) Real property that is being actively used by a state officer, department, agency, board or commission.

(b) Real property that is not being actively used by a state officer, department, agency, board or commission.

(c) Real property that is not being used by a state officer, department, agency, board or commission but which is reasonably anticipated to be actively used by a state officer, department, agency, board or commission in the future.

(d) Real property that is being actively used as a park or wildlife area.

4. Except as otherwise provided in subsection 6, the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property ~~[.]~~ ***, including, without limitation, whether the real property is actively used;*** and

(b) The terms of the lease, including, without limitation, the cost to the State.

5. Before submitting the inventory to the Administrator pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of

Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.

7. An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

➥ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

8. As used in this section, "program" means the program established pursuant to NRS 701.218.

~~[Sec. 6.]~~ ***Sec. 9.*** This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 531.

AN ACT relating to state lands; ~~[authorizing, under certain circumstances,]~~ **exempting** the lease of state lands ~~[for less than market value for purposes of economic development;]~~ **from appraisal and certain procedural requirements; authorizing the discounted lease of state lands to certain businesses seeking to locate or expand in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Land Registrar to lease state land for certain purposes **.** ~~[and sets forth the requirements for the applications for and the terms of such leases.]~~ (Chapter 321 of NRS) **Section 3** of this bill authorizes the ~~[State Land Registrar to]~~ lease **of** state land ~~[for purposes of~~

~~economic development without first offering the state land to the public and~~] **to a business seeking to locate or expand in this State** for less than ~~[its]~~ fair market value **~~[.]~~ for the first year of the lease. Section 3** requires the State Land Registrar **, the Administrator of the State Public Works Division of the Department of Administration** and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease **. ~~[~~**~~, taking into consideration the amount the lessee is able to pay.~~]~~

With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 2 and 4** of this bill except from these requirements the lease of state land pursuant to **section 3 . ~~[~~**~~for purposes of economic development.~~]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, ***or section 3 of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, ***or section 3 of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set

apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3. Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land ~~*[for the purpose of economic development:*~~

~~*(a) Without first offering the state land to the public; and*~~

~~*(b) For less than fair market value of the state land.*~~

~~2. Before the State Land Registrar may lease state land pursuant to this section, the State Land Registrar must make a finding that it is in the best interest of the public to lease the state land:~~

~~(a) Without offering the state land to the public; and~~

~~(b) For less than fair market value of the state land.~~

~~3. To lease~~ **pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if, except as otherwise provided in subsection 5, the business meets the requirements of subsection 4.**

2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:

(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar ;

(b) The Administrator of the State Public Works Division of the Department of Administration; and ~~[the]~~

(c) The Executive Director of the Office of Economic Development . ~~[must jointly approve the lease and establish the amount of rent to be received for the state land. The State Land Registrar and the Executive Director shall render a decision on an application to lease state land pursuant to this section not later than 60 days after the application is filed with the State Land Registrar.~~

~~4. In determining the amount of rent for the lease of state land pursuant to this section, the State Land Registrar and the Executive Director shall give consideration to the amount the lessee is able to pay.~~

~~5. The State Land Registrar may waive any fee for the consideration of an application submitted pursuant to this section.~~

~~6. As used in this section, "economic development" means:~~

~~(a) The establishment of new commercial enterprises or facilities within the State;~~

~~(b) The support, retention or expansion of existing commercial enterprises or facilities within the State;~~

~~(c) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the State;~~

~~(d) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities within the State; or~~

~~(e) Any combination of the activities described in paragraphs (a) to (d), inclusive,~~

~~→ to create and retain opportunities of employment for the residents of this State.]~~

3. Any lease entered into pursuant to this section must be for a term of at least 10 years.

4. Except as otherwise provided in subsection 5, the lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property,

a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.

Sec. 4. NRS 322.007 is hereby amended to read as follows:

322.007 Any lease of state land, except a lease for residential purposes **,** ~~[or]~~ a lease for farming or grazing ~~[,]~~ ***or a lease for economic development authorized pursuant to section 3 of this act,*** whose term extends or is renewable beyond 1 year must be approved by the State Board of Examiners and the Interim Finance Committee.

Sec. 5. NRS 322.060 is hereby amended to read as follows:

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, ***and section 3 of this act,*** for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 498.

SUMMARY—~~[Provides for the legislative review of governmental agencies to promote governmental oversight and accountability.]~~ **Enacts provisions relating to interim legislative committees.** (BDR 17-739)

AN ACT relating to legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; ~~[creating the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation; prescribing the powers and duties of the Bureau;]~~ **eliminating the Legislative Committee on High-Level Radioactive Waste; authorizing the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Governmental Oversight and Accountability and provides for the appointment of its members. **Section 6** of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. **Section 7** of this bill authorizes the Committee to study and comment upon issues relating to the operations and accountability of governmental agencies and to conduct investigations and hold hearings. **Section 8** of this bill authorizes the Committee to provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings.

~~[Section 9 of this bill creates the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation in the Fiscal Analysis Division of the Legislative Counsel Bureau and prescribes its powers and duties.]~~

Under existing law, the Legislative Committee on Public Lands reviews issues relating to public lands in this State (NRS 218E.525), and the Legislative Committee on High-Level Radioactive Waste reviews issues relating to the disposal of high-level radioactive waste in this State. (NRS 459.0085) Section 12 of this bill eliminates the Legislative

Committee on High-Level Radioactive Waste, and section 10 of this bill authorizes the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste.

Existing law requires the Executive Director of the Agency for Nuclear Projects to evaluate potentially adverse effects of a facility for the disposal of radioactive waste in this State and to submit semiannual reports to the Legislative Committee on High-Level Radioactive Waste. (NRS 459.0094) Section 11 of this bill requires those reports to be submitted to the Legislative Committee on Public Lands.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Title 17]~~ **Chapter 218E** of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Committee" means the Legislative Committee on Governmental Oversight and Accountability created pursuant to section 5 of this act.***

Sec. 4. ***"Governmental agency" means any agency, office, board, commission, department, division, bureau, authority, institution, district or other unit of the State or a political subdivision of the State.***

Sec. 5. ***1. The Legislative Committee on Governmental Oversight and Accountability, consisting of 10 legislative members, is hereby created. The membership of the Committee consists of:***

(a) Five members appointed by the Majority Leader of the Senate, at least two of whom must be members of the minority political party.

(b) Five members appointed by the Speaker of the Assembly, at least two of whom must be members of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 6. ***1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than*** ~~*[September]*~~ ***November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.***

2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Committee.

3. Six members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 7. ***The Committee may:***

1. To fulfill the objectives and duties granted to the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive, and paragraph (b) of subsection 1 and paragraph (c) of subsection 2 of NRS 218E.175, evaluate, review and comment upon issues related to governmental agencies, including, but not limited to:

(a) Programs to enhance accountability in government;

(b) Legislative measures regarding governmental oversight;

(c) Methods of financing governmental agencies; and

(d) Any other matters that, in the determination of the Committee, affect governmental agencies.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which government may be improved.

Sec. 8. *1. If the Committee conducts investigations or holds hearings pursuant to section 7 of this act:*

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. Upon such a petition, the court shall:

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

Sec. 9. [*~~1. The Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Bureau a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.~~*

~~2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:~~

~~(a) Collect and analyze data and issue written reports concerning:~~

~~(1) The efficiency, transparency and accountability of the operations of governmental agencies; and~~

~~(2) Any program or legislative measure, the purpose of which is to reform or improve the operations of governmental agencies.~~

~~(b) Conduct studies, investigations and analyses to evaluate the performance, policies and statutory and regulatory compliance of governmental agencies. Such studies, investigations and analyses may be conducted at the request of the Legislature or the Legislative Commission. This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies, investigations and analyses on behalf of the Bureau.~~

~~(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Committee.~~

~~3. The Bureau may, pursuant to NRS 218F.620, require a governmental agency to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.~~

~~4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief of the Bureau and after submission to the Legislature or Legislative Commission, as appropriate,~~

~~*publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.]*~~ **(Deleted by amendment.)**

Sec. 10. **NRS 218E.525 is hereby amended to read as follows:**

218E.525 1. The Committee shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The Committee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof;

(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); ~~[and]~~

(c) May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State ~~[.]~~ ***; and***

(d) May review and comment on issues and policies relating to the disposal of high-level radioactive waste, including, without limitation:

(1) Issues and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;

(2) Any potentially adverse effects from the construction and operation of, and the transportation of high-level radioactive waste to, such a facility and the ways of mitigating those effects; and

(3) Any other issues and policies relating to the disposal of high-level radioactive waste.

Sec. 11. **NRS 459.0094 is hereby amended to read as follows:**

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.

2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the ***Legislative*** Committee on ~~[High-Level Radioactive Waste.]~~ ***Public Lands.*** The reports must contain:

(a) A summary of the status of the activities undertaken by the Agency since the previous report;

(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;

(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and

(d) Any other information requested by the Legislative Committee.

Sec. 12. ***NRS 459.0085 is hereby repealed.***

~~[Sec. 10.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

459.0085 Creation; membership; duties; compensation and expenses of members.

1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:

(a) Four members of the Senate, appointed by the Majority Leader of the Senate.

(b) Four members of the Assembly, appointed by the Speaker.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or

work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.

3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:

(a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of high-level radioactive waste.

4. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.

5. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.

6. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste. Except during a regular or special session of the Legislature, each member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 262.

AN ACT relating to education; **creating the Task Force on Reading Proficiency within the Department of Education;** requiring ~~[schools]~~ **school districts and charter schools to administer the assessments**

prescribed by the Task Force to identify pupils enrolled in kindergarten or grade 1, 2 or 3 who ~~[do]~~ **have** not ~~[achieve]~~ **achieved** proficiency in reading; **requiring the development of an academic plan for a pupil who has not achieved proficiency in reading;** requiring school districts and charter schools to develop certain programs which are designed to improve the proficiency in reading of certain pupils; requiring certain pupils to enroll in such a program; prohibiting the promotion of ~~[certain pupils]~~ **a pupil** to grade 4 **~~[; requiring school districts to prescribe intensive instructional services in reading for certain pupils;]~~ if the pupil has not achieved proficiency in reading unless the pupil is granted a good-cause exemption;** making various other changes relating to the advancement of certain pupils to higher grade levels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4.5 of this bill creates the Task Force on Reading Proficiency within the Department of Education and prescribes the membership of the Task Force. Section 4.7 of this bill prescribes the duties of the Task Force, including prescribing an assessment for administration to pupils enrolled in kindergarten and grades 1, 2 and 3 to determine proficiency in reading and to prescribe certain other requirements relating to proficiency in reading.

Section 5 of this bill provides that: (1) commencing with the 2013-2014 school year, if a pupil enrolled in kindergarten or grade 1 does not achieve proficiency in reading based upon the assessment prescribed by the Task Force, the parent or legal guardian of the pupil must be given written notice of that fact; (2) commencing with the 2014-2015 school year, written notice must be provided to the parent or legal guardian of such a pupil enrolled in grade 2; and (3) commencing with the 2015-2016 school year, written notice must be provided to the parent or legal guardian of such a pupil enrolled in grade 3. Section 5.5 of this bill requires that an academic plan be developed for those pupils who have not achieved proficiency in reading and section 5.7 of this bill prescribes the requirements for the development of the academic plan.

Under existing law, a pupil may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year upon joint agreement by the teacher and the principal. (NRS 392.125) Existing law also exempts the governing body of a charter school from the requirements governing promotion to the next higher grade and instead requires the governing body to adopt its own rules for the academic retention of the pupils enrolled in the charter school. (NRS 386.583)

~~[Section]~~ **Commencing with the 2015-2016 school year, section 7** of this bill prohibits a pupil enrolled in grade 3 from being promoted to grade 4

unless the pupil obtains the score prescribed by the ~~[Teachers and Leaders Council of Nevada in the subject area of reading on the criterion-referenced examination.]~~ **Task Force on Reading Proficiency on the assessment prescribed by the Task Force.** **Section 3** of this bill imposes a related prohibition on the promotion of pupils enrolled in grade 3 for pupils enrolled in charter schools. **Section 7** also sets forth certain good-cause exemptions pursuant to which certain pupils who do not ~~[receive]~~ **obtain** the prescribed score on the ~~[criterion-referenced examination in reading]~~ **assessment** may be promoted to grade 4.

~~— [Section 8 of this bill requires the principal of the school to provide notice to the parent or legal guardian of a pupil if the pupil will be retained in grade 3. Section 8 also requires the principal to ensure such pupils are provided with intensive instructional services in reading, as prescribed by the board of trustees of the school district.~~

~~— Section 5 of this bill requires the principal of a public school to provide notice to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who does not achieve proficiency in reading at the pupil's grade level. Section 5 also requires the principal to provide certain intensive instructional services in reading for such pupils.]~~ **Section 6** of this bill requires the board of trustees of each school district and the governing body of each charter school to develop a program which is offered during the summer **[,]** or between sessions ~~[if the]~~ **of** school ~~[operates on a year-round calendar,]~~ and which is designed to improve the proficiency in reading of pupils who have completed grade 2 or 3 and have not achieved proficiency in reading. **Section 6** also requires a pupil who has completed grade 2 or 3 and who does not achieve proficiency in reading to ~~[be enrolled]~~ **enroll** in the program.

Section 9.5 of this bill requires the board of trustees of each school district to adopt a procedure for the parent or legal guardian of a pupil to appeal a decision: (1) to retain the pupil in grade 3 pursuant to section 7; (2) whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7; and (3) to promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained. Section 3 requires the governing body of the charter school that enrolls pupils in grade 3 to adopt a similar appeal process for a decision to retain a pupil or whether to grant a good-cause exemption and all charter schools to adopt an appeal process on a decision to promote a pupil at any grade level.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for

improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State

has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS ***386.583,*** 392.033 or 392.125, ***or , commencing with the 2015-2016 school year, pursuant to section 7 of this act,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and

percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the

report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS ***386.583,*** 392.033 or 392.125, ***or commencing with the 2015-2016 school year, pursuant to section 7 of this act,*** for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are

employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the

accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;
(3) Nevada Association of School Administrators;
(4) Nevada Parent Teacher Association;
(5) Budget Division of the Department of Administration;
(6) Legislative Counsel Bureau; and
(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to

subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 386.583 is hereby amended to read as follows:

386.583 ***1.*** The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school. The rules must ~~[prescribe]~~ ***:***

(a) Prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year. ***If the parent or legal guardian of a pupil wishes that the pupil be retained and the teacher and the principal believe the pupil should be promoted to the next grade, the parent or legal guardian may appeal that decision in accordance with the procedure adopted by the governing body of the charter school pursuant to subsection 4.***

(b) ~~*[Prohibit]*~~ ***Commencing with the 2015-2016 school year and each school year thereafter, prohibit a pupil enrolled in grade 3 from being***

promoted to grade 4 if the pupil does not achieve proficiency in reading ~~[,]~~ by the end of the school year based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, unless the pupil is granted a good-cause exemption pursuant to section 7 of this act. The rules prescribed pursuant to this subsection must be consistent with the provisions of sections 5 to ~~[10,]~~ 9, inclusive, of this act.

2. ~~[On]~~ The governing body of a charter school that enrolls pupils in grade 3 shall adopt a policy that authorizes the principal of a school to promote a pupil who is retained in grade 3 pursuant to section 7 of this act on or before November 1 of the school year if the pupil demonstrates proficiency in reading. The policy must include specific criteria that a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level. The policy must prohibit the principal from promoting a pupil who is retained in grade 3 after November 1 of the school year unless the pupil demonstrates proficiency in reading in accordance with the requirements prescribed by the Task Force on Reading Proficiency pursuant to paragraph (c) of subsection 1 of section 4.7 of this act.

3. Commencing with the 2016-2017 school year, on or before September 1 of each year, the governing body of ~~[each]~~ a charter school that enrolls pupils in grade 3 shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were retained in grade 3 pursuant to this section, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board; and

(2) Pupils from major racial and ethnic groups, as defined by the State Board.

➥ A separate reporting of a group of pupils must not be made pursuant to this paragraph if the results would reveal personally identifiable information about an individual pupil.

(b) Submit a copy of the report to the Department.

(c) Post the report on the Internet website maintained by the charter school, if any, and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

4. The governing body of each charter school shall adopt a procedure for the parent or legal guardian of a pupil to appeal:

(a) If the charter school enrolls pupils in grade 3:

(1) A decision to retain the pupil in grade 3 pursuant to section 7 of this act; and

(2) A decision whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7 of this act.

(b) A decision to promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained.

Sec. 4. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[5]~~ **4.5** to 11, inclusive, of this act.

Sec. 4.5. 1. There is hereby created within the Department the Task Force on Reading Proficiency consisting of seven members as follows:

(a) One representative of the Nevada State Education Association, appointed by that Association;

(b) One representative of the Nevada Association of School Superintendents and the Nevada Association of School Administrators, appointed jointly by those Associations;

(c) One representative of the Parent Teacher Association, appointed by that Association;

(d) One representative of the Nevada Association of School Boards, appointed by that Association;

(e) One representative of the Colleges of Education within the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(f) One staff member of the Department, appointed by the Department; and

(g) One person appointed by the Governor.

2. Each person appointed to the Task Force pursuant to subsection 1 must possess knowledge and experience in diagnostic tools for assessing the reading proficiency of pupils in kindergarten through grade 3 or in teaching reading at those grade levels.

3. Members of the Task Force serve a term of 2 years and may be reappointed to additional terms of 2 years in the same manner as the original appointment.

4. A vacancy on the Task Force must be filled in the same manner as the original appointment.

5. The Task Force shall, at its first meeting and annually thereafter, elect a Chair from among its members.

6. Members of the Task Force serve without compensation.

7. The Task Force may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 4.7 of this act.

8. The Department shall provide administrative support to the Task Force.

Sec. 4.7. 1. The Task Force on Reading Proficiency created by section 4.5 of this act shall prescribe by regulation:

(a) An assessment to determine the proficiency in reading of pupils enrolled in kindergarten and grades 1, 2 and 3 which measures a pupil's proficiency in phonemics, phonological awareness, fluency, vocabulary and comprehension;

(b) An assessment for administration to a pupil who was enrolled in grade 3 and participates in the program which is offered during the summer or between sessions of school developed pursuant to section 6 of this act to determine whether the pupil is eligible for a good-cause exemption pursuant to section 7 of this act, which may be the same assessment prescribed for grade 3 pursuant to paragraph (a);

(c) The requirements for a pupil who is retained in grade 3 pursuant to section 7 of this act to demonstrate proficiency in reading if the principal of the school believes the pupil should be promoted to grade 4 after November 1 of the school year, which may include, without limitation, a prescribed assessment;

(d) The score which a pupil must obtain on the assessments prescribed pursuant to paragraphs (a) and (b) to demonstrate proficiency in reading; and

(e) Requirements for the administration of the assessments.

2. The board of trustees of each school district and the governing body of each charter school shall administer the assessment prescribed by the Task Force pursuant to paragraph (a) of subsection 1 at the time prescribed by the Task Force and in accordance with the procedures adopted by the Task Force as follows:

(a) Commencing with the 2013-2014 school year and each school year thereafter, to pupils enrolled in kindergarten and grade 1;

(b) Commencing with the 2014-2015 school year and each school year thereafter, to pupils enrolled in grade 2; and

(c) Commencing with the 2015-2016 school year and each school year thereafter, to pupils enrolled in grade 3.

3. The assessment prescribed pursuant to paragraph (b) of subsection 1 must be administered by the board of trustees of each school district and the governing body of each charter school at the time prescribed by the Task Force.

Sec. 5. ***1. [If] Commencing with the 2013-2014 school year and each school year thereafter, if a pupil enrolled in kindergarten or grade 1 [, 2 or 3] does not achieve proficiency in reading [,] based upon [state or local assessments or upon the observations of the pupil's teacher,] the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school , or the***

principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

2. Commencing with the 2014-2015 school year and each school year thereafter, if a pupil enrolled in grade 2 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

3. Commencing with the 2015-2016 school year, and each school year thereafter, if a pupil enrolled in grade 3 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

4. The written notice required by subsection 1, 2 or 3, as applicable, must be provided in a language that the parent or legal guardian of the pupil can understand and must include, without limitation:

(a) An identification of the educational programs and services that the pupil will receive to improve the pupil's proficiency in reading [,] , including, without limitation, the development of an academic plan for the pupil pursuant to section 5.7 of this act;

(b) An explanation that if the pupil does not [obtain a passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550,] achieve proficiency in reading in grade 3 based upon the results of the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the pupil will not be promoted to grade 4 unless the pupil is granted a good-cause exemption pursuant to section 7 of this act;

(c) An explanation of the factors that will determine whether the pupil will be retained in grade 3, including, without limitation, an explanation of the good-cause exemptions set forth in section 7 of this act; and

(d) [A description of the strategies which the parent or legal guardian may use at home to help improve the pupil's proficiency in reading;

(e) A description of the programs and services available in the community to the pupil and the parent or legal guardian of the pupil to help improve the pupil's proficiency in reading; and

(f)] A description of the policy and specific criteria adopted by the board of trustees of the school district pursuant to subsection [4] 2 of section [8] 9.5 of this act or the governing body of the charter school pursuant to subsection 2 of NRS 386.583, as applicable, regarding the promotion of a pupil to grade 4 during the school year if the pupil is retained in grade 3 pursuant to section 7 of this act.

~~[2.]~~ ***5.*** ***A pupil enrolled in kindergarten or grade 1, 2 or 3 who does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act must*** ~~[:~~

~~(a) Receive intensive instruction in reading; and~~

~~(b) Have]~~ ***have his or her proficiency in reading assessed at the beginning of the school year following any school year in which the pupil*** ~~[receives intensive instruction in reading pursuant to paragraph (a).]~~ ***has an academic plan developed pursuant to section 5.7 of this act.***

Sec. 5.5. 1. Commencing with the 2013-2014 school year and each school year thereafter, if a pupil enrolled in kindergarten or grade 1 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be developed for the pupil pursuant to section 5.7 of this act.

2. Commencing with the 2014-2015 school year and each school year ***thereafter, if a pupil enrolled in grade 2 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be developed for the pupil pursuant to section 5.7 of this act.***

3. Commencing with the 2015-2016 school year and each school year thereafter, if a pupil enrolled in grade 3 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be developed for the pupil pursuant to section 5.7 of this act. An academic plan must also be developed for a pupil who is retained in grade 3 pursuant to section 7 of this act.

Sec. 5.7. 1. An academic plan required by section 5.5 of this act must be developed by the pupil's teacher in consultation with:

(a) Another teacher at the school;

(b) A reading specialist appointed by the principal of the school or the principal's designee;

(c) An instructional coach appointed by the principal of the school or the principal's designee;

(d) An administrator of the school;

(e) A person with knowledge of scientifically based reading research; or

(f) Any combination of the persons described in paragraphs (a) to (e), inclusive.

➥ The parent or legal guardian of the pupil must be given an opportunity to participate in the development of the academic plan.

2. An academic plan developed pursuant to subsection 1 must:

(a) Set forth the specific fundamental reading skills in which the pupil exhibits a deficiency.

(b) Set forth the goals that the pupil must achieve in the fundamental reading skills in which the pupil exhibits a deficiency.

(c) Prescribe intensive instructional services which are targeted for the pupil and based upon scientifically based reading research and any other educational programs or services that will be implemented to improve the pupil's proficiency in reading, which may include, without limitation:

(1) Strategies or programs which the parent or legal guardian may implement at home to improve the pupil's proficiency in reading;

(2) Programs to improve the pupil's proficiency in reading which are offered during summer school or between sessions of school;

(3) Instruction that is provided to the pupil in an extended school day, school week or school year;

(4) Instruction that is provided in a small group setting;

(5) Instruction that is provided in a class with a reduced pupil-teacher ratio;

(6) Tutoring and mentoring of the pupil that includes supplemental instruction in reading provided during the regular school day and before or after school;

(7) Supplemental instruction in reading provided by a reading specialist appointed by the principal of the school or the principal's designee; and

(8) Assignment to a different teacher.

(d) Identify the setting in which the interventions or educational programs or services will be implemented for the pupil and each person who will be implementing the interventions or educational programs or services.

(e) Describe the programs and services available in the community to the pupil and the parent or legal guardian of the pupil to help improve the pupil's proficiency in reading.

(f) Describe the method by which the progress of the pupil will be monitored, including, without limitation:

(1) A requirement that a portfolio of the pupil's work be developed and updated as necessary to track the progress of the pupil in achieving proficiency in reading;

(2) A requirement that the progress of the pupil be measured not less than three times per school year; and

(3) Methods for summarizing the data collected.

3. The academic plan for a pupil developed pursuant to this section must be provided to the parent or legal guardian of the pupil not later than 10 days after the academic plan is developed in a language that the parent

or legal guardian can understand. The academic plan must be updated annually for a pupil who completes the academic plan but does not demonstrate proficiency in reading.

4. To the extent practicable, the intensive instructional services that are prescribed pursuant to paragraph (c) of subsection 2 must be provided by a teacher whose overall performance has been determined to be highly effective pursuant to the evaluation of the employee conducted pursuant to NRS 391.3125.

5. The principal of the school or the principal's designee shall, for each pupil enrolled in the school with an academic plan developed pursuant to this section:

(a) Review the progress of the pupil to determine the effectiveness of the interventions and any other educational programs or services that were implemented to improve the pupil's proficiency in reading; and

(b) Provide written notice not less than three times per school year to the parent or legal guardian of the pupil concerning the progress of the pupil in improving his or her proficiency in reading. The notice must be provided in a language that the parent or legal guardian can understand.

6. If a principal is required to develop one or more academic plans pursuant to this section, the principal of the school, or the principal's designee, shall provide for professional development for the teachers and other educational personnel at the school in developing and implementing academic plans based upon scientifically based reading research.

7. If the board of trustees of a school district or the governing body of a charter school, as applicable, determines that a pupil enrolled in kindergarten or grade 1 or 2 does not demonstrate proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the parent or legal guardian of the pupil must be provided an opportunity to meet with the pupil's teacher and a reading specialist appointed by the principal, or the principal's designee, to determine whether the pupil should be retained in the same grade rather than promoted to the next higher grade for the succeeding school year. If the pupil's teacher and the reading specialist recommend that the pupil be retained in the same grade, the pupil's teacher shall provide written notice of the recommendation to the principal of the school or the principal's designee. Upon receipt of such a written recommendation, the principal, or the principal's designee, shall:

(a) Review the recommendation and make a determination; and

(b) Provide to the parent or legal guardian of the pupil notice of his or her determination not later than 10 working days after making the determination in a language that the parent or legal guardian can understand.

8. The parent or legal guardian of a pupil may appeal a determination made pursuant to subsection 7 in accordance with the appeal process prescribed pursuant to NRS 386.583 or section 9.5 of this act, as applicable.

Sec. 6. ***1. The board of trustees of each school district and the governing body of each charter school shall develop a program which is offered during the summer [,] or between sessions [if the school or charter school, as applicable, operates on a year-round calendar,] of school and which is designed to improve the proficiency in reading of pupils who have completed grade 2 or 3 and have not achieved proficiency in reading.***

2. [A] Commencing with the 2014-2015 school year and each school year thereafter, a pupil who [has completed] is enrolled in grade 2 [or 3] and who has not achieved proficiency in reading by the end of the school year, based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, shall enroll in the program developed pursuant to subsection 1.

3. Commencing with the 2015-2016 school year and each school year thereafter, a pupil who is enrolled in grade 3 and who has not achieved proficiency in reading by the end of the school year, based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, shall enroll in the program developed pursuant to subsection 1. Upon completion of the program developed pursuant to subsection 1, such a pupil [who was required to enroll in the program because he or she completed grade 3 and had not achieved proficiency in reading] shall take the [alternative examination] assessment prescribed pursuant to paragraph (b) of subsection 1 of section [10] 4.7 of this act. If the pupil obtains a [passing] score [on the alternative examination,] demonstrating proficiency in reading, the pupil may be granted a good-cause exemption pursuant to section 7 of this act and be promoted to grade 4.

Sec. 7. ***1. [Except] Commencing with the 2015-2016 school year and each school year thereafter, except as otherwise provided in this section , [and NRS 392.125,] a pupil enrolled in grade 3 must not be promoted to grade 4 if the pupil [does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 that meets the passing score prescribed by the Teachers and Leaders Council of Nevada] has not achieved proficiency in reading by the end of the school year based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section [10] 4.7 of this act.***

2. The superintendent of schools of a school district or the superintendent's designee, or the governing body of a charter school, or

the governing body's designee, as applicable, may grant a good-cause exemption to allow the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 [because the pupil did not obtain a passing score on the criterion-referenced examination.] pursuant to subsection 1. A pupil may be granted a good-cause exemption pursuant to subsection 3 if the pupil:

(a) Obtains a [passing] score demonstrating proficiency in reading on the [alternative examination prescribed by the Teachers and Leaders Council of Nevada] assessment administered pursuant to paragraph (a) or (b) of subsection 1 of section [10] 4.7 of this act [;] , as applicable;

(b) Demonstrates , through a portfolio of the pupil's work , proficiency in reading at grade level;

(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1, 2 or 3;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the [criterion-referenced examination administered pursuant to NRS 389.550] assessments administered pursuant to section 4.7 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the [criterion-referenced examination] assessments administered pursuant to [NRS 389.550;] section 4.7 of this act;

(2) His or her plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 or individualized education program documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

3. A good-cause exemption must be granted only in accordance with the following procedures:

(a) The teacher of a pupil described in subsection 2 shall submit a recommendation to the principal of the school , or the principal's designee, as to whether the pupil should be promoted to grade 4. The recommendation must:

(1) Be in writing;

(2) Indicate whether promotion of the pupil to grade 4 is appropriate; and

(3) Include documentation to support the teacher's recommendation. The documentation must only consist of:

(I) ~~[The existing]~~ Each academic plan for ~~[monitoring the progress off]~~ the pupil ~~[in achieving reading proficiency, if any.]~~ developed pursuant to section 5.7 of this act.

(II) The pupil's individualized education program, if applicable.

(III) The plan developed for the pupil in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable.

(IV) The pupil's report card.

(V) The pupil's portfolio of work.

(b) Upon receipt of the recommendation and documentation pursuant to paragraph (a), the principal , or the principal's designee, shall review the documentation, discuss the recommendation with the pupil's teacher and determine whether the pupil should be promoted to grade 4.

(c) If the principal , or the principal's designee, determines that the pupil should be promoted to grade 4, the principal , or the principal's designee, shall submit a written recommendation of that determination to the superintendent of schools of the school district , or the superintendent's designee, or to the governing body of the charter school, or the governing body's designee, as applicable.

(d) The superintendent of schools , or the superintendent's designee, or the governing body of the charter school, or the governing body's designee, as applicable, shall accept or deny the recommendation of a principal , or the principal's designee, submitted pursuant to paragraph (c) and provide written notice of the acceptance or denial of the recommendation to the principal , or the principal's designee, and the parent or legal guardian of the pupil.

4. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 8. *1. If a pupil is retained in grade 3 pursuant to section 7 of this act, the principal of the school , or the principal's designee, shall ~~[:~~*

~~(a) Provide]~~ provide written notice to the parent or legal guardian of the pupil , in a language that the parent or legal guardian can understand, that the pupil will be retained in grade 3 and the reasons why the pupil was not granted a good-cause exemption. ~~[The written notice must include, without limitation, a description of the intensive instructional services in reading that will be provided to the pupil pursuant to paragraph (d).~~

~~(b) Develop a plan to monitor the progress of the pupil in achieving proficiency in reading and provide the parent or legal guardian of the pupil with a report each week on the progress of the pupil in achieving proficiency in reading.~~

~~(c) Develop a portfolio of the pupil's work, which must be updated as necessary to reflect the progress made by the pupil in achieving proficiency in reading.~~

~~(d) Ensure that the pupil is provided intensive instructional services in reading which are designed to improve the pupil's proficiency in reading and which must include, without limitation:~~

~~(1) Uninterrupted reading instruction that is based upon scientifically based reading instruction research for at least 90 minutes each school day; and~~

~~(2) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.~~

~~2. The board of trustees of each school district shall:~~

~~(a) Review and evaluate the plan for monitoring the progress of a pupil developed pursuant to subsection 1.~~

~~(b) Prescribe intensive instructional services in reading which the principal of a school must implement for each pupil who is retained in grade 3 pursuant to section 7 of this act, including, without limitation:~~

~~(1) Instruction that is provided in a small group setting;~~

~~(2) Instruction provided in a class with a reduced pupil-teacher ratio;~~

~~(3) A timeline for frequently monitoring the progress of the pupil;~~

~~(4) Tutoring and mentoring of the pupil;~~

~~(5) Classes which are designed to increase the ability of the pupil to transition from grade 3 to grade 4; or~~

~~(6) Instruction that is provided to the pupil in an extended school day, school week or school year.~~

~~3. The intensive instructional services that are prescribed pursuant to paragraph (b) of subsection 2 must be provided by a teacher whose overall performance has been determined to be highly effective pursuant to the evaluation conducted pursuant to NRS 391.3125.~~

~~4. The board of trustees of each school district shall develop a policy by which the principal of a school may , except as otherwise provided in subsection 5, promote a pupil who is retained in grade 3 pursuant to section 7 of this act to grade 4 at any time during the school year if the pupil demonstrates proficiency in reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level.~~

~~5. A principal shall not promote a pupil who is retained in grade 3 during the school year after November 1, if the school operates on a traditional school year, or after 60 days from the start of the school year, if~~

~~*the school operates on a year-round calendar, unless the pupil demonstrates proficiency in reading at a level prescribed by the State Board.*~~

~~*6.]*~~ *2. If a principal of a school determines that a pupil has not achieved proficiency in reading after the pupil repeated grade 3:*

(a) The pupil must be promoted to grade 4; and

(b) The school district in which the pupil is enrolled or the governing body of the charter school, as applicable, shall provide the parent or legal guardian of the pupil with an option for the pupil to be placed in a transitional instructional setting in the next school year which is designed to:

(1) Produce learning gains sufficient for the pupil to meet the performance standards required for grade 4; and

(2) Continue to provide the pupil with remediation in the area of his or her reading deficiency.

Sec. 9. *In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 7 of this act, the principal of the school must offer the parent or legal guardian of such pupil at least one of the following instructional options:*

1. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district and the community to assist the parent or guardian with reading with his or her child at home; or

2. Providing the pupil with a mentor or tutor who is qualified to provide instruction in reading.

Sec. 9.5. 1. The board of trustees of each school district shall adopt a procedure for the parent or legal guardian of a pupil to appeal a decision:

(a) To retain the pupil in grade 3 pursuant to section 7 of this act;

(b) Whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7 of this act; and

(c) To promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained.

2. The board of trustees of each school district shall adopt a policy that authorizes the principal of a school to promote a pupil who is retained in grade 3 pursuant to section 7 of this act on or before November 1 of the school year if the pupil demonstrates proficiency in reading. The policy must include specific criteria that a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level. The policy must prohibit the principal from promoting a pupil who is retained in grade 3 after November 1 of the school year unless the pupil demonstrates proficiency in reading in accordance with the requirements

prescribed by the Task Force on Reading Proficiency pursuant to paragraph (c) of subsection 1 of section 4.7 of this act.

Sec. 10. ~~[*The Teachers and Leaders Council of Nevada shall prescribe by regulation:*~~

~~*1. The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4;*~~

~~*2. An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score prescribed pursuant to paragraph (a) in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4; and*~~

~~*3. Requirements for administration of the alternative examination, including, without limitation, when the board of trustees of a school district or the governing body of a charter school must administer the alternative examination.*~~*]* **(Deleted by amendment.)**

Sec. 11. ~~*[On]*~~ ***Commencing with the 2016-2017 school year and each school year thereafter, on or before September 1 of each year, the board of trustees of each school district shall:***

1. Prepare a report concerning the number and percentage of pupils at each public school within the school district who were retained in grade 3 pursuant to section 7 of this act, reported separately by gender and reported separately for the following groups of pupils:

(a) Pupils who are economically disadvantaged, as defined by the State Board; and

(b) Pupils from major racial and ethnic groups, as defined by the State Board.

➥ A separate reporting of a group of pupils must not be made pursuant to this subsection if the results would reveal personally identifiable information about an individual pupil.

2. Submit a copy of the report to the Department.

3. Post the report on the Internet website maintained by the school district, if any, and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 12. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a

meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. ~~[~~The~~]~~ ***Except as otherwise provided in this subsection and sections ~~[5]~~ 4.5 to 10, inclusive, of this act, the*** teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year. ***If the parent or legal guardian of a pupil wishes that the pupil be retained and the teacher and the principal believe the pupil should be promoted to the next grade, the parent or legal guardian may appeal that decision in accordance with the procedure adopted by the board of trustees pursuant to section 9.5 of this act.***

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.

4. ~~[~~This~~]~~ ***Except as otherwise provided in NRS 386.583, this*** section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 13. **On or before July 1, 2013, the members of the Task Force on Reading Proficiency created by section 4.5 of this act must be appointed to initial terms commencing on July 1, 2013, as follows:**

1. Members must be appointed pursuant to paragraphs (a), (c), (e) and (g) of subsection 1 of section 4.5 of this act to initial terms of 1 year.

2. Members must be appointed pursuant to paragraphs (b), (d) and (f) of subsection 1 of section 4.5 of this act to initial terms of 2 years.

~~[~~Sec. 13.~~]~~ ***Sec. 14.*** **1.** This **section and section 13 of this act become effective upon passage and approval.**

2. Sections 1 to 12, inclusive, of this act ~~[~~becomes~~]~~ **become** effective on July 1, ~~[~~2014.~~]~~ **2013.**

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 264.

SUMMARY— ~~[~~Provides~~]~~ **Makes an appropriation** for **school districts to provide** early childhood ~~[~~prekindergarten~~]~~ education programs. (BDR S-723)

AN ACT relating to education; ~~[~~providing for the distribution of money to~~]~~ **authorizing** school districts ~~[~~that include one or more Title I elementary schools~~]~~ to **apply to the Department of Education for an allocation of**

money to provide early childhood ~~[~~prekindergarten~~]~~ education programs; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[~~provides for the distribution of money to school districts that include one or more elementary schools that are Title I schools~~]~~ **makes an appropriation to the Department of Education for allocation to school districts** to provide early childhood ~~[~~prekindergarten~~]~~ education programs to children in the school district **~~[.]~~ pursuant to plans approved by the Department.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Department of Education shall ~~[~~distribute~~]~~ **allocate** the appropriation made by section 2 of this act to school districts ~~[~~that include one or more elementary schools that are Title I schools and are not currently providing early childhood education programs funded by the Federal Government. Each allocation to a school district pursuant to this section must be calculated by multiplying the number of children who reside within the zone of attendance of those Title I schools in the school district by six-tenths of the basic support guarantee per pupil for the school district established by law for Fiscal Year 2014-2015.~~]~~ **to provide early childhood education programs.**

2. ~~[~~A school district that receives an allocation of money pursuant to this section shall use the money to provide early childhood prekindergarten education programs for children in the school district. A school district shall allocate the money by assigning first priority to those schools within the school district that have the highest percentage of children who are eligible for free or reduced price lunches. If a school within a school district currently provides early childhood prekindergarten education programs with money that it receives from the Federal Government, the school district shall not allocate the money from the appropriation made by section 2 of this act to the school.~~]~~ **To receive an allocation from the appropriation made by section 2 of this act, a school district must submit a comprehensive plan for the provision of early childhood education programs to the Department of Education for its approval, on a form prescribed by the Department. The plan must include, without limitation:**

(a) Based upon data on the readiness of children in the school district for kindergarten, an identification of the needs of the school district for early childhood education programs, including, without limitation, the priorities of the school district for the establishment or expansion of early childhood education programs;

(b) A detailed description of the early childhood education program proposed for establishment or expansion, including, without limitation, the number of children projected to participate in the programs;

(c) A description of the manner in which the allocation will be used to supplement and not replace the money that would otherwise be expended by the school district for early childhood education programs;

(d) A plan for the longitudinal evaluation of the early childhood education programs to determine the effectiveness of the programs on the readiness of the participants in the programs for kindergarten and on the academic achievement of those participants; and

(e) If applicable, a description of how the school district will collaborate with a community-based organization to operate an early childhood education program.

3. **The Department of Education shall determine the amount of the allocations based upon the needs of children who reside within the school district, as identified by the school district, for early childhood education programs to ensure the readiness of the children for kindergarten. The school district shall give priority for the establishment or expansion of early childhood education programs in those areas of the school district where the children are most in need of such a program to ensure the readiness of the children for kindergarten. Within the limits of the appropriation, the Department shall make allocations to school districts with approved plans in an amount of $3,200 per child, based upon the number of children projected to participate in the program, or, in lieu of a per child amount, an amount not to exceed $120,000 for the approved program if the plan submitted by the school district to the Department includes a detailed budget demonstrating the need for money in excess of $3,200 per child to operate the approved program.**

4. A school district that receives ~~[a grant of money]~~ **an allocation** pursuant to this section shall:

(a) Provide notice of the early childhood ~~[prekindergarten]~~ education programs to residents of the school district and encourage parents and legal guardians of children who are eligible to participate in such a program to enroll in the program; ~~[and]~~

(b) Submit a report to the Department **of Education** regarding the efforts undertaken by the school district to inform the residents of the school district ~~[of]~~ **about** the ~~[program]~~ **early childhood education programs** and to encourage the enrollment of children who are eligible for enrollment ~~[.~~

~~4. A school that receives an allocation of money pursuant to this section shall:~~

~~(a)]~~ **in the program;**

(c) Use the money to establish or expand early childhood ~~[prekindergarten]~~ education programs and offer the ~~[program]~~ **programs** free of charge to children who are eligible for enrollment ~~[.~~
~~(b)]~~ **in the program;**

(d) Use the money to supplement and not replace the money that the school **district** would otherwise expend for early childhood ~~[prekindergarten]~~ education programs ~~[.]~~ **; and**

(e) Submit a longitudinal evaluation of the early childhood education programs in accordance with the plan submitted pursuant to paragraph (d) of subsection 2.

5. ~~[On or before February 1, 2015, the Department of Education shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Legislature]~~ **The Department of Education shall develop statewide performance and outcome indicators to measure the effectiveness of the early childhood education programs for which allocations are made pursuant to this section. In developing the indicators, the Department shall establish minimum performance levels and increase the expected performance rates on a yearly basis, based upon the performance results of the participants in the programs. The indicators must include, without limitation:**

(a) Longitudinal measures of the developmental progress of the participants before and after their completion of the early childhood education program;

(b) Longitudinal measures of parental involvement in the early childhood education program before and after the participants' completion of the program; and

(c) The percentage of participants who drop out of the early childhood education program before completion of the program.

6. The Department of Education shall prepare a **written** report which includes, without limitation:

(a) ~~[An]~~ **The number of allocations made and an** identification of which school districts received an allocation pursuant to this section;

(b) A compilation **and analysis** of the ~~[reports]~~ **longitudinal evaluations** submitted to the Department pursuant to subsection ~~[3]~~ **4** by each school district that received an allocation pursuant to this section ~~[.]~~ **that includes, without limitation:**

(1) A longitudinal comparison of the data showing the effectiveness of the different early childhood education programs;

(2) A description of the early childhood education programs in this State that are the most effective; and

(3) Based upon the performance of participants in the early childhood education programs as measured by the performance and

outcome indicators developed pursuant to subsection 5, a description of the revised performance and outcome indicators, including any revised minimum performance levels and performance rates;

(c) The number of schools in each school district that offered early childhood ~~[~~prekindergarten~~]~~ education programs funded by the allocation **~~[~~;~~]~~ to that school district;**

(d) The number of children who received services through ~~[~~an~~]~~ early childhood ~~[~~prekindergarten~~]~~ education ~~[~~program~~]~~ **programs** funded by the ~~[~~allocation;~~]~~ **allocations made pursuant to this section and the average expenditure per child for the programs;**

(e) ~~[~~The developmental progress of children before and after their completion of an early childhood prekindergarten education program funded by the allocation;

~~(f)~~] The involvement of parents and families whose children participated in ~~[~~an~~]~~ early childhood ~~[~~prekindergarten~~]~~ education ~~[~~program~~]~~ **programs** funded by ~~[~~the allocation;~~]~~ **allocations made pursuant to this section;** and

~~[(g)]~~ **(f)** Any recommendations for legislation related to early childhood ~~[~~prekindergarten~~]~~ education programs.

~~[~~ 6. As used in this section, "Title I school" has the meaning ascribed to it in NRS 385.3467.~~]~~

7. The Department of Education shall submit the report prepared pursuant to subsection 6 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Education ~~[~~for Fiscal Year 2014-2015, the sum of $20,000,000.~~]~~ for allocation to school districts to provide early childhood education programs pursuant to section 1 of this act **~~[~~:~~]~~ the following sums:**

For the Fiscal Year 2013-2014 $10,000,000

For the Fiscal Year 2014-2015 $10,000,000

2. **The sums appropriated by subsection 1 are available for either fiscal year.** Any remaining balance of ~~[~~the appropriation made by subsection 1~~]~~ **those sums** must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 390.

AN ACT relating to constructional defects; revising the definition of "constructional defect"; providing that a claimant may not recover attorney's fees as damages; requiring an attorney to obtain an affidavit from a claimant and file the affidavit with the court under certain circumstances; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; **making an appropriation for a study;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill amends the existing definition of "constructional defect" to provide that a constructional defect is a defect: (1) which presents an unreasonable risk of injury to a person or property; or (2) which violates the law, unless the workmanship exceeds the standards set forth in any applicable codes and ordinances, which causes physical damages and which is not completed in a good and workmanlike manner.

Existing law authorizes a claimant to recover reasonable attorney's fees for a claim for a constructional defect in certain circumstances. (NRS 40.655) **Section 2** of this bill removes this provision. Existing law also requires an attorney for a claimant to notify the claimant in writing of certain provisions of law relating to constructional defects before the attorney takes any action on a claim for a constructional defect. (NRS 40.688) **Section 3** of this bill revises this requirement and instead provides that an attorney must obtain from a claimant a signed affidavit stating that the claimant has been notified of certain provisions relating to constructional defects. If the claimant is a representative of a homeowners' association, **section 3** requires that the affidavit also attest that the claimant has notified the units' owners on whose behalf the claim is brought of the provisions of this section. **Section 3** also provides that in a subsequent action, the attorney must file the affidavit with the court or the action will be dismissed.

Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement, unless the deficiency is a result of willful misconduct or was fraudulently concealed. (NRS 11.202-11.205) These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an

action must be commenced after substantial completion of the improvement depends on the particular type of deficiency in construction. **Section 4** of this bill reduces the period in the existing statute of repose for a known deficiency in construction from 10 years after substantial completion of the improvement to 3 years. **Section 5** of this bill reduces the period in the existing statute of repose for a latent deficiency from 8 years after substantial completion of the improvement to 4 years. **Section 6** of this bill reduces the period in the existing statute of repose for a patent deficiency from 6 years after substantial completion of the improvement to 3 years.

Sections 4-6 also eliminate the existing provisions that allow such actions to be commenced within 2 years after the date of an injury which occurs during the final year of the particular period of limitation. **Section 7** of this bill provides that the revised statutes of repose set forth in **sections 4-6** apply retroactively under certain circumstances. **Section 7** also establishes a 1-year grace period during which a person may commence an action pursuant to NRS 11.203, 11.204 or 11.205 if the action accrued before October 1, 2013.

This bill also makes an appropriation for a study of the impact of the current laws of the State of Nevada on the arbitration, mediation and litigation of actions for damages resulting from deficiencies in construction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.615 is hereby amended to read as follows:

40.615 "Constructional defect" means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance **[:]** ***, which presents an unreasonable risk of injury to a person or property or:***

1. Which is done in violation of law, including, without limitation, in violation of local codes or ordinances **[;]** ***, unless the workmanship of the design, construction, manufacture, repair or landscaping exceeds the standards set forth in any applicable codes and ordinances;***

2. Which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed; ***and***

3. Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping **.** ~~**[; or**~~

~~4. Which presents an unreasonable risk of injury to a person or property.**]**~~

Sec. 2. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) ~~[Any reasonable attorney's fees;~~

~~(b)]~~ The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

~~[(c)]~~ ***(b)*** The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

~~[(d)]~~ ***(c)*** The loss of the use of all or any part of the residence;

~~[(e)]~~ ***(d)*** The reasonable value of any other property damaged by the constructional defect;

~~[(f)]~~ ***(e)*** Any additional costs reasonably incurred by the claimant, including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

~~[(g)]~~ ***(f)*** Any interest provided by statute.

2. ~~[The amount of any attorney's fees awarded pursuant to this section must be approved by the court.~~

~~3.]~~ If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, anything other than that which is provided pursuant to NRS 40.600 to 40.695, inclusive.

~~[4.]~~ ***3.*** This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

~~[5.]~~ ***4.*** As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 3. NRS 40.688 is hereby amended to read as follows:

40.688 1. If a claimant attempts to sell a residence that is or has been the subject of a claim governed by NRS 40.600 to 40.695, inclusive, the claimant shall disclose, in writing, to any prospective purchaser of the residence, not less than 30 days before the close of escrow for the sale of the residence or, if escrow is to close less than 30 days after the execution of the

sales agreement, then immediately upon the execution of the sales agreement or, if a claim is initiated less than 30 days before the close of escrow, within 24 hours after giving written notice to the contractor pursuant to NRS 40.645:

(a) All notices given by the claimant to the contractor pursuant to NRS 40.600 to 40.695, inclusive, that are related to the residence;

(b) All opinions the claimant has obtained from experts regarding a constructional defect that is or has been the subject of the claim;

(c) The terms of any settlement, order or judgment relating to the claim; and

(d) A detailed report of all repairs made to the residence by or on behalf of the claimant as a result of a constructional defect that is or has been the subject of the claim.

2. Before taking any action on a claim pursuant to NRS 40.600 to 40.695, inclusive, the attorney for a claimant shall ~~[notify]~~ ***obtain a signed affidavit from*** the claimant ~~[in writing]~~ ***stating that the claimant has been notified*** of the provisions of this section. ***If the claimant is a representative of a homeowners' association, the affidavit must attest that the claimant has notified the units' owners on whose behalf the claim is brought of the provisions of this section. At the time of commencing an action or amending a complaint to add a cause of action for a constructional defect, the attorney shall file the affidavit with the court. The action or cause of action will be dismissed by the court if the attorney fails to file the required affidavit.***

Sec. 4. NRS 11.203 is hereby amended to read as follows:

11.203 1. Except as otherwise provided in NRS 11.202 ***, 11.204*** and 11.206, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~[10]~~ ***3*** years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement which is known or through the use of reasonable diligence should have been known to him or her;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. ~~[Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the 10th year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or~~

~~damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 12 years after the substantial completion of the improvement.~~

~~3.~~] The provisions of this section do not apply to a claim for indemnity or contribution.

Sec. 5. NRS 11.204 is hereby amended to read as follows:

11.204 1. Except as otherwise provided in NRS 11.202 [~~, 11.203~~] and 11.206, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than [~~8~~] ***4*** years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any latent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. [~~Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the eighth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 10 years after the substantial completion of the improvement.~~

~~3.~~] The provisions of this section do not apply to a claim for indemnity or contribution.

[~~4.~~] ***3.*** For the purposes of this section, "latent deficiency" means a deficiency which is not apparent by reasonable inspection.

Sec. 6. NRS 11.205 is hereby amended to read as follows:

11.205 1. Except as otherwise provided in NRS 11.202 [~~, 11.203~~] and 11.206, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than [~~6~~] ***3*** years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any patent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. ~~Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the sixth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 8 years after the substantial completion of the improvement.~~

~~3.~~ The provisions of this section do not apply to a claim for indemnity or contribution.

~~[4.]~~ 3. For the purposes of this section, "patent deficiency" means a deficiency which is apparent by reasonable inspection.

Sec. 6.5. **1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of contracting with a consultant to conduct a study of the impact of the current laws of the State of Nevada on the arbitration, mediation and litigation of actions for damages resulting from deficiencies in construction.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 7. 1. The amendatory provisions of sections 1, 2 and 3 of this ~~[bill]~~ **act** apply to any claim that arises on or after October 1, 2013.

2. Except as otherwise provided in subsection 3, the period of limitations on actions set forth in NRS 11.203, 11.204 and 11.205, as amended by sections 4, 5 and 6 of this act, apply retroactively to actions in which the substantial completion of the improvement to real property occurred before October 1, 2013.

3. The provisions of subsection 2 do not limit an action:

(a) That accrued before October 1, 2013, and is commenced before October 1, 2014; or

(b) If doing so would constitute an impairment of the obligation of contracts under the *United States Constitution* or the *Nevada Constitution*.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 235.

SUMMARY—Provides **, under certain circumstances,** for the issuance **by the Department of Motor Vehicles** of **a separate tier of five new** special license plates **. ~~[to advance the research, early detection and treatment of neurological diseases.]~~** (BDR 43-1086)

AN ACT relating to motor vehicles; providing for the issuance **by the Department of Motor Vehicles** of **a separate tier of five new** special license plates **~~[to advance the research, early detection and treatment of neurological diseases;]~~ , which must meet increased requirements for bonding and the number of applications to qualify for issuance;** imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~~~This bill requires the Department of Motor Vehicles, upon the receipt of 1,000 applications, to issue~~**~~]~~** **Under existing law, the standard manner for issuing** special license plates **~~[~~**~~for the purpose of advancing the research, early detection and treatment of neurological diseases, including Alzheimer's disease, Huntington's disease, Parkinson's disease and amyotrophic lateral sclerosis. For the initial issuance and renewal of these special license plates, this bill provides for additional fees of $25 and $20, respectively, the proceeds of which will be remitted quarterly to the Cleveland Clinic's Lou Ruvo Center for Brain Health, located in Las Vegas, Nevada. This bill exempts these special license plates from:~~**~~]~~** **requires:** (1) **~~[~~**~~the requirement that~~**~~]~~** **application to the Department of Motor Vehicles; (2) approval by** the Commission on Special License Plates **~~[~~**~~approve or disapprove the plates; and (2) the limit~~**~~]~~** **; (3) posting of a surety bond in the amount of $5,000; and (4) the issuance of at least 1,000 plates to demonstrate the viability of the plates. (NRS 482.367002-482.367008) Existing law also places a limit of 30** on the number of separate designs of special license plates that may be issued by the Department at any one time.

~~[~~~~Section 8 of this bill provides that the provisions of this bill expire by limitation if the Department does not receive at least 1,000 applications for the special license plates within 2 years after July 1, 2013.~~**~~]~~** **(NRS 482.367008)**

This bill creates a new tier of not more than 5 special license plates that may be issued by the Department, in addition to the existing 30, if the applicants post a larger surety bond in the amount of $20,000 and demonstrate the issuance of at least 3,000 plates to illustrate the viability of the plates.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in this subsection, the Department, in cooperation with the Cleveland Clinic's Lou Ruvo Center for Brain Health or its successor, shall design, prepare and issue license plates to advance the research, early detection and treatment of neurological diseases, including, without limitation, Alzheimer's disease, Huntington's disease, Parkinson's disease and amyotrophic lateral sclerosis, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.*~~

~~*2. If the Department receives at least 1,000 applications for the issuance of license plates to advance the research, early detection and treatment of neurological diseases, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates to advance the research, early detection and treatment of neurological diseases if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates to advance the research, early detection and treatment of neurological diseases pursuant to subsections 3 and 4.*~~

~~*3. The fee for license plates to advance the research, early detection and treatment of neurological diseases is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.*~~

~~*4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates to advance the research, early detection and treatment of neurological diseases must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed in accordance with subsection 5.*~~

~~*5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees to the Cleveland Clinic's Lou Ruvo Center for Brain Health or its successor for*~~

~~*use in advancing the research, early detection and treatment of neurological diseases, including, without limitation, Alzheimer's disease, Huntington's disease, Parkinson's disease and amyotrophic lateral sclerosis.*~~

~~*6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*~~

~~*(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or*~~

~~*(b) Within 30 days after removing the plates from the vehicle, return them to the Department.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 482.216 is hereby amended to read as follows:~~

~~482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:~~

~~(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;~~

~~(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and~~

~~(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.~~

~~2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:~~

~~(a) Transmit the applications received to the Department within the period prescribed by the Department;~~

~~(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;~~

~~(c) Comply with the regulations adopted pursuant to subsection 4; and~~

~~(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.~~

~~3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:~~

~~(a) Charge any additional fee for the performance of those services;~~

~~(b) Receive compensation from the Department for the performance of those services;~~

~~(c) Accept applications for the renewal of registration of a motor vehicle; or~~

~~(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:~~

~~(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive~~ ~~[;]~~ ***, and section 1 of this act;*** ~~or~~

~~(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.~~

~~4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:~~

~~(a) The expedient and secure issuance of license plates and decals by the Department; and~~

~~(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.~~**]** **(Deleted by amendment.)**

Sec. 2.5. **NRS 482.367002 is hereby amended to read as follows:**

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of $5,000 **~~[.]~~** ***, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000;*** and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 7 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008 ~~[.]~~ ***, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.***

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 3. ~~[NRS 482.367004 is hereby amended to read as follows:~~

~~"482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:~~

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three nonvoting members consisting of:~~

~~(1) The Director of the Department of Motor Vehicles, or a designee of the Director.~~

~~(2) The Director of the Department of Public Safety, or a designee of the Director.~~

~~(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.~~

~~2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

~~3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.~~

~~4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.~~

~~5. The Commission shall approve or disapprove:~~

~~(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;~~

~~(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and~~

~~(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.~~

~~➡~~ ~~In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.~~

~~6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787~~ **[.]** ***or section 1 of this act.***

~~7. The Commission shall:~~

~~(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.~~

~~(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.~~**]** **(Deleted by amendment.)**

Sec. 4. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787 **.** ~~[or section 1 of this act,]~~ a license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, ***and except as otherwise provided in subsection 3,*** the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates

issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. ***In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:***

(a) The Commission on Special License Plates must have approved the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 ~~[,]~~ ***but not described in subsection 3,*** less than 1,000; ~~[or]~~

(b) ***In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 and described in subsection 3, less than 3,000; or***

(c) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall provide notice of that fact in the manner described in subsection ~~[5.]~~ ***6.***

~~[5.]~~ ***6.*** The notice required pursuant to subsection ~~[4]~~ ***5*** must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

~~[6.]~~ ***7.*** If, on December 31 of the same year in which notice was provided pursuant to subsections ~~[4 and 5,]~~ ***5 and 6,*** the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 ~~[,]~~ ***but not described in subsection 3,*** less than 1,000; ~~[or]~~

(b) ***In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 and described in subsection 3, less than 3,000; or***

(c) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 5. ~~[NRS 482.36705 is hereby amended to read as follows:~~

~~482.36705 1. Except as otherwise provided in subsection 2:~~

~~(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.~~

~~(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.~~

~~(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.~~

~~2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787.~~

~~*3. The provisions of paragraphs (b) and (c) of subsection 1 do not apply with regard to special license plates that are issued pursuant to section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 482.3824 is hereby amended to read as follows:~~

~~482.3824 1. Except as otherwise provided in NRS 482.38279,~~ ***if applicable,*** ~~with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive,~~ ***and section 1 of this act,*** ~~and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:~~

~~(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:~~

~~(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and~~

~~(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.~~

~~(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be~~

~~feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.~~

~~2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.~~

~~3. As used in this section:~~

~~(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.~~

~~(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive~~ **[.] *, and section 1 of this act.*** ~~The term includes the successor, if any, of a charitable organization.~~**] (Deleted by amendment.)**

Sec. 7. **[**~~NRS 482.500 is hereby amended to read as follows:~~

~~482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:~~

~~For a certificate of registration~~	~~$5.00~~
~~For every substitute number plate or set of plates~~	~~5.00~~
~~For every duplicate number plate or set of plates~~	~~10.00~~
~~For every decal displaying a county name~~	~~.50~~
~~For every other decal, license plate sticker or tab~~	~~5.00~~

~~2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:~~

~~(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive,~~ ~~*and section 1 of this act,*~~ ~~a fee of $10.~~

~~(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.~~

~~(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to~~

~~NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.~~

~~3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.~~

~~4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.~~**] (Deleted by amendment.)**

Sec. 8. ~~[The amendatory provisions of this act expire by limitation on June 30, 2015, if on that date the Department of Motor Vehicles has received fewer than 1,000 applications for the issuance of a license plate pursuant to section 1 of this act.~~**] (Deleted by amendment.)**

Sec. 9. This act becomes effective ~~[on]~~ **:**

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, including, without limitation, informing organizations whose special license plates have already been approved but are awaiting production, as to how those organizations may qualify their special license plates for issuance as described in subsection 3 of NRS 482.367008, as amended by section 4 of this act; and

2. On July 1, 2013 ~~[.]~~ **, for all other purposes.**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 265.

AN ACT relating to education; requiring ~~[the sponsor of a charter school to develop]~~ **that** a performance framework for ~~[the]~~ **a** charter school ~~[and incorporate that performance framework]~~ **be incorporated** into the charter contract; **revising provisions governing applications for authorization to sponsor charter schools by the board of trustees of a school district or a college or university within the Nevada System of Higher Education;** revising the procedure for reviewing an application to form a charter school; setting forth requirements for the execution and renewal of charter contracts; setting forth the grounds for termination of a charter contract; revising provisions relating to the enrollment of pupils in charter schools; **requiring the Department of Education to adopt regulations for the comprehensive**

review of sponsors of charter schools approved by the Department and for the revocation of the authorization to sponsor charter schools; making various other changes relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) **Section 3** of this bill requires ~~[the sponsor of a charter school to develop]~~ **that** a written performance framework for ~~[the]~~ **a** charter school ~~[which includes]~~ **be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to section 8 of this bill. The performance framework must include** performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and ~~[addressing]~~ disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils. ~~[Section 3 further requires that the performance framework be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to section 8 of this bill.]~~

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) Section 3.5 of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. Section 3.5 also provides that a rating of a charter school before July 1, 2013, pursuant to the statewide system of accountability, must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) Section 5 of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also

required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) Section 12 of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** of this bill requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. Existing law further provides that a proposed sponsor may approve an application to form a charter school if the application is complete and complies with the applicable statutes and regulations. **Section 7** also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this

bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and 3]~~ **to 3.5, inclusive,** of this act.

Sec. 2. ***"Charter contract" means the contract executed between the governing body of a charter school and the sponsor of the charter school pursuant to NRS 386.527.***

Sec. 2.5. ***"Performance framework" means the performance framework for a charter school that is required to be incorporated into a charter contract pursuant to NRS 386.527.***

Sec. 3. ***1.*** ~~*[Upon approval of an application to form a charter school, the sponsor of the charter school shall develop a written performance framework for the charter school.*~~

~~*2.]*~~ ***The performance framework*** ~~*[developed pursuant to subsection 1]*~~ ***that is required to be incorporated into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 must include, without limitation, performance indicators, measures and metrics for*** ~~*[:]*~~ ***the categories of academics, finances and organization as follows:***

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

~~*[(b) Addressing disparities]*~~

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school;

~~*[(c) The rate of attendance of pupils enrolled in the charter school;*~~

~~*(d) The percentage of pupils who reenroll in the charter school from year-to-year;*~~

~~(e) The~~ and

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school . ~~;~~

~~(f)~~ (c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations . ~~; and~~

~~(g) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.~~

~~3.~~ 2. In addition to the requirements for the performance framework set forth in subsection ~~2,~~ 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.610, inclusive, and sections 2 ~~and 3~~ to 3.5, inclusive, of this act.

~~4. The performance framework for a charter school must be incorporated into the charter contract of the charter school.~~

~~5.~~ 3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

~~6.~~ 4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

~~7.~~ 5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the

achievement and proficiency of pupils as set forth in the performance framework for the charter school.

Sec. 3.5. 1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability before July 1, 2013, must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

3. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

Sec. 4. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.610, inclusive, ***and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,*** the words and terms defined in NRS 386.495, 386.500 and 386.503 ***and ~~[section]~~ sections 2 and 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district ~~[.]~~ ***in accordance with the regulations adopted by the Department pursuant to NRS 386.540.*** An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may ***submit an application to the Department to*** sponsor charter schools ~~[.]~~ ***in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a***

college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing ~~[written charters]~~ ***charter contracts*** pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, ***and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,*** and in accordance with the terms and conditions of the applicable ~~[written]~~ charter ~~[,]~~ ***contract,*** the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether ~~[each written]~~ ***the*** charter ***contract*** of a charter school that the entity sponsors merits renewal or whether the renewal of the ~~[written]~~ charter ***contract*** should be denied or the ~~[written]~~ charter ***contract*** should be ~~[revoked]~~ ***terminated*** in accordance with NRS 386.530 or 386.535, ***or section 3.5 of this act,*** as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure ***and criteria*** for evaluating charter school applications in accordance with NRS 386.525 ~~[,]~~ ***and for the renewal of charter contracts pursuant to NRS 386.530;***

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for ***the*** charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. ***The committee to form a charter school shall ensure that the completed application:***

(a) Presents the academic, financial and ~~***[operational]***~~ ***organizational vision and plans for the proposed charter school; and***

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.610, inclusive ~~.~~ ***, and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act.***

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school

will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[5.]~~ ***6.*** The proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application ~~[is substantially complete and compliant.]~~ ***satisfies the requirements of subsection 3 of NRS 386.525.*** Upon such a request, the Department shall review an application to form a charter school to determine whether ~~[it is substantially complete and compliant.]~~ ***the application satisfies the requirements of subsection 3 of NRS 386.525.*** If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.

~~[6.]~~ ***7.*** The Department shall provide written notice to the applicant and the proposed sponsor of the charter school of its determination whether the application ~~[is substantially complete and compliant.]~~ ***satisfies the requirements of subsection 3 of NRS 386.525.*** If the Department determines that an application ~~[is not substantially complete and compliant,]~~ ***does not satisfy the requirements of subsection 3 of NRS 386.525,*** the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the

written notice to correct any deficiencies identified in the written notice and resubmit the application. If the Department determines an application ~~[is substantially complete and compliant,]~~ ***satisfies the requirements of subsection 3 of NRS 386.525,*** the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.

~~[7.]~~ ***8.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. Except as otherwise provided in this subsection, a committee to form a charter school may submit the application to the proposed sponsor of the charter school. If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application ~~[was not substantially complete and compliant pursuant to that section,]~~ ***does not satisfy the requirements of subsection 3,*** the application may not be submitted to the proposed sponsor for review pursuant to this section. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. ***The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:***

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic , financial and ~~*[operational]*~~ ***organizational experience of charter schools to review and evaluate the application;***

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.610, inclusive, and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than ~~[45]~~ ***60*** days after the receipt of the application, or a ***later*** period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department. The board of trustees, the college or the university, as applicable, shall review an application ~~[to determine whether the application:~~

~~(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~(b) Is complete in accordance with the regulations of the Department.~~

~~3.]~~ ***in accordance with the requirements for review set forth in subsections 2 and 3.***

5. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of ~~[paragraphs (a) and (b) of]~~ subsection ~~[2.]~~ ***3.***

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~[4.]~~ If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[~~5.~~]~~ ***7.*** If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~[~~4,~~]~~ ***6,*** the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

~~[~~6.~~]~~ ***8.*** If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~[~~5,~~]~~ ***7,*** it shall consider the application at a meeting which must be held not later than ~~[~~45~~]~~ ***60*** days after receipt of the application ~~[~~.~~]~~ ***or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority.*** If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~[~~factors~~]~~ ***requirements for review*** set forth in ~~[~~paragraphs (a) and (b) of subsection~~]~~ ***subsections*** 2 ~~[~~.~~]~~ ***and 3.*** The Department shall assist the State Public Charter School Authority in the review of an application. The State Public Charter School Authority may approve an application ***only*** if it satisfies the requirements of ~~[~~paragraphs (a) and (b) of~~]~~ subsection ~~[~~2.~~]~~ ***3.*** Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~[~~7.~~]~~ ***9.*** If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~[~~adequately address objective criteria established by regulation of the Department or the State Board.~~]~~ ***satisfy the requirements of subsection 3.*** The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[~~8.~~]~~ ***10.*** If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~[~~7,~~]~~ ***9,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final

determination to the district court of the county in which the proposed charter school will be located.

~~[9.]~~ ***11.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 8. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the ~~[State Public Charter School Authority, the board of trustees of a school district or a college or university within the Nevada System of Higher Education]~~ ***proposed sponsor of a charter school*** approves an application to form a charter school, it shall ~~[grant a written]~~ ***negotiate and execute a*** charter ~~[to]~~ ***contract with*** the ~~[applicant.]~~ ***governing body of the charter school. The charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and*** ~~*[include,]*~~ ***incorporate, without limitation:***

(a) The performance framework ~~*[developed by the sponsor]*~~ ***for the charter school*** ***;*** ~~*[pursuant to section 3 of this act;]*~~

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the ~~*[signature of the president of the board of trustees]*~~ ***superintendent of schools of the school district;***

(b) If the State Public Charter School Authority is the sponsor of the charter school, ~~*[the signature of]*~~ ***the Chair of the State Public Charter School Authority; or***

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, ~~[the signature of]~~ the president of the college or university . ~~[; or]~~

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The ~~[~~State Public Charter School Authority, the board of trustees, the college or the university, as applicable,~~]~~ ***sponsor of the charter school*** shall, not later than 10 days after the ~~[~~approval~~]~~ ***execution*** of the ~~[~~application,~~]~~ ***charter contract,*** provide ~~[~~written notice~~]~~ to the Department ***:***

(a) Written notice of the ~~[~~approval~~]~~ ***charter contract*** and the date of ~~[~~the approval.~~]~~ ***execution; and***

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves ~~[~~the application,~~]~~ ~~*[executes]*~~ ***a charter contract,*** the board of trustees shall be deemed the sponsor of the charter school.

~~[~~2.~~]~~ ***6.*** If the State Public Charter School Authority approves ~~[~~the application:~~]~~ ~~*[executes]*~~ ***a charter contract:***

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~[~~3.~~]~~ ***7.*** If a college or university within the Nevada System of Higher Education approves ~~[~~the application:~~]~~ ~~*[executes]*~~ ***a charter contract:***

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~[~~4.~~]~~ ***8.*** The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

~~[~~5. Except as otherwise provided in subsection 7, a written charter~~]~~

9. A charter contract must be for a term of 6 years **.** ~~[unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 4 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Public Charter School Authority or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.~~

~~6.]~~ ***The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year . [, in which case the term of the charter contract is also delayed until the first day of operation.]***

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the ~~[written charter of the]~~ charter ~~[school.]~~ ***contract.*** Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor ***and the governing body of the charter school*** may amend the ~~[written]~~ charter ***contract*** in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

~~[7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:~~

~~(a) Period for which such a written charter is valid; and~~

~~(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.~~

~~➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.~~

~~8. The holder of a written charter that is issued pursuant to subsection 7~~**]**

11. A charter school shall not commence operation **[**~~of the charter school~~**]** and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements **[**~~adopted by the State Board pursuant to subsection 7~~**]** ***of this section*** have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 9. NRS 386.530 is hereby amended to read as follows:

386.530 1. **[**~~Except as otherwise provided in subsection 2,~~**]** ***On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school during the term of the charter contract, including, without limitation:***

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 2; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework

~~*[developed pursuant to section 3 of this act]*~~ ***for the charter school and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act.***

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1 , which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal ~~[of a written charter may be submitted]~~ to the sponsor of the charter school ~~[not less than 120 days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:~~

~~(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and~~

~~(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.~~

~~➥ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.~~

~~2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:~~

~~(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and~~

~~(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.~~

~~➥ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew~~

~~the charter of the charter school.]~~ ***on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:***

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and ~~[operational]~~ organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework ~~[developed]~~ for the charter school . ~~[pursuant to section and 3 of this act.]~~

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 10. NRS 386.535 is hereby amended to read as follows:

386.535 ***Except as otherwise provided in section 3.5 of this act:***

1. The sponsor of a charter school may ~~[revoke the written charter of the]~~ ***terminate a*** charter ~~[school]~~ ***contract*** before the expiration of the charter ***contract*** if the sponsor determines that:

(a) The charter school, its officers or its employees ***:*** ~~[have failed to comply with:]~~

(1) ~~[~~The~~]~~ ***Committed a*** material ***breach of the*** terms and conditions of the ~~[~~written~~]~~ charter ~~[~~.~~]~~;

~~(2) Generally~~ ***contract;***

(2) Failed to comply with generally accepted standards of ~~[~~accounting and~~]~~ fiscal management; ~~[~~or~~]~~

(3) ~~[~~The~~]~~ ***Failed to comply with the*** provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,*** or any other statute or regulation applicable to charter schools; ***or***

(4) Has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework ~~[developed by the sponsor pursuant to section 3 of this act and incorporated into the charter contract;]~~ for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that ~~[~~revocation~~]~~ ***termination*** is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor ~~[~~revokes a written~~]~~ ***terminates the*** charter ~~[~~.~~]~~ ***contract,*** the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to ~~[~~revoke~~]~~ ***terminate*** the charter ~~[~~.~~]~~ ***contract.***

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to ~~[~~revoke~~]~~ ***terminate*** the ~~[~~written~~]~~ charter ~~[~~.~~]~~ ***contract.*** If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not ~~[~~revoke~~]~~ ***terminate*** the ~~[~~written~~]~~ charter ***contract*** of the charter school. The sponsor may not include

in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

Sec. 11. NRS 386.536 is hereby amended to read as follows:

386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily ***, if a charter contract is not renewed*** or upon ~~[~~revocation~~]~~ ***termination*** of ~~[~~its written~~]~~ ***a*** charter ~~[,]~~ ***contract,*** the governing body of the charter school shall appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 12. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application ***pursuant to NRS 386.515*** by the board of trustees of a school district ***or a college or***

university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools**,** ~~[and]~~ the contents of the application ~~[.]~~ ***, the process for the Department to review the application and the timeline for review;***

(b) ***The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;***

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education, and the contents of the application;

~~[(c)]~~ ***(e)*** The process for submission of an application to renew a ~~[written]~~ charter ~~[.]~~ ***contract;***

~~[(d)]~~ ***(f)*** The criteria and type of investigation that must be applied by the board of trustees, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a ~~[written]~~ charter ***contract*** or a request for an amendment of a ~~[written]~~ charter ~~[.]~~ ***contract;*** and

~~[(e)]~~ ***(g)*** The process for submission of an amendment of a ~~[written]~~ charter ***contract*** pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 13. NRS 386.551 is hereby amended to read as follows:

386.551 The provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,*** and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State. ~~[Upon the first renewal of a written charter and each renewal thereafter, the sponsor of a~~

~~charter school shall not prescribe additional requirements or otherwise require a charter school to comply with additional terms or conditions unless the sponsor is specifically authorized by statute, regulation or the written charter.]~~

Sec. 14. NRS 386.561 is hereby amended to read as follows:

386.561 1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the ~~[written]~~ charter ***contract*** of the charter school.

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its ~~[written]~~ charter ***contract*** by the sponsor of the charter school or as a condition to renewal of the ~~[written]~~ charter ~~[.]~~ ***contract.***

Sec. 15. NRS 386.565 is hereby amended to read as follows:

386.565 The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the ~~[written]~~ charter ~~[,]~~ ***contract,*** NRS 386.490 to 386.610, inclusive, ***and sections 2*** ~~*[and 3]*~~ ***to 3.5, inclusive, of this act,*** and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 16. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a ~~[written]~~ charter ~~[issued]~~ ***contract executed*** pursuant to NRS 386.527, the governing body may submit an application to the Department for a loan from the Account for Charter Schools. An application must include a written

description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The Department shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Account, the Department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 17. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school **[**~~that is dedicated to providing educational programs and opportunities to pupils who are at risk~~**]** may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, ***free of charge and*** on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person ~~[employed in a full-time position]~~ ***who is:***

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at

his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 18. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the ~~[~~written~~]~~ charter ***contract*** of a charter school is ~~[~~revoked~~]~~ ***terminated*** or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a

comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 19. NRS 386.610 is hereby amended to read as follows:

386.610 ~~[~~1.~~]~~ On or before ~~[~~August 15~~]~~ ***October 1*** of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include ~~[~~:

~~(a) An evaluation of the progress of~~] ***for*** each charter school that it sponsors ~~[~~in achieving the educational goals~~]~~ ***:***

1. A summary evaluating the academic, ~~[operational and]~~ financial and organizational performance of the charter school, as measured by the performance indicators, measures and ~~[~~objectives of the charter school.

~~(b) A description of all administrative support and services provided by the sponsor to the charter school, including, without limitation, an itemized accounting for the costs of the support and services.~~

~~(c)~~] ***metrics set forth in the performance framework ~~[developed by the sponsor pursuant to section 3 of this act.]~~ for the charter school.***

2. An identification of each charter school approved by the sponsor:

~~[(1)~~] ***(a)*** Which has not opened and the scheduled time for opening, if any;

~~[(2)~~] ***(b)*** Which is open and in operation;

~~[(3)~~] ***(c)*** Which has transferred sponsorship;

~~[(4)~~] ***(d)*** Whose ~~[written]~~ charter ***contract*** has been ~~[revoked]~~ ***terminated*** by the sponsor;

~~[(5)~~] ***(e)*** Whose ~~[written]~~ charter ***contract*** has not been renewed by the sponsor; and

~~[(6)~~] ***(f)*** Which has voluntarily ceased operation.

~~[(d)~~] ***3.*** A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

~~[(e)~~] ***4.*** A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 386.561, including an itemized accounting of the actual costs of those services.

~~[2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.~~]

5. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

Sec. 20. 1. Except as otherwise provided in subsection 2, a charter school that is operating under a written charter issued before the effective date of this act shall continue to operate under the terms of the written charter until the expiration of the written charter, unless the written charter is revoked before the expiration of the current term. Before the expiration of the

written charter, if the charter school seeks to continue operation, the charter school must apply to the sponsor of the charter school for a charter contract.

2. If a charter school that is operating under a written charter issued before the effective date of this act does not wish to continue operation under the written charter until its expiration, upon approval of the sponsor of the charter school, the charter school may apply to the sponsor for a charter contract.

3. Upon approval of an application for a charter contract pursuant to subsection 1 or 2:

(a) ~~[The sponsor of the charter school shall, in consultation with the governing body of the charter school, develop a]~~ **A** written performance framework for the charter school in accordance with section 3 of this act ~~[, which]~~ must be incorporated into the charter contract executed pursuant to paragraph (b).

(b) The sponsor of the charter school and the governing body of the charter school shall execute a charter contract pursuant to NRS 386.527, as amended by section 8 of this act.

Sec. 21. This act becomes effective upon passage and approval.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

SUMMARY—Revises provisions relating to juveniles. (BDR ~~[3-51)]~~ **5-51)**

AN ACT relating to juveniles; ~~[revising the definition of an act of]~~ **providing for certain prosecutorial discretion regarding a child taken into custody for a battery constituting** domestic violence ~~[as it relates to a person who is less than 18 years of age;]~~ **or any other battery offense;** establishing a maximum period of time for which a juvenile court may order an adult who has been placed on probation by the juvenile court or released on parole to be placed in county jail for a violation of probation or parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain unlawful acts constitute domestic violence when committed against certain specified persons. (NRS 33.018) ~~[Section 1 of this bill provides that a person who is less than 18 years of age does not commit an act constituting domestic violence unless he or she commits~~

~~certain unlawful acts against or upon: (1) his or her spouse; (2) any other person with whom he or she has had or is having a dating relationship; (3) any other person with whom he or she has a child in common; (4) his or her minor child or the minor child of any of those other persons; or (5) any other person specified in existing law relating to domestic violence if it is established by clear and convincing evidence that the person committing the act engaged in a pattern of abusive behavior toward the other person for the purpose of establishing or maintaining power and control over the other person.]~~ **In addition, existing law provides that if a person is charged with committing a battery that constitutes domestic violence, a prosecuting attorney has limited discretion and may not negotiate any plea agreement for a different or lesser charge unless the domestic violence charge is not supported by probable cause or cannot be proved at the time of trial. (NRS 200.485)**

Section 2 of this bill specifies that when a child is taken into custody for a battery that constitutes domestic violence or any other battery offense, the prosecuting attorney has greater discretion in determining the charge and in negotiating any plea agreement for a different or lesser charge based on certain factors, including: (1) the nature and type of relationship between the child and victim; (2) the nature and severity of the alleged offense; and (3) whether the child engaged in a pattern of abusive behavior toward the victim to establish or maintain power and control over the victim.

Existing law provides that a juvenile court may order a child who is less than 18 years of age to be placed in a facility for the detention of children for not more than 30 days for the violation of probation. Under existing law, if a person who is at least 18 years of age but less than 21 years of age is subject to the jurisdiction of the juvenile court because he or she has been placed on probation by the juvenile court or released on parole from a juvenile detention facility, the juvenile court may order the person to be placed in county jail for the violation of probation or parole. (NRS 62E.710) **Section** ~~[2]~~ **3** of this bill limits to 30 days the period for which the juvenile court may order such a person to be placed in county jail.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 33.018 is hereby amended to read as follows:~~

~~33.018 1. [Domestic] *Except as otherwise provided in subsection 2, domestic* violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the~~

~~person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:~~

~~(a) A battery.~~

~~(b) An assault.~~

~~(c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.~~

~~(d) A sexual assault.~~

~~(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:~~

~~(1) Stalking.~~

~~(2) Arson.~~

~~(3) Trespassing.~~

~~(4) Larceny.~~

~~(5) Destruction of private property.~~

~~(6) Carrying a concealed weapon without a permit.~~

~~(7) Injuring or killing an animal.~~

~~(f) A false imprisonment.~~

~~(g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.~~

~~2. *A person who is less than 18 years of age does not commit domestic violence unless the person commits an act listed in subsection 1 against or upon:*~~

~~*(a) His or her spouse or former spouse;*~~

~~*(b) Any other person with whom he or she has had or is having a dating relationship;*~~

~~*(c) Any other person with whom he or she has a child in common;*~~

~~*(d) His or her minor child or the minor child of any person described in paragraph (a), (b) or (c); or*~~

~~*(e) Any other person described in subsection 1 only if it is established by clear and convincing evidence that the person committing the act engaged in a pattern of abusive behavior toward the other person for the purpose of establishing or maintaining power and control over the other person.*~~

~~*3.* As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.~~**]**

(Deleted by amendment.)

Sec. 2. **Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Notwithstanding the provisions of subsection 8 of NRS 200.485, if a child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018 or any other battery offense, the district attorney may, after considering the factors set forth in subsection 2, determine whether to:

(a) File a petition alleging a different or lesser offense arising out of the same facts;

(b) Negotiate or enter into an agreement whereby the child admits to a different or lesser offense arising out of the same facts; or

(c) Take or approve any other actions authorized by this title, including, without limitation, informal supervision or dismissal.

2. In exercising his or her prosecutorial discretion pursuant to this section, the district attorney shall consider, without limitation:

(a) The nature and type of relationship between the child and the victim of the alleged offense;

(b) The nature and severity of the alleged offense; and

(c) Whether the facts show that the child engaged in a pattern of abusive behavior toward the victim of the alleged offense for the purpose of establishing or maintaining power and control over the victim.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 62E.710 is hereby amended to read as follows:

62E.710 The juvenile court may order any child who is:

1. Less than 18 years of age and who has been adjudicated delinquent and placed on probation by the juvenile court to be placed in a facility for the detention of children for not more than 30 days for the violation of probation.

2. At least 18 years of age but less than 21 years of age and who has been placed on probation by the juvenile court or who has been released on parole to be placed in a county jail ***for not more than 30 days*** for the violation of probation or parole.

Sec. 4. **NRS 200.485 is hereby amended to read as follows:**

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this

paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a

felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. ~~[If]~~ ***Except as otherwise provided in section 2 of this act, if*** a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 346.

SUMMARY—Revises provisions relating to pupils with ~~[hearing impairments.]~~ **disabilities.** (BDR 34-989)

AN ACT relating to education; requiring an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment; requiring that minimum standards for the special education of pupils with hearing impairments prescribed by the State Board of Education include certain provisions; **requiring the Department of Education to post certain information relating to children with disabilities on the Department's Internet website;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law ~~[requires each local educational agency to have in effect, for each child with a disability in the agency's jurisdiction,]~~ **prescribes certain requirements for the education of pupils with disabilities pursuant to the Individuals with Disabilities Education Act, including** an individual education program **for each pupil with a disability** developed by an individualized education program team composed of certain persons. (20 U.S.C. § 1414) **Section 1** of this bill requires an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment. Additionally, **section 1** authorizes the team to consider certain factors when determining the ~~[optimal]~~ **best feasible** instruction for a pupil with a hearing impairment.

Existing law requires the State Board of Education to prescribe minimum standards for programs of instruction or special services for he purpose of serving pupils with disabilities. (NRS 388.520) Section 3 of this bill provides that the minimum standards **prescribed by the State Board** for the special education of pupils with hearing impairments ~~[prescribed by the State Board of Education]~~ must provide: (1) that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode, for example, American Sign Language, **solely** because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and (2) that, to the extent feasible, **as determined by the board of trustees of the school district,** a school is required to provide instruction to such pupils in more than one communication mode.

The Individuals with Disabilities Education Act requires each state to submit annually to the United States Secretary of Education data relating to the number and percentage of children with disabilities who are receiving special education and services in the state. (20 U.S.C. § 1418) Section 3 of this bill requires the Department to post the information that is submitted to the Secretary on the Internet website maintained by the Department within 30 days after submission to the Secretary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When developing an individualized education program for a pupil with a hearing impairment in accordance with NRS 388.520, the pupil's individualized education program team shall consider, without limitation:

(a) The related services and program options that provide the pupil with an appropriate and equal opportunity for communication access;

(b) The pupil's primary communication mode;

(c) The availability to the pupil of a sufficient number of age, cognitive, academic and language peers of similar abilities ***;*** ~~*[if the parents of the pupil so desire;]*~~

(d) The availability to the pupil of adult models who are deaf or hearing impaired and who use the pupil's primary communication mode;

(e) The availability of special education teachers, interpreters ~~*[, psychologists, educational audiologists, speech pathologists, administrators]*~~ ***and other special education personnel who are proficient in the pupil's primary communication mode;***

(f) The provision of academic instruction, school services and direct access to all components of the educational process, including, without limitation, advanced placement courses, career and technical education courses, recess, lunch, extracurricular activities and athletic activities;

(g) The ~~*[decisions]*~~ ***preferences of the parent or guardian of the pupil concerning the*** ~~*[optimal]*~~ ***best feasible services, placement and content of the pupil's individualized education program; and***

(h) The appropriate assistive technology necessary to provide the pupil with an appropriate and equal opportunity for communication access.

2. When determining the ~~*[optimal]*~~ ***best feasible instruction to be provided to the pupil in his or her primary communication mode, the pupil's individualized education program team may consider, without limitation:***

(a) Changes in the pupil's hearing or vision;

(b) Development in or availability of assistive technology;

(c) The physical design and ~~[acoustic design]~~ acoustics of the learning environment; and

(d) The subject matter of the instruction to be provided.

Sec. 2. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[:]~~ ***, and section 1 of this act:***

1. ***"Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication ~~[between another person who is deaf or whose hearing is impaired and an interpreter, or between two or more persons who are deaf or whose hearing is impaired, including,]~~ which may include, without limitation:***

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral ~~[,]~~ and aural ~~[or speech-based training;]~~ communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

~~[2.]~~ ***3. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).***

4. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

5. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~[3.]~~ ***6.*** "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 3. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Mental retardation.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. ***The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must provide:***

(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode <u>solely</u> because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and

(b) That, to the extent feasible, <u>as determined by the board of trustees of the school district,</u> a school is required to provide instruction to those pupils in more than one communication mode.

6. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

~~[6.]~~ ***7.*** The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

~~[7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).]~~

8. The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

Sec. 4. NRS 388.524 and 388.5245 are hereby repealed.

Sec. 5. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.524 "Individualized education program" defined. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

388.5245 "Individualized education program team" defined. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 385.

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; **requiring a permit for such graywater systems;** providing that state and local governmental agencies must not ~~[require a permit for or prohibit the collection and application of graywater for a single-family residence that meets]~~ **prohibit graywater**

systems that meet certain requirements; **allowing restrictions on graywater systems within common-interest communities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which **are commonly known as septic systems, and such regulations** are effective **statewide** except in health districts in which **the** district boards of health have adopted **[**such**]** regulations **[.]** **concerning such systems for the district.** (NRS 444.650)

[Section 1**]** **Sections 8 and 14** of this bill **[**requires**]** **require** the State Board of Health to adopt regulations **on or before October 1, 2014,** concerning **graywater** systems **[**for the collection and application of graywater**]** for a single-family residence, **[**which also**]** **and such regulations** are effective **statewide** except in health districts in which **the** district boards of health have adopted regulations concerning such systems **[.]** **for the district. Section 3 of this bill defines "graywater" to mean wastewater that: (1) is collected separately from sewage; (2) originates from a clothes washer or a bathroom tub, shower or sink; and (3) does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers. Section 4 of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.**

Section [1 also**]** **8** provides that the regulations adopted by the State Board of Health or a district board of health must **[**not**]** **: (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed,** require a person to **apply for and** obtain a permit for the **[**application**]** **use** of **a** graywater **[**for a single-family which meets**]** **system. Section 8 allows issuance of such a permit only if** certain requirements **[**and**]** **are met. Finally, section 8 provides** that local governments may not prohibit **the use of** such **[**application.

~~Section 2 of this bill provides that a system for the collection and application of graywater for a single-family residence is not a residential individual system for disposal of sewage.~~**]** **graywater systems.**

Section [3**]** **10** of this bill provides that the State Environmental Commission may not require a person to obtain a permit **[**for the application of graywater for a single-family residence that meets the requirements for exemption from a local permit.**]** **under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.**

Section 13 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) Section 13 also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 444 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 to 8, inclusive, of this act.**

Sec. 2. As used in NRS 444.650 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Graywater" means wastewater that:

1. Is collected separately from sewage;

2. Originates from a clothes washer or a bathroom tub, shower or sink; and

3. Does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.

Sec. 4. "Graywater system" means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Sec. 5. "Recycled water" means water that has been used and subsequently treated to make it suitable for use again.

Sec. 6. 1. "Residential individual system for the disposal of sewage" means an individual system for the disposal of sewage from a parcel or other unit of real property or unit of personal property, including all structures thereon, that is zoned for use by single-family residences.

2. The term does not include a graywater system.

Sec. 7. "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Sec. 8. 1. The State Board of Health shall adopt regulations concerning the use of graywater systems . ~~[for the collection and application of graywater for a single-family residence.]~~ Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems ~~[for the~~

~~*collection and application of graywater for a single family residence]*~~ ***in that district.***

2. ~~*[Regulations]*~~ ***Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems*** ~~*[for the collection and application of graywater for a single family residence must not require]*~~ ***:***

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for ~~*[applying less than 250 gallons per day of]*~~ ***the use of a graywater*** ~~*[originating from a single family residence for household gardening, composting or landscape irrigation if:]*~~ ***system; and***

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations adopted pursuant to those provisions.

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or ~~*[an on-site wastewater treatment and]*~~ ***a residential individual system for the disposal*** ~~*[system;]*~~ ***of sewage;***

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;

(c) The graywater system is located outside the boundaries of a floodplain;

(d) The graywater is vertically separated from and at least 5 feet above the groundwater table;

(e) All piping for the graywater is clearly identified as containing nonpotable water;

(f) The graywater is used on the site where it is generated and does not run off the property;

(g) The graywater is applied in a manner that minimizes the potential for contact with people or domestic pets;

(h) The application of the graywater is managed to minimize standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

(i) The graywater is not sprayed;

(j) The graywater is not discharged into a natural watercourse; and

(k) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section ~~[3]~~ 10 of this act and any regulations adopted pursuant to those provisions.

~~[3.]~~ 5. A district board of health which adopts regulations concerning graywater systems ~~[for the collection and application of graywater for a single-family residence]~~ shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

~~*[4. Regulations concerning systems for the collection and application of graywater for a single-family residence must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 3 of this act and any regulations adopted pursuant to those provisions.*~~

~~5.]~~ 6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the ~~[application]~~ use of a graywater system that meets the requirements of ~~[subsection 2.~~

~~*6. As used in this section:*~~

~~*(a) "Graywater" means wastewater that:*~~

~~*(1) Is collected separately from sewage;*~~

~~*(2) Originates from a clothes washer or a bathroom tub, shower or sink; and*~~

~~*(3) Does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.*~~

~~*(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.]*~~ ***this section.***

~~**[Sec. 2.]**~~ ***Sec. 9.*** NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for ***the*** disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for ***the*** disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section*** ~~*[3]*~~ ***10 of this act*** and any regulations adopted pursuant to those provisions.

~~**[**4. As used in this section,**]** **[**"residential**]** **[**:~~

~~*(a) "Graywater" has the meaning ascribed to it in section 1 of this act.*~~

~~*(b) "Residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use. The term does not include a system for the collection and application of graywater for a single family residence.*~~

~~*(c) "Single-family residence" has the meaning ascribed to it in section 1 of this act.]*~~

~~**[**Sec. 3.**]**~~ ***Sec. 10.*** Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the ~~*[application]*~~ ***use of a graywater system if the person has obtained a permit that meets the requirements of*** ~~*[subsection 2 of]*~~ ***section*** ~~*[1]*~~ ***8 of this act.***

2. As used in this section, "graywater ~~*[",]*~~ ***system" has the meaning ascribed to it in section*** ~~*[1]*~~ ***4 of this act.***

~~**[**Sec. 4.**]**~~ ***Sec. 11.*** NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, ***and section*** ~~*[3]*~~ ***10 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

~~**[**Sec. 5.**]**~~ ***Sec. 12.*** NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section*** ~~*[3]*~~ ***10 of this act,*** including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, ***and section*** ~~*[3]*~~ ***10 of this act*** to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~[.]~~ ***, and section ~~[3]~~ 10 of this act.***

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, ***and section ~~[3]~~ 10 of this act,*** the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 13. **Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Notwithstanding the provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.

2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest

community must comply with the provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act.

3. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 14. **Notwithstanding the provisions of section 8 of this act, the State Board of Health shall adopt the regulations required pursuant to section 8 of this act on or before October 1, 2014.**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to constables; ~~[providing that a constable may perform certain evictions only in his or her township;]~~ revising provisions governing the powers and duties of a constable **or sheriff** with respect to ~~[the service of process and the execution of writs and warrants;]~~ **posting certain notices;** revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. ~~[Under existing law, certain notices required under this procedure may be served by the sheriff or a constable of the county, and the court order to remove the tenant must direct the sheriff or a constable of the county to remove the tenant within 24 hours after receipt of the order.]~~ (NRS 40.253) ~~[Existing law also provides a summary eviction procedure to remove a person who is residing in a storage space at a storage facility and requires that the court order to remove such a person direct the sheriff or a constable of the county to remove the person within 24 hours after receipt of the order. (NRS 40.760) Sections 1 and 2]~~ **Section 1** of this bill ~~[provide]~~ **provides** that the **affidavit of complaint for** eviction of a tenant ~~[or of a person residing in a storage space under the summary eviction procedure must be performed by the sheriff of the county or the constable of the~~

~~township in which the property or facility is located.]~~ **that a landlord or landlord's agent is authorized to file in justice court or district court applies to tenants of recreational vehicles.**

Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) Section 3 of this bill specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located.

~~[Existing law provides that the duties of a constable include, without limitation, the service of all intermediate and final process issued by a court of competent jurisdiction and the execution of certain writs and warrants. (NRS 21.111, 31.235, 34.600, 70.020, 70.040, 258.070) Existing law also authorizes the sheriff of a county to authorize the constable of the appropriate township to execute certain process, writs and warrants delivered to the sheriff. (NRS 248.100, 258.070) Sections 4-7 of this bill remove the authority of the sheriff of a county to authorize constables to execute certain process, writs and warrants delivered to the sheriff. Section 12 of this bill revises the duties of a constable with respect to the service of process and the execution of writs and warrants to: (1) require the constable to serve all intermediate and final process and execute writs and warrants issued by the justice court of his or her township or the district court of his or her county; and (2) authorize the constable to serve all process issued by a court of competent jurisdiction if service is to be made in his or her township.]~~

Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) **Sections 10 and 14** of this bill provide that: (1) a person appointed as a deputy constable for a township in a county whose population is 700,000 or more (currently Clark County) must be certified as a category II peace officer by the Commission before he or she commences employment as a deputy constable; and (2) a person reemployed as a deputy constable for a township in a county whose population is less than 700,000 (currently counties other than Clark) after a separation of employment as a deputy constable for that township is not entitled to an additional period within which to be certified as a category II peace officer by the Commission.

Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those clerks. (NRS 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to

the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. **Section 11** further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office.

Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) **Sections 12, 15 and 16** of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued.

Section 8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. **Section 9** of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff ~~*[of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ or ~~*[the]*~~ constable ~~*[of the township in which the dwelling, apartment, mobile home, recreational*~~

~~*vehicle or commercial premises are located]*~~ for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff ~~*[of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ or ~~*[the]*~~ constable ~~*[of the township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff ~~*[of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ or ~~*[the]*~~ constable of the <u>county</u> ~~*[township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ***, recreational vehicle*** or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home ***, recreational vehicle*** or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff ~~*[of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ or constable of the county ~~*[township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the

landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff , ~~*[of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located, the*~~ constable ~~*of the township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]*~~ or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 2. ~~[NRS 40.760 is hereby amended to read as follows:~~

~~40.760 1. When a person is using a storage space at a facility as a residence, the owner or the owner's agent shall serve or have served a notice in writing which directs the person to cease using the storage space as a residence no later than 24 hours after receiving the notice. The notice must advise the person that:~~

~~(a) NRS 108.475 requires the owner to ask the court to have the person evicted if the person has not ceased using the storage space as a residence within 24 hours; and~~

~~(b) The person may continue to use the storage space to store the person's personal property in accordance with the rental agreement.~~

~~2. If the person does not cease using the storage space as a residence within 24 hours after receiving the notice to do so, the owner of the facility or the owner's agent shall apply by affidavit for summary eviction to the justice of the peace of the township wherein the facility is located. The affidavit must contain:~~

~~(a) The date the rental agreement became effective.~~

~~(b) A statement that the person is using the storage space as a residence.~~

~~(c) The date and time the person was served with written notice to cease using the storage space as a residence.~~

~~(d) A statement that the person has not ceased using the facility as a residence within 24 hours after receiving the notice.~~

~~3. Upon receipt of such an affidavit the justice of the peace shall issue an order directing the sheriff *of the county in which the facility is located* or *the* constable of the [county] *township in which the facility is located* to remove the person within 24 hours after receipt of the order. The sheriff or constable shall not remove the person's personal property from the facility.~~

~~4. For the purposes of this section:~~

~~(a) "Facility" means real property divided into individual storage spaces. The term does not include a garage or storage area in a private residence.~~

~~(b) "Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.~~] **(Deleted by amendment.)**

Sec. 3. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the *Nevada Revised Statutes*. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the *Nevada Revised Statutes*.

Under the *Nevada Revised Statutes* eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under *Nevada Revised Statutes* 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to *Nevada Revised Statutes* 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any ~~*[, the]*~~ constable ~~*[of the township in which the property is located]*~~ or ~~[~~the~~]~~ sheriff ~~[.]~~ ***of the county in which the property is located.***

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 4. ~~[NRS 248.100 is hereby amended to read as follows:~~

~~248.100 [1.] The sheriff shall:~~

~~[(a)] *1.* Except in a county whose population is 700,000 or more, attend in person, or by deputy, all sessions of the district court in his or her county.~~

~~[(b)] *2.* Obey all the lawful orders and directions of the district court in his or her county.~~

~~[(c) Except as otherwise provided in subsection 2, execute]~~

~~*3. Execute* the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.~~

~~[2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.]]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 248.120 is hereby amended to read as follows:~~

~~248.120 When any process, writ or order is delivered to the sheriff [, or the constable as authorized pursuant to NRS 248.100,] to be served or executed, the sheriff [or constable] shall:~~

~~1. Forthwith endorse upon it the year, month, day and hour of its receipt.~~

~~2. Give to the person delivering it, if required, on payment of his or her fee, a written memorandum signed by him or her, stating the names of the parties in the process or order, the nature thereof and the time it was received. He or she shall also deliver to the party served a copy thereof, if required so to do, without charge to such party.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 248.130 is hereby amended to read as follows:~~

~~248.130 A sheriff [, or a constable authorized pursuant to NRS 248.100,] to whom any process, writ, order or paper is delivered shall:~~

~~1. Execute the same with diligence, according to its command, or as required by law.~~

~~2. Return it without delay to the proper court or officer, with his or her certificate endorsed thereon of the manner of its service or execution, or, if not served or executed, the reasons for his or her failure.~~

~~.~~ ~~For a failure so to do, he or she [~~shall be~~] *is* liable to the party aggrieved for all damages sustained by the party on account of such neglect.~~]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 248.150 is hereby amended to read as follows:~~

~~248.150 [Except as otherwise provided in NRS 248.100, if] *If* the sheriff to whom a writ of execution or writ of attachment is delivered [shall neglect or refuse,] *neglects or refuses,* after being required by the creditor or the creditor's attorney to attach, or to levy upon or sell, any property of the party charged in the writ which is liable to be attached or levied upon and sold, the sheriff [shall be] *is* liable on his or her official bond to the creditor for the value of such property.~~]~~ **(Deleted by amendment.)**

Sec. 8. Chapter 258 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any fine imposed pursuant to NRS 258.200, a board of county commissioners may establish, by resolution or ordinance, penalties for the failure of the constable of a township in the county to file any report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission.

Sec. 9. NRS 258.020 is hereby amended to read as follows:

258.020 Each constable elected or appointed in this state shall, before entering upon the duties of office:

1. Take the oath prescribed by law. ***The oath must be filed and recorded in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office.***

2. Execute a bond to the State of Nevada, to be approved by the board of county commissioners, in the penal sum of not less than $1,000 nor more than $3,000, as may be designated by the board of county commissioners **.** ~~[,~~ ~~which]~~ ***The*** bond ~~[shall]~~ ***must*** be conditioned for the faithful performance of the duties of his or her office ~~[,]~~ and ~~[shall]~~ ***must*** be filed in the county clerk's office.

Sec. 10. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. ***A person who is appointed as a deputy constable in a county whose population is 700,000 or more may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a category II peace officer.*** The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of

the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded ***within 30 days after the appointment*** in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section ~~[.]~~ ***within 30 days after the revocation of the appointment.*** From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 11. NRS 258.065 is hereby amended to read as follows:

258.065 1. The ~~[board of county commissioners may appoint for the]~~ constable of a township ~~[a reasonable number of clerks]~~ ***may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff*** as the work of the constable requires ***.*** ~~[, and provide compensation therefor.]~~ ***The compensation of any person so appointed must be fixed by the board of county commissioners.***

2. ***A person who is employed as clerical or operational staff of a constable:***

(a) Does not have the powers of a peace officer; and

(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. A constable's clerk shall take the constitutional oath of office and give bond in the sum of $2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~[3.]~~ ***4.*** A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 12. NRS 258.070 is hereby amended to read as follows:

258.070 1. Each constable shall:

(a) Be a peace officer in his or her township.

(b) Serve all mesne and final process issued by a court of competent jurisdiction. ~~*[the justice court of his or her township or by the district court of the county in which his or her township is located.]*~~

(c) Execute the process, writs or warrants that the constable is authorized to receive pursuant to NRS 248.100. ~~*[issued by the justice court of his or her township or by the district court of the county in which his or her township is located.]*~~

(d) Discharge such other duties as are or may be prescribed by law.

2. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle ~~[~~that~~]~~ ***which is located in his or her township at the time the citation is issued and which*** is required to be registered in this State if the constable determines that the vehicle is not properly registered. The constable shall, upon the issuance of such citation, charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

3. ~~*[All process, writs and warrants issued by a court of competent jurisdiction may be served or executed by the constable of the township in which service or execution is to be made.*~~

~~*4.]*~~ If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 13. NRS 258.190 is hereby amended to read as follows:

258.190 1. ~~[~~On~~]~~ ***In each calendar year, on*** the first Monday of January, April, July and October, the constables who receive fees under the provisions of this chapter shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 14. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 2 ***and 3*** and NRS 3.310 ***,*** ~~[~~and~~]~~ 4.353 ~~[~~,~~]~~ ***and 258.060,*** a person upon whom some or all of the powers of a peace officer are conferred pursuant to

NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. ***A person who is appointed pursuant to NRS 258.060 as a deputy constable of a township in a county whose population is less than 700,000 following a separation of employment as a deputy constable of that township must be certified by the Commission within the period prescribed by subsection 1 as measured from the date on which the deputy constable commenced his or her initial employment as a deputy constable of that township.***

3. The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

(e) Railroad police officers; and

(f) California correctional officers.

Sec. 15. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable ~~[,]~~ ***of the township in which the motor vehicle is located*** or a justice of the peace or ***a*** deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 16. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for

another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.

13. As used in this ~~[subsection,]~~ ***section,*** "peace officer" includes a constable.

Sec. 17. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 497.

SUMMARY—Creates the Nevada Land Management ~~[Implementation Committee]~~ **Task Force** to conduct a study addressing the transfer of certain public lands in this State. (BDR S-594)

AN ACT relating to public lands; creating the Nevada Land Management ~~[Implementation Committee]~~ **Task Force** to conduct a study addressing the transfer of public lands in Nevada from the Federal Government to the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Land Management ~~[Implementation Committee,]~~ **Task Force,** consisting of a representative from each county in this State appointed by the board of county commissioners, to conduct a

study during the 2013-2014 legislative interim to address the transfer of public lands in Nevada from the Federal Government to the State of Nevada, in contemplation of Congress turning over the management and control of those public lands to the State of Nevada on or before June 30, 2015. The ~~[Committee]~~ **Task Force** is required to submit a report of its findings and recommendations to the ~~[78th Session of the Nevada Legislature]~~ **Legislative Committee on Public Lands** on or before ~~[February 1, 2015. This Committee]~~ **September 1, 2014. The Task Force** is similar to an interim commission that is being recommended for creation in the State of Utah to study issues relating to the transfer of public lands in Utah from the Federal Government to the State of Utah. (House Bill No. 148, 2012 Utah Laws, ch. 353, § 5)

WHEREAS, Unlike the eastern states that received dominion over their lands upon joining the Union, the western states have been placed in an inferior position as a result of the Federal Government withholding a significant portion of land from those states as a condition of admission to the Union; and

WHEREAS, According to the Congressional Research Service, as of 2010, the Federal Government manages and controls approximately 640 million acres, or about 28 percent of the 2.27 billion acres, of land in the United States; and

WHEREAS, The highest concentration of land managed and controlled by the Federal Government is in Alaska (61.8 percent) and the 11 coterminous western states, namely Arizona (42.3 percent), California (47.7 percent), Colorado (36.2 percent), Idaho (61.7 percent), Montana (28.9 percent), Nevada (81.1 percent), New Mexico (34.7 percent), Oregon (53.0 percent), Utah (66.5 percent), Washington (28.5 percent) and Wyoming (48.2 percent); and

WHEREAS, In contrast, the Federal Government only manages and controls 4 percent of the land in the states east of those western states; and

WHEREAS, The state with the highest percentage of lands within its boundaries that is managed and controlled by the Federal Government is Nevada, with over 80 percent of its lands being managed and controlled by various federal agencies, including the Bureau of Land Management, the National Park Service, the United States Forest Service, the United States Fish and Wildlife Service and the Department of Energy; and

WHEREAS, Increased control by the State of Nevada over the public lands within its borders would benefit the residents of Nevada significantly by allowing the State to balance the economic, recreational and other critical interests of its residents, with special emphasis on the multiple uses that are allowed presently on the public lands; and

WHEREAS, In March 2012, legislation was enacted in the State of Utah that, among other things, requires the Federal Government to turn over management and control of the public lands in Utah to the State of Utah and requires the study of various issues that may arise during such a transfer; and

WHEREAS, Other western states are considering the enactment of similar laws and momentum is building towards the Federal Government turning over management and control of certain public lands to the western states; and

WHEREAS, In light of the magnitude of federal management and control of public lands in Nevada, a study by the State of Nevada, in contemplation of Congress turning over the management and control of public lands in Nevada to the State of Nevada on or before June 30, 2015, would assist in ensuring that the transfer proceeds in a timely and orderly manner; now therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Nevada Land Management ~~[Implementation Committee,]~~ **Task Force,** consisting of 17 members, is hereby created. Within 30 days after the effective date of this act, the board of county commissioners of each county shall appoint one member to the ~~[Committee.]~~ **Task Force.**

2. A vacancy on the ~~[Committee]~~ **Task Force** must be filled in the same manner as the original appointment.

3. The ~~[Committee]~~ **Task Force** shall hold its first meeting on or before July 1, 2013. At the first meeting, the ~~[Committee]~~ **Task Force** shall elect a Chair and Vice Chair from among its members.

4. While engaged in the business of the ~~[Committee,]~~ **Task Force,** each member of the ~~[Committee]~~ **Task Force** is entitled to receive such per diem allowance and travel expenses as provided by the board of county commissioners that appointed the member. Each board of county commissioners shall pay the per diem allowance and travel expenses required by this subsection to the member that is appointed by that board of county commissioners.

5. The ~~[Legislative Counsel Bureau]~~ **board of county commissioners of each county, in conjunction with the Nevada Association of Counties,** shall provide such administrative support to the ~~[Committee]~~ **Task Force** as is necessary to carry out the duties of the ~~[Committee.]~~ **Task Force.**

6. The ~~[Committee]~~ **Task Force** shall conduct a study to address the transfer of public lands in Nevada from the Federal Government to the State of Nevada in contemplation of Congress turning over the management and control of those public lands to the State of Nevada on or before June 30, 2015. The study must include, without limitation:

(a) An identification of the public lands to be transferred and the interests, rights and uses associated with those lands;

(b) The development of a proposed plan for the administration, management and use of the public lands, including, without limitation, the designation of wilderness or other conservation areas or the sale, lease or other disposition of those lands; and

(c) An economic analysis concerning the transfer of the public lands, including, without limitation:

(1) The identification of the costs directly incident to the transfer of title of those lands;

(2) The identification of sources of revenue to pay for the administration and maintenance of those lands by the State of Nevada;

(3) A determination of the amount of any revenue that is currently received by the State of Nevada or a political subdivision of this State in connection with those lands, including, without limitation, any payments made in lieu of taxes and mineral leases; and

(4) The identification of any potential revenue to be received from those lands by the State of Nevada after the transfer of the lands and recommendations for the distribution of those revenues.

7. **The Task Force shall report periodically to the Legislative Committee on Public Lands established by NRS 218E.510 concerning the activities of the Task Force.**

8. On or before ~~[February 1, 2015, the Committee]~~ **September 1, 2014, the Task Force** shall submit a report of its findings and recommendations to the ~~[Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature. During that session,]~~ **Legislative Committee on Public Lands for inclusion in the final report of that Committee for the 2013-2014 legislative interim. During the 78th Session of the Nevada Legislature,** one or more members of the ~~[Committee]~~ **Task Force** must be available, upon request, to present the recommendations of the ~~[Committee]~~ **Task Force** to the Legislature or the appropriate standing committees with jurisdiction over public lands matters.

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on June 30, 2015.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 270.

ASSEMBLYMEN BOBZIEN, EISEN, SPRINKLE, ELLIOT ANDERSON, HAMBRICK; AIZLEY, BENITEZ-THOMPSON, HORNE, ~~[AND]~~ KIRKPATRICK **AND NEAL**

AN ACT relating to education; requiring the board of trustees of each school district to establish a comprehensive, age-appropriate and medically accurate course of instruction in sex education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to establish a course or a unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. Existing law further requires the board of trustees to appoint an advisory committee to advise the district concerning the content of and materials to be used in such a course of instruction and requires the parent or guardian of a pupil to consent in writing before the pupil may participate in the course. (NRS 389.065) **Section 1** of this bill requires the board of trustees of ~~[a]~~ **each** school district to establish a course of **factual** instruction in sex education and prescribes the topics which must be included in the course of instruction. **Section 1** requires that the course of instruction in sex education be age-appropriate for the pupils who receive the instruction, comprehensive and, as applicable, medically accurate. **Section 1** additionally revises the composition of the membership of the advisory committee and revises the qualifications which authorize a person to teach the course of instruction in sex education. **Section 1** requires the notice to the parent or guardian of a pupil to whom a course of instruction in sex education is offered to include a form for the parent or guardian to opt the pupil out of the course of instruction.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including health. (NRS 389.520) **Section 2** of this bill requires the Council to establish standards of content and performance for the course of instruction in sex education required by **section 1** as part of the course of study in health.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.065 is hereby amended to read as follows:

389.065 1. The board of trustees of ~~[a]~~ ***each*** school district shall establish ~~[a course or unit of]~~ a course of ~~[:~~

~~(a) Factual]~~ ***factual*** instruction ~~[concerning acquired]~~ ***in sex education. The course of instruction must comply with the standards ~~[for]~~ of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be age-appropriate for the pupils who receive the instruction. Based upon the grade level of pupils designated by the board of trustees, the course of instruction must include comprehensive, and as applicable, medically accurate, information regarding:***

(a) Acquired immune deficiency syndrome ~~[; and]~~ ***, including, without limitation, the human immunodeficiency virus;***

(b) ~~[Instruction on the]~~ ***The*** human reproductive system, ~~[related communicable]~~ ***including, without limitation, anatomy and physiology, puberty, pregnancy, parenting, body image, gender stereotypes and the biological, psychosocial and emotional changes that accompany maturation;***

(c) Communicable diseases ~~[and sexual responsibility.]~~ ***that are known to be sexually transmitted, including, without limitation, the proper use and effectiveness of methods to avoid such diseases, and the availability, effectiveness and safety of any vaccinations, tests and treatments for such diseases;***

(d) Domestic violence, sexual abuse, sexual assault, exploitation and human trafficking;

(e) ~~[Access to counseling, medical and legal assistance, and other resources to assist pupils with addressing and escaping a violent or exploitative relationship;~~

~~(f)]~~ The development of skills necessary to promote sexual responsibility, including, without limitation, skills to assist pupils in setting and meeting goals, identifying the characteristics of a healthy relationship, negotiating, communicating with parents and family, and refusing unwanted sexual advances or activity;

~~[(g)]~~ (f) Methods of contraception which may be used to prevent pregnancy, including, without limitation, the proper use, effectiveness, safety, health benefits and side effects of each method of contraception;

~~[(h)]~~ (g) The importance of abstinence as the most effective method of preventing an unwanted pregnancy or a sexually transmitted disease;

~~[(i)]~~ (h) The identification and explanation of ~~[reproductive]~~ available counseling and legal and medical information concerning health services, including, without limitation, resources to assist pupils with addressing and escaping a violent or exploitative relationship, effective and safe methods

of contraception and contraceptive devices, and screening and treatment for sexually transmitted diseases and other related communicable diseases;

~~[(j)]~~ (i) The effects of alcohol and drug use on responsible decision making;

~~[(k) The~~

(j) Data to counter misinformation about and the effects of peer pressure and of social and other media on a pupil's thoughts, feelings and behaviors related to sexuality and sexual behavior;

~~[(l) Participation in and exploitation from the electronic transmission of sexually explicit images or other material;]~~ and

~~[(m)]~~ (k) The state and federal laws relating to consent, the age of consent, statutory rape, the electronic transmission of ~~[sexually explicit]~~ sexual images prohibited by NRS 200.737 or other material and any other legal issues relevant to sex education.

➥ The board of trustees shall periodically revise the content of the course of instruction as necessary to ensure that the content of the course of instruction is current, age-appropriate and, as applicable, medically accurate.

2. ***The course of instruction offered pursuant to this section must:***

(a) ~~[Utilize]~~ Use methods of teaching and include materials which ~~[promote the inclusion and acceptance]~~ ensure nondiscriminatory instruction of all pupils , regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability.

(b) Appropriately prepare pupils who have or are currently engaged in sexual activity and pupils who may engage in sexual activity in the future.

3. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend ~~[schools]~~ ***a school*** in the district; ~~[and]~~

(b) ***Two pupils who attend a school in the district; and***

(c) Four representatives, one from each of ~~[four of]~~ the following professions ***,*** ~~[or]~~ occupations ~~[:]~~ ***or backgrounds:***

(1) Medicine or nursing;

(2) Counseling;

(3) Religion ~~[;]~~ ***, spirituality or community life; and***

(4) ~~[Pupils who attend schools in the district; or~~

~~(5) Teaching.]~~ ***Education.***

➥ ~~[This]~~ ***The board of trustees may appoint additional members to the advisory committee who are representatives of the community.***

4. The advisory committee ***appointed pursuant to subsection 3*** shall advise ~~*[recommend to]*~~ the ~~[district]~~ ***board of trustees*** concerning ***all aspects***

of the ***course of instruction established pursuant to this section*** ~~[.]~~ ***, including, without limitation:***

(a) Instructors who have demonstrated an appropriate level of competency to teach a comprehensive, age-appropriate and medically accurate course of instruction in sex education;

(b) The content of and materials to be used in ~~[a]~~ ***the*** course of instruction ~~[established pursuant to this section,]~~ ***;*** and ~~[the recommended]~~

(c) The ages of the pupils to whom ***each subject of*** the course ~~[is]~~ ***of instruction may be*** offered.

➥ The final decision on these matters must be that of the board of trustees.

~~[3.]~~ ***5.*** The subjects of the ~~[courses]~~ ***course of instruction*** may be taught only by ~~[a]~~ ***:***

(a) A teacher ~~[or school]~~ ***;***

(b) A professional educator;

(c) A nurse ***; or***

(d) A provider of health care,

➥ ~~*[who has been recommended]*~~ ***as advised by the advisory committee pursuant to paragraph (a) of subsection 4 and*** whose qualifications have been previously approved by the board of trustees.

~~[4.]~~ ***6.*** The parent or guardian of each pupil to whom a course ***of instruction*** is offered ***pursuant to this section*** must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must ~~[contain]~~ ***include*** a form for ~~[the signature of]~~ the parent or guardian of the pupil ~~[consenting]~~ to ***opt*** the ~~[pupil's attendance. Upon receipt of the written consent of the parent or guardian, the]~~ pupil ~~[may attend]~~ ***out of*** the course ~~[.]~~ ***of instruction.*** If the ~~[written consent of the]~~ parent or guardian ~~[is not received,]~~ ***opts the pupil out of the course of instruction,*** the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course ***of instruction*** offered pursuant to this section is not a requirement for graduation.

~~[5.]~~ ***7.*** All instructional materials to be used in a course ***of instruction offered pursuant to this section*** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

8. As used in this section:

(a) "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most pupils of a particular age.

(b) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

(c) "Medically accurate" means:

(1) Verified or supported by current or prevailing scientific evidence;

(2) Published by peer-reviewed scientific or medical journals; or

(3) Recognized as accurate and objective by a professional organization or agency, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the American Academy of Pediatrics, the American Public Health Association or the American Congress of Obstetricians and Gynecologists.

(d) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the laws of this State to administer health care in the ordinary course of business or practice of a profession.

(e) "Sex education" means a sexuality education program that builds a foundation of knowledge and skills relating to human development, relationships, decision-making, abstinence, contraception and disease prevention.

(f) "Sexual orientation" means having or being perceived as having an orientation of heterosexuality, homosexuality or bisexuality.

Sec. 2. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health ~~[;]~~ ***, including, without limitation, the course of instruction in sex education required by NRS 389.065;*** and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid harassment, cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

SUMMARY—~~[Revises provisions relating to certain criminal offenses involving vehicles.]~~ **Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice** (BDR ~~[43-616)]~~ **14-616)**

AN ACT relating to ~~[vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for~~

~~violations of certain traffic laws and certain laws relating to vehicles;~~] **the criminal justice system; creating a statutory subcommittee of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of certain laws related to traffic laws and certain laws relating to motor vehicles;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a violation of any traffic law or ordinance is a misdemeanor, unless a different penalty is prescribed by a different statute. (NRS 484A.900) Existing law further provides that a county or an incorporated city may enact ordinances imposing civil penalties for violations of certain ordinances enacted by the county or incorporated city. (NRS 244.3575, 268.019) Sections 12-23 and 39 of this bill enact provisions based on Arizona law to provide for the imposition of civil penalties rather than criminal penalties for violations of certain traffic laws and ordinances. Under sections 19 and 39: (1) the maximum civil penalty that may be imposed for a violation of a traffic law or ordinance punishable by a civil penalty is $250, unless a different amount is specified by statute; and (2) the judgment imposing the civil penalty must include the administrative assessments currently imposed for violations of traffic laws and ordinances.~~

~~Existing law provides that any violation of state law regarding drivers' licenses or the registration of motor vehicles is a misdemeanor, unless a statute specifies a different penalty. (NRS 482.555, 483.620) Sections 1-4, 9 and 10 of this bill enact provisions based on Arizona law to provide that a person who: (1) operates, or knowingly permits the operation of, a motor vehicle in this State without current registration and license plates is subject to a civil penalty rather than the penalty for a misdemeanor; (2) fails to register his or her motor vehicle in this State within a certain period after becoming a resident of this State is subject to a civil penalty in the same amount as the criminal fine provided under existing law; or (3) does not obtain a driver's license in this State within a certain period after becoming a resident or drives a motor vehicle in this State without being the holder of a valid driver's license is subject to a civil penalty of not more than $250 rather than the penalty for a misdemeanor, except that a person who drives a motor vehicle in this State when the person is disqualified from driving is guilty of a misdemeanor.~~

~~Existing law provides that a person commits a misdemeanor if he or she: (1) operates a motor vehicle registered or required to be registered in this State without having insurance; (2) operates or knowingly permits the operation of the motor vehicle without evidence of insurance in the vehicle; or (3) fails or refuses to surrender, upon demand, to a peace officer or an authorized representative of the Department of Motor Vehicles the evidence~~

~~of insurance. (NRS 485.187) Section 37 of this bill enacts provisions based on Arizona law to provide that a person who commits these violations is subject to a civil penalty in the same amount as the criminal fine imposed under current law.~~

~~Existing law provides that it is unlawful for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation and that a warrant may issue upon a violation of a written promise to appear. (NRS 484A.670) Sections 18, 25 and 27 of this bill provide that a person who violates a written promise to appear given upon the issuance of a citation for a violation that is punishable by a civil penalty must have a judgment for the civil penalty entered against him or her and that a warrant must be issued for the failure to appear. Sections 7 and 22 of this bill provide for the suspension of the driver's license of a person who fails to pay a civil penalty within the time prescribed by law.~~

~~Sections 5, 6 and 8 of this bill provide that, for the purposes of maintaining a person's driving record, the imposition of a civil penalty for a traffic violation is treated the same as a conviction for a traffic offense under existing law.~~

~~Sections 25, 26, 31 and 33-36 of this bill maintain the designation of certain traffic offenses as misdemeanors. Section 32 of this bill provides that a person who commits certain civil traffic violations in a road construction zone is subject to an additional civil penalty.~~

~~Sections 40-42 of this bill enact provisions to govern the jurisdiction and disposition of civil violations committed by juveniles.~~]

Section 1 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 1 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.1025) Section 3 of this bill requires the Advisory Commission to evaluate certain laws concerning the criminal violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 46 of this bill and replace with the following new sections 1 through 5:

Section 1. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to:

(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,

➥ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 1 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 3. **NRS 176.0125 is hereby amended to read as follows:**

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense

and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any

other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. ***Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.***

13. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 4. **The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice appointed pursuant to section 1 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 78th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.**

Sec. 5. **The amendatory provisions of this act expire by limitation on July 31, 2015.**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 177.

SUMMARY—Requires ~~[disclosure]~~ **a public body** to **make available to** the public ~~[of]~~ certain contact information for ~~[a member of certain public bodies.]~~ **its members.** (BDR 19-159)

AN ACT relating to public ~~[records;]~~ **bodies;** requiring ~~[the disclosure to the public, under certain circumstances, of the individual electronic mail address or telephone number, or both, of a member of certain public bodies;]~~ **a public body to make available to the general public certain contact information for each member of the public body;** providing exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the disclosure by a governmental entity of a person's individual electronic mail address or telephone number if the person provides the address or telephone number to that entity in the course of an existing business or contractual relationship with the entity, or in the course of seeking to establish such a relationship. In addition, if a person provides his or her electronic mail address or telephone number to a governmental entity for the purpose of or in the course of communicating with that entity, existing law authorizes the entity to maintain this information in a database. Except as provided by specific statute, any such database is generally confidential, is not a public record and must not be disclosed in its entirety. (NRS 239B.040)]~~

Section 1 of this bill requires **, with certain exceptions,** a ~~[governmental entity, upon the request of any person and with certain exceptions, to disclose the individual electronic mail address or telephone number, or both, of a member of certain public bodies, if the person who is the subject of the request has previously provided that information to the governmental entity. Pursuant to section 1, the governmental entity's record of the information is a "public record" for purposes of the statutory provisions governing public records. (Chapter 239 of NRS)]~~ **public body to make available to the general public certain contact information pursuant to which each member of the public body may be personally contacted by a member of the general public.** **Section 1** defines the term "public body" to mean a public body subject to the Open Meeting Law (chapter 241 of NRS), but also specifically includes the Legislature of the State of Nevada, the Legislative Commission, the Interim Finance Committee and other legislative committees and commissions and specifically excludes any court or other judicial or quasi-judicial body.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[Except as otherwise provided in this section:*~~

~~*(a) Upon the request of any person, the individual electronic mail address or individual telephone number, or both, of a member of a public body must*~~

~~*be disclosed by a governmental entity if the member has, personally or through his or her agent, previously provided the electronic mail address or telephone number, or both, to that governmental entity.*~~

~~*(b) If the individual electronic mail address or individual telephone number, or both, of a member of a public body has previously been provided to a governmental entity as described in paragraph (a):*~~

~~*(1) The governmental entity's record of the address or telephone number, or both, is a public record within the meaning of NRS 239.010.*~~

~~*(2) The governmental entity does not comply with the requirements of this section by providing the general electronic mail address of the public body.]*~~ ***Except as otherwise provided in this section, a public body shall make available to the general public contact information pursuant to which each member of the public body may be personally contacted by a member of the general public through a telephone number, mailing address or electronic mail address which is:***

(a) Maintained by the public body or the member of the public body for the personal use of the member;

(b) Not a general telephone number, mailing address or electronic mail address of the public body; and

(c) Not monitored by the public body or accessible by any other member of the public body.

2. ~~*[Notwithstanding his or her status as a member of any public body, the provisions of this section are not applicable to the individual electronic mail address or individual telephone number of]*~~ ***If the Governor,*** ~~*[the]*~~ ***Lieutenant Governor,*** ~~*[the]*~~ ***Secretary of State,*** ~~*[the]*~~ ***Attorney General,*** ~~*[the]*~~ ***State Treasurer*** ~~*[, the]*~~ ***or State Controller*** ~~*[or any]*~~ ***serves as a member of a public body, the provisions of subsection 1 shall be deemed to be satisfied by the public body if it makes available to the general public the general office telephone number, mailing address or electronic mail address of that member.***

3. The provisions of subsection 1 do not apply with respect to a judge, magistrate or justice of any court of this State or the United States ~~*[.*~~

~~*3.]*~~ ***who is a member of a public body.***

4. This section does not require a public body to make available to the general public contact information for a member of the public body that is provided by the member to the public body strictly for the use of the public body in contacting the member.

5. As used in this section ~~*[:*~~

~~*(a) "General electronic mail address" means an electronic mail address at which a public body receives items of electronic mail generally intended for receipt by the public body.*~~

~~*(b) "Individual electronic mail address" means an electronic mail address at which a member of a public body receives items of electronic mail generally intended for receipt by the member.*~~

~~*(c) "Individual telephone number" means a telephone number at which a member of a public body may ordinarily be contacted directly, on business days, between the hours of 9 a.m. and 5 p.m.*~~

~~*(d) "Public]*~~ ***, "public body" has the meaning ascribed to it in NRS 241.015, except that the term:***

~~*[(1)]*~~ ***(a) Includes the Legislature of the State of Nevada, any committee of the Legislature, the Legislative Commission, the Interim Finance Committee and any committee or commission established by the Legislature to conduct an interim legislative study or investigation.***

~~*[(2)]*~~ ***(b) Does not include any court or other judicial or quasi-judicial body or any committee or other body created by a court or other judicial or quasi-judicial body.***

Sec. 2. NRS 603.070 is hereby amended to read as follows:

603.070 Except as otherwise provided in NRS 239.0115, ***and section 1 of this act,*** a governmental agency which obtains a proprietary program or the data stored in a computer must keep the program or data confidential. The governmental agency may only use the program or data for the purpose for which it was obtained, and may not release the program or data without the prior written consent of the owner.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 266.

ASSEMBLYMEN DIAZ, HORNE, KIRKPATRICK; **ELLIOTT ANDERSON,** BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARRILLO, DONDERO LOOP, FLORES, FRIERSON, MUNFORD, NEAL, PIERCE AND SWANK

CONTAINS UNFUNDED MANDATE ~~[(§§ 5, 11)]~~ **(§ 5)** (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; creating the English Mastery Council; prescribing the membership and duties of the Council; requiring the board of trustees of each school district to develop a ~~[program]~~ **policy for the instruction** to teach English to pupils who are limited English proficient; prescribing certain requirements for those ~~[programs;]~~ **policies;** requiring ~~[a teacher who is employed by a school with a certain percentage of pupils who~~

~~are limited English proficient to hold~~] **the Commission on Professional Standards in Education to adopt regulations prescribing** an endorsement to teach English as a second language; ~~[amending provisions relating to certain courses of study required to obtain an endorsement to teach English as a second language;]~~ **authorizing the Board of Regents of the University of Nevada to consider the recommendations of the Council for a course of study to obtain such an endorsement; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Education, the boards of trustees of school districts and the sponsors of charter schools are required to prepare annual reports of accountability that include various information on public schools and the pupils enrolled in public schools. (NRS 385.3469, 385.347) Sections 1 and 1.3 of this bill require those reports to include information on the progression of the achievement and proficiency of pupils who are limited English proficient.

Section 3 of this bill creates and sets forth the membership of the English Mastery Council**.** ~~[, and section]~~ **Section 4** of this bill sets forth the duties of the Council ~~[.]~~ **which include: (1) making recommendations to the State Board for the adoption of regulations concerning the criteria for the development of policies required of school districts for the instruction to teach English to pupils who are limited English proficient; (2) reviewing the policies annually and making recommendations to the school districts for improvement; (3) making recommendations to the Superintendent of Public Instruction and the Commission on Professional Standards in Education for the adoption of regulations for an endorsement to teach English as a second language; (4) developing standards for curriculum for pupils who are limited English proficient for review by the State Board; and (5) reviewing any courses of study offered by the Nevada System of Higher Education to teach English as a second language and making recommendations to the Board of Regents of the University of Nevada for improvement. Section 16 of this bill sunsets the Council on June 30, 2019.**

Existing law requires the State Board of Education to establish a program to teach the English language to pupils who are limited English proficient. (NRS 388.405) **Section 7** of this bill eliminates that requirement ~~[.]~~ and ~~[section]~~ **instead requires the State Board to prescribe criteria for a policy for the instruction to teach English to pupils who are limited English proficient for development by the board of trustees of each school district. Section 5** of this bill requires ~~[instead that]~~ the board of trustees of each school district ~~[establish]~~ **to develop such** ~~[a program to~~

~~teach English to pupils who are limited English proficient~~] **policies** and sets forth certain requirements for the ~~[program. Section 6 of this bill requires the board of trustees to submit an annual report to the Department of Education and to the English Mastery Council related to the program.~~

~~Section 9 of this bill provides that a teacher must hold an endorsement to teach English as a second language to be employed by a public school where more than 25 percent of the pupils are limited English proficient. Section 16 of this bill provides that this requirement goes into effect on July 1, 2016. — Section 10~~] **policies.**

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for the licensure and endorsement of teachers and other licensed educational personnel. (NRS 391.019) Sections 12.5 and 14.7 of this bill ~~[requires]~~ **require** the Commission **,** on ~~[Professional Standards in Education]~~ **or before January 1, 2015, and based upon the recommendations of the English Mastery Council,** to prescribe by regulation the ~~[educational]~~ requirements for obtaining an endorsement to teach English as a second language **. [**~~. Section 10 also requires that the educational requirements include, without limitation, the completion of 15 semester hours of credit in a course of study.~~

~~— Section 11 of this bill requires the board of trustees of each school district to provide professional development to teachers and other educational personnel which is designed to improve the instruction of pupils who are limited English proficient.~~]

Section 13 of this bill provides that if the Nevada System of Higher Education offers a course of study for obtaining an endorsement to teach English as a second language, the Board of Regents of the University of Nevada ~~[must]~~ **may** consider the recommendations submitted by the English Mastery Council in establishing the curriculum and standards for the course of study.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 385.3469 is hereby amended to read as follows:**

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide

program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a

result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

(jj) For each school district and for this State as a whole, information regarding the progression of pupils who are limited English proficient in

attaining proficiency in the English language, including, without limitation:

(1) The number of pupils who were identified as limited English proficient at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(2) The achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

(3) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

(I) Retention rates;

(II) Graduation rates;

(III) Dropout rates;

(IV) Grade point averages; and

(V) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and

(4) Results of the assessments and reassessments of pupils who are limited English proficient, reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to section 5 of this act.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 1.3. **NRS 385.347 is hereby amended to read as follows:**

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number

of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall

prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such

person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) ***For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language, including, without limitation:***

(1) The number of pupils who were identified as limited English proficient at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(2) The achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

(3) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

(I) Retention rates;

(II) Graduation rates;

(III) Dropout rates;

(IV) Grade point averages; and

(V) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and

(4) Results of the assessments and reassessments of pupils who are limited English proficient, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to section 5 of this act.

(ii) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the

information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~[(hh),]~~ ***(ii),*** inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the

district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

~~[Section 1.]~~ ***Sec. 1.5.*** Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***The Legislature finds and declares that:***

1. It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.

2. Children who are limited English proficient benefit from instruction that is designed to address the academic and linguistic needs of those children.

3. It is the intent of the Legislature that children who are limited English proficient be provided with instruction which is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic achievement and proficiency.

Sec. 3. ***1. The English Mastery Council is hereby created. The English Mastery Council consists of the following*** ~~[:]~~ ***16 members:***

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the ~~[Majority Leader of the Senate.]~~ Board of Regents of the University of Nevada.

(c) ~~[Three]~~ Two members who are teachers at public schools in this State, hold ~~[an endorsement]~~ a master's degree to teach English as a second language and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the ~~[Speaker of the Assembly. The Speaker of the Assembly]~~ Governor from a list of nominees submitted by the Majority Leader of the Senate and the Nevada State Education Association, or its successor organization. In compiling the list of nominees, the Majority Leader of the Senate and the Nevada State Education Association, or its successor organization, shall solicit the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and the Nevada Parent Teacher Association. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(e) Two members who are school-level administrators ~~[of public schools in this State,]~~ , one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the ~~[Chair of the Senate Standing Committee on Education]~~ Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public ~~[or]~~ , private business and industry in this State or nonprofit organizations and

who have been leaders in education reform related to pupils who are limited English proficient, appointed by the ~~[Chair of the Assembly Standing Committee on Education.]~~ Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are limited English proficient, appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient.

2. Each appointed member of the English Mastery Council ~~[serves at the pleasure of the person who appointed the member.]~~ serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least ~~[semiannually]~~ quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 4 of this act.

9. The Department shall provide administrative support to the English Mastery Council.

Sec. 4. ***The English Mastery Council created by section 3 of this act shall:***

1. Make recommendations to the State Board for the adoption of regulations concerning ~~[standards, policies and procedures]~~ criteria for the ~~[programs]~~ policies to teach English to pupils who are limited English proficient that are ~~[established]~~ developed pursuant to section 5 of this act.

2. Review annually each ~~[program]~~ policy to teach English to pupils who are limited English proficient that is ~~[established]~~ developed pursuant

to section 5 of this act and make recommendations for improvement to each board of trustees.

3. Make recommendations to the Superintendent of Public Instruction and the Commission on Professional Standards in Education for the adoption of regulations pursuant to NRS 391.019 concerning the requirements for an endorsement to teach English as a second language [.] , including, without limitation, the teachers who should be required to obtain the endorsement.

4. [Make recommendations to the Teachers and Leaders Council of Nevada regarding its recommendations submitted to the State Board pursuant to NRS 391.460 concerning the statewide performance evaluation system for teachers and administrators.

— 5.] Develop standards and criteria for a curriculum for pupils who are limited English proficient and submit those standards and criteria to the State Board for consideration.

[6.] 5. Review any course of study offered by the Nevada System of Higher Education for training to teach English as a second language to determine if the course of study , including, without limitation, student teaching, is sufficiently rigorous to provide teachers with the tools necessary to improve the English proficiency and academic achievement and proficiency of pupils who are limited English proficient.

[7.] 6. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection [6.] 5 and submit a copy of those recommendations to the Governor.

Sec. 4.5. 1. On or before February 1 of each year, the English Mastery Council created by section 3 of this act shall prepare an annual report concerning the status of the Council in carrying out its duties prescribed by section 4 of this act, including, without limitation, a description of the recommendations made by the Council to the Superintendent of Public Instruction, the Commission on Professional Standards in Education, the State Board and the boards of trustees of school districts and the response of each of those entities to the recommendations.

2. The report prepared pursuant to subsection 1 must be submitted to the Governor and:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 5. *1. The board of trustees of each school district shall [establish] develop a [program of] policy for the instruction to teach*

English to pupils who are limited English proficient. The ~~[program]~~ policy must be designed to provide pupils enrolled in each public school located in the school district who are limited English proficient with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The ~~[program]~~ policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are limited English proficient through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as limited English proficient;

(c) Be designed to eliminate any gaps in achievement between those pupils who are limited English proficient and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are limited English proficient to participate in the program; and

(e) Provide to each pupil who is limited English proficient and whose academic achievement and proficiency is two or more grade levels below the grade level in which he or she is enrolled ~~[:~~

~~(1) A~~ , an individualized special program of instruction for language acquisition . ~~[;~~

~~(2) One or more instructional aides who speak the primary language of the pupil, if any such aide is available; and~~

~~(3) Language materials which allow the pupil to interact with the materials.]~~

3. The board of trustees shall:

(a) Provide teachers employed by the school district who are providing instruction to pupils who are limited English proficient with the instructional materials that are designed to improve the language acquisition and academic achievement and proficiency of such pupils; and

(b) Provide the parents ~~[or]~~ and legal guardians of pupils who are limited English proficient with information on other programs which are designed to improve the language acquisition and academic achievement and proficiency of pupils who are limited English proficient and assist those parents ~~[or]~~ and legal guardians in enrolling those pupils in such programs.

Sec. 6. ***~~[1. The board of trustees of each school district shall submit to the Department and to the English Mastery Council, and post on an Internet website maintained by the board of trustees, an annual report at the end of each school year on the program to teach English to pupils who are limited English proficient that is established pursuant to section 5 of this act. The report must include, without limitation:~~***

~~*(a) Information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language;*~~

~~*(b) Information regarding the achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;*~~

~~*(c) The number of pupils who were identified as limited English proficient at the beginning of the school year and who were identified as being proficient in English by the completion of the school year;*~~

~~*(d) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:*~~

~~*(1) Retention rates;*~~

~~*(2) Graduation rates;*~~

~~*(3) Dropout rates;*~~

~~*(4) Grade point averages; and*~~

~~*(5) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and*~~

~~*(e) Results of reassessments of pupils who are limited English proficient reported separately by the primary language of the pupils.*~~

~~*2. The information reported pursuant to subsection 1 must be reported in the aggregate, must not disclose the identity of a pupil and must be reported separately by:*~~

~~*(a) Pupils from major racial and ethnic groups, as defined by the State Board;*~~

~~*(b) Pupils who are eligible for free or reduced priced lunches pursuant to 42 U.S.C. §§ 1751 et seq.; and*~~

~~*(c) The national origin of pupils.*~~

~~*3. The Department shall:*~~

~~*(a) Review and analyze the information submitted pursuant to subsection 1 and identify any problems or factors that are revealed by the review and analysis and notify the board of trustees of the problems or factors. The board of trustees shall submit to the Department within 30 days after receiving the notice a written response which identifies the actions the board of trustees will implement to address the problems or factors identified in the written notice. The Department shall monitor the implementation of the actions identified in the written response.*~~

~~*(b) Compile the reports submitted pursuant to subsection 1 and post the compilation on the Internet website maintained by the Department.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 388.405 is hereby amended to read as follows:

388.405 The State Board shall:

1. **[**~~Establish a program to teach the English language to pupils who are limited English proficient.~~

~~2.]~~ Adopt regulations ~~[to carry out the program. The regulations must prescribe the procedure by which a school district may obtain a waiver from the requirements of the program.~~

~~3.]~~ ~~*[setting forth]*~~ ***prescribing criteria for a*** ~~*[program]*~~ ***policy for the instruction to teach English to pupils who are limited English proficient which is*** ~~*[established]*~~ ***developed by the board of trustees of*** ~~*[a]*~~ ***each school district pursuant to section 5 of this act. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this subsection.***

2. Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are limited English proficient carried out pursuant to that provision of federal law to the:

(a) Governor;

(b) ***Legislative*** Committee ~~[,]~~ ***on Education;***

(c) ~~[Bureau;]~~ ***Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education;*** and

(d) Board of trustees of each school district.

Sec. 8. ~~[Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.]~~ **(Deleted by amendment.)**

Sec. 9. ~~*[A teacher must hold an endorsement to teach English as a second language issued by the Department to be employed by a public school where more than 25 percent of the pupils are limited English proficient.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[1. The Commission shall, based upon the recommendations of the English Mastery Council created pursuant to section 3 of this act, prescribe by regulation the educational requirements for obtaining an endorsement to teach English as a second language.*~~

~~*2. The educational requirements for obtaining an endorsement to teach English as a second language must include, without limitation, the completion of 15 semester hours of credit in a course of study.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[The board of trustees of each school district shall provide professional development to teachers and other educational personnel employed by the school district, at no cost to the teachers and personnel, which is designed to improve the instruction of pupils who are limited English proficient.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 391.125 is hereby amended to read as follows:~~

~~391.125 1.~~ ~~[If]~~ ***Except as otherwise provided in section 9 of this act, if*** ~~the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board~~

~~of trustees may submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district that is not designated as demonstrating need for improvement pursuant to NRS 385.3623. The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 2 school years to teach in that subject area at a public school within the school district that is not designated as needing improvement pursuant to NRS 385.3623.~~

~~2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.~~**] (Deleted by amendment.)**

Sec. 12.5. **NRS 391.019 is hereby amended to read as follows:**

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization ~~[.]~~ ***, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to section 4 of this act.***

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a

doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 12.7. **NRS 391.019 is hereby amended to read as follows:**

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other

providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language. ~~[based upon the recommendations of the English Mastery Council pursuant to section 4 of this act.]~~

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year

of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 13. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

If the System offers a course of study for obtaining an endorsement to teach English as a second language, the Board of Regents ~~[shall]~~ may take into consideration the recommendations submitted by the English Mastery

Council pursuant to section 4 of this act in developing the curriculum and standards for the course of study.

Sec. 13.3. **1. There is hereby appropriated from the State General Fund to the Department of Education for the costs associated with the duties of the English Mastery Council created by section 3 of this act the sum of $50,000.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 13.5. **On or before July 1, 2013, the appointed members of the English Mastery Council created by section 3 of this act must be appointed to initial terms commencing on July 1, 2013, as follows:**

1. The Board of Regents of the University of Nevada shall appoint to the Council the members described in paragraph (b) of subsection 1 of section 3 of this act to initial terms of 2 years.

2. The Governor shall appoint to the Council:

(a) The members described in paragraphs (c) and (d) of subsection 1 of section 3 of this act to initial terms of 2 years.

(b) The members described in paragraphs (e) and (h) of subsection 1 of section 3 of this act to initial terms of 1 year.

(c) The members described in paragraphs (f) and (g) of subsection 1 of section 3 of this act to initial terms of 2 years.

3. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph (i) of subsection 1 of section 3 of this act to initial terms of 1 year.

Sec. 14. 1. Each board of trustees of a school district shall implement the ~~[~~program of~~]~~ **policy for the** instruction ~~[~~which teaches~~]~~ **to teach** English to pupils who are limited English proficient ~~[~~and which~~]~~ **developed by** the board ~~[~~establishes~~]~~ **of trustees** pursuant to section 5 of this act ~~[~~at the beginning of~~]~~ **commencing with** the 2014-2015 school year.

2. ~~[~~Not later than 60 days before the start of the 2014-2015 school year,~~]~~ **On or before July 1, 2014,** the board of trustees shall submit the details of the ~~[~~program of~~]~~ **policy for the** instruction ~~[~~established~~]~~ **to teach English to pupils who are limited English proficient developed by the board of trustees** pursuant to section 5 of this act to the State Board of Education and to the English Mastery Council created ~~[~~pursuant to~~]~~ **by** section 3 of this act.

Sec. 14.5. **1. The English Mastery Council created by section 3 of this act shall perform its duties prescribed by section 4 of this act expeditiously to meet the following targeted dates to:**

(a) Satisfy the requirements prescribed by subsection 5 of section 4 of this act on or before January 1, 2014.

(b) Satisfy the requirements prescribed by subsection 6 of section 4 of this act on or before March 1, 2014.

(c) Satisfy the requirements of subsection 3 of section 4 of this act on or before July 1, 2014.

(d) Satisfy the requirements of subsection 2 of section 4 of this act on or before October 1, 2014.

(e) Satisfy the requirements of subsections 1 and 4 of section 4 of this act on or before January 1, 2015.

2. The report required of the English Mastery Council pursuant to section 4.5 of this act must, for the submission in 2014 and 2015, include a description of whether the Council has met or anticipates meeting the targeted dates set forth in subsection 1. If the Council did not meet a targeted date, the report must also include the projected time by which the Council will carry out the duty corresponding to that targeted date.

Sec. 14.7. **On or before January 1, 2015, the Commission on Professional Standards in Education shall adopt regulations based upon the recommendations of the English Mastery Council required by paragraph (c) of subsection 1 of NRS 391.019, as amended by section 12.5 of this act.**

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. 1. This section and ~~[sections 5 and 7]~~ **section 13.5** of this act become effective ~~[:~~

~~(a) Upon]~~ **upon** passage and approval**.** ~~[for the purpose of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2014, for all other purposes.]~~

2. Sections 1 to ~~[4, inclusive, 6, 8, 10, 11, 13, 14 and 15 of this act become effective on January 1, 2014.~~

~~3. Section 9 and 12 of this act become effective on July 1, 2016.]~~ **12.5, inclusive, 13, 13.3 and 14 to 15, inclusive, of this act become effective on July 1, 2013.**

3. Sections 3, 4, 4.5 and 13 of this act expire by limitation on June 30, 2019.

4. Section 12.7 of this act becomes effective on July 1, 2019.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 551.

AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; requiring a peace officer to take into custody and deliver a person to ~~[such a program]~~ **the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services** in certain circumstances; removing the provision which generally requires a person and his or her responsible relatives to pay for certain costs relating to the person's involuntary admission to such a program; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the process for initiating a petition for the involuntary court-ordered admission to a mental health facility of a person who is alleged to have a mental illness. Additionally, existing law specifies that if a court finds that a person has a mental illness and is likely to harm himself or herself or others if not treated, the court must place the person in the most appropriate course of treatment. (NRS 433A.115-433A.330) This bill authorizes the court to order the involuntary admission of such a person to a program of community-based or outpatient services if such a program is an appropriate course of treatment for that person.

Section 3 of this bill requires that: (1) a plan of treatment be developed by persons who are qualified in the field of psychiatric mental health, in consultation with the person who will receive the treatment; (2) the plan contain certain information relating to the course of treatment; and (3) the developers of the plan submit the plan to the court in writing.

Section 4 of this bill authorizes under certain circumstances both the conditional release of a person involuntarily admitted to a program of community-based or outpatient services and the revocation of such release, and **section 19** of this bill authorizes the unconditional release of such a person under certain circumstances.

Section 13 of this bill sets forth the requirements for participation in a program of community-based or outpatient services, including that: (1) the

person who is admitted to the program must be 18 years of age or older and have a history of noncompliance with treatment for mental illness; and (2) the court must approve the written plan of treatment which has been developed for the person and submitted to the court.

Section 18 of this bill sets forth the process by which a professional responsible for providing or coordinating a program of community-based or outpatient services may petition the court to order a peace officer to take into custody and deliver a person who is involuntarily admitted to the program to the **appropriate** location for ~~[the program]~~ **an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services** if the person fails to participate in the program or otherwise fails to carry out the written plan of treatment developed for the person and submitted to the court.

Section 23 of this bill removes the provision which generally requires a person and his or her responsible relatives to pay for the actual cost of the treatment and services rendered during the person's involuntary admission to a division facility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Program of community-based or outpatient services" means care, treatment and training provided to persons with mental illness, including, without limitation:***

1. A program or service for the treatment of abuse of alcohol;

2. A program or service for the treatment of abuse of drugs;

3. A program of general education or vocational training;

4. A program or service that assists in the dispensing or monitoring of medication;

5. A program or service that provides counseling or therapy;

6. A service which provides screening tests to detect the presence of alcohol or drugs;

7. A program of supervised living; or

8. Any combination of programs and services for persons with mental illness.

➥ The term does not include care, treatment and training provided to residents of a mental health facility.

Sec. 3. ***If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which***

may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:

1. A description of the types of services in which the person will participate;

2. The medications, if any, which the person must take and the manner in which those medications will be administered;

3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and

4. Any other requirements which the court deems necessary.

Sec. 4. ***1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the conditional release is in the best interest of the person and will not be detrimental to the public welfare. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.***

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada , [and] the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the

professional determines that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The professional responsible for providing or coordinating the program of community-based or outpatient services to the person who was ordered to resume participation in the program shall give written notice to that person and to his or her attorney, if the person is represented by legal counsel, of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

Sec. 5. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.018, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 433A.115 is hereby amended to read as follows:

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, mental retardation, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to him or her.

Sec. 7. NRS 433A.130 is hereby amended to read as follows:

433A.130 All applications and certificates for the admission of any person in the State of Nevada to a mental health facility ***or to a program of community-based or outpatient services*** under the provisions of this chapter shall be made on forms approved by the Division and the Office of the Attorney General and furnished by the clerks of the district courts in each county.

Sec. 8. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. Any person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission ***to a mental health facility*** is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 9. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition ***for the involuntary admission to a mental health facility or to a program of community-based or outpatient services*** with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[.]~~ ***or if not required to participate in a program of community-based or outpatient services;*** or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[.]~~ ***or if not required to participate in a program of community-based or outpatient services;*** and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 10. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. ***Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.***

5. Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220,

submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.

Sec. 11. NRS 433A.250 is hereby amended to read as follows:

433A.250 1. The Administrator shall establish such evaluation teams as are necessary to aid the courts under NRS 433A.240 and 433A.310 ~~[.]~~ ***and section 3 of this act.***

2. Each team must be composed of a psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are representative of the Division, selected from personnel in the Division.

3. Fees for the evaluations must be established and collected as set forth in NRS 433.414 or 433B.260, as appropriate.

Sec. 12. NRS 433A.270 is hereby amended to read as follows:

433A.270 1. The person alleged to be a person with mental illness or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person with mental illness last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person with mental illness in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility ***or to a program of community-based or outpatient services*** in proceedings held pursuant to NRS 433A.200 or 433A.210.

Sec. 13. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person ***:*** ~~[to a public or private mental health facility:]~~

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services,*** the court shall enter its finding to that effect and the person must not be involuntarily ~~[detained in such a facility.]~~ ***admitted to a public or private mental health facility or to a program of community-based or outpatient services.***

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services,*** the court may order the involuntary admission of the person for the most appropriate course of treatment ~~[.]~~ ***, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services.*** The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. ***A court shall not admit a person to a program of community-based or outpatient services unless:***

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness ***:*** ~~*[which has:*~~

~~*(1) Been a significant factor in the need for his or her hospitalization within the immediately preceding 36 months, which period does not include the 6 months immediately preceding the date on which the petition is filed; or*~~

~~*(2) Resulted in one or more acts of violent behavior toward himself or herself or others or threats to harm himself or herself or others within the immediately preceding 48 months, which period does not include the 6 months immediately preceding the date on which the petition is filed;]*~~

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, ~~[as a result of a]~~ based on the person's history of ~~[noncompliance with]~~ treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent ~~[the relapse]~~ further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

~~*[(e) The court determines that the person would benefit from participation in a program of community-based or outpatient services;]*~~

(f) The current mental status of the person ~~[is unlikely to participate]~~ or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily ~~[in a program of]~~ or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to section 3 of this act.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 ~~[.]~~ ***or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390.*** Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division ***,*** ~~[or]~~ any mental health facility that is not operated by the Division ***or a program of community-based or outpatient services*** may petition to renew the ~~[detention]~~ ***involuntary admission*** of the person for additional periods not to exceed 6 months each. For each renewal, the petition must set forth to the court specific reasons why further treatment would be in the person's own best interests.

~~[3.]~~ ***4.*** Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment ***, including involuntary admission to a program of community-based or outpatient services,*** as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

~~[4.]~~ ***5.*** If the court issues an order involuntarily admitting a person to a public or private mental health facility ***or to a program of community-based or outpatient services*** pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal

History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[5.]~~ ***6.*** As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 14. NRS 433A.320 is hereby amended to read as follows:

433A.320 The order for involuntary court admission of any person to a ***public or private*** mental health facility ~~[, public or private, shall]~~ ***or to a program of community-based or outpatient services must*** be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

Sec. 15. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When ~~[any]~~ ***an*** involuntary court admission ***to a mental health facility*** is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private mental health facility.

2. No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 16. NRS 433A.350 is hereby amended to read as follows:

433A.350 1. Upon admission to any public or private mental health facility ~~[,]~~ ***or to a program of community-based or outpatient services,*** each consumer ~~[of the facility]~~ and the consumer's spouse and legal guardian, if any, must receive a written statement outlining in simple, nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a consumer by this chapter and chapters 433 and 433B of NRS and, if the consumer has no legal guardian, describing procedures provided by law for adjudication of incompetency and appointment of a guardian for the consumer.

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to

protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and ***in each location in which a program of community-based or outpatient services is provided and must be*** provided to each consumer ~~[of such a facility]~~ upon admission.

Sec. 17. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility ***,*** ~~[or]~~ private institution ***,*** ~~[or]~~ facility offering mental health services ~~[.]~~ ***or program of community-based or outpatient services.*** The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, ~~[or]~~ from treatment to competency in a private institution or facility offering mental health services ~~[.]~~ ***, or from a program of community-based or outpatient services.***

Sec. 18. NRS 433A.370 is hereby amended to read as follows:

433A.370 1. When a consumer committed by a court to a division facility on or before June 30, 1975, or a consumer who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS 433A.145 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted consumer has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the consumer to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. ***When a consumer who is judicially admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to section 3 of this act, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer to solicit the consumer's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the consumer to the appropriate location*** ~~*[of the program.]*~~ ***for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:***

(a) A copy of the order for involuntary admission;

(b) A copy of the plan of treatment submitted to the court pursuant to section 3 of this act;

(c) A list that sets forth the specific provisions of the plan of treatment which the consumer has failed to carry out; and

(d) A statement by the petitioner which explains how the consumer's failure to participate in the program of community-based or outpatient

services or failure to carry out the plan of treatment will likely cause the consumer to harm himself or herself or others.

3. If the court determines that there is probable cause to believe that the consumer is likely to harm himself or herself or others if the consumer does not ~~*[participate in the program of community-based or outpatient services or does not otherwise carry out]*~~ ***comply with the plan of treatment, the court may issue an order requiring a peace officer to take into custody and deliver the consumer to the appropriate location*** ~~*[of the program.]*~~ ***for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.***

4. Any person appointed or designated by the Director of the Department to take into custody and transport ~~[to a division facility]~~ persons who have escaped ***,*** ~~[or]~~ failed to return ***or failed to participate in a program of treatment*** as described in ~~[subsection 1]~~ ***this section*** may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.

Sec. 19. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility ***or to a program of community-based or outpatient services*** by court order, is released at the end of the ~~[time]~~ ***period*** specified pursuant to NRS 433A.310, written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility ***or the professional responsible for providing or coordinating the program of community-based or outpatient services*** shall notify the guardian before discharging the consumer from the facility ~~[.]~~ ***or program.*** The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team ~~[.]~~ ***or the professional responsible for providing or coordinating the program of community-based or outpatient services.*** If the legal guardian does not inform the facility ***or professional*** as to where the consumer will be released within 3 days after the date of notification, the facility ***or professional*** shall discharge the consumer according to its proposed discharge plan.

2. ~~[An involuntarily court-admitted]~~ ***A*** consumer ***who is involuntarily admitted to a mental health facility*** may be unconditionally released before the period specified in NRS 433A.310 when:

(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer

is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in NRS 433A.310 when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from an evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.

Sec. 20. NRS 433A.460 is hereby amended to read as follows:

433A.460 1. No person admitted to a public or private mental health facility ***or to a program of community-based or outpatient services*** pursuant to this chapter shall, by reason of such admission, be denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license, unless such person has been specifically adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.

2. If the responsible physician of the mental health facility in which any person is detained ***or the professional responsible for providing or coordinating the program of community-based or outpatient services for a***

person is of the opinion that such person is unable to exercise any of the aforementioned rights, the responsible physician ***or other responsible professional, as applicable,*** shall immediately notify the person and the person's attorney, legal guardian, spouse, parents or other nearest-known adult relative, and the district court of that fact.

Sec. 21. NRS 433A.580 is hereby amended to read as follows:

433A.580 No person may be admitted to a private hospital ~~[or]~~ ***, a*** division mental health facility ***or a program of community-based or outpatient services*** pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital ***,*** ~~[or]~~ division facility ***or professional responsible for providing or coordinating a program of community-based or outpatient services*** and the consumer or person requesting his or her admission.

Sec. 22. NRS 433A.600 is hereby amended to read as follows:

433A.600 1. A person who is admitted to a ***division*** facility ***or to a program of community-based or outpatient services*** operated by the Division and not determined to be indigent and every responsible relative pursuant to NRS 433A.610 of the person shall be charged for the cost of treatment and is liable for that cost. If after demand is made for payment the person or his or her responsible relative fails to pay that cost, the administrative officer ***or professional responsible for providing or coordinating the program of community-based or outpatient services, as applicable,*** may recover the amount due by civil action.

2. All sums received ~~[by the administrative officer of a facility operated by the Division]~~ pursuant to subsection 1 must be deposited in the State Treasury and may be expended by the Division for the support of that facility ***or program*** in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Sec. 23. NRS 433A.640 is hereby amended to read as follows:

433A.640 1. Once a court has ordered the admission of a person to a division facility, the administrative officer shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

2. ~~[If a person is admitted to a division facility pursuant to a court order, that person and his or her responsible relatives are responsible for the payment of the actual cost of the treatment and services rendered during his or her admission to the division facility unless the investigation reveals that the person and his or her relatives are not capable of paying the full amount of the costs.]~~ ***Once a court has ordered the admission of a person to a***

program of community-based or outpatient services operated by the Division, the professional responsible for providing or coordinating the program shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

Sec. 24. NRS 433A.650 is hereby amended to read as follows:

433A.650 Determination of ability to pay pursuant to NRS 433A.640 shall include investigation of whether the consumer has benefits due and owing to the consumer for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility ***or professional responsible for providing or coordinating a program of community-based or outpatient services*** may accept payment for the cost of a consumer's treatment from the consumer's insurance company, Medicare or Medicaid and other similar third parties.

Sec. 25. NRS 433A.660 is hereby amended to read as follows:

433A.660 1. If the consumer, his or her responsible relative pursuant to NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility ***or to the program of community-based or outpatient services operated by the Division*** rendering service pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility ***or program, as applicable,*** shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 26. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital ~~[or]~~ ***, a*** mental health facility ***or a program of community-based or outpatient services*** in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 and 5, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before

the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital ~~[or]~~ ***,*** ***a*** mental health facility ***or a program of community-based or outpatient services*** in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

6. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital ***,*** ~~[or]~~ mental health facility ***or program of community-based or outpatient services,*** is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

7. As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 27. NRS 433A.750 is hereby amended to read as follows:

433A.750 1. A person who:

(a) Without probable cause for believing a person to be mentally ill causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility ***or a program of community-based or outpatient services*** is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention ***, admission*** or restraint of the person alleged to be mentally ill, or any physician, psychiatrist ***,*** ~~[or]~~ licensed psychologist ***or other person professionally qualified in the field of psychiatric mental health*** who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 28. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 267.

ASSEMBLYMEN FLORES, DONDERO LOOP~~,[;]~~ **KIRNER**; AND ELLIOT ANDERSON

SUMMARY—~~[Removes the high school proficiency examination and provides for the administration of a standardized, curriculum-based achievement college entrance examination.]~~ **Revises provisions governing graduation from high school.** (BDR 34-524)

AN ACT relating to education; requiring the ~~[Superintendent of Public Instruction]~~ **State Board of Education** to select a ~~[standardized, curriculum-based achievement college entrance examination]~~ **college and career readiness assessment** for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma ~~[;]~~ **by requiring pupils enrolled in grades 9 and 10 to pass end-of-course examinations for the courses of study prescribed by the State Board; eliminating the option for the issuance of a certificate of attendance indicating a pupil attended high school but did not satisfy the requirements for a standard high school diploma;** eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Education to prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science. Existing law also requires the State Board, in consultation with the Council to Establish Academic Standards for Public Schools, to prescribe a writing examination for the high school proficiency examination. Existing law further requires the board of trustees of each school district and the governing body of a charter school that enrolls pupils at the high school grade levels to administer the high school proficiency examination in all public high schools.]~~ **Existing law requires the administration of examinations based upon the State's academic standards to pupils enrolled in grades 3 through 8 and requires pupils to pass the high school proficiency examination to receive a standard high school diploma.** (NRS 389.015, 389.550) **Section 43** of this bill eliminates the high school proficiency examination ~~. [, and section]~~ **Section 19** of this bill ~~[instead]~~ requires the ~~[Superintendent of Public Instruction]~~ **State Board of Education** to select a ~~[standardized, curriculum-based achievement college entrance examination]~~ **college and career readiness assessment** for administration to pupils enrolled in grade 11 in public high schools ~~[.]~~

commencing with the 2014-2015 school year. Section 19 further requires a pupil enrolled in grade 11 to take the assessment to receive a standard high school diploma, but prohibits the use of the results of the assessment in determining the pupil's eligibility for such a diploma.

Existing law prescribes ~~[a standard high school diploma and an adjusted diploma and provides that to receive a standard high school diploma, a pupil must satisfy]~~ the requirements for ~~[graduation from high school and either pass the high school proficiency examination in its entirety or satisfy certain alternative criteria if the student fails to pass certain subject areas of the examination.]~~ **a standard high school diploma, including passage of the high school proficiency examination.** (NRS 389.805) **Section 33** of this bill eliminates ~~[these existing provisions]~~ **the requirement of passage of the high school proficiency examination** and instead requires the State Board to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that**, commencing with the 2014-2015 school year,** a pupil ~~[successfully]~~ **enrolled in grade 9 or 10** pass an **end-of-course** examination**. ~~[upon completion of a course of study.]~~ Section 33** also requires the State Board to ~~[prescribe]~~ **adopt** the courses of study in which ~~[a pupil]~~ **pupils enrolled in grades 9 and 10** must ~~[successfully]~~ pass such an examination, which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

Under existing law, a pupil who does not pass the high school proficiency examination may be issued a certificate of attendance in lieu of a diploma if he or she is 18 years of age. (NRS 389.015) Section 33 of this bill prohibits the issuance to a pupil of a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for a standard high school diploma.

As a transition from the administration of the high school proficiency examination to the administration of end-of-course examinations, sections 44-44.7 of this bill require the State Board of Education to prescribe the requirements which a pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year who has not passed the high school proficiency examination and is required to pass the examination to receive a standard high school diploma must satisfy to receive a standard high school diploma. Such requirements may include the continuation of the administration of the high school proficiency examination to those pupils.

The remaining sections of this bill make conforming changes relating to the elimination of the high school proficiency examination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for

improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State

has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma **.** ~~**[**, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.**]**~~

(2) An adult diploma.

(3) An adjusted diploma.

~~**[**(4) A certificate of attendance.**]**~~

(cc) ~~**[**For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and~~

~~percentage of pupils who failed to pass the high school proficiency examination.~~

~~(dd)~~] The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

[~~(ee)~~] ***(dd)*** Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

[~~(ff)~~] ***(ee)*** An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

[~~(gg)~~] ***(ff)*** A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

[~~(hh)~~] ***(gg)*** For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~[.]~~ ***or*** an adjusted diploma ***;*** ~~[or a certificate of attendance;]~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~[pass the high school proficiency examination. (ii)]~~ ***satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.***

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[,]~~ ***and 389.805;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic

achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance;

(5) Possession or use of alcohol; and

(6) Bullying, cyber-bullying, harassment or intimidation;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma; ***and***

(3) Adjusted diploma; ~~**[**and~~

~~(4) Certificate of attendance;**]**~~

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the :

(1) Examinations ~~*[examinations]*~~ administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) ~~**[**High school proficiency examination administered pursuant to NRS 389.015; and**]**~~ ***End-of-course examinations administered pursuant to NRS 389.805; and***

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without

limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 and ***389.805 and*** shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** which may include information regarding the trend

in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both,

and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma **.** ~~**[**, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.**]**~~

(2) An adult diploma.

(3) An adjusted diploma.

~~**[**(4) A certificate of attendance.**]**~~

(x) ~~**[**For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number~~

~~and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(y)~~] The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[(z)~~] ***(y)*** The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(aa)~~] ***(z)*** Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[(bb)~~] ***(aa)*** Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[(cc)~~] ***(bb)*** Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~[(dd)~~] ***(cc)*** For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(ee)]~~ ***(dd)*** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(ff)]~~ ***(ee)*** For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~[,]~~ ***or*** an adjusted diploma ***;*** ~~[or a certificate of attendance;]~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~[pass the high school proficiency examination.~~

~~(gg)]~~ ***satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.***

(ff) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(hh)]~~ ***(gg)*** Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~[(hh),]~~ ***(gg),***

inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district,

including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school

will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies and practices which:

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[,]~~ ***and 389.805;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20

U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before January 31 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 6. NRS 385.361 is hereby amended to read as follows:

385.361 1. The State Board shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the State Board, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 ~~[,]~~ or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable;

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the differentiated corrective actions, the consequences or the sanctions, or any combination thereof, based upon the identified needs of a public school, including, without limitation, the educational needs of English language learners, pupils with disabilities or other groups of pupils identified in paragraph (b) of subsection 1, that apply to the public school that has been designated as demonstrating need for improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

➥ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ***and 389.805*** will be reported.

Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 ~~*[,]*~~ ~~[or the high school proficiency examination, as applicable;]~~ ***and, if applicable for the grade levels of the school, the end-of-course examinations administered pursuant to NRS 389.805;***

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school;

(7) Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (m) to (p), inclusive, of subsection 2 of NRS 385.347; and

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before December 15, the support team of a school other than a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before December 15, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the charter school;

(b) Sponsor of the charter school;

(c) Governing body of the charter school;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before July 31 of each year, the Department shall determine whether each public

school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before July 31 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~[high school~~

~~proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 10. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before August 15 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils in the group who were required to take the examinations.

4. If the number of pupils in a particular group who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school district who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

Sec. 11. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** including, without limitation, programs that are designed for pupils who are limited English proficient. The

programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➥ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805,*** the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805,*** as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 12. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 ~~[,]~~ and the ~~[high school proficiency examination that is]~~ ***examinations*** administered pursuant to NRS ~~[389.015,]~~ ***389.805,*** identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 13. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the ~~[achievement and proficiency]~~ examinations administered pursuant to ~~[NRS 389.015 and the examinations required pursuant to]~~ NRS 389.550 ***and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act*** to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter

school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 14. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 386.540 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year ~~[~~who~~]~~ have ~~[~~completed the required course work for graduation have passed the high school proficiency examination,~~]~~ ***satisfied the criteria prescribed by the State Board pursuant to NRS 389.805,*** if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 15. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;

(d) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[~~;~~]~~ ~~*[and section 19 of this act;]*~~ ***and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805;***

(f) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(i) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school;

(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(n) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 16. NRS 386.765 is hereby amended to read as follows:

386.765 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 386.745 or 386.750, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[.]~~ ***and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 17. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) ~~[The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;~~

~~(c)~~**]** The requirements for graduation from high school with a diploma and the types of diplomas available;

[~~(d)~~**]** ***(c)*** The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

[~~(e)~~**]** ***(d)*** The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

5. **[**~~If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to NRS 389.016, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in NRS 389.016.~~

~~6.~~**]** An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 18. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the ~~[achievement and proficiency]~~ examinations required pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805;*** and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 19. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[Superintendent of Public Instruction]~~ State Board shall select a ~~[standardized, curriculum-based achievement college entrance examination]~~ college and career readiness assessment for administration , commencing with the 2014-2015 school year and each school year thereafter, to pupils who are enrolled in grade 11 in public high schools.

~~2.~~ ***Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.***

3. The ~~[examination]~~ assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State

Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 389.616 and with the plan adopted by the board of trustees of the school district in which the ~~[examination]~~ assessment is administered pursuant to NRS 389.620. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

➥ and shall report to the State Board any instance of noncompliance.

4. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

5. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 20. NRS 389.004 is hereby amended to read as follows:

389.004 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations ***and assessments*** available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations ~~[.]~~ ***and assessments.*** The examinations ***and assessments*** posted must include, without limitation:

1. The ~~[high school proficiency]~~ ***college ~~[entrance examination]~~ and career readiness assessment*** administered pursuant to ~~[NRS 389.015; and]~~ ***section 19 of this act.***

2. ***The examinations required pursuant to NRS 389.805.***

3. All ***other*** college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 21. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments ~~[, including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,]~~ that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 22. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination

administered pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 23. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 ~~[,]~~ and the ~~[high school proficiency examination]~~ ***examinations*** administered pursuant to NRS ~~[389.015,]~~ ***389.805,*** the

Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 ~~[.]~~ and the ~~[high school proficiency examination]~~ ***examinations*** administered pursuant to NRS ~~[389.015.]~~ ***389.805.***

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 24. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the ~~[high school proficiency examination]~~ ***end-of-course examinations required pursuant to NRS 389.805*** for pupils who are enrolled in ~~[junior high, middle school and high school,]~~ ***grades 9 and 10*** and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the ~~[examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of paragraph (b) of subsection 1 of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;~~

~~(b) Subject areas tested on the examination;~~

~~(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;~~

~~(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;~~

~~(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;~~

~~(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;~~

~~(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and~~

~~(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.~~**]** ***end-of-course examinations;***

(b) Courses of study for which the end-of-course examinations are administered;

(c) Format for the end-of-course examinations, including, without limitation, the range of items that are contained on the examinations; and

(d) Maximum number of times , if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the **[**~~examination.~~**]** ***end-of-course examinations.***

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before **[**~~January 15,~~**]** ***October 1,*** the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in **[**~~a junior high, middle school or high school~~**]** ***grade 9 or 10*** of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled ***in grade 9 or 10*** in the charter school **[**~~at a junior high, middle school or high school grade level~~**]** and to the parents or legal guardians of such a pupil.

Sec. 25. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8 **.** ~~[and for the high school proficiency examination.]~~

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 26. NRS 389.604 is hereby amended to read as follows:

389.604 "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** ***or the college and career readiness assessment pursuant to section 19 of this act*** in the manner intended by the person or entity that created the examination ~~[.]~~ ***or assessment.***

Sec. 27. NRS 389.608 is hereby amended to read as follows:

389.608 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college***

and career readiness assessment administered pursuant to section 19 of this act, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[.]~~ ***or assessment.***

Sec. 28. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[.]~~ ***and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 29. NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations ~~[.]~~ ***and assessments.***

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination ~~[.]~~ ***or assessment.***

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➥ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations ***and assessments*** to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations ~~[.]~~ ***and assessments,*** all pupils who are required to take the examinations ***or assessments*** and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) ***"Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to section 19 of this act.***

(b) "Examination" means:

(1) ~~[~~Achievement and proficiency~~]~~ ***The*** examinations that are administered to pupils pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ~~[or section 19 of this act,]~~ ***or 389.805;*** and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

~~[(b)]~~ ***(c)*** "Irregularity in testing administration" means the failure to administer an examination ***or assessment*** in the manner intended by the person or entity that created the examination ~~[.~~

~~(c)]~~ ***or assessment.***

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~[.]~~ ***or assessment,*** including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[.]~~ ***or assessment.***

Sec. 30. NRS 389.624 is hereby amended to read as follows:

389.624 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act;*** or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,***

➥ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 31. NRS 389.628 is hereby amended to read as follows:

389.628 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** requesting that the Department investigate the incident pursuant to NRS 389.624.

➥ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 32. NRS 389.644 is hereby amended to read as follows:

389.644 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[.]~~ ***or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.*** Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or section 19 of this act,*** and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 33. NRS 389.805 is hereby amended to read as follows:

389.805 1. ~~[~~Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:

~~(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or~~

~~(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~

~~2.~~**]** A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

~~**[**3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of paragraphs (a) and (b) of subsection 1 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:~~

~~(a) Accepts the results of the exit or end of course examinations required for graduation in the local education agency in which the pupil was previously enrolled;~~

~~(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or~~

~~(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.~~

~~4.~~**]** ***2.*** The State Board shall ~~adopt~~ *[:*

~~*(a) Adopt]* regulations that prescribe the **[**alternative**]** **[**criteria**]** **:**

~~***(a) Criteria*** for a pupil to receive a standard high school diploma **[**pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work,~~

~~➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.~~**]** ***, which must include, without limitation, the requirement that ~~[a]~~ :***

(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to section 19 of this act; and

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 9 or 10 who completes the required instruction in a course of study ~~[successfully complete]~~ pass an end-of-course examination ~~[which measures the proficiency of the pupil]~~ in ~~[the]~~ that course of study.

(b) ~~[Prescribe the courses]~~ Courses of study in which ~~[a pupil]~~ pupils enrolled in grades 9 and 10 must ~~[successfully]~~ pass the end-of-course examinations required by subparagraph (2) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to section 19 of this act.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 34. NRS 389.900 is hereby amended to read as follows:

389.900 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ***or, if applicable, pursuant to NRS 389.805,*** and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 34.5. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Assessment" means the college and career readiness assessment administered to pupils in grade 11 pursuant to section 19 of this act.

Sec. 35. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs; ***and***

(e) ~~[The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and~~

~~(f)]~~ The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 36. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~[achievement and proficiency]~~ examinations that are administered pursuant to NRS ~~[389.015;]~~ ***389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act;***

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations ***and assessments*** adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 37. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the ~~[achievement and proficiency]~~ examinations that are administered pursuant to NRS ~~[389.015.]~~ ***389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations ***and assessments*** adopted pursuant to NRS 389.616 or 389.620.

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 37.5. **NRS 391.600 is hereby amended to read as follows:**

391.600 As used in NRS 391.600 to 391.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 391.604 to 391.620, inclusive, ***and section 34.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means:

1. ~~[~~Achievement and proficiency~~]~~ ***The*** examinations that are administered to pupils pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[.;]~~ ~~*[or section 19 of this act;]*~~ ***or 389.805;*** and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 38.3. **NRS 391.608 is hereby amended to read as follows:**

391.608 "Irregularity in testing administration" means the failure to administer an examination ***or assessment*** in the manner intended by the person or entity that created the examination ~~[.]~~ ***or assessment.***

Sec. 38.7. **NRS 391.612 is hereby amended to read as follows:**

391.612 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~[,]~~ ***or assessment,*** including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[.]~~ ***or assessment.***

Sec. 39. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in **[**~~the high school proficiency examination administered pursuant to NRS 389.015 and~~**]** all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such

examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 40. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 392A.030;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~[successfully passes the high school proficiency examination]~~ ***satisfies the criteria prescribed by the State Board pursuant to NRS 389.805*** and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 41. NRS 392A.110 is hereby amended to read as follows:

392A.110 1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.

2. A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS ~~[389.015 and]~~ 389.550.

Sec. 42. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual

measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~[~~389.015.~~]~~ ***389.550*** ~~[.]~~ ***or 389.805.*** In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 43. NRS 389.015, 389.016, 389.017, 389.0175 and 389.045 are hereby repealed.

Sec. 44. **1. The Legislature hereby recognizes that to receive federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., pupils enrolled in public high schools in this State must be administered an assessment at least one time while in high school based upon the State's academic and content standards. To continue to receive federal money under the Act, the State Board of Education may, for the purposes set forth in subsection 2, continue to provide for the administration of the high school proficiency examination.**

2. On or before August 1, 2013, the State Board of Education shall:

(a) Prescribe the requirements, in addition to any requirements prescribed by statute, that a pupil enrolled in grade 12 in the 2013-2014 school year, the 2014-2015 school year or the 2015-2016 school year must satisfy to receive a standard high school diploma, which may include, without limitation, passage of the high school proficiency examination pursuant to section 44.3 of this act;

(b) Provide timely notice to the board of trustees of each school district and the governing body of each charter high school of the requirements prescribed pursuant to paragraph (a); and

(c) Post notice of the requirements on the Internet website maintained by the Department of Education.

3. On or before September 1, 2013, the board of trustees of each school district and the governing body of each charter school shall:

(a) Provide timely notice to each pupil and the parent or legal guardian of each pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year of the requirements the pupil must satisfy to receive a standard high school diploma.

(b) Post notice of the requirements on the Internet website maintained by the board of trustees or the governing body of the charter school, as applicable.

4. If a pupil to whom the provisions of this section apply is retained in grade 10, 11 or 12, the requirements for receipt of a standard high school diploma prescribed by the State Board of Education pursuant to subsection 2 continue to apply to that pupil until he or she exits high school.

Sec. 44.3. **If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:**

1. The board of trustees of each school district shall administer the high school proficiency examination to pupils who have not passed the examination and are required to pass the examination to receive a

standard high school diploma. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The high school proficiency examination administered by the board of trustees and governing body must determine the achievement and proficiency of those pupils in:

(a) Reading;

(b) Mathematics;

(c) Science; and

(d) Writing.

2. The high school proficiency examination required by subsection 1 must be:

(a) Administered in each school district and each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma at the same time, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department of Education shall monitor the compliance of school districts and individual schools with the uniform procedures.

(b) Administered in accordance with the plan adopted pursuant to NRS 389.616 by the Department and the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the high school proficiency examination is administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the high school proficiency examination shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department of Education by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each applicable charter school. Not more than 10 working days after a school district receives the results

of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district at which the high school proficiency examination was administered pursuant to this section. Except as otherwise provided in this subsection, not more than 15 working days after each such school receives the results of the examinations, the principal of each such school and the governing body of each such charter school shall certify that the results for each pupil that took the examination have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or the administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the high school proficiency examination to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. A pupil who transfers during grade 12 to a school in this State from a school outside of this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

5. For the purposes of this section, the State Board shall prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science and, except for the writing portion, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The State Board, in consultation with the Council to Establish Academic Standards for Public Schools created by NRS 389.510, shall prescribe the writing portion of the high school proficiency examination. The questions contained in the high school proficiency examination and

the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the high school proficiency examination.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government, to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district, to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district, to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district, to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

6. The administrative regulations adopted by the State Board of Education for purposes of carrying out NRS 389.015 as of June 30, 2013, continue in effect if the high school proficiency examination is administered pursuant to this section.

Sec. 44.7 **If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:**

1. The results of the high school proficiency examination administered pursuant to section 44.3 of this act must be reported for the applicable school year for each school, including, without limitation, each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, each school district and this State, as follows:

(a) The average score, as defined by the Department, of such pupils who took the high school proficiency examination under regular testing conditions; and

(b) The average score, as defined by the Department of Education, of such pupils who took the high school proficiency examination with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

2. The superintendent of schools of each school district and the governing body of each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, through the sponsor of the charter school, shall certify that the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who took the high school proficiency examination in the applicable school year is equal to the number of such pupils in each school in the school district or in the charter school who are required to take the high school proficiency examination in that school year.

3. In addition to the information required by subsection 2, the Superintendent of Public Instruction shall, for each applicable school year:

(a) Report the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who were absent from school on the day that the high school proficiency examination was administered; and

(b) Reconcile the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma with the number of such pupils who were absent from school on the day that the examination was administered.

~~[Sec. 44.]~~ ***Sec. 45.*** **1.** This **section and sections 44, 44.3, and 44.7 of this** act ~~[becomes]~~ **become** effective ~~[:~~

~~1. Upon]~~ **upon** passage and approval **.** ~~[for the purposes of selecting the examination as required pursuant to section 19 of this act and for adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and]~~

2. ~~[On]~~ **Sections 1 to 43, inclusive, of this act become effective on** July 1, 2013 **.** ~~[, for all other purposes.]~~

LEADLINES OF REPEALED SECTIONS

389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.

389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district.

389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information.

389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 431.

AN ACT relating to arbitration; requiring certain agreements that require arbitration of disputes arising under the agreement to include specific authorization for the arbitration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an agreement which includes a provision requiring a person to submit to arbitration any dispute arising between the parties to the agreement to include specific authorization of the provision by the person. **Section 1** further provides that an agreement which includes such a provision concerning submitting a dispute to arbitration and which fails to include specific authorization of that provision by the person is void. **Section 1 excludes a collective bargaining agreement from these new provisions.**

Existing law which governs the provisions for arbitration provided by the parties to an agreement is set forth in the Uniform Arbitration Act. (NRS 38.206-38.248) **Section 2** of this bill provides an exception to a provision of the Uniform Arbitration Act which governs the validity of an agreement to arbitrate to account for the requirement set forth in **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in NRS 288.033.

Sec. 2. NRS 38.219 is hereby amended to read as follows:

38.219 1. An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement is valid, enforceable and irrevocable except ***as otherwise provided in section 1 of this act or*** upon a ground that exists at law or in equity for the revocation of a contract.

2. The court shall decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate.

3. An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

4. If a party to a judicial proceeding challenges the existence of, or claims that a controversy is not subject to, an agreement to arbitrate, the arbitral proceeding may continue pending final resolution of the issue by the court, unless the court otherwise orders.

Sec. 3. The amendatory provisions of this act apply only to agreements entered into or renewed on or after October 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust with respect to abandoned residential property; **authorizing nonprofit corporations or agencies or**

political subdivisions of this State to establish land banks for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a trustee under a deed of trust to exercise a power of sale on real property after a breach of an obligation or payment of debt secured by the deed of trust. Under existing law, a notice of default and election to sell real property that is subject to a deed of trust must include an affidavit setting forth certain information concerning the authority to exercise the power of sale. If the affidavit is not recorded in accordance with existing law, a court must declare void the trustee's sale and a civil action may be brought against the beneficiary, the successor in interest of the beneficiary or the trustee who did not comply with the requirement. (NRS 107.080)

Section 2 of this bill establishes the criteria to be used to determine whether real property constitutes abandoned residential property. Under **section 3** of this bill, if, at any time after recording a notice of default and election to sell and after an investigation of the property, ~~[the beneficiary or its successor in interest or the agent authorized to act on behalf of the beneficiary or its successor in interest]~~ **a private process server hired by the beneficiary** determines that the property constitutes abandoned residential property, the beneficiary ~~[, successor or agent]~~ may record an affidavit setting forth the circumstances and conditions supporting the determination that the property is abandoned residential property. **Section 3 authorizes the private process server to charge the beneficiary a fee of not more than $120 for determining whether property is abandoned residential property.** If ~~[such]~~ an **abandoned residential property** affidavit is recorded: (1) the beneficiary or its successor in interest or the agent authorized to act on behalf of the beneficiary or its successor in interest must provide certain notice of the affidavit; and (2) the grantor of the deed of trust, the successor in interest of the grantor or the person who holds title of record may cause the affidavit to be deemed to be withdrawn by recording an affidavit declaring that the property is not abandoned residential property and setting forth the circumstances and conditions supporting the withdrawal determination. Under **sections 3 and 4** of this bill, if ~~[an affidavit indicating that property is abandoned residential property is recorded and not withdrawn and]~~ the purchaser of ~~[the]~~ **abandoned residential** property at ~~[the]~~ **a** trustee's sale occupies the property as owner-occupied housing or sells the property to **a land bank established by a nonprofit corporation or an agency or political subdivision of this State or to** a person who occupies the property as owner-occupied housing: (1) the trustee's sale may not be declared void on the ground that the affidavit of authority to exercise the power of sale required by existing law was not recorded or is defective; and

(2) a civil action may not be brought for a failure to comply with certain requirements governing the exercise of the power of sale.

Section 3.5 of this bill authorizes nonprofit corporations and agencies or political subdivisions of this State to establish a land bank for the purpose of: (1) purchasing abandoned residential property and residential property in need of rehabilitation; and (2) selling such property to persons who will occupy the property as owner-occupied housing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **, ~~[and]~~** 3 **and 3.5** of this act.

Sec. 2. ***As used in this section and NRS 107.080 to NRS 107.110, inclusive, and ~~[section]~~ sections 3 and 3.5 of this act, unless the context otherwise requires:***

1. "Abandoned residential property" means residential real property:

(a) Consisting of not more than four family dwelling units or a single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units; and

(b) That the grantor or the successor in interest of the grantor has surrendered as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the property to the beneficiary or that satisfies the following conditions:

(1) The residential real property is not currently occupied as a principal residence by the grantor of the deed of trust, the person who holds title of record or any lawful occupant;

(2) The obligation secured by the deed of trust is in default and the deficiency in performance or payment has not been cured;

(3) The gas, electric and water utility services to the property have been terminated;

(4) There are no children enrolled in school residing at the address of the residential real property;

(5) Payments pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits, payments for unemployment compensation or payments for public assistance, as defined in NRS 422.050 and 422A.065, are not currently being ~~[mailed]~~ registered to the address of the residential real property;

(6) An owner of the property is not presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(7) ~~[Two]~~ Three or more of the following conditions exist:

(I) Construction was initiated on the residential real property and was discontinued before completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(II) Multiple windows on the property are boarded up or closed off or are smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;

(III) Doors on the property are smashed through, broken off, unhinged or continuously unlocked;

(IV) The property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(V) Assessments owed to a unit-owners' association, as defined in NRS 116.011 or 116B.030, are past due;

(VI) At least two or more written statements of occupants of neighboring properties indicate a clear intent to abandon the property;

(VII) Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the property within the immediately preceding 6 months;

(VIII) The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(IX) The local police, fire or code enforcement authority has requested that the owner or other interested or authorized party secure the property because the local authority has declared the property to be an imminent danger to the health, safety and welfare of the public;

(X) The property is open and unprotected and in reasonable danger of significant damage resulting from exposure to the elements or vandalism; or

(XI) The residential real property contains overgrown or dead vegetation ~~[.]~~ that is in violation of a city or county ordinance.

2. The term does not include residential real property if:

(a) There is construction, renovation or rehabilitation on the property that is proceeding diligently to completion, and any building being constructed, renovated or rehabilitated is in substantial compliance with all applicable ordinances, codes, regulations and laws;

(b) The property is occupied on a seasonal basis, but is otherwise secure;

(c) There are bona fide rental or sale signs on the property, or the property is listed on the Multiple Listing Service, and the property is secure; or

(d) The residential real property is secure but is the subject of a probate action, action to quiet title or other ownership dispute.

Sec. 3. *1. At any time after a notice of default and election to sell has been recorded pursuant to subsection 2 of NRS 107.080, the beneficiary may elect to use the procedures set forth in this section in connection with the exercise of the power of sale pursuant to NRS 107.080 if, after an investigation, a process server hired by the beneficiary determines that the real property is abandoned residential property. A process server hired by a beneficiary pursuant to this subsection must be licensed pursuant to chapter 648 of NRS and may charge the beneficiary a fee of not more than $120 to determine whether real property is abandoned residential property.*

2. If a beneficiary or a process server hired by the beneficiary has a reasonable belief that real property may be abandoned residential property, the beneficiary or process server, or ~~[its]~~ an agent thereof, may enter the property to investigate whether the property is abandoned residential property. Notwithstanding any other provision of law, a beneficiary , a process server and ~~[its agents]~~ any agent of a beneficiary or process server who ~~[enter]~~ enters property pursuant to this subsection are not liable for trespass.

3. A beneficiary who elects to use the procedures set forth in this section in connection with the exercise of the power of sale pursuant to NRS 107.080 must:

(a) Record, or cause to be recorded, in the office of the recorder of the county wherein the real property, or some part thereof, is located an affidavit from the process server hired by the beneficiary pursuant to subsection 1 setting forth the facts supporting the process server's determination that the real property is abandoned residential property. The affidavit required by this subsection must:

(1) Be signed and verified by the ~~[beneficiary;]~~ process server;

(2) State that, upon information and belief of the ~~[beneficiary]~~ process server after investigation by the ~~[beneficiary]~~ process server or its agent, the property is abandoned residential property; and

(3) State the conditions or circumstances supporting the determination that the property is abandoned residential property and have attached to the affidavit photographic or other documentary evidence in support of such conditions or circumstances; and

(b) Post in a conspicuous place on the real property, and mail by first class mail to the last known address of the grantor of the deed of trust, a successor in interest of the grantor or the person who holds title of record, a notice, in at least 12-point bold type in a font that is easy to read, in substantially the following form, with the applicable telephone numbers provided on the notice:

NOTICE

FORECLOSURE PROCEEDINGS AGAINST THIS PROPERTY HAVE STARTED, AND AN AFFIDAVIT DECLARING THIS PROPERTY TO BE ABANDONED HAS BEEN RECORDED.

If you believe that the property has not been abandoned, you may record with the county recorder an affidavit declaring that the property is not abandoned.

If you do not record with the county recorder an affidavit declaring that the property is not abandoned and mail a copy of the affidavit to your lender, you may lose the right to challenge the foreclosure sale of the property.

For help, call:

Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. Except as otherwise provided in this subsection, if an affidavit described in subsection 3 has been recorded, at any time before the date of the sale of the real property conducted pursuant to NRS 107.080, the grantor, a successor in interest of the grantor or the person who holds title of record may record in the office of the county recorder in the county where the affidavit described in subsection 3 was recorded, an affidavit stating that the real property is not abandoned residential property and setting forth the conditions or circumstances supporting the claim that the property is not abandoned residential property. The grantor, a successor in interest of the grantor or the person who holds title of record may not record the affidavit described in this subsection if he or she has surrendered the property, as evidenced by a signed document confirming the surrender or by the delivery of the keys to the property to the beneficiary. Upon the recording of the affidavit described in this subsection:

(a) The person who recorded the affidavit must mail by registered or certified mail, return receipt requested, to the beneficiary and the trustee a copy of the affidavit; and

(b) The affidavit described in subsection 3 is deemed to be withdrawn.

5. If:

(a) An affidavit described in subsection 3 has been recorded and has not been withdrawn; and

(b) The purchaser of the property at a sale conducted pursuant to NRS 107.080:

(1) Occupies the real property as owner-occupied housing; or

(2) Sells the property to a land bank or to a person who occupies the real property as owner-occupied housing,

↪ the sale vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption and may not be declared void on the ground that the affidavit of authority to exercise the power of sale required by paragraph (c) of subsection 2 of NRS 107.080 has not been recorded or is defective, and an action pursuant to subsection 7 of NRS 107.080 may not be commenced.

6. As used in this section:

(a) "Beneficiary" means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.

(b) "Land bank" means a land bank established by a nonprofit corporation or an agency or political subdivision of this State pursuant to section 3.5 of this act.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

(d) "Process server" has the meaning ascribed to it in NRS 648.014.

Sec. 3.5. 1. A nonprofit corporation or an agency or political subdivision of this State may establish a land bank for the purposes of purchasing and selling abandoned residential real property or residential real property in need of rehabilitation, or both.

2. A land bank established pursuant to this section:

(a) May purchase abandoned residential real property and residential real property in need of rehabilitation, including, without limitation, purchasing such real property at a foreclosure sale conducted pursuant to NRS 40.430 or at a trustee's sale held pursuant to NRS 107.080.

(b) May sell any abandoned residential real property or residential property in need of rehabilitation purchased by the land bank only to persons who will occupy the abandoned residential real property as owner-occupied housing.

3. As used in this section, "political subdivision" means a city or county of this State.

Sec. 4. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment

of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or

by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. ~~[A]~~ ***Except as otherwise provided in section 3 of this act, a*** sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. ~~[If,]~~ ***Except as otherwise provided in section 3 of this act, if*** in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the

office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Horne moved that the Assembly recess until 2:30 p.m.

Motion carried.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 2:58 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 33, 36, 86, 153, 187, 199, 339, 341, 404, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 87, 99, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 309, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 33, 36, 86, 87, 99, 153, 187, 199, 309, 339, 341, 404, 408, and 494, just reported out of committee, be placed on the bottom of the Second Reading File.

Motion carried.

Assemblyman Frierson moved that Assembly Bills Nos. 90, 363, 374, and 441 be taken from the General File and placed at the bottom of the General File for the next legislative day.

Motion carried.

Assemblyman Frierson moved that Assembly Bills Nos. 77 and 421 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 418 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 428.

SUMMARY—~~[Requires the proposed budget of the Executive Department of the State Government to contain certain information]~~ **Revises provisions** relating to incentives for economic development. (BDR 31-811)

AN ACT relating to state financial administration; requiring ~~[each state agency which approves an abatement of taxes or other incentive for economic development]~~ **the Office of Economic Development and the Office of Energy each** periodically to conduct an analysis of the costs and benefits of ~~[the]~~ **an approved abatement of taxes or other** incentive **for economic development** and report the results of its analysis to the Chief of the Budget Division of the Department of Administration; requiring that the results of the ~~[analysis,]~~ **analyses,** as so reported, be included in the proposed state budget; **revising the required contents of a report of certain abatements from taxation which must be submitted to the Legislature; revising the factors which must be considered in the evaluation of an application for a partial abatement of certain taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Various provisions of existing law provide for the approval by state agencies of tax abatements and other incentives for economic development. (NRS 274.310, 274.320, 274.330, 360.750, 361.0687, 374.357, 701A.210) **Section 1** of this bill requires ~~[each state agency which approves such an incentive, including, without limitation,]~~ the Office of Economic Development ~~[,]~~ **and the Office of Energy each** periodically to conduct an analysis of the costs and benefits of the incentives in effect during the immediately preceding 2 fiscal years ~~[, in accordance with a methodology prescribed by]~~ **and report to** the Chief of the Budget Division of the Department of Administration ~~[, and report to the Chief]~~ concerning the results of the ~~[agency's]~~ analysis. **Section 1** provides that any such report is a public record.

Section 3 of this bill requires that the results of ~~[each agency's analysis,]~~ **the analyses,** as reported to the Chief for the immediately preceding 2 fiscal years, be included as part of the proposed state budget for each biennium.

Existing law requires the Office of Economic Development periodically to prepare and submit for the Legislature a report concerning certain abatements from taxation. (NRS 231.0685) Section 3.3 of this bill revises the period covered by and information to be included in the report.

Existing law requires the Office of Economic Development to adopt regulations relating to the minimum level of benefits that certain businesses applying for a partial abatement of certain taxes must provide to employees. (NRS 360.750) Section 3.7 of this bill revises these provisions to apply solely to health care benefits.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall:

(a) Require ~~[each state agency, including, without limitation,]~~ the Office of Economic Development ~~[,]~~ and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the ~~[agency]~~ respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 361.0687, 374.357 or 701A.210, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each ~~[such state agency]~~ office to report in writing to the Chief the results of the analysis conducted by the ~~[agency]~~ office pursuant to paragraph (a); and

(c) ~~[Prescribe by regulation the methodology for performing and reporting the results of the analysis required by paragraph (a); and~~

~~(d)~~ Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each ~~[state agency]~~ office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared ~~[by a state agency]~~ for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 2. NRS 353.155 is hereby amended to read as follows:

353.155 As used in NRS 353.150 to 353.246, inclusive, ***and section 1 of this act*** "Chief" means the Chief of the Budget Division of the Department of Administration.

Sec. 3. NRS 353.205 is hereby amended to read as follows:

353.205 1. The proposed budget for the Executive Department of the State Government for each fiscal year must be set up in ~~[three]~~ ***four*** parts:

(a) Part 1 must consist of a budgetary message by the Governor which includes:

(1) A general summary of the long-term performance goals of the Executive Department of the State Government for:

(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services and public safety and health; and

(II) Other governmental services;

(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that ratable progress will be made toward achieving those long-term performance goals;

(3) An outline of any other important features of the financial plan of the Executive Department of the State Government for the next 2 fiscal years; and

(4) A general summary of the proposed budget setting forth the aggregate figures of the proposed budget in such a manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the proposed budget for the next 2 fiscal years, contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general summary of the proposed budget must be supported by explanatory schedules or statements, classifying the expenditures contained therein by organizational units, objects and funds, and the income by organizational units, sources and funds. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner determined by the Chief.

(b) Part 2 must embrace the detailed budgetary estimates both of expenditures and revenues as provided in NRS 353.150 to 353.246, inclusive ~~[.]~~ ***, and section 1 of this act.*** The information must be presented in a manner which sets forth separately the cost of continuing each program at the same level of service as the current year and the cost, by budgetary issue, of any recommendations to enhance or reduce that level of service. Revenues must be summarized by type, and expenditures must be summarized by program or budgetary account and by category of expense. Part 2 must include:

(1) The identification of each long-term performance goal of the Executive Department of the State Government for:

(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services, and public safety and health; and

(II) Other governmental services,

➥ and of each intermediate objective for the next 2 fiscal years toward achieving those goals.

(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that those intermediate objectives will be met and progress will be made toward achieving those long-term performance goals.

(3) A mission statement and measurement indicators for each department, institution and other agency of the Executive Department of the State Government, which articulate the intermediate objectives and long-term

performance goals each such department, institution and other agency is tasked with achieving and the particular measurement indicators tracked for each such department, institution and other agency to determine whether the department, institution or other agency is successful in achieving its intermediate objectives and long-term performance goals, provided in sufficient detail to assist the Legislature in performing an analysis of the relative costs and benefits of program budgets and in determining priorities for expenditures. If available, information regarding such measurement indicators must be provided for each of the previous 4 fiscal years. If a new measurement indicator is being added, a rationale for that addition must be provided. If a measurement indicator is being modified, information must be provided regarding both the modified indicator and the indicator as it existed before modification. If a measurement indicator is being deleted, a rationale for that deletion and information regarding the deleted indicator must be provided.

(4) Statements of the bonded indebtedness of the State Government, showing the requirements for redemption of debt, the debt authorized and unissued, and the condition of the sinking funds.

(5) Any statements relative to the financial plan which the Governor may deem desirable, or which may be required by the Legislature.

(c) Part 3 ***must set forth, for*** ~~*[each state agency which is required to conduct an analysis and report]*~~ ***the Office of Economic Development and the Office of Energy, the results of the analyses conducted by those offices and reported to the Chief pursuant to section 1 of this act*** ~~*[, the results of the analysis as so reported]*~~ ***for the immediately preceding 2 fiscal years.***

(d) Part 4 must include a recommendation to the Legislature for the drafting of a general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the Executive Department of the State Government for the next 2 fiscal years, and may include recommendations to the Legislature for the drafting of such other bills as may be required to provide the income necessary to finance the proposed budget and to give legal sanction to the financial plan if adopted by the Legislature.

2. Except as otherwise provided in NRS 353.211, as soon as each part of the proposed budget is prepared, a copy of the part must be transmitted to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination and retention.

3. Except for the information provided to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211, parts 1 and 2 of the proposed budget are confidential until the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, regardless of whether those parts are in the possession of the Executive or Legislative

Department of the State Government. Part ~~[3]~~ ***4*** of the proposed budget is confidential until the bills which result from the proposed budget are introduced in the Legislature. As soon as practicable after the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, the information required to be included in the proposed budget pursuant to subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 must be posted on the Internet websites maintained by the Governor, the Department of Administration and the Budget Division of the Department of Administration.

Sec. 3.3. **NRS 231.0685 is hereby amended to read as follows:**

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750. The report must set forth, for each abatement from taxation that the Office approved ~~[in the 2 year period]~~ ***during the fiscal years which are 3 fiscal years and 6 fiscal years*** immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. ***The value of infrastructure included as an incentive for the business;***
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
~~[4.]~~ ***5.*** Whether the business for which the abatement was approved is a new business or an existing business; ~~[and~~
~~5.]~~ ***6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and***
7. Any other information that the Office determines to be useful.

Sec. 3.7. **NRS 360.750 is hereby amended to read as follows:**

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the ***health care*** benefits the business provides to its employees in this State will meet the minimum requirements for ***health care*** benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the ***health care*** benefits the business provides to its employees in this State will meet the minimum requirements for ***health care*** benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the ***health care*** benefits the business provides to its new employees in this State will meet the minimum requirements for ***health care*** benefits established by the Office by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the ***health care*** benefits the business provides to its employees in this State will meet with minimum requirements ***for health care benefits*** established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) ***Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.***

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request

of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of ***health care*** benefits that a business must provide to its employees ; ~~[if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement;]~~ and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 386.

AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to ~~[submit]~~ **create and maintain** reports on its programs and services **;** ~~[to the licensing authority;]~~ allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4-** ~~[7]~~ **6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and ~~[update at least once each year a]~~ **maintain an annual** report on each program or service the agency provides **.** ~~[and to provide this report to the licensing authority.]~~ **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care

agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24** of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. **Section 26** of this bill allows the licensing authority to charge and collect certain fees from a foster care agency.

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court ~~[or commingling a child placed by a juvenile court with foster children not placed by a juvenile court]~~ without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care upon the payment of a fee to cover the costs of the licensing authority in gathering that information. **Section 45** of this bill allows a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances.

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *"Independent living foster home" means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:*

1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 3. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 4. *1. A foster care agency must:*

(a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;

(b) Have a governing body , ~~*[consisting of not less than five members,]*~~ *at least one* ~~*member*~~ *of* ~~*[whom]*~~ ~~*which*~~ *has knowledge of and experience in the programs and services offered by the foster care agency; and*

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint ~~*[an executive director]*~~ ~~*a person to provide oversight of the foster care agency*~~ *who meets the qualifications described in section 8 of this act.*

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee ~~*[of at least three members, each of whom is a resident]*~~ ~~*whose members are residents*~~ *of this State* , ~~*[and]*~~ *one of whom is a member of the governing body, which is responsible to the governing body for ensuring*

that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. ***The governing body of a foster care agency must be responsible for:***

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. ***The governing body shall submit annually to the licensing authority or its designee:***

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. Evidence satisfactory to the licensing authority that the foster care agency ~~*[has adequate money available to]*~~ ***has the ability to financially support and sustain its activities*** **,** ~~*[for at least 12 months,]*~~ ***which may include, without limitation, financial statements and budgets;***

4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;

5. A statement of purpose; and

6. An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

Sec. 7. ~~*[A member of the governing body must not have a conflict of interest that could interfere with his or her ability to make objective decisions relating to the foster care agency. A member shall be deemed to have a conflict of interest if:*~~

~~*1. The member or a member of the member's family is employed by the foster care agency;*~~

~~*2. The member owns a controlling interest in the foster care agency; or*~~

~~*3. The member otherwise benefits financially from the operation of the foster care agency, including, without limitation, as a paid consultant, contractor or vendor.]*~~ **(Deleted by amendment.)**

Sec. 8. ***1. The*** ~~*[executive director]*~~ ***person appointed to provide oversight of a foster care agency by the governing body of*** ~~*[a]*~~ ***the foster care agency pursuant to section 4 of this act must have:***

(a) A ~~[master's]~~ bachelor's degree or more advanced degree from an accredited college or university ; ~~[in the field of social work;]~~ and

(b) At least ~~[5]~~ 7 years of experience in an agency or program which provides social services, including at least ~~[1 year]~~ 3 years of experience as an administrator, supervisor or consultant.

2. The ~~[executive director]~~ person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff ~~[must]~~ may include, without limitation:

(a) ~~[A program director]~~ Program supervisors who ~~[is]~~ are responsible for the supervision of ~~[all]~~ members of the staff and activities relating to foster care and for assisting ~~[the executive director]~~ in formulating and carrying out the policies and programs of the foster care agency. ~~[The]~~ Each program ~~[director]~~ supervisor must have ~~[:~~

~~(1) A master's~~ a bachelor's degree or more advanced degree from an accredited college or university ~~[in the field of social work]~~ and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor . ~~[; or~~

~~(2) A master's degree or more advanced degree from an accredited college or university in a field related to social work, which may include, without limitation, psychology, sociology, education or counseling, and at least 4 years of experience in providing services to children and their families, including at least 2 years of experience providing services to children and their families in a foster care agency and at least 1 year of experience as an administrator or supervisor.]~~

(b) ~~[A number of supervisors and caseworkers that the executive director determines to be necessary to]~~ Caseworkers who support the operations of the foster care agency, including, without limitation, to ~~[supervise and]~~ work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. ~~[A supervisor or]~~ Each caseworker must have:

(1) ~~[A master's degree or more advanced degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling, and at least 1 year of experience in providing services to children and their families or, while the supervisor or caseworker was a student, the completion of a student placement in providing services to children and their families;~~

~~(2)~~ ***A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling*** ***;*** ~~; and at least 1 year of experience in providing services to children and their families;~~ ***or***

~~(3)~~ ***(2) A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.***

Sec. 9. ***1. The*** ~~executive director~~ ***foster care agency may accept volunteers to provide certain specified services for the foster care agency. The*** ~~executive director~~ ***foster care agency shall not rely solely upon volunteers to provide any service.***

2. If the ~~executive director~~ ***foster care agency accepts volunteers pursuant to subsection 1, the*** ~~executive director~~ ***foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.***

Sec. 10. ***1. The*** ~~executive director~~ ***foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.***

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The ~~executive director~~ ***foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.*** ~~The policies and procedures must prohibit the employment of any member of the staff who holds a professional license that is related to the programs and services offered by the foster care agency and who has been subject to disciplinary action relating to that license and allow a reasonable time for a complaint made against a member of the staff who holds a professional license to be resolved.~~

4. The ~~executive director~~ ***foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.***

Sec. 11. *1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee [,] who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:*

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067,

inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

4. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 12. ***1. Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee [,] who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:***

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. ***1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after allowing the person time to correct the information as required pursuant to subsection 2.***

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. ~~*[1.]*~~ ***A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:***

~~*[(a) Actively seek to adopt a child in the custody of or seek to use adoption services through an agency which provides child welfare services;*~~

~~*(b)]*~~ ***1. Be a provider of foster care who has a contract with the foster care agency for the placement of children*** ~~*[;*~~

~~*(c) Be a person professionally qualified in the field of psychiatric mental health, as defined in NRS 433A.018, who authorizes mental or behavioral health services on behalf of any child placed in a foster home operated by the foster care agency; or*~~

~~(d)~~ ***unless approved by the licensing authority; or***

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

~~[2. A foster care agency shall not provide services to any employee of the foster care agency.]~~

Sec. 15. ***1. A foster care agency shall create and maintain*** ~~[a]~~ ***an annual report concerning each program or service provided by the foster care agency.***

2. ~~[The foster care agency shall update the report at least once each year and shall provide the report to the licensing authority as soon as practicable after its creation or revision.~~

~~3.]~~ ***The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.***

Sec. 16. ***1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.***

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. ***1. A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.***

2. A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.

3. Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.

4. The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.

Sec. 18. ***1. A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a***

child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency . ~~[without restriction.]~~

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency ~~[.]~~ after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the ~~[foster care agency]~~ licensing authority maintains the responsibility to protect the best interests of each child, which may include removing a child from the ~~[custody of]~~ placement with the provider of foster care if the ~~[foster care agency]~~ licensing authority determines that removal is in the best interests of the ~~[children.]~~ child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. *1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:*

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. *1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:*

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 21. ***1. A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health,***

psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides medical records and any related documentation to the licensing authority or its designee.

2. A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

(a) The death or disability of a family member;

(b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;

(c) A change in marital status;

(d) A change in home address;

(e) A sudden or substantial loss of income; and

(f) The birth of a child.

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification ~~[;]~~ ***to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.***

(b) ~~*[The completion of all required background investigations;*~~

~~*(c)]*~~ ***An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and***

~~*[(d)]*~~ ***(c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.***

Sec. 22. ***1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.***

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. ***1. A provider of foster care shall not use physical restraint on a child placed with the provider*** ~~*[.]*~~ ***unless the child presents an imminent threat of danger of harm to himself or herself or others.***

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. ***1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority*** ~~*[.]*~~ ***or a juvenile court.***

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, ***or the Interstate Compact for Juveniles pursuant to NRS 62I.015*** ***apply. If the licensing authority determines that the provisions of*** ~~*[the]*~~ ***either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.***

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. ***1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.***

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

Sec. 26. ~~*[1. If a foster care agency submits an application for a prospective foster home pursuant to section 17 of this act, the licensing authority may charge and collect from a foster care agency a reasonable fee for the issuance of a license to the foster home. Any fee so charged must be based on the actual costs of the licensing authority to issue the license.*~~

~~*2.]*~~ ***If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence*** ~~*[,]*~~ ***and any action is taken against the licensee, including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.***

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~[~~permanent~~]~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 "Foster care agency" means a ~~[~~nonprofit corporation, for-profit corporation or sole proprietorship~~]~~ ***business entity*** that ~~[~~assists~~]~~ ***recruits and enters into contracts with foster homes to assist*** an agency which provides child welfare services ***and juvenile courts*** in the placement of children in ***such*** foster ~~[~~care.~~]~~ ***homes.***

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 "Foster home" ***means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term*** includes a family foster home, specialized foster home ***, independent living foster home*** and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a ~~[~~natural person, partnership, firm, corporation or association who~~]~~ ***foster home which*** provides full-time care ***and services*** for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;
2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and
3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~[~~permanent~~]~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 "Provider of ~~[~~family~~]~~ foster care" means a person who is licensed to conduct a ~~[~~family~~]~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 "Specialized foster home" means a ~~[family]~~ ***foster*** home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

2. Are under ~~[21]~~ ***18*** years of age ~~[,]~~ ***or who remain under the jurisdiction of a court pursuant to NRS 432B.594;***

3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; ***and***

4. Are received, cared for and maintained for compensation ~~[; and~~

~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.]~~ ***or otherwise, including the provision of free care.***

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes.

3. All family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home ***, independent living foster home*** or group foster home that conforms to the established standards of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On

reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home ***, independent living foster home*** or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. ***A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court*** ~~[.]~~ ***or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall*** ~~[ensure that the child is kept separate from other foster children who were not placed by a juvenile court unless otherwise approved by the licensing authority.]~~ ***work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home.***

6. A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home ***, independent living foster home*** or group foster home.

(b) The exact location of the family foster home, specialized foster home ***, independent living foster home*** or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home ***, independent living foster home*** or group foster home is licensed to provide care.

~~[6.]~~ ***(e) Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.***

8. No family foster home, specialized foster home ***, independent living foster home*** or group foster home may receive for care more children than are specified in the license.

~~[7.]~~ ***9.*** In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~[provisional and]~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for ***, has charges pending for*** or ***has been*** convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use ***or threatened use of force or violence against the victim or the use*** of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~[.]~~ ***or a felony relating to prostitution;***

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~[or]~~

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~[.]~~ ***;***

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each ***licensee,*** employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~[~~family~]~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~[~~family~]~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~[~~family~]~~ foster home; and

2. The personal skills which are required of a provider of ~~[~~family~]~~ foster care and the other residents of a ~~[~~family~]~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a ***family foster home, a*** specialized foster home ***, an independent living foster home*** or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~[~~family~~]~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~[~~family~~]~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~[~~family~~]~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~[~~family~~]~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~[~~family~~]~~ foster home, the licensing authority shall provide to the provider of ~~[~~family~~]~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~[~~family~~]~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~[~~family~~]~~ foster care may, at any time before, during or after the placement of the child in the ~~[~~family~~]~~ foster home, request information about the child from the licensing authority. After the child has

left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of **[**~~family~~**]** foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of **[**~~family~~**]** foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home ***, an independent living foster home*** or a group foster home shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home ***, independent living foster home*** or group foster home who will administer medication to a child at the specialized foster home ***, independent living foster home*** or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home ***, independent living foster home*** and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a **[**~~family~~**]** foster home.

2. A provider of **[**~~family~~**]** foster care may be represented by legal counsel in any proceeding related to:

(a) The reissuance, suspension or revocation of the license of the provider to conduct a **[**~~family~~**]** foster home; and

(b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~[~~family~~]~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~[~~family~~]~~ foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~[~~family~~]~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~[~~family~~]~~ foster home; or

(b) Request that a child placed in the ~~[~~family~~]~~ foster home be removed,

➥ unless the provider has a written agreement with the licensing authority to the contrary.

2. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 3, if*** a provider of ~~[~~family~~]~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~[~~family~~]~~ foster home, the licensing authority may not, based solely on that refusal or request:

(a) Revoke the license of the provider to conduct a ~~[~~family~~]~~ foster home;

(b) Remove any other child placed in the ~~[~~family~~]~~ foster home;

(c) Refuse to consider future placements of children in the ~~[~~family~~]~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

3. The licensing authority may suspend or revoke the license of a provider of foster care if the provider refuses to accept the placement of a child ~~*[in the foster home more than three times in any 12-month period or requests the removal of a child placed in the foster home more than two times in any 12-month period.]*~~ ***or unreasonably or excessively requests the removal of a child placed with the provider of foster care when the child generally meets any preferences outlined in the fair and impartial investigation of the home and its standards of care that was conducted for***

the provider of foster care pursuant to NRS 424.030 or section 17 of this act.

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~[~~family~~]~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~[~~family~~]~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide respite, training and support to a provider of ~~[~~family~~]~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~[~~family~~]~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and

2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~[~~:

~~(a) Related]~~ ***related*** to the caregiver by blood, adoption or marriage **.** ~~[~~; ~~and~~

~~(b) Not in the custody of an agency which provides child welfare services.]~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS ***or a juvenile court pursuant to title 5 of NRS*** if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.

2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning ~~[~~~~the operation of a~~~~]~~ foster care ~~[~~~~agency,~~~~]~~ ***agencies,*** including, without limitation, a foster care agency which provides family foster care, specialized foster care ***, independent living foster care*** or group foster care for children placed by an agency which provides child welfare services ~~[.]~~ ***or a juvenile court.***

(b) ~~[Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~(c)]~~ Regulations regarding the issuance and renewal of a license to operate a foster care agency.

~~[(d)]~~ ***(c)*** Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. NRS 424.094 is hereby amended to read as follows:

424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.

2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.

3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.

4. A licensing authority that licenses foster care agencies pursuant to this section may charge a ***reasonable*** fee ~~[of not more than $150]~~ for the issuance ~~[of a provisional license, not more than $300 for the issuance of a license and not more than $150 for the]~~ ***or*** renewal of a license. Any fee so charged must ~~[not exceed the actual cost incurred by the authority for providing or renewing]~~ ***be set at an amount determined to cover the costs of the licensing authority to issue or renew*** the license.

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~[standards established]~~ ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act*** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ ***thereto.***

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~[standards established]~~ ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act*** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.]~~ ***thereto.***

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~[meet the standards established and]~~ comply with the ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the*** regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ ***thereto.***

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~[or provisional license]~~ if the licensing authority finds that the foster care agency has refused

or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services ***or juvenile court*** as authorized by the agency which provides child welfare services ~~[.]~~ ***or juvenile court.*** Such services may include, without limitation:

1. Screening, recruiting ~~[, licensing]~~ and training of persons to provide family foster care, specialized foster care ***, independent living foster care*** and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 "Provider of ~~[family]~~ foster care" has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~[family]~~ foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~[family]~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~[family]~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;

2. An employee of a ~~[family foster home, as defined in NRS 424.013, group foster home or specialized]~~ foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or

6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Request appropriations from the Legislature in amounts sufficient to:

(a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and

(b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.

3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.

4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

6. Involve communities in the improvement of child welfare services.

7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.

8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, ***and sections 4 to 26, inclusive, of this act*** in screening, recruiting, licensing and training providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~[~~family~~]~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~[family foster home, a specialized foster home or a group]~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~[family]~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation

in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from ~~[family foster homes, specialized foster homes and group]~~ foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 391.

AN ACT relating to gaming; **revising provisions governing the taxation of gaming;** providing certain restrictions governing restricted licenses to operate gaming; **revising provisions governing the operation of race books and sports pools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a nonrestricted gaming licensee is responsible to pay certain fees and taxes, including certain fees based on the gross revenue of the licensee. (NRS 463.370) Existing law further provides that a restricted gaming licensee and an operator of a slot machine route are required to pay certain fees and taxes. (Chapter 463 of NRS) Section 1 of this bill requires a person who controls more than 500 slot machines to pay the same fees and taxes as a person who operates a nonrestricted operation.

Existing law: (1) prohibits certain actions relating to gaming without procuring and maintaining the required licensure; and (2) provides that a single establishment may not contain more than one licensed operation unless the establishment holds a nonrestricted gaming license. (NRS 463.160, 463.245) Existing law also defines: (1) "race book" as the business of accepting pari-mutuel wager upon the outcome of an event held at a track; and (2) "sports pool" as the business of accepting wagers on sporting events by any system or method of wagering. (NRS 463.01858, 463.0193) Section 3 of this bill provides that a separate license is required for each location of a race book or sports pool, and further provides that certain activities relating to the acceptance and payment of wagers and transactions in person or through mechanical means, such as a kiosk or similar device, are considered within the operation of a race book or sports pool. Section 5 of this bill clarifies that the exception to the single license at one establishment only applies to those nonrestricted licenses at an establishment with 16 or more slot machines, at an establishment with any number of slot machines together with any other game, gaming device, race book or sports pool or for a mobile gaming system.

Existing law: (1) defines a "restricted license" as a state gaming license to operate not more than 15 slot machines at an establishment in which the operation of slot machines is incidental to the primary business of the establishment; and (2) provides that such a license may only be granted to the operator of the primary business or to a licensed operator of a slot machine route. (NRS 463.0189, 463.161) ~~[This]~~ **Section 4 of this** bill provides that **, in a county whose population is 100,000 or more (currently Clark and Washoe Counties),** a restricted license may only be granted at certain establishments if the establishment contains: (1) a minimum of 2,500 square feet of space available for patrons; (2) a permanent, physical bar; and (3) a restaurant which meets certain requirements.

Section 6 of this bill provides that the provisions of this bill prohibiting the granting of restricted licenses, unless the establishment meets certain criteria, apply prospectively to new restricted licenses issued on or after January 1, 2014. Section 6 also provides that the provisions of this bill pertaining to the licensure of race books and sports pools apply to all race books, sports pools and associated equipment in existence on January 1, 2014.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Notwithstanding any other provision of this chapter, for the purposes of the fees and taxes imposed pursuant to this chapter, a person who controls directly or through an affiliate more than 500 slot machines in the aggregate, including, without limitation, an operator of a slot machine route:

(a) Shall be deemed to be operating a nonrestricted operation; and

(b) Is required to pay all fees and taxes imposed upon a nonrestricted operation with respect to each slot machine that the person controls directly or through an affiliate.

2. This section must not be construed to make a person described in subsection 1 who does not hold a nonrestricted license a nonrestricted licensee for any purpose other than the purpose set forth in subsection 1.

3. As used in this section, "control" of a slot machine directly or through an affiliate means:

(a) Owning or operating an establishment for which a restricted license has been issued, with respect to the slot machines at the establishment; or

(b) Placing and operating slot machines upon the premises of others, whether placed and operated in an establishment for which a restricted license or nonrestricted license has been issued.

Sec. 2. **NRS 463.0189 is hereby amended to read as follows:**

463.0189 "Restricted license" or "restricted operation" means a state gaming license for, or an operation consisting of, not more than 15 slot machines and no other game or gaming device ***, race book or sports pool*** at an establishment in which the operation of slot machines is incidental to the primary business of the establishment.

Sec. 3. **NRS 463.160 is hereby amended to read as follows:**

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. ***For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:***

(a) Accepting wagers from patrons;

(b) Allowing patrons to place wagers; or

(c) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

~~[Section 1.]~~ ***Sec. 4.*** NRS 463.161 is hereby amended to read as follows:

463.161 ***1.*** A license to operate 15 or fewer slot machines at an establishment in which the operation of slot machines is incidental to the primary business conducted at the establishment may only be granted to the operator of the primary business or to a licensed operator of a slot machine route.

2. ~~*[A]*~~ ***In a county whose population is 100,000 or more, a license to operate 15 or fewer slot machines at an establishment which is a bar, tavern, saloon or other similar location licensed to sell alcoholic beverages by the drink, for consumption on the premises, may only be granted if the establishment meets all the following conditions:***

(a) The establishment contains a minimum of 2,500 square feet of space available for use by patrons.

(b) The establishment contains a permanent, physical bar. ~~*[If the establishment has:*~~

~~*(1) One to seven slot machines, all slot machines must be embedded in the bar.*~~

~~*(2) Eight to 15 slot machines, at least eight of the slot machines must be embedded in the bar.]*~~

(c) The establishment contains a restaurant that meets all the following requirements:

(1) The restaurant must provide seating for at least 25 patrons. For the purposes of determining the number of seats pursuant to this subparagraph, seating that is related to or associated with gaming employees, stools at the bar, and seating in a lounge or outside dining area must not be counted.

(2) The restaurant must contain a kitchen which must be operated not less than 12 hours each day that the establishment is open for business.

(3) If the restaurant allows admittance of minors, the dining room must be divided and separated from the bar area by a structural barrier sufficient to exclude minors from the bar area. If the restaurant does not allow the admittance of minors, a physical separation from the bar is not required, but a sign must be posted at the entrance of the establishment which states that the entrance of minors is prohibited.

3. As used in this section:

(a) "Bar" means a physical structure with a flat horizontal counter, on one side of which alcoholic liquors are kept and maintained, where seats may be placed for patrons to sit on the side opposite from where the alcoholic liquors are kept, and where the sale and service of alcoholic beverages are by the drink across such structure.

(b) "Restaurant" means a space operated in conjunction with an establishment, which is kept, used, maintained, advertised and held out to the public as a place where hot meals are prepared and served on premises.

Sec. 5. **NRS 463.245 is hereby amended to read as follows:**

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license ***for an operation described in subsection 1, 2 or 5 of NRS 463.0177*** may establish a sports pool or race book on the premises of the establishment ~~[at which the person conducts a nonrestricted gaming operation]~~ only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at ~~[another]~~ ***a second*** establishment ***described in subsection 1 or 2 of NRS 463.0177 only*** if the second establishment is operated by a person who has been issued a nonrestricted license ~~[.]~~ ***for that establishment. A***

person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:

(a) An establishment for which a restricted license has been granted; or

(b) An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 or 4 of NRS 463.0177.

4. ***A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person except:***

(a) An affiliated licensed race book or sports pool; or

(b) The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.

➥ This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.

5. Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.

~~[5.]~~ ***6. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:***

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment.

7. The provisions of this section do not apply to a license to operate a mobile gaming system or to operate interactive gaming.

~~[Sec. 2.]~~ ***Sec. 6.*** **1.** The amendatory provisions of **section 4 of** this act apply to any license to operate 15 or fewer slot machines granted on or after ~~[July 1, 2013.]~~ **January 1, 2014.**

2. The amendatory provisions of sections 2, 3, and 5 of this act apply to all race books, sports pools and associated equipment in existence on January 1, 2014.

~~[Sec. 3.]~~ ***Sec. 7.*** This act becomes effective on ~~[July 1, 2013.]~~ **January 1, 2014.**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to constructional defects; prohibiting a controlling party from seeking indemnification from a subcontractor, supplier, design professional or other person providing a service to a development project; providing that certain indemnification and insurance provisions in certain contracts are void and unenforceable; revising provisions governing certain cross claims arising under a claim for a constructional defect; **making an appropriation for a study;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before an owner of a residence or appurtenance or certain other persons may commence a civil action against a contractor, subcontractor, supplier or design professional for certain defects in the residence or appurtenance, the claimant must provide notice of the defect to the contractor. (NRS 40.645) Under existing law, not later than 30 days after the date on which the contractor receives the notice, the contractor must forward a copy of the notice to each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice. (NRS 40.646) The subcontractor, supplier or design professional who receives the notice must inspect the alleged constructional defect and may elect to repair the defect. (NRS 40.646, 40.647)

With respect to claims relating to certain defects in residential construction, **section 1** of this bill: (1) prohibits a controlling party for a development project from seeking indemnification from a subcontractor, supplier, design professional or any other person providing a service to the

development project; and (2) provides that any provision or clause of a contract that causes or is intended to cause any person to be responsible for the actions of another person is against public policy and is void and unenforceable. **Section 1** further provides that certain cross claims which arise under a claim for a defect in certain residential construction must be governed only by the Nevada Rules of Civil Procedure and not by existing law governing claims for a constructional defect. Under **section 4** of this bill, the provisions of **section 1** apply only if the notice of a constructional defect which existing law requires a claimant to provide to the contractor is provided to the contractor on or after October 1, 2013.

This bill also makes an appropriation for a study of the effect of indemnification clauses in construction contracts on the litigation of claims relating to defects in residential construction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. With respect to a claim governed by this section and NRS 40.600 to 40.695, inclusive, a controlling party shall not seek indemnification for a constructional defect from a subcontractor, supplier, design professional or any other person providing a service for a development project.

2. With respect to a claim governed by this section and NRS 40.600 to 40.695, inclusive, any provision of a contract or subcontract, any indemnification clause or agreement and any provision or clause of an agreement requiring a person to add another person as an additional insured in a policy of insurance that causes or is intended to cause any person to be responsible for the actions of another person is against public policy and is void and unenforceable.

3. Any cross claim between a controlling party and a subcontractor, supplier, design professional or any other person providing a service for a development project, or between any subcontractor, supplier, design professional or any other person providing a service for a development project and any other subcontractor, supplier, design professional or other person providing a service for a development project, which arises in the context of a claim governed by this section and NRS 40.600 to 40.695, inclusive:

(a) Is governed only by the Nevada Rules of Civil Procedure; and

(b) Is not governed by this section and NRS 40.600 to 40.695, inclusive.

4. Any provision of a contract or subcontract, any indemnification clause or agreement and any provision or clause of an agreement requiring

a person to add another person as an additional insured in a policy of insurance which is void and unenforceable pursuant to this section is void and unenforceable only to the extent provided in this section, and the remainder of the provision, clause or agreement is enforceable, unless the provision, clause or agreement cannot, standing alone, be given legal effect.

5. As used in this section:

(a) "Controlling party" means any person that:

(1) Is responsible for the planning, oversight, supervision, management or selection of the design professionals or the first-tier subcontractors for a development project; or

(2) Receives, or controls the allocation of, the receipts or profits for a development project.

(b) "Development project" means the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance.

Sec. 2. NRS 40.600 is hereby amended to read as follows:

40.600 As used in NRS 40.600 to 40.695, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 40.603 to 40.634, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 40.635 is hereby amended to read as follows:

40.635 NRS 40.600 to 40.695, inclusive ~~[:]~~ ***, and section 1 of this act:***

1. Apply to any claim that arises before, on or after July 1, 1995, as the result of a constructional defect, except a claim for personal injury or wrongful death, if the claim is the subject of an action commenced on or after July 1, 1995.

2. Prevail over any conflicting law otherwise applicable to the claim or cause of action.

3. Do not bar or limit any defense otherwise available, except as otherwise provided in those sections.

4. Do not create a new theory upon which liability may be based, except as otherwise provided in those sections.

Sec. 4. This act applies to any claim for which a notice is filed pursuant to NRS 40.645 on or after October 1, 2013.

Sec. 5. **1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of contracting with a consultant to conduct a study of the effect of indemnification clauses in construction contracts on the litigation of claims relating to defects in residential construction.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and any

portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 252.

AN ACT relating to real property; revising provisions governing the mediation and arbitration of certain claims involving certain residential property; ~~[revising provisions governing persons who collect past due obligations owed to an association; authorizing the Commissioner of Financial Institutions to interpret certain provisions of law and regulations governing the collection of past due obligations owed to an association;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires]~~ **provides** that certain civil actions relating to residential property cannot be commenced in any court in this State unless the action has been submitted to mediation or arbitration. (NRS 38.310) Such a civil action must be submitted to mediation or arbitration by filing a written claim with the Real Estate Division of the Department of Business and Industry, and the written claim and required written answer must be accompanied by a reasonable fee as determined by the Division (NRS 38.320) **Section 4** of this bill removes the ~~[option]~~ **requirement** of submitting such a civil action to arbitration, and **instead** requires the civil action to be submitted to mediation or **, if the parties agree, to** a program established by the Division under which a person such as a referee or hearing officer renders decisions on certain claims. **Section 1** of this bill sets forth certain procedures concerning such a program. **Section 5** of this bill applies the requirement regarding a written claim being filed with the Division to a civil action submitted to such a program. **Section 5** also specifies that the fee which must accompany a written claim and written answer filed with the Division is ~~[$25.]~~ **$50. Section 6 of this bill provides that before commencing a civil action, the parties named in the claim may agree to arbitration if the parties have participated in mediation in which an agreement was not obtained or if a written decision and award have been issued pursuant to the referee program. Section 6 also: (1) provides that such arbitration is nonbinding unless the parties agree in writing to**

binding arbitration; and (2) specifies that the cost of such arbitration must not exceed $300 per hour.

Existing law also sets forth the procedure for mediation when a written claim is submitted to mediation. (NRS 38.330) **Section 6** ~~[of this bill]~~ requires that: (1) mediation be completed within 60 days after the filing of the written ~~[answer;]~~ **claim;** (2) **mediation** not exceed 3 hours, unless the parties ~~[and the mediator]~~ agree to an extension of such time; ~~[and]~~ (3) ~~[if an agreement is not obtained through mediation, the mediator, within 20 days after the conclusion of mediation, prepare and issue a report containing certain information to the parties and the Division. Section 6 also provides that generally, the parties are responsible for the cost of mediation, which must not exceed $300. Each party must pay $150 as his or her portion of the fee for a mediator, but the Division may provide to a unit's owner a reimbursement of his or her portion of the fee for a mediator in certain circumstances. Additionally, if an association does not pay its portion of the fee, then: (1) the owner of the residential property is provided a refund; and (2) the Division must issue a letter to the parties which provides that mediation has been completed. Section 6 further provides that a party may commence a civil action based upon any claim which was subject to mediation within 60 days after receipt of the report of the mediator or the letter from the Division, and that each party is required to pay its own costs and attorney's fees incurred in the mediation.~~

~~Existing law further requires the Division to establish and maintain a list of mediators who are available for the mediation of claims and who, as determined by the Division, have received certain training and experience in mediation and in the resolution of disputes concerning associations. (NRS 38.340) Section 7 of this bill provides that before the Division includes a mediator on such a list, the Division may require the mediator to receive 4 hours of training relating to mediation and the resolution of disputes concerning associations.~~

~~Section 18 of this bill provides that notwithstanding any other provision of law, the Commissioner of Financial Institutions is authorized to interpret the provisions of existing law governing the collection of any past due obligation owed to a homeowner's association.~~] **the cost of mediation not exceed $500 for 3 hours; (4) if the parties agree to extend mediation beyond 3 hours, the fee for the additional hours not exceed $200 per hour; and (5) each party, not later than 5 days before mediation is scheduled to be conducted, submit to the mediator a written statement which sets forth the issues in dispute.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:

If the Division establishes a program:

1. Upon receipt of a written claim ~~[or]~~ and answer filed pursuant to NRS 38.320 in which ~~[a unit's owner indicates]~~ all the parties indicate that ~~[he or she wishes]~~ they wish to have the claim referred to such a program, the Division may refer the parties to the program.

2. The person to whom the parties are referred pursuant to the program shall review the claim and answer filed pursuant to NRS 38.320 and, unless the parties agree to waive a hearing, conduct a hearing on the claim. After reviewing the claim and the answer and, if required, conducting a hearing on the claim, the person shall issue a written decision and award and provide a copy of the written decision and award to the parties. The person may not award to either party costs or attorney's fees.

3. Any party may, within 60 days after receiving the written decision and award pursuant to subsection ~~[1,]~~ 2, commence a civil action in the proper court concerning the claim. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been referred to a program pursuant to the provisions of this section and NRS 38.300 to 38.360, inclusive. If such an action is not commenced within ~~[that period,]~~ 60 days after receiving the written decision and award pursuant to subsection 2, any party may, within 1 year after receiving the written decision and award, apply to the proper court for a confirmation of the written decision and award pursuant to NRS 38.239.

Sec. 2. ~~[NRS 38.217 is hereby amended to read as follows:~~

~~38.217 1. Except as otherwise provided in subsections 2 and 3, a party to an agreement to arbitrate or to an arbitral proceeding may waive, or the parties may vary the effect of, the requirements of NRS 38.206 to 38.248, inclusive, to the extent permitted by law.~~

~~2. Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not:~~

~~(a) Waive or agree to vary the effect of the requirements of subsection 1 of NRS 38.218, subsection 1 of NRS 38.219, NRS 38.222, subsection 1 or 2 of NRS 38.233, NRS 38.244 or 38.247;~~

~~(b) Agree to unreasonably restrict the right under NRS 38.223 to notice of the initiation of an arbitral proceeding;~~

~~(c) Agree to unreasonably restrict the right under NRS 38.227 to disclosure of any facts by a neutral arbitrator; or~~

~~(d) Waive the right under NRS 38.232 of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under NRS 38.206 to 38.248, inclusive, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.~~

~~3. A party to an agreement to arbitrate or arbitral proceeding may not waive, or the parties may not vary the effect of, the requirements of this section or subsection 1 or 3 of NRS 38.216, NRS 38.221, 38.229, 38.234, subsection 3 or 4 of NRS 38.237, NRS 38.239, 38.241, 38.242, subsection 1 or 2 of NRS 38.243 [,] *or* NRS 38.248 . [or 38.330.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 or subsections 10, 11 and 12 of NRS 116B.420.

2. "Association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. ***"Program" means a program established by the Division under which a person, including, without limitation, a referee or hearing officer, can render decisions on disputes*** ~~*[involving a breach of the governing documents of an association. As used in this subsection, "governing documents" has the meaning ascribed to it in NRS 116.049 or 116B.110.]*~~ ***relating to:***

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property.

6. "Residential property" includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS. The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

~~*[7. "Unit's owner" has the meaning ascribed to it in NRS 116.095 or 116B.240.]*~~

Sec. 4. NRS 38.310 is hereby amended to read as follows:

38.310 1. No civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

➥ may be commenced in any court in this State unless the action has been submitted to mediation or ~~[arbitration]~~ ***, if the parties agree, has been referred to a program*** pursuant to the provisions of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.

2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

Sec. 5. NRS 38.320 is hereby amended to read as follows:

38.320 1. Any civil action described in NRS 38.310 must be submitted ~~[for]~~ ***to*** mediation or ~~[arbitration]~~ ***referred to a program*** by filing a written claim with the Division. The claim must include:

(a) The complete names, addresses and telephone numbers of all parties to the claim;

(b) A specific statement of the nature of the claim;

(c) A ~~*[If the claim is filed by a unit's owner, a]*~~ statement of whether the person wishes to have the claim ~~[submitted]~~ ***referred*** to ~~[a mediator]~~ ~~*[mediation or to]*~~ ~~[an arbitrator and, if the person wishes to have the claim submitted to an arbitrator, whether the person agrees to binding arbitration;]~~ ***a program;*** and

(d) Such other information as the Division may require.

2. The written claim must be accompanied by a ~~[reasonable]~~ ***filing*** fee ~~[as determined by the Division.]~~ ***of*** ~~*[$25.]*~~ ***$50.***

3. Upon the filing of the written claim, the claimant shall serve a copy of the claim in the manner prescribed in Rule 4 of the Nevada Rules of Civil Procedure for the service of a summons and complaint. The claim so served must be accompanied by a statement explaining the procedures for mediation and ~~[arbitration]~~ ***for a program*** set forth in NRS 38.300 to 38.360, inclusive ~~[.]~~ ***, and section 1 of this act.***

4. Upon being served pursuant to subsection 3, the person upon whom a copy of the written claim was served shall, within 30 days after the date of service, file a written answer with the Division ~~[.]~~ ***, which must include a statement of whether the person wishes to have the claim referred to a program.*** The answer must be accompanied by a ~~[~~reasonable~~]~~ ***filing*** fee ~~[~~as determined by the Division.~~]~~ ***of ~~[$25.]~~ $50.***

Sec. 6. NRS 38.330 is hereby amended to read as follows:

38.330 1. ~~[~~If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation,~~]~~ ***Unless a program has been established and ~~[a unit's owner has]~~ the parties have elected to have the claim referred to a program,*** the parties shall ~~[~~reduce the agreement to writing and shall~~]~~ select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the ~~[~~parties agree to mediation.~~]~~ ***filing of the written ~~[answer.]~~ claim. Not later than 5 days before mediation is scheduled to be conducted, each party must submit to the mediator a written statement which sets forth the issues in dispute. Mediation must not exceed 3 hours, unless the parties ~~[and the mediator]~~ agree to an extension of such time.*** Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. ~~*[If an agreement is not obtained through mediation conducted pursuant to this section, the mediator shall, within 20 days after the conclusion of mediation, prepare and issue a report to the parties and the Division which sets forth the efforts made to settle the dispute, contains findings of fact and indicates that an agreement was not reached by the parties. The findings of fact of the mediator are not binding.*~~

~~*2.]*~~ Except as otherwise provided in this section, the parties are responsible for ~~[~~all costs~~]~~ ***the cost*** of mediation conducted pursuant to this section ***, which must not exceed $500 for 3 hours of mediation. If the parties agree to extend mediation beyond 3 hours pursuant to this subsection, the fee for the additional hours must not exceed $200 per hour. If the parties participate in mediation and an agreement is not obtained, any party may commence a civil action in the proper court concerning the claim that was submitted to mediation. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been mediated pursuant to the provisions of***

NRS 38.300 to 38.360, inclusive, and section 1 of this act, but an agreement was not obtained .

2. ~~[If all]~~ ***Before commencing a civil action in the proper court,*** the parties named in the claim ~~[do not]~~ ***may*** agree to ~~[mediation, the]~~ ***arbitration if the parties have participated in mediation in which an agreement was not obtained or if a written decision and award have been issued pursuant to section 1 of this act. Unless the parties agree in writing to binding arbitration, the arbitration is nonbinding. The cost of arbitration conducted pursuant to this section must not exceed $300 per hour. If the*** parties ***agree to arbitration, they*** shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party. An arbitrator shall, not later than 5 days after the arbitrator's selection or appointment pursuant to this subsection, provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:

(a) Must be written in plain English;

(b) Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to NRS 38.239, vacation of an award pursuant to NRS 38.241, judgment on an award pursuant to NRS 38.243, and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement. ~~*[, which must not exceed $300. Before mediation begins, each party shall pay a fee of $150 to the Division as his or her portion of the fee for a mediator. If an association does not pay its portion of the fee for a mediator, the Administrator of the Division shall:*~~

~~*(a) Refund to the owner of residential property any fee that he or she has paid; and*~~

~~*(b) Issue a letter to the parties which provides that mediation has been completed in the matter.]*~~

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities and Condominium Hotels approves the payment; and

(b) There is money available in the Account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties have agreed to ***arbitration but have not agreed whether the arbitration will be binding or nonbinding, the arbitration will be nonbinding. If arbitration is*** nonbinding ***,*** **[**~~arbitration,~~**]** any party to the nonbinding arbitration may, within 30 days after a final decision and award which are dispositive of any and all issues of the claim which were submitted to nonbinding arbitration have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive **[**~~.~~**]** ***, and section 1 of this act.*** If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

7. If, after the conclusion of binding arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences ~~*[To the extent money is available in the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630 for this purpose, the Division may provide to the unit's owner a reimbursement of the fee paid by the unit's owner pursuant to subsection 2.*~~

~~*4. Within 60 days after the receipt of the report of the mediator pursuant to subsection 1 or the letter from the Division pursuant to subsection 2, a party may commence]*~~ a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial binding arbitration, ~~*[subject to mediation. Each party shall]*~~ pay all ~~*[its own]*~~ costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. ~~*[in the mediation.*~~

~~*5.]*~~ As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 7. NRS 38.340 is hereby amended to read as follows:

38.340 For the purposes of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** the Division shall establish and maintain:

1. A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the Division, have received training and experience in mediation or arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the Division may use lists of qualified persons maintained by any organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list established and maintained pursuant to this section, the Division may ~~*[must]*~~ require the mediator or arbitrator ~~*[to receive 4 hours of training relating to mediation and the resolution of disputes concerning associations and]*~~ to present proof satisfactory to the Division that the mediator or arbitrator has received the training and experience required for mediators or arbitrators pursuant to this section.

2. A document which contains a written explanation of the procedures for mediating ~~*[mediation]*~~ and arbitrating claims ***and for a program*** pursuant to NRS 38.300 to 38.360, inclusive ~~**[.]**~~ ***, and section 1 of this act.***

Sec. 8. NRS 38.350 is hereby amended to read as follows:

38.350 Any statute of limitations applicable to a claim described in NRS 38.310 is tolled from the time the claim is submitted ~~**[for]**~~ ***to*** mediation

or arbitration ***or referred to a program*** pursuant to NRS ~~[38.320]~~ ***38.300 to 38.360, inclusive, and section 1 of this act*** until the conclusion of mediation or arbitration of the claim and the period for vacating the award has expired ~~[.]~~ ***, or until the issuance of a written decision and award*** ~~*[or a letter from the Division stating that mediation is completed]*~~ ***pursuant to the program.***

Sec. 9. NRS 38.360 is hereby amended to read as follows:

38.360 1. The Division shall administer the provisions of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** and may adopt such regulations as are necessary to carry out those provisions.

2. All fees collected by the Division pursuant to the provisions of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act*** must be accounted for separately and may only be used by the Division to administer the provisions of NRS 38.300 to 38.360, inclusive.

Sec. 10. NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration ***or referred to a program*** pursuant to NRS 38.300 to 38.360, inclusive ~~[.]~~ ***, and section 1 of this act;***

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any

other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed.

Sec. 11. NRS 116.630 is hereby amended to read as follows:

116.630 1. There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter or chapter 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used solely to defray:

(a) The costs and expenses of the Commission and the Office of the Ombudsman;

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation **,** ~~**[**and**]**~~ arbitration ~~*for for]*~~ ***and a program*** conducted pursuant to NRS 38.300 to 38.360, inclusive ~~**[**,**]**~~ ***, and section 1 of this act;*** and

(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.

Sec. 12. NRS 116.665 is hereby amended to read as follows:

116.665 1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number and kind of common-interest communities in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of common-interest communities, the residential lending market for units within common-interest communities and the operation and management of common-interest communities;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration ~~[and]~~ mediation ***and program*** procedures set forth in NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** and the decisions rendered and awards made pursuant to those ~~[arbitration and mediation]~~ procedures;

(e) The number of foreclosures which were completed on units within common-interest communities and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner;

(f) The study of the reserves required by NRS 116.31152; and

(g) Other issues that the Commission determines are of concern to units' owners, associations, community managers, developers and other persons affected by common-interest communities.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to common-interest communities, including, without limitation:

(a) The management of common-interest communities;

(b) The sale and resale of units within common-interest communities;

(c) Alternative methods that may be used to resolve disputes relating to common-interest communities; and

(d) The enforcement, including by foreclosure, of liens on units within common-interest communities for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 13. NRS 116.670 is hereby amended to read as follows:

116.670 The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation ***,*** ~~[and]~~ arbitration ~~*for for]*~~ ***and a program*** conducted pursuant to NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

Sec. 14. NRS 116B.815 is hereby amended to read as follows:

116B.815 The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created by NRS 116.625 shall:

1. Assist in processing claims arising under this chapter that are submitted to mediation or arbitration ***or referred to a program*** pursuant to NRS 38.300 to 38.360, inclusive ~~[;]~~ ***, and section 1 of this act;***

2. Assist owners in condominium hotels to understand their rights and responsibilities as set forth in this chapter and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

3. Assist members of executive boards and officers of associations to carry out their duties;

4. When appropriate, investigate disputes involving the provisions of this chapter or the governing documents of an association and assist in resolving such disputes; and

5. Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(a) The name, address and telephone number of the association;

(b) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(c) The name of the declarant;

(d) The number of units in the condominium hotel;

(e) The total annual assessment made by the association; and

(f) The number of foreclosures which were completed on units within the condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 15. NRS 116B.845 is hereby amended to read as follows:

116B.845 1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number of condominium hotels in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of condominium hotels, the residential lending market for units within condominium hotels and the operation and management of condominium hotels;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration ~~[and]~~ mediation ***and program*** procedures set forth in NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** and the decisions rendered and awards made pursuant to those ~~[arbitration and mediation]~~ procedures;

(e) The number of foreclosures which were completed on units within condominium hotels and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(f) Other issues that the Commission determines are of concern to units' owners, associations, developers and other persons affected by condominium hotels.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to condominium hotels, including, without limitation:

(a) The management of condominium hotels;

(b) The sale and resale of units within condominium hotels;

(c) Alternative methods that may be used to resolve disputes relating to condominium hotels; and

(d) The enforcement, including by foreclosure, of liens on units within condominium hotels for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 16. NRS 116B.850 is hereby amended to read as follows:

116B.850 The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation**,** [~~and~~] arbitration ~~*for for]*~~ ***and a program*** conducted pursuant to NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

Sec. 17. ~~[NRS 649.020 is hereby amended to read as follows:~~

~~649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.~~

~~2. "Collection agency" does not include any of the following unless they are conducting collection agencies:~~

~~(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.~~

~~(b) Banks.~~

~~(c) Nonprofit cooperative associations.~~

~~(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(e) Abstract companies doing an escrow business.~~

~~(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.~~

~~3. "Collection agency":~~

~~(a) Includes ***any person, other than a person described in paragraph (d) of subsection 2 or a master association, and*** a community manager while engaged in the management of a common-interest community or the management of an association of a condominium hotel if the ***person or the*** community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive, or 116B.635 to 116B.660, inclusive; and~~

~~(b) Does not include any other community manager while engaged in the management of a common-interest community or the management of an association of a condominium hotel.~~

~~4. As used in this section:~~

~~(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.~~

~~(b) ***"Master association" has the meaning ascribed to it in NRS 116.063.***~~

~~***(c)*** "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.~~**] (Deleted by amendment.)**

Sec. 18. **[**~~NRS 649.051 is hereby amended to read as follows:~~

~~649.051 The Commissioner~~ **[**~~shall~~**] *:***

~~***1. Shall*** administer and enforce the provisions of this chapter, subject to the administrative supervision of the Director of the Department of Business and Industry~~ **[**~~.~~**] *; and***

~~***2. Notwithstanding any other provision of law, may interpret the provisions of chapter 116 of NRS and any regulations adopted pursuant thereto concerning the collection of any past due obligation, including, without limitation, the:***~~

~~***(a) Administration and enforcement of such provisions;***~~

~~***(b) Discipline or regulation of licensees; or***~~

~~***(c) Issuance and enforcement of an advisory opinion or declaratory order.***~~

~~***As used in this subsection, "obligation" has the meaning ascribed to it in NRS 116.310313.]*** **(Deleted by amendment.)**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 442.

AN ACT relating to cities; authorizing the governing bodies of certain cities to impose a fee on the construction of a structure or the grading of land for certain purposes; authorizing, ratifying, approving and confirming certain ordinances enacted by Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas which impose such a fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) and which is home to an endangered or threatened species to enact an ordinance to impose a fee on the construction of a structure or the grading of land in the unincorporated areas of the county. The money collected from the fee is deposited into an enterprise fund and used to fund an area or zone for the preservation of the endangered or threatened species or subspecies. (NRS 244.386) **Section ~~[2]~~ 2.3** of this bill allows the governing body of a city to impose the fee if the county in which the city is located has created such an enterprise fund. **Section 2.5 of this bill authorizes the governing body of a city that has imposed the fee and in which exists an endangered or threatened species to: (1) take measures necessary to conserve the endangered or threatened species and to deposit the fee in an enterprise fund managed by the city; and (2) use the money in the fund to pay for measures taken to conserve the endangered or threatened species. Section 2.5 also provides that the governing body may not take such actions if those actions conflict with an agreement for the administration and management of any area established for the conservation, protection, restoration and propagation of species of native fish, wildlife and other fauna which are threatened with extinction. Section 5** of this bill retroactively authorizes Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to impose such a fee, thereby validating any such fee which was previously imposed by any of those cities. (*See Harris v. City of Reno*, 81 Nev. 256, 259-60 (1965))

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares:

1. Clark County, Boulder City, and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas have obtained a permit under 16 U.S.C. § 1539(a) for the incidental taking of the desert tortoise (*Gopherus agassizii*), a species listed as "threatened" pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq.**, and other species listed as "threatened" or "endangered" pursuant to that Act.**

2. In order to maintain the permit described in subsection 1, Clark County, Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas are required to maintain a conservation zone which is supported by a fee imposed by the Board of County Commissioners of Clark County and the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas on the construction of a structure or the grading of land.

3. The maintenance of the conservation zone described in subsection 2 helps ensure the preservation of all species and subspecies of plants and animals present in Clark County and thus avoid the listing of these species and subspecies pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq.

4. A question has been raised with respect to the statutory or charter authority of the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to enact the following ordinances, which impose the fee described in subsection 2:

(a) Boulder City Ordinances No. 859 (October 24, 1989), No. 891 (June 11, 1991) and No. 1130 (October 10, 2000);

(b) City of Henderson Ordinances No. 1145 (October 3, 1989), No. 1163 (March 13, 1990), No. 1166 (April 3, 1990), No. 1256 (September 17, 1991), No. 1597 (August 1, 1995) and No. 1864 (October 6, 1998);

(c) City of Las Vegas Ordinances No. 3459 (October 18, 1989), No. 3586 (June 19, 1991), No. 3922 (August 16, 1995), No. 5268 (November 1, 2000) and No. 6135 (March 16, 2011);

(d) City of Mesquite Ordinances No. 53 (November 9, 1989) and No. 144 (July 25, 1995); and

(e) City of North Las Vegas Ordinances No. 949 (October 4, 1989), No. 1148 (July 19, 1995) and No. 1425 (September 6, 2000).

5. Through the enactment of NRS 244.386, the Legislature intended not only to authorize the Board of County Commissioners of Clark County to impose the fee described in subsection 2 in unincorporated areas of Clark County, but also to authorize the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to impose the fee described in subsection 2 within the boundaries of those cities.

6. The conservation zone would not be adequately funded if the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas were prohibited from imposing the fee described in subsection 2 to fund the conservation zone or were required to refund fees they have already collected.

7. Inadequate funding for the conservation zone could result in the loss of the permit described in subsection 1 and in the listing of other species and subspecies present in Clark County as "threatened" or "endangered" pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq., which would significantly inhibit economic development in Clark County and throughout the State of Nevada. This result would be detrimental to the public health, safety, convenience and welfare of the people of the State of Nevada.

8. That a general law cannot be made applicable for the provisions of this act and therefore a special act is necessary.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2.3 and 2.5 of this act.**

Sec. 2.3. 1. The governing body of a city which is located in a county in which the board of county commissioners has created an enterprise fund pursuant to subsection 3 of NRS 244.386 may, by ordinance, impose a reasonable fee of not more than $550 per acre on the construction of a structure or the grading of land within the city for the expense of carrying out the provisions of subsection 1 of NRS 244.386. The fee must be collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580.

2. ~~[If]~~ Except as otherwise provided in section 2.5 of this act, if a fee is imposed pursuant to subsection 1, the governing body of the city shall transfer the money to the county treasurer for deposit in the enterprise fund created pursuant to subsection 3 of NRS 244.386.

Sec. 2.5. 1. The governing body of a city which has imposed a fee pursuant to section 2.3 of this act and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., as amended, may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies. In addition, the governing body of the city, in cooperation with the responsible local, state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the city which have been determined by the governing body of the city to be likely to have a significant impact upon the economy and lifestyles of the residents of the

city if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to section 2.3 of this act. The governing body of the city may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the governing body may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the governing body of the city may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

2. If a fee is imposed pursuant to section 2.3 of this act, the governing body of the city may create an enterprise fund exclusively for fees collected pursuant to section 2.3 of this act. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund may be used to pay the actual direct costs of the program or programs established pursuant to subsection 1.

3. The provisions of this section do not authorize the governing body of a city to take any action that conflicts with any provision of an agreement entered into pursuant to NRS 503.589.

Sec. 3. NRS 244.386 is hereby amended to read as follows:

244.386 1. In a county whose population is 700,000 or more and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, the board of county commissioners may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies. In addition, the board, in cooperation with the responsible ***local,*** state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the county which have been determined by ~~[a committee, appointed by]~~ the board of county commissioners, to be likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to subsection 2 ***or section*** ~~[2]~~ ***2.3 of this act*** or the participation in an agreement made pursuant to NRS 503.589. The board may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the board may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the board of county commissioners may reimburse the

organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

2. The board of county commissioners may, by ordinance, impose a reasonable fee of not more than $550 per acre on the construction of a structure or the grading of land in the unincorporated areas of the county for the expense of carrying out the provisions of subsection 1. The fee must be collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580.

3. If a fee is imposed pursuant to subsection 2 ~~[,]~~ ***or section*** ~~*[2]*~~ ***2.3 of this act,*** the board of county commissioners shall create an enterprise fund exclusively for fees collected pursuant to subsection 2 ~~[.]~~ ***and section*** ~~*[2]*~~ ***2.3 of this act.*** Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund may only be used to pay the actual direct costs of the program or programs established pursuant to subsection 1.

Sec. 4. NRS 354.59891 is hereby amended to read as follows:

354.59891 1. As used in this section:

(a) "Barricade permit" means the official document issued by the building officer of a local government which authorizes the placement of barricade appurtenances or structures within a public right-of-way.

(b) "Building permit" means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.

(c) "Building permit basis" means the combination of the rate and the valuation method used to calculate the total building permit fee.

(d) "Building permit fee" means the total fees that must be paid before the issuance of a building permit, including, without limitation, all permit fees and inspection fees. The term does not include, without limitation, fees relating to water, sewer or other utilities, residential construction tax, tax for the improvement of transportation imposed pursuant to NRS 278.710, any fee imposed pursuant to NRS 244.386 ***or section*** ~~*[2]*~~ ***2.3 of this act*** or any amount expended to change the zoning of the property.

(e) "Current asset" means any cash maintained in an enterprise fund and any interest or other income earned on the money in the enterprise fund that, at the end of the current fiscal year, is anticipated by a local government to be consumed or converted into cash during the next ensuing fiscal year.

(f) "Current liability" means any debt incurred by a local government to provide the services associated with issuing building permits that, at the end of the current fiscal year, is determined by the local government to require payment within the next ensuing fiscal year.

(g) "Encroachment permit" means the official document issued by the building officer of a local government which authorizes construction activity within a public right-of-way.

(h) "Operating cost" means the amount paid by a local government for supplies, services, salaries, wages and employee benefits to provide the services associated with issuing building permits.

(i) "Working capital" means the excess of current assets over current liabilities, as determined by the local government at the end of the current fiscal year.

2. Except as otherwise provided in subsections 3 and 4, a local government shall not increase its building permit basis by more than an amount equal to the building permit basis on June 30, 1989, multiplied by a percentage equal to the percentage increase in the Western Urban Nonseasonally Adjusted Consumer Price Index, as published by the United States Department of Labor, from January 1, 1988, to the January 1 next preceding the fiscal year for which the calculation is made.

3. A local government may submit an application to increase its building permit basis by an amount greater than otherwise allowable pursuant to subsection 2 to the Nevada Tax Commission. The Nevada Tax Commission may allow the increase only if it finds that:

(a) Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created; or

(b) The building permit basis of the local government is substantially below that of other local governments in the State and the cost of providing the services associated with the issuance of building permits in the previous fiscal year exceeded the total revenue received from building permit fees, excluding any amount of residential construction tax collected, for that fiscal year.

4. Upon application by a local government, the Nevada Tax Commission shall exempt the local government from the limitation on the increase of its building permit basis if:

(a) The local government creates an enterprise fund pursuant to NRS 354.612 exclusively for building permit fees, fees imposed for the issuance of barricade permits and fees imposed for encroachment permits;

(b) The purpose of the enterprise fund is to recover the costs of operating the activity for which the fund was created, including overhead;

(c) Any interest or other income earned on the money in the enterprise fund is credited to the enterprise fund;

(d) The local government maintains a balance of unreserved working capital in the enterprise fund that does not exceed 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits of the local

government, as determined by the annual audit of the local government conducted pursuant to NRS 354.624; and

(e) The local government does not use any of the money in the enterprise fund for any purpose other than the actual direct and indirect costs of the program for the issuance of barricade permits, encroachment permits and building permits, including, without limitation, the cost of checking plans, issuing permits, inspecting buildings and administering the program. The Committee on Local Government Finance shall adopt regulations governing the permissible expenditures from an enterprise fund pursuant to this paragraph.

5. Any amount in an enterprise fund created pursuant to this section that is designated for special use, including, without limitation, prepaid fees and any other amount subject to a contractual agreement, must be identified as a restricted asset and must not be included as a current asset in the calculation of working capital.

6. If a balance in excess of the amount authorized pursuant to paragraph (d) of subsection 4 is maintained in an enterprise fund created pursuant to this section at the close of 2 consecutive fiscal years, the local government shall reduce the fees for barricade permits, encroachment permits and building permits it charges by an amount that is sufficient to ensure that the balance in the enterprise fund at the close of the fiscal year next following those 2 consecutive fiscal years does not exceed the amount authorized pursuant to paragraph (d) of subsection 4.

Sec. 5. 1. The Legislature hereby authorizes, ratifies, approves and confirms with respect to the imposition, modification and disposition of the fee on the construction of a structure or the grading of land imposed for the purposes described in subsection 1 of section ~~[2]~~ **2.3** of this act:

(a) All of the provisions of Ordinance No. 859, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on October 24, 1989, entitled "An ordinance to amend Title 11 adding Chapter 11-43 to provide that Title 11 is applicable to all development in Boulder City and to eliminate any appeals or exceptions to the provisions of proposed 11-43 and to add a new chapter to Title 11, Chapter 11-43 entitled 'Desert Tortoise Habitat Conservation' and providing for other matters properly related thereto."

(b) All of the provisions of Ordinance No. 891, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on June 11, 1991, entitled "An ordinance to repeal and replace Title 11, Chapter 43, to facilitate the implementation of a habitat conservation plan for the desert tortoise in Clark County including raising the mitigation fee for development permits for property located within the boundary of the area covered by the section 10(a) permit and requiring

property owners within this area to complete a Habitat Conservation Plan compliance report prior to the issuance of a development permit; and providing for other matters properly relating thereto."

(c) All of the provisions of Ordinance No. 1130, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on October 10, 2000, entitled "An ordinance amending Title 11 by repealing Chapter 11-43 entitled, 'Desert Tortoise Habitat Conservation' and replacing it with a new Chapter 11-43 entitled 'Multiple Species Habitat Conservation' in lieu thereof."

(d) All of the provisions of Ordinance No. 1145, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on October 3, 1989, entitled "An ordinance of the City Council of the City of Henderson, Nevada, establishing a new section in Chapter 18.04 entitled 'Desert Tortoise Habitat Conservation', and other matters related thereto."

(e) All of the provisions of Ordinance No. 1163, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on March 13, 1990, entitled "An ordinance to amend Title 18, Chapter 18.04 by amending Section 18.36.030(e) to specifically provide that demolition permits and temporary power permits are not considered development permits, to add new sections 18.36.032 and 18.36.034 to provide for the applicable interim mitigation fee for off-premises signs, communication towers, townhouses, condominiums and planned unit developments and by amending 18.36.070 exempting residential accessory structures and additions that do not exceed 50 percent of the size of the existing residence, commercial accessory structures and additions that do not exceed 10 percent of the size of the existing commercial structures and replacement of existing mobile homes or manufactured housing from imposition of the interim mitigation fee; and providing other matters properly relating thereto."

(f) All of the provisions of Ordinance No. 1166, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on April 3, 1990, entitled "An ordinance of the City Council of the City of Henderson, to amend Title 18 of the Henderson Municipal Code by amending Chapter 18.36 to make provisions and exemptions for mobile homes and modular buildings, to reduce the acreage requirement, and providing for other matters properly related thereto."

(g) All of the provisions of Ordinance No. 1256, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on September 17, 1991, entitled "An ordinance to amend Title 18 Chapter 18.36 to facilitate the implementation of

a Habitat Conservation Plan for the Desert Tortoise in Clark County including raising the mitigation fee to $550.00 a gross acre for development permits for property located within the boundary of the area covered by the Section 10(a) Permit and requiring property owners within this area to complete a Habitat Conservation Plan compliance report prior to the issuance of a development permit; and providing for other matters properly for relating thereto."

(h) All of the provisions of Ordinance No. 1597, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on August 1, 1995, entitled "An ordinance of the City Council of the City of Henderson, to amend Title 18, Chapter 18.36 to facilitate the implementation of the Desert Conservation Plan for the desert tortoise and other sensitive species in Clark County including the imposition of a mitigation fee to $550.00 a gross acre for development permits for all property located within Clark County below 5000 fee[t] in elevation and requiring property owners within this area to complete a Land Disturbance Report prior to the issuance of a development permit; and providing for other matters properly relating thereto."

(i) Section 19.9.10 of Ordinance No. 1864, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on October 6, 1998, entitled "An ordinance to amend the Henderson Municipal Code by repealing Titles 18 (subdivisions) and 19 (zoning), and by adopting a new Title 19, entitled the Henderson Development Code, which regulates subdivisions and zoning, and other matters related thereto."

(j) All of the provisions of Ordinance No. 3459, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on October 18, 1989, entitled "An ordinance to amend Title 18 by adding thereto a new Chapter 47 entitled 'Desert Tortoise Habitat Conservation'; providing for Clark County to apply for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan; defines the terms as used in the ordinance, including development permit, which is defined as a building, grading, encroachment or offsite improvement permit; designating all of unincorporated Clark County as the Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area; provides for an Interim Mitigation Fee of $250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition, in which case the fee will be $250.00; exempt from the payment of fees reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or

existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan; development of a parcel for which the proper Interim Mitigation Fee has previously been paid; construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit; allows the board to adjust the fee in the future; provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan; and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise; providing for other matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith."

(k) All of the provisions of Ordinance No. 3586, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on June 19, 1991, entitled "An ordinance to amend Title 18, Chapter 47 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, to facilitate the implementation of a Habitat Conservation Plan for the Desert Tortoise in the City of Las Vegas, including raising the mitigation fee to $550.00 a gross acre for development permits for property located within the boundary of the area covered by the Section 10(a) permit and requiring property owners within this area to complete a Habitat Conservation Plan Compliance Report prior to the issuance of a development permit; providing for other matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith."

(l) All of the provisions of Ordinance No. 3922, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on August 16, 1995, entitled "An ordinance relating to habitat conservation; repealing Title 18, Chapter 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition; adopting as part of said Title a new chapter, designated as Chapter 30, to facilitate the implementation of a Desert Conservation Plan for the Desert Tortoise and other sensitive species; providing for other matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith."

(m) All of the provisions of Ordinance No. 5268, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on November 1, 2000, entitled "An ordinance to repeal the Municipal Code chapter regarding Desert Tortoise habitat conservation, replace it with a new chapter regarding multiple species habitat conservation, and provide for other related matters."

(n) Section 19.02.300 of Ordinance No. 6135, of the City of Las Vegas, Nevada, passed and adopted by the city council of the City of Las Vegas and approved by the mayor thereof all on March 16, 2011, entitled "An ordinance relating to zoning and land development; repealing Titles 18 and 19 of the municipal code and adopting by reference a unified development code, to be contained in a new Title 19; and providing for other related matters."

(o) All of the provisions of Ordinance No. 53, of the City of Mesquite, Nevada, passed and adopted by the City Council of the City of Mesquite and approved by the Mayor thereof all on November 9, 1989, entitled "An ordinance entitled 'Desert Tortoise Habitat Conservation' applicable to all development in the Mesquite City, and providing for Mesquite City to apply, as set out in interlocal agreement with Clark County and other incorporated cities of the county, for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan; define the terms as used in the ordinance including development permit which is defined as a building, grading, encroachment or offsite improvement permit; designating all of incorporated Mesquite City as part of Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area; provides for an Interim Mitigation Fee of $250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition in which case the fee will be $250.00; exempt from the payment of fees: reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan, development of a parcel for which the proper Interim Mitigation Fee has been previously paid, construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit; allows the council to adjust the fee in the future; provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan; and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise and providing for other matters properly related thereto."

(p) All of the provisions of Ordinance No. 144, of the City of Mesquite, Nevada, passed and adopted by the City Council of the City of Mesquite and approved by the Mayor thereof all on July 25, 1995, entitled "An ordinance of the City of Mesquite to amend Title 7, Chapter 2 to facilitate the implementation of the Desert Conservation Plan for the Desert Tortoise and other sensitive species in Clark County including the imposition of a

mitigation fee of $550.00 a gross acre for development permits for all property located within the City of Mesquite and requiring property owners within this area to complete a land disturbance report prior to the issuance of a development permit; and providing for other matters properly relating thereto."

(q) All of the provisions of Ordinance No. 949, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on October 4, 1989, entitled "An ordinance to amend Title 13, by adding thereto a new chapter designated 13.70 which shall be entitled 'Desert Tortoise Habitat Conservation' providing for North Las Vegas to apply for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan, defines the terms as used in the ordinance including development permit which is defined as a building, grading, encroachment or offsite improvement permit, designating all of North Las Vegas to be within the Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area, provides for an Interim Mitigation Fee of $250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition in which case the fee will be $250.00, exempts from the payment of fees reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan, development of a parcel for which the proper Interim Mitigation Fee has previously been paid, construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit, allows the council to adjust the fee in the future, provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan, and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise and providing for other matters properly related thereto."

(r) All of the provisions of Ordinance No. 1148, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on July 19, 1995, entitled "An ordinance of the City Council of the City of North Las Vegas to repeal Title 13, Chapter 13.70 to facilitate the implementation of the Desert Conservation Plan for the Desert Tortoise and other sensitive species in Clark County including the imposition of a mitigation fee to $550.00 a gross acre

for development permits for all property located within Clark County below 5000 feet in elevation and requiring property owners within this area to complete a land disturbance report prior to the issuance of a development permit; and providing for other matters properly relating thereto."

(s) All of the provisions of Ordinance No. 1425, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on September 6, 2000, entitled "An ordinance of the City Council of the City of North Las Vegas, Nevada, to amend Ordinance No. 1148, Chapter 15.44 of Title 15 of the North Las Vegas Municipal Code to change the desert conservation plan to the multiple species habitat conservation plan; and providing for other matters properly related thereto."

2. This section shall operate to supply such legislative authority as may be necessary to validate any and all acts performed, or proceedings taken, by or on behalf of Boulder City, Nevada, the City of Henderson, Nevada, the City of Las Vegas, Nevada, the City of Mesquite, Nevada, and the City of North Las Vegas, Nevada, pursuant to, or in anywise appertaining to the provisions of the ordinances described in subsection 1.

Sec. 6. This act is necessary to secure and preserve the public health, safety, convenience and welfare of the people of the State of Nevada, and it shall be liberally construed to effect its purpose.

Sec. 7. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 347.

AN ACT relating to education; establishing a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in selected secondary schools within each school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in at least one secondary school within each school district.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby established a pilot program in the Clark County School District and the Washoe County School District. For purposes of the pilot program, the board of trustees of the Clark County School District and the board of trustees of the Washoe County School District shall each:

(a) ~~[Provide]~~ **Identify and coordinate with interested stakeholders in the community to implement the pilot program, including, without limitation, universities and colleges, local mental health professionals and medical professionals, juvenile and family courts within the county, persons who are involved in the provision of juvenile justice services, charitable organizations and child welfare agencies.**

(b) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide for the administration of mental health screenings to pupils enrolled in at least one secondary school within the school district, as selected by the school district.

~~[(b) Select]~~

(c) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide an age-appropriate, professionally recognized mental health screening for administration to the pupils enrolled in each secondary school selected for the pilot program.

~~[(c)]~~ **(d)** Assist the principal of each secondary school selected for the pilot program with identifying professionally qualified persons **, including the interested stakeholders identified pursuant to paragraph (a),** to administer the mental health screenings to pupils and to conduct follow-up screenings if a pupil scores in a range which indicates that he or she may have a mental health issue.

2. Except as otherwise provided in subsection 3, each secondary school selected for the pilot program shall provide for the administration of the mental health screening selected by the school district by qualified persons **, including the interested stakeholders identified pursuant to paragraph (a) of subsection 1,** to the pupils enrolled in the secondary school or to pupils enrolled in selected grades at the secondary school, as determined by the school district. The school district shall ensure that if a pupil is absent or otherwise not available on the day scheduled for administration of the mental health screenings, a make-up administration is scheduled for the pupil within a reasonable time period.

3. Before administration of the mental health screening to a pupil pursuant to subsection 2, the principal of the secondary school shall provide advance written notice of the screening to the parent or guardian of the pupil

~~[.]~~ **, including a form for consent or exemption.** The notice must inform the parent or guardian of his or her right to **consent to the screening or** exempt the pupil from the screening and contain a form for the signature of the parent or guardian to **consent to the screening or** exempt the pupil from the screening. If a form ~~[of exemption]~~ **exempting a pupil from the screening** is signed by the parent or guardian and returned to the school, the principal must exempt the pupil and the pupil must not undergo the mental health screening. **If a form is not returned on behalf of a pupil, the principal of the school must exempt the pupil and the pupil must not undergo the mental health screening.**

4. If a pupil scores on a mental health screening administered pursuant to subsection 2 in a range which indicates the pupil may have a mental health issue, the school district shall ~~[ensure that an appropriate qualified professional conducts an in-person assessment of the pupil to determine the need, if any, for further diagnosis and treatment. If such a professional determines that the pupil should undergo further diagnosis or treatment, the school district shall]~~ provide the parent or guardian of the pupil with **the results of the mental health screening, to the extent feasible, and** a list of resources available ~~[from the school district and]~~ in the county to assist the parent or guardian with obtaining appropriate further professional diagnosis and, if necessary, treatment for the pupil. **The school district is not responsible for providing to such a pupil, or ensuring that such a pupil receives, further professional diagnosis or treatment.**

Sec. 2. 1. On or before April 1, 2014, the Clark County School District and the Washoe County School District shall provide a report to the Legislative Committee on Education concerning the status of the implementation of the pilot program for mental health screenings required by section 1 of this act.

2. On or before December 1, 2014, the Clark County School District and the Washoe County School District shall each submit a report to the Department of Education which includes, without limitation, and except as otherwise provided in subsection 3:

(a) The number of secondary schools in the school district selected for the pilot program;

(b) The number of pupils in each grade level of the secondary school selected for the pilot program and the actual number of pupils who underwent mental health screenings pursuant to the pilot program;

(c) The number of pupils **who did not undergo a mental health screening based upon the number of pupils** whose parents or guardians opted out of administering the mental health screening to the pupil ~~[.]~~ **and the number of pupils for whom a form was not returned pursuant to subsection 3 of section 1 of this act;**

(d) The number of pupils who scored in a range indicating that the pupil may have a mental health issue and a description of the types of resources which were referred to the parent or guardian of the pupil;

(e) If available, an indication of how many parents and guardians followed up by seeking professional help for further diagnosis and, if necessary, treatment for the pupil;

(f) An evaluation of whether the pilot program was useful in identifying pupils with possible mental health issues and assisting the parents and guardians of those pupils with obtaining appropriate professional diagnosis and treatment; and

(g) Recommendations for expanding the number of schools that participate in a program of mental health screenings for pupils if the Legislature determines to continue and expand the program.

3. ~~[If]~~ **The information required by the report pursuant to subsection 2 must be provided in an aggregated format and if** any of the information ~~[required by the report pursuant to subsection 2]~~ would reveal the individual identity of a pupil, the school district shall not include that information in the report.

4. On or before January 1, 2015, the Department of Education shall compile each report received pursuant to subsection 2 and submit the written compilation, including, without limitation, recommendations for continuing and expanding the pilot program for mental health screenings to pupils, to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 237.

AN ACT relating to economic development; directing the Office of Economic Development within the Office of the Governor to create a pilot program to encourage the growth and expansion of existing businesses that are located in this State; setting forth the goals and functions of the pilot program; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the development, creation and operation of a pilot program that will operate in this State from January 1, 2014, through June 30, 2017, and focus its efforts on the growth of businesses already located in this State by emphasizing the use of information and technology.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. It is vital to the overall health and growth of the economy of the State of Nevada to promote favorable conditions which allow the expansion of Nevada businesses that demonstrate the ability to grow;

2. As a result of the extraordinary economic challenges which have been, and are, confronting the State, the public has an interest in expanding the resources of this State to stimulate investment in Nevada's economy;

3. It is the intent of the Legislature that resources be provided for the operation of the pilot program described in section 2 of this act; and

4. The purpose of the pilot program described in section 2 of this act is to stimulate investment in Nevada's economy by providing technical assistance for businesses in this State that are expanding or ready to expand.

Sec. 2. 1. The Office, in consultation with the ~~[Center]~~ **Centers** and other interested parties, shall develop, create and oversee a pilot program to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. **Under the auspices of the pilot program:**

(a) The College of Southern Nevada, in Clark County, shall, in cooperation with the geographic information system specialist employed at the College, mentor and track businesses participating in the pilot program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the pilot program in Clark County.

(b) The Nevada Small Business Development Center, in Washoe County, shall mentor and track businesses participating in the pilot program in Washoe County. The Bureau of Business and Economic Research of the University of Nevada, Reno, will coordinate with the Development Center to provide such data as may be necessary for the operation of the pilot program in Washoe County.

(c) The College of Southern Nevada and the Nevada Small Business Development Center shall, in Clark County and Washoe County, respectively, assist businesses that are participating in the pilot program with marketing and other efforts.

3. The pilot program must include, without limitation:

(a) An analysis of businesses in this State that are ready to expand;

(b) The identification of the skilled labor that exists in this State and its potential for growth;

(c) The targeting of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;

(d) A focus on the utilization of existing resources;

(e) The harnessing of the academic expertise of the ~~[Center]~~ **Centers** to provide economic and market data to contribute to the diversification and growth of the economy of this State;

(f) The use of systems to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;

(g) The selection of businesses and business sectors in this State to participate in the pilot program;

(h) **The elements described in subsection 2;**

(i) The provision of informational and other assistance to businesses and business sectors in this State; and

~~[(i)]~~ **(j)** Such other components as the Office, in consultation with the ~~[Center]~~ **Centers** and other interested parties, determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

~~[3.]~~ **4.** The pilot program shall, insofar as is possible, use the resources and expertise of the ~~[Center]~~ **Centers** and make available those resources and that expertise to businesses in this State for the purpose of:

(a) Developing business connections;

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions; and

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of systems.

~~[4.]~~ **5.** To the extent possible, the pilot program must be conducted with the goal of selecting ~~[five]~~ **10** businesses, **5** each representing ~~[a different sector of economic development,]~~ **Clark County and Washoe County,** to participate in the pilot program.

~~[5.]~~ **6.** To qualify to participate in the pilot program, a business must:

(a) ~~[Employ at least 10 but not more than 50 employees;~~

~~(b)~~ Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

~~[(c)]~~ **(b)** Generate at least ~~[$250,000]~~ **$100,000** but not more than ~~[$500,000]~~ **$700,000** in revenue **;** ~~[or payroll;]~~ and

~~[(d)]~~ **(c)** Have a business plan.

~~[6.]~~ **7.** As used in this section:

(a) "Business plan" means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) ~~["Center"]~~ **"Centers"** means ~~[the Center for Business and Economic Research of]~~ **all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and** the University of Nevada, ~~[Las Vegas.]~~ **Reno.**

(c) **"Geographic information system" means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.**

(d) "Office" means the Office of Economic Development within the Office of the Governor.

~~[(d)]~~ **(e)** "System" means a geographic information system.

Sec. 2.3. **In assisting and carrying out the pilot program described in section 2 of this act, the Centers shall, without limitation, perform the following services:**

1. Analyze data;

2. Ensure that businesses participating in the pilot program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;

3. Mentor the businesses as to the optimum use of data received under the pilot program relative to the making of business decisions; and

4. With respect to the businesses participating in the pilot program:

(a) Track the business decisions and growth of each business over the entire period of the pilot program; and

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Office of Economic Development within the Office of the Governor.

Sec. 2.6. **The Office of Economic Development within the Office of the Governor shall serve as a consultant to the Centers described in subsection 2 of section 2 of this act, including, without limitation, collecting and analyzing data to ensure that the data used by those Centers is uniform.**

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$250,000]~~ **$300,000** to

allow the ~~[Center for Business and Economic Research of the University of Nevada, Las Vegas,]~~ **Centers that are participating in the pilot program described in section 2 of this act** to:

1. Purchase software for a geographic information system;

2. Hire a person who is a specialist in geographic information systems to operate the geographic information system; and

3. Provide such other services as may be necessary to assist and carry out the pilot program described in section 2 of this act.

Sec. 4. Any remaining balance of the appropriation made by section 3 of this act must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 5. The pilot program described in section 2 of this act must begin operating not later than January 1, 2014.

Sec. 6. This act:

1. Becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

2. Expires by limitation on June 30, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 457.

AN ACT relating to taxation; authorizing certain larger counties to impose additional taxes on fuels for motor vehicles; providing for the administration, allocation, disbursement and use of the additional taxes; ~~[exempting]~~ **removing the exemption for** the sale of revenue bonds secured by county fuel taxes from certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) **Section 1** of this bill authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Section 1** also authorizes the board of county commissioners to provide for annual increases in these taxes **, for the period beginning on January 1, 2014, and ending on December 31, 2016,** in an amount equal to the lesser of: (1) a percentage established by the ordinance imposing the tax; or (2) a percentage based on historical increases in the cost of highway and street construction. **Section 1 additionally provides that for the period beginning on January 1, 2017, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases.**

Sections 2 and 4-11 of this bill require the administration, allocation, disbursement and use of these taxes in the same manner as certain existing fuel taxes. Additionally, **section 2** requires the annual review of these taxes by the regional transportation commission.

Section 3 of this bill applies the current exemptions from fuel taxes to the taxes authorized by this bill, other than the exemption for certain undyed special fuel which is sold or used for any purpose other than to propel a motor vehicle upon the public highways.

~~[~~The~~]~~ **Section 11.5 of this bill revises** provisions of existing law ~~[~~which exempt~~]~~ **to remove the exemption for** the sale of revenue bonds that are secured by county fuel taxes from various requirements concerning the sale of bonds by competitive bid or negotiated sale **.** ~~[~~are applicable to the sale of revenue bonds authorized by this bill. (NRS 350.155)~~]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by

multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the

immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street

construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street

construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[An]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. ~~[Any]~~ If the board adopts an ordinance authorized by this section ~~[may be adopted in combination with any other ordinance authorized by this section, and a single ordinance may be adopted pursuant to this section which imposes all or any combination]~~ , the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance ~~[authorized by this section,]~~ , and except as otherwise provided in

subsection 5, no further action by the board is necessary to effectuate the annual increases in [each tax] the taxes imposed by the ordinance.

***3. [Any] If the board adopts an ordinance [adopted pursuant to] imposing the taxes authorized by this section [.] ,* the ordinance:**

(a) Must be adopted on or before October 1, 2013;

(b) Must become effective on [the first day of the first calendar quarter beginning not less than 90 days after the adoption of the ordinance;] January 1, 2014; and

[(b)] (c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. [The] Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017, the annual increases in the taxes imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 8, 2016, but any annual increases in the taxes imposed by the ordinance in effect on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding secured by the taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 2. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section 1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 ***or paragraph (b) of subsection 1 of section 1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 ***or paragraph (c) of subsection 1 of section 1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section 1 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section 1 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 3. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (a) to (f), inclusive, of subsection 1 of section 1 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (g) to (m), inclusive, of subsection 1 of section 1 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 4. NRS 373.070 is hereby amended to read as follows:

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or

373.066, ***or section 1 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 5. NRS 373.080 is hereby amended to read as follows:

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section 1 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 6. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 ***or paragraph (a), (b) or (c) of subsection 1 of section 1 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** that represents

collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 8. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, [~~the~~] any continuing increases in any taxes imposed pursuant to section 1 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act are issued or incurred, but the taxes imposed pursuant to section 1 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1 of this act, the board

may, except as otherwise provided in subsection 5 of section 1 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection ~~[5]~~ 6 of section 1 of this act.

Sec. 9. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or***

paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***,*** ~~[,]~~ ~~*[and]*~~ ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** ~~*[,]*~~ ***and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;***

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 ***and paragraphs (a) and (b) of subsection 1 of section 1 of this act*** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless

the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 10. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing

bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 11. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***and paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act,*** excluding any tax proceeds to be

distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***and paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.5. **NRS 350.155 is hereby amended to read as follows:**

350.155 1. Except as otherwise provided in subsection 2, a municipality shall sell the bonds it issues by competitive bid if the credit rating for the bonds or any other bonds of the municipality with the same security, determined without regard to insurance for the bonds or any other independent enhancement of credit, is rated by a nationally recognized rating service as "A-," "A," "AA," "AAA," or their equivalents, 90 days before and on the day the bonds are sold and:

(a) The bonds are general obligation bonds;

(b) The primary security for the bonds is an excise tax; or

(c) The bonds are issued pursuant to chapter 271 of NRS and are secured by a pledge of the taxing power and the general fund of the municipality.

2. The provisions of subsection 1 and NRS 350.175 and 350.185 do not apply to:

(a) Any bond which is issued with a variable rate of interest.

(b) A bond issue whose principal amount is $1,000,000 or less.

(c) A bond issue with a term of 3 years or less.

(d) A bond issue for which an invitation for competitive bids was issued and for which no bids were received or all bids were rejected.

(e) Leases, contracts for purchase by installment and certificates of participation if the obligations of the municipality thereunder will terminate when the municipality fails to appropriate money to pay that obligation for the next fiscal year.

(f) Economic development revenue bonds issued pursuant to the city economic development revenue bond law or the county economic development revenue bond law.

(g) Bonds sold by the municipality to:

(1) The United States or any agency or instrumentality thereof;

(2) The State of Nevada;

(3) Any other municipality; or

(4) Not more than 10 investors, each of whom certifies that he or she:

(I) Has a net worth of $500,000 or more; and

(II) Is purchasing for investment and not for resale.

(h) Bonds which require unusual methods of financing, if the chief administrative officer of the municipality certifies in writing that the proposed method of financing:

(1) Has not been used previously by any municipality in this state; and

(2) May provide a substantial benefit to the municipality.

(i) Refunding bonds, if the chief administrative officer of the municipality certifies in writing that the use of a negotiated sale may provide a substantial benefit to the municipality which would not be available if the bonds were sold by competitive bid.

(j) Bonds which are sold at a time when, because of particular conditions in the market, a negotiated sale may provide a benefit to the municipality which would not be available if the bonds were sold by competitive bid, if the chief administrative officer of the municipality so certifies in writing.

(k) Bonds which are issued pursuant to chapter 271 of NRS and are not secured by a pledge of the taxing power and general fund of the municipality.

(l) Revenue bonds which are issued pursuant to chapter 350A of NRS and are secured by a pledge of the allocable local revenues of the municipality.

~~[(m) Revenue bonds which are sold pursuant to chapter 373 of NRS.]~~

3. The certificate required by paragraph (h) of subsection 2 must specifically describe the proposed method of financing. The certificate required by paragraph (i) of subsection 2 must specifically describe the

circumstances that may provide a substantial benefit if the refunding bonds are negotiated. The certificate required by paragraph (j) of subsection 2 must specifically describe the particular conditions in the market which indicate that a negotiated sale of the bonds may provide a benefit to the municipality. Each certificate required pursuant to subsection 2 must be submitted to the governing body of the municipality at a regularly scheduled meeting of that body and include:

(a) The estimated amount of the benefit which will accrue to the municipality.

(b) If the municipality has a financial adviser, a written report prepared by that financial adviser which specifically describes the method of sale which will be used for the proposed financing.

4. A copy of:

(a) The certificate required by paragraph (h), (i) or (j) of subsection 2; and

(b) The report required pursuant to subsection 3,

➥ must be filed with the debt management commission of the county where the municipality is located, the county clerk and the Department of Taxation. Before entering into a contract to sell bonds, at least two-thirds of the members of the governing body of the municipality must approve the certificate.

5. If a municipality is required to sell the bonds it issues by competitive bid pursuant to the provisions of this section, it must cause an invitation for competitive bids, or notice thereof, to be published before the date of the sale in the daily or weekly version of the Bond Buyer, published at One State Street Plaza in New York City, New York, or any successor publication.

6. As used in this section, "invitation for competitive bids" means a process by which sealed bids or the reasonable equivalent thereof, as approved by the governing body of a municipality, are solicited, received and publicly opened at a specified time, place and date.

Sec. 12. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 496.

AN ACT relating to elections; ~~[authorizing an elector to register to vote on the day of certain elections and setting forth requirements for such registration;]~~ extending the period during which an elector can register to vote in person or by computer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. Unless otherwise specified, registration for a recall or special election closes on the third Saturday before the election. After the fifth Sunday before a primary, primary city, general or general city election, a person may register to vote only by appearing in person at the office of the county or city clerk, as applicable, or other designated site for registering to vote. (NRS 293.560, 293C.527)

~~[Sections 5 and 12 of this]~~ **This** bill ~~[extend]~~ **extends** the period in which a person may register to vote for primary, primary city, general and general city elections until the last day of early voting for those elections, which is the Friday before the election. ~~[Sections 5 and 12]~~ **This bill** also ~~[allow]~~ **allows** a person to register to vote by computer after the fifth Sunday before the election. Additionally, ~~[sections 5 and 12 extend]~~ **this bill extends** the period in which a person may register to vote for all elections except otherwise specified recall and special elections until the fourth day before the election. These changes take effect on January 1, 2014.

~~[Sections 1 and 8 of this bill authorize an elector to register for a primary, primary city, general or general city election on the day of the election. Under sections 1 and 8, the county or city clerk shall, with the approval of, as applicable, the board of county commissioners or the governing body of the city, designate one or more polling places in the county or city as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote, and provide proof of identity and residence. Upon completion of the application, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote. These changes take effect on January 1, 2016.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Each county clerk shall, with the approval of the board of county commissioners, designate one or more polling places in the county as a site*~~

~~*for an elector of the county to register to vote on the day of a primary election or general election.*~~

~~*2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk in the county where the elector resides.*~~

~~*3. To register to vote on the day of the primary election or general election, an elector must:*~~

~~*(a) Appear at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election before the close of the polls;*~~

~~*(b) Complete the application to register to vote; and*~~

~~*(c) Provides proof of his or her residence and identity as described in subsections 4 and 5.*~~

~~*4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:*~~

~~*(a) A driver's license;*~~

~~*(b) An identification card issued by the Department of Motor Vehicles;*~~

~~*(c) A military identification card; or*~~

~~*(d) Any other form of identification issued by a governmental agency which contains the signature and physical description or picture of the elector.*~~

~~*5. The following documents may be used to establish residency if the current residential address of the elector, as indicated on the application to register to vote, is displayed on the document:*~~

~~*(a) Any form of identification set forth in subsection 4;*~~

~~*(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;*~~

~~*(c) A bank or credit union statement;*~~

~~*(d) A paycheck;*~~

~~*(e) An income tax return;*~~

~~*(f) A statement concerning the mortgage, rental or lease of a residence;*~~

~~*(g) A motor vehicle registration;*~~

~~*(h) A property tax statement;*~~

~~*(i) Any other document issued by a governmental agency; or*~~

~~*(j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.*~~

~~*6. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.*~~

~~*7. An elector who registers to vote pursuant to this section:*~~

~~*(a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and*~~

~~*(b) If he or she applies to vote at the polling place at which he or she registers to vote, must sign his or her name in an election board register designated for electors who register to vote pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 293.273 is hereby amended to read as follows:~~

~~293.273 1. Except as otherwise provided in [subsection 2 and] NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. [Whenever at any election all the votes of the precinct or district, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.] Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~[4.] *3.* No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made ***in person*** to vote early by a registered voter ~~[in person,]~~ ***, including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance,*** the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.

Sec. 4. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk may cause to be published once in each of the newspapers circulated in different parts of the county or cause to be published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct of each voter:

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. If the county clerk publishes the list of registered voters, the county clerk must do so:

(a) Not less than 2 weeks before the ~~[close of registration for any]~~ primary election.

(b) After each primary election and not less than 2 weeks before the ~~[close of registration for the]~~ ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point.

Sec. 5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close ***at 5 p.m.*** on the ~~[third Tuesday]~~ ***Friday*** preceding any primary or general election and ***, except as otherwise provided by specific law, at 5 p.m.*** on the ~~[third Saturday]~~ ***fourth day*** preceding any recall or special election ***.*** ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** on which registration is open ~~[.]~~ ***and 5 p.m. on the last day on which registration is open.*** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** on which registration is open ~~[.]~~ ***and 5 p.m. on the last day on which registration is open.*** The office of the county clerk may close at 5 p.m. ***on the next to last day on which registration is open*** if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~[weekdays]~~ ***a day other than the last day on which registration is open,*** until 9 p.m.; ~~[and]~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[.]~~ ***; and***

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the ~~[~~third Tuesday~~]~~ ***Friday*** preceding any primary or general election, an elector may register to vote only by ~~[~~appearing~~]~~ ***:***

(a) Appearing in person at the office of the county clerk ~~[~~or, if~~]~~ ***;***

(b) If open, ***appearing in person at*** a county facility designated pursuant to NRS 293.5035 ~~[~~.~~]~~ ***; or***

(c) If the county clerk has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 6. ~~[~~NRS 293.560 is hereby amended to read as follows:~~]~~

~~293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 registration must close at 5 p.m. on the Friday preceding any primary or general election and, except as otherwise provided by specific law, at 5 p.m. on the fourth day preceding any recall or special election.~~ ***Except as otherwise provided in section 1 of this act, after the close of registration for an election, no person may register to vote for the election.***

~~2. For a primary or special election, the office of the county clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5~~

~~p.m. on the next to last day before registration closes if approved by the board of county commissioners.~~

~~3. For a general election:~~

~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. The office of the county clerk may close at 5 p.m. on the next to last day on which registration is open if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On a day other than the last day on which registration is open, until 9 p.m.;~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays; and~~

~~(3) On the last day on which registration is open, until 5 p.m.~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.~~

~~→ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.~~

~~6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the Friday preceding any primary or general election, an elector may register to vote only by:~~

~~(a) Appearing in person at the office of the county clerk;~~

~~(b) If open, appearing in person at a county facility designated pursuant to NRS 293.5035; or~~

~~(c) If the county clerk has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.~~

~~7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the~~

~~county clerk may determine, as set forth in subsection 3 of NRS 293.5035.~~] **(Deleted by amendment.)**

Sec. 7. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than [~~the Friday preceding~~] ***the opening of the polls for*** the primary election and after the close of registration for each general election but not later than [~~the Friday preceding~~] ***the opening of the polls for*** the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 8. [~~Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Each city clerk shall, with the approval of the governing body of the city, designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election.*~~

~~*2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk in the city where the elector resides.*~~

~~*3. To register to vote on the day of the primary city election or general city election, an elector must:*~~

~~*(a) Appear at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election before the close of the polls;*~~

~~*(b) Complete the application to register to vote; and*~~

~~*(c) Provide proof of his or her residence and identity as described in subsections 4 and 5.*~~

~~*4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:*~~

~~*(a) A driver's license;*~~

~~*(b) An identification card issued by the Department of Motor Vehicles;*~~

~~*(c) A military identification card; or*~~

~~*(d) Any other form of identification issued by a governmental agency which contains the signature and physical description or picture of the elector.*~~

~~*5. The following documents may be used to establish residency if the current residential address of the elector, as indicated on the application to register to vote, is displayed on the document:*~~

~~*(a) Any form of identification set forth in subsection 4;*~~

~~*(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;*~~

~~*(c) A bank or credit union statement;*~~
~~*(d) A paycheck;*~~
~~*(e) An income tax return;*~~
~~*(f) A statement concerning the mortgage, rental or lease of a residence;*~~
~~*(g) A motor vehicle registration;*~~
~~*(h) A property tax statement;*~~
~~*(i) Any other document issued by a governmental agency; or*~~
~~*(j) Any other document which the city clerk, field registrar or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.*~~
~~*6. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.*~~
~~*7. An elector who registers to vote pursuant to this section:*~~
~~*(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and*~~
~~*(b) If he or she applies to vote at the polling place at which he or she registers to vote, must sign his or her name in an election board register designated for electors who register to vote pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 293C.112 is hereby amended to read as follows:~~

~~293C.112 1.~~ **[**~~The~~**]** ***Except as otherwise provided in subsection 2, the*** ~~governing body of a city may conduct a city election in which all ballots must be cast by mail if:~~

~~(a) The election is a special election; or~~

~~(b) The election is a primary city election or general city election in which the ballot includes only:~~

~~(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or~~

~~(2) One office or ballot question.~~

~~2.~~ ***If an elector registers to vote on the day of a primary city election or general city election pursuant to section 8 of this act, the elector must be allowed to vote in person at the polling place where he or she registered to vote.***

~~*3.* The provisions of NRS 293C.265 to 293C.302, inclusive, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.~~

~~**[***3.***]** *4.* For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.~~**]** **(Deleted by amendment.)**

Sec. 10. **[**~~NRS 293C.267 is hereby amended to read as follows:~~

~~293C.267 1. Except as otherwise provided in [subsection 2] and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. [Whenever at any election all the votes of the precinct or district, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.] Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~[4.] 3. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.]~~ **(Deleted by amendment.)**

Sec. 11. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made ***in person*** to vote early by a registered voter ~~[in person,]~~ ***, including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance,*** the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 12. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close ***at 5 p.m.*** on the ~~[third Tuesday]~~ ***Friday*** preceding any primary city election or general city election and ***, except as otherwise provided by specific law, at 5 p.m.*** on the ~~[third Saturday]~~ ***fourth day*** preceding any recall or special election ***.*** ~~[, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** on which registration is open ~~[.]~~ ***and 5 p.m. on the last day on which registration is open.*** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. ***on the next to last day before registration closes*** if approved by the governing body of the city.

3. For a general ***city*** election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** on which registration is open ~~[.]~~ ***and 5 p.m. on the last day on which registration is open.*** The office of the city clerk may close at 5 p.m. ***on the next to last day on which registration is open*** if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~[weekdays]~~ ***a day other than the last day on which registration is open,*** until 9 p.m.; ~~[and]~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[.]~~ ***; and***

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the ~~[third Tuesday]~~ ***Friday*** preceding any primary city election or general city election, an elector may register to vote only by ~~[appearing]~~ ***:***

(a) Appearing in person at the office of the city clerk ~~[or, if]~~ ***;***

(b) If open, ***appearing in person at*** a municipal facility designated pursuant to NRS 293C.520 ~~[.]~~ ***; or***

(c) If the county clerk of the county in which the city is located has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 13. ~~[NRS 293C.527 is hereby amended to read as follows:~~

~~293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close at 5 p.m. on the Friday preceding any primary city election or general city election and, except as otherwise provided by specific law, at 5 p.m. on the fourth day preceding any recall or special election.~~ ***Except as otherwise provided in section 8 of this act, after the close of registration for an election, no person may register to vote for the election.***

~~2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. on the next to last day before registration closes if approved by the governing body of the city.~~

~~3. For a general city election:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. The office of the city clerk may close at 5 p.m. on the next to last day on which registration is open if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On a day other than the last day on which registration is open, until 9 p.m.;~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays; and~~

~~(3) On the last day on which registration is open, until 5 p.m.~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.~~

~~→ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the Friday preceding any~~

~~primary city election or general city election, an elector may register to vote only by:~~

~~(a) Appearing in person at the office of the city clerk;~~

~~(b) If open, appearing in person at a municipal facility designated pursuant to NRS 293C.520; or~~

~~(c) If the county clerk of the county in which the city is located has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.~~

~~6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.~~**] (Deleted by amendment.)**

Sec. 14. ~~[1.]~~ This ~~[~~section and sections 3, 4, 5, 7, 11 and 12 of this~~]~~ act ~~[~~become~~]~~ **becomes** effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of ~~[~~those sections~~]~~ **this act** and on January 1, 2014, for all other purposes.

~~[2. Sections 1, 2, 6, 8, 9, 10 and 13 of this act become effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections and on January 1, 2016, for all other purposes.]~~

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 543.

AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County of one-quarter of 1 percent to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department, and allows the imposition of an increase in that tax of not more than one-quarter of 1 percent if the date on which the increased rate is first

imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate. (Clark County Sales and Use Tax Act of 2005) **Section 3** of this bill provides the legislative approval required for the imposition of ~~[that]~~ **an** increase **in that tax of not more than fifteen-hundredths of 1 percent** on or after ~~[July 1, 2015,]~~ **October 1, 2013,** if the increase is approved ~~[on or after October 1, 2013,]~~ by two-thirds of the members of ~~[each of: (1) the City Council of Boulder City; (2) the City Council of the City of Henderson; (3) the City Council of the City of Las Vegas; (4) the City Council of the City of Mesquite; (5) the City Council of the City of North Las Vegas; and (6)]~~ the Board of County Commissioners of Clark County.

Section 1 of this bill amends the Clark County Sales and Use Tax Act of 2005 to suspend temporarily certain provisions of the Act which require a governing body to approve expenditures by a police department of proceeds received from the taxes imposed pursuant to the Act if the governing body determines that the proposed expenditure will not replace or supplant existing funding for the police department. **Section 1** also requires that certain periodic reports required by the Act include a separate detailed description of any expenditures as a result of the temporary suspension of those provisions of the Act. **Section 2** of this bill amends the Act to specify the method for calculating the base fiscal year for certain purposes of the Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.3, immediately following section 13, to read as follows:

Sec. 13.3. 1. The provisions of paragraph (b) of subsection 1 and subsections 3 to 8, inclusive, of section 13 of this act do not apply to any expenditure of proceeds from any sales and use tax imposed pursuant to this act on or after July 1, 2013, but before July 1, ~~[2015.]~~ 2016.

2. In addition to the requirements of section 13.5 of this act, the periodic reports required by that section must include, with respect to the period covered by the report, a separate detailed description of the expenditure of any proceeds from the sales and use tax imposed pursuant to this act as a result of the provisions of subsection 1.

Sec. 2. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.7, immediately following section 13.5, to read as follows:

Sec. 13.7. Notwithstanding the provisions of subsection 8 of section 13 of this act, for Fiscal Year 2015-2016, the base fiscal year for each body must be adjusted for the purposes of section 13 of this act as provided in this section, and that adjusted base fiscal year must be used as the base fiscal year for all purposes, including future calculations of base fiscal years. To determine the adjusted base fiscal year for Fiscal Year 2015-2016, any expenditures authorized as a result of the provisions of subsection 1 of section 13.3 of this act must not be included when calculating the amount of money received or expended in that fiscal year.

Sec. 3. The Legislature hereby approves an increase, pursuant to paragraph (b) of subsection 1 of section 10 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, in the rate of the tax imposed pursuant to that Act in the amount of ~~[one-quarter]~~ **not more than fifteen-hundredths** of 1 percent, if:

1. The increase authorized by this section is enacted by an ordinance approved by a two-thirds majority of the members of ~~[each of the following:~~

~~(a) The City Council of Boulder City;~~

~~(b) The City Council of the City of Henderson;~~

~~(c) The City Council of the City of Las Vegas;~~

~~(d) The City Council of the City of Mesquite;~~

~~(e) The City Council of the City of North Las Vegas; and~~

~~(f) The~~**]** **the** Board of County Commissioners of Clark County **;** ~~[,~~ ~~after October 1, 2013,]~~ and

2. The date on which that increased rate is first imposed is on or after ~~[July 1, 2015.]~~ **October 1, 2013.**

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Sections 1 and 2 of this act expire by limitation on October 1, 2025.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 473.

AN ACT relating to energy; revising provisions governing the partial abatement of certain property taxes for certain ~~[renovated]~~ buildings and structures which meet certain energy efficiency standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy to grant a partial abatement of certain property taxes for the: (1) construction of a building or other structure that meets certain energy efficiency standards under the Green Building Rating System adopted by the Director; or (2) renovation by certain manufacturers of an existing building or other structure to bring the building or other structure into compliance with such energy efficiency standards. **Existing law provides that the Green Building Rating System adopted by the Director must include standards and ratings equivalent to those provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System.** (NRS **701A.100, 701A.110, 701A.115) Section 1 of this bill provides that the Green Building Rating System adopted by the Director must include standards and ratings equivalent to those provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System or an equivalent rating system. Section 1 additionally revises provisions relating to the Green Building Rating System used by the Director to determine the eligibility of a building or other structure for certain tax abatements.**

Section 4 of this bill repeals the provisions which authorize partial abatements of property taxes specifically for certain manufacturers who renovate existing buildings**. [**~~, and section 2 of this bill instead requires the Director to grant a partial abatement of certain property taxes to any owner of an existing building or other structure who renovates the building or other structure to bring it into compliance with certain energy efficiency standards under the Green Building Rating System adopted by the Director.~~**] Section 2 of this bill provides that a partial abatement for a building or other structure that qualifies for the abatement under the Leadership in Energy and Environmental Design "Existing Buildings: Operations and Maintenance" rating system, or an equivalent rating system, must be for a period of not more than 5 years. Section 2 prohibits the Director from granting a partial abatement for a building or structure that qualifies under such a rating system in an amount which exceeds $100,000 annually.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.100 is hereby amended to read as follows:

701A.100 1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to NRS 701A.110 **. [**~~and 701A.115.~~**]**

2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System ~~[.]~~ ***or an equivalent rating system,*** except that the standards adopted by the Director:

(a) Except as otherwise provided in paragraphs (b) and (c), must not include:

(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System ***or the equivalent rating system*** for at least 2 years; or

(2) Standards for homes;

(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and

(c) Must require a building or other structure to obtain:

(1) At least ~~[3]~~ ***5*** points ~~[of]~~ ***in the Optimize Energy Performance*** credit ~~[for energy conservation]~~ ***, or its equivalent,*** to meet the equivalent of the silver level;

(2) At least ~~[5]~~ ***7*** points ~~[of]~~ ***in the Optimize Energy Performance*** credit ~~[for energy conservation]~~ ***, or its equivalent,*** to meet the equivalent of the gold level; and

(3) At least ~~[8]~~ ***11*** points ~~[of]~~ ***in the Optimize Energy Performance*** credit ~~[for energy conservation]~~ ***, or its equivalent,*** to meet the equivalent of the platinum level.

3. As used in this section, "home" means a building or other structure for which the principal use is as a residential dwelling for not more than four families.

Sec. 2. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director, in consultation with the Office of Economic Development, shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a ~~*[newly constructed or renovated]*~~ building or other structure that is determined ~~*[after construction or renovation]*~~ to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design ***,*** ~~[or]~~ construction ***or renovation*** of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director, in consultation with the Office of Economic Development, shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

3. The Director may, with the assistance of the Chief of the Budget Division and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local

government. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement ~~[:]~~ ***for:***

(a) ~~[~~Must~~]~~ ***A*** ~~*[newly-constructed]*~~ ***building or other structure must*** ***, except as otherwise provided in paragraph (b),*** be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~[~~payable~~]~~ ***owed*** for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~[~~payable~~]~~ ***owed*** for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~[~~payable~~]~~ ***owed*** for the building or other structure, excluding the associated land.

(b) ~~[~~Does~~]~~ ***A*** ~~*[renovated]*~~ ***building or other structure*** ***that qualifies for an abatement under the Leadership in Energy and Environmental Design "Existing Buildings: Operations and Maintenance" rating system, or its equivalent, must be for a duration of not more than 5 years and in an annual amount that equals, except as otherwise provided in subsection 5, for a*** ~~*[renovated]*~~ ***building or other structure that meets the equivalent of:***

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the ~~*[portion of the value of the renovated]*~~ ***building or other structure, excluding the associated land ; [,*** ~~*which is attributable to the renovation as determined pursuant to subsection 5,]*~~

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the ~~*[portion of the value of the renovated]*~~ ***building or other structure, excluding the associated land ; [,*** ~~*which is attributable to the renovation as determined pursuant to subsection 5,]*~~ ***or***

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the ~~*[portion of the value of the renovated]*~~ ***building or other structure, excluding the associated land . [,***

~~*which is attributable to the renovation as determined pursuant to subsection 5.]*~~

5. ~~*[For the purposes of]*~~ ***The Director shall not grant a partial abatement of more than $100,000 in any year for a building or other structure that qualifies for an abatement pursuant to paragraph (b) of subsection 4.*** ~~*[, the portion of the value of a renovated building or other structure which is attributable to the renovation shall be deemed to be equal to the percentage that the total cost of the renovation of the building or other structure bears to the total cash value of the renovated building or other structure at the time the Director issues a certificate of eligibility for the abatement, not to exceed 100 percent.]*~~

6. A partial abatement granted pursuant to this section:

(a) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

~~[(c)]~~ ***(b)*** Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

~~[(d) Must not be for an existing building or structure that is renovated.~~

~~5.]~~ ***7.*** If a partial abatement terminates pursuant to paragraph ~~[(c)]~~ ***(b)*** of subsection ~~[4,]~~ ***6,*** the owner of the property to which the partial abatement applied shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the date of that termination. The owner shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~[6.]~~ ***8.*** The Director, in consultation with the Office of Economic Development, shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for ***and the duration of*** the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

~~[7.]~~ ***9.*** The Director shall:

(a) Cooperate with the Office of Economic Development in carrying out the provisions of this section; and

(b) Submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

~~[8.]~~ ***10.*** As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 3. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 4. 1. NRS 701A.115 is hereby repealed.

2. Section 21 of chapter 298, Statutes of Nevada 2011, at page 1656, is hereby repealed.

Sec. 5. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION OF NRS AND TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

701A.115 Partial abatement of certain property taxes for certain buildings or structures which are renovated for use by manufacturer and which meet certain standards under Green Building Rating System; requirements and limitations; regulations.

1. Except as otherwise provided in this section, the Director of the Office of Energy shall grant a partial abatement from the portion of taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on an existing building or other structure which is renovated for use by a manufacturer if:

(a) The building or other structure is determined after the renovation to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100.

(b) The applicant:

(1) Is a manufacturer who intends to locate a new manufacturing business in this State;

(2) Employs at least 25 full-time employees at the new manufacturing business in this State during the entire period in which the applicant will receive the tax abatement; and

(3) The average hourly wage that will be paid by the manufacturer to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) No funding is provided by any governmental entity in this State for the acquisition, design, construction or renovation of the building or other structure or for the acquisition of any land therefore. For the purpose of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(d) The manufacturer:

(1) Submits an application for the abatement to the Director. If such an application is submitted for a project that has not been completed on the date

of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

2. As soon as practicable after the Director receives an application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (d) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration not to exceed 1 year, and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (d) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling, even if the building or other structure is used for more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Manufacturer" means a person engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(d) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Section 21 of chapter 298, Statutes of Nevada 2011:

Sec. 21. An application for a partial abatement of taxes requested pursuant to NRS 701A.110 submitted on or after the effective date of this section must not be granted if the application is for a partial abatement of taxes for an existing building or other structure which is being renovated.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 476.

SUMMARY—Makes various changes concerning apprenticeships for federal recognition of the Office of the Labor Commissioner as the ~~[State Apprenticeship]~~ **Registration** Agency ~~[.]~~ **for purposes relating to apprenticeship programs and apprentices.** (BDR 53-357)

AN ACT relating to employment; making various changes concerning apprenticeships for conformity to federal regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal National Apprenticeship Act authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the

inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. §§ 50 et seq.) In 1977, the Secretary of Labor promulgated regulations implementing the National Apprenticeship Act which placed responsibility for accomplishing those goals in the United States Department of Labor, but authorized the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where a state's apprenticeship laws conform to the federal regulations and the state's entities satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in: (1) the standards for apprenticeship programs; and (2) the roles and responsibilities of administrative entities of state government responsible for apprenticeship. (29 C.F.R. §§ 29.2, 29.5, 29.13)

Existing law conforms to the federal regulations promulgated in 1977 but does not conform to those regulations promulgated in 2008. This bill makes the various changes necessary to conform the provisions of chapter 610 of NRS to the updated federal regulations to ensure continued recognition of a Nevada agency as an agency authorized to register apprenticeship programs for certain federal purposes under the National Apprenticeship Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. ~~[~~"Agreement" means a written and signed agreement of indenture as an apprentice.~~]~~

~~2.]~~ "Apprentice" ~~[means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.~~

~~3.]~~ ***has the meaning ascribed to it in 29 C.F.R. § 29.2.***

2. "Apprenticeable occupation" means an occupation in which a person may be apprenticed that is specified by industry and satisfies the conditions set forth in 29 C.F.R. § 29.4.

3. "Apprenticeship agreement" or "agreement" has the meaning ascribed to "apprenticeship agreement" in 29 C.F.R. § 29.2.

4. "Apprenticeship committee" or "committee" [means an entity designated by a sponsor to administer an apprenticeship program.] has the meaning ascribed to "apprenticeship committee" in 29 C.F.R. § 29.2.

5. "Apprenticeship program" or "program" has the meaning ascribed to "apprenticeship program" in 29 C.F.R. § 29.2.

6. "Cancellation" has the meaning ascribed to it in 29 C.F.R. § 29.2.

7. "Certificate" means a document issued by the State [Director of] Apprenticeship Agency as evidence that:

(a) A person is eligible for probationary employment as an apprentice under an apprenticeship program that is registered and approved by the State [Director of] Apprenticeship [;] Agency;

(b) A sponsor's apprenticeship program is registered and approved by the State [Director of] Apprenticeship [;] Agency;

(c) An apprentice has successfully met the requirements to receive an interim credential; or

(d) A person has successfully completed his or her apprenticeship.

8. "Competency" has the meaning ascribed to it in 29 C.F.R. § 29.2.

9. "Competency-based approach" means a method of measuring the skills and knowledge acquired by an apprentice through his or her successful demonstration of such skills and knowledge, as verified by the sponsor, and completion of an on-the-job learning component.

10. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

[4.] ***11. "Electronic media" has the meaning ascribed to it in 29 C.F.R. § 29.2.***

12. "Employer" has the meaning ascribed to it in 29 C.F.R. § 29.2.

[12.] 13. "Federal purposes" has the meaning ascribed to it in 29 C.F.R. § 29.2.

14. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

[5. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

6.] ***[13.] 15. "Hybrid approach" means a method of measuring the skills and knowledge acquired by an apprentice by incorporating elements of the time-based approach and the competency-based approach by assessing a specified minimum number of hours of on-the-job learning completed by the apprentice and by his or her successful demonstration of competency as described in a work process schedule.***

~~[14.]~~ 16. "Interim credential" means a certificate issued by the State ~~[Director of]~~ Apprenticeship Agency upon request of the appropriate sponsor, as certification of competency by an apprentice.

~~[15.]~~ 17. "Journeyworker" has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~[16.]~~ 18. "Office of Apprenticeship" has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~[17.]~~ 19. "Registration" means:

(a) The acceptance and recording of an apprenticeship agreement by the State ~~[Director of]~~ Apprenticeship Agency as evidence of an apprentice's participation in a particular registered apprenticeship program.

(b) The acceptance and recording of an apprenticeship program by the State ~~[Director of]~~ Apprenticeship Agency as evidence that the program meets the requirements of this chapter and the basic standards and requirements of the United States Department of Labor for approval of such a program for federal purposes . ~~[, including, without limitation, the obtaining of any federal contract, grant, agreement or arrangement concerning apprenticeships, and any federal assistance, financial or otherwise, including, without limitation, a benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeships.~~

~~18.]~~ 20. "Related instruction" means an organized and systematic form of instruction designed to provide an apprentice with the knowledge of the theoretical and technical subjects related to the apprentice's occupation. Such instruction may be given in a classroom, through occupational or industrial courses, through correspondence courses of equivalent value, through electronic media ~~[, including, without limitation, content accessible via the Internet and interactive distance learning,]~~ or by other forms of self-study approved by the State ~~[Director of]~~ Apprenticeship ~~[.~~

~~19.]~~ Agency in accordance with standards established by the State Apprenticeship Council pursuant to NRS 610.090.

21. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~[20.]~~ 22. "Sponsor" has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~[21.]~~ 23. "State Apprenticeship Agency" has the meaning ascribed to it in 29 C.F.R. § 29.2.

24. "State Apprenticeship Council" means the entity created by NRS 610.030.

~~[22.]~~ 25. "Time-based approach" means a method of measuring the skills and knowledge acquired by an apprentice through his or her completion of at least 2,000 hours of on-the-job learning as described in a work process schedule.

~~[23.]~~ 26. "Transfer" has the meaning ascribed to it in 29 C.F.R. § 29.2.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship ***Agency that has the responsibility and accountability for apprenticeship within this State and the authority to carry out the purposes of this chapter.***

7. To establish a State Apprenticeship Council ~~[with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees]~~ ~~[to provide advice and guidance]~~ ***to assist the State*** ~~[Director of]~~ ***Apprenticeship*** ~~[and to assist]~~ ***Agency*** in carrying out the purposes of this chapter.

~~[7.]~~ ***8.*** To provide for a State Director of Apprenticeship ~~[.]~~ ***with the authority to*** ~~[carry]~~ ***assist in carrying out the purposes of this chapter.***

~~[8.]~~ ***9.*** To provide for ~~[state and local joint]~~ ***apprenticeship committees to assist in carrying out the purposes of this chapter.***

~~[9.]~~ ***10. To provide for*** reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

~~[9.]~~ ~~[10.]~~ ***11.*** To establish procedures for regulating programs and deciding controversies concerning programs and agreements.

~~[10.]~~ ~~[11.]~~ ***12.*** To accomplish related ends.

Sec. 3. NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created ~~[.]~~ ***to act in a regulatory capacity as directed by the State Apprenticeship Agency, to provide advice and guidance to the State*** ~~[Director of]~~ ***Apprenticeship Agency and to assist in carrying out the purposes of this chapter.***

2. The Labor Commissioner shall appoint:

(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.

Sec. 4. NRS 610.090 is hereby amended to read as follows:

610.090 The State Apprenticeship Council shall ~~[:]~~ ***, under the direction*** ~~*[and with the approval]*~~ ***of the State*** ~~*[Director of]*~~ ***Apprenticeship Agency:***

1. Establish standards for programs and agreements that are not lower than those prescribed by this chapter.

2. Upon review and approval, extend written reciprocal recognition to multistate joint programs.

3. Adopt such regulations as may be necessary to carry out the intent and purposes of this chapter ~~[.]~~ ***, including, without limitation:***

(a) Standards and reasonable safeguards to ensure that a course taken by correspondence, electronic media or other forms of self-study is completed by the person who receives credit for completing the course; and

(b) Standards for the approval of courses of related instruction.

4. ***Provide advice and guidance to the State Apprenticeship Agency on the operation of the apprenticeship system.***

5. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.

Sec. 5. NRS 610.095 is hereby amended to read as follows:

610.095 The State ~~*[Director of]*~~ Apprenticeship Council shall:

1. ~~[Register]~~ ***Review*** and approve or reject ***the registration of*** proposed programs and standards for apprenticeship ~~[.]~~ ***on behalf of the State Apprenticeship Agency.***

2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title as specified in regulations adopted by the State Apprenticeship Council.

Sec. 5.5. **NRS 610.100 is hereby amended to read as follows:**

610.100 The State Apprenticeship ~~[Council]~~ ***Agency*** shall make a report of its activities and findings, through the Labor Commissioner, as provided in NRS 607.080, to the Legislature and to the public.

Sec. 6. NRS 610.110 is hereby amended to read as follows:

610.110 ***1. The Office of the Labor Commissioner shall serve as the*** ~~*[agency of this State which may be designated the]*~~ ***State Apprenticeship Agency*** ~~*[by the Office of Apprenticeship pursuant to 29 C.F.R. Part 29.]*~~ ***and the Registration Agency.***

2. The Labor Commissioner ~~[or the duly appointed representative of the Labor Commissioner]~~ shall be ex officio State Director of Apprenticeship.

~~*[2.]*~~ ***3. As used in this section,*** ~~*[“State Apprenticeship Agency”]*~~ ***“Registration Agency” has the meaning ascribed to it in 29 C.F.R. § 29.2.***

Sec. 7. NRS 610.120 is hereby amended to read as follows:

610.120 1. The State ~~[Director of]~~ Apprenticeship ***Agency*** shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) ***Register apprenticeship programs and apprentices whose registration is approved by the State Apprenticeship Council pursuant to NRS 610.095.***

(c) In cooperation with the State Apprenticeship Council and ~~[local or state joint]~~ apprenticeship committees, set up conditions and standards for proposed programs, that are not less stringent than those prescribed by this chapter.

~~[(c)]~~ ***(d)*** Approve any ***apprenticeship*** agreement which ~~[meets]~~ ***:***

(1) Has been approved by the State Apprenticeship Council; and

(2) Meets the standards established under this chapter and terminate or cancel any ***such*** agreement in accordance with the provisions of the agreement, the program, this chapter and the standards ~~[approved]~~ ***established*** by the State Apprenticeship Council.

~~[(d)]~~ ***(e)*** Keep a record of agreements and their dispositions.

~~[(e)]~~ ***(f)*** Issue ~~[certificates]~~ ***the appropriate certificate as proof*** of completion of apprenticeship at the request of ~~[the local joint]~~ ***an*** apprenticeship committee.

~~[(f)]~~ ***(g) Conduct quality assurance assessments.***

~~*[(g)]*~~ ***(h) Provide technical assistance.***

~~*[(h)]*~~ ***(i) Conduct reviews for compliance with the provisions of this chapter and 29 C.F.R. Parts 29 and 30.***

(j) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the ~~[local joint]~~ apprenticeship committees.

3. As used in this section:

(a) "Quality assurance assessment" means a comprehensive review conducted by the State ~~[Director of]~~ Apprenticeship Agency concerning all aspects of the performance of an apprenticeship program, including, without limitation, the determination of whether:

(1) Apprentices are receiving on-the-job training in all phases of the apprenticeable occupation;

(2) Scheduled wage increases are consistent with registered standards;

(3) Related instruction is provided through appropriate curriculum and delivery systems; and

(4) The State ~~[Director of]~~ Apprenticeship Agency is receiving notification of all new registrations, cancellations and completions as required by this chapter.

(b) "Technical assistance" means guidance provided by the Office of the Labor Commissioner to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 8. NRS 610.140 is hereby amended to read as follows:

610.140 1. ~~[A local or state *joint]*~~ ***An*** apprenticeship committee shall:

(a) In accordance with standards ~~[set up]~~ ***established*** by the State Apprenticeship Council ~~[,]~~ ***pursuant to NRS 610.090,*** work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and ***apprenticeship*** agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any ***apprenticeship*** agreement, submit to the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** informed of all actions.

2. The decisions of ~~[local or state joint]~~ apprenticeship committees are, at all times, subject to appeal to the State Apprenticeship Council.

~~*[3. For the purposes of this section, a local or state joint apprenticeship committee must be composed of an equal number of representatives of*~~

~~*employers and of employees who are represented by bona fide collective bargaining agents.]*~~

Sec. 9. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the State ~~*[Director of]*~~ Apprenticeship ~~*[,]*~~ ~~[~~Council,~~]~~ ***Agency,*** a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an ***apprenticeable*** occupation ~~[~~in which a person may be apprenticed~~]~~ and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(b) and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § 30.5;

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the ***United States*** Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade **.** ~~[;]~~

(b) ~~[~~A~~]~~ ***The*** term of ***the*** apprenticeship **.** ~~[~~of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;~~]~~ ***The term must be established using the time-based approach, competency-based approach or hybrid approach. The determination of the appropriate approach must be made by the sponsor, subject to approval by the State*** ~~*[Director of]*~~ ***Apprenticeship Agency of the determination as appropriate to the apprenticeable occupation for which the program standards are registered. The State*** ~~*[Director of]*~~ ***Apprenticeship Agency must not approve the use of the competency-based approach or hybrid approach unless the program standards address the manner in which the required on-the-job learning component will be integrated into the program, describe competencies and identify an appropriate means of measuring the skills and knowledge acquired by the apprentice.***

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process **.** ~~[;]~~

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the ~~[~~trade~~]~~ ***occupation*** with a minimum of 144 hours for each year of apprenticeship **.** ~~[~~, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms

~~of study approved by the State Apprenticeship Council;~~] ***Such instruction in technical subjects may be accomplished through related instruction. Any person who provides instruction must:***

(1) Meet any requirements established by the State Board for Career and Technical Education for a vocational-technical instructor, or be an expert in a particular subject matter, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation; and

(2) Be trained in teaching techniques and styles for learning by adults, which may have been attained before or during a period of instruction provided by the instructor.

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement **.** ~~[;]~~

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress **.** ~~[;]~~

(g) A numeric ratio of apprentices to ~~[journeymen]~~ ***journeyworkers*** consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants **.** ~~[;]~~

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship ~~[;]~~ ***, and which does not exceed 25 percent of the length of the program or 1 year, whichever is less.***

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction **.** ~~[;]~~

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of ~~[not less than]~~ ***at least*** 16 years ***, except where a higher minimum age standard is otherwise fixed by law*** **.** ~~[;]~~

(k) Provisions for the placement of an apprentice under a written ***apprenticeship*** agreement as required by this chapter, incorporating directly or by reference the standards of the program **.** ~~[;]~~

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted **.** ~~[;]~~

(m) Provisions for the transfer of ~~[the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of]~~

an apprentice between apprenticeship programs and within an apprenticeship program. Any such transfer must be based on an agreement between the apprentice and the ***affected*** ~~[local joint]~~ apprenticeship committee or sponsor of the program ~~[;]~~ ***and comply with the following requirements:***

(1) The transferring apprentice must be provided a transcript of related instruction and on-the-job learning by the committees or the sponsors of the programs from which and to which he or she is transferring;

(2) The transfer must be to the same occupation; and

(3) A new apprenticeship agreement must be executed when the transfer occurs between sponsors.

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job **.** ~~[;]~~

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship **.** ~~[;]~~ ***A certificate:***

(1) Must be issued by the State ~~*[Director of]*~~ ***Apprenticeship Agency and be signed by the State Director of Apprenticeship and the Chair of the State Apprenticeship Council; and***

(2) If requested by the sponsor of the program, must be obtained from the Office of Apprenticeship with the reasonable assistance of the State ~~*[Director of]*~~ ***Apprenticeship*** ~~*[,]*~~ ***Agency.***

(p) An identification of the State Apprenticeship ~~[Council]~~ ~~*[Office of the Labor Commissioner]*~~ ***Agency*** as the agency for registration of the program **.** ~~[;]~~

(q) Provisions for the registration of ***apprenticeship*** agreements and of modifications and amendments thereto **.** ~~[;]~~

(r) Provisions for notice to the ~~[Labor Commissioner]~~ ***State*** ~~*[Director of]*~~ ***Apprenticeship Agency*** of persons who have successfully completed the program and of all cancellations, suspensions and terminations of ***apprenticeship*** agreements and the causes therefor **.** ~~[;]~~

(s) ~~[Provisions]~~ ***Authority*** for the termination of an ***apprenticeship*** agreement during the probationary period by either party without cause **.** ~~[;]~~ ***Such a termination must not have an adverse impact on the completion rate of the sponsor of the program. As used in this paragraph, "completion rate" means the percentage of any group of apprentices registered to a specific program during a 1-year period, excluding the apprentices whose agreement has been terminated during the probationary period, who receive a certificate of completion of an apprenticeship within 1 year after the projected completion date.***

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part

30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the ***United States*** Department of Labor **. ~~[~~;~~]~~**

(u) The name **, ~~[~~and~~]~~** address **,** ***telephone number and, if appropriate, electronic mail address*** of the appropriate authority under the program to receive, process and make disposition of complaints **. ~~[~~; and~~]~~**

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** and applicable laws.

(w) If a program's standards require the competency-based approach or the hybrid approach for progression through an apprenticeship and the sponsor chooses to issue interim credentials, standards which clearly identify each interim credential, which demonstrate how each credential relates to the components of the apprenticeable occupation and which establish the process for assessing an apprentice's demonstration of competency associated with each particular interim credential. An interim credential may only be issued for recognized components of an apprenticeable occupation which relate the interim credential specifically to the knowledge, skills and abilities associated with those components of the apprenticeable occupation.

(x) Provisions for the registration, cancellation and deregistration of the program and for the prompt submission of any modification of or amendment to the standards of the program to the State ~~*[Director of]*~~ ***Apprenticeship Agency for approval.***

Sec. 10. NRS 610.150 is hereby amended to read as follows:

610.150 Every ***apprenticeship*** agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties ***, including, without limitation, the apprentice and the sponsor or employer,*** and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name **, ~~[~~and~~]~~** address **,** ***telephone number and, if appropriate, electronic mail address*** of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing ***:***

(a) If the apprenticeship program uses the:

(1) Time-based approach, the number of hours to be spent by the apprentice in work ***on the job;***

(2) Competency-based approach, a description of the skill sets to be attained by completion of the program, including the program's on-the-job learning component; or

(3) Hybrid approach, the minimum number of hours to be spent by the apprentice in on-the-job learning and a description of the skill sets to be attained by completion of the program; and ~~[the]~~

(b) The number of hours to be spent ***by the apprentice*** in related ~~[and supplemental]~~ instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State ~~*[Director of]*~~ Apprenticeship ~~[Council;]~~ ***Agency,*** and ***without adverse impact on the sponsor; and***

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion ***,*** ~~[or]~~ disability ~~[.]~~ ***or national origin.***

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed ***, established*** or approved by the ~~*[State Director of Apprenticeship or established by the]*~~ State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 10.2. **NRS 610.160 is hereby amended to read as follows:**

610.160 1. No ***apprenticeship*** agreement under this chapter is effective until it is approved by the ~~[local joint]~~ apprenticeship committee and the State ~~[Director of]~~ Apprenticeship ~~[.]~~ ***Council.*** A copy of the ***apprenticeship***

agreement must be forwarded within 10 days after approval by the ~~[local joint]~~ apprenticeship committee to the State ~~[Director of]~~ Apprenticeship ~~[.]~~ ***Council.***

2. Every ***apprenticeship*** agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the ***apprenticeship*** agreement must also be signed by:

(a) Both parents, if the minor is living with both parents;

(b) The custodial parent, if the minor is living with only one parent; or

(c) The minor's legal guardian.

3. If a minor enters into an ***apprenticeship*** agreement under this chapter for a period of training extending into his or her majority, the ***apprenticeship*** agreement is likewise binding for the period covered during his or her majority.

Sec. 10.4. **NRS 610.170 is hereby amended to read as follows:**

610.170 For the purpose of providing greater diversity of training or continuity of employment, any ***apprenticeship*** agreement made under this chapter may, at the discretion of the ~~[local joint]~~ apprenticeship committee, be signed by an association of employers or an organization of employees instead of by an individual employer. In that case the ***apprenticeship*** agreement must provide expressly that the association of employers or organization of employees does not assume the obligation of an employer, but agrees to use its best endeavors to procure employment and training for the apprentice with one or more employers who will accept full responsibility, as provided in this chapter, for all the terms and conditions of employment and training set forth in the ***apprenticeship*** agreement between the apprentice and the association of employers or organization of employees during the period of employment.

Sec. 10.6. **NRS 610.180 is hereby amended to read as follows:**

610.180 1. Upon the complaint of any interested person or upon its own initiative, the State Apprenticeship Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an ***apprenticeship*** agreement made under this chapter. The State Apprenticeship Council may hold necessary hearings, inquiries and other proceedings. The parties to each ***apprenticeship*** agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~[Labor Commissioner,]~~ ***State Director of Apprenticeship,*** and if no appeal therefrom is filed with the ~~[Labor Commissioner]~~ ***State Director of Apprenticeship*** within 10 days after the date thereof the determination or decision of the State Apprenticeship

Council becomes the order of the ***State Director of Apprenticeship.*** ~~[Labor Commissioner.]~~

2. Any person aggrieved by any determination or action of the State Apprenticeship Council may appeal to the ~~[Labor Commissioner, whose decision, when supported by evidence,]~~ ***State Director of Apprenticeship.***

3. Except as otherwise provided in this subsection, the State Director of Apprenticeship's review of the determination or decision must be confined to the whole record. In cases concerning alleged irregularities in procedure before the State Apprenticeship Council that are not shown in the whole record, the State Director of Apprenticeship may receive evidence concerning the alleged irregularities.

4. The final decision of the State Apprenticeship Council shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the State Director of Apprenticeship. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 5.

5. The State Director of Apprenticeship shall not substitute his or her judgment for that of the State Apprenticeship Council as to the weight of evidence on a question of fact. The State Director of Apprenticeship may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the appellant have been prejudiced because the decision of the State Apprenticeship Council is:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the State Apprenticeship Council;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

6. The decision of the State Director of Apprenticeship is conclusive if notice of appeal therefrom to the courts is not filed within 30 days after the date of the decision of the ~~[Labor Commissioner.~~

~~3.]~~ ***State Director of Apprenticeship.***

7. A person shall not institute any action based upon:

(a) An ***apprenticeship*** agreement;

(b) Proposed or approved standards for apprenticeship; or

(c) A program governed by this chapter,

➥ unless the person first exhausts all administrative remedies provided by this chapter.

Sec. 11. NRS 610.190 is hereby amended to read as follows:

610.190 Nothing in this chapter or in any ***apprenticeship*** agreement, standard or program approved under this chapter invalidates any ***:***

1. ~~*[Apprenticeship provision]*~~ ***Provision*** in any collective bargaining agreement between employers and employees setting up higher standards for apprenticeship ~~[.]~~ ***; or***

2. Special provision for veterans, members of racial or ethnic minority groups or women in the standards, apprentice qualifications or operation of the program or in the apprenticeship agreement so long as the provision is not otherwise prohibited by federal or state law, executive order or authorized regulation.

Sec. 12. NRS 612.607 is hereby amended to read as follows:

612.607 1. All payments collected pursuant to NRS 612.606 must be deposited in the Unemployment Compensation Administration Fund. At the end of each fiscal year, the State Controller shall transfer to the Clearing Account in the Unemployment Compensation Fund the amount by which the unencumbered balance of the money deposited in the Unemployment Compensation Administration Fund pursuant to this subsection exceeds the amount of that money which the Legislature has authorized for expenditure during the first 90 days of the succeeding fiscal year.

2. Except for money transferred from the Unemployment Compensation Administration Fund pursuant to subsection 1, the Administrator may only expend the money collected for the employment and training of unemployed persons and persons employed in this State to:

(a) Establish and administer an employment training program which must foster job creation, minimize unemployment costs of employers and meet the needs of employers for skilled workers by providing training to unemployed persons.

(b) Establish or provide support for job training programs in the public and private sectors for training, retraining or improving the skills of persons employed in this State.

(c) Establish a program to provide grants of money to a nonprofit private entity to be used to make loans of money to veterans and senior citizens to start small businesses. The Administrator shall adopt regulations establishing criteria and standards relating to the eligibility for and use of any grants made pursuant to this paragraph.

(d) Pay the costs of the collection of payments required pursuant to NRS 612.606.

3. The money used for the program for the employment and training of unemployed persons and persons employed in this State must supplement and not displace money available through existing employment training programs conducted by any employer or public agency and must not replace,

parallel, supplant, compete with or duplicate in any way existing apprenticeship programs approved by the State ~~*[Director of]*~~ Apprenticeship ~~*[,]*~~ ~~[Council.]~~ ***Agency.***

4. As used in this section:

(a) "Senior citizen" has the meaning ascribed to it in NRS 439.650.

(b) "Small business" means a business conducted for profit which:

(1) Employs 50 or fewer full-time employees; and

(2) Has gross annual sales of less than $5,000,000.

Sec. 12.5. **NRS 616A.215 is hereby amended to read as follows:**

616A.215 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State Apprenticeship Council at a wage of $150 per month while the person is:

(a) Attending a class for vocational training; or

(b) Receiving bona fide instruction as an apprentice or trainee,

➥ under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:

(a) The apprentice or trainee is performing work for that employer; and

(b) The employer is paying the apprentice or trainee a wage for the work performed.

➥ The apprentice or trainee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

3. ***Except as otherwise provided in subsection 4, any person who is a trainee in a program funded by a training trust authorized pursuant to 29 U.S.C. § 186 shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the trust at a wage of $150 per month while the person is attending a class for vocational training. Such a trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.***

4. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely

because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of $150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.

~~[4.]~~ ***5.*** As used in this section, "trainee" means a person who is under the direction of an apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a "journeyworker trainee."

Sec. 13. NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection 4, any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** at a wage of $150 per month while the person is:

(a) Attending a class for vocational training; or

(b) Receiving bona fide instruction as an apprentice or trainee,

➥ under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:

(a) The apprentice or trainee is performing work for that employer; and

(b) The employer is paying the apprentice or trainee a wage for the work performed.

➥ The apprentice or trainee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

3. Except as otherwise provided in subsection 4, any person who is a trainee in a program funded by a training trust authorized pursuant to 29 U.S.C. § 186 shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the trust at a wage of $150 per month while the person is attending a class for vocational training. Such a trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

4. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely

because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of $150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.

5. As used in this section, "trainee" means a person who is under the direction of an apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a "journeyworker trainee."

Sec. 14. NRS 361.106 is hereby amended to read as follows:

361.106 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program is exempt from taxation if the property is:

(a) Held in a trust created pursuant to 29 U.S.C. § 186; or

(b) Owned by a local or state apprenticeship committee and the apprenticeship program is:

(1) Operated by an organization which is qualified pursuant to 26 U.S.C. § 501(c)(3) or (5); and

(2) Registered and approved by the State ~~[Director of]~~ Apprenticeship ~~[~~Council~~]~~ ***Agency*** pursuant to chapter 610 of NRS.

2. If any property exempt from taxation pursuant to subsection 1 is used for a purpose other than that of the apprenticeship program required in subsection 1, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

Sec. 15. ~~[~~NRS 624.260 is hereby amended to read as follows:

~~624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.~~

~~2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:~~

~~(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.~~

~~(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.~~

~~3. If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the~~

~~Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.~~

~~3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:~~

~~(a) To make technical and administrative decisions;~~

~~(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and~~

~~(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.~~

~~4. A natural person may not qualify on behalf of another for more than one active license unless:~~

~~(a) One person owns at least 25 percent of each licensee for which the person qualifies; or~~

~~(b) One licensee owns at least 25 percent of the other licensee.~~

~~5. Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a [journeyman,] *journeyworker,* foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.~~

~~6. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the applicant is applying for licensure, the experience required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.~~

~~7. As used in this section, [~~"journeyman" means a person who:

~~(a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or~~

~~(b) Has successfully completed:~~

~~(1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or~~

~~(2) An equivalent program accepted by the Board.~~**]** ~~*"journeyworker" has the meaning ascribed to it in NRS 610.010.]*~~ **(Deleted by amendment.)**

Sec. 16. NRS 701B.921 is hereby amended to read as follows:

701B.921 1. The Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry shall establish contractual relationships with one or more nonprofit collaboratives to carry out the State's mission of creating new jobs in the fields of energy efficiency and renewable energy by combining job training with weatherization, energy retrofit applications or the development of renewable energy plants.

2. To qualify as a nonprofit collaborative for the purposes of this section, a nonprofit entity:

(a) Must enter into a written agreement relating to job training and career development activities with:

(1) A labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the State ~~*[Director of]*~~ Apprenticeship ~~**[**~~Council~~**]**~~ ***Agency*** pursuant to chapter 610 of NRS; and

(2) A community college or another institution of higher education; and

(b) Must conduct or have the ability to conduct training programs in at least one of the three geographic regions of this State, including southern Nevada, northern Nevada and rural Nevada.

➥ Such a nonprofit entity may also enter into a written agreement relating to job training and career development activities with a trade association which has an accredited job skills training program.

3. Within the limits of money available to the Department for this purpose, the Department shall contract with one or more qualified nonprofit collaboratives to:

(a) Carry out programs for job training in fields relating to energy efficiency and the use of renewable energy.

(b) In concert with a labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the State ~~*[Director of]*~~ Apprenticeship ~~**[**~~Council~~**]**~~ ***Agency*** pursuant to chapter 610 of NRS, develop apprenticeship programs to train laborers in skills related to:

(1) The implementation of energy efficiency measures.

(2) The use of renewable energy.

(3) Performing audits of the energy efficiency of buildings, facilities, residences and structures.

(4) The weatherization of buildings, facilities, residences and structures.

(5) The retrofitting of buildings, facilities, residences and structures.

(6) The construction and operation of centralized renewable energy plants.

(7) The manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive.

4. The job training described in subsection 3 must be sufficiently detailed to allow workers, as applicable, to perform:

(a) The services set forth in NRS 702.270.

(b) The services set forth in NRS 618.910 to 618.936, inclusive.

(c) Such other vocational or professional services, or both, as the Department deems appropriate.

5. Funding provided for the job training described in subsection 3:

(a) Must, to the extent money is available for the purpose, include the cost of tuition and supplies.

(b) May include a cost-of-living stipend which may or may not be in addition to any available unemployment compensation.

6. Within the limits of money available to the Division for the purpose, the Division shall contract with one or more governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives, to:

(a) Identify, in different regions of the State, neighborhoods that will qualify for funding for residential weatherization projects pursuant to federal programs focusing on residential weatherization; and

(b) Issue requests for proposals for contractors and award contracts for projects to promote energy efficiency through weatherization. Any such requests for proposals and contracts must include, without limitation:

(1) Provisions stipulating that all employees of the outside contractors who work on the project must be paid prevailing wages;

(2) Provisions requiring that each outside contractor:

(I) Employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor employs on the project; or

(II) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor, that the contractor cannot reasonably comply with the provisions of sub-subparagraph (I) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 or trained through any apprenticeship program that is registered and approved by the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;

(3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(4) A component that requires each contractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

7. The Department and the Division:

(a) Shall apply for and accept any grant, appropriation, allocation or other money available pursuant to:

(1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and

(2) The American Recovery and Reinvestment Act of 2009, Public Law 111-5; and

(b) May apply for and accept any other available gift, grant, appropriation or donation from any public or private source,

➥ to assist the Department and the Division in carrying out the provisions of this section.

8. The Department and the Division shall each report to the Interim Finance Committee at each meeting held by the Interim Finance Committee with respect to the activities in which they have engaged pursuant to this section.

9. As used in this section, "community action agencies" means private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Public Law 88-452, which are authorized to administer money received from federal, state, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

Sec. 17. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the

provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State ~~*[Director of]*~~ Apprenticeship ~~[Council]~~ ***Agency*** pursuant to chapter 610 of NRS that is

equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 18. **1.** This ~~[act becomes]~~ **section and section 12.5 of this act become** effective upon passage and approval.

2. Sections 1 to 12, inclusive, and 13 to 17, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act; and

(b) On the date the United States Department of Labor recognizes the Office of the Labor Commissioner, which is the State Apprenticeship Agency, as the Registration Agency for federal purposes in this State pursuant to 29 C.F.R. § 29.13.

3. Section 17 of this act expires by limitation on December 31, 2021.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 524.

SUMMARY— ~~[Creates a system for verifying that licensed contractors are in compliance]~~ **Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to comply** with certain provisions ~~[of law.]~~ **governing unemployment compensation, industrial insurance and insurance for occupational diseases.** (BDR 54-276)

AN ACT relating to contractors; requiring the State Contractors' Board to ~~[create a system for verifying that]~~ **notify a** licensed ~~[contractors are]~~ **contractor who is not** in compliance with certain provisions governing ~~[workers']~~ **unemployment** compensation ~~[and unemployment;]~~ **, industrial insurance and insurance for occupatonal diseases;** requiring the Board to suspend **or revoke** the license of a contractor who ~~[is not in]~~ **fails to demonstrate** compliance with such provisions; ~~[requiring the information in the system to be kept confidential except in certain circumstances; providing a penalty;]~~ **restricting the actions of a contractor whose license has been suspended for failure to demonstrate compliance with such provisions; requiring the Board to further suspend or revoke the license of a contractor who engages in prohibited activity;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, each employer, including ~~[contractors,]~~ **each contractor,** is required to contribute to the Unemployment Compensation Fund. (NRS 612.535) Each contractor who has employees, is a subcontractor for a principal contractor, or submits a bid on a job for a principal contractor or subcontractor is also required to: (1) maintain industrial insurance and insurance for occupational diseases; (2) obtain a certificate of qualification as a self-insured employer from the Commissioner of Insurance; or (3) maintain membership in an association of self-insured employers. (Chapters 616A-617 of NRS, NRS 624.256) Existing law requires: (1) the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide timely notice to the State Contractors' Board if a contractor's industrial insurance coverage has lapsed; and (2) the Commissioner of Insurance to provide timely notice to both the Administrator and the Board if a contractor's certificate of qualification as a self-insured employer is cancelled or withdrawn, or the contractor is no longer a member of an association of self-insured public or private employers. (NRS 616B.630) ~~[Section 2 of this bill requires the Board to create a system for verifying that contractors contribute to the Unemployment Compensation Fund or pay the required reimbursement, and maintain in full force the required industrial insurance and insurance for occupational diseases.~~

~~Section 3 of this bill requires each insurer who has executed a contract of insurance with a contractor for a policy of industrial insurance and insurance for occupational diseases to maintain a record of each policy and allow the Board access to that record. Section 4 of this bill provides that information maintained in the system created by the Board can be disclosed only in certain circumstances and makes a willful violation of the section a category D felony.]~~

Section ~~[5]~~ **8** of this bill requires the Board, if applicable, to ~~[verify that]~~ **notify** each licensed contractor ~~[contributes]~~ **who fails to meet the requirements to contribute** to the Unemployment Compensation Fund and ~~[provides]~~ **to provide** and ~~[maintains]~~ **maintain** industrial insurance and insurance for occupational diseases ~~[.]~~ **that the contractor's license will be suspended if the contractor fails to furnish proof by a certain date that he or she is in compliance with these requirements.** Section ~~[5]~~ **8** also requires that the Board suspend the license of any contractor who ~~[has failed to meet]~~ **fails to furnish proof by a certain date that the contractor is in compliance with** these requirements ~~[and authorizes the Board to reinstate a suspended license if]~~ **until** the contractor whose license has been suspended demonstrates compliance with those requirements **.** ~~[and all other requirements for the reinstatement of a suspended contractor's license. Section 5 also authorizes the Board to rescind the suspension of a contractor's license which was suspended because the contractor failed to contribute to the Unemployment Compensation Fund or to maintain industrial insurance and insurance for occupational diseases if the contractor's failure to meet those requirements resulted from circumstances beyond his or her control.~~

~~Section 6 of this bill exempts insurers and the Board from civil liability for actions taken under the provisions of this bill that are performed in good faith and without gross negligence.~~**] Section 8 further provides that if a contractor's license is suspended for failure to meet these requirements: (1) the contractor is required to submit to the Board a list of all the projects for which a contract was entered into before the date of the notice of the suspension; (2) the contractor is prohibited from submitting any bids for any new work or beginning work on a project not described on the list; and (3) the contractor's name is removed from certain lists of contractors eligible to bid on public works projects until the suspension is lifted. Section 8 provides for the extended suspension or revocation of the license of a contractor who fails to submit a complete list of projects, submits an unauthorized bid or begins work on an unauthorized project. Finally, section 8 provides for the suspension and revocation of the license of a contractor who fails to meet the requirements to contribute to the Unemployment Compensation Fund and to provide and maintain industrial insurance and insurance for occupational diseases twice within a 5-year period.**

Section 8.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide quarterly to the Board a list of contractors who have failed to make the required contribution to the Unemployment Compensation Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*1. The Board:*~~

~~*(a) Shall, in cooperation with insurers, the Employment Security Division of the Department of Employment, Training and Rehabilitation and the Commissioner of Insurance, create a system for verifying through the secure transmission and receipt of information that, if applicable, a licensed contractor is in compliance with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases; and*~~

~~*(b) May enter into a contract with any person to provide services relating to the system.*~~

~~*2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for verifying that, if applicable, a licensed contractor is in compliance with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. Each insurer that has executed a contract of insurance with a contractor for a policy which may be used to meet the requirements of chapters 616A to 617, inclusive, of NRS shall maintain a record of each policy in a format approved by the Board and provide the Board with access to the record.*~~

~~*2. The Board shall notify the Commissioner of Insurance if an insurer:*~~

~~*(a) Fails to comply with subsection 1; or*~~

~~*(b) In complying with subsection 1, provides to the Board information that is false, incomplete or misleading.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[*1. Except as otherwise provided in subsection 2 and NRS 239.0115, information which is maintained in the system created pursuant to section 2 of this act is confidential.*~~

~~*2. The Board may only disclose information which is maintained in the system to:*~~

~~*(a) A state or local governmental agency for the purpose of enforcing the provisions of chapters 612 and 616A to 617, inclusive, of NRS, including, without limitation, investigating or litigating a violation or alleged violation;*~~

~~*(b) An authorized insurer;*~~

~~*(c) A person:*~~

~~*(1) With whom the Board has contracted to provide services relating to the system created pursuant to section 2 of this act; and*~~

~~*(2) To whom information is disclosed only pursuant to a nondisclosure or confidentiality agreement which relates to the information;*~~

~~*(d) A contractor who requests information regarding his or her own status;*~~

~~*(e) A person who has a power of attorney from the contractor about whom the information is requested;*~~

~~*(f) A person who submits a notarized release from the contractor about whom the information is requested, which release is dated not more than 90 days before the date of the request; or*~~

~~*(g) A person who has suffered a loss or injury arising out of and in the course of employment for a contractor, or the person's authorized insurer or a representative of the authorized insurer, who requests:*~~

~~*(1) Information for use in an accident report; and*~~

~~*(2) For each contractor involved in the project on which the person suffered the loss or injury:*~~

~~*(I) The name and address of each contractor;*~~

~~*(II) The name of the insurer; and*~~

~~*(III) The number of the policy of insurance, if applicable.*~~

~~*3. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.*~~

~~*4. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.]*~~ **(Deleted by amendment.)**

Sec. 5. [~~*1. The Board shall verify that each contractor who is licensed in this State has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases.*~~

~~*2. The Board may use any information to verify whether a licensed contractor has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases.*~~

~~*3. If the Board is unable to verify that a licensed contractor has, as applicable, complied with the provisions of chapters 612 or 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation or the maintenance of industrial insurance and insurance for occupational*~~

~~*diseases, the Board shall send a request for information by first-class mail to the contractor. The contractor shall submit all the information which is requested to the Board within 15 days after the date on which the request for information was mailed by the Board. If the Board does not receive the requested information within 15 days after it mailed the request to the contractor, the Board shall send to the contractor a notice of suspension of license by certified mail. The notice must inform the contractor that unless the Board is able to verify that the contractor has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases within 10 days after the date on which the notice of suspension was sent by the Board, the contractor's license will be suspended pursuant to subsection 4.*~~

~~*4. The Board shall suspend the license of any contractor whom the Board cannot verify has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases. Upon the suspension of a contractor's license, the contractor may not perform any work on any project for which a contractor's license is required.*~~

~~*5. Except as otherwise provided in subsection 6, the Board shall reinstate the contractor's license only upon verification of current compliance with chapters 612 and 616A to 617, inclusive, of NRS, if applicable, and with the requirements for reinstatement of a contractor's license prescribed in subsection 4 of NRS 624.283.*~~

~~*6. If the Board suspends the license of a contractor pursuant to subsection 4 because the contractor has failed, as applicable, to comply with the provisions of chapters 612 or 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation or the maintenance of industrial insurance and insurance for occupational diseases on the date specified in the request for information sent pursuant to subsection 3, and if the contractor, in accordance with regulations adopted by the Board, proves to the satisfaction of the Board that the contractor was unable to comply with the applicable provisions of chapters 612 or 616A to 617, inclusive, of NRS on that date:*~~

~~*(a) Because of extenuating circumstances beyond the control of the contractor; or*~~

~~*(b) For other good cause shown,*~~

~~*the Board may rescind the suspension of the license.*~~

~~*7. The Board shall adopt regulations to carry out the provisions of subsection 6.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[***An insurer, its agents, the Board and its members and employees who act pursuant to sections 2 to 6, inclusive, of this act in good faith and without gross negligence are immune from civil liability for those acts.***]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 624.110 is hereby amended to read as follows:~~

~~624.110 1. The Board may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, but it shall maintain one office in which there must be at all times open to public inspection a complete record of applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses.~~

~~2. Except as otherwise required in NRS 239.0115 and 624.327, ***and section 4 of this act,*** credit reports, references, financial information and data pertaining to a licensee's net worth are confidential and not open to public inspection.~~] **(Deleted by amendment.)**

Sec. 8. NRS 624.256 is hereby amended to read as follows:

624.256 1. Before granting an original or renewal of a contractor's license to any applicant, the Board shall require that the applicant submit to the Board:

(a) Proof of industrial insurance and insurance for occupational diseases which covers the applicant's employees;

(b) A copy of the applicant's certificate of qualification as a self-insured employer which was issued by the Commissioner of Insurance;

(c) If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the Commissioner of Insurance; or

(d) An affidavit signed by the applicant affirming that he or she is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS because the applicant:

(1) Has no employees;

(2) Is not or does not intend to be a subcontractor for a principal contractor; and

(3) Has not or does not intend to submit a bid on a job for a principal contractor or subcontractor.

2. The Board shall notify the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 whenever the Board learns that an applicant or holder of a contractor's license has engaged in business as or acted in the capacity of a contractor within this State without having obtained ***or maintained*** industrial insurance or insurance for occupational diseases in violation of the provisions of chapters 616A to 617, inclusive, of NRS.

3. Failure by an applicant or holder of a contractor's license to file or maintain in full force the required industrial insurance and insurance for occupational diseases constitutes cause for the Board to deny, revoke,

suspend, refuse to renew or otherwise discipline the person, unless the person has complied with the provisions set forth in paragraph (d) of subsection 1.

4. ~~*[The provisions of this section are in addition to and not in lieu of the provisions of sections 2 to 6, inclusive, of this act.]*~~ ***Within 30 days after receiving notice from the Department of Employment, Training and Rehabilitation pursuant to section 8.5 of this act or the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616B.630 that a contractor is not in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS, the Board shall immediately notify the contractor by mail at the last known address of the contractor, as it appears in the records of the Board, that the Board will suspend the license of the contractor if the contractor does not furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS.***

5. If the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board pursuant to subsection 4, that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS, the Board shall, for a first offense:

(a) Immediately summarily suspend the license of the contractor without further notice pursuant to subsection 4 of NRS 624.291; and

(b) Immediately require the contractor to submit to the Board a list of all projects for which the contractor has unfulfilled contractual obligations where the contract was entered into on or before the date of the notice sent by the Board pursuant to subsection 4.

6. If a contractor's license is suspended pursuant to paragraph (a) of subsection 5:

(a) The suspension must continue until the contractor furnishes proof that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS;

(b) During the term of the suspension, the contractor shall not submit any bids for any new work or begin work on any project not described in the list submitted to the Board pursuant to paragraph (b) of subsection 5; and

(c) The Board shall notify:

(1) The Office of the Labor Commissioner, which shall, immediately upon receipt of the notice, add the name of the contractor to the list of contractors who are disqualified to bid on public works; and

(2) The State Public Works Board, which shall, immediately upon receipt of the notice, add the name of the contractor to the list of contractors who are not prequalified to bid on public works.

7. If the name of a contractor is added to a list pursuant to paragraph (c) of subsection 6, the Office of the Labor Commissioner or the State Public Works Board, as applicable, shall remove the name from the list when notified by the Board that the suspension has been lifted pursuant to paragraph (a) of subsection 6.

8. If the Board finds that a contractor has failed to provide a complete list of projects in accordance with paragraph (b) of subsection 5 or has violated paragraph (b) of subsection 6, the Board shall:

(a) For a first offense, suspend the contractor's license for an additional 12 months after the contractor furnishes the proof described in paragraph (a) of subsection 6; and

(b) For a second or subsequent offense, conduct a hearing pursuant to NRS 624.291, and, if it is determined at the hearing that a second or subsequent offense has been committed, revoke the contractor's license.

9. If a contractor for whom the suspension of a contractor's license has been lifted after providing the proof required pursuant to paragraph (a) of subsection 6 receives notice from the Board pursuant to subsection 4 within 5 years after the date of reinstatement and the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS, the Board shall conduct a hearing pursuant to NRS 624.291 and, if it is determined at the hearing that a second or subsequent offense has been committed within a 5-year period, revoke the contractor's license.

Sec. 8.5. **Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Administrator shall, at least once each calendar quarter, provide to the State Contractors' Board a list setting forth each contractor who is not in compliance with the provisions of this chapter regarding contributions or payments in lieu of contributions to the Fund. The list must include, to the extent available, the name, address, telephone number, resident agent, principal owner and contractor's license number of the contractor.

Sec. 8.6. **NRS 612.265 is hereby amended to read as follows:**

612.265 1. Except as otherwise provided in this section and NRS 239.0115, ***and section 8.5 of this act,*** information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this

chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may

charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law

enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of ~~[adopting regulations and]~~ performing any ~~[other]~~ preparatory administrative tasks; and

2. On January 1, 2014, for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 107.

SUMMARY—Revises provisions ~~[governing local regulation of the zoning and]~~ **relating to consistency in zoning ordinances with respect to certain standards and specifications for the** construction **or alteration** of public schools in certain counties. (BDR 22-274)

AN ACT relating to public schools; requiring ~~[the development and adoption of an expedited process for the approval of the zoning of public schools in certain counties; revising provisions governing local approval of~~

~~certain plans, designs and specifications concerning~~ **consistency in zoning ordinances with respect to certain standards and specifications for** the construction **or alteration** of public schools in certain counties; **requiring the approval of the board of trustees of the school district of such standards and specifications;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates in each county whose population is 100,000 or more but less than 700,000 (currently Washoe County) a regional planning commission and a governing board for regional planning. The commission is responsible for developing, and the board is responsible for adopting, a comprehensive regional plan for the physical development and orderly management of the growth of the county. (NRS 278.0262, 278.0264, 278.0272, 278.0276) Existing law also provides that the master plan of a local government in such a county must conform with the comprehensive regional plan and that any ordinance or regulation relating to zoning adopted by the local government must conform with the master plan. (NRS 278.028, 278.0284) Section 1 of this bill provides that, in such a county, the comprehensive regional plan must include an expedited process for the approval of the zoning of public schools. The inclusion of the expedited process in the comprehensive regional plan effectively will require conforming amendments to the zoning ordinances or regulations of local governments. Section 3 of this bill requires consultation among certain regional and local entities regarding the development and adoption of the expedited process for the approval of the zoning of public schools in Washoe County.~~

Existing law ~~[further]~~ provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) **Section ~~[2]~~ 1.3** of this bill ~~[provides that such plans, designs and specifications shall be deemed to satisfy similar county or local building requirements if they comply with the least restrictive requirements which govern the height of buildings, building setback, landscaping, parking and lighting and which: (1) are applicable in the county or in any local government in the county; or (2) on July 1, 2013, were applicable in the county or in any local government in the county.]~~ **requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing**

school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) approved by the board of trustees of the school district of that county. Section 3 of this bill requires such ordinances to be adopted on or before February 28, 2014.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 278.0274 is hereby amended to read as follows:~~

~~278.0274 The comprehensive regional plan must include goals, policies, maps and other documents relating to:~~

~~1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.~~

~~2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.~~

~~3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersion of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.~~

~~4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:~~

~~(a) Address, if applicable:~~

~~(1) Mixed use development, transit oriented development, master planned communities and gaming enterprise districts; and~~

~~(2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;~~

~~(b) Allow for a variety of uses;~~

~~(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and~~

~~(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the~~

~~population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.~~

~~5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:~~

~~(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;~~

~~(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;~~

~~(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and~~

~~(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:~~

~~(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and~~

~~(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.~~

~~6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.~~

~~7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.~~

~~8. Any utility project required to be reported pursuant to NRS 278.145.~~

~~*9. An expedited process for the approval of the zoning of public schools. The expedited process must include, without limitation, a provision that not more than one public hearing may be held regarding the approval of the zoning of a public school.]*~~ **(Deleted by amendment.)**

Sec. 1.3. **Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:**

In a county whose population is 100,000 or more but less than 700,000, the standards and specifications for the erection of any new school

building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be:

1. Consistent in all such ordinances; and

2. Approved by the board of trustees of the school district of that county.

Sec. 1.7. **NRS 278.010 is hereby amended to read as follows:**

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. ~~[NRS 393.110 is hereby amended to read as follows:~~

~~393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities, comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~2. In a county whose population is 700,000 or more:~~

~~(a) The board of trustees of the school district shall establish a building department for the school district.~~

~~(b) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.~~

~~(c) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall adopt any building, electrical or safety codes as necessary to carry out the provisions of this subsection.~~

~~(d) The board of trustees of the school district shall ensure that the building department established by the board of trustees reviews the plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.~~

~~(e) The building department established by the board of trustees shall, in accordance with subsection 4, conduct a review of plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.~~

~~(f) The provisions of NRS 278.585 do not apply to the school district in its regulation of buildings, facilities, structures and property of the school district.~~

~~3. In a county whose population is less than 700,000:~~

~~(a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the building department of the county or other appropriate local building department in the county, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit.~~ ***For the purpose of granting such approval, any plans, designs and specifications that, at the time they are approved by a building department, comply with the least restrictive requirements which govern the height of buildings, building setback, landscaping, parking and lighting and which:***

(1) Are applicable in the county or in any local government in the county; or

(2) On July 1, 2013, were applicable in the county or in any local government in the county,

↵ shall be deemed to comply with any requirements governing such items that are otherwise applicable in the jurisdiction of the building department. ~~The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph.~~

~~(b) If there is no county building department or other appropriate local building department in the county in which the school district is located, the board of trustees of the school district shall enter into an agreement with the State Public Works Division of the Department of Administration, a private certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private certificate holder or building department pursuant to this paragraph.~~

~~(c) A permit for construction must be issued before the school district commences construction.~~

~~(d) The county building department or other appropriate local building department, the State Public Works Division of the Department of Administration or the private certificate holder, as applicable, shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. An inspection of the work by the State Fire~~

~~Marshal is not required if the work is inspected by the private certificate holder or building department.~~

~~— (c) A department, agency, private certificate holder or the State Public Works Division of the Department of Administration is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:~~

~~— (1) Review of the plans, designs or specifications as required by this subsection; or~~

~~— (2) The inspections conducted pursuant to this subsection.~~

~~— 4. In conducting reviews pursuant to this section, the State Public Works Division of the Department of Administration, building department or private certificate holder, as applicable, shall verify that the plans, designs and specifications comply with:~~

~~— (a) The applicable requirements of the relevant codes adopted by this State, including, without limitation, the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal;~~

~~— (b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and~~

~~— (c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~— 5. No contract for any of the purposes specified in this section made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.~~

~~— 6. As used in this section, "private certificate holder" means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor:~~

~~— (a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;~~

~~— (b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or~~

~~— (c) To perform the activities described in paragraphs (a) and (b).~~~~]~~ **(Deleted by amendment.)**

Sec. 3. ~~[In developing and adopting the expedited process for the approval of the zoning of public schools in Washoe County required by~~

~~NRS 278.0274, as amended by section 1 of this act, the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board shall consult with the governing body of each local government, each local planning commission and each affected entity having responsibility for planning or providing public facilities relating to public education in Washoe County.~~**]**

1. On or before February 28, 2014, in a county whose population is 100,000 or more but less than 700,000, the governing body of the county and the governing body of each city in the county shall each adopt by ordinance standards and specifications for the erection of any new school building or for any addition to or alteration of any existing school building which address the height of the building, the setback of the building, the landscaping and the amount of parking space that:

(a) Are consistent in all such ordinances; and

(b) Have been approved by the board of trustees of the school district of the county.

2. As used in this section, "governing body" has the meaning ascribed to it in NRS 278.015.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 413.

SUMMARY— ~~[Enacts the Revised]~~ **Revises the** Uniform Law on Notarial Acts. (BDR 19-1)

AN ACT relating to notarial acts; ~~[enacting the Revised Uniform Law on Notarial Acts; repealing]~~ **revising** certain provisions of the Uniform Law on Notarial Acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing law also allows the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. (NRS 240.181-240.206) Under existing law, to become an electronic notary public, a person must already be a notarial officer in Nevada and must successfully complete a

course of study on electronic notarization, enter into a bond, pay an application fee and take an oath. (NRS 240.192)

This bill ~~[replaces]~~ **revises various provisions of** the Uniform Law on Notarial Acts ~~[with the Revised Uniform Law on Notarial Acts (RULONA)]~~ and maintains existing law relating to the performance of notarial acts on electronic records by electronic notaries public. ~~[The RULONA defines certain standard notarial acts, including, without limitation, acknowledgment, the verification or witnessing of a signature and the certification of a copy of a record, and specifies the manner in which the act must be performed.]~~ **Sections 10 and 33** of this bill prohibit a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest. ~~[Sections 11-13 of this bill require a person seeking a notarial act to appear personally before the notarial officer and require the notarial officer to identify the person based on personal knowledge, certain types of identification or the oath or affirmation of a credible witness. Section 14 of this bill allows a notarial officer to refuse to perform a notarial act if the notarial officer is not satisfied that the signature is knowingly or voluntarily made or has concern as to the competency or capacity of the person.~~

~~Sections 16-18 of this bill provide for the recognition of notarial acts performed by notarial officers in this State, in another state of the United States, under the jurisdiction of a federally recognized Indian tribe or nation, or under federal authority. Section 19 of this bill provides for the recognition of notarial acts performed in a foreign state.~~

~~Section 20 of this bill requires a notarial act to be evidenced by a certificate which satisfies certain requirements. Sections 21-25 of this bill provide the form of this certificate for certain types of notarial acts.~~**]**

Section 13 of this bill establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. Section 35.3 of this bill specifically authorizes a notarial act to be performed in this State by a person authorized to perform that specific notarial act by the law of a federally recognized Indian tribe or nation. Section 35.5 of this bill revises provisions governing notarial acts performed within the jurisdiction of a foreign nation or a multinational or international organization.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 28, inclusive, of this act.

Sec. 1.5. ***"Domestic partners" has the meaning ascribed to it in NRS 122A.030.***

Sec. 2. ***"Notary public" means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.***

Sec. 3. ~~***[As used in NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.]***~~ **(Deleted by amendment.)**

Sec. 4. ***"Person" means*** ~~*[an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.]*~~ ***a natural person.***

Sec. 5. ~~***["Sign" means, with present intent to authenticate or adopt a document, to execute or adopt a tangible symbol.]***~~ **(Deleted by amendment.)**

Sec. 6. ~~***["Signature" means a tangible symbol that evidences the signing of a document.]***~~ **(Deleted by amendment.)**

Sec. 7. ***"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 8. ~~***[NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act may be cited as the Revised Uniform Law on Notarial Acts.]***~~ **(Deleted by amendment.)**

Sec. 9. ~~***[1. A notarial act may be performed in this State by the following persons:***~~

~~***(a) A notary public of this State;***~~

~~***(b) A judge, clerk or deputy clerk of any court of this State;***~~

~~***(c) A justice of the peace; or***~~

~~***(d) Any other person authorized to perform the specific act by the law of this State.***~~

~~***2. The signature and title of a person performing a notarial act in this State are prima facie evidence that the signature is genuine and that the person holds the designated title.***~~

~~***3. The signature and title of a notarial officer described in paragraph (a), (b) or (c) of subsection 1 conclusively establish the authority of the officer to perform the notarial act.]***~~ **(Deleted by amendment.)**

Sec. 10. ***1. A notarial officer may perform a notarial act authorized by NRS 240.001 to 240.169, inclusive, and sections*** ~~*[2]*~~ ***1.5 to 28, inclusive, of this act or by law of this State other than NRS 240.001 to 240.169, inclusive, and sections*** ~~*[2]*~~ ***1.5 to 28, inclusive, of this act.***

2. A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party, or in which either of them has a direct beneficial interest. A notary public may not perform a notarial act if the notarial act is prohibited by NRS 240.001 to 240.169, inclusive, and sections ~~[2]~~ 1.5 to 28, inclusive, of this act. A notarial act performed in violation of this subsection is voidable.

~~*[3. For the purposes of this section, a person is the domestic partner of a notarial officer if the person and the notarial officer are domestic partners, as that term is defined in NRS 122A.030.]*~~

Sec. 11. ~~***[1. A notarial officer who takes an acknowledgment of a document shall determine, from personal knowledge or satisfactory evidence of the identity of the person, that the person appearing before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the document is the signature of the person.***~~

~~***2. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the person, that the person appearing before the officer and signing the document has the identity claimed.***~~

~~***3. A notarial officer who certifies or attests a copy of a document or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the document or item.***~~

~~***4. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in subsection 2 of NRS 104.3505.***~~

~~***5. A notarial officer who administers an oath or affirmation shall determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.***~~

~~***6. A notarial officer who executes a jurat shall administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this subsection in substantially the following form:***~~

> ~~***Do you (solemnly swear or affirm) that the statements in this document are true, (so help you God)?]***~~ **(Deleted by amendment.)**

Sec. 12. ~~***[If a notarial act relates to a statement made in or a signature executed on a document, the person making the statement or executing the signature shall appear personally before the notarial officer.]***~~ **(Deleted by amendment.)**

Sec. 13. ~~*[1. A]*~~ ***For the purposes of NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act, a notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.***

~~*[2. A notarial officer has satisfactory evidence of the identity of a person appearing before the officer if the officer can identify the person:*~~

~~*(a) By means of:*~~

~~*(1) A passport, driver's license or government-issued nondriver identification card which is current or which expired not more than 3 years before performance of the notarial act;*~~

~~*(2) Another form of government identification issued to a person which is current or which expired not more than 3 years before performance of the notarial act, contains the signature or a photograph of the person and is satisfactory to the notarial officer; or*~~

~~*(3) A consular identification card.*~~

~~*(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license or government-issued nondriver identification card which is current or which expired not more than 3 years before performance of the notarial act. The oath or affirmation must be in substantially the following form:*~~

> ~~*Do you (solemnly swear or affirm) that you personally know .....(name of the person who signed the document) ....., (so help you God)?*~~

~~*3. A notarial officer may require a person to provide additional information or identification credentials necessary to assure the officer of the identity of the person.*~~

~~*4. As used in this section, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located in this State.]*~~

Sec. 14. ~~***[1. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:***~~

~~***(a) The person executing the record is competent or has the capacity to execute the record; or***~~

~~***(b) The person's signature is knowingly and voluntarily made.***~~

~~***2. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act.]***~~ **(Deleted by amendment.)**

Sec. 15. ~~***[If a person is physically unable to sign a record, the person may direct a person other than the notarial officer to sign the person's name on the record. The notarial officer shall insert "Signature affixed by***~~

~~*(insert name of other person) at the direction of (insert name of person)" or words of similar import.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. A notarial act performed in another state has the same effect under the law of this State as if performed by a notarial officer of this State, if the act performed in that state is performed by:*~~

~~*(a) A notary public of that state;*~~

~~*(b) A judge, clerk or deputy clerk of a court of that state; or*~~

~~*(c) Any other person authorized by the law of that state to perform the notarial act.*~~

~~*2. The signature and title of a person performing a notarial act in another state are prima facie evidence that the signature is genuine and that the person holds the designated title.*~~

~~*3. The signature and title of a notarial officer described in paragraph (a) or (b) of subsection 1 conclusively establish the authority of the notarial officer to perform the notarial act.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe or nation has the same effect as if performed by a notarial officer of this State, if the act performed in the jurisdiction of that tribe or nation is performed by:*~~

~~*(a) A notary public of that tribe or nation;*~~

~~*(b) A judge, clerk or deputy clerk of a court of that tribe or nation; or*~~

~~*(c) Any other person authorized by the law of that tribe or nation to perform the notarial act.*~~

~~*2. The signature and title of a person performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe or nation are prima facie evidence that the signature is genuine and that the person holds the designated title.*~~

~~*3. The signature and title of a notarial officer described in paragraph (a) or (b) of subsection 1 conclusively establish the authority of the notarial officer to perform the notarial act.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. A notarial act performed under federal law has the same effect under the law of this State as if performed by a notarial officer of this State, if the act performed under federal law is performed by:*~~

~~*(a) A judge, clerk or deputy clerk of a court;*~~

~~*(b) A person in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;*~~

~~*(c) A person designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or*~~

~~*(d) Any other person authorized by federal law to perform the notarial act.*~~

~~*2. The signature and title of a person acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.*~~

~~*3. The signature and title of an officer described in paragraph (a), (b) or (c) of subsection 1 conclusively establish the authority of the officer to perform the notarial act.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[1. If a notarial act is performed under the authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this State as if performed by a notarial officer of this State.*~~

~~*2. If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.*~~

~~*3. The signature and official stamp of a person holding an office described in subsection 2 are prima facie evidence that the signature is genuine and the person holds the designated title.*~~

~~*4. An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.*~~

~~*5. A consular authentication issued by a person designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the document or electronic record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.*~~

~~*6. As used in this section, "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe or nation.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[1. A notarial act must be evidenced by a certificate. The certificate must:*~~

~~*(a) Be executed contemporaneously with the performance of the notarial act;*~~

~~*(b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State;*~~

~~*(c) Identify the jurisdiction in which the notarial act is performed;*~~

~~*(d) Contain the title of office of the notarial officer; and*~~

~~*(e) If the officer is a notary public, indicate the date of expiration, if any, of the officer's appointment.*~~

~~*2. If a notarial act is performed by a notary public regarding a document, the notary public's stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a document by a notarial officer other than a notary public and the certificate contains the information specified in paragraphs (b), (c) and (d) of subsection 1, an official stamp may be affixed to or embossed on the certificate.*~~

~~*3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and:*~~

~~*(a) Is in the appropriate short form as set forth in NRS 240.1663 to 240.169, inclusive, and sections 21 to 25, inclusive, of this act;*~~

~~*(b) Is in a form otherwise permitted by the law of this State;*~~

~~*(c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or*~~

~~*(d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 11, 12 and 13 of this act or law other than NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act.*~~

~~*4. By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 11, 12 and 13 of this act.*~~

~~*5. A notarial officer may not affix the officer's signature to a certificate until the notarial act has been performed.*~~

~~*6. If a notarial act is performed regarding a document, a certificate must be part of, or securely attached to, the document.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[The following certificate is sufficient for an acknowledgment in an individual capacity, if completed with the information required by subsections 1 and 2 of section 20 of this act:*~~

~~*State of Nevada*~~
~~*County of .....*~~

~~*This record was acknowledged before me on .....(date) by.....(name(s) of person(s))*~~

~~*.....*~~
~~*Signature of notarial officer*~~

~~*(Stamp)*~~

~~*.....*~~
~~*Title of office, if notarial officer is not a notary public]*~~ **(Deleted by amendment.)**

Sec. 22. ~~[*The following certificate is sufficient for an acknowledgment in a representative capacity, if completed with the information required by subsections 1 and 2 of section 20 of this act:*~~

~~*State of Nevada*~~
~~*County of* .....~~

~~*This record was acknowledged before me on .....(date) by .....(name(s) of person(s)) as .....(type of authority, such as officer or trustee) of .....(name of party on behalf of whom record was executed)*~~

~~.....~~
~~*Signature of notarial officer*~~

~~*(Stamp)*~~

~~.....~~
~~*Title of office, if notarial officer is not a notary public]*~~ **(Deleted by amendment.)**

Sec. 23. ~~[*The following certificate is sufficient for executing a jurat, if completed with the information required by subsections 1 and 2 of section 20 of this act:*~~

~~*State of Nevada*~~
~~*County of* .....~~

~~*Signed and sworn to or affirmed before me on .....(date) by .....(name(s) of person(s) making statement)*~~

~~.....~~
~~*Signature of notarial officer*~~

~~*(Stamp)*~~

~~.....~~
~~*Title of office, if notarial officer is not a notary public]*~~ **(Deleted by amendment.)**

Sec. 24. ~~[*The following certificate is sufficient for witnessing or attesting a signature, if completed with the information required by subsections 1 and 2 of section 20 of this act:*~~

~~*State of Nevada*~~
~~*County of* .....~~

~~*Signed or attested before me on by .....(date) by .....(name(s) of person(s))*~~

~~.....~~

~~*Signature of notarial officer*~~

~~*(Stamp)*~~

~~.....~~

~~*Title of office, if notarial officer is not a notary public]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[The following certificate is sufficient for certifying a copy of a document, if completed with the information required by subsections 1 and 2 of section 20 of this act:*~~

~~*State of Nevada*~~
~~*County of .....*~~

~~*I certify that this is a true and correct copy of a document in the possession of .....*~~

~~*Dated .....*~~

~~.....~~

~~*Signature of notarial officer*~~

~~*(Stamp)*~~

~~.....~~

~~*Title of office, if notarial officer is not a notary public]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[Except as otherwise provided in subsection 2 of section 10 of this act, the failure of a notarial officer to perform the duties or meet the requirements specified in NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act does not prevent an aggrieved person from seeking to invalidate the document or transaction that is the subject of the notarial act or from seeking other remedies based on law of this State other than NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act or law of the United States. This section does not validate a purported notarial act performed by a person who does not have the authority to perform the act.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[In applying and construing NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~[*The provisions of NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).]~~ **(Deleted by amendment.)**

Sec. 29. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.206, inclusive, ***and sections*** ~~*[2]*~~ ***1.5 to 28, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.0055, inclusive, ***and*** ~~*[section]*~~ ***sections 1.5, 2 , 4 and 7 of this act*** have the meanings ascribed to them in those sections.

Sec. 30. ~~[NRS 240.004 is hereby amended to read as follows:~~

~~240.004 "Notarial act" means an act that a notarial officer [of this state is authorized to] *may* perform [.] *under the law of this State.* The term includes:~~

~~1. Taking an acknowledgment;~~

~~2. Administering an oath or affirmation;~~

~~3. *Witnessing or attesting a signature;*~~

~~*4.* Certifying *or attesting* a copy;~~

~~[4.] *5.* Executing a jurat;~~

~~[5.] *6.* Noting a protest of a negotiable instrument; and~~

~~[6.] *7.* Performing such other duties as may be prescribed by a specific statute.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 240.020 is hereby amended to read as follows:~~

~~240.020 A person appointed as a notary public pursuant to [this chapter] *NRS 240.010 to 240.155, inclusive,* may perform notarial acts *pursuant to NRS 240.010 to 240.169, inclusive, and sections 4 to 28, inclusive, of this act* in any part of this state for a term of 4 years, unless sooner removed. Such an appointment does not authorize the person to perform notarial acts in another state.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 240.040 is hereby amended to read as follows:~~

~~240.040 1. The [statement] *stamp* required by [paragraph (d) of] subsection [1] *2* of [NRS 240.1655] *section 20 of this act* must:~~

~~(a) Be imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp; and~~

~~(b) Set forth:~~

~~(1) The name of the notary public;~~

~~(2) The phrase "Notary Public, State of Nevada";~~

~~(3) The date on which the appointment of the notary public expires;~~

~~(4) The number of the certificate of appointment of the notary public;~~

~~(5) If the notary public so desires, the Great Seal of the State of Nevada; and~~

~~(6) If the notary public is a resident of an adjoining state, the word "nonresident."~~

~~2. After July 1, 1965, an embossed notarial seal is not required on notarized documents.~~

~~3. The stamp required pursuant to subsection 1 must:~~

~~(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and~~

~~(b) Produce a legible imprint.~~

~~4. A notary public shall not affix his or her stamp over printed material.~~

~~5. A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act.~~

~~6. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.~~ **(Deleted by amendment.)**

Sec. 33. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged ***,*** ~~[or]~~ sworn to ~~[:]~~ ***or witnessed or attested;***

(b) Except as otherwise provided in subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; ~~[or]~~

(c) The ***notary public and the*** person whose signature is to be acknowledged ***,*** ~~[or]~~ sworn to ***or witnessed or attested are domestic partners; or***

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative ***of the domestic partner of the notary public or a relative*** of the notary public by marriage or consanguinity.

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. As used in this section ,"relative" ~~*[:*~~

~~*(a) "Domestic partners" has the meaning ascribed to it in NRS 122A.030.*~~

~~*(b) "Relative"]*~~ includes, without limitation:

(a) ~~*[(1)]*~~ A spouse ~~[,]~~ ***or domestic partner,*** parent, grandparent or stepparent;

(b) ~~*[(2)]*~~ A natural born child, stepchild or adopted child;

(c) ~~*[(3)]*~~ A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) ~~*[(4)]*~~ A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse ***or domestic partner*** of the notary public; and

(e) ~~*[(5)]*~~ A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse ***or domestic partner*** of the notary public.

Sec. 34. NRS 240.120 is hereby amended to read as follows:

240.120 1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

(a) The fees charged, if any;

(b) The title of the document;

(c) The date on which the notary public performed the ~~[~~service;~~]~~ ***act;***

(d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;

(e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;

(f) An indication of whether the notary public administered an oath; and

(g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655. ~~*[section 20 of this act.]*~~

2. A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:

(a) For the same person and at the same time; and

(b) On one document or on similar documents.

3. When taking an acknowledgment for a person, a notary public need not require the person to sign the journal if the notary public has performed a notarial act for the person within the previous 6 months and the notary public has personal knowledge of the identity of the person.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

6. The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

7. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

10. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) **,** ~~**[**or**]**~~ (d) ***or (e)*** of subsection 1 of NRS 240.1635. ~~*[section 9 of this act.]*~~

Sec. 35. ~~**[**NRS 240.155 is hereby amended to read as follows:~~

~~240.155 1. A notary public who is appointed pursuant to **[**this chapter**]** ***NRS 240.010 to 240.155, inclusive,*** shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:~~

~~(a) Is known to the notary public; or~~

~~(b) If unknown to the notary public, provides a credible witness or documentary evidence of identification to the notary public.~~

~~2. A person who:~~

~~(a) Violates the provisions of subsection 1; or~~

~~(b) Aids and abets a notary public to commit a violation of subsection 1,~~

~~is guilty of a gross misdemeanor.**]** **(Deleted by amendment.)***

Sec. 35.3. **NRS 240.1635 is hereby amended to read as follows:**

240.1635 1. A notarial act may be performed within this State by the following persons:

(a) A notary public of this State;

(b) A judge, clerk or deputy clerk of any court of this State;

(c) A justice of the peace; ~~**[**or**]**~~

(d) Any other person authorized to perform the specific act by the law of this State ~~**[**.**]**~~ ***; or***

(e) A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.

2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Sec. 35.5. **NRS 240.165 is hereby amended to read as follows:**

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

(a) A notary public;

(b) A judge, clerk or deputy clerk of a court of record; ~~[or]~~

(c) A person authorized by the law of that jurisdiction to perform notarial acts ~~[.]~~ ***;***

(d) A person authorized by federal law to perform notarial acts; or

(e) A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.

2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 35.7. **NRS 240.1655 is hereby amended to read as follows:**

240.1655 1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada
County of .....

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. ***The certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.***

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. ~~[A]~~ ***Except as otherwise provided in subsection 8, a*** notarial officer shall:

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

> Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and it:

(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

(b) Is in a form otherwise prescribed by the law of this State;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

(a) Is personally known to the notarial officer;

(b) Is identified upon the oath or affirmation of a credible witness ~~[,]~~ ***who personally appears before the notarial officer;***

(c) Is identified on the basis of an identifying document which contains a signature and a photograph;

(d) Is identified on the basis of a consular identification card;

(e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or

(f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form:

> Do you (solemnly swear, or affirm) that you personally know ……(name of person who signed the document)……, (so help you God)?

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. ***If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert "Signature affixed by (insert name of other person) at the direction of (insert name of person)" or words of similar import.***

9. As used in this section, unless the context otherwise requires, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

Sec. 36. ~~[NRS 240.1663 is hereby amended to read as follows:~~

~~240.1663~~ ~~[Upon compliance with the requirements of NRS 240.1655, the]~~ ~~***The*** following certificate is sufficient for administering an oath or affirmation of office~~ ~~[:]~~ ~~***, if completed with the information required by subsections 1 and 2 of section 20 of this act:***~~

~~State of Nevada~~
~~County of .....~~

~~I, ...(name of person taking oath or affirmation of office)....., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the Constitution and Government of the State of Nevada against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of .....(title of office)....., on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.~~

~~.....~~
~~(Signature of person taking oath or affirmation of office)~~

~~Signed and sworn to (or affirmed) before me on .....(date)..... by .....(name of person taking oath or affirmation of office).....~~

~~.....~~
~~(Signature of notarial officer)~~

~~[(Seal, if any)]~~ ***(Stamp)***

~~.....~~
~~(Title and rank (optional))]~~ **(Deleted by amendment.)**

Sec. 37. ~~[NRS 240.1667 is hereby amended to read as follows:~~

~~240.1667 [Upon compliance with the requirements of NRS 240.1655, the]~~ ***The*** following certificate is sufficient for an acknowledgment that contains a power of attorney ~~[:]~~ ***, if completed with the information required by subsections 1 and 2 of section 20 of this act:***

~~State of Nevada~~
~~County of .....~~

~~This instrument was acknowledged before me on .....(date)..... by .....(name of person holding power of attorney)..... as attorney in fact for .....(name of principal/person whose name is in the document).....~~

~~.....~~
~~(Signature of notarial officer)~~

~~[(Seal, if any)]~~ ***(Stamp)***

~~.....~~
~~(Title and rank (optional))]~~ **(Deleted by amendment.)**

Sec. 38. ~~[NRS 240.1685 is hereby amended to read as follows:~~

~~240.1685~~ **[**~~Upon compliance with the requirements of NRS 240.1655, the~~**]** ***The*** ~~following certificate is sufficient for a jurat of a subscribing witness~~ ~~[:] , if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

~~State of Nevada~~
~~County of .....~~

~~On .....(date)....., ...(subscribing witness)..... personally appeared before me, whom I know to be the person who signed this jurat of a subscribing witness while under oath, and swears that he or she was present and witnessed .....(signer of the document)..... sign his or her name to the above document.~~

~~.....~~
~~(Signature of subscribing witness)~~

~~Signed and sworn before me on .....(date)..... by .....(subscribing witness).....~~

~~.....~~
~~(Signature of notarial officer)~~

~~[(Seal, if any)] (Stamp)~~

~~.....~~
~~(Title and rank (optional))]~~ **(Deleted by amendment.)**

Sec. 39. ~~[NRS 240.169 is hereby amended to read as follows:~~

~~240.169~~ **[**~~Upon compliance with the requirements of NRS 240.1655, the~~**]** ***The*** ~~following certificate is sufficient for an acknowledgment of a credible witness~~ ~~[:] , if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

~~State of Nevada~~
~~County of .....~~

~~This instrument was acknowledged before me on .....(date)..... by .....(name of person)..... who personally appeared before me and whose identity I verified upon the oath of .....(name of credible witness)....., a credible witness personally known to me and to the person who acknowledged this instrument before me.~~

~~.....~~
~~(Signature of notarial officer)~~

~~[(Seal, if any)] (Stamp)~~

~~.....~~

~~(Title and rank (optional))]~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 240.189 is hereby amended to read as follows:~~

~~240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, *and sections 2 to 28, inclusive, of this act* which are not inconsistent with NRS 240.181 to 240.206, inclusive. To the extent that the provisions of NRS 240.001 to 240.169, inclusive, *and sections 2 to 28, inclusive, of this act* conflict with the provisions of NRS 240.181 to 240.206, inclusive, the provisions of NRS 240.181 to 240.206, inclusive, control.]~~ **(Deleted by amendment.)**

Sec. 41. ~~[NRS 240.199 is hereby amended to read as follows:~~

~~240.199 An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:~~

~~1. The electronic signature of the electronic notary public;~~

~~2. The electronic seal of the electronic notary public; and~~

~~3. The wording of a notarial certificate pursuant to NRS [240.1655, 240.166 to 240.167, inclusive, 240.1685 or] *240.1663 to* 240.169 [.] , *inclusive, and sections 21 to 25, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 42. ~~[NRS 105.050 is hereby amended to read as follows:~~

~~105.050 1. If a security instrument filed with the Secretary of State grants an interest, as security, in any real property owned by the public utility, a notice of filing of a security instrument affecting real property must be recorded in the office of the county recorder in the county where the real property is located, stating:~~

~~(a) The name of the public utility which executed the security instrument;~~

~~(b) That a security instrument affecting real property in the county has been executed by the public utility; and~~

~~(c) That the security instrument was filed, and other security instruments may later be on file, in the Office of the Secretary of State.~~

~~2. The notice required by this section must be acknowledged or proved and certified in the manner provided in chapter 111 of NRS and in NRS [240.161] *240.1663* to 240.169, inclusive [.] , *and sections 3 to 28, inclusive, of this act.*~~

~~2. After such recording, no notice need be recorded regarding other security instruments executed by the public utility. The notice recorded under subsection 1 is sufficient to provide notice of all subsequent security instruments:~~

~~(a) Executed by the public utility;~~

~~(b) Filed with the Secretary of State; and~~

~~(c) Granting an interest, as security, in any real property, and fixtures thereto, located in the county where the notice is recorded.~~

~~3. Notices recorded pursuant to subsection 1 must be recorded and indexed by the county recorder in the same records and indexes as are mortgages on real property.~~**]** **(Deleted by amendment.)**

Sec. 43. ~~**[**NRS 111.240 is hereby amended to read as follows:~~

~~111.240 Every conveyance in writing whereby any real property is conveyed or may be affected must be acknowledged or proved and certified in the manner provided in this chapter and in NRS~~ **[**~~240.161~~**]** ***240.1663*** ~~to 240.169, inclusive~~ ***[.] , and sections 4 to 28, inclusive, of this act.]*** **(Deleted by amendment.)**

Sec. 44. ~~**[**NRS 278.374 is hereby amended to read as follows:~~

~~278.374 1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in the manner provided in NRS~~ **[**~~240.1665 or~~**]** ~~240.167,~~ ***or section 21 or 22 of this act,*** ~~by each person who is an owner of the land:~~

~~(a) Consenting to the preparation and recordation of the final map.~~

~~(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.~~

~~(c) Reserving any parcel from dedication.~~

~~(d) Granting any permanent easement for utility or video service network installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, video service provider or person in whose favor the easement is created or whose services are required.~~

~~2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.~~

~~3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:~~

~~(a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:~~

~~(1) Each owner of record of the land to be divided; and~~

~~(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.~~

~~The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.~~

~~(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:~~

~~(1) The final map; or~~

~~(2) A separate document that is filed with the final map and declares his or her consent to the division of land.~~

~~4. For the purpose of this section, the following shall be deemed not to be an interest in land:~~

~~(a) A lien for taxes or special assessments.~~

~~(b) A trust interest under a bond indenture.~~

~~5. As used in this section, "guarantee" means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (e) of subsection 1 of NRS 692A.120.~~**]** **(Deleted by amendment.)**

Sec. 45. **[**~~NRS 278.496 is hereby amended to read as follows:~~

~~278.496 1. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to NRS~~ **[**~~240.166, 240.1665 or~~**]** ~~240.167,~~ ***or section 21 or 22 of this act,*** ~~by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.~~

~~2. A governing body may by ordinance require a map of reversion presented for recording to include:~~

~~(a) A report from a title company which lists the names of:~~

~~(1) Each owner of record of the land; and~~

~~(2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.~~

~~(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion. A holder of record of a security interest may consent by signing:~~

~~(1) The map of reversion; or~~

~~(2) A separate document that is recorded with the map of reversion and declares his or her consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.~~

~~3. For the purpose of this section, the following shall be deemed not to be an interest in land:~~

~~(a) A lien for taxes or special assessments.~~

~~(b) A trust interest under a bond indenture.~~**]** **(Deleted by amendment.)**

Sec. 46. **[**~~NRS 533.382 is hereby amended to read as follows:~~

~~533.382 Except as otherwise provided in NRS 533.387, every conveyance of an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water~~

~~right or an application or permit to change the place of diversion, manner of use or place of use of water must be:~~

~~1. Made by deed;~~

~~2. Acknowledged in the manner provided in NRS [240.161 to 240.168, inclusive;] *240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act;* and~~

~~3. Recorded in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[NRS 240.161, 240.1635, 240.164, 240.1645, 240.165, 240.1655, 240.1657, 240.166, 240.1665, 240.167 and 240.168 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 48. The amendatory provisions of this act apply to a notarial act performed on or after January 1, 2014.

Sec. 49. This act becomes effective on January 1, 2014.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~**240.161 Short title; uniformity of application and construction.**~~
~~**240.1635 Notarial acts in this State.**~~
~~**240.164 Notarial acts in other jurisdictions of United States.**~~
~~**240.1645 Notarial acts under federal authority.**~~
~~**240.165 Foreign notarial acts.**~~
~~**240.1655 Notarial acts.**~~
~~**240.1657 Authentication of signature of notarial officer by Secretary of State.**~~
~~**240.166 Short form for acknowledgment in individual capacity.**~~
~~**240.1665 Short form for acknowledgment in representative capacity.**~~
~~**240.167 Short form for execution of jurat.**~~
~~**240.168 Short form for certifying copy of document.]**~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 432.

AN ACT relating to alcoholic beverages; providing for the licensing and operation of craft distilleries in this State; setting forth the conditions under

which spirits manufactured at such craft distilleries may be sold; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the operation of brew pubs and instructional wine-making facilities. (NRS 597.230, 597.245) Under existing law, facilities such as brew pubs and instructional wine-making facilities must be licensed, a fee is imposed for the license, and a person who engages in business in this State without having the appropriate permit or license for the business is guilty of a misdemeanor. (NRS 360.490, 369.180, 369.300) ~~[This]~~ **Sections 1 and 2-8 of this** bill: (1) ~~[authorizes]~~ **authorize** the operation of craft distilleries in Nevada; (2) ~~[sets]~~ **set** forth the permissible scope of operation for those craft distilleries; (3) ~~[requires]~~ **require** that the craft distilleries be licensed; and (4) ~~[imposes]~~ **impose** a licensing fee of $75.

Existing law prohibits a supplier of malt beverages, distilled spirits and wines from unilaterally terminating or refusing to continue a franchise with a wholesaler or causing a wholesaler to resign from a franchise without first establishing good cause. (NRS 597.160) Section 1.5 of this bill revises an exception to that provision so that suppliers who sell less than 2,000 rather than 2,500 barrels of malt beverage in any calendar year are excluded from that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may operate a craft distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

(b) Complies with the requirements of this section; and

(c) Complies with any other applicable governmental requirements.

2. A person who operates a craft distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the craft distillery shall ensure that none of the spirits manufactured at the craft distillery are derived from neutral or distilled spirits manufactured by another manufacturer.

(b) In any calendar year, ~~[sell]~~ manufacture for sale and transport in Nevada not more than ~~[15,000]~~ a combined total of 10,000 cases of spirits ~~[manufactured]~~ at all the craft ~~[distillery to a person who holds a valid license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.]~~ distilleries the person operates.

(c) ~~[Export in any quantity]~~ In any calendar year, manufacture for exportation to another state ~~[the]~~ , not more than a combined total of

20,000 cases of spirits ~~[manufactured]~~ at all the craft ~~[distillery.]~~ distilleries the person operates.

(d) On the premises of the craft distillery, serve samples of the spirits manufactured at the craft distillery. Any such samples must not exceed, per person, per day, ~~[1 fluid ounce]~~ 2 fluid ounces in volume . ~~[of each type of spirit manufactured at the craft distillery.]~~

(e) On the premises of the craft distillery , ~~[:~~

~~(1) Serve the spirits manufactured at the craft distillery by the glass for consumption on the premises; and~~

~~(2) Sell]~~ sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per ~~[day, one-half gallon in volume of each type of spirit manufactured at the craft distillery.]~~ month, one-half of a case of spirits. Spirits purchased on the premises of a craft distillery ~~[may]~~ must not be resold by the purchaser or any retail liquor store.

3. As used in this section, "case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.

Sec. 1.5. **NRS 597.160 is hereby amended to read as follows:**

597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises.

2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than ~~[~~2,500~~]~~ ***2,000*** barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.

3. A wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier.

4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.

Sec. 2. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.250, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. ***"Craft distillery" means an establishment which:***

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell and distribute those distilled spirits pursuant to the provisions of section 1 of this act.

4. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

5. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

~~[4.]~~ ***6.*** "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

~~[5.]~~ ***7.*** "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

~~[6.]~~ ***8.*** "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

~~[7.]~~ ***9.*** "Supplier" has the meaning ascribed to it in NRS 597.140.

~~[8.]~~ ***10.*** "Wine" has the meaning ascribed to it in NRS 369.140.

Sec. 3. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in ***subsection 2 and*** NRS 597.240, ~~*[and section 1 of this act,]*~~ a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not ~~[engage]~~ ***:***

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages ~~[.]~~ ***; or***

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 4. NRS 597.220 is hereby amended to read as follows:

597.220 1. ~~[~~Any~~]~~ ***Except as otherwise provided in*** ~~*[section 1 of this act,]*~~ ***subsection 3, a*** person who is engaged in the business of importing or wholesaling alcoholic beverages in the State of Nevada shall not engage in the business of retailing alcoholic beverages in this state.

2. For the purposes of this section, a person who transfers or receives alcoholic beverages in the manner described in NRS 369.4865 must not be considered to be engaged in the business of wholesaling alcoholic beverages based solely upon those transfers.

3. This section does not prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 5. NRS 597.250 is hereby amended to read as follows:

597.250 The license of any person who violates the provisions of NRS 597.210, 597.220, 597.230 or 597.245 ***or section 1 of this act*** must be suspended or revoked in the manner provided in chapter 369 of NRS.

Sec. 6. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. ***A person who holds a license for a craft distillery:***

(a) May engage in any activity authorized by section 1 of this act.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

4. As used in this section:

(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.

(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

(c) ***"Craft distillery" has the meaning ascribed to it in NRS 597.200.***

(d) "Malt beverage" has the meaning ascribed to it in NRS 597.200.

Sec. 7. NRS 369.300 is hereby amended to read as follows:

369.300 The following is a schedule of fees to be charged for licenses:

Importer's wine, beer and liquor license	500
Importer's beer license	150
Wholesale wine, beer and liquor license	250
Wholesale beer dealer's license	75
Wine-maker's license	75
License for an instructional wine-making facility	75
Brew pub's license	75
Brewer's license	75
Craft distiller's license	***75***

Sec. 8. NRS 369.382 is hereby amended to read as follows:

369.382 ***1.*** Except as otherwise provided in ***subsection 2,*** NRS 369.386 and 369.415, ~~*[and section 1 of this act,]*~~ a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

2. This section does not prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 9. This act becomes effective on ~~[passage and approval.]~~ **July 1, 2013.**

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 556.

SUMMARY—Revises provisions governing ~~[retail installment contracts.]~~ **trade regulations.** (BDR ~~[8-977)]~~ **52-977)**

AN ACT relating to ~~[retail installment contracts;]~~ **trade regulations; authorizing a secured party who finances the sale of motor vehicles to install certain devices in the motor vehicles which he or she finances; authorizing a lessor of motor vehicles to install certain devices in the motor vehicles which he or she leases;** revising provisions relating to retail installment contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill authorize secured parties who finance the sale of motor vehicles and lessors of motor vehicles to install devices in the motor vehicles which they finance or lease, respectively, which are used to remotely disable a motor vehicle upon breach or default of the sale or lease agreement by the debtor or lessee, as applicable.

Existing law requires certain retail installment contracts to be contained in a single document which must contain the entire agreement of the parties. (NRS 97.165) ~~[This]~~ **Section 4 of this** bill amends that requirement, commonly known as the "single document rule," to provide that it ~~[only applies to the agreement of the parties with respect to certain information relating to the total price and the terms of payment. This bill also authorizes a seller to provide to the buyer in a separate document any other disclosures not related to such information.]~~ **does not apply to the sale of a motor vehicle in which a secured party and a debtor enter into an agreement authorizing the secured party to install and use a device which is able to remotely disable the motor vehicle upon breach or default by the debtor.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. A secured party who finances the sale of a motor vehicle shall not install or use electronic repossession technology in a motor vehicle which he or she finances to take possession of the motor vehicle or, without removal, to render the motor vehicle unusable, unless:***

(a) After executing the retail installment contract, the secured party and the debtor enter into an agreement which is contained in a separate document, is not a condition of the retail installment contract and which provides that:

(1) Electronic tracking technology may be used by the secured party only to ensure that the electronic tracking technology is operating properly, to repossess the motor vehicle, to locate the motor vehicle for the purpose of servicing the retail installment contract or to keep the retail installment contract current;

(2) The debtor may cancel the agreement authorizing the use of electronic tracking technology at any time during the term of the retail installment contract without affecting the sale of the motor vehicle or any term or condition of the retail installment contract; and

(3) After providing proper notice to the debtor, a secured party may use starter interrupt technology to disable a motor vehicle following certain defaults or breaches of the retail installment contract; and

(b) At the time of the sale of the motor vehicle, the secured party provides the debtor with a written disclosure that the vehicle is equipped with electronic repossession technology and which includes, without limitation:

(1) The nature of the defaults or breaches following which the secured party may use the electronic repossession technology;

(2) The prohibitions on the use of the electronic repossession technology as provided in subsection 3;

(3) The name, address and toll-free telephone number of the secured party for the purpose of communicating directly with the secured party concerning the security interest in the motor vehicle and the extension of credit; and

(4) That in the event of an emergency, the debtor will be able to start a disabled vehicle for at least 24 hours.

2. Before using the electronic repossession technology in a motor vehicle which is financed by a secured party, the secured party shall provide written notice to the debtor that the secured party will use the electronic repossession technology to disable the motor vehicle within 3 days, excluding Saturdays, Sundays and holidays, after issuance of the notice.

3. The use of electronic repossession technology in a motor vehicle which is financed by a secured party is prohibited if:

(a) Disablement of the motor vehicle will occur while the engine of the motor vehicle is running;

(b) The electronic repossession technology causes an audible warning which lasts longer than 20 seconds upon starting or shutting off the engine of the motor vehicle;

(c) The secured party has reason to know that the use of the electronic repossession technology will result in substantial injury or harm to the debtor, the public health, safety or welfare, or will in any way adversely affect any third party; or

(d) Less than 30 days have lapsed since the default or breach of contract by the debtor.

4. A debtor may not waive any of the provisions of this section.

5. The failure by a secured party to comply with any provision of this section shall be considered a deceptive trade practice in violation of NRS 598.0923, and a debtor may file a claim for relief. In addition to any other remedy available pursuant to NRS 41.600, chapter 598 of NRS or any other provision of law, a debtor who prevails in an action pursuant to this subsection shall be awarded a minimum of $1,000 as statutory damages, or damages pursuant to subsection 3 of NRS 104.9625, whichever is greater.

6. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for contracts for the use of electronic repossession technology.

7. As used in this section, unless the context otherwise requires:

(a) "Electronic repossession technology" means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.

(b) "Electronic tracking technology" means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.

(c) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

(d) "Secured party" has the meaning ascribed to it in NRS 104.9102.

(e) "Starter interrupt technology" means technology used to remotely disable the starter of a motor vehicle.

Sec. 3. 1. A lessor who leases a motor vehicle shall not install or use electronic repossession technology in a motor vehicle which he or she leases to take possession of the motor vehicle or, without removal, to render the motor vehicle unusable, unless:

(a) After consummation of the lease agreement, the lessor and the lessee enter into an agreement which is contained in a separate document, is not a condition of the lease agreement and which provides that:

(1) Electronic tracking technology may be used by the lessor only to ensure that the electronic tracking technology is operating properly, to repossess the motor vehicle, to locate the motor vehicle for the purpose of servicing the lease agreement or to keep the lease agreement current;

(2) The lessee may cancel the agreement authorizing the use of electronic tracking technology at any time during the term of the lease agreement without affecting the lease of the motor vehicle or any term or condition of the lease agreement; and

(3) After providing proper notice to the lessee, a lessor may use starter interrupt technology to disable a motor vehicle following certain defaults or breaches of the lease agreement; and

(b) At the time of the lease of the motor vehicle, the lessor provides the lessee with a written disclosure that the vehicle is equipped with electronic repossession technology and which includes, without limitation:

(1) The nature of the defaults or breaches following which the lessor may use the electronic repossession technology;

(2) The prohibitions on the use of the electronic repossession technology as provided in subsection 3;

(3) The name, address and toll-free telephone number of the lessor for the purpose of communicating directly with the lessor concerning the security interest in the motor vehicle and the extension of credit; and

(4) That in the event of an emergency, the lessee will be able to start a disabled vehicle for at least 24 hours.

2. Before using the electronic repossession technology in a motor vehicle which is leased by a lessor, the lessor shall provide written notice to the lessee that the lessor will use the electronic repossession technology to disable the motor vehicle within 3 days, excluding Saturdays, Sundays and holidays, after issuance of the notice.

3. The use of electronic repossession technology in a motor vehicle which is leased by a lessor is prohibited if:

(a) Disablement of the motor vehicle will occur while the engine of the motor vehicle is running;

(b) The electronic repossession technology causes an audible warning which lasts longer than 20 seconds upon starting or shutting off of the engine of a motor vehicle;

(c) The lessor has reason to know that the use of the electronic repossession technology will result in substantial injury or harm to the lessee, the public health, safety or welfare, or will in any way adversely affect any third party; or

(d) Less than 30 days have lapsed since the default or breach of contract by the debtor.

4. A lessee may not waive any of the provisions of this section.

5. The failure by a lessor to comply with any provision of this section shall be considered a deceptive trade practice in violation of NRS 598.0923, and a lessee may file a claim for relief. In addition to any other remedy available pursuant to NRS 41.600, chapter 598 of NRS or any other provision of law, a lessee who prevails in an action pursuant to this subsection shall be awarded a minimum of $1,000, as statutory damages.

6. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for contracts for the use of electronic repossession technology.

7. As used in this section, unless the context otherwise requires:

(a) "Electronic repossession technology" means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.

(b) "Electronic tracking technology" means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.

(c) "Starter interrupt technology" means technology used to remotely disable the starter of a motor vehicle.

~~[Section 1.]~~ ***Sec. 4.*** NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties , ~~[with respect to the items set forth in NRS 97.185,]~~ including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205 and 97.235, ***and section 2 of this act,*** but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

(c) ~~[The seller may provide]~~ ***In a transaction involving the purchase of a motor vehicle, the parties may enter into an agreement contained in a separate document*** ~~[any disclosure not otherwise related to the items set~~

~~*forth in NRS 97.185.]*~~ ***authorizing the use of electronic repossession technology pursuant to the provisions of section 2 of this act.***

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

4. As used in this section, "electronic repossession technology" has the meaning ascribed to it in paragraph (a) of subsection 7 of section 3 of this act.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 535.

AN ACT relating to energy; authorizing the Colorado River Commission of Nevada to sell electricity and provide transmission service and distribution service to certain new customers; **requiring such a customer to purchase any balance of its capacity and electric transmission and distribution services from an electric utility that primarily serves densely populated counties; requiring certain new customers of the Commission to pay certain charges, fees and tariffs;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 1922, seven states, including Nevada, entered into the Colorado River Compact to allocate among the joining states the water rights to the Colorado River and its tributaries in the Colorado River Basin. The United States Congress passed the Boulder Canyon Project Act in 1928 (43 U.S.C. §§ 617 et seq.) to provide for the construction of works along the Colorado River, including the Hoover Dam, and to approve the Colorado River Compact. In 1935, the Nevada Legislature created the Colorado River Commission of Nevada and charged the Commission with securing and protecting Nevada's rights and interests in the waters of the Colorado River and in hydroelectric power generated on the Colorado River. (NRS 538.041-538.251) Various

federal laws have modified the allocation of hydroelectric power delivered from the Hoover Dam since its construction. Most recently, the United States Congress passed the Hoover Power Allocation Act of 2011 (43 U.S.C. §§ 619 et seq.), which creates a resource pool of capacity and associated firm energy for new customers in certain geographical areas of Nevada, California and Arizona that do not currently receive power from the Hoover Dam. The Act directs the Commission to allocate a certain amount of capacity and associated firm energy from the resource pool to new customers in Nevada under contracts that will become effective on October 1, 2017.

Existing Nevada law authorizes the Commission to sell electricity without being subject to the jurisdiction of the Public Utilities Commission of Nevada only to meet the existing and future electricity requirements of certain existing customers in this State. (NRS 704.787) This bill authorizes the Commission to contract with **certain** new **eligible** customers to allocate the 5 percent of capacity and associated firm energy which is available to the Commission as a resource pool for new customers pursuant to the Hoover Power Allocation Act of 2011 without subjecting the Commission to the jurisdiction of the Public Utilities Commission of Nevada. This bill prohibits the Commission from meeting the demand for electricity of any new customer that is located within the service area of an electric utility that primarily serves densely populated counties in excess of the allocation made to the customer from the resource pool of capacity and associated firm energy created pursuant to the Hoover Power Allocation Act of 2011 **[.] and requires such a new customer to purchase any balance of its capacity and electric transmission and distribution services from the electric utility. This bill further requires certain new customers to pay certain charges and fees and to account for the customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility. This bill also requires the Public Utilities Commission of Nevada to establish a just and reasonable tariff, payable to the electric utility, for the provision by the electric utility of electricity and electric distribution service to new customers of the Colorado River Commission of Nevada.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.787 is hereby amended to read as follows:

704.787 1. The Colorado River Commission of Nevada may **,** ***without being subject to the jurisdiction of the Public Utilities Commission of Nevada,*** sell electricity and provide transmission service or distribution service, or both, only to meet the existing and future requirements of:

(a) Any customer that the Colorado River Commission of Nevada on July 16, 1997, was serving or had a contract to serve **.** ~~**[**~~**; and**~~**]**~~

(b) The Southern Nevada Water Authority and its member agencies for their water and wastewater operations . ~~[,~~

~~➥ without being subject to the jurisdiction of the Public Utilities Commission of Nevada.]~~

(c) Except as otherwise provided in this paragraph ~~[,]~~ ***and subsection 2, any customer that receives an allocation of capacity and associated firm energy from the Western Area Power Administration of the United States Department of Energy, and any customer that has had an annual peak load of at least 1 megawatt and receives an allocation of capacity and associated firm energy of at least 1 megawatt from the Colorado River Commission of Nevada, on or after October 1, 2017, from the resource pool of capacity and associated firm energy created pursuant to the Hoover Power Allocation Act of 2011, 43 U.S.C. §§ 619 et seq. The Colorado River Commission of Nevada shall not, by the sale of electricity or by the provision of any transmission service or distribution service pursuant to this paragraph, meet the demand for electricity of any customer that is located within the service area of an electric utility that primarily serves densely populated counties in excess of the allocation made to the customer from the resource pool of capacity and associated firm energy created pursuant to the Hoover Power Allocation Act of 2011, 43 U.S.C. §§ 619 et seq.***

2. ***A customer that receives an allocation of capacity and firm energy as described in paragraph (c) of subsection 1 shall, if the customer is located within the service area of an electric utility that primarily serves densely populated counties, purchase from the electric utility any necessary transmission and distribution services and any balance of capacity and energy which is not purchased pursuant to paragraph (c) of subsection 1 or generated by the customer.***

3. Except as otherwise provided in this subsection, a customer shall, for the capacity and firm energy received as described in paragraph (c) of subsection 1:

(a) Pay the universal energy charge imposed pursuant to NRS 702.160, unless the customer is the State, a political subdivision of the State or any other governmental entity or customer that is not required to pay the universal service charge pursuant to NRS 702.160.

(b) Pay any mandatory fees imposed by the Public Utilities Commission of Nevada pursuant to chapter 701B, 702 or 704 of NRS which are assessed against customers in the same rate class.

(c) If the customer is located within the service area of an electric utility that primarily serves densely populated counties, pay to the electric utility a fee or receive a credit from the electric utility which is approved by the Public Utilities Commission of Nevada pursuant to paragraph (b) of

subsection 7 of NRS 704B.310 for the purpose of offsetting the customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility for the costs for purchased fuel and purchased power and for which the electric utility seeks a rate adjustment pursuant to subsections 10 and 11 of NRS 704.110.

➥ The provisions of this subsection do not apply to a customer who receives an allocation described in paragraph (c) of subsection 1 in accordance with the State Plan for Economic Development developed pursuant to NRS 231.053.

4. The Public Utilities Commission of Nevada shall establish a just and reasonable tariff for ~~[such]~~ ~~*[the]*~~ ***:***

(a) The electric distribution service ***authorized by paragraphs (a) and (b) of subsection 1*** to be provided by an electric utility that primarily serves densely populated counties to the Colorado River Commission of Nevada for its sale of electricity or electric distribution services, or both, to ~~[any]~~ ***a*** customer ~~[that]~~ ~~*[to which]*~~ ***of*** the Colorado River Commission of Nevada ~~[on July 16, 1997, was serving or had a contract to serve, and to the Southern Nevada Water Authority and its member agencies to meet the existing and future requirements for their water and wastewater operations.]~~ ~~*[is authorized to sell electricity or provide an electric distribution service]*~~ ***pursuant to paragraph (a) or (b) of subsection 1.***

(b) The electricity and electric distribution service authorized by paragraph (c) of subsection 1 and subsection 2 to be provided by an electric utility that primarily serves densely populated counties to the Colorado River Commission of Nevada for its sale of electricity or electric distribution services, or both, to a customer of the Colorado River Commission of Nevada pursuant to paragraph (c) of subsection 1.

~~[3.]~~ ***5.*** An electric utility that primarily serves densely populated counties shall provide electric distribution service pursuant to the tariff required by subsection ~~[2.]~~ ***4.***

~~[4.]~~ ***6.*** The Colorado River Commission of Nevada ~~[shall:~~

~~(a) Review and analyze available information, studies and reports to assess the feasibility of constructing a hydrokinetic generation project below Hoover Dam to assist in meeting any existing or future requirements described in subsection 1; and~~

~~(b) If the analysis indicates that construction of such a hydrokinetic generation project is feasible, present that analysis to appropriate agencies of the Federal Government and request that those agencies determine whether to construct a hydrokinetic generation project below Hoover Dam.]~~ ***may adopt regulations to carry out the provisions of this section.***

~~[5.]~~ ***7.*** As used in this section:

(a) ***"Costs for purchased fuel and purchased power" has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 704.187.***

(b) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

~~[(b)] [~~"Hydrokinetic generation project" means a project that generates electricity from waves or directly from the flow of water in rivers, streams, channels and other inland waterways.~~]~~

(c) "Southern Nevada Water Authority" has the meaning ascribed to it in NRS 538.041.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2013, for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 502.

SUMMARY—Requires the Department of Motor Vehicles to contract for ~~[certain electronic services.]~~ **the establishment of an electronic lien system.** (BDR 43-947)

AN ACT relating to the Department of Motor Vehicles; requiring the Department to ~~[establish and implement a system to process security interests electronically; requiring the Department to contract with a supplier to establish and implement such a]~~ **contract with a vendor or vendors for the establishment of an electronic lien system; setting forth the manner for participating in such a** system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Department of Motor Vehicles to **enter into one or more contracts to** establish and implement an "electronic lien system" to process the notification and release of security interests by way of electronic

batch file transfers. ~~[To carry out this directive, the Department is further required to: (1) prepare a request for proposals to solicit bids from suppliers interested in furnishing electronic lien services to the Department; (2) establish parameters for the contract between the Department and the supplier who will furnish the electronic lien services; and (3) under certain circumstances, reimburse lost revenues of the supplier who is selected to fulfill the contract.]~~ **This bill: (1) provides for the allocation of certain costs and fees associated with such a system; (2) requires certain lienholders to participate in such a system, with the date of required participation correlated to the size of the particular lienholder; (3) sets forth the nature of the relationship between the Department and any contractors; (4) provides for the validity of certified electronic records; (5) directs the Department to adopt certain regulations relative to the charging and collection of certain fees for expedited services; and (6) requires the Department to submit a report concerning any such electronic lien system to the 78th Session of the Nevada Legislature.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 482.293 is hereby amended to read as follows:~~

~~482.293 1. The Department may establish a program for the electronic submission and storage of documents.~~

~~2. If the Department establishes a program pursuant to subsection 1:~~

~~(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:~~

~~(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and~~

~~(2) The provisions of any regulations adopted pursuant thereto,~~

~~have been executed and submitted to the Department.~~

~~(b) The Department shall allow [only] the following persons *, and may allow other persons,* to apply for participation in the program:~~

~~(1) Financial institutions, new vehicle dealers and used vehicle dealers, for the purpose of submitting documents by electronic means to the Department on behalf of their customers.~~

~~(2) Owners of fleets composed of 10 or more vehicles.~~

~~(c) The Department shall adopt regulations to carry out the program.~~

~~3. The regulations required to be adopted pursuant to paragraph (c) of subsection 2 must include, without limitation:~~

~~(a) The type of electronic transmission that the Department will accept for the program.~~

~~(b) The process for submission of an application by a person who desires to participate in the program and the fee, if any, that must accompany the application for participation.~~

~~(c) The criteria that will be applied by the Department in determining whether to approve an application to participate in the program.~~

~~(d) The standards for ensuring the security and integrity of the process for issuance and renewal of a certificate of registration and a certificate of title, including, without limitation, the procedure for a financial and performance audit of the program.~~

~~(e) The terms and conditions for participation in the program and any restrictions on the participation.~~

~~(f) The contents of a written agreement that must be on file with the Department before a participant may submit a document by electronic means to the Department. Such written agreement must include, without limitation:~~

~~(1) An assurance that each document submitted by electronic means contains all the information that is necessary to complete the transaction for which the document is submitted;~~

~~(2) Certification that all the information contained in each document that is submitted by electronic means is truthful and accurate;~~

~~(3) An assurance that the participant who submits a document by electronic means will maintain all information and records that are necessary to support the document; and~~

~~(4) The signature of the participant who files the written agreement with the Department.~~

~~(g) The conditions under which the Department may revoke the approval of a person to participate in the program, including, without limitation, failure to comply with this section and NRS 482.294 and the regulations adopted pursuant thereto.~~

~~(h) The method by which the Department will store documents that are submitted to it by electronic means.~~

~~(i) The required technology that is necessary to carry out the program.~~

~~(j) Any other regulations that the Department determines necessary to carry out the program.~~

~~(k) Procedures to ensure compliance with:~~

~~(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and~~

~~(2) The provisions of any regulations adopted pursuant thereto,~~

~~→ to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.~~

~~4. *Notwithstanding any provision of subsection 2 or paragraphs (a) to (j), inclusive, of subsection 3 to the contrary, the Department may, by regulation, require financial institutions, new vehicle dealers, used vehicle dealers or any other persons to participate in a program established*~~

~~*pursuant to this section as a condition of submitting any or all documents to the Department.*~~

~~*5.* The Department may accept gifts and grants from any source, including, without limitation, donations of materials, equipment and labor, for the establishment and maintenance of a program pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 1.3. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall enter into one or more contracts pursuant to this section to establish, implement and operate, in lieu of the issuance and maintenance of paper documents otherwise required by this chapter, an electronic lien system to process the notification and release of security interests through electronic batch file transfers.

2. Any contract entered into pursuant to this section must not require the Department to pay any amount to a contractor unless otherwise provided in this section. A contractor must be required to reimburse the Department for any reasonable implementation costs directly incurred by the Department during the establishment and ongoing administration of the electronic lien system. A contract entered into pursuant to this section must include provisions specifically prohibiting a contractor from using information concerning vehicle titles for marketing or solicitation purposes.

3. The electronic lien system must allow qualified service providers to participate in the system. A lienholder may participate in the system through any qualified service provider approved by the Department for participation in the system.

4. Service providers may be required to collect fees from lienholders and their agents for the implementation and administration of the electronic lien system. The amount of the fee collected by a service provider and paid to a contractor for the establishment and maintenance of the electronic lien system must not exceed $4 per transaction.

5. A contractor may also serve as a service provider under such terms and conditions as are established by the Department pursuant to the terms of a contract entered into pursuant to this section and the regulations adopted by the Department. If a contractor will also serve as a service provider:

(a) The Department may perform audits of the contractor at intervals determined by the Department to ensure the contractor is not engaged in predatory pricing. The contractor shall reimburse the Department for the cost of all audits.

(b) The contract between the Department and the contractor entered into pursuant to this section must include an acknowledgement by the

contractor that the contractor is required to enter into agreements to exchange electronic lien data with all service providers who offer electronic lien and title services to lienholders doing business in the State of Nevada, have been approved by the Department for participation in the electronic lien system pursuant to this section and elect to use the contractor for access to the electronic lien system. A service provider must not be required to provide confidential or proprietary information to any other service provider.

6. Except for persons who are not normally engaged in the business or practice of financing vehicles, all lienholders are required to participate in the electronic lien system.

7. For the purposes of this chapter, any requirement that a lien or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic lien system. The satisfaction of a lien may be electronically transmitted to the Department. A certificate of title is not required to be issued until the lien is satisfied or the certificate of title is otherwise required to meet the requirements of any legal proceeding or other provision of law. If a vehicle is subject to an electronic lien, the certificate of title shall be deemed to be physically held by the lienholder for the purposes of state or federal law concerning odometer readings and disclosures.

8. A certified copy of the Department's electronic record of a lien is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence of the lien. If a certificate of title is maintained electronically in the electronic lien system, a certified copy of the Department's electronic record of the certificate of title is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence and contents of the certificate of title.

9. The Director may adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) The amount of the fee a service provider is required to charge pursuant to subsection 4 and pay to a contractor for the establishment and maintenance of the electronic lien system.

(b) The qualifications of service providers for participation in the electronic lien system.

(c) The qualifications for a contractor to enter into a contract with the Department to establish, implement and operate the electronic lien system.

(d) Program specifications that a contractor must adhere to in establishing, implementing and operating the electronic lien system.

(e) Additional requirements for and restrictions upon a contractor who will also serve as a service provider.

10. As used in this section:

(a) "Contractor" means a person who, pursuant to this section, enters into a contract with the Department to establish, implement and operate the electronic lien system.

(b) "Electronic lien system" means a system to process the notification and release of security interests through electronic batch file transfers that is established and implemented pursuant to this section.

(c) "Service provider" means a person who, pursuant to this section, provides lienholders with software to manage electronic lien and title data.

Sec. 1.5. **NRS 482.429 is hereby amended to read as follows:**

482.429 ***1.*** For its services under this chapter, the Department shall adopt regulations specifying the amount of the fees which the Department will charge and collect:

~~[1.]~~ ***(a)*** For each certificate of title issued for a vehicle present or registered in this State.

~~[2.]~~ ***(b)*** For each duplicate certificate of title issued.

~~[3.]~~ ***(c)*** For each certificate of title issued for a vehicle not present in or registered in this State.

~~[4.]~~ ***(d) For expedited processing of a certificate of title issued pursuant to paragraph (a), (b) or (c).***

(e) For expedited mailing of a certificate of title issued pursuant to paragraph (a), (b) or (c), that does not include prepaid postage.

(f) For the processing of each dealer's or rebuilder's report of sale submitted to the Department.

~~[5.]~~ ***(g)*** For the processing of each long-term lessor's report of lease submitted to the Department.

~~[6.]~~ ***(h)*** For the processing of each endorsed certificate of title or statement submitted to the Department upon the sale of a used or rebuilt vehicle in this State by a person who is not a dealer or rebuilder.

2. Any fee paid pursuant to paragraphs (d) and (e) of subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of processing and mailing certificates of title.

Sec. 2. 1. ~~[Unless the Department determines that a suitable contractor is not available or the Department is not able to agree to terms with a qualified supplier, the Department shall, pursuant to the authority granted by NRS 482.293 and not later than July 1, 2014, and in lieu of the issuance and maintenance of paper documents otherwise required by chapter 482 of NRS, establish and implement on a statewide basis a system to process the notification and release of security interests through electronic batch file transfers.~~

~~2. Not later than September 1, 2013, the Department shall begin preparation of a request for proposals to solicit bids from interested suppliers to select a qualified supplier to perform the services required pursuant to this section. The request for proposals described in this subsection must be issued not later than October 1, 2013. The award of the contract, if any, resulting from the issuance of the request for proposals described in this subsection must occur not later than December 1, 2013.~~

~~3. The Department shall include, without limitation, the following provisions in the contract with the qualified supplier:~~

~~(a)~~ **~~[~~**~~The term of~~ **~~[~~**~~the~~**~~]~~** **~~an initial~~** ~~contract~~ **~~entered into for the establishment of an electronic lien system pursuant to section 1.3 of this act~~** ~~must be for a fixed period of not less than~~ **~~[~~**~~7~~**~~]~~** **4** ~~years.~~

~~**[**(b) The contract must not require the Department to pay any amount to the qualified supplier unless otherwise provided in this section. The qualified supplier must be required to reimburse the Department for any reasonable implementation costs directly incurred by the Department during establishment and ongoing administration of the electronic lien system.~~

~~(c) The qualified supplier must be allowed to charge lienholders and their agents fees as set forth in the contract for implementation and administration of the electronic lien system.~~

~~4. Participating lienholders and their agents shall collect a fee of not more than $8 from the borrowers of an automotive loan or lessees of an automotive lease, where a lien is present, for lienholder participation in the electronic lien system.~~

~~5. After the electronic lien system has been in operation for 12 months, except for lienholders who are not normally engaged in the business or practice of financing vehicles, all lienholders must be required to participate in the electronic lien system.~~

~~6. The Department shall reimburse the qualified supplier for lost income from transaction fees if, after the initiation of services required by this section, for any reason the Department:~~

~~(a) Does not require lienholders to participate in the electronic lien system as required by subsection 5; or~~

~~(b) Terminates operation of the electronic lien system before the end of the term of the contract.~~

~~7.~~**~~]~~** **2. The Department shall submit a report on or before February 1, 2015, to the 78th Session of the Legislature concerning the implementation of the electronic lien system.**

3. Notwithstanding the provisions of section 1.3 of this act:

(a) A lienholder is not required to participate in the electronic lien system until the system has been in operation for 12 months.

(b) A lienholder who executes 26 or fewer liens in a calendar year is not required to participate in the electronic lien system until the system has been in operation for 24 months.

4. As used in this section:

(a) "Department" means the Department of Motor Vehicles.

(b) "Electronic lien system" means the system to process the notification and release of security interests through electronic batch file transfers that the Department is directed to establish and implement pursuant to ~~[subsection 1.~~

~~(c) "Qualified supplier" means a supplier who has:~~

~~(1) A minimum of 5 years' experience in directly providing electronic lien transactions to motor vehicle departments of other states or the District of Columbia; and~~

~~(2) A minimum of 10 years' experience in directly providing internet-accessible electronic lien and title software and services to lienholders.]~~ **section 1.3 of this act.**

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 479.

AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an employer is not required to pay compensation for overtime to an employee who works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work. (NRS 608.018) This bill provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work and the employee does not work the 40 hours scheduled because of circumstances beyond the control of the employer, the employer is ~~[required]~~ **authorized** to pay the employee only the employee's regular wage rate for the hours the employee actually worked. This bill also provides that if an employee does not work the 40 hours scheduled because of a decision made by the employer, the employer is required to ~~[: (1) pay the employee his or her regular wage rate~~

~~for the 40 hours scheduled; or (2)~~] pay the employee overtime compensation for any day during the workweek in which the employee worked more than 8 hours. Finally, this bill [~~removes from the list of persons to whom the provisions for compensation for overtime do not apply to any salesperson or mechanic primarily engaged in selling or servicing automobiles.~~] **provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work, the employer must pay the employee overtime compensation whenever the employee works more than 10 hours in any workday.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee [~~works a~~] ***is*** scheduled ***to work*** 10 hours per day for 4 calendar days within any scheduled week of work [~~.~~] ***subject to the following provisions:***

(1) If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employee, a natural disaster, inclement weather, the tardiness of the employee, an illness of the employee or any other circumstance beyond the control of the employer, except as otherwise provided in subparagraph (3), the employer [~~must~~] may pay the employee the employee's regular wage rate for the hours the employee actually worked.

(2) If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employer, the employer must pay the employee [~~:~~]

~~*(I) One and one half*~~] ***1 1/2 times the employee's regular wage rate for any workday during that week of work in which the employee worked more than 8 hours . [~~; or~~***

~~*(II) The employee's regular wage rate for the 40 hours that the employee was scheduled to work for that week of work.*~~]

(3) Except as otherwise provided in subparagraph (2), the employer shall pay 1 1/2 times the employee's regular wage rate whenever the employee works more than 10 hours in any workday.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing <u>automobiles,</u> trucks or farm equipment; and

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 277.

AN ACT relating to homeopathic medicine; requiring an applicant for a license or certificate issued by the Board of Homeopathic Medical Examiners to submit to a criminal background check; revising provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants; revising provisions governing the membership of the Board; revising provisions governing grounds for denial or revocation of a license or certificate or initiating other disciplinary action; **revising the qualifications of an applicant for a license to practice as a homeopathic physician; requiring certain applicants for a license to practice as a homeopathic physician to submit proof of certain education and training; revising the educational requirements for an applicant for a certificate as an advanced practitioner of homeopathy; revising provisions relating to the supervision of homeopathic assistants;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each applicant for a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant to submit to the Board of Homeopathic Medical Examiners a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sections 2-5, 7 , 11 and [9-24] 14-28 of this bill revise certain provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants.

Existing law requires that certain members of the Board must have resided in this State for at least 5 years. (NRS 630A.110) **Section 6** of this bill reduces this residency period to a minimum of 3 years.

Existing law establishes certain qualifications of an applicant for a license to practice homeopathic medicine. (NRS 630A.230) Section 9 of this bill makes certain revisions to those qualifications.

Existing law requires an applicant for a license to practice homeopathic medicine who is a graduate of a medical school located in the United States or Canada to submit proof of certain education and training. (NRS 630A.240) Section 10 of this bill revises those education and training requirements and provides for the submission by a graduate of a medical school located in the United Kingdom of proof of that education and training.

Existing law authorizes the Board to grant a certificate as an advanced practitioner of homeopathy to a person who has completed an

educational program which meets certain requirements. (NRS 630A.293) Section 12 of this bill revises those requirements.

Existing law authorizes the Board to issue a certificate as a homeopathic assistant to an applicant who meets certain qualifications. (NRS 630A.297) Section 13 of this bill requires the applicant to have completed an educational program which meets certain requirements. Section 13 also increases, from five to seven, the maximum number of homeopathic assistants who may be employed or supervised at any given time by a homeopathic physician.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter, each applicant for a license or certificate, including, without limitation, a reciprocal, limited, temporary, special or restricted license, must submit to the Board:

1. A complete set of fingerprints; and

2. Written permission authorizing the Board to forward the fingerprints submitted pursuant to subsection 1 to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 2. NRS 630A.030 is hereby amended to read as follows:

630A.030 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Ministering to a patient while the homeopathic physician ***, advanced practitioner of homeopathy or homeopathic assistant*** is under the influence of alcohol or any controlled substance.

2. Gross negligence.

3. Willful disregard of homeopathic medical procedures.

4. Willful and consistent use of homeopathic medical procedures, services or treatment considered by homeopathic physicians in the community to be inappropriate or unnecessary in the cases where used.

Sec. 3. NRS 630A.060 is hereby amended to read as follows:

630A.060 "Malpractice" means failure on the part of a homeopathic physician ***, advanced practitioner of homeopathy or homeopathic assistant*** to exercise the degree of care, diligence and skill ordinarily exercised by homeopathic physicians ***, advanced practitioners of homeopathy or homeopathic assistants, respectively,*** in good standing in the community in which he or she practices. As used in this section, "community" embraces the entire area customarily served by homeopathic physicians ***, advanced***

practitioners of homeopathy and homeopathic assistants among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual ***homeopathic*** physician ***, advanced practitioner of homeopathy or homeopathic assistant*** or the particular city or place where the homeopathic physician ***, advanced practitioner of homeopathy or homeopathic assistant*** has an office.

Sec. 4. NRS 630A.070 is hereby amended to read as follows:

630A.070 "Professional incompetence" means lack of ability safely and skillfully to practice homeopathic medicine ~~[,]~~ or ~~[to practice]~~ one or more specified branches of homeopathic medicine ~~[,]~~ ***as a homeopathic physician, or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable,*** arising from:

1. Lack of knowledge or training.

2. Impaired physical or mental capability of the homeopathic physician ~~[.]~~ ***, advanced practitioner of homeopathy or homeopathic assistant.***

3. Indulgence in the use of alcohol or any controlled substance.

4. Any other sole or contributing cause.

Sec. 5. NRS 630A.080 is hereby amended to read as follows:

630A.080 The purpose of licensing homeopathic physicians ***and certifying advanced practitioners of homeopathy and homeopathic assistants*** is to protect the public health and safety and the general welfare of the people of this State. Any license ***or certificate*** issued pursuant to this chapter is a revocable privilege and no holder of such a license ***or certificate*** acquires thereby any vested right.

Sec. 6. NRS 630A.110 is hereby amended to read as follows:

630A.110 1. Three members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of homeopathic medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of ~~[the]~~ ***this*** State.

2. One member of the Board must be a person who has resided in this State for at least ~~[5]~~ ***3*** years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

3. The remaining three members of the Board must be persons who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS;

(d) Do not have a pecuniary interest in any matter pertaining to such a facility, except as a patient or potential patient; and

(e) Have resided in this State for at least ~~[5]~~ ***3*** years.

4. The members of the Board must be selected without regard to their individual political beliefs.

5. As used in this section, "healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

Sec. 7. NRS 630A.140 is hereby amended to read as follows:

630A.140 1. The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer. The officers of the Board hold their respective offices during its pleasure.

2. The Board shall receive through its Secretary-Treasurer applications for the ***licenses and*** certificates issued under this chapter.

3. The Secretary-Treasurer is entitled to receive a salary, in addition to the salary paid pursuant to NRS 630A.160, the amount of which must be determined by the Board.

Sec. 8. NRS 630A.225 is hereby amended to read as follows:

630A.225 1. The Board shall not issue a license to practice homeopathic medicine ***or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** to an applicant who has been licensed ***or certified*** to practice any type of medicine in another jurisdiction and whose license ***or certificate*** was revoked for gross medical negligence by that jurisdiction.

2. The Board may revoke the license ***or certificate*** of any person ***who has been*** licensed ***or certified*** to practice any type of medicine in another jurisdiction ~~[which]~~ ***and whose license or certificate*** was revoked for gross medical negligence by that jurisdiction.

3. The revocation of a license ***or certificate*** to practice any type of medicine in another jurisdiction on grounds other than grounds which would constitute ~~[revocation for]~~ gross medical negligence constitutes grounds for initiating disciplinary action or denying the issuance of a license ~~[.]~~ ***or certificate.***

4. ***If a license or certificate to practice any type of medicine issued to an applicant in another jurisdiction has been revoked or surrendered, the applicant must provide proof satisfactory to the Board that the applicant is***

rehabilitated with respect to the conduct that was the basis for the revocation or surrender of the license or certificate when submitting an application for a license or certificate to the Board.

5. The Board shall vacate an order to deny a license or certificate if the denial is based on a conviction of:

(a) A felony for a violation or offense described in paragraph (a), (b) or (d) of subsection 2 of NRS 630A.340; or

(b) An offense involving moral turpitude,

↪ and the conviction is reversed on appeal. An applicant may resubmit an application for a license or certificate after a court enters an order reversing the conviction.

6. If the Board finds that an applicant has committed an act or engaged in conduct that constitutes grounds for initiating disciplinary action or denying the issuance of a license or certificate as set forth in NRS 630A.340 to 630A.380, inclusive, the Board shall investigate whether the act or conduct has been corrected or the matter has otherwise been resolved. If the matter has not been resolved to the satisfaction of the Board, the Board, before issuing a license or certificate, shall determine to its satisfaction whether or not mitigating circumstances exist which prevent the resolution of the matter.

7. For the purposes of this section, the Board shall adopt by regulation a definition of gross medical negligence.

Sec. 9. **NRS 630A.230 is hereby amended to read as follows:**

630A.230 1. Every person desiring to practice homeopathic medicine ***as a homeopathic physician*** must, before beginning to practice, procure from the Board a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) ***Is of good moral character;***

(c) Has received the degree of doctor of medicine or doctor of osteopathic medicine ~~[from the school he or she attended during the 2 years immediately preceding the granting of the degree;~~

~~(c)]~~ ***, or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;***

(d) Is licensed ***in good standing*** to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States;

~~[(d)]~~ ***(e)*** Has completed ~~[1 year]~~ ***a program of not less than 3 years*** of postgraduate training in allopathic or osteopathic medicine approved by the Board;

~~[(e)]~~ ***(f)*** Has passed all oral or written examinations required by the Board or this chapter; and

~~[(f)]~~ ***(g)*** Meets ***any*** additional requirements established by the Board ~~[.]~~ ***, including, without limitation, requirements established by regulations adopted by the Board.***

Sec. 10. **NRS 630A.240 is hereby amended to read as follows:**

630A.240 1. An applicant for a license to practice homeopathic medicine ***as a homeopathic physician*** who is a graduate of a medical school located in the United States ***,*** ~~[or]~~ Canada ***or the United Kingdom*** shall submit to the Board, through its Secretary-Treasurer, proof that the applicant has ***:*** ~~[received:]~~

(a) ~~[The]~~ ***Received the*** degree of doctor of medicine from a medical school which at the time of his or her graduation was accredited by the Liaison Committee on Medical Education or the Committee for the Accreditation of Canadian Medical Schools, ***the degree of Bachelor of Medicine and Bachelor of Surgery or its equivalent from a medical school which at the time of his or her graduation was determined by the General Medical Council of the United Kingdom to be entitled to award primary medical qualifications,*** or the degree of doctor of osteopathic medicine from an osteopathic school which at the time of his or her graduation was accredited by the Bureau of Professional Education of the American Osteopathic Association;

(b) ~~[One year]~~ ***Completed a program of not less than 3 years*** of postgraduate training in allopathic or osteopathic medicine approved by the Board; and

(c) ~~[Six months]~~ ***Completed not less than 600 hours*** of postgraduate training in homeopathy ~~[.]~~ ***, 300 hours of which are completed in this State under the supervision of a homeopathic physician or through such other program as is deemed equivalent by the Board.***

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such other documents or proof of qualification as in its discretion may be deemed proper.

3. If it appears that the applicant is not of good moral character or reputation or that any credential submitted is false, the applicant may be rejected.

~~[Sec. 9.]~~ ***Sec. 11.*** NRS 630A.290 is hereby amended to read as follows:

630A.290 1. The Board may deny an application for a license to practice homeopathic medicine ***or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** for any violation of the provisions of this chapter or the regulations adopted by the Board.

2. The Board shall notify an applicant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing to the Board concerning any deficiency and, if the applicant does so, the Board shall respond in writing to the contentions of the applicant.

3. An unsuccessful applicant may appeal to the district court to review the action of the Board within 30 days after the date of the rejection of the application by the Board. Upon appeal the applicant has the burden to show that the action of the Board is erroneous or unlawful.

4. The Board shall maintain records pertaining to applicants to whom licenses ***and certificates*** have been issued or denied. The records must be open to the public and must contain:

(a) The name of each applicant.

(b) ~~[The]~~ ***For an applicant for a license to practice homeopathic medicine, the*** name of the school granting the diploma ~~[.~~

~~(c) The]~~ ***and the*** date of the diploma.

~~[(d)]~~ ***(c)*** The date of issuance or denial of the license ~~[.~~

~~(e)]~~ ***or certificate.***

(d) The business address of the applicant.

Sec. 12. **NRS 630A.293 is hereby amended to read as follows:**

630A.293 1. The Board may grant a certificate as an advanced practitioner of homeopathy to a person who has completed an educational program ~~[designed]~~ ***:***

(a) Consisting of not less than 400 hours of training, 200 hours of which are completed in this State under the supervision of a homeopathic physician or such other program as is deemed equivalent by the Board.

(b) Designed to prepare the person to:

~~[(a)]~~ ***(1)*** Perform designated acts of medical diagnosis;

~~[(b)]~~ ***(2)*** Prescribe therapeutic or corrective measures; and

~~[(c)]~~ ***(3)*** Prescribe substances used in homeopathic medicine.

2. An advanced practitioner of homeopathy may:

(a) Engage in selected medical diagnosis and treatment; and

(b) Prescribe substances which are contained in the Homeopathic Pharmacopeia of the United States,

➥ pursuant to a protocol approved by a supervising homeopathic physician. A protocol must not include, and an advanced practitioner of homeopathy shall not engage in, any diagnosis, treatment or other conduct which he or she is not qualified to perform.

3. As used in this section, "protocol" means a written agreement between a homeopathic physician and an advanced practitioner of homeopathy which sets forth matters including the:

(a) Patients which the advanced practitioner of homeopathy may serve;

(b) Specific substances used in homeopathic medicine which the advanced practitioner of homeopathy may prescribe; and

(c) Conditions under which the advanced practitioner of homeopathy must directly refer the patient to the homeopathic physician.

Sec. 13. **NRS 630A.297 is hereby amended to read as follows:**

630A.297 1. The Board may issue a certificate as a homeopathic assistant to an applicant who is qualified under the regulations of the Board ***and who has completed an educational program:***

(a) Consisting of not less than 200 hours of training, 100 hours of which are completed in this State under the supervision of a homeopathic physician or such other program is deemed equivalent by the Board.

(b) Designed to prepare the applicant to perform homeopathic services under the supervision of a supervising homeopathic physician.

2. The application for the certificate must be cosigned by the supervising homeopathic physician, and the certificate is valid only so long as that supervising homeopathic physician employs and supervises the homeopathic assistant.

~~[2.]~~ ***3.*** A homeopathic assistant may perform such homeopathic services as he or she is authorized to perform under the terms of the certificate issued to the homeopathic assistant by the Board, if the services are performed under the supervision and control of the supervising homeopathic physician.

~~[3.]~~ ***4.*** A supervising homeopathic physician shall not cosign for, employ or supervise more than ~~[five]~~ ***seven*** homeopathic assistants at the same time.

~~[Sec. 10.]~~ ***Sec. 14.*** NRS 630A.325 is hereby amended to read as follows:

630A.325 1. To renew a license ***or certificate,*** other than a temporary, special or limited license **,** issued pursuant to this chapter, each person must, on or before January 1 of each year:

(a) Apply to the Board for renewal;

(b) Pay the annual fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal or restoration of a license ***or certificate,*** other than a temporary, special or limited license, require each holder of a license ***or certificate*** to comply with the requirements for continuing education adopted by the Board.

3. Any holder who fails to pay the annual fee for renewal and submit all information required to complete the renewal after they become due must be given a period of 60 days in which to pay the fee and submit all required information and, failing to do so, automatically forfeits the right to practice

homeopathic medicine ~~[.]~~ ***or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable,*** and his or her license to practice homeopathic medicine ***or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** in this State is automatically suspended. The holder may, within 2 years after the date his or her license ***or certificate*** is suspended, apply for the restoration of the license ~~[.]~~ ***or certificate.***

4. The Board shall notify any holder whose license ***or certificate*** is automatically suspended pursuant to subsection 3 and send a copy of the notice to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

~~[Sec. 11.]~~ ***Sec. 15.*** NRS 630A.340 is hereby amended to read as follows:

630A.340 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~[.]~~ ***or certificate:***

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive;

(c) Any offense involving moral turpitude; or

(d) Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine ~~[.]~~ ***or the practice, or the ability to practice, as an advanced practitioner of homeopathy or as a homeopathic assistant.***

➥ A plea of nolo contendere to any offense listed in this subsection shall be deemed a conviction.

3. The suspension, modification or limitation of a license ***or certificate*** to practice any type of medicine ***or to perform any type of medical services*** by any other jurisdiction.

4. The surrender of a license ***or certificate*** to practice any type of medicine ***or to perform any type of medical services*** or the discontinuance of the practice of medicine while under investigation by any licensing ***or certifying*** authority, medical facility, facility for the dependent, branch of the Armed Forces of the United States, insurance company, agency of the Federal Government or employer.

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a ~~[practitioner.]~~ ***homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant.***

6. Professional incompetence.

~~[Sec. 12.]~~ ***Sec. 16.*** NRS 630A.350 is hereby amended to read as follows:

630A.350 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~[.]~~ ***or certificate:***

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice homeopathic medicine ~~[.]~~ ***or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.***

2. Willfully representing with the purpose of obtaining compensation or other advantages for himself or herself or for any other person that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

3. Obtaining, maintaining or renewing, or attempting to obtain, maintain or renew, a license to practice homeopathic medicine ***or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.

4. Advertising the practice of homeopathic medicine ***or practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** in a false, deceptive or misleading manner.

5. Practicing or attempting to practice homeopathic medicine ***, or practicing or attempting to practice as an advanced practitioner of homeopathy or as a homeopathic assistant,*** under a name other than the name under which ~~[he or she]~~ ***the person practicing or attempting to practice*** is licensed ~~[.]~~ ***or certified.***

6. Signing a blank prescription form.

7. Influencing a patient in order to engage in sexual activity with the patient or another person.

8. Attempting directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or to discourage a patient from obtaining a second opinion.

9. Terminating the medical care of a patient without giving adequate notice or making other arrangements for the continued care of the patient.

~~[Sec. 13.]~~ ***Sec. 17.*** NRS 630A.370 is hereby amended to read as follows:

630A.370 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~[.]~~ ***or certificate:***

1. Inability to practice homeopathic medicine ***or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as***

applicable, with reasonable skill and safety because of an illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other addictive substance.

2. Engaging in any:

(a) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical.

(b) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

3. Administering, dispensing or prescribing any controlled substance, except as authorized by law.

4. Performing, assisting or advising an unlawful abortion or in the injection of any liquid substance into the human body to cause an abortion.

5. Practicing or offering to practice beyond the scope permitted by law, or performing services which the homeopathic physician ***, advanced practitioner of homeopathy or homeopathic assistant*** knows or has reason to know he or she is not competent to perform.

6. Performing any procedure without first obtaining the informed consent of the patient or the patient's family or prescribing any therapy which by the current standards of the practice of homeopathic medicine is experimental.

7. Continued failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by ***homeopathic*** physicians ***, advanced practitioners of homeopathy and homeopathic assistants*** in good standing who practice homeopathy and electrodiagnosis ~~[.]~~ ***, as applicable.***

8. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

~~[Sec. 14.]~~ ***Sec. 18.*** NRS 630A.380 is hereby amended to read as follows:

630A.380 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~[.]~~ ***or certificate:***

1. Willful disclosure of a communication privileged under a statute or court order.

2. Willful failure to comply with any provision of this chapter, regulation, subpoena or order of the Board or with any court order relating to this chapter.

3. Willful failure to perform any statutory or other legal obligation imposed upon a licensed homeopathic physician ~~[.]~~ ***, a certified advanced practitioner of homeopathy or a certified homeopathic assistant, as applicable.***

~~[Sec. 15.]~~ ***Sec. 19.*** NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine ***or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board.

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician ***, advanced practitioner of homeopathy or homeopathic assistant*** concerning the care of a patient or the competency of the ***homeopathic*** physician ~~[.]~~ ***, advanced practitioner of homeopathy or homeopathic assistant.***

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician ~~[.]~~ ***, advanced practitioner of homeopathy or homeopathic assistant:***

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

~~[Sec. 16.]~~ ***Sec. 20.*** NRS 630A.490 is hereby amended to read as follows:

630A.490 Except as otherwise provided in chapter 622A of NRS:

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the homeopathic physician ***, advanced practitioner of homeopathy or homeopathic assistant*** at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the ~~[homeopathic physician's]~~ last known address ***of the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant***

or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

~~[Sec. 17.]~~ ***Sec. 21.*** NRS 630A.500 is hereby amended to read as follows:

630A.500 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary hearing:

1. Proof of actual injury need not be established.

2. A certified copy of the record of a court or a licensing ***or certifying*** agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice homeopathic medicine ***or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** is conclusive evidence of its occurrence.

~~[Sec. 18.]~~ ***Sec. 22.*** NRS 630A.510 is hereby amended to read as follows:

630A.510 1. Any member of the Board who was not a member of the investigative committee, if one was appointed, may participate in the final order of the Board. If the Board, after notice and a hearing as required by law, determines that a violation of the provisions of this chapter or the regulations adopted by the Board has occurred, it shall issue and serve on the person charged an order, in writing, containing its findings and any sanctions imposed by the Board. If the Board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the person that the charges have been dismissed.

2. If the Board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person or exclude a method of treatment from the scope of his or her practice.

(d) Suspend the license ***or certificate*** of the person for a specified period or until further order of the Board.

(e) Revoke the ***person's*** license ~~[of the person]~~ to practice homeopathic medicine ~~[.]~~ ***or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.***

(f) Require the person to participate in a program to correct a dependence upon alcohol or a controlled substance, or any other impairment.

(g) Require supervision of the person's practice.

(h) Impose an administrative fine not to exceed $10,000.

(i) Require the person to perform community service without compensation.

(j) Require the person to take a physical or mental examination or an examination of his or her competence to practice homeopathic medicine ~~[.]~~ ***or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable.***

(k) Require the person to fulfill certain training or educational requirements.

3. The Board shall not administer a private reprimand.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~[Sec. 19.]~~ ***Sec. 23.*** NRS 630A.520 is hereby amended to read as follows:

630A.520 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of homeopathic medicine ***or the practice of an advanced practitioner of homeopathy or of a homeopathic assistant*** or suspends or revokes a license ***or certificate*** is effective from the date the Secretary-Treasurer of the Board certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

~~[Sec. 20.]~~ ***Sec. 24.*** NRS 630A.530 is hereby amended to read as follows:

630A.530 1. Any person:

(a) Whose practice of homeopathic medicine has been limited; or

(b) Whose license to practice homeopathic medicine ***or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*** has been:

(1) Suspended until further order; or

(2) Revoked,

➥ may apply to the Board for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license ~~[.]~~ ***or certificate.***

2. In hearing the application, the Board or a committee of members of the Board:

(a) May require the applicant to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine ***or to practice as an advanced practitioner of***

homeopathy or as a homeopathic assistant, as applicable, by physicians or other persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The applicant has the burden of proving by clear and convincing evidence that the requirements for reinstatement of the license ***or certificate*** or removal of the limitation or suspension have been met.

4. The Board shall not reinstate a license ***or certificate*** unless it is satisfied that the applicant has complied with all of the terms and conditions set forth in the final order of the Board and that the applicant is capable of practicing homeopathic medicine ***or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable,*** with reasonable skill and safety to patients.

5. In addition to any other requirements set forth in chapter 622A of NRS, to reinstate a license ***or certificate*** that has been revoked by the Board, a person must apply for a license ***or certificate*** and take an examination as though the person had never been licensed ***or certified*** under this chapter.

~~[Sec. 21.]~~ ***Sec. 25.*** NRS 630A.570 is hereby amended to read as follows:

630A.570 1. The Board through its President or Secretary-Treasurer or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person or persons practicing homeopathic medicine without a license or ***practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate*** certificate.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve such person from criminal prosecution for practicing without a license or certificate.

~~[Sec. 22.]~~ ***Sec. 26.*** NRS 630A.580 is hereby amended to read as follows:

630A.580 In seeking injunctive relief against any person for an alleged violation of this chapter by practicing homeopathic medicine without a license or ***practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate*** certificate, it is sufficient to allege that the person did, upon a certain day, and in a certain county of this State, engage in the practice of homeopathic medicine ***or in the practice of an advanced practitioner of homeopathy or of a homeopathic assistant***

without having ~~[a]~~ ***the appropriate*** license or certificate to do so, without alleging any further or more particular facts concerning the matter.

~~[Sec. 23.]~~ ***Sec. 27.*** NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the Board as his or her own the diploma, license, certificate or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices homeopathic medicine ***or practices as an advanced practitioner of homeopathy or as a homeopathic assistant*** under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, practices homeopathic medicine ***or practices as an advanced practitioner of homeopathy or as a homeopathic assistant*** without being ***appropriately*** licensed or certified under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[Sec. 24.]~~ ***Sec. 28.*** NRS 630A.600 is hereby amended to read as follows:

630A.600 Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine ***or who practices as an advanced practitioner of homeopathy or as a homeopathic assistant*** without ~~[a]~~ ***the appropriate*** license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 475.

AN ACT relating to time shares; amending provisions relating to licensing and registration of sales agents, representatives, managers, developers, project brokers and time-share resale brokers; revising provisions relating to permits to sell time shares; amending provisions relating to time-share instruments; revising provisions governing public offering statements; amending provisions governing the sale and resale of time shares; revising provisions governing the management and development of time-share plans and time-share projects; prohibiting certain acts; amending various other

provisions relating to time shares; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain exemptions from the requirements governing time shares. (NRS 119A.170) **Section 11** of this bill revises these exemptions.

Existing law governs the qualifications and licensing of sales agents and requires a sales agent to be associated with a project broker. (NRS 119A.210-119A.237) ~~[Sections 14, 15 and 16 of this bill provide for the association of a sales agent with a time share resale broker.]~~ **Section 14 of this bill maintains the existing law requiring that a sales agent obtain a license from the Real Estate Division of the Department of Business and Industry, but** provides that a sales agent is not required to be licensed pursuant to existing law governing real estate salespersons.

Existing law provides for the registration and regulation of a representative, defined as a person who, on behalf of a developer induces other persons to attend a sales presentation. (NRS 119A.120, 119A.240, 119A.260) **Section 18** of this bill maintains the existing law requiring that a representative must register with the ~~[Real Estate]~~ Division **,** ~~[of the Department of Business and Industry,]~~ but provides that a representative is not required to be licensed pursuant to existing law governing real estate salespersons. **Section 19** of this bill amends provisions setting forth the prohibited acts of representatives.

Existing law requires a developer of a time-share plan to obtain certain permits from the Administrator of the Division before selling or offering for sale any time shares in this State. Existing law requires an applicant for a public offering statement and permit to sell time shares to submit an application containing certain information. (NRS 119A.300) **Section 23** of this bill: (1) requires the applicant to include with the application a public offering statement; and (2) provides that in lieu of the information required to be included with the application, a developer of a time-share plan in which some or all of the units are located outside of this State may file an abbreviated registration. **Section 3** of this bill requires a developer to file an amended statement of record with the Division under certain circumstances. ~~[Sections 6, 26, 27 and 30 of this bill provide that a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.]~~ **Section 25** of this bill amends the grounds for denial of an application for a permit to sell time shares. **Section 26 of this bill amends provisions relating to the procedure for approving or denying an application for a permit to sell time shares. Section 27 of this bill provides for a hearing on the denial of an amendment to the statement of record or a renewal of a permit to sell time shares. Section**

28 of this bill revises the information to be provided in a public offering statement if a time-share project is not completed before the issuance of a permit to sell time shares.

Section 29 of this bill authorizes instead of requires the Division to complete an investigation before issuing any permit or license issued pursuant to the provisions of existing law governing time shares.

Section 30 of this bill provides that a renewal of a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.

Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and **section 13** of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.

Existing law governs the contents of a time-share instrument. (NRS 119A.380) **Section 33** of this bill enacts provisions relating to the governing instrument of a time-share plan or units governed by the laws of another state or jurisdiction.

Existing law requires a developer to provide each prospective purchaser with a copy of the developer's public offering statement. (NRS 119A.400) **Section 35** of this bill provides that, upon the request of a prospective purchaser for an electronic copy of the public offering statement, the developer must provide an electronic copy of the public offering statement.

Existing law requires money, negotiable instruments or other deposits pertaining to the sale of a time share to be placed in escrow. (NRS 119A.420) **Section 36** of this bill requires money, negotiable instruments or other deposits pertaining to the sale of a time share received from a purchaser to be placed in an escrow account or requires the developer to establish a surety bond.

Existing law provides for the licensing and regulation of a time-share resale broker. (NRS 119A.4771) **Section 41** of this bill amends provisions relating to the registration of a time-share resale broker. **Sections 42 and 43** of this bill provide for a right to cancel certain contracts or agreements relating to the resale of a time share.

Existing law governs the charging or collection of an advance fee by a time-share resale broker. (NRS 119A.4779) **Section 44** of this bill requires a contract for an advance fee listing to include certain information. **Section 44** also prohibits a time-share resale broker from engaging in certain acts with respect to an advance fee and provides penalties for engaging in those acts.

Section 48 of this bill removes the authority of the Administrator to require an association or developer to provide an opinion of an independent professional consultant regarding the budget.

Existing law prohibits certain unfair methods of competition or deceptive or unfair acts in the offer to sell or sale of a time share. (NRS 119A.710) **Section 4** of this bill prohibits a person from knowingly participating in a plan or scheme to transfer a time share to a person who does not pay the assessments or taxes for that time share and provides a penalty for a violation of this provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and]~~ **1.2 to** 4 **, inclusive,** of this act.

Sec. 1.2. ***"Branch office" means an office operated by a real estate broker who is licensed pursuant to chapter 645 of NRS, separate from the principal location of the real estate broker, for the purpose of engaging in the business of selling or reselling time shares.***

Sec. 1.4. ***"Component site" means the specific geographic location where units that are part of a time-share plan are located, including, without limitation, new units added to a single project in the same geographic location and under common management.***

Sec. 2. ***"Statement of record" means the information provided to the Administrator pursuant to paragraph (a) of subsection 1 of NRS 119A.300*** ~~*[.]*~~ ***or subsection 2 of NRS 119A.300, as applicable.***

Sec. 2.5. ***1. Every branch office must be operated under the supervision of a real estate broker or real estate broker-salesperson who is licensed pursuant to chapter 645 of NRS and who has had at least 2 years of experience as an active real estate broker, real estate broker-salesperson or real estate salesperson in the United States.***

2. The project broker or time-share resale broker is responsible for each branch office which he or she operates.

3. If the location of the branch office does not permit a project broker or a time-share resale broker to exercise direct supervision of a branch office, a real estate broker-salesperson shall directly supervise the branch office.

4. A supervisor of a branch office may not supervise more than one branch office.

Sec. 3. ***1. If there is a material change to the time-share plan which is not caused by or under the control of the developer , the developer shall file with the Division an amended statement of record not later than 10 days before the material change occurs or within 10 days after the developer knows or reasonably should have known of the material change.*** ~~*[Such]*~~ ***For any material change to the time-share plan, the developer shall file an amended statement of record , and such an amended statement of***

record is effective on the ~~[15th]~~ 60th day after the filing or, in the event that additional units are added to the time-share plan ~~[,]~~ which are in a component site previously registered with the Division, on the ~~[30th]~~ 120th day after the filing, unless the Administrator:

(a) Issues a denial of the amended statement of record pursuant to NRS 119A.654 describing the reasons for the denial in sufficient detail to allow the developer to correct the deficiencies in the amended statement of record; or

(b) Approves the amended statement of record on an earlier date.

2. The Administrator shall, within 30 days after receiving evidence that the deficiencies in the amended statement of record are cured, approve or deny the amended statement of record and list the specific reasons for denial. If the Division fails to take any of the actions described in this subsection within the 30-day period, the amended statement of record shall be deemed approved by the Division.

3. Any amendment proposed by the developer to the provisions of a time-share instrument must be filed with the Division. Unless the Division notifies the developer of its disapproval within 15 days after the developer files the proposed amendment to the time-share instrument, the amendment shall be deemed to be approved by the Division.

Sec. 4. ***1. Except as otherwise provided in subsection 3, a person who knowingly participates, for consideration or with the expectation of consideration, in any plan or scheme, a purpose of which is to transfer a previously ~~[owned]~~ sold time share to a transferee who does not pay or provide payment for all assessments for that time share commits a false, misleading or deceptive act or practice for the purposes of NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.***

2. The failure of a transferee to pay assessments or taxes that come due after the acquisition of a ~~[resale]~~ previously sold time share ~~[to acquire]~~ by a person who acquires the time share for commercial purposes is prima facie evidence of a violation of this ~~[subsection.]~~ section.

3. An association or manager does not violate the provisions of this ~~[subsection]~~ section by performing such acts and collecting such fees or expenses as are customary during the transfer.

Sec. 5. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, ***and ~~[section]~~ sections 1.2, 1.4 and 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. ~~[NRS 119A.060 is hereby amended to read as follows:~~

~~119A.060 "Permit" means the authorization issued *or deemed issued* by the Administrator pursuant to the provisions of this chapter to a developer to offer to sell or sell time shares.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person who coordinates the sale of time shares for ~~[a]~~ ***one or more*** time-share ~~[plan and to whom sales agents and representatives are responsible.]~~ ***plans on behalf of one or more developers and who is licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS.***

Sec. 8. NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a ~~[report, issued by the Administrator]~~ ***disclosure document prepared and signed by the developer and*** ~~*[filed with]*~~ ***approved for use by the Division*** pursuant to the provisions of this chapter, which ~~[authorizes a developer to offer to sell or sell time shares in the time share plan which is the subject of the report.]~~ ***contains the information required by this chapter and any regulations adopted pursuant thereto.***

Sec. 9. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~[,]~~ ***and under the supervision of a real estate broker licensed pursuant to the provisions of chapter 645 of NRS,*** sells ~~*[or resells]*~~ or offers to sell ~~*[or resell]*~~ a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 10. NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who ~~[is registered as a time-share resale broker pursuant to the provisions of this chapter.]~~ ***, for compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers for previously sold time shares on behalf of an owner other than a developer.***

Sec. 11. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. ~~[The]~~ ***Unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS, the*** provisions of this chapter, except subsection ~~[4,]~~ ***5,*** do not apply to:

(a) The sale ***or resale*** of 12 or fewer time shares in a ***time-share*** ~~[project]~~ ***plan ;*** ~~[or the sale of 12 or fewer time shares in the same subdivision;]~~

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association ~~[by]~~ ***as a result of nonpayment of association assessments:***

(I) By termination of a contractual right of occupancy;

(II) By deed ***or other transfer*** in lieu of foreclosure ***or termination;*** or ~~[at]~~

(III) At a foreclosure sale ~~[.]~~ ***,***

➥ provided that the association or its agent delivers the disclosures required by NRS 119A.4775 to the purchaser;

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years ***.*** ~~[,~~

~~➥ unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.]~~

2. ***The provisions of NRS*** ~~*[119A.270]*~~ ***119A.290 to 119A.470, inclusive, and sections 3 and 4 of this act and 119A.480 do not apply to the offer or disposition in this State of a time share in a time-share plan that*** ~~*[is]*~~ ***includes units which are located outside of this State, which are not registered under this chapter and which are offered or sold to an existing owner of a time share in a time-share plan offered by*** ~~*[a]*~~ ***the same developer or an affiliate of the same developer who has a valid permit under this chapter, if the developer or its affiliate:***

(a) Authorizes the purchaser to cancel the purchase contract until midnight of the fifth calendar day after the date of execution of the contract; and

(b) Provides the purchaser with all the time-share disclosure documents required by law in the jurisdiction where the unit is located.

3. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

~~[3.]~~ ***4.*** The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

~~[4.]~~ ***5.*** The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies ~~[.]~~ ***and except any provisions of this chapter expressly excluding the applicability of the provisions of chapter 645 of NRS,*** and for that purpose the terms "real property" and "real estate" as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

6. The provisions of NRS 119A.520 to 119A.580, inclusive, only apply to the management of time-share projects located in this State.

Sec. 12. NRS 119A.172 is hereby amended to read as follows:

119A.172 The provisions of this chapter and chapter 645 of NRS relating to real estate brokers and sales agents do not apply to an owner, other than a developer, who, for compensation, refers prospective purchasers to a developer ***or an association*** or an employee or agent of the developer ~~[,]~~ ***or association,*** if the owner:

1. Refers to ~~[the]~~ ***a*** developer ***or an association*** or an employee or agent of the developer ~~[,]~~ ***or association,*** or any combination thereof, not more than 20 prospective purchasers within any 1 calendar year; and

2. Does not ~~[show a unit to the prospective purchaser,]~~ discuss with the prospective purchaser the terms and conditions of the purchase or otherwise participate in negotiations relating to the sale of the time share.

Sec. 13. NRS 119A.190 is hereby amended to read as follows:

119A.190 The Division may:

1. Adopt regulations ~~[which]~~ ***:***

(a) Which are necessary to carry out the provisions of this chapter.

(b) Regarding the content of advertisements relating to time shares.

2. ***Publish on its official Internet website, or otherwise make public for at least 30 days before the adoption by the Division, any form proposed to be used by the Division under this chapter. The Division shall consider comments on any such proposed form before its adoption.***

3. Employ such legal counsel, investigators and other professional consultants as are necessary to carry out the provisions of this chapter ~~[.]~~ ***, including, without limitation, for the review of a statement of record filed pursuant to NRS 119A.300.***

Sec. 14. NRS 119A.210 is hereby amended to read as follows:

119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker ~~*[for time-share resale broker]*~~ or another acceptable source, that the applicant has completed 14 hours of instruction in:

(1) Ethics.

(2) The applicable laws and regulations relating to time shares.

(3) Principles and practices of selling time shares.

(b) Satisfactory evidence that the applicant has a reputation for honesty, trustworthiness and competence.

(c) A designation of the ~~[developer for whom the applicant proposes to sell time shares.]~~ ***project broker*** ~~*[for time-share resale broker]*~~ ***who will supervise the sales agent.***

(d) The social security number of the applicant.

(e) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must submit the statement required pursuant to NRS 119A.263 and pay the fees provided for in this chapter.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a real estate salesperson pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. ***A sales agent is not required to be licensed pursuant to the provisions of chapter 645 of NRS.***

8. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal may renew his or her license upon the payment of the renewal fee before his or her license expires.

~~[8.]~~ ***9.*** If a licensee fails to renew his or her license before it expires, the license may be reinstated if the licensee submits the statement and pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

~~[9.]~~ ***10.*** The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

Sec. 15. NRS 119A.220 is hereby amended to read as follows:

119A.220 1. A sales agent may work for only one project broker ~~*[or one time share resale broker]*~~ at any one time at the location ~~*[or locations]*~~ designated in the license.

2. A project broker ~~*[or time share resale broker]*~~ shall give written notice to the Division of a change of association of any sales agent associated with the project broker ~~*[or time share resale broker]*~~ within 10 days after that change.

3. The project broker , ~~*[or time share resale broker,]*~~ upon the termination of the employment of any sales agent associated with the project broker , ~~*[or time share resale broker,]*~~ shall submit that agent's license to the Division.

4. If a sales agent changes his or her association with any project broker ~~*[or time share resale broker]*~~ or changes his or her ~~*[any]*~~ location ~~[with the same project broker,]~~ ***designated in the license,*** the sales agent must apply to the Division for the reissuance of his or her license for its unexpired term. The application must be accompanied by a fee of $10.

5. A sales agent may only become associated with a project broker ~~*[or time share resale broker]*~~ who certifies to the sales agent's honesty, trustworthiness and good reputation.

Sec. 16. ~~[NRS 119A.230 is hereby amended to read as follows:~~

~~119A.230 1. The Administrator may impose a fine or suspend, revoke, reissue, subject to conditions, or deny the renewal of any sales agent's license issued under the provisions of this chapter at any time if the sales agent has, by false or fraudulent application or representation, obtained a license or, whether or not acting as a sales agent, is found guilty of:~~

~~(a) Making any material misrepresentation;~~

~~(b) Making any false promises of a character likely to influence, persuade or induce;~~

~~(c) Engaging in any fraudulent, misleading or oppressive sales techniques or tactics;~~

~~(d) Accepting a commission or valuable consideration as a sales agent for the performance of any of the acts specified in this chapter from any person except a licensed project broker ***or registered time-share resale broker*** with whom the sales agent is associated or the developer by whom the sales agent is employed;~~

~~(e) Failing, within a reasonable time, to account for or remit or turn over to the project broker ***or time-share resale broker*** any money which comes into the sales agent's possession and which belongs to others;~~

~~(f) Violating any of the provisions of this chapter or chapter 119B of NRS or of any regulation adopted pursuant to either chapter, or willfully aiding or abetting another to do so; or~~

~~(g) A felony relating to the practice of a sales agent or other crime of moral turpitude or has entered a plea of nolo contendere to a felony relating to the practice of a sales agent or other crime of moral turpitude.~~

~~2. The Administrator may investigate the actions of any sales agent or any person who acts in such a capacity within the State of Nevada.~~**] (Deleted by amendment.)**

Sec. 17. ~~[NRS 119A.237 is hereby amended to read as follows:~~

~~119A.237 1. A provisional licensee shall not:~~

~~(a) Conduct sales-related activities unless the provisional licensee is:~~

~~(1) Under the supervision of:~~

~~(I) His or her project broker; or~~

~~(II) A cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto.~~

~~(2) At the principal place of business or a branch office of the project broker, or at the physical location of a time-share development.~~

~~(b) Collect personal information from a prospective purchaser or purchaser of a time share.~~

~~***(c) Engage in the resale of time shares.***~~

~~2. A project broker shall not grant to a provisional licensee:~~

~~(a) Access to a time-share lockbox; or~~

~~(b) The ability to enter a private residence or a time-share unit that an unlicensed person otherwise would not have.~~

~~3. A project broker or a cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto shall:~~

~~(a) Supervise the provisional licensee employed by the project broker; and~~

~~(b) Review and approve in writing any contract prepared by the provisional licensee that relates to the sale of a time share.~~

~~4. A provisional licensee may receive a commission for the sale of a time share in which the provisional licensee is involved.~~

~~5. As used in this section:~~

~~(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.~~

~~(b) "Provisional licensee" means an applicant who receives a provisional sales agent's license from the Division pursuant to NRS 119A.233.~~**]** **(Deleted by amendment.)**

Sec. 18. NRS 119A.240 is hereby amended to read as follows:

119A.240 1. The Administrator shall register as a representative each applicant who:

(a) Submits proof satisfactory to the Division that the applicant has a reputation for honesty, trustworthiness and competence;

(b) Applies for registration in the manner provided by the Division;

(c) Submits the statement required pursuant to NRS 119A.263; and

(d) Pays the fees provided for in this chapter.

2. An application for registration as a representative must include the social security number of the applicant.

3. A representative is not required to be licensed pursuant to the provisions of chapter 645 of NRS.

Sec. 19. NRS 119A.260 is hereby amended to read as follows:

119A.260 1. A representative shall not negotiate ~~[or make representations concerning the merits or value of a time share plan or a project.]~~ ***the sale of, or discuss prices of, a time share.*** A representative may only induce and solicit persons to attend promotional meetings for the sale of time shares and distribute information on behalf of a developer.

2. The representative's activities must strictly conform to the methods for the procurement of prospective purchasers which have been approved by the Division.

3. The representative shall comply with the same standards for conducting business as are applied to real estate brokers and salespersons pursuant to chapter 645 of NRS and the regulations adopted pursuant thereto.

4. A representative shall not make targeted solicitations of purchasers or prospective purchasers of time shares in another project ~~[.]~~ ***with which the representative is not associated.*** A developer or project broker shall not pay or offer to pay a representative a bonus or other type of special compensation to engage in such activity.

Sec. 20. NRS 119A.270 is hereby amended to read as follows:

119A.270 A developer shall not:

1. Offer to sell any time shares in this state unless the developer holds either a preliminary permit to sell time shares or a permit to sell time shares

issued ~~*[or deemed issued]*~~ by the Administrator ~~[.]~~ ***pursuant to the provisions of this chapter.***

2. Sell any time shares in this state unless the developer holds a permit to sell time shares issued ~~*[or deemed issued]*~~ by the Administrator ~~[.]~~ ***pursuant to the provisions of this chapter.***

3. Offer to sell or sell a time share in this state unless the developer has named a person to act as a project broker.

4. Offer to sell or sell a time share in this state except through a project broker.

Sec. 21. NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received ***or been deemed to have received*** a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must ~~[state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner.]~~ ***describe the violation in sufficient detail to inform the developer of the aspect in which it has failed to comply with the provisions of this chapter.*** The developer shall not engage in any activity regulated by this chapter after the developer receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, the person may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which the person conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

(a) Discontinue the activities that are not in compliance with this chapter;

(b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and

(c) Return to the purchasers any money or property which the developer acquired through such violations.

➥ Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.

Sec. 22. NRS 119A.290 is hereby amended to read as follows:

119A.290 1. The Administrator shall issue a preliminary permit to sell time shares to each applicant who:

(a) Submits proof satisfactory to the ~~[~~Division~~]~~ ***Administrator*** that all of the requirements for a permit to sell time shares will be met;

(b) Applies for the preliminary permit in the manner provided by the Division; and

(c) Pays the fee provided for in this chapter.

2. A preliminary permit entitles the developer to solicit and accept reservations to purchase time shares.

Sec. 23. NRS 119A.300 is hereby amended to read as follows:

119A.300 ***1.*** Except as otherwise provided in NRS 119A.310, the Administrator shall issue a ~~[~~public offering statement and a~~]~~ permit to sell time shares to each applicant who:

~~[1.]~~ ~~[~~Submits an application,~~]~~

(a) Files by electronic means or in ~~[~~the~~]~~ ***any other*** manner ~~[~~provided~~]~~ ***prescribed*** by the ~~[~~Division, which includes:~~]~~

~~[(a)]~~ ***Administrator, a statement of record which includes:***

(1) The name and address of the project broker;

~~[(b)]~~ ***(2)*** A copy of each time-share instrument that relates to the time-share plan;

~~[(c)]~~ ***(3)*** A preliminary title report for the project and copies of the documents listed as exceptions in the report;

~~[(d)]~~ ***(4)*** Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

~~[(e)]~~ ***(5)*** Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

~~[(f)]~~ ***(6)*** A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

~~[(g)]~~ ***(7)*** Documents which show the current assessments for property taxes on the project;

~~[(h)]~~ ***(8)*** Documents which show compliance with local zoning laws;

~~[(i)]~~ ***(9)*** If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of

property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

~~[(j)]~~ ***(10)*** Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

~~[(k)]~~ ***(11)*** A copy of the budget or a projection of the operating expenses of the association, if applicable;

~~[(l)]~~ ***(12)*** A financial statement of the developer; and

~~[(m)]~~ ~~[Such other information as the Division,]~~

(13) A public offering statement in a form prescribed by regulation ~~[, requires;]~~ ***of the Division;*** and

~~[2.]~~ ***(b)*** Pays the fee provided for in this chapter.

~~*[3.]*~~ ***2. In lieu of the statement of record*** ~~*[,]*~~ ***required pursuant to subsection 1, the Division may accept an abbreviated registration from a developer of a time-share plan in which some or all the units are located outside of this State*** ~~*[,]*~~ ***if:***

(a) The developer provides evidence that the time-share plan is registered with the applicable regulatory agency in the state or jurisdiction where the time-share plan is offered or sold or that the time-share plan is in compliance with the laws and regulations of the state or jurisdiction in which some or all of the units are located; and

(b) The disclosure requirements of the other state or jurisdiction are substantially equivalent to or greater than the information required to be disclosed to purchasers in this State pursuant to paragraph (a) of subsection 1.

3. A developer who files an abbreviated registration pursuant to ~~*[this]*~~ ***subsection 2 shall, in addition to paying the fee required by paragraph (b) of subsection*** ~~*[2,]*~~ ***1, provide:***

(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;

(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;

(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;

(d) The name and principal address of all entities who act as the manager of the time-share plan;

(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;

(f) A brief description as to whether the time-share plan is a single-site time-share plan or a time-share plan with more than one location and a brief description of the types of time shares offered in the time-share plan;

(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceeding;

(h) Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;

(i) A copy of the current annual or projected budget for the association if not otherwise included in the disclosure documents; and

(j) Any other information regarding the developer, time-share plan, project broker or managing entities as established by the Division by regulation;

4. A developer of a time-share plan with units located solely in this State may not file an abbreviated application.

Sec. 24. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~[additional]~~ ***the*** terms and conditions of the applicant's permit to sell time shares.

Sec. 25. NRS 119A.310 is hereby amended to read as follows:

119A.310 1. The Administrator shall deny an application for a permit to sell time shares if the Administrator finds that:

(a) The developer failed to comply with any of the provisions of this chapter or the regulations adopted by the Division; or

(b) The developer, any affiliate of the developer or any officer of the developer or an affiliate of the developer, has:

(1) Been convicted of or pleaded nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other crime involving moral turpitude;

(2) Been the subject of a judgment in any civil or administrative action, including a proceeding to revoke or suspend a license, involving fraud or dishonesty;

(3) Been permanently enjoined by a court of competent jurisdiction from selling real estate, time shares or securities in an unlawful manner;

(4) Had a registration as a broker-dealer in securities or a license to act as a real estate broker or salesperson, project broker or sales agent revoked;

(5) Been convicted of or pleaded nolo contendere to selling time shares without a license; or

(6) Had a permit to sell time shares, securities or real estate revoked.

2. The Administrator may deny an application for a permit to sell time shares if the Administrator finds that the developer ~~[, or any affiliate of the developer,]~~ has failed to offer satisfactory proof that it has a good reputation for honesty, trustworthiness, integrity and competence ***and the developer is competent*** to transact the business of a developer in a manner which safeguards the interests of the public.

3. The burden of proof is on the developer to establish to the satisfaction of the ~~[~~Division~~]~~ ***Administrator*** that the developer is ~~[~~qualified to receive a license.~~]~~ ***competent to transact the business of the developer in a manner which safeguards the interests of the public.***

4. If a developer has substantially complied with the provisions of this chapter in good faith, a nonmaterial error or omission is not sufficient grounds to deny a permit.

Sec. 26. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[~~Division~~]~~ ***Administrator*** shall ***,*** ~~[~~issue an order,~~]~~ within ~~[~~30~~]~~ ***60*** days after the receipt of an ***initial*** application for a permit to sell time shares ~~[,]~~ ~~[~~notifying~~]~~ ***in a time-share plan containing only one component site, regardless of whether additional component sites may be added later by an amendment to the filing, notify*** the applicant of its decision to:

(a) ***Issue a permit to sell time shares;***

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

~~[~~(b)~~]~~ ***(c)*** Deny the application and list ***all*** the reasons for denial ~~[.]~~ ***in sufficient detail to allow the developer to cure the deficiencies.***

2. ~~*[If the]*~~ ***The Administrator*** ~~*[fails to]*~~ ***shall, within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify the applicant of its decision*** ~~*[within the 30-day period prescribed in subsection 1, the]*~~ ***to:***

(a) Issue a permit to sell time shares ~~*[shall be deemed issued by the Division.]*~~ ***;***

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

(c) Deny the application and list all the reasons for denial in sufficient detail to allow the developer to cure the deficiencies.

3. The ~~[~~Division~~]~~ ***Administrator*** shall, within ~~[~~45~~]~~ ***30*** days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a permit to sell time shares or deny the application and list the ***specific*** reasons for denial; or

(b) The issuance of a preliminary permit ~~[,]~~ ***and receipt of ~~[proof]~~ evidence that all the requirements for the issuance of a permit to sell time shares have been met,*** issue ~~[a]~~ ***the*** permit to sell time shares.

4. If it is in the public interest that the Administrator ~~[fails to take any of the actions described in subsection 3, within the 30-day period, the permit to sell time shares shall be deemed issued by the Division.]~~ issue a second notice regarding the inadequate cure of any deficiencies in the application for a permit to sell time shares, then the Administrator shall issue such a second notice within 15 business days after the developer submits evidence to cure the deficiencies identified pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2, as applicable.

5. If the developer fails to cure all the deficiencies after a second notice is issued pursuant to subsection 3, the Administrator may deny the application and require the developer to pay a new filing fee pursuant to NRS 119A.360.

Sec. 27. NRS 119A.330 is hereby amended to read as follows:

119A.330 1. If the Administrator denies an application for a permit to sell time shares, ***an amendment to the statement of record or the renewal of a permit to sell time shares,*** the applicant may, within 30 days, file a written request for a hearing. The Administrator shall set the matter for hearing to be conducted within 90 ~~*[30]*~~ days after receipt of the applicant's request, unless the applicant requests a postponement of the hearing at least 3 working days before the date set for hearing. If such a request is made by the applicant, the date of the hearing must be agreed upon between the Division and the applicant.

2. If the Division fails to:

(a) Hold the hearing within 90 ~~*[30]*~~ days or within the extended time if a postponement is requested;

(b) Render its decision within 60 ~~*[45]*~~ days after the hearing; or

(c) Notify the applicant in writing, by its order, within 15 days after its decision was made,

➥ the order of denial expires and the Division shall issue, within 15 days, a permit to sell time shares to the developer. ~~*[If the Division fails to act within the 15-day period for issuing a permit, then the permit to sell time shares shall be deemed issued by the Division.]*~~

Sec. 28. NRS 119A.340 is hereby amended to read as follows:

119A.340 If a project has not been completed before the issuance ~~*[or deemed issuance]*~~ of a permit to sell time shares, the ~~[permit]~~ ***public offering statement*** must state the estimated date of completion and:

1. The developer shall ~~[deliver to the agency]~~ ***establish to the satisfaction of the Administrator that*** a bond ***has been issued*** in an amount ~~[and upon terms approved by the division]~~ ***necessary*** to assure completion of

the project free of any liens, ~~[which is payable to the Division for the benefit of the purchasers of the time share property and]~~ which remains in effect until the project is completed free of all liens;

2. A cash deposit to cover the estimated costs of completing the project must be deposited with an escrow agent under an agreement which is approved by the ~~[Division;]~~ ***Administrator;*** or

3. The developer shall make any other arrangement which is approved by the ~~[Division.]~~ ***Administrator and necessary to safeguard the interests of the public.***

Sec. 29. NRS 119A.350 is hereby amended to read as follows:

119A.350 1. The Division ~~[shall,]~~ ***may,*** before issuing any permit or license pursuant to the provisions of this chapter, fully investigate all information submitted to it as required by this chapter and may, if necessary, inspect the property which is the subject of any application. All reasonable expenses incurred by the Division in carrying out the investigation or inspection must be paid by the applicant and no license or permit may be issued until those expenses have been paid.

2. Payments received by the Division pursuant to this section must be deposited in the State Treasury for credit to the Real Estate Investigative Account. The Administrator shall use the money in the Account to pay the expenses of agents and employees of the Division making the investigations pursuant to this section. The Administrator may advance money to them for those expenses when appropriate.

Sec. 30. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any ***material*** change that has occurred in the information previously provided to the Administrator or in a ***public offering*** statement ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal is effective on the 30th day after the filing of the application unless the Administrator:

(a) ~~[Denies]~~ ***Issues a written denial of*** the renewal pursuant to NRS 119A.654 ~~[or for any other reason;]~~ ***describing the reasons for denial in sufficient detail to allow the developer to cure the deficiencies;*** or

(b) Approves the renewal on an earlier date.

3. The Division shall, within 30 days after the receipt of evidence that the deficiencies in the application for renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial.

4. If the Administrator fails to take any action described in subsection 3, the renewal of the permit to sell time shares shall be deemed issued by the Division.

Sec. 31. NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer ***,*** ~~[or]~~ project broker ***or time-share resale broker*** shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer ***,*** ~~[or]~~ project broker ***or time-share resale broker*** shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 32. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at such times and upon such conditions as it ~~[may]~~ ***shall*** provide by regulation:

For each application for the registration of a representative	$85
For each renewal of the registration of a representative	85
For each transfer of the registration of a representative to a different developer	20
For each penalty for a late renewal of the registration of a representative	40
For each preliminary permit to sell time shares	275
For each permit to sell time shares, per subdivision	500
For each amendment to a public offering statement after the issuance of the report	150
For each renewal of a permit to sell time shares	500
For each original and annual registration of a manager	75
For each application for an original license as a sales agent	175
For each renewal of a license as a sales agent	175
For each penalty for a late renewal of a license as a sales agent	75
For each change of name or address of a licensee or status of a license	20
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof	20
For each annual approval of a course of instruction offered in preparation for an original license or permit	100

For each original accreditation of a course of continuing education..... 100
For each renewal of accreditation of a course of continuing education..... 50

2. Each developer shall pay an additional fee for each time share the developer sells in a time-share plan over 50 pursuant to the following schedule:

Number of time shares	Amount to be paid per time share
51—250	$5.00
251—500	4.00
501—750	3.00
751—1500	2.50
over 1500	1.00

3. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

4. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

~~*[5. The Division shall not impose or collect any fee pursuant to this chapter unless the fee is established by this chapter or by the adoption of a regulation pursuant to a provision of this chapter authorizing the fee to be established by regulation.]*~~

Sec. 33. NRS 119A.380 is hereby amended to read as follows:

119A.380 1. Each time-share plan must be created by one or more time-share instruments.

2. A time-share instrument must provide:

(a) A legal description and the physical address of the project;

(b) The name of the time-share plan;

(c) A system for establishing the permanent identifying numbers of the time shares;

(d) For assessment of the expenses of the time-share plan and an allocation of those expenses among the time shares;

(e) The voting rights which are assigned to each time share;

(f) If applicable, the procedure to add units and other real estate to, and to withdraw units and other real estate from, the time-share plan, and the

method of reallocating expenses among the time shares after any such addition or withdrawal;

(g) The maximum number of time shares that may be created under the time-share plan;

(h) For selection of the trustee for insurance which is required to be maintained by the association or the developer;

(i) For maintenance of the units;

(j) For management of the time-share plan;

(k) A procedure to amend the time-share instrument; and

(l) The rights of the purchaser relating to the occupancy of the unit.

3. A time-share instrument may provide for:

(a) The developer's reserved rights;

(b) Cumulative voting, but only for the purpose of electing the members of the board; and

(c) The establishment of:

(1) Separate voting classes based on the size or type of unit to which the votes are allocated; and

(2) A separate voting class for the developer during the period in which the developer is in control.

4. The provisions of a time-share instrument are severable.

5. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provisions of a time-share instrument.

6. With respect to time-share plans governed by the law of another state or units located outside of this State, the instrument creating and governing the time-share plans or units must be in compliance with the applicable laws of the state or jurisdiction under which the time-share plan is formed or in which the units are located. If the standards set forth in the law of the state or jurisdiction under which the time-share plan is formed or in which the units are located conflict with the requirements of this chapter, the laws of the other state or jurisdiction control. If the association and the time-share instrument comply with subsections 1 and 2, the association and the developer shall be deemed to be in compliance with the requirements of this section and are not required to revise a time-share instrument to comply with this chapter.

Sec. 34. NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;

2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;

3. Provide for the placement of any deposit in escrow until ***the statement of record is approved*** ~~*[or deemed approved]*~~ ***and*** a permit is issued ~~*[or deemed issued]*~~ by the Administrator pursuant to NRS 119A.300;

4. Guarantee the purchase price for the time share for a certain period after the ~~[~~issuance of~~]~~ ***statement of record is approved*** ~~*[or deemed approved]*~~ ***and*** the permit to sell time shares ~~[:]~~ ***is*** ~~*[issued or deemed]*~~ ***issued by the Administrator;*** and

5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

Sec. 35. NRS 119A.400 is hereby amended to read as follows:

119A.400 1. Each developer, through his or her project broker and sales agents, shall provide each prospective purchaser with a copy of the developer's public offering statement ~~*[.]*~~ ~~[which must contain a copy of the developer's permit to sell time shares.]~~ ***and any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval. The public offering statement must contain the date the permit was originally issued and its annual expiration date. A prospective purchaser may request to receive the public offering statement in electronic format or paper format. If the prospective purchaser requests the public offering statement in electronic format, the developer shall provide to the purchaser the statement of the right of cancellation pursuant to NRS 119A.410 in a single separate document.***

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

Sec. 36. NRS 119A.420 is hereby amended to read as follows:

119A.420 All money, negotiable instruments or other deposits pertaining to the sale of a time share ***which are received from a purchaser*** must be placed in ***an*** escrow ~~[, pursuant to an agreement approved by the Division, with an escrow agent or a trustee.]~~ ***account established to the satisfaction of the Division and held until such time as the right to cancel the contract of sale pursuant to NRS 119A.410 has expired*** ~~*[.]*~~ ***and the purchaser has failed to cancel the contract of sale. In lieu of placing such deposits in an escrow account, the developer or project broker may establish to the satisfaction of the Division that a surety bond has been posted for the benefit of purchasers in the project in the amount of:***

1. Twenty-five thousand dollars; or

2. The highest monthly total amount of deposits received by a project broker,

↪ whichever is greater.

Sec. 37. NRS 119A.430 is hereby amended to read as follows:

119A.430 ~~[Escrow]~~ ***The sale of a time share to a purchaser*** may not be closed unless the developer has provided satisfactory evidence to the Administrator that:

1. The project is free and clear of any blanket encumbrance;

2. Each person who holds an interest in the blanket encumbrance has executed an agreement, approved by the Administrator, to subordinate his or her rights to the rights of the purchaser;

3. Title to the project has been conveyed to a trustee;

4. All holders of a lien recorded against the project have recorded an instrument providing for the release and reconveyance of each time share from the lien upon the payment of a specified sum or the performance of a specified act;

5. The developer has obtained and recorded one or more binding nondisturbance agreements acceptable to the Administrator, that:

(a) Are executed by the developer, all holders of a lien recorded against the project and any other person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale; and

(b) Provide that any person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale takes title to the project subject to the rights of the purchasers; or

6. Alternative arrangements have been made which are adequate to protect the rights of the purchasers of the time shares and approved by the Administrator.

Sec. 38. NRS 119A.460 is hereby amended to read as follows:

119A.460 If a trust is created pursuant to ~~[a requirement of this chapter,]~~ ***subsection 3 of NRS 119A.430,*** the:

1. Trustee must be approved by the Administrator.

2. Trust must be irrevocable, unless otherwise provided by the ~~[Division.]~~ ***Administrator.***

3. Trustee must not be permitted to encumber the property unless permission to do so has been given by the ~~[Division.]~~ ***Administrator.***

4. Association or each owner must be made a third-party beneficiary.

5. Trustee must be required to give at least 30 days' notice in writing of his or her intention to resign to the association, if it has been formed, and to the ~~[Division,]~~ ***Administrator,*** and the ~~[Division]~~ ***Administrator*** must

approve a substitute trustee before the resignation of the trustee may be accepted.

Sec. 39. NRS 119A.470 is hereby amended to read as follows:

119A.470 1. If title to a project is conveyed to a trustee pursuant to subsection 3 of NRS 119A.430, before escrow closes for the sale of the first time share, the developer must provide the ~~[Division]~~ ***Administrator*** with satisfactory evidence that:

(a) Title to the project has been conveyed to the trustee.

(b) All proceeds received by the developer from the sales of time shares are being delivered to the trustee and deposited in a fund which has been established to provide for the payment of any taxes, costs of insurance or the discharge of any lien recorded against the project.

2. The trustee shall pay the charges against the trust in the following order:

(a) Trustee's fees and costs.

(b) Payment of taxes.

(c) Payments due any holder of a lien recorded against the project.

(d) Any other payments authorized by the document creating the trust.

3. The Administrator may inspect the records relating to the trust at any reasonable time.

Sec. 40. NRS 119A.475 is hereby amended to read as follows:

119A.475 1. Where any part of the statement of record, when that part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, the Administrator or any person acquiring a time share from the developer or his or her agent during the period the public offering statement remained uncorrected (unless it is proved that at the time of the acquisition the Administrator or purchaser knew of the untruth or omission) may sue the developer in any court of competent jurisdiction.

2. Any developer or agent who sells a time share:

(a) In violation of this chapter; or

(b) By means of a public offering statement which contained an untrue statement of a material fact required to be stated therein,

➥ may be sued by the Administrator or purchaser of the time share.

3. If a suit authorized under subsection 1 or 2 is brought by the purchaser, the purchaser is entitled to recover such damages as represent the difference between the amount paid for the time share and the reasonable cost of any permanent improvements thereto, and the lesser of:

(a) The value thereof as of the time the suit was brought;

(b) The price at which the time share has been disposed of in a bona fide market transaction before suit; or

(c) The price at which the time share has been disposed of after suit in a bona fide market transaction but before judgment,

➥ or to rescission of the contract of sale and the refund of any consideration paid by the purchaser.

4. If a suit authorized under subsection 1 or 2 is brought by the Administrator, the Administrator may seek a declaration of the court that any person entitled to sue the developer or his or her agent under this section is entitled to the right of rescission and the refund of any consideration paid by him or her.

5. Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

6. Reasonable attorney's fees may be awarded to the prevailing party in any action brought under this section. Any action to rescind a contract of sale under this section must be brought within 1 year after the date of purchase or within 1 year after the date of the discovery of the misrepresentation giving rise to the action for rescission.

7. The provisions of this section are in addition to and not a substitute for any other right of a person to bring an action in any court for any act involved in the offering or sale of time shares or the right of the state to punish any person for any violation of any law.

~~[8. For the purposes of this section, "statement of record" means the information submitted to the Administrator by the developer in its application for a permit to offer to sell or sell time shares.]~~

Sec. 41. NRS 119A.4771 is hereby amended to read as follows:

119A.4771 1. A person who, on behalf of an owner other than a developer ~~[, wishes]~~ ***and for compensation, undertakes*** to list, advertise ***, transfer, assist in transferring*** or promote for resale, or solicit prospective purchasers of, ***more than*** 12 ~~[or more]~~ time shares ***in any 12-month period*** that were previously sold must:

(a) Be licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS; ~~[and]~~

(b) Register as a time-share resale broker with the Division by completing a form for registration provided by the Division ~~[.]~~ ***; and***

(c) Pay any applicable fees.

2. A time-share resale broker shall renew his or her registration with the Division annually on a form provided by the Division ~~[.]~~ ***and pay any applicable fees.***

3. Unless the method of resales of time shares is made to evade the provisions of this chapter, a person is not required to register ***pursuant to this section or to be licensed under chapter 645 of NRS*** as a time-share resale broker if the person:

(a) ~~[Has acquired fewer than 12 time shares and]~~ ***Is a purchaser who acquires time shares for his or her own use and occupancy and who*** later ~~[resells or]~~ offers to resell ~~[one or more]~~ ***12 or less*** of those time shares ~~[; or]~~ ***in any one calendar year;***

(b) Is a project broker ~~*[or sales agent]*~~ who resells or offers to resell a time share in a project as an agent for a developer who holds a permit for the project ~~[.]~~ ***; or***

(c) Is an owner, operator or publisher of a newspaper, periodical or Internet website, unless the owner, operator or publisher, alone or in combination with its affiliate, parent, subsidiary or agent, derives more than 10 percent of its gross revenue from providing advance fee listings. For the purposes of this paragraph, the calculation of gross revenue derived from providing advance fee listings includes the revenue of any affiliate, parent, agent and subsidiary of the owner, operator or publisher of the newspaper, periodical or Internet website. As used in this paragraph, "advance fee listings" has the meaning ascribed to it in NRS 645.004.

Sec. 42. NRS 119A.4775 is hereby amended to read as follows:

119A.4775 1. ~~[Before]~~ ***If the purchaser of a previously sold time share purchases the time share through a time-share resale broker, the contract of sale must provide, in not less than*** ~~*[10-point]*~~ ***12-point boldface type, that the purchaser may cancel, by written notice, the contract of sale until midnight of the fifth calendar day after the date of execution of the contract.***

2. Regardless of whether a time-share resale broker charges or collects an advance fee, before a purchaser signs any contract to purchase a time share that is offered for resale ~~[,]~~ ***through a time-share resale broker,*** the ~~[person who is reselling the time share,]~~ ***time-share resale broker,*** other than a developer, shall disclose ~~[by a written document separate from]~~ ***in*** the contract to purchase ~~[a]~~ ***the*** time share:

(a) The period during which the purchaser may use the time share;

(b) A legal description of the interest in the time share;

(c) The earliest date that the prospective purchaser may use the time share;

(d) The name, address and telephone number of the agent managing the time-share plan and the project;

(e) The place where the documents of formation of the association and documents governing the time-share plan and the project may be obtained;

(f) The amount of the annual assessment of the association of the time share for the current fiscal year, if any;

(g) Whether all assessments against the time share are paid in full, and the consequences of failure to pay any assessment;

(h) Whether participation in any program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans is mandatory; ~~[and]~~

(i) Any other information required to be disclosed pursuant to the regulations adopted by the Administrator pursuant to subsection ~~[~~2.~~ 2.]~~ ***4; and***

(j) The right to cancel the contract in subsection 1.

3. If the time-share plan includes more than one component site, the purchaser must be provided, in either paper or electronic form, copies of the time-share instrument governing the time-share plan.

4. The Administrator shall adopt regulations prescribing the form and contents of the ~~[disclosure statement]~~ ***disclosures*** described in this section.

Sec. 43. NRS 119A.4777 is hereby amended to read as follows:

119A.4777 1. An agreement for ~~[a time share]~~ ***the*** resale ***of a time share*** entered into by an owner ***of that time share*** and a ~~[person]~~ ***time-share resale broker*** who ~~[resells a]~~ ***lists or offers to resell that*** time share must:

(a) Be in writing; ~~[and]~~

(b) ***Contain a provision in not less than*** ~~*[10-point]*~~ ***12-point boldface type that the owner may cancel, by written notice, the agreement with the time-share resale broker until midnight of the fifth calendar day after the date of execution of the agreement; and***

(c) Contain a ***written*** disclosure that sets forth:

(1) Whether any person other than the purchaser may use the time share during the period before the time share is resold;

(2) Whether any person other than the purchaser may rent the use of the time share during the period before the time share is resold;

(3) The name of any person who will receive any rents or profits generated from the use of the time share during the period before the time share is resold; ~~[and]~~

(4) A detailed description of any relationship between the person who resells the time share and any other person who receives any benefit from the use of the time share ~~[.]~~ ***; and***

(5) The right to cancel the agreement provided pursuant to paragraph (b).

2. ~~[A person]~~ ***The time-share resale broker*** who resells a time share shall provide a fully executed copy of the written agreement described in subsection 1 to the owner on the date that the owner signs the agreement.

3. ~~[A person]~~ ***The time-share resale broker*** who resells a time share shall make the disclosures required pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 1 before accepting anything of value from the owner.

Sec. 44. NRS 119A.4779 is hereby amended to read as follows:

119A.4779 ***1.*** In addition to the provisions of NRS 645.322, 645.323 and 645.324, a time-share resale broker who charges or collects an advance fee shall place 80 percent of that fee into his or her trust account. If the time-share resale broker closes escrow on the time-share resale, the time-share resale broker shall be deemed to have earned the advance fee. If the listing of the time share expires before the time-share resale broker closes escrow on the time-share resale, the time-share resale broker must return the money held in the trust account to the owner of the time share within 10 days after the date of the expiration of the listing.

2. The contract for an advance fee listing must include the following disclosures to the owner of any previously sold time share:

(a) A description of any fees or costs related to the services that the owner or any other person is required to pay to the time-share resale broker or to any third party;

(b) A description of when any fees or costs are due; and

(c) The disclosures required by NRS 119A.4777.

3. A time-share resale broker who charges or collects an advance fee shall not:

(a) State or imply to an owner that the time-share resale broker has identified a person interested in buying or renting the time share without providing the name, address and telephone number of such person;

(b) State or imply to an owner that the time share has a specific resale value;

(c) Fail to honor any cancellation notice sent by the owner by midnight of the fifth day after the date of execution of the contract; or

(d) Fail to provide a full refund of all money paid by an owner within 20 days after receipt of a notice of cancellation . ~~*[or within 5 days after receipt of immediately available funds, whichever is later.]*~~

4. If a time-share resale broker executes a contract that fails to comply with the provisions of subsection 2, such contract is voidable at the option of the owner for a period of 1 year after the date of execution.

5. Notwithstanding the obligations placed upon any other person by this section, the time-share resale broker shall supervise, manage and control all aspects of the resale offering . ~~*[of a time share by any sales agent or employee of the time-share resale broker.]*~~ ***Any violation of the provisions of this section that occurs during such offering shall be deemed a violation by the time-share resale broker and by the person who actually committed the violation.***

6. The use of any unfair or deceptive act or practice by any person in connection with the offering of a time share for resale is a violation of this section.

7. A violation of this section is an unfair or deceptive act or practice pursuant to NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapter 598A and 599A of NRS.

8. Notwithstanding any other penalty provided for in this chapter or chapter 645 of NRS, a person who violates any provision of NRS 119A.4771 to 119A.4779, inclusive, is subject to a civil penalty of not more than $1,000 for each violation.

Sec. 45. NRS 119A.480 is hereby amended to read as follows:

119A.480 1. If the interest of the developer is a leasehold interest, the lease, unless otherwise determined by the ~~[~~Division,~~]~~ ***Administrator,*** must provide that:

(a) The lessee must give notice of termination of the lease for any default by the lessor to the association.

(b) The lessor, upon any default of the lessee including bankruptcy of the lessee, shall enter into a new lease with the association upon the same terms and conditions as the lease with the developer.

2. The ~~[~~Division~~]~~ ***Administrator*** may require the developer to execute a bond or other type of security for the payment of the rental obligation.

Sec. 46. NRS 119A.530 is hereby amended to read as follows:

119A.530 1. ~~[~~A~~]~~ ***During any period in which the developer holds a valid permit and the developer or an affiliate of the developer is the manager, the*** developer or an affiliate of the developer shall provide for the management of the time-share plan and the project, by a written agreement with the association or, if there is no association, with the owners. The initial term of the agreement must expire upon the first annual meeting of the members of the association or at the end of 5 years, whichever comes first. All succeeding terms of the agreement must be renewed annually unless the manager refuses to renew the agreement or a majority of the members of the association who are entitled to vote, excluding the developer, notifies the manager of its refusal to renew the agreement.

2. The agreement must provide that:

(a) The manager or a majority of the owners may terminate the agreement for cause.

(b) The resignation of the manager will not be accepted until 90 days after receipt by the association, or if there is no association, by the owners, of the written resignation.

(c) A fidelity bond must be delivered by the manager to the association.

3. An agreement entered into or renewed on or after October 1, 2001, must contain a detailed, itemized schedule of all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived from the manager's affiliation with the time-share plan or the project, or both, unless

the manager is the developer or an affiliate of the developer. Upon the request of the association, the manager shall disclose to the association annual revenue received by the manager from the manager's affiliation with the time-share plan or the project, or both.

4. Except as otherwise provided in this subsection, if the developer retains a property interest in the project, the parties to such an agreement must include the developer, the manager and the association. In addition to the provisions required in subsections 1 and 2, the agreement must provide:

(a) That the project will be maintained in good condition. Except as otherwise provided in this paragraph, any defect which is not cured within 10 days after notification by the developer may be cured by the developer. In an emergency situation, notice is not required. The association must repay the developer for any cost of the repairs plus the legal rate of interest. Each owner must be assessed for his or her share of the cost of repairs.

(b) That, if any dispute arises between the developer and the manager or association, either party may request from the American Arbitration Association or the Nevada Arbitration Association a list of seven potential fact finders from which one must be chosen to settle the dispute. The agreement must provide for the method of selecting one fact finder from this list.

(c) For the collection of assessments from the owners to pay obligations which may be due to the developer for breach of the covenant to maintain the premises in good condition and repair.

➥ If the developer is not made a party to this agreement, the developer shall be considered to be a third-party beneficiary of such an agreement.

5. The provisions of this section do not apply to the management of a project located outside of this State.

Sec. 47. NRS 119A.532 is hereby amended to read as follows:

119A.532 1. A person who wishes to engage in the business of, act in the capacity of, advertise or assume to act as a manager ***of a project located in this State*** shall register with the Division on a form prescribed by the Division.

2. The form for registration must include, without limitation:

(a) The registered name of ~~[the]~~ ***each*** time-share plan or ~~[the]~~ project, or both, that the manager will manage;

(b) The address and telephone number of the manager's principal place of business;

(c) The social security number of the manager; and

(d) The name of the manager's responsible managing employee.

3. The form for registration must be accompanied by:

(a) Satisfactory evidence, acceptable to the Division, that the manager and his or her employees have obtained fidelity bonds in accordance with regulations adopted by the Division; and

(b) The statement required pursuant to NRS 119A.263.

4. The Division shall collect the fee specified in NRS 119A.360 upon registering the manager and annually thereafter to maintain the registration.

5. As used in this section, "responsible managing employee" means the person designated by the manager to:

(a) Make technical and administrative decisions in connection with the manager's business; and

(b) Hire, superintend, promote, transfer, lay off, discipline or discharge other employees or recommend such action on behalf of the manager.

Sec. 48. NRS 119A.540 is hereby amended to read as follows:

119A.540 1. The association or, if there is no association, the developer shall adopt an annual budget for revenues, expenditures and reserves and collect assessments for the expenses of the time-share plan and the project from the owners. The annual budgets of ~~[the]~~ ***an*** association ***governing a project within this State*** must be submitted to ~~[and approved by]~~ the Division until such time as the association is controlled by members other than the developer.

2. ~~[The Administrator may require that the association or, if there is no association, the developer provide, at the association's or the developer's expense, an opinion from an independent professional consultant as to the sufficiency of the budget to sustain the time-share plan offered by the association or the developer.]~~ The association or the developer shall place any money collected for assessments and any other revenues received by or on behalf of the association in an account established by the association.

3. The developer shall pay assessments for any time shares which are unsold or enter into an agreement with the association, in a form approved by the Division, to pay the difference between the actual expenses incurred by the association and the sum of the amounts payable to the association as assessments by owners, other than the developer, and other revenues received by the association. The Division may require the developer to provide a surety bond or other form of security which is satisfactory to the Division, to guarantee payment of the developer's obligation.

Sec. 49. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker ***or time-share resale broker*** who fails to adequately supervise the conduct of any sales agent or representative ***, as applicable,*** with whom the project broker ***or time-share resale broker*** is associated.

Sec. 50. NRS 119A.680 is hereby to read as follows:

119A.680 1. It unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker or ~~[~~sales agent~~]~~ ***time-share resale broker*** within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS **.** ~~[~~or NRS 119A.210.~~]~~

(b) ***Sales agent within this State without first obtaining a license from the Division pursuant to NRS 119A.210, unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS.***

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Sec. 51. ~~[~~NRS 119A.690 is hereby amended to read as follows:

~~119A.690 Any person who willfully submits, in the application for a ***public offering statement and*** permit to sell time shares or an application for a sales agent's license, any materially false or misleading information or fails to submit an annual report on a program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans, or both, is guilty of a misdemeanor.~~]~~ **(Deleted by amendment.)**

Sec. 52. NRS 119A.370, 119A.4773 and 119A.490 are hereby repealed.

TEXT OF REPEALED SECTIONS

119A.370 Filing of advertisement or offering.

1. A time share must not be advertised or offered for sale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must:

(a) Include the form and content of advertising to be used;

(b) Include the nature of the offer of gifts or other free benefits to be extended;

(c) Include the nature of promotional meetings involving any person or act described in NRS 119A.300; and

(d) Be accompanied by a filing fee of not more than $200, to be established by the Division.

119A.4773 Filing of advertisement or offering required.

1. A time share must not be advertised or offered for resale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must include:

(a) The form and content of advertising to be used;

(b) The nature of the offer of gifts or other free benefits to be extended; and

(c) The nature of promotional meetings involving any person or act described in NRS 119A.300.

119A.490 Filing of amendment of time-share instrument required.

1. Any proposed amendment by the developer of the provisions of a time-share instrument must be filed with the Division.

2. Unless the Division notifies the developer of its disapproval within 15 days, the amendments shall be deemed to be approved by the Division.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 400.

AN ACT relating to business impact statements; revising provisions governing the small business impact statements prepared by state agencies when proposing regulations; requiring a copy of those statements to be submitted to the Legislative Commission; ~~[authorizing a business to commence an action to declare a regulation void when the statement is not prepared properly;]~~ authorizing the Legislative Commission to reject a regulation if the statement is not prepared properly; revising provisions governing the business impact statement prepared by the governing body of a local government when proposing a rule; ~~[authorizing a business to commence an action to declare a rule void when the statement is not prepared properly;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a state agency subject to the Nevada Administrative Procedure Act (Chapter 233B of NRS) to determine whether a proposed regulation is likely to impose a direct and significant economic burden on small business or directly restrict the formation, operation or expansion of a small business. If so, the agency must engage in certain actions and analysis and then prepare a small business impact statement. (NRS 233B.0608) Existing law provides a similar process to determine the impact on a business when a governing body of a local government proposes to adopt a new rule. (NRS 237.080) **Section 1** of this bill requires a state agency to make a concerted effort to determine the impact of the regulation and to conduct **or cause to be conducted** an ~~[independent]~~ analysis of the likely impact of the proposed regulation on small ~~[business.]~~ **businesses. Section 6** of this bill places a similar requirement on the governing body of a local government

with respect to a proposed rule. **Section 6 also removes the rebuttable presumption that no direct or significant economic burden is imposed on a business if the governing body does not receive any data or arguments indicating such a burden.** **Section 1** further requires the director, executive head or other person responsible for the agency to sign the statement certifying that a concerted effort was made to determine the impact of the proposed regulation on a small business and that the information contained in the statement is accurate **[.]** **to the best of his or her knowledge or belief.** **Section 1** also requires a copy of the small business impact statement to be submitted to the Legislative Counsel when the adopted regulation is submitted.

Section 2 of this bill requires a state agency to include a statement of the reasons for the conclusions of the agency regarding the impact of a regulation on a small business in its small business impact statement and requires the director, executive head or other person who is responsible for the agency to sign the statement certifying that the information contained in the statement was prepared properly and is accurate **[.]** **to the best of his or her knowledge or belief.** (NRS 233B.0609) **Section 7** of this bill makes similar requirements applicable to the governing body of a local government which proposes a new rule but requires the **county manager, city manager or other** chief **[legal]** **executive** officer for the governing body to sign the business impact statement. (NRS 237.090)

Section 3 of this bill requires the Legislative Counsel to return a regulation to the agency if it is submitted without the small business impact statement which complies with the requirements for such a statement. (NRS 233B.0665) **Section 4** of this bill allows the Legislative Commission or the Subcommittee to Review Regulations to reject a regulation if it finds that the small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses. (NRS 233B.067)

Section 5 of this bill requires a state agency that receives a petition from a business that is aggrieved by a regulation to transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee. ~~[Section 5 further allows such a business to commence an action in court to declare the regulation void upon a determination by the court that a small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.]~~ (NRS 233B.105) ~~[Section 8 of this bill similarly allows a business aggrieved by a rule adopted by the governing body of a local government to commence an action in court to declare the rule void upon a determination that the business impact statement is inaccurate, incomplete or did not adequately consider or significantly~~

~~underestimated the economic effect of the regulation on business. (NRS 237.100)~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall ***make a concerted effort to*** determine whether the proposed regulation is likely to:

(a) Impose a direct and significant economic burden upon a small business; or

(b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) ***Conduct*** ***or cause to be conducted*** ***an*** ~~*[independent]*~~ ***analysis of the likely impact of the proposed regulation on small businesses.*** ***Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.***

(c) Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

(1) Simplifying the proposed regulation;

(2) Establishing different standards of compliance for a small business; and

(3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

~~[(c)]~~ ***(d)*** Prepare a small business impact statement and make copies of the statement available to the public ~~[at]~~ ***not less than 15 days before*** the workshop conducted and the public hearing held pursuant to NRS 233B.061. ***A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.***

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business ~~[.]~~ ***and the reasons for the conclusions of the agency. The director,***

executive head or other person who is responsible for the agency shall sign the statement certifying that , to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Sec. 2. NRS 233B.0609 is hereby amended to read as follows:

233B.0609 ***1.*** A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

~~[1.]~~ ***(a)*** A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

~~[2.]~~ ***(b) The manner in which the ~~[independent]~~ analysis was conducted.***

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

~~[(a)]~~ ***(1)*** Both adverse and beneficial effects; and

~~[(b)]~~ ***(2)*** Both direct and indirect effects.

~~[3.]~~ ***(d)*** A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

~~[4.]~~ ***(e)*** The estimated cost to the agency for enforcement of the proposed regulation.

~~[5.]~~ ***(f)*** If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

~~[6.]~~ ***(g)*** If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

(h) The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

2. The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that , to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sec. 3. NRS 233B.0665 is hereby amended to read as follows:

233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 ~~[,]~~ ***or a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609,*** the Legislative Counsel shall return the regulation to the agency with a note ~~[that the statement]~~ ***indicating the statement which*** is missing. Unless the ***missing*** statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission or the Subcommittee to Review Regulations, as applicable, and the regulation never becomes effective.

Sec. 4. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,

➥ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. Except as otherwise provided in subsection 4, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.

4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer

the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.

5. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred, approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission or Subcommittee objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority; ~~[or]~~

(c) ***The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; or***

(d) The regulation does not carry out legislative intent,

➥ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.

6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review Regulations consisting of at least three members or alternate members of the Legislative Commission.

Sec. 5. NRS 233B.105 is hereby amended to read as follows:

233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. ***An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.***

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 ~~[,]~~ ***and 233B.0609;*** or

(b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 ***and 233B.0609 is inaccurate, incomplete or*** did not ***adequately*** consider or significantly underestimated the economic effect of the regulation on small businesses.

3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.

~~[*4. Notwithstanding the procedure set forth in this section, a small business that is aggrieved by a regulation adopted by an agency on or after July 1, 2013, may commence an action in court to declare a regulation void upon a determination by the court that the small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.]*~~

Sec. 6. NRS 237.080 is hereby amended to read as follows:

237.080 1. Before a governing body of a local government adopts a proposed rule, the governing body or its designee must ***make a concerted effort to determine whether the proposed rule will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. The governing body of a local government or its designee must*** notify trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

➥ Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.

2. ~~[If the governing body or its designee does not receive any data or arguments from the trade associations or owners or officers of businesses that were notified pursuant to subsection 1 within the period specified in the notification, a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.~~

~~3.]~~ After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

➥ If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

~~[4.]~~ ***3.*** If the governing body or its designee determines pursuant to subsection ~~[3]~~ ***2*** that a proposed rule is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee shall consider methods to reduce the impact of the proposed rule on businesses, including, without limitation:

(a) Simplifying the proposed rule;

(b) Establishing different standards of compliance for a business; and

(c) Modifying a fee or fine set forth in the rule so that a business is authorized to pay a lower fee or fine.

~~[5.]~~ ***4.*** After making a determination pursuant to subsection ~~[3,]~~ ***2,*** the governing body or its designee shall prepare a business impact statement.

Sec. 7. NRS 237.090 is hereby amended to read as follows:

237.090 1. A business impact statement prepared pursuant to NRS 237.080 must be considered ~~[at any hearing conducted]~~ ***by the governing body at its regular meeting next preceding any regular meeting held*** to adopt ~~[a]~~ ***the*** proposed rule ***.*** ~~[and]~~ ***The business impact statement must*** set forth the following information:

(a) A description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) The estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

(c) A description of the methods that the governing body of the local government or its designee considered to reduce the impact of the proposed rule on businesses and a statement regarding whether the governing body or its designee actually used any of those methods.

(d) The estimated cost to the local government for enforcement of the proposed rule.

(e) If the proposed rule provides a new fee or increases an existing fee, the total annual amount the local government expects to collect and the manner in which the money will be used.

(f) If the proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

(g) The reasons for the conclusions regarding the impact of the proposed rule on businesses.

2. ***The county manager, city manager or other chief*** ~~*[legal]*~~ ***executive officer for the governing body of a local government shall sign the business impact statement certifying that , to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.***

3. The governing body of a local government shall not include the ~~[adoption of a proposed rule]~~ ***consideration of a business impact statement*** on the agenda for a meeting unless ~~[a business impact]~~ ***the*** statement has

been prepared and is available for public inspection at the time the agenda is first posted.

Sec. 8. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The governing body of the local government or its designee failed to prepare a business impact statement as required pursuant to NRS 237.080 ~~[,]~~ ***and 237.090;*** or

(b) The business impact statement prepared by the governing body or its designee pursuant to NRS 237.080 ***and 237.090 is inaccurate, incomplete or*** did not ***adequately*** consider or significantly underestimated the economic effect of the rule on businesses.

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body may take action to amend the rule to which the business objected.

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.

~~*[5. Notwithstanding the procedure set forth in this section, a business that is aggrieved by a rule adopted by the governing body of a local government on or after July 1, 2013, may commence an action in court to declare a rule void upon a determination by the court that the business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the rule on business.]*~~

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 468.

AN ACT relating to the Nevada State Funeral Board; revising **the name of the Board and** provisions governing **the powers, duties and membership of** the Board ~~[and transferring its powers and duties to the Health Division of the Department of Health and Human Services;]~~ **; requiring the Board to submit certain reports to the Sunset Subcommittee of the Legislative Commission; requiring the expiration of the term of any member of the Board serving on October 1, 2013; requiring the termination of the employment of any employee of the Board employed on October 1, 2013; requiring the Board to maintain a principal office in this State; establishing a regulatory fee per funeral conducted in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada State Funeral Board licenses and regulates funeral directors, embalmers, apprentice embalmers, the owners of funeral establishments and certain persons who conduct cremations and burials. (Chapter 642 of NRS) The Board also licenses and regulates the operators of crematories and cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS 451.635, 451.640, 452.026, 452.310-452.590)

Section ~~[6]~~ 1 of this bill renames the Board as the Nevada Funeral ~~[Advisory]~~ **and Cemetery Services** Board ~~[, and section 9 of this bill makes the Board purely advisory to the Health Division of the Department of Health and Human Services, as recommended by the Sunset Subcommittee of the Legislative Commission. Sections 7, 8, 13-80 and 84 of this bill, also upon recommendation of the Sunset Subcommittee, transfer the existing powers and duties of the Board to the Health Division, effective on January 1, 2014.~~

~~Existing law establishes certain procedural requirements for an administrative proceeding involving the holder of a license, certificate, permit or similar authorization issued by a regulatory body. (Chapter 622A of NRS) The Board is currently subject to some of those requirements, but the Health Division is entirely exempted from them unless it elects by regulation to comply with them. (NRS 622A.120, 642.075, 642.524, 642.570) Accordingly, sections 21, 59, 61 and 63-65 of this bill delete existing references to those requirements in the provisions amended by those sections. With the transfer of the Board's powers and duties to the Health Division, the result is that proceedings involving a person licensed and regulated by the Board under existing law will not be subject to those requirements after the effective date of the transfer, unless the Health Division so provides by regulation.]~~ **and revises the composition of the Board.**

Existing law requires the Board to meet at least once every year and authorizes the Board to hold special meetings if the proper discharge of

its duties requires. (NRS 642.050) Section 2 of this bill instead requires the Board to meet at least once every calendar quarter.

Existing law authorizes the Board to maintain offices in as many localities in this State as it finds necessary and to employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. (NRS 642.055) Section 3 of this bill requires the Board to: (1) maintain a principal office in this State; (2) employ an Executive Director and inspectors in addition to the personnel that the Board is required by existing law to employ; (3) maintain certain documents in its principal office; (4) establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors and other employees of the Board; and (5) maintain an Internet website and post on the website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Section 5 of this bill requires the Board to charge and collect a regulatory fee for each funeral conducted in this State.

Section 6 of this bill provides that the term of any current member of the Board expires on October 1, 2013, and provides for the appointment of new membership. Section 6 also provides for the termination of the employment of any person employed by the Board on October 1, 2013, and requires the employment by the Board of new staff on or before December 31, 2013.

Section 7 of this bill requires the Board to prepare and submit a written report of its activities to the Sunset Subcommittee of the Legislative Commission every 6 months until the 78th Session of the Nevada Legislature convenes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 84 of this bill and replace with the following new sections 1 through 8:

Section 1. **NRS 642.020 is hereby amended to read as follows:**

642.020 1. The Nevada ~~[State]~~ Funeral ***and Cemetery Services*** Board ~~[, consisting of five members appointed by the Governor,]~~ is hereby created.

2. The ~~[Governor shall appoint:]~~ ***Board consists of seven members appointed as follows:***

(a) ~~[One member]~~ ***Two members*** who ~~[is]~~ ***are*** actively engaged as a funeral director ~~[and]~~ ***or*** embalmer ~~[.]~~ ***, appointed by the Governor.***

(b) One member who is actively engaged as an operator of a cemetery ~~[.]~~ ***, appointed by the Governor.***

(c) One member who is actively engaged in the operation of a crematory ~~[.]~~ ***, appointed by the Governor.***

(d) ~~[Two members]~~ ***One member*** who ~~[are representatives]~~ ***is a representative*** of the general public ~~[.]~~ ***, appointed by the Governor.***

(e) One member who is a representative of the general public, appointed by the Majority Leader of the Senate.

(f) One member who is a representative of the general public, appointed by the Speaker of the Assembly.

3. No member ***of the Board*** who is a representative of the general public may:

(a) Be the holder of a license or certificate issued by the Board or be an applicant or former applicant for such a license or certificate.

(b) Be related within the third degree of consanguinity or affinity to the holder of a license or certificate issued by the Board.

(c) Be employed by the holder of a license or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

5. The Chair of the Board must be chosen from the members of the Board who are representatives of the general public.

Sec. 2. **NRS 642.050 is hereby amended to read as follows:**

642.050 1. The Board shall meet at least once every ~~[year,]~~ ***calendar quarter,*** and may also hold special meetings, if the proper discharge of its duties requires, at a time and place to be fixed by the rules and bylaws of the Board. The rules and bylaws of the Board must provide for the giving of timely notice of all special meetings to all members of the Board and to all applicants for licenses or certificates.

2. Four of the members of the Board at any meeting may organize and constitute a quorum for the transaction of business.

Sec. 3. **NRS 642.055 is hereby amended to read as follows:**

642.055 The Board ~~[may:]~~ ***shall:***

1. Maintain ***a principal office in this State, and such other*** offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter and chapters 451 and 452 of NRS.

2. Employ ***an Executive Director and*** attorneys, investigators ***, inspectors*** and other professional consultants and clerical personnel necessary to the discharge of its duties.

3. Maintain all financial records, records relating to licenses, certificates and permits, meeting minutes, notices and other public documents of the Board in its principal office.

4. Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors, and other professional consultants and clerical personnel employed by the Board.

5. Maintain an Internet website and post on that Internet website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Sec. 4. **NRS 642.067 is hereby amended to read as follows:**

642.067 The Board ~~[may inspect any premises in which the business of funeral directing is conducted or where embalming is practiced and, for that purpose, may]~~ ***shall*** employ ~~[a licensed embalmer of the State of Nevada as]~~ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses ~~[shall]~~ ***must*** be paid out of the fees collected by the Board. ***The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing is conducted or embalming is practiced. A member of the Board shall not conduct any such inspection.***

Sec. 5. **NRS 642.0696 is hereby amended to read as follows:**

642.0696 In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:

Application for a license, certificate or permit	375
Examination for a license, certificate or permit	375
Renewal of a license, certificate or permit	200
Late renewal of a license, certificate or permit	275
Placement of a license on inactive status	175
Reactivation of a license to active status	175
Reinstatement of a lapsed license	300
Transfer of a license, certificate or permit to another location	225
Issuance of a duplicate license, certificate or permit	75
Provision of an administrative service	75
Regulatory fee, per funeral conducted in this State	***10***

Sec. 6. **1. The term of any member of the Nevada State Funeral Board appointed pursuant to subsection 2 of NRS 642.020 serving on October 1, 2013, expires on that date.**

2. As soon as practicable on or after October 1, 2013:

(a) The Governor shall appoint to the Nevada Funeral and Cemetery Services Board the members required to be appointed pursuant to paragraphs (a) to (d), inclusive, of subsection 2 of NRS 642.020, as amended by section 1 of this act.

(b) The Majority Leader of the Senate shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (e) of subsection 2 of NRS 642.020, as amended by section 1 of this act.

(c) The Speaker of the Assembly shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (f) of subsection 2 of NRS 642.020, as amended by section 1 of this act.

3. The employment of any person employed by the Nevada State Funeral Board pursuant to subsection 2 of NRS 642.055 on October 1, 2013, must be terminated on that date.

4. The Nevada Funeral and Cemetery Services Board shall employ new staff pursuant to subsection 2 of NRS 642.055, as amended by section 3 of this act, on or before December 31, 2013.

Sec. 7. **The Nevada Funeral and Cemetery Services Board created pursuant to NRS 642.020, as amended by section 1 of this act, shall, not later than 6 months after the appointment of all the members of the Board pursuant to section 6 of this act, and every 6 months thereafter until the 78th Session of the Nevada Legislature convenes, prepare and submit a written report of its activities, including the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced, to the Sunset Subcommittee of the Legislative Commission created by NRS 232B.210. The report must include, without limitation, any minutes of meetings of the Board, any records kept and any documentation pertaining to the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced.**

Sec. 8. **The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.**

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 202.

Bill read third time.

The following amendment was proposed by Assemblywoman Flores:

Amendment No. 536.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) **Section 1** of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was **[**~~12~~**]** **14** years of age or older when he or she committed the offense.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ ***if the person was ~~[12]~~ 14 years of age or older when the murder or attempted murder was committed.***

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[~~a~~]~~ ***:***

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[~~,~~]~~ ***; or***

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following nine voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a mental health professional.

(h) One member who is a representative from an organization that advocates on behalf of juveniles.

(i) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 1 to 9, inclusive, of this act become effective on October 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by Assemblyman Paul Anderson:

Amendment No. 541.

AN ACT relating to state employees; revising provisions governing the Merit Award Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Merit Award Program to provide awards to state employees who propose suggestions that would reduce, eliminate or avoid state expenditures or improve the operation of State Government. (NRS 285.014, 285.020) ~~[This bill revises the Merit Award Program to limit its application to only a suggestion that would reduce, eliminate or avoid state expenditures.]~~

Sections 1 and 8 of this bill require each state agency to provide to its employees information relating to the Merit Award Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.337 is hereby amended to read as follows:

284.337 An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, the supervisory employee shall meet with the employee to ~~[discuss]~~ ***:***

(a) Discuss goals and objectives ~~[, to evaluate]~~ ***;***

(b) Evaluate the employee's improvement in performance and personal development ~~[, and to discuss]~~ ***;***

(c) Discuss the report ~~[.]~~ ***; and***

(d) Provide to the employee information relating to the Merit Award Program established by NRS 285.020.

2. Provide the employee with a copy of the report.

3. Transmit the report to the appointing authority.

Sec. 2. ~~[NRS 285.014 is hereby amended to read as follows:~~

~~285.014 "Employee suggestion" means a proposal by a state employee or group of state employees which would [:~~

~~1. Reduce,]~~ ***reduce,*** ~~eliminate or avoid state expenditures, whether or not such money would be expended from the State General Fund . [; or~~

~~2. Improve the operation of the State Government.]]~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[NRS 285.060 is hereby amended to read as follows:~~

~~285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:~~

~~(a) Record and acknowledge receipt of the employee suggestion;~~

~~(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and~~

~~(c) Refer the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.~~

~~2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:~~

~~(a) Whether the employee suggestion has been adopted.~~

~~(b) If adopted:~~

~~(1) The day on which the employee suggestion was placed in effect.~~

~~(2) The actual or estimated reduction, elimination or avoidance of expenditures [or any improvement in operations] made possible by the employee suggestion.~~

~~(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.~~

~~(c) If rejected, the reasons for rejection.~~

~~(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.~~

~~3. The Board shall:~~

~~(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.~~

~~(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.~~

~~(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.~~

~~(d) Provide a report to the Budget Division of the Department of Administration and the Interim Finance Committee not later than 30 days after the end of each fiscal year summarizing, for that fiscal year:~~

~~(1) The employee suggestions that were rejected by state agencies.~~

~~(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures [or any improvement in operations] made possible by the employee suggestion.~~

~~(3) Any legislation required to be enacted before an employee suggestion may be adopted.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 285.070 is hereby amended to read as follows:~~

~~285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Department of Administration, may make an~~

award to the state employee or to each state employee of a group of state employees who made the employee suggestion.

2. If the amount of a proposed award will exceed $5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed $5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:

(a) The reduction, elimination or avoidance of expenditures [or any improvement in operations] made possible by the employee suggestion; and

(b) The intent of the Legislature in enacting this chapter.

3. An award made pursuant to this section may not exceed:

(a) Ten percent of the amount of any actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or

(b) A total of $25,000,

whichever is less, whether distributed to an individual employee or to a group of state employees who made the employee suggestion.

4. Awards to employees arising out of adopted employee suggestions must, insofar as is practicable, be paid from money other than money in the State General Fund.

5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than 30 days after the end of the fiscal year during which the employee suggestion was adopted, and the second installment must be paid not later than 30 days after the end of the subsequent fiscal year.

6. A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she made an employee suggestion, or was a member of a group of state employees who made an employee suggestion, that is subsequently adopted.

7. An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of expenditures [or any improvement in operations] as a result of the employee suggestion.

8. Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:

(a) Fifty percent must be transferred to the State General Fund; and

(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state employees who made the employee suggestion for one-time, nonoperational expenses which do not

~~require ongoing maintenance, including, without limitation, training and equipment.]~~ **(Deleted by amendment.)**

Sec. 7. (Deleted by amendment.)

Sec. 8. As soon as practicable on or after July 1, 2013, each state agency, as defined in NRS 285.016, shall:

1. When the next reprint of any manual or handbook that the state agency provides to employees is prepared, add a description of the Merit Award Program established by NRS 285.020 to the manual or handbook.

2. When any Internet website maintained by the state agency is updated, add to the website a description of the Merit Award Program that is readily available to employees of the state agency.

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2013.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 117.

Bill read third time.

The following amendment was proposed by Assemblyman Sprinkle:

Amendment No. 528.

AN ACT relating to rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; specifying that a violation resulting in an injury to another person ~~[is conclusive evidence]~~ **creates a rebuttable presumption** of all facts necessary to impose civil liability for the injury under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person driving a motorcycle or moped upon a highway or riding a bicycle or an electric bicycle upon a roadway is subject to all the duties applicable to the driver of a motor vehicle, with certain exceptions. (NRS 484B.763, 486.331) Existing law makes it unlawful for any driver, including the driver of a trimobile, to disobey the instructions of any official traffic-control device under certain conditions. (NRS 484A.080, 484B.300) Existing law also prohibits vehicular traffic from proceeding into or through an intersection that is controlled by an official traffic-control device exhibiting different colored lights when the signal is red. (NRS 484B.307) **Section 2** of this bill allows a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red signal if: (1) the person stops as required by the

signal and waits for a reasonable time; (2) the signal does not change because of a malfunction or the failure of the signal to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle; and (3) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. **Section 2** also provides that, if the person commits certain violations while driving the motorcycle, moped or trimobile or riding the bicycle or electric bicycle which result in an injury to another person, the violations ~~[are conclusive evidence]~~ **create a rebuttable presumption** of all facts necessary to impose civil liability for the injury.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. ~~[It]~~ ***Except as otherwise provided in NRS 484B.307, it*** is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control

devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be

exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as ***otherwise*** provided in ~~[paragraph (c),]~~ ***paragraphs (c) and (d),*** must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) ***After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:***

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

8. Where the signal is a steady red with a green turn arrow:

(a) ~~[Vehicular]~~ ***Except as otherwise provided in paragraph (b), vehicular*** traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow

are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) ***A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:***

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

9. ***If a person violates paragraph (d) of subsection 7 or paragraph (b) of subsection 8 and that violation results in an injury to another person, the violation*** ~~*[is conclusive evidence]*~~ ***creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.***

10. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~[10.]~~ ***11.*** Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~[11.]~~ ***12.*** A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or

other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 345.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 553.

AN ACT relating to wildlife; requiring **that** the ~~[Board of Wildlife Commissioners and the Department of Wildlife, in managing the]~~ wildlife in this State ~~[, to be informed by]~~ **be managed according to** the best science available; requiring the ~~[Commission]~~ **Board of Wildlife Commissioners** to establish policies for certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Legislature has declared that wildlife in this State is part of the natural resources belonging to the people of the State of Nevada and that preserving, protecting, managing and restoring wildlife in this State contributes immeasurably to the aesthetic, recreational and economic aspects of those natural resources. (NRS 501.100) **Section 1** of this bill ~~[expands]~~ **revises** the legislative declaration to require **that** the ~~[Board of Wildlife Commissioners and the Department of Wildlife, in managing the wildlife in this State, to be informed by]~~ **wildlife in this State be managed according to** the best science available.

Under existing law, in addition to the fee for a game tag, the Department of Wildlife charges an additional fee of $3 for processing each application for a game tag, the revenue from which must be deposited into the Wildlife Fund Account in the State General Fund and be used by the Department for costs related to: (1) programs for the management and control of injurious predatory wildlife; (2) wildlife management activities relating to the protection of certain game animals and wildlife habitat; and (3) research to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the ~~[Commission.]~~ **Board of Wildlife Commissioners.** (NRS 501.181, 502.253) **Section 2** of this bill requires the Commission, in providing guidance relating to any wildlife management activity, the development of a program to control any species of predatory wildlife or any research concerning that species, to

establish a policy for the activity, program or research that specifies the goals and required results of the activity, program or research.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.100 is hereby amended to read as follows:

501.100 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada ~~[.]~~ ***and*** ~~*[, in managing that wildlife, the Commission and the Department]*~~ ***must be*** ~~*[informed by]*~~ ***managed according to the best science available.***

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

Sec. 2. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) Programs for the management and control of ***, and research relating to,*** injurious predatory ***wildlife for the benefit of all other species of*** wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and ***other species of game animals which are historically subject to or are at risk of excessive predation by predatory wildlife, and*** related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181. ***In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish***

a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

4. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 395.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 539.

AN ACT relating to common-interest communities; prohibiting ~~[bullying, intimidation, threats and harassment among]~~ **certain** persons within a **common-interest community from committing certain acts against another person within that same** common-interest community; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill **: (1)** prohibits certain persons within a common-interest community from ~~[bullying, intimidating, threatening or otherwise harassing]~~ **committing certain acts against** another person within that same common-interest community **;** and **(2)** provides that ~~[such an action]~~ **committing any such act** is a public nuisance and ~~[shall be punished]~~ **punishable** as a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully ~~[bully, intimidate,]~~ and without legal authority threaten , ~~[or otherwise]~~ harass or otherwise engage in a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community ~~[.]~~ which:

(a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or

(b) Creates a hostile environment for that person.

2. A person who violates the provisions of subsection 1 commits a public nuisance and shall be punished as provided in NRS 202.470.

~~[3. As used in this section, "bully" means to willfully act, or engage in a course of conduct which is not authorized by law, which exposes another person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and which:~~

~~(a) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;~~

~~(b) Places the person in reasonable fear of harm or serious emotional distress; or~~

~~(c) Creates an environment that is hostile to the person.]~~

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the

extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 544.

AN ACT relating to school property; authorizing the board of trustees of a school district to donate surplus personal property of the school district to another school district; ~~[providing that requirements]~~ **revising provisions** relating to the ~~[establishment]~~ **duties** of oversight panels for school facilities ~~[apply only to the board of trustees of a school district in certain counties; eliminating the duty of certain boards of trustees of school districts to submit to the Legislature written recommendations for financing the costs of construction of]~~ **; revising provisions governing the submission of a biennial report to the Legislature with written recommendations for financing the costs of construction of school facilities by oversight panels for** school facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to donate surplus personal property of the school district to any charter school that is located within the school district without regard to certain notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. (NRS 332.185) **Section 2** of this bill authorizes a board of trustees of a school district likewise to donate surplus personal property to other school districts in this State without regard to the notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. **Section 1** of this bill authorizes a board of trustees of a school district to accept a donation of surplus personal property of another school district.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish an oversight panel for school facilities. (NRS 393.092) Such an oversight panel is required to submit biennially to the Legislature written recommendations for financing school construction costs. In a county whose population is less than 100,000 (currently all counties other than Clark and

Washoe Counties), the board of trustees of the school district is required to submit biennially to the Legislature written recommendations for financing school construction costs. (NRS 393.097) Existing law also authorizes a school district to issue general obligation bonds, after obtaining the approval of the county's debt management commission, if the issuance of the bonds is not expected to result in an increase in the existing property tax levy and the electors have approved a question that authorizes the issuance of bonds for 10 years after the date of approval. (NRS 350.020) In addition to the approval of the debt management commission, in a county whose population is 100,000 or more, the school district must obtain the approval of the oversight panel for school facilities. (NRS 350.020, 393.097) ~~[Sections 3-6 of this bill provide that requirements relating to the establishment of an oversight panel for school facilities apply only to the board of trustees of a school district in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County). Section 6 also eliminates the requirement for the boards of trustees of school districts to submit to the Legislature recommendations for financing school construction costs.]~~ **Section 6 of this bill provides that an oversight panel for school facilities is required to submit a biennial report to the Legislature with recommendations for financing school construction costs only if the oversight panel has approved the issuance of such general obligation bonds. The report must be submitted biennially during the period in which those bonds are outstanding.**

Section 4 of this bill revises the circumstances under which an oversight panel for school facilities is required to hold meetings.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.390 is hereby amended to read as follows:

386.390 Each board of trustees shall have the power to accept on behalf of and for the school district ~~[any]~~ ***:***

1. Any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated ~~[.]~~ ***; and***

2. Any donation of surplus personal property of another school district made pursuant to subsection 2 of NRS 332.185.

Sec. 2. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of

personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to ***any other school district in this State or to*** a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 3. ~~[NRS 350.020 is hereby amended to read as follows:~~

~~"350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.~~

~~2. Such a special election may be held:~~

~~(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or~~

~~(b) On the first Tuesday after the first Monday in June of an odd-numbered year,~~

~~* except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.~~

~~3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-~~

~~thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.~~

~~4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more~~ **[**,**]** ***but less than 700,000,*** ~~the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.~~

~~5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve~~

~~account must be established and maintained in an amount at least equal to the lesser of:~~

~~(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and~~

~~(b) For a school district located in a county whose population is less than 100,000, 50 percent,~~

~~of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.~~

~~6. If the amount in the reserve account falls below the amount required by subsection 5:~~

~~(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and~~

~~(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.~~

~~7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:~~

~~(a) For debt service in the current fiscal year;~~

~~(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and~~

~~(c) To maintain the reserve account required pursuant to subsection 5,~~

~~to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.~~

~~8. A municipality may issue special or medium-term obligations without an election.~~] **(Deleted by amendment.)**

Sec. 4. NRS 393.092 is hereby amended to read as follows:

393.092 1. The board of trustees of a school district in a county whose population is 100,000 or more *[but less than 700,000]* shall establish an oversight panel for school facilities, consisting of 11 members selected as follows:

(a) Six members who are elected representatives of local government, to be determined as follows:

(1) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(2) One member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he or she is a member; and

(3) If the membership determined pursuant to subparagraphs (1) and (2) is less than six, one additional member of the board of county commissioners appointed by a majority vote of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, each of whom must be appointed by a majority vote of the governing body of which he or she is a member, until six members have been appointed. If the membership determined pursuant to this paragraph would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the oversight panel must be rotated and the board of county commissioners shall draw lots to determine which city or cities will be first represented, which next, and so on.

(b) Five members appointed by the board of trustees of the county school district to be determined as follows:

(1) One member who has experience in structural or civil engineering;

(2) One member who has experience in matters relating to the construction of public works projects;

(3) One member who has experience in the financing or estimation of the cost of construction projects;

(4) One member who is a representative of the gaming industry; and

(5) One member who is a representative of the general public who has an interest in education.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel for school facilities may meet at the call of the chair of the oversight panel, but is not required to hold meetings except for the purposes of carrying out its duties pursuant to subsection 4 of NRS 350.020 and NRS 393.097 and, if applicable, for the purposes of carrying out expanded duties pursuant to NRS 393.096, or unless directed by the board of trustees of the school district.

Sec. 5. ~~[NRS 393.095 is hereby amended to read as follows:~~

~~393.095 The board of trustees of a school district in a county whose population is 100,000 or more~~ ***but less than 700,000*** ~~shall:~~

~~1. Provide administrative support to the oversight panel for school facilities established by the board of trustees pursuant to NRS 393.092; and~~

~~2. Comply with all requests by the oversight panel for information.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 393.097 is hereby amended to read as follows:

393.097 1. ~~[On]~~ ***If an oversight panel for school facilities established pursuant to NRS 393.092 approves a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020, the oversight panel shall, on*** or before July 1 of each even-numbered year ~~[, each oversight panel for school facilities established in a county whose population is 100,000 or more *but less than 700,000* pursuant to NRS 393.092]~~ ***during the period in which those bonds are outstanding,*** and each board of trustees of a school district in a county whose population is less than 100,000 shall ***, on or before July 1 of each even-numbered year,*** submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 100,000 or more ~~*[but less than 700,000,]*~~ the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

Sec. 7. ~~[NRS 393.096 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2013.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~**393.096 Oversight panel for school facilities: Authority of board of trustees to expand duties of panel in larger counties.**~~

~~1. The board of trustees of a school district in a county whose population is 700,000 or more may, by a vote of not less than two-thirds of the total membership of the board of trustees, expand the duties of the oversight panel for school facilities established for the school district pursuant to NRS 393.092.~~

~~2. If the board of trustees votes to expand the duties of the oversight panel, the board of trustees shall:~~

~~(a) Prepare a 3-year plan for the renovation of school facilities and a 5-year plan for the construction of school facilities within the school district for submission to the oversight panel for its review and recommendations;~~

~~(b) Appoint the assistant superintendent of school facilities or his or her designee, if the board of trustees has employed a person to serve in that capacity, or otherwise appoint an employee of the school district who has knowledge and experience in school construction, to act as a liaison between the school district and the oversight panel;~~

~~(c) Consider each recommendation made by the oversight panel and, if the board of trustees does not adopt a recommendation, state in writing the~~

~~reason for its action and include the statement in the minutes of the board of trustees, if applicable; and~~

~~(d) In addition to the administrative support required pursuant to NRS 393.095, provide such administrative support to the oversight panel as is necessary for the oversight panel to carry out its expanded duties.~~

~~3. If the board of trustees votes to expand the duties of the oversight panel, the oversight panel shall:~~

~~(a) Work cooperatively with the board of trustees of the school district to ensure that the program of school construction and renovation is responsive to the educational needs of pupils within the school district;~~

~~(b) Review the 3-year plan for the renovation of school facilities and the 5-year plan for the construction of school facilities submitted by the board of trustees of the school district and make recommendations to the board of trustees for any necessary revisions to the plans;~~

~~(c) On a quarterly basis, or more frequently if the oversight panel determines necessary, evaluate the program of school construction and renovation that is designed to carry out the 3-year plan and the 5-year plan and make recommendations to the board of trustees concerning the program;~~

~~(d) Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and~~

~~(e) Prepare an annual report that includes a summary of the progress of the construction and renovation of school facilities within the school district and the expenditure of money from the proceeds of bonds for the construction and renovation, if such information is available to the oversight panel.~~]

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 9 makes various revisions to the Charter of the City of Reno. The revisions include allowing for the creation of a Charter Committee; expanding the prohibition against holding other employment or another office, which applies to the Mayor and City Council Members; providing that the general city election is to occur concurrently with the statewide general election; and providing that after the Civil Service Commission serves a final decision, a person aggrieved by that decision has 180 days in which to file a petition with the county's district court.

Roll call on Assembly Bill No. 9:

YEAS—35.

NAYS—Carlton, Carrillo, Diaz, Flores, Frierson, Kirkpatrick—6.

VACANT—1.

Assembly Bill No. 9 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 25 provides that a designee of a board of county commissioners or of the governing body of a city may impose a special assessment for the costs of abatement and civil penalties related to a chronic or abandoned nuisance or a dangerous or noxious condition. The measure also shortens from 12 months to 180 days the length of time that must elapse before a special assessment for civil penalties may be imposed.

Roll call on Assembly Bill No. 25:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 25 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 54 adopts a revised schedule of fees a justice of the peace must charge and collect on the commencement of actions, the preparation and filing of affidavits and orders, the appearance of defendants, the preparation of transcripts, and other actions in justice court.

Assembly Bill 54 requires 25 percent of the portion of these fees payable to the county treasurer to be deposited into a special account for the benefit of the justice courts in the county. The funds in the special account may only be used for the construction of additional facilities; the expansion or renovation of existing facilities; acquisition of equipment, fixtures, and furniture; equipment or staff for enhanced security; and certain other items. The bill also requires a county treasurer to, if necessary, reduce the amount deposited in the special account to ensure that the total fees paid to the county treasurer in any fiscal year are not less than the amount paid in Fiscal Year 2012-2013.

Finally, A.B. 54 authorizes a board of county commissioners to impose, by ordinance, a filing fee on the commencement of an action or the filing of an answer in justice court, to offset a portion of the cost of operating a law library in the county.

Roll call on Assembly Bill No. 54:

YEAS—37.

NAYS—Ellison, Fiore, Kirner, Wheeler—4.

VACANT—1.

Assembly Bill No. 54 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 93 requires an applicant for a license or licensee of a child care facility to notify the Health Division, Department of Health and Human Services, as soon as practicable but not later than 24 hours after the licensee hires an employee of a child care facility, an employee begins residence at a child care facility; or an employee begins participation in an outdoor youth program.

Roll call on Assembly Bill No. 93:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 93 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 3:55 p.m.

ASSEMBLY IN SESSION

At 5:02 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 168 is quite a simple bill, coming from one of my favorite County Commissioners in Clark County who wanted to put a public member on one of the wildlife boards but could not do it because of the restrictions that were associated with membership on the board. So we came to the Legislature and convinced the folks of Natural Resources, Agriculture, and Mining that having a public member on this board was a good idea. I've always believed that having public members on these types of boards represents everyone in the state. So with that, Madam Speaker, I would ask the body for their support.

Roll call on Assembly Bill No. 168:

YEAS—37.

NAYS—Duncan, Fiore, Livermore, Wheeler—4.

VACANT—1.

Assembly Bill No. 168 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 172 limits the requirement that 50 percent of the design professionals working on a public work project for a bidder who received a bid preference must register their vehicles in this state to only design professionals on a design-build team. The measure eliminates the requirement that 25 percent of the suppliers of materials used for a public work project be located in Nevada; again, this is relevant to a bidder who received a preference. Only persons who submitted a bid on the public work project may file a written objection alleging a violation of the aforementioned requirements.

Assembly Bill 172 provides that a contractor is not deemed qualified to bid certain state and local public work projects if the person materially breached a public work contract costing at least $25 million within the preceding year. The measure further provides that a contractor is not deemed qualified to receive a bidder preference from the State Contractors' Board for certain state and local public work projects if the person materially breached a public work contract costing at least $5 million within the five preceding years.

Following the opening of bids, a 2-hour deadline is imposed for the submittal of an affidavit to the public body or its authorized representative certifying compliance with bid preference requirements. Any contract for such a public work that fails to comply with the provisions of this bill is void.

Roll call on Assembly Bill No. 172:

YEAS—30.

NAYS—Ellison, Fiore, Hambrick, Hansen, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—11.

VACANT—1.

Assembly Bill No. 172 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 182 authorizes the owner of a storage space at a storage facility to impose a reasonable late fee for each month an occupant does not pay rent pursuant to the rental agreement. The bill deems reasonable a late fee of $20 or 20 percent of the monthly rent, whichever is greater.

Assembly Bill 182 also removes the requirement for the owner of a storage facility to use the summary eviction process to evict a person who is using a storage space as a residence.

Roll call on Assembly Bill No. 182:

YEAS—40.

NAYS—Fiore.

VACANT—1.

Assembly Bill No. 182 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblyman Hardy:

ASSEMBLYMAN HARDY:

Assembly Bill 200 allows a farm to hold a farm-to-fork event, in certain circumstances and with limited frequency, without being considered a food establishment for purposes of inspections by a health authority. A farm must register with a local health authority in order to hold a farm-to-fork event and pay a fee, although the health authority shall not conduct inspections of the farm except in certain circumstances. Prior to food being consumed, event guests must be provided, and acknowledge receipt of, a notice that indicates no inspection was conducted by a state or local health department except for butchering and processing of rabbit meat or poultry. The bill also specifies food items from such farms that qualify the farm to be exempt from the definition of "food establishment."

I rise in support of Assembly Bill 200. This provides an opportunity for farms to be able to have people come and visit and see what it is like to enjoy farm fresh food. I hope I can obtain your support.

Roll call on Assembly Bill No. 200:

YEAS—40.

NAYS—Pierce.

VACANT—1.

Assembly Bill No. 200 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 209 will allow a county milk commission to approve the production of raw milk for sale throughout the state of Nevada.

This would be a new business for the state, hiring a few people and allowing people who already drink raw milk to acquire it legally.

Roll call on Assembly Bill No. 209:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 209 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 218 defines "bona fide fringe benefit" for the purposes of state laws applicable to public works as a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan, or program which is established for the sole and exclusive benefit of a worker and his or her family and dependents, and for which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan, or program. The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement.

Roll call on Assembly Bill No. 218:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Oscarson, Wheeler, Woodbury—13.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 218 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 244 sets the minimum number of active registrations for special license plates at 1,000 for all special license plates.

Roll call on Assembly Bill No. 244:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 244 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 283 makes various changes to the public works' laws, including but not limited to revising certain requirements for bidding. It clarifies that a person who performs work that does not otherwise require licensure by the State Contractors' Board is not required to be licensed to provide services on a public work.

The measure requires a public body to appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to evaluate and rank bids for a public work. After the bids have been ranked, the public body or its authorized representative must select at least two, but not more than five, of the highest-ranking applicants to interview.

The bill extends the authority for the Department of Transportation to contract with a construction manager at risk for certain work on highways on and after July 1, 2013.

Roll call on Assembly Bill No. 283:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—14.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 283 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

What this bill originally intended is now a little different. Assembly Bill 293 gives the Commission on Off-Highway Vehicles the authority to change the sizing on the registration stickers and plates that people are going to have to purchase with the off highway vehicle program.

Roll call on Assembly Bill No. 293:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 293 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Yes, Madam Speaker. Assembly Bill 306 includes within the definition of "private investigator" activities relating to the review, analysis, and investigation of computerized data not available to the public. It adds to the definition reference to crimes or torts that have been committed, attempted, threatened, or suspected to occur and exempts a person who repairs or maintains a computer used to analyze data from being subject to licensure. The bill also requires a licensee of the Private Investigator's Licensing Board to maintain a principal place of business in this state and to conspicuously post his or her license. Finally, the bill requires each licensee to ensure that every registered person he or she employs in this state is supervised by a licensee who is physically located in this state, and to maintain records relating to those employees.

Roll call on Assembly Bill No. 306:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 306 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 327 requires the Director of the Department of Administration to establish a telephone number to receive information relating to abuse, fraud, and waste with respect to the receipt and use of public money. Written notice of the telephone number must be posted on the Internet website maintained by the Department and in each public building of an agency.

Roll call on Assembly Bill No. 327:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 327 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 334 exempts a real estate licensee from regulation by the State Contractors' Board if the licensee is acting within the scope of his or her license or permit to engage in property management and is assisting a client in scheduling work to repair or maintain residential property.

Roll call on Assembly Bill No. 334:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 334 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 354 prohibits the manufacture, sale, or distribution of an empty bottle or cup containing Bisphenol A, or BPA, if the bottle or cup is designed or intended to be filled with liquid, food, or beverage intended primarily for consumption by a child less than four years of age. The bill also prohibits the manufacture, sale, or distribution of infant formula or baby food stored in a container that contains intentionally added BPA.

Roll call on Assembly Bill No. 354:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 354 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 358 enacts the Uniform Deployed Parents Custody and Visitation Act and replaces Nevada's existing laws on these subjects. When a parent of a child has received military deployment orders, the bill requires the parents to communicate regarding custody and visitation issues as soon as possible, declares that no permanent custody order may be entered before or during deployment without the service member's consent, and declares that the residence of the deploying parent is not changed by reason of the deployment.

When imminent deployment is not an issue, A.B. 358 prohibits a court from using a parent's past deployment or possible future deployment itself as a negative factor in determining the best interests of the child during a custody proceeding.

The measure also establishes a procedure for parents who agree to a custody arrangement during deployment to resolve the issues out of court and, in the absence of an agreement, provides for an expedited resolution of the issues in court. It also establishes procedures for the termination of temporary custody arrangements following a service member's return from deployment.

This is a uniform act that the commissioners believed we needed for uniformity among the states, because a lot of times when a service member is deployed, the spouse may move to

another state. You may have two states with different laws affecting the relationship between that deployed parent and the child. I think A.B. 358 goes a long way towards trying to preserve that relationship between the deployed parent and the child. I want to commend my colleague from District 42 who introduced legislation on this issue last session, which I'm sure has helped many deployed parents already.

Roll call on Assembly Bill No. 358:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 358 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblymen Daly, Hickey, and Carlton.

Assemblyman Oscarson declared a conflict of interest.

ASSEMBLYMAN DALY:

Assembly Bill 391 revises provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to ensure competitive bidding requirements are followed. The measure requires a contractor or a subcontractor who enters into a contract under the Green Jobs Initiative to provide written certification to the Labor Commissioner that prevailing wages are paid as required.

Assembly Bill 391 also specifies that a cooperative association, nonprofit corporation or association, any other utility, or any entity controlled by such an organization is subject to the full jurisdiction, control, and regulation of the Public Utilities Commission of Nevada if it is operating without a certificate of public convenience and necessity; supplying services to persons other than its own members; offering services outside its service territory; qualifies as a utility outside the service territory; or has violated any other provision related to its certificate of public convenience and necessity.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 391. A.B. 391 targets one, and one only, rural utility in our state, and I don't believe targeting a specific business or industry is good policy for us. This bill increases the cost to certain rural taxpayers by paying prevailing wages and mandating them on certain renewable energy systems, and it disregards current Nevada law and established procedures. Assembly Bill 391 would create an additional burden on rural taxpayers by mandating those things.

These are precious funds that only benefit a small portion of Nevada workers. These funds could be better used towards other priority areas in those rural areas, such as education. Assembly Bill 391 trumps the vested power in the PUC in order to enforce rules established by the Legislature for the prudent operation of utility. We should not be singling out certain businesses, and it's for those reasons that I stand in opposition to A.B. 391.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 391. With respect to the Minority Leader, I do not believe that this points out one particular co-op. Co-ops are very important to this state and they have a true meaning here. This bill just says that if you go outside of your service territory and you want to do business in the big boy's world where everybody has to compete, then you have to

play by the same rule book that everyone else has to. Currently there is one co-op out there that's spreading its wings and working outside of its service territory, but we may have more in the future. We just think it's good public policy for this state to make sure that, as I said, everyone plays by the same rule book and the people of the state are protected.

Roll call on Assembly Bill No. 391:

YEAS—24.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Stewart, Wheeler, Woodbury—14.

NOT VOTING—Oscarson.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 391 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblymen Daly, Stewart, Elliot Anderson, and Kirner.

ASSEMBLYMAN DALY:

Assembly Bill 403 provides for fees to fund vocational programs. Specifically, the bill allows a school district's board of trustees to adopt an ordinance no later than January 1, 2014, imposing a fee on real property of up to $2 per month per acre or any portion thereof; provides that the fee would commence with the fiscal year beginning July 2014, could be collected for no longer than ten years, and the number of acres subject to the fee would be limited, based upon the land use; and requires that the funds collected can be used only for the design, planning, construction, and not more than two years of operational costs of a vocational program.

This measure also requires a board of trustees that imposes such a fee to establish a committee to observe the collection of the fee and the use of the proceeds and to make recommendations related to the vocational program. The committee must include the school district's superintendent of schools, the board of trustees' president, and three additional members, including one state Senator and one Assembly Member appointed by legislative leadership, who represent any portion of the school district, and one member of the public, appointed by the board of trustees, who resides in the school district.

ASSEMBLYMAN STEWART:

I appreciate the efforts of my colleague from Sparks, but I rise in opposition to this bill. It gives the board of trustees of the school districts the power to raise a property tax. I think this is a dangerous precedent to set to give a new body this taxing power, and so I would strongly urge you to vote in opposition to this.

ASSEMBLYMAN ELLIOT ANDERSON:

I think we all know what the budgetary challenges are for the school districts and everything else. Unfortunately we aren't always able to get the support to raise revenue in this body, so it's important that we allow them the ablity to take care of their needs and fund education.

ASSEMBLYMAN KIRNER:

I rise in opposition to Assembly Bill 403, and I share the sentiments of my colleague in District 22. This, in effect, is a property tax, and I believe it's inappropriate to hand over the authority to school boards and give them the ability to exert property taxes. I believe further that we confirmed this policy position in our Taxation Committee when we rejected a similar type of bill handing over, or enabling, a school board to impose a tax.

I would urge the body to think about this as another means to tax and as precedent setting in terms of passing this authority over to school boards.

Roll call on Assembly Bill No. 403:

YEAS—23.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—16.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 403 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 417 requires the legislative body of a community to create a revolving loan account administered by the redevelopment agency. Money in the revolving loan account may be used by the agency only to make loans at or below market rate to a new or existing small business in the redevelopment area. A "small business" is defined as a business that employs not more than 25 persons. Loans may be made from the revolving loan account to small businesses located within the redevelopment area or persons wishing to locate or relocate a new small business in the redevelopment area per certain criteria, and the term of the loan must be five years or less. Each redevelopment agency must make certain annual reports to the Legislature concerning loans from the revolving loan account.

Roll call on Assembly Bill No. 417:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 417 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 434. It allows certain educational requirements for registration as an interior designer to be satisfied by the receipt of a degree from an accredited architectural program. The bill also provides that an application for registration submitted to the State Board of Architecture, Interior Design and Residential Design may be denied for violations of existing law governing architects, registered interior designers, and residential designers, including any violation that may reasonably call into question the qualifications or experience of the applicant. This bill is effective October 1, 2013. What this bill does is help clean up and to get some of these people a license and registration.

Roll call on Assembly Bill No. 434:

YEAS—38.

NAYS—Fiore.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 434 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 438 prohibits an elected member of a local legislative body or the University Board of Regents from being paid to lobby the local legislative body on which he or she served for two years after leaving office. The measure clarifies that the lobbying prohibition does not include being employed by: (1) the former legislative body and appearing before the body in the course of that employment; (2) another public body or agency and appearing before the person's former legislative body in the course of that employment; and (3) a news organization and communicating with the person's former legislative body while gathering news.

This measure is only applicable to persons elected to a term, or appointed to serve out a term, on a local legislative body on or after July 1, 2013.

Roll call on Assembly Bill No. 438:

YEAS—37.

NAYS—Aizley, Fiore—2.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 438 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblymen Elliot Anderson and Hickey.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 442 sets forth the criteria that may be considered by the Secretary of State in determining whether to waive the daily penalty for a failure to file timely campaign finance or registration reports by certain candidates, committees, persons, political organizations, or other entities.

ASSEMBLYMAN HICKEY:

I, too, rise in support of A.B. 442. This bill, heard in Legislative Operations and Elections, took into account the problems that some new candidates have in being confused about the reporting requirements. I know that doesn't include anybody in this room. It especially gave some room for smaller party candidates and first-time candidates and a little more flexibility for the Secretary of State if some reporting things have been overlooked. I think it is a good bill, and I urge its passage.

Roll call on Assembly Bill No. 442:
YEAS—39.
NAYS—None.
EXCUSED—Benitez-Thompson, Bobzien—2.
VACANT—1.
Assembly Bill No. 442 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 453.
Bill read third time.
Remarks by Assemblyman Carrillo and Madam Speaker.

ASSEMBLYMAN CARRILLO:
Assembly Bill 453 provides for the registration of two or more vehicles as a fleet if they are all covered by a commercial liability policy. This bill also provides that verification of the required liability insurance for fleet vehicles is satisfied when an insurer submits to the Department of Motor Vehicles the policy number and the name of the registered owner of those vehicles.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:
Assemblyman Carrillo, I have one question. Is this for any fleet registration or just a fleet registration within the state agencies?

ASSEMBLYMAN CARRILLO:
That would be for any fleet vehicles.

Roll call on Assembly Bill No. 453:
YEAS—33.
NAYS—Aizley, Bustamante Adams, Diaz, Frierson, Horne, Kirkpatrick—6.
EXCUSED—Benitez-Thompson, Bobzien—2.
VACANT—1.
Assembly Bill No. 453 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 455.
Bill read third time.
Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:
Assembly Bill 455 makes various changes to requirements and processes concerning special license plates. Specifically, it revises and expands the types of information that must be provided to the Department of Motor Vehicles in an application for a special license plate, as well as revises the process of the hearing and appeal if a charitable organization that receives additional fees from special license plates is found to have failed to provide certain required information.

Roll call on Assembly Bill No. 455:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 455 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 456 requires a health care professional to, while providing care in a health care facility, wear a name tag that indicates his or her specific licensure or certification. The bill also prohibits a health care professional from holding him or herself out as "board certified" unless the name of the board is disclosed and that board meets certain requirements.

Roll call on Assembly Bill No. 456:

YEAS—33.

NAYS—Ellison, Fiore, Hansen, Hardy, Livermore, Stewart—6.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 456 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblymen Munford and Elliot Anderson.

ASSEMBLYMAN MUNFORD:

Assembly Bill 460 removes the school accountability provisions contained in Chapter 385 of the *Nevada Revised Statutes* and requires Nevada's Department of Education to establish a single statewide system of accountability for all public schools and districts, regardless of their Title I status. The bill requires the new accountability system to continue to comply with the applicable requirements of federal law and sets forth certain elements that must be included in the system. It also requires the Department to monitor the impact of eliminating certain mandated supplemental services and school choice options and report to the Legislative Committee on Education during the legislative interim.

This measure also calls for the reporting of student honor code violations at the high school level and the inclusion of the information in the annual accountability reports submitted by school districts and the state Board of Education.

I'd like to extend my appreciation to Assemblywoman Swank and Assemblyman Eisen for their effort and support in helping to get this legislation through.

ASSEMBLYMAN ELLIOT ANDERSON:

I also wanted to make clear for the body that this allows us to operate under the federal No Child Left Behind waiver. As my colleague from District 6 said, we will remove those

provisions but then put in place what we have been operating under and what the Nevada Department of Education has been doing.

Roll call on Assembly Bill No. 460:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 460 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 166, 167, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 166, 167, 405, and 425, just reported out of committee, be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 26, 184, 360, 367 and 370.

CINDY Jones
Fiscal Analysis Division

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 221.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 447.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 317.

SUMMARY—Revises requirements for the registration of a vehicle that is driven in Nevada by a nonresident who ~~[works]~~ **commutes to work on a regular basis** in Nevada. (BDR 43-707)

AN ACT relating to motor vehicles; revising requirements for the registration of a motor vehicle of a nonresident who is employed in this State and operates the motor vehicle on the highways of this State ~~[.]~~ **on a regular basis to commute to that employment;** requiring that such a motor vehicle comply with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a nonresident who is employed in this State and who owns a motor vehicle that is operated in this State must, within 30 days after commencing employment and with certain exceptions, register the motor vehicle in this State. (NRS 482.385) **Section 1** of this bill requires that ~~[a nonresident who is a natural person employed in this State and who owns]~~ **an owner of** a motor vehicle that is operated in this State **by a nonresident daily commuter** register the motor vehicle within 10 days after ~~[commencing]~~ **the nonresident daily commuter commences** employment. Such a registration would require the payment of a fee and be valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the ~~[nonresident]~~ **owner** is a resident. If the location where the ~~[nonresident]~~ **owner** is a resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada resident. **For the purposes of this bill, section 1 defines "nonresident daily commuter" to mean a person who: (1) is not a Nevada resident; (2) enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment; (3) engages in such gainful employment at a location which is within the State of Nevada and not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and (4) principally garages his or her commuting vehicle in a state other than Nevada.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A nonresident]~~ An owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter ~~[who is a natural person and engages in a trade, profession or occupation or accepts gainful employment in this State]~~ shall apply for the registration of each vehicle the person owns which is operated in this State ~~[.]~~ by a nonresident daily commuter. The person must apply for the registration of such a vehicle not later than 10 days after the date the ~~[person]~~ nonresident daily commuter first operates the vehicle in this State ~~[after the commencement of such employment.]~~ , regardless of whether the nonresident daily commuter is also the owner of the vehicle.

2. The Department shall grant an application for registration of a vehicle pursuant to subsection 1 if the ~~[nonresident owner of the vehicle:]~~ applicant:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of ~~[$150. The owner must pay a fee of $150]~~ $33 for each vehicle the owner registers pursuant to this section.

3. The Department shall issue to ~~[a nonresident]~~ an owner who registers a vehicle pursuant to this section an indicator for the registered vehicle that indicates the vehicle is operated by a nonresident daily commuter. The indicator must be displayed on the registered vehicle when the registered vehicle is operated in this State ~~[. The]~~ by a nonresident daily commuter. An indicator issued pursuant to this subsection is issued for a specific vehicle, is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than ~~[$300.]~~ $100.

(b) For the second and each subsequent offense, by a fine of not more than $500.

➥ The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.

6. ~~[A]~~ If an owner of a vehicle that is required to be registered pursuant to this section fails to register the vehicle pursuant to this section, the owner or operator of the vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that the vehicle is required to be registered pursuant to subsection 1 ~~[.]~~ and that the owner has failed to register the vehicle pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section ~~[.]~~ , including, without limitation, adopting by regulation a definition of "on a regular basis" for the purpose of subsection 8.

8. As used in this section, "nonresident daily commuter" means a person:

(a) Who is not a resident of the State of Nevada;

(b) Who enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment;

(c) Engages in a trade, profession, occupation or other gainful employment at a location which is:

(1) Within the State of Nevada; and

(2) Not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and

(d) Whose vehicle, which is used for the purpose described in paragraph (b), is principally garaged outside this State.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~[.]~~ ***, or section 1 of this act.***

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, ***and section 1 of this act,*** a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a

nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who ~~[engages in a trade, profession or occupation or accepts gainful employment in this State or who]~~ enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such ~~[employment or]~~ enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~[.]~~ ***, and section 1 of this act.***

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, ***indicator,*** decal or number plate is issued, the following fees must be paid:

For a certificate of registration	5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	50
For every other ***indicator,*** decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to

NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 318.

AN ACT relating to motor vehicles; revising requirements for the registration of a motor vehicle that is operated on the highways of this State for a business purpose within this State; requiring that such a motor vehicle complies with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain nonresident owners of motor vehicles that are used in this State for a gainful purpose must register such motor vehicles in this State. (NRS 482.385) **Section 1** of this bill requires a nonresident who is not a natural person, owns a vehicle of a type subject to registration in this State and allows that vehicle to be operated in this State for business purposes within this State to register the motor vehicle within 10 days after the commencement of such operation of the vehicle. Such a registration would require the payment of a fee **, is nontransferable** and ~~[be]~~ **is** valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the nonresident is resident. If the location where the nonresident is resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of

a Nevada resident. The provisions of **section 1** do not apply to certain motor carriers or apportioned vehicles **~~[.]~~ or vehicles that are leased or rented to lessees by short-term lessors.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, NRS 482.390 and 706.801 to 706.861, inclusive, a nonresident who:

(a) Is not a natural person;

(b) Is the owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter; and

(c) Allows that vehicle to be operated in this State by an employee, independent contractor or any other person for the purpose of engaging in the business of the nonresident within this State,

↪ shall, within 10 days after the commencement of such operation, apply for the registration of the vehicle.

2. The Department shall grant an application for registration of a vehicle pursuant to subsection 1 if the nonresident owner of the vehicle:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of ~~[$200. The owner must pay a fee of $150]~~ :

(1) Two hundred dollars for the first vehicle the owner registers pursuant to this section.

(2) One hundred and fifty dollars for each additional vehicle the owner registers pursuant to this section.

3. The Department shall issue to a nonresident owner who registers a vehicle pursuant to this section an indicator for the registered vehicle that must be displayed on the registered vehicle when the registered vehicle is operated in this State. The indicator issued pursuant to this subsection is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than $500.

(b) For the second and each subsequent offense, by a fine of not more than $750.

➥ The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.

6. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that the vehicle is required to be registered pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

8. The provisions of this section do not apply with respect to a vehicle that is leased or rented to a lessee by a short-term lessor, as that term is defined in subsection 5 of NRS 482.053.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~[.]~~ ***, or section 1 of this act.***

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, ***and section 1 of this act,*** a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state,

country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and section 1 of this act,*** a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~[.]~~ ***, and section 1 of this act.***

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, ***indicator,*** decal or number plate is issued, the following fees must be paid:

For a certificate of registration	5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other ***indicator,*** decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 341.

AN ACT relating to motor vehicles; providing for the issuance of special indicia of the registration of a motor vehicle to a seasonal resident; modifying the provisions pertaining to the issuance of an identification card to a seasonal resident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "seasonal resident," in relevant part, as a person who is not a resident of the State of Nevada but who temporarily resides in this State for a period of at least 31 consecutive days in each calendar year, returns to his or her state of residence at least once in each calendar year, is registered to vote or pays income tax in another state or jurisdiction and does not engage in gainful employment in this State. (NRS 481.052; NAC 481.005) **Section 3** of this bill allows the Department of Motor Vehicles to issue to a seasonal resident a decal, sticker or other indicia of the seasonal registration in this State of a motor vehicle if the motor vehicle meets certain criteria. **Section 3 also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such a decal, sticker or other indicia.** **Section 5** of this bill modifies the fees charged for an identification card issued to a seasonal resident and specifies that such a card is valid for a period of 4 years unless suspended, cancelled or revoked. **Section 5 also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such an identification card.** **Sections 2 and 4** of this bill allow a seasonal resident who possesses valid indicia of the seasonal registration of a motor vehicle and a valid identification card for a seasonal resident to operate the motor vehicle upon the highways of this State without registering the vehicle in this State in the same manner as would be required of a vehicle of a resident of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***A seasonal resident may operate a motor vehicle upon the highways of this State without registering the vehicle in this State pursuant to this chapter if the seasonal resident:***

1. Possesses and displays a valid decal, sticker or other indicia of seasonal registration that is issued pursuant to section 3 of this act; and

2. Possesses a valid identification card for seasonal residents that is issued pursuant to section 5 of this act.

Sec. 3. ***1. The Department may issue to a seasonal resident a decal, sticker or other indicia of the seasonal registration in this State of a motor vehicle, if the motor vehicle:***

(a) Is a private passenger vehicle, a noncommercial truck or a recreational vehicle;

(b) Is not a commercial vehicle or otherwise used for business purposes;

(c) ~~*[Either:*~~

~~*(1) Is in compliance with the standards pertaining to the emissions from motor vehicles that apply in the state of which the owner or operator of the motor vehicle is a resident; or*~~

~~*(2) If the state of which the owner or operator of the motor vehicle is a resident does not have standards pertaining to the emissions from motor vehicles:*~~

~~*(I) Is tested for compliance with the standards, if any, pertaining to the emissions from motor vehicles that apply in the region of this State where the motor vehicle will be based; and*~~

~~*(II) If applicable, passes successfully the testing for emissions that is described in sub-subparagraph (I);*~~

~~*(d)]*~~ ***Is registered currently and validly in the state of which the owner or operator of the motor vehicle is a resident; and***

~~*[(e)]*~~ ***(d) Is insured currently and validly in the state of which the owner or operator of the motor vehicle is a resident.***

2. The Department shall not require the payment of any governmental services tax as a condition of issuing a decal, sticker or other indicia of seasonal registration pursuant to this section.

3. A decal, sticker or other indicia of seasonal registration that is issued pursuant to this section must be displayed:

(a) On the lower left corner of the rear window of the motor vehicle for which it is issued; or

(b) In another location specified by regulation of the Department.

4. Except as otherwise provided in subsection 5, a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section expires ~~[2 years]~~ 1 year after the date on which it is issued.

5. The Department may suspend, cancel or revoke a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section for any reason that would justify the suspension, cancellation or revocation, as applicable, of an ordinary motor vehicle registration under the laws of this State.

6. The fee for the initial issuance of a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section is $18. The fee for the renewal of a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section is $18.

7. For the purpose of obtaining a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.

8. The Department may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; ~~[or]~~

(4) A migrant or seasonal farm worker ~~[.]~~ ***; or***

(5) A seasonal resident who is authorized to operate a motor vehicle upon the highways of this State pursuant to section 2 of this act.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall

be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who applies for an identification card in accordance with the provisions of this section and who is not ineligible to receive an identification card pursuant to NRS 483.861 is entitled to receive an identification card if the person:

(a) Is a seasonal resident who does not hold a valid Nevada driver's license; and

(b) Complies with the provisions of this section and any applicable provisions of NRS 483.810 to 483.890, inclusive.

2. The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a seasonal resident	***17***
A renewal of an identification card for a seasonal resident	***17***
A new photograph or change of name, or both, for a seasonal resident	***10***

3. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

4. An identification card that is issued to a seasonal resident pursuant to this section expires 4 years after the date on which it is issued, unless the seasonal resident commits an act or omission for which the Department is required or authorized by the laws of this State to suspend, cancel or revoke the identification card.

5. For the purpose of obtaining an identification card pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.

6. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5.5. **NRS 483.115 is hereby amended to read as follows:**

483.115 "Out-of-state student" means a student ~~[~~**.**

~~1. Whose~~**]** ***whose*** ~~legal residence is not in this State~~ ~~[~~**;**

~~2. Who~~**]** ***and who*** comes into ~~[this State to attend~~**]** ***Nevada for the purpose of attending*** an educational institution **.** ~~[; and~~

~~3. Who returns to his or her legal residence during the summer months.]~~

Sec. 6. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this

State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 ***and section 5 of this act*** as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 7. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, ***and section 5 of this act,*** and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is ~~[~~**:**

~~(a) A~~**]** ***a*** resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction **.** ~~[; or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.]~~

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older	$4
An original or duplicate identification card issued to a person under 18 years of age	3
A renewal of an identification card for a person under 18 years of age	3
An original or duplicate identification card issued to any other person	9

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age 9
A new photograph or change of name, or both 4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7.5. **NRS 483.850 is hereby amended to read as follows:**

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card

pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section. ***This subsection does not apply to a person who, pursuant to this section, applies for an identification card as a seasonal resident.***

Sec. 8. NRS 483.865 is hereby amended to read as follows:

483.865 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive, ***and section 5 of this act*** a designation that the person is a person with a disability. The application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, "person with a disability which limits or impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

Sec. 9. NRS 483.867 is hereby amended to read as follows:

483.867 Upon the application of a person who is a seasonal resident of this State, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive ~~[:]~~ ***, and section 5 of this act:***

1. A designation indicating that the person is a seasonal resident; and

2. A statement indicating that the person holds a valid driver's license from another state or jurisdiction.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and carrying out any other preparatory administrative tasks necessary to implement the provisions of this act; and

2. On January 1, ~~[2014,]~~ **2015,** for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 469.

AN ACT relating to insurance; establishing ~~[licensure]~~ **certification** provisions for certain enrollment facilitators by the Commissioner of

Insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-26 of this bill establish ~~[licensure]~~ **certification** provisions for exchange enrollment facilitators, who will be ~~[licensed]~~ **certified** by the Commissioner of Insurance and appointed as navigators or assisters by the Silver State Health Insurance Exchange as part of the requirement that the Exchange implement a state-based health insurance exchange pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152. (NRS 695I.210) **Section 119** of this bill repeals numerous sections of the Nevada Insurance Code (Title 57 of NRS) to conform to the federal acts, and **sections 27-118** of this bill make conforming changes based on the repeal of those sections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~[3]~~ 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. "Appointment" means a contract, agreement or other arrangement under which a person may act on behalf of the Exchange as an assister, navigator or any other designation authorized or required by the Federal Act.

Sec. 3. ***"Assister" has the meaning ascribed to it by regulations adopted by the Board of Directors of the Exchange pursuant to NRS 695I.370.***

Sec. 4. ***"Exchange" means the Silver State Health Insurance Exchange established by NRS 695I.200.***

Sec. 5. ***"Exchange enrollment facilitator" means a person ~~[licensed]~~ certified pursuant to this chapter who is engaged in the business of facilitating ~~[the selection of]~~ enrollment in qualified health plans offered by the Exchange.***

Sec. 6. ***"Navigator" means a person or entity that meets the requirements of 45 C.F.R. § 155.210 and any other requirements of the Exchange.***

Sec. 7. ***"Qualified health plan" has the meaning ascribed to it in NRS 695I.080.***

Sec. 8. *1. The provisions of NRS 683A.341 and 683A.351 apply to exchange enrollment facilitators.*

2. For the purposes of subsection 1, unless the context requires that NRS ~~[683.341]~~ 683A.341 or 683A.351 apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "exchange enrollment facilitator."

Sec. 9. *1. An applicant for an initial ~~[license]~~ certificate as an exchange enrollment facilitator must:*

(a) Be a natural person of not less than 18 years of age;

(b) Apply on a form prescribed by the Commissioner;

(c) Pass a written examination established by the Commissioner by regulation;

(d) Successfully complete a course of instruction established by the Commissioner by regulation;

(e) Submit fingerprints as required pursuant to section 10 of this act; and

(f) Pay the nonrefundable:

(1) Application and ~~[license]~~ certificate fee set forth in NRS 680B.010;

(2) Initial fee set forth in NRS 680C.110; and

(3) Additional fee of not more than $15 for the processing of the application established pursuant to section 25 of this act.

2. The additional fee for the processing of applications pursuant to subparagraph (3) of paragraph (f) of subsection 1 must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305.

Sec. 10. *1. The Commissioner shall prescribe the form for application for a ~~[license]~~ certificate as an exchange enrollment facilitator. The form must require the applicant to declare, under penalty of refusal to issue, or suspension or revocation of, the ~~[license]~~ certificate of the applicant, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief.*

2. Before approving an application, the Commissioner must find that the applicant:

(a) Meets the requirements of section 9 of this act.

(b) Has not committed any act that is a ground for refusal to issue, or suspension or revocation of a ~~[license]~~ certificate pursuant to NRS 683A.451.

(c) Paid all applicable fees prescribed pursuant to section 9 of this act.

(d) Meets the requirements of subsections 3 and 5.

3. An applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining the information described in paragraph (b).

5. The Commissioner may require from the applicant any document reasonably necessary to verify information contained in an application.

6. Except as otherwise provided in section 23 of this act, a ~~[license]~~ certificate issued pursuant to this chapter is valid for 3 years after the date of issuance unless it is suspended, revoked or otherwise terminated.

Sec. 11. ***1. A person taking the examination required pursuant to section 9 of this act must apply to the Commissioner to take the examination and pay a nonrefundable fee in an amount prescribed in the regulations adopted pursuant to section 25 of this act.***

2. A person who fails to appear for the examination as scheduled or fails to pass the examination must reapply for examination and pay the required fees in order to be scheduled for another examination.

Sec. 12. *1. A ~~[license]~~ certificate may be renewed for an additional 3-year period by submitting to the Commissioner an application for renewal and:*

(a) If the application is made:

(1) On or before the expiration date of the ~~[license,]~~ certificate, all applicable renewal fees and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(2) Except as otherwise provided in subsection 3:

(I) Not more than 30 days after the expiration date of the ~~[license,]~~ certificate, all applicable renewal fees plus any late fee required and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(II) More than 30 days but not more than 1 year after the expiration date of the ~~[license,]~~ certificate, all applicable renewal fees plus a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110.

(b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

3. An exchange enrollment facilitator who is unable to renew his or her ~~[license]~~ certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

Sec. 13. *1. An applicant for the issuance or renewal of a ~~[license]~~ certificate to act as an exchange enrollment facilitator shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the ~~[license;]~~ certificate; or

(b) A separate form prescribed by the Commissioner.

3. A ~~[license]~~ certificate to act as an exchange enrollment facilitator may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. ***1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a ~~[license]~~ certificate to act as an exchange enrollment facilitator, the Commissioner shall deem the ~~[license]~~ certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the ~~[license]~~ certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the ~~[license]~~ certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Commissioner shall reinstate a ~~[license]~~ certificate to act as an exchange enrollment facilitator that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose ~~[license]~~ certificate was suspended stating that the person whose ~~[license]~~ certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. ***The application of a natural person who applies for the issuance or renewal of a ~~[license]~~ certificate as an exchange enrollment facilitator must include the social security number of the applicant.***

Sec. 16. ***1. A ~~[license]~~ certificate issued pursuant to this chapter must state the ~~[licensee's]~~ certificate holder's name, address, personal identification number, the date of issuance and the date of expiration, and must contain any other information the Commissioner considers necessary. The ~~[license]~~ certificate must be made available by the ~~[licensee]~~ certificate holder for public inspection upon request.***

2. A ~~[licensee]~~ certificate holder shall inform the Commissioner of all locations from which he or she conducts business and of each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the date on which the change takes place. If a ~~[licensee]~~ certificate holder changes his or her business or residence address without giving written notice and the Commissioner is unable to locate the ~~[licensee]~~ certificate holder after diligent effort, the Commissioner may revoke the ~~[license]~~ certificate without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the ~~[licensee]~~ certificate holder at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 17. ***1. If the Commissioner believes that a temporary ~~[license]~~ certificate is necessary to carry on the business of facilitating selection of a qualified health plan, the Commissioner may issue a temporary ~~[license]~~ certificate as an exchange enrollment facilitator for 180 days or less without requiring an examination to:***

(a) The surviving spouse, personal representative or guardian of an exchange enrollment facilitator who dies or becomes incompetent, to allow adequate time for the sale of the business, the recovery or return of the exchange enrollment facilitator, or the training and ~~[licensing]~~ certification of new personnel to operate the business;

(b) A member or employee of a business organization appointed ~~[as a navigator or assister,]~~ by the Exchange, upon the death or disability of the natural person designated in its application or ~~[license;]~~ certificate;

(c) The designee of an exchange enrollment facilitator entering active service in the Armed Forces of the United States; or

(d) A person in any other circumstance in which the Commissioner believes that the public interest will be best served by issuing the ~~[license.]~~ certificate.

2. The Commissioner may by order limit the authority of a person who holds a temporary ~~[license]~~ certificate as the Commissioner believes necessary to protect persons insured and the public. The Commissioner may require the person who holds a temporary ~~[license]~~ certificate to have a suitable sponsor who is an exchange enrollment facilitator and who assumes responsibility for all acts of the person who holds the temporary ~~[license,]~~ certificate, and may impose similar requirements to protect persons insured and the public. The Commissioner may order revocation of a temporary ~~[license]~~ certificate if the interests of persons insured or the public are endangered. A temporary ~~[license]~~ certificate expires when the owner or the personal representative or guardian of the owner disposes of the business.

Sec. 18. *An entity other than a natural person that is appointed ~~[to act as a navigator or assister]~~ by the Exchange must require that each natural person who is authorized to act for the entity be an exchange enrollment facilitator. Each exchange enrollment facilitator must be named in the partnership's or corporation's appointment.*

Sec. 19. *An exchange enrollment facilitator:*

1. May not concurrently hold a license as a producer of insurance, an insurance consultant or a surplus lines broker's license in any line.

2. Shall not:

(a) Sell, solicit or negotiate insurance;

(b) Receive any consideration, directly or indirectly, from any health insurance issuer or issuer of stop-loss insurance in connection with the enrollment of any individuals or employees in a qualified health plan or health insurance plan; or

(c) Employ, be employed by or be in partnership with, or receive any remuneration arising out of his or her activities as an exchange enrollment facilitator from, any licensed producer of insurance, insurance consultant or surplus lines broker or insurer.

Sec. 20. *An exchange enrollment facilitator is obligated under his or her ~~[license]~~ certificate to:*

1. Serve with objectivity and complete loyalty the interests of his or her client; and

2. Render to his or her client information, counsel and service which, to the best of the exchange enrollment facilitator's knowledge, understanding and opinion, best serves the client's insurance needs and interests.

Sec. 21. *1. A nonresident who is an exchange enrollment facilitator shall appoint the Commissioner, in writing, as his or her registered agent upon whom may be served all legal process issued in connection with any action or proceeding brought or pending in this State against or involving the nonresident ~~[licensee]~~ certificate holder and relating to transactions under his or her Nevada ~~[license.]~~ certificate. The appointment is irrevocable and remains in force so long as such an action or proceeding exists or may arise. Duplicate copies of process must be served upon the Commissioner, or other person in apparent charge of the Division during the Commissioner's absence, accompanied by payment of the fee for service of process. Promptly after any such service, the Commissioner shall forward a copy of the process by certified mail, return receipt requested, to the nonresident ~~[licensee]~~ certificate holder at his or her business address of most recent record with the Division. Process so served and the copy so forwarded constitutes personal service upon the ~~[licensee]~~ certificate holder for all purposes.*

2. Each such nonresident ~~[licensee]~~ certificate holder shall also file with the Commissioner a written agreement to appear before the Commissioner pursuant to notice of hearing, order to show cause or subpoena issued by the Commissioner and sent by certified mail to the ~~[licensee]~~ certificate holder at his or her business address of most recent record with the Division, and that if the nonresident ~~[licensee]~~ certificate holder fails to appear, the nonresident ~~[licensee]~~ certificate holder thereby consents to any subsequent suspension, revocation or refusal to renew his or her ~~[license.]~~ certificate.

Sec. 22. *1. The Commissioner may place an exchange enrollment facilitator on probation, suspend his or her ~~[license]~~ certificate for not more than 12 months, or revoke or refuse to renew his or her ~~[license,]~~ certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the causes set forth in NRS 683A.451.*

2. The provisions of NRS 683A.461 also apply to an exchange enrollment facilitator.

Sec. 23. *1. Upon the suspension, limitation or revocation of the ~~[license]~~ certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the ~~[licensee]~~ certificate holder in person or by mail addressed to the ~~[licensee]~~ certificate holder at his or her most recent address of record with the Division. Notice by mail is effective when mailed.*

2. Upon the suspension, limitation or revocation of the ~~[license]~~ certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the Executive Director of the Exchange. Upon receipt of such notification , the Executive Director shall immediately terminate the ~~[licensee's]~~ certificate holder's appointment . ~~[as a navigator or assister.]~~

3. The Commissioner shall not again issue a ~~[license]~~ certificate under this chapter to any natural person whose ~~[license]~~ certificate has been revoked until at least 1 year after the revocation has become final, and thereafter not until the person again qualifies for a ~~[license]~~ certificate under this chapter. A person whose ~~[license]~~ certificate has been revoked twice is not eligible for any ~~[license]~~ certificate under this title.

Sec. 24. *1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange ~~[as a navigator or assister]~~ within 30 days after the date on which the ~~[license]~~ certificate was issued, the exchange enrollment facilitator's ~~[license]~~ certificate expires and the exchange enrollment facilitator shall promptly deliver his or her ~~[license]~~ certificate to the Commissioner.*

2. If the Exchange terminates an exchange enrollment facilitator's appointment , ~~[as a navigator or assister,]~~ the exchange enrollment

facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her ~~[license]~~ certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange . ~~[as a navigator or assister.]~~ If the exchange enrollment facilitator does not obtain a new appointment by the Exchange ~~[as a navigator or assister]~~ within 30 days after the date the appointment was terminated, the exchange enrollment facilitator's ~~[license]~~ certificate expires and the exchange enrollment facilitator shall promptly deliver his or her ~~[license]~~ certificate to the Commissioner.

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment ~~[as a navigator or assister]~~ of an entity other than a natural person:

(a) The ~~[navigator or assister]~~ appointments of exchange enrollment facilitators named on the entity's appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her ~~[license]~~ certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange . ~~[as a navigator or assister.]~~ If the exchange enrollment facilitator does not obtain a new appointment by the Exchange ~~[as a navigator or assister]~~ within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator's ~~[license]~~ certificate expires and the exchange enrollment facilitator shall promptly deliver his or her ~~[license]~~ certificate to the Commissioner.

4. The provisions of subsection 3 do not apply to any ~~[navigator or assister]~~ appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of ~~[a navigator or assister]~~ an appointment for an entity or ~~[licensee,]~~ certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.

Sec. 25. ***1. The Commissioner shall adopt regulations:***

(a) For establishing and conducting an examination required by this chapter for the initial issuance and renewal of a ~~[license;]~~ certificate;

(b) For the establishment of a course of instruction as required by this chapter for the initial issuance and renewal of a ~~[license;]~~ certificate;

(c) Establishing the fee required by section 9 of this act for the processing of an application;

(d) Establishing the fee required by section 11 of this act for the administration of the examination; and

(e) For carrying out the provisions of this chapter.

2. The Commissioner may contract with a person to perform functions required by this chapter, including, without limitation:

(a) Administering examinations;

(b) Providing courses of instruction;

(c) Processing applications; and

(d) Collecting fees.

Sec. 26. ***1. No person may engage in the business of an exchange enrollment facilitator unless a [license] certificate has been issued to the person by the Commissioner.***

2. A person who violates subsection 1 is subject to an administrative fine of not more than $1,000 for each act or violation.

Sec. 27. Chapter 679A of NRS is hereby amended by adding thereto the provisions set forth as sections 28 **, 28.5** and 29 of this act.

Sec. 28. ***"Federal Act" means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those acts.***

Sec. 28.5. "Grandfathered plan" means a health benefit plan that meets the requirements of 42 U.S.C. § 18011.

Sec. 29. ***"Rating [factor"] characteristic" means [:***

1. Age,] age, family composition, tobacco use or geographic rating area . [; or

2. Any other factor or combination of factors as provided in the Federal Act.]

Sec. 30. NRS 679A.020 is hereby amended to read as follows:

679A.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 679A.030 to 679A.130, inclusive, ***and sections 28 , 28.5 and 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer's certificate of authority:

(a) Filing initial application $2,450

(b) Issuance of certificate:

(1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive 283

(2) For two or more kinds of insurance as so defined 578

(3) For a reinsurer 2,450

(c) Each annual continuation of a certificate 2,450

(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.
(e) Registration of additional title pursuant to NRS 680A.240 50
(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240 25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document $10
3. Annual statement or report. For filing annual statement or report ... $25
4. Service of process:
(a) Filing of power of attorney $5
(b) Acceptance of service of process 30
5. Licenses, appointments and renewals for producers of insurance:
(a) Application and license $125
(b) Appointment fee for each insurer 15
(c) Triennial renewal of each license 125
(d) Temporary license 10
(e) Modification of an existing license 50
6. Surplus lines brokers:
(a) Application and license $125
(b) Triennial renewal of each license 125
7. Managing general agents' licenses, appointments and renewals:
(a) Application and license $125
(b) Appointment fee for each insurer 15
(c) Triennial renewal of each license 125
8. Adjusters' licenses and renewals:
(a) Independent and public adjusters:
(1) Application and license $125
(2) Triennial renewal of each license 125
(b) Associate adjusters:
(1) Application and license 125
(2) Triennial renewal of each license 125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:
(a) Application and license $125
(b) Triennial renewal of each license 125
10. Additional title and property insurers pursuant to NRS 680A.240:
(a) Original registration $50
(b) Annual renewal 25

11. Insurance vending machines:
(a) Application and license, for each machine $125
(b) Triennial renewal of each license 125
12. Permit for solicitation for securities:
(a) Application for permit $100
(b) Extension of permit 50
13. Securities salespersons for domestic insurers:
(a) Application and license..... $25
(b) Annual renewal of license 15
14. Rating organizations:
(a) Application and license..... $500
(b) Annual renewal..... 500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:
(a) Application and certificate of registration $125
(b) Triennial renewal..... 125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.
17. Certified copies of certificates of authority and licenses issued pursuant to the Code $10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee $10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee $10
21. Licenses, appointments and renewals for bail agents:
(a) Application and license..... $125
(b) Appointment for each surety insurer 15
(c) Triennial renewal of each license 125
22. Licenses and renewals for bail enforcement agents
(a) Application and license..... $125
(b) Triennial renewal of each license 125
23. Licenses, appointments and renewals for general agents for bail:
(a) Application and license..... $125
(b) Initial appointment by each insurer 15
(c) Triennial renewal of each license 125
24. Licenses and renewals for bail solicitors:
(a) Application and license..... $125

(b) Triennial renewal of each license 125
25. Licenses and renewals for title agents and escrow officers:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
(c) Appointment fee for each title insurer 15
(d) Change in name or location of business or in association 10
26. Certificate of authority and renewal for a seller of prepaid funeral contracts..... $125
27. Licenses and renewals for agents for prepaid funeral contracts:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
28. Licenses, appointments and renewals for agents for fraternal benefit societies:
(a) Application and license..... $125
(b) Appointment for each insurer 15
(c) Triennial renewal of each license 125
29. Reinsurance intermediary broker or manager:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
30. Agents for and sellers of prepaid burial contracts:
(a) Application and certificate or license $125
(b) Triennial renewal..... 125
31. Risk retention groups:
(a) Initial registration $250
(b) Each annual continuation of a certificate of registration 250
32. Required filing of forms:
(a) For rates and policies..... $25
(b) For riders and endorsements..... 10
33. Viatical settlements:
(a) Provider of viatical settlements:
(1) Application and license..... $1,000
(2) Annual renewal..... 1,000
(b) Broker of viatical settlements:
(1) Application and license..... 500
(2) Annual renewal..... 500
(c) Registration of producer of insurance acting as a viatical settlement broker 250
34. Insurance consultants:
(a) Application and license..... $125
(b) Triennial renewal..... 125
35. Licensee’s association with or appointment or sponsorship

by an organization:

(a) Initial appointment, association or sponsorship, for each organization $50

(b) Renewal of each association or sponsorship 50

(c) Annual renewal of appointment 15

36. Purchasing groups:

(a) Initial registration and review of an application $100

(b) Each annual continuation of registration 100

37. ***Exchange enrollment facilitators:***

(a) Application and ~~[license]~~ certificate $125

(b) Triennial renewal of each ~~[license]~~ certificate 125

(c) Temporary ~~[license]~~ certificate 10

(d) Modification of an existing ~~[license]~~ certificate 50

38. In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.

Sec. 32. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300

(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300

(2) Annual fee $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee..... $60
(2) Annual fee..... $60
(d) Insurers not otherwise provided for in this subsection:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(e) Producers of insurance, as defined in NRS 679A.117:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(f) Accredited reinsurers, as provided for in NRS 681A.160:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(g) Intermediaries, as defined in NRS 681A.330:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(h) Reinsurers, as defined in NRS 681A.370:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(i) Administrators, as defined in NRS 683A.025:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(j) Managing general agents, as defined in NRS 683A.060:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(k) Agents who perform utilization reviews, as defined in NRS 683A.376:
(1) Initial fee..... $60
(2) Annual fee..... $60
(l) Insurance consultants, as defined in NRS 683C.010:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee..... $60

(2) Triennial fee..... $60
(q) Brokers, as defined in NRS 685A.031:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(s) Companies, as defined in NRS 686A.330:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(t) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee..... $60
(2) Annual fee..... $60
(v) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee..... $60
(2) Annual fee..... $60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(aa) Providers, as defined in NRS 690C.070:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(bb) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(cc) Title agents, as defined in NRS 692A.060:

(1) Initial fee $60
(2) Triennial fee $60
(dd) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250
(ee) Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ff) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60
(gg) Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee $1,300
(2) Annual fee $1,300
(hh) Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ii) Organizations for dental care, as defined in NRS 695D.060:
(1) Initial fee $1,300
(2) Annual fee $1,300
(jj) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
(kk) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(mm) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(nn) Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
(oo) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(pp) Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60

(qq) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
(rr) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
(ss) General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
(tt) Exchange enrollment facilitators, as defined in section 5 of this act:
(1) Initial fee ..... $***60***
(2) Triennial fee ..... $***60***

Sec. 32.2. **NRS 686B.070 is hereby amended to read as follows:**

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:

(a) Rates and proposed increases thereto;
(b) Forms of policies to which the rates apply;
(c) Supplementary rate information; and
(d) Changes and amendments thereof,

➥ made by it for use in this state.

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

3. If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in section 33.4 of this act, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.

4. As used in this section, "rate filing documentation," "unified rate review template" and "written description justifying the rate increase" have the meanings ascribed in 45 C.F.R. § 154.215.

Sec. 33. Chapter ~~[687A]~~ **687B** of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 33.4, 33.6 and 33.8 of this act.**

Sec. 33.4. 1. "Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of

benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 33.6. 1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.

Sec. 33.8. 1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small group market may vary with respect to the particular plan or coverage involved based solely on these [factors:] characteristics:

[1.] (a) Whether the plan or coverage applies to an individual or a family;

[2.] (b) Geographic rating area;

[3.] (c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

[4.] (d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this [subsection] paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal [shall] must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

Sec. 34. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to ~~[689C.980,]~~ ***689C.940,*** inclusive, relating to the program of reinsurance.

Sec. 35. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, ***domestic partner as defined in NRS 122A.030,*** dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any children under a specified age which must not exceed ~~[19]~~ ~~*[25]*~~ ***26*** years ***,*** ~~[except as provided in NRS 689A.045,]~~ and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction

specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. The policy must provide, at the option of the applicant, benefits for expenses incurred for the treatment of abuse of alcohol or drugs, unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 36. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as otherwise provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this State must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

2. ~~[Each policy delivered or issued for delivery in this State after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.~~

~~3.]~~ If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the Commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the

provision as contained in the policy consistent with the coverage provided by the policy.

Sec. 37. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.

2. Optional coverage ~~*[Coverage]*~~ provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for ~~[~~optional~~]~~ coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the

Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 38. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[~~to women and girls at such ages~~]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 39. NRS 689A.0455 is hereby amended to read as follows:

689A.0455 1. ~~[~~Notwithstanding any provisions of this Title to the contrary, a~~]~~ ***A*** policy of health insurance delivered or issued for delivery in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. ~~[~~The coverage required by this section:

~~(a) Must provide:~~

~~(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of health insurance.~~

~~4. The provisions of this section do not apply to a policy of health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~6. The provisions of this section do not:~~

~~(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~7. A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2000, has the legal effect of including the coverage required by this section,~~

~~and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~— 8.]~~ As used in this section, "severe mental illness" means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the ***most recent edition of the*** Diagnostic and Statistical Manual of Mental Disorders, ~~[Fourth Edition,]~~ published by the American Psychiatric Association:

(a) Schizophrenia.

(b) Schizoaffective disorder.

(c) Bipolar disorder.

(d) Major depressive disorders.

(e) Panic disorder.

(f) Obsessive-compulsive disorder.

Sec. 40. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, unless the context otherwise requires, the words and terms defined in NRS 689A.475 to ~~[689A.605,]~~ ***689A.600,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 41. NRS 689A.520 is hereby amended to read as follows:

689A.520 ~~[~~"Established geographic~~]~~ ***"Geographic*** service area" means a geographic ~~*[rating]*~~ area , as approved ~~*[established]*~~ by the Commissioner , ~~[~~and based on the certificate of authority of the carrier to transact insurance in this state,~~]~~ within which the carrier is authorized to provide coverage.

Sec. 42. NRS 689A.525 is hereby amended to read as follows:

689A.525 "Geographic ***rating*** area" means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 43. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by the individual carrier pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside of the decision of the individual carrier to discontinue offering the form of the product. The notice must be made to persons covered by the discontinued insurance at least 180 days before the date on which the individual carrier will discontinue offering the form of the product.

(c) The individual carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 44. NRS 689A.635 is hereby amended to read as follows:

689A.635 1. An individual carrier that offers coverage through a network plan is not required pursuant to NRS 689A.630 to offer coverage to or accept an application from ~~[~~an eligible~~]~~ ***a*** person if the ~~[~~eligible~~]~~ person does not reside or work in the ~~[~~established~~]~~ geographic service area or in a geographic ***rating*** area ~~[~~for which the individual carrier is authorized to transact insurance,~~]~~ provided that the coverage is refused or terminated uniformly without regard to any health status-related factor of any eligible person.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 45. NRS 689A.637 is hereby amended to read as follows:

689A.637 1. An individual carrier that offers a health benefit plan that includes a provision for a restricted network shall use its best efforts to contract with at least one health center in each ~~[~~established~~]~~ geographic

service area to provide health care services to persons covered by the plan if the health center:

(a) Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:

(1) Certification for participation in the Medicaid or Medicare program; and

(2) Requirements relating to the appropriate credentials for providers of health care; and

(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.

2. As used in this section, "health center" has the meaning ascribed to it in 42 U.S.C. § 254b.

Sec. 46. ~~[NRS 689A.680 is hereby amended to read as follows:~~

~~689A.680 1. [An individual carrier shall develop its rates for its individual health benefit plans pursuant to NRS 689A.470 to 689A.740, inclusive, based on rating characteristics. After any adjustments for rating characteristics and design of benefits, the rate for any block of business for an individual health benefit plan written on or after January 1, 2000, must not exceed the rate for any other block of business for an individual health benefit plan offered by the individual carrier by more than 50 percent. The rate for a block of business is equal to the average rate charged to all the insureds in the block of business. In determining whether the rate of a block of business complies with the provisions of this subsection, any differences in rating factors between blocks of business must be considered.~~

~~2.] In determining the rating factors to establish premium rates for a health benefit plan, an individual carrier shall [not] *only* use [characteristics other than] age, [sex, occupation,] geographic *rating* area, composition of the family of the individual and [health status.~~

~~3.] *tobacco use.*~~

~~*2.* If an individual carrier uses [health status] *tobacco use* as a rating factor in establishing premium rates, the [highest factor associated with any classification for health status may not exceed the lowest factor by more than 75 percent.~~

~~4. For the purposes of this section, rating characteristics must not include durational or tier rating, or adverse changes in health status or claim experience after the policy is issued.~~

~~5. As used in this section, "characteristics" means demographic or other information concerning individuals that is considered by a carrier in the determination of premium rates for individuals.] *rate shall not vary by a ratio of more than 1.5 to 1.]*~~ **(Deleted by amendment.)**

Sec. 47. NRS 689A.690 is hereby amended to read as follows:

689A.690 1. As part of its solicitation and sales materials for an individual health benefit plan, an individual carrier shall disclose, to the extent reasonable:

(a) The extent to which premium rates for an individual and the dependent of the individual are established or adjusted based upon rating characteristics;

(b) The right of the individual carrier to change premium rates and the factors, other than claims experience, that may affect changes in premium rates; ***and***

(c) Any provisions in the individual health benefit plan relating to the renewability of the plan **. [**~~; and~~

~~(d) Any provisions in the individual health benefit plan relating to an exclusion for a preexisting condition.~~**]**

2. For the purposes of this section, an individual carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

~~**[**3. On or before March 1 of each year, an individual carrier shall file with the Commissioner an actuarial certification that the individual carrier is in compliance with NRS 689A.680 to 689A.700, inclusive, and that the rating methods of the individual carrier are actuarially sound. The certification must be in such a form and must contain such information as specified by the Commissioner. A copy of the certification must be retained by the individual carrier at its principal place of business.~~

~~4. As used in this section, "actuarial certification" means a written statement signed by a member of the American Academy of Actuaries or any other person acceptable to the Commissioner that an individual carrier is in compliance with the provisions of NRS 689A.680 to 689A.700, inclusive, based upon an examination conducted by the person which included a review of the appropriate records and the actuarial assumptions and methods used by the individual carrier in establishing premium rates for applicable health benefit plans.**]**~~

Sec. 47.5. **NRS 689A.695 is hereby amended to read as follows:**

689A.695 An individual carrier shall make the information and documents described in NRS ~~**[**689A.680 to**]**~~ ***689A.690, 689A.695 and*** 689A.700, ~~**[**inclusive,**]**~~ available to the Commissioner upon request. Except in cases of violations of the provisions of this chapter, the information, other than the premium rates charged by the individual carrier, is proprietary, constitutes a trade secret and is not subject to disclosure by the

Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.

Sec. 48. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations to carry out the provisions of NRS ~~[689A.680 to]~~ ***689A.690, 689A.695 and*** 689A.700, ~~[inclusive,]~~ and to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive***.*** ~~[, including, but not limited to, determining the manner in which geographic rating areas are designated by all individual carriers.]~~

Sec. 49. NRS 689A.710 is hereby amended to read as follows:

689A.710 1. Except as otherwise provided in this section, an individual carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct an ~~[eligible person]~~ ***individual or family*** to refrain from filing an application for coverage with an individual carrier because of the health status, claims experience, industry, occupation ~~*[age, family composition, tobacco use]*~~ or geographic location of the ~~[eligible person.]~~ ***individual or family.***

(b) Encourage or direct an ~~[eligible person]~~ ***individual or family*** to seek coverage from another carrier because of the health status, claims experience, industry, occupation ~~*[age, family composition, tobacco use]*~~ or geographic location of the ~~[eligible person.]~~ ***individual or family.***

2. The provisions of subsection 1 do not apply to information provided to an ~~[eligible person]~~ ***individual or family*** by an individual carrier or a producer relating to the ~~[established]~~ geographic service area or a provision for a restricted network of the individual carrier.

3. Except as otherwise provided in this subsection, an individual carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation ~~*[age, family composition, tobacco use]*~~ or geographic location of the individual at the time that the health benefit plan is issued to or renewed by the individual. ~~[The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of a percentage of premiums, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the individual.]~~

4. An individual carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, industry, occupation ~~*[age, family composition, tobacco use]*~~ or geographic location of an individual at

the time that the health benefit plan is issued to or renewed by the individual placed by the producer with the individual carrier.

5. A denial by an individual carrier of an application for coverage from an ~~[eligible person]~~ ***individual or family*** must be in writing and must state the reason for the denial.

6. The Commissioner may adopt regulations that set forth additional standards to provide for the fair marketing and broad availability of health benefit plans to ~~[eligible persons]~~ ***individuals or families*** in this state.

7. A violation of any provision of this section by an individual carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

8. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with an individual carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to ~~[eligible persons]~~ ***individuals or families*** in this state.

9. Nothing in this section interferes with the right and responsibility of a ~~[broker]~~ ***producer*** to advise and represent the best interests of an ~~[eligible person]~~ ***individual or family*** who is seeking health insurance coverage from an individual carrier.

Sec. 50. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, a plan for coverage of a bona fide association must:

1. Conform with ~~[NRS 689A.680 to]~~ ***689A.690, 689A.695 and*** 689A.700, ~~[inclusive,]~~ concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

~~[3. Provide for the availability of coverage for members of the bona fide association, and their dependents, if such coverage conforms with NRS 689A.640, except that the bona fide association is not required to offer basic and standard health benefit plan coverage to its members or their dependents.~~

~~4. Conform with subsection 1 of NRS 689A.660, relating to preexisting conditions.]~~

Sec. 51. ~~[NRS 689A.730 is hereby amended to read as follows:~~

~~689A.730 For the purposes of providing coverage under a health benefit plan pursuant to the provisions of NRS 689A.470 to 689A.740, inclusive, a producer may only market association memberships to [eligible] persons, accept applications for such membership, or sign up such members in a bona fide association if the [eligible] persons being marketed are actively engaged~~

~~in, or directly related to, the bona fide association.]~~ **(Deleted by amendment.)**

Sec. 52. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 53. NRS 689B.033 is hereby amended to read as follows:

689B.033 1. All group health insurance policies providing coverage on an expense-incurred basis and all employee welfare plans providing medical, surgical or hospital care or benefits established or maintained for employees or their families or dependents, or for both, must as to the family members' coverage provide that the health benefits applicable for children are payable with respect to:

(a) A newly born child of the insured from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the insured for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The policies must provide the coverage specified in subsection 3 and must not exclude premature births.

2. The policy or contract may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required premium or fees, if any, must be furnished to the insurer or welfare plan within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

~~[4. An insurer shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to the group health policy. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500.]~~

Sec. 54. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~[May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.~~

~~2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

~~3.]~~ May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

~~[4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~5.]~~ ***2.*** Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~[6.]~~ ***3.*** Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included

for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~[7.]~~ ***4.*** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[8.]~~ ***5.*** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 55. NRS 689B.340 is hereby amended to read as follows:

689B.340 As used in NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 689B.350 to 689B.460, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. ~~[NRS 689B.410 is hereby amended to read as follows:~~

~~689B.410 1. "Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies, and a policy that pays on a cost-incurred basis.~~

~~2. The term does not include:~~

~~(a) Coverage that is only for accident or disability income insurance, or any combination thereof;~~

~~(b) Coverage issued as a supplement to liability insurance;~~

~~(c) Liability insurance, including general liability insurance and automobile liability insurance;~~

~~(d) Workers' compensation or similar insurance;~~

~~(e) Coverage for medical payments under a policy of automobile insurance;~~

~~(f) Credit insurance;~~

~~(g) Coverage for on-site medical clinics;~~

~~(h) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;~~

~~(i) Coverage under a short-term health insurance policy; and~~

~~(j) Coverage under a blanket student accident and health insurance policy.~~

~~3. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:~~

~~(a) Limited-scope dental or vision benefits;~~

~~(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and~~

~~(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.~~

~~4. For the purposes of NRS 689B.340 to~~ **[**~~689B.590,~~**]** ***689B.580,*** ~~inclusive, if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:~~

~~(a) Coverage that is only for a specified disease or illness; and~~

~~(b) Hospital indemnity or other fixed indemnity insurance.~~

~~5. For the purposes of NRS 689B.340 to~~ **[**~~689B.590,~~**]** ***689B.580,*** ~~inclusive, if offered as a separate policy, certificate or contract of insurance, the term does not include:~~

~~(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;~~

~~(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and~~

~~(c) Similar supplemental coverage provided under a group health plan.~~**]**

(Deleted by amendment.)

Sec. 57. **[**~~NRS 689B.470 is hereby amended to read as follows:~~

~~689B.470 For the purposes of NRS 689B.340 to~~ **[**~~689B.590,~~**]** ***689B.580,*** ~~inclusive:~~

~~1. Any plan, fund or program which would not be, but for section 2721(e) of the Public Health Service Act, as amended by Public Law 104-191, as that section existed on July 16, 1997, an employee welfare benefit plan and which is established or maintained by a partnership to the extent that the plan, fund or program provides medical care, including items and services paid for as medical care, to current or former partners in the partnership, or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement, or otherwise,~~

~~must be treated, subject to the provisions of subsection 2, as an employee welfare benefit plan that is a group health plan.~~

~~2. In the case of a group health plan, a partnership shall be deemed to be the employer of each partner.~~**]** **(Deleted by amendment.)**

Sec. 58. NRS 689B.480 is hereby amended to read as follows:

689B.480 1. In determining the applicable creditable coverage of a person for the purposes of NRS 689B.340 to **[**~~689B.590,~~**]** ***689B.580,*** inclusive, a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, a person must present any certificates of coverage provided to the person in accordance with NRS 689B.490 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person **, [**~~for the purposes of NRS 689B.500,~~**]** a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified in the regulations of the United States Department of Health and Human Services, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each person at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 59. NRS 689B.500 is hereby amended to read as follows:

689B.500 **[**~~1. Except as otherwise provided in this section, a~~**]** ***A*** carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition **. [**~~for:~~

~~(a) More than 12 months after the effective date of coverage if the employee or other insured enrolls through open enrollment or after the first day of the waiting period for that enrollment, whichever is earlier; or~~

~~(b) More than 18 months after the effective date of coverage for a late enrollee.~~

~~➥ A carrier may not define a preexisting condition more restrictively than that term is defined in NRS 689B.450.~~

~~2. The period of any exclusion for a preexisting condition imposed by a group health plan or coverage under blanket accident and health insurance or group health insurance on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the coverage. The period of continuous coverage must not include:~~

~~(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~(b) Any affiliation period not to exceed 60 days for a new enrollee and 90 days for a late enrollee required before becoming eligible to enroll in the group health plan.~~

~~3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees or other persons insured and without regard to any health status-related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee or other insured.~~

~~4. An insurer that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~(a) Relating to pregnancy.~~

~~(b) In the case of a person who, as of the last day of the 30-day period beginning on the date of the birth of the person, is covered under creditable coverage.~~

~~(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or~~

~~treatment was a benefit under the plan, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage.~~

~~➥ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~6. As used in this section, "late enrollee" means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a group health plan following the initial period of enrollment, if that initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~(a) The employee or dependent:~~

~~(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~(2) Lost coverage under creditable coverage as a result of cessation of contributions by his or her employer, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or death of, or divorce or legal separation from, a covered spouse; and~~

~~(3) Requests enrollment not later than 30 days after the date on which the creditable coverage of the employee or dependent was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~(b) The employee enrolls during the open enrollment period, as provided in the contract or as otherwise specifically provided by specific statute.~~

~~(c) The employer of the employee offers several health benefit plans and the employee elected a different plan during an open enrollment period.~~

~~(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~(e) The employee changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, and that coverage has been exhausted.~~**]**

Sec. 60. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue the issuance and renewal of a form of a product of group health insurance if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The carrier notifies each person covered by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the carrier to large groups in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 61. NRS 689B.570 is hereby amended to read as follows:

689B.570 1. A carrier that offers coverage through a network plan is not required to offer coverage to or accept an application from an employer that does not employ or no longer employs any enrollees who reside or work in the ~~[~~established~~]~~ geographic service area of the carrier ~~, [or the geographic rating area for which the carrier is authorized to transact insurance,]~~ provided that such coverage is refused or terminated uniformly without regard to any health status-related factor for any employee of the employer.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the

carrier. The term does not include an arrangement for the financing of premiums.

Sec. 62. ~~[NRS 689B.575 is hereby amended to read as follows:~~

~~689B.575 1. A carrier that offers coverage through a network plan shall use its best efforts to contract with at least one health center in each~~ **[**~~established~~**]** ~~geographic service area of the carrier or geographic~~ ***rating*** ~~area for which the carrier is authorized to transact insurance to provide medical care for enrollees if the health center:~~

~~(a) Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:~~

~~(1) Certification for participation in the Medicaid or Medicare program; and~~

~~(2) Requirements relating to the appropriate credentials for providers of health care; and~~

~~(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.~~

~~2. As used in this section:~~

~~(a) "Health center" has the meaning ascribed to it in 42 U.S.C. § 254b.~~

~~(b) "Network plan" has the meaning ascribed to it in NRS 689B.570.~~**]** **(Deleted by amendment.)**

Sec. 63. NRS 689B.580 is hereby amended to read as follows:

689B.580 1. A plan sponsor of a governmental plan that is a group health plan to which the provisions of NRS 689B.340 to **[**~~689B.590,~~**]** ***689B.580,*** inclusive, otherwise apply may elect to exclude the governmental plan from compliance with those sections. Such an election:

(a) Must be made in such a form and in such a manner as the Commissioner prescribes by regulation.

(b) Is effective for a single specified year of the plan or, if the plan is provided pursuant to a collective bargaining agreement, for the term of that agreement.

(c) May be extended by subsequent elections.

(d) Excludes the governmental plan from those provisions in this chapter that apply only to group health plans.

2. If a plan sponsor of a governmental plan makes an election pursuant to this section, the plan sponsor shall:

(a) Annually and at the time of enrollment, notify the enrollees in the plan of the election and the consequences of the election; and

(b) Provide certification and disclosure of creditable coverage under the plan with respect to those enrollees pursuant to NRS 689B.490.

3. As used in this section, "governmental plan" has the meaning ascribed to in section 3(32) of the Employee Retirement Income Security Act of 1974, as that section existed on July 16, 1997.

Sec. 64. NRS 689C.055 is hereby amended to read as follows:

689C.055 "Dependent" means a spouse ***, a domestic partner as defined in NRS 122A.030,*** or ~~[~~:

~~1. An unmarried~~ ***a*** ~~child under [19]~~ ***26*** ~~years of age . [;~~

~~2. An unmarried child who is a full-time student under 24 years of age and who is financially dependent upon the parent; or~~

~~3. An unmarried child of any age who is medically certified as disabled and dependent upon the parent,~~

~~➥ who the parent claimed as his or her dependent on the form for income tax returns which the parent filed with the Internal Revenue Service for the previous fiscal year.]~~

Sec. 65. NRS 689C.067 is hereby amended to read as follows:

689C.067 ~~[~~"Established geographic~~]~~ ***"Geographic*** service area" means a geographic ~~*[rating]*~~ area , as approved ~~*[established]*~~ by the Commissioner , ~~[~~and based on the certificate of authority of the carrier to transact insurance in this state,~~]~~ within which the carrier is authorized to provide coverage.

Sec. 66. NRS 689C.071 is hereby amended to read as follows:

689C.071 "Geographic ***rating*** area" means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 66.5. **NRS 689C.095 is hereby amended to read as follows:**

689C.095 ~~[1.]~~ "Small employer" ~~[~~means, with respect to a calendar year and a plan year, an employer who employed on business days during the preceding calendar year an average of at least 2 employees, but not more than 50 employees, who have a normal workweek of 30 hours or more, and who employs at least 2 employees on the first day of the plan year. For the purposes of determining the number of eligible employees, organizations which are affiliated or which are eligible to file a combined tax return for the purposes of taxation constitute one employer.

~~2. For the purposes of this section, organizations are "affiliated" if one directly, or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, the other, as determined pursuant to the provisions of NRS 692C.050.~~]~~ ***has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).***

Sec. 67. NRS 689C.125 is hereby amended to read as follows:

689C.125 1. A carrier serving small employers shall apply rating factors ~~[~~, including characteristics,~~]~~ consistently with respect to all small employers . ~~[~~in a class of business.~~]~~ Rating factors must produce premiums for identical groups that differ only by the amounts attributable to the design of the plans and the terms of the coverage and do not reflect differences

based on the nature of the groups that will select particular health benefit plans. As used in this subsection, "premium" means all money paid by a small employer and eligible employees to a carrier as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

2. A carrier serving small employers shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period, if the terms of coverage provided in the plans are the same.

Sec. 68. ~~[NRS 689C.145 is hereby amended to read as follows:~~

~~689C.145 In determining the rating factors for establishing the premiums for a health benefit plan, a carrier serving small employers shall not use characteristics other than age, sex, industry, geographic *rating* area, composition of family, size of group and the amount contributed by the employer to the cost of coverage without the prior approval of the Commissioner.]~~ **(Deleted by amendment.)**

Sec. 69. NRS 689C.155 is hereby amended to read as follows:

689C.155 The Commissioner may adopt regulations to carry out the provisions of NRS ~~[689C.107]~~ ***689C.109*** to ~~[689C.145,]~~ ***689C.142,*** inclusive, 689C.156 to 689C.159, inclusive, 689C.165, 689C.183, 689C.187, 689C.191 , ***689C.192*** to 689C.198, inclusive, 689C.203, 689C.207, 689C.265, ~~[689C.283, 689C.287,]~~ 689C.325, ~~[689C.342 to 689C.348, inclusive,]~~ 689C.355 and 689C.610 to ~~[689C.980,]~~ ***689C.940,*** inclusive, and to ensure that rating practices used by carriers serving small employers are consistent with those sections, including regulations that:

1. Ensure that differences in rates charged for health benefit plans by such carriers are reasonable and reflect only differences in the designs of the plans, the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.

2. Prescribe the manner in which ~~[characteristics]~~ ***rating factors*** may be used by such carriers.

Sec. 70. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. ~~[The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan.]~~ A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, and 689C.610 to ~~[~~689C.980,~~]~~ ***689C.940,*** inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 71. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 ~~[~~, 689C.157~~]~~ and 689C.190 do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 72. NRS 689C.160 is hereby amended to read as follows:

689C.160 The requirements used by a carrier serving small employers to determine whether to provide coverage to a small employer, including, without limitation, ~~[~~standards for medical underwriting,~~]~~ requirements for minimum participation of eligible employees and minimum employer's contributions, must be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the carrier.

Sec. 73. NRS 689C.169 is hereby amended to read as follows:

689C.169 1. ~~[~~Notwithstanding any provisions of this title to the contrary, a~~]~~ ***A*** policy of group health insurance delivered or issued for delivery in this State pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. ~~[~~The coverage required by this section:

~~(a) Must provide:~~

~~(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of group health insurance.~~

~~4. The provisions of this section do not apply to a policy of group health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~6. The provisions of this section do not:~~

~~(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this State with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~7. A policy of group health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 3, 2009, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~8.~~**]** As used in this section, "severe mental illness" means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the ***latest edition of the*** Diagnostic and Statistical Manual of Mental Disorders, **[**~~Fourth Edition,~~**]** published by the American Psychiatric Association:

(a) Schizophrenia.
(b) Schizoaffective disorder.
(c) Bipolar disorder.
(d) Major depressive disorders.
(e) Panic disorder.
(f) Obsessive-compulsive disorder.

Sec. 74. NRS 689C.190 is hereby amended to read as follows:

689C.190 ~~[1. Except as otherwise provided in this section, a]~~ ***A*** carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition **.** ~~[:~~

~~(a) For more than 12 months after the effective date of coverage if the employee enrolls through open enrollment or after the first day of the waiting period for such enrollment, whichever is earlier; or~~

~~(b) For more than 18 months after the effective date of coverage for a late enrollee. A carrier may not define a preexisting condition in its health benefit plan more restrictively than that term is defined in NRS 689C.082.~~

~~2. The period of any exclusion for a preexisting condition imposed by a health benefit plan on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage. The period of continuous coverage must not include:~~

~~(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~(b) Any affiliation period, not to exceed 60 days for a new enrollee and 90 days for a late enrollee, required before becoming eligible to enroll in the health benefit plan.~~

~~3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees and without regard to any health status-related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee.~~

~~4. A carrier that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~(a) Relating to pregnancy.~~

~~(b) In the case of a person who, as of the last day of the 30 day period beginning on the date of the person's birth, is covered under creditable coverage.~~

~~(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or treatment was a covered benefit under the plan, if the creditable coverage was continuous to a date not more than 90 days before the effective date of the new coverage.~~

~~➥ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~6. As used in this section, "late enrollee" means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a health benefit plan of a small employer following the initial period of enrollment, if the initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~(a) The employee or dependent:~~

~~(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~(2) Lost coverage under creditable coverage as a result of cessation of employer contribution, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or the death of, or divorce or legal separation from, a covered spouse; and~~

~~(3) Requests enrollment not later than 30 days after the date on which his or her creditable coverage was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~(b) The person enrolls during the open enrollment period, as provided in the contract or as otherwise provided by specific statute.~~

~~(c) The person is employed by an employer which offers multiple health benefit plans and the person elected a different plan during an open enrollment period.~~

~~(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~(e) The person changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 and such coverage has been exhausted.~~**]**

Sec. 75. NRS 689C.191 is hereby amended to read as follows:

689C.191 1. In determining the applicable creditable coverage of a person **, [**~~for the purposes of NRS 689C.190,~~**]** a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, an eligible employee must present any certificates of coverage provided to the eligible employee in accordance with NRS 689C.192 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person **, [**~~for the purposes of NRS 689C.190,~~**]** a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified by the United States Department of Health and Human Services by regulation, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each eligible employee at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 76. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as

a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive.

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

(a) Health status.

(b) Medical condition, including physical and mental illnesses, or both.

(c) Claims experience.

(d) Receipt of health care.

(e) Medical history.

(f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not ~~[~~:

~~(a) Require~~] ***require*** a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage **.** ~~[~~; or

~~(b) Prevent a carrier from establishing limitations or restrictions on the amount, level, extent or nature of the benefits or coverage for similarly situated persons.~~]

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 77. NRS 689C.200 is hereby amended to read as follows:

689C.200 A carrier serving small employers is not required to accept applications from or offer coverage to:

1. A small employer if the employer is not physically located in the carrier's ~~[~~established~~]~~ geographic ~~*[rating]*~~ ***service*** area; or

2. An employee if the employee does not work or reside within the carrier's ~~[~~established *rating]* geographic ***service*** area.

Sec. 78. NRS 689C.250 is hereby amended to read as follows:

689C.250 ~~[A carrier serving small employers shall make the information and documents described in NRS 689C.210 to 689C.240, inclusive, available to the Commissioner upon request.]~~

1. Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the ~~[~~information is~~]~~ ~~*[rating practices]*~~ ***unified rate review template and rate filing documentation used by carriers servicing small employers are considered*** proprietary, ~~[~~constitutes~~]~~ ***constitute*** a trade secret, and ~~[~~is~~]~~ ***are*** not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

2. As used in this section, "rate filing documentation" and "unified rate review template" ascribed to in 45 C.F.R § 154.215.

Sec. 79. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic ***rating*** area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan offered to small employers pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue the particular form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor relating to any participant or beneficiary covered by the discontinued product

or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 80. NRS 689C.320 is hereby amended to read as follows:

689C.320 1. A carrier that discontinues transacting insurance in this State or in a particular geographic ~~*[rating]*~~ ***service*** area of this State shall:

(a) Notify the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before a notice of cancellation or nonrenewal is delivered or mailed to the affected small employers pursuant to paragraph (b).

(b) Notify the Commissioner and each small employer affected not less than 180 days before the expiration of any policy or contract of insurance under any health benefit plan issued to a small employer pursuant to this chapter.

2. A carrier that cancels any health benefit plan because it has discontinued transacting insurance in this State or in a particular geographic ~~*[rating]*~~ ***service*** area of this State:

(a) Shall discontinue the issuance and delivery for issuance of all health benefit plans pursuant to this chapter in this State and not renew coverage under any health benefit plan issued to a small employer; and

(b) May not issue any health benefit plans pursuant to this chapter in this State or in the particular geographic area for 5 years after it gives notice to the Commissioner pursuant to paragraph (b) of subsection 1.

Sec. 81. NRS 689C.325 is hereby amended to read as follows:

689C.325 A carrier that offers coverage through a network plan is not required to offer coverage to or accept any applications for coverage from the eligible employees of a small employer pursuant to NRS 689C.310 and 689C.320 if:

1. The eligible employees do not reside or work in the ~~[~~established~~]~~ geographic service area of the network plan.

2. For a small employer whose eligible employees reside or work in the ~~[~~established~~]~~ geographic service area of the network plan, the carrier demonstrates to the satisfaction of the Commissioner that the carrier does not have the capacity to deliver adequate service to additional small employers and eligible employees because of the existing obligations of the carrier. If a carrier is authorized by the Commissioner not to offer coverage pursuant to this subsection, the carrier shall not thereafter offer coverage to additional small employers and eligible employees within that ~~[~~established~~]~~ geographic service area until the carrier demonstrates to the satisfaction of the Commissioner that it has regained the capacity to deliver adequate service to additional small employers and eligible employees within that service area.

Sec. 82. ~~[~~NRS 689C.327 is hereby amended to read as follows:

~~689C.327 1. A carrier that offers a network plan shall use its best efforts to contract with at least one health center in each [established] geographic service area to provide health care as a member of the carrier's defined set of providers under the network plan if the health center:~~

~~(a) Meets all conditions imposed by the carrier on similarly situated providers of health care that are members of the carrier's defined set of providers, including, without limitation:~~

~~(1) Certification for participation in the Medicaid or Medicare program; and~~

~~(2) Requirements relating to the appropriate credentials for providers of health care; and~~

~~(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care that are members of the carrier's defined set of providers.~~

~~2. As used in this section, "health center" has the meaning ascribed to it in 42 U.S.C. § 254b.~~**]** **(Deleted by amendment.)**

Sec. 83. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~[~~May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

~~2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

~~3. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of~~

~~health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~4.~~] Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

[~~5.~~] ***2.*** Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a [~~calendar~~] ***plan*** year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

[~~6.~~] ***3.*** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

[~~7. Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.~~]

Sec. 84. NRS 689C.355 is hereby amended to read as follows:

689C.355 1. Except as otherwise provided in this section, a carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct a small employer to refrain from filing an application for coverage with the carrier because of the health status, claims experience, industry, occupation ***[age, family composition, tobacco use]*** or geographic location of the small employer.

(b) Encourage or direct a small employer to seek coverage from another carrier because of the health status, claims experience, industry, occupation ***[age, family composition, tobacco use]*** or geographic location of the small employer.

2. The provisions of subsection 1 do not apply to information provided to a small employer by a carrier or a producer relating to the [~~established~~] geographic service area or a provision for a restricted network of the carrier.

3. Except as otherwise provided in this subsection, a carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation that is paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation ***[age, family composition, tobacco use]*** or geographic location of the small employer at the time that the health benefit plan is issued to or

renewed by the small employer. ~~[The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of percentage of premium, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the small employer.]~~

4. A carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, occupation ~~***[age, family composition, tobacco use]***~~ or geographic location of a small employer at the time that the health benefit plan is issued to or renewed by the small employer placed by the producer with the carrier.

5. A carrier or producer shall not induce or otherwise encourage a small employer to separate or otherwise exclude an employee or a dependent of the employee from health coverage or benefits provided in connection with the employment of the employee.

6. A violation of any provision of this section by a carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

7. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with a carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to small employers in this state.

8. Nothing in this section interferes with the right and responsibility of a ~~[broker]~~ ***producer*** to advise and represent the best interests of a small employer who is seeking health insurance coverage from a small employer carrier.

Sec. 85. NRS 689C.390 is hereby amended to read as follows:

689C.390 "Dependent" means a spouse, ~~[an unmarried]~~ ***a domestic partner as defined in NRS 122A.030, or a*** child who has not attained ~~[19]~~ ***26*** years of age ***.*** ~~[, an unmarried child who is a full-time student who has not attained 24 years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent.]~~

Sec. 86. NRS 689C.610 is hereby amended to read as follows:

689C.610 As used in NRS 689C.610 to ~~[689C.980,]~~ ***689C.940,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[689C.620 to 689C.730, inclusive,]~~ ***689C.630, 689C.660 and 689C.670*** have the meanings ascribed to them in those sections.

Sec. 87. ~~[NRS 689C.650 is hereby amended to read as follows:~~

~~689C.650 "Eligible person" [has the meaning ascribed to it in NRS 689A.515.]~~ ***means:***

~~*1. A person:*~~

~~*(a) Who, as of the date on which the person seeks coverage pursuant to this chapter, has an aggregate period of creditable coverage that is 18 months or more;*~~

~~*(b) Whose most recent prior creditable coverage, other than coverage under a short-term health insurance policy, was under a group health plan, governmental plan, church plan or health insurance coverage offered in connection with any such plan;*~~

~~*(c) Who is not eligible for coverage under a group health plan, Part A or Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395c et seq., also known as Medicare, a state plan pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., also known as Medicaid, or any successor program, and who does not have any other health insurance coverage;*~~

~~*(d) Whose most recent health insurance coverage within the period of aggregate creditable coverage was not terminated because of a failure to pay premiums or fraud;*~~

~~*(e) Who has exhausted his or her continuation of coverage under the Consolidation Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, or under a similar state program, if any; and*~~

~~*(f) Who has not had a break of more than 63 consecutive days in his or her creditable coverage.*~~

~~*2. A person whose most recent prior creditable coverage was under a basic or standard health benefit plan and was not renewed by a carrier who discontinued offering and renewing individual health benefit plans in this State pursuant to NRS 689A.630.*~~

~~*3. Notwithstanding the provisions of paragraph (a) of subsection 1, a newborn child or a child placed for adoption, if the child was enrolled timely and would have otherwise met the requirements of an eligible person as set forth in subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 88. NRS 695A.152 is hereby amended to read as follows:

695A.152 1. To the extent reasonably applicable, a fraternal benefit society shall comply with the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by the society to its members. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides

coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "fraternal benefit society."

Sec. 89. NRS 695A.159 is hereby amended to read as follows:

695A.159 1. If a person:

(a) Adopts a dependent child; or

(b) Assumes and retains a legal obligation for the total or partial support of a dependent child in anticipation of adopting the child,

➥ while the person is eligible for group coverage under a certificate for health benefits, the society issuing that certificate shall not restrict the coverage, in accordance with NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, of the child solely because of a preexisting condition the child has at the time he or she would otherwise become eligible for coverage pursuant to that policy.

2. For the purposes of this section, "child" means a person who is under 18 years of age at the time of his or her adoption or the assumption of a legal obligation for his or her support in anticipation of his or her adoption.

Sec. 90. NRS 695B.187 is hereby amended to read as follows:

695B.187 Except as otherwise provided by the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance:

1. A group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that the benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➥ if that contract is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement contract pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees of the employer pursuant to NRS 608.1577.

3. Any corporation which issues a replacement contract pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the corporation which indicates what

benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation.

Sec. 91. NRS 695B.189 is hereby amended to read as follows:

695B.189 A group contract issued by a corporation under the provisions of this chapter must contain a provision which permits the continuation of coverage pursuant to the provisions of NRS ~~[689B.245 to 689B.249, inclusive, and]~~ 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

Sec. 92. NRS 695B.192 is hereby amended to read as follows:

695B.192 1. No hospital, medical or dental service contract issued by a corporation pursuant to the provisions of this chapter may contain any exclusion, reduction or other limitation of coverage relating to complications of pregnancy, unless the provision applies generally to all benefits payable under the contract and complies with the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. A contract subject to the provisions of this chapter which is issued or delivered on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision of the contract which is in conflict with this section is void.

Sec. 93. NRS 695B.251 is hereby amended to read as follows:

695B.251 1. Except as otherwise provided in the provisions of this section, NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, all group subscriber contracts delivered or issued for delivery in this state providing for hospital, surgical or major medical coverage, or any combination of these coverages, on a service basis or an expense-incurred basis, or both, must contain a provision that the employee or member is entitled to have issued to him or her a subscriber contract of health coverage

when the employee or member is no longer covered by the group subscriber contract.

2. The requirement in subsection 1 does not apply to contracts providing benefits only for specific diseases or accidental injuries.

3. If an employee or member was a recipient of benefits under the coverage provided pursuant to NRS 695B.1944, the employee or member is not entitled to have issued to him or her by a replacement insurer a subscriber contract of health coverage unless the employee or member has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695B.1944.

Sec. 94. NRS 695B.259 is hereby amended to read as follows:

695B.259 The medical service corporation may continue coverage identical to that provided under the group contract instead of issuing a converted contract. Coverage may be offered by amending the group certificate or by issuing an individual contract and ~~[, except as otherwise provided in NRS 689B.245 to 689B.249, inclusive,]~~ must otherwise comply with every requirement of NRS 695B.251 to 695B.259, inclusive.

Sec. 95. NRS 695B.318 is hereby amended to read as follows:

695B.318 1. Nonprofit hospital, medical or dental service corporations are subject to the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to:

(a) "Carrier" must be replaced by "corporation."

(b) "Group health plan" must be replaced by "group contract for hospital, medical or dental services."

Sec. 95.5. **NRS 695B.320 is hereby amended to read as follows:**

695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, ***and section 33.8 of this act,*** and chapters 692C and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

Sec. 96. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, ~~[~~695C.250~~]~~ and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 96.5. **NRS 695C.055 is hereby amended to read as follows:**

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, ***and section 33.8 of this act,*** and chapters 686A and 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 97. NRS 695C.057 is hereby amended to read as follows:

695C.057 1. A health maintenance organization is subject to the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to

~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "health maintenance organization."

Sec. 98. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. ~~[Upon receipt of an application for issuance of a certificate of authority, the Commissioner shall forthwith transmit copies of such application and accompanying documents to the State Board of Health.

2.]~~ The ~~[State Board of Health]~~ ***Commissioner*** shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the ***Commissioner and in consultation with the*** State Board of Health; and

(c) Has a procedure established in accordance with regulations of the ~~[State Board of Health]~~ ***Commissioner*** to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the ~~[State Board of Health.

3.]~~ ***Commissioner.***

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the ~~[State Board of Health shall certify to the]~~ Commissioner ***shall certify*** whether the proposed health maintenance organization meets the requirements of subsection ~~[2.]~~ ***1.*** If the ~~[State Board of Health]~~ ***Commissioner*** certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 99. NRS 695C.090 is hereby amended to read as follows:

695C.090 The Commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to NRS 695C.060 within 90 days ~~[of receipt of the]~~ ***after*** certification ***.*** ~~[from the State Board of Health.]~~ Issuance of a certificate of authority must be granted upon payment of the fees prescribed in NRS 695C.230 if the Commissioner is satisfied that the following conditions are met:

1. The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy and possess good reputations.

2. The ~~[~~State Board of Health~~]~~ ***Commissioner*** certifies, in accordance with NRS 695C.080, that the health maintenance organization's proposed plan of operation meets the requirements of subsection ~~[~~2~~]~~ ***1*** of NRS 695C.080.

3. The health care plan furnishes comprehensive health care services.

4. The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the Commissioner may consider:

(a) The financial soundness of the health care plan's arrangements for health care services and the schedule of charges used in connection therewith;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other organization for insuring the payment of the cost of health care services;

(d) Any agreement with providers for the provision of health care services; and

(e) Any surety bond or deposit of cash or securities submitted in accordance with NRS 695C.270 as a guarantee that the obligations will be duly performed.

5. The enrollees will be afforded an opportunity to participate in matters of program content pursuant to NRS 695C.110.

6. Nothing in the proposed method of operation, as shown by the information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, or by independent investigation is contrary to the public interest.

Sec. 100. NRS 695C.140 is hereby amended to read as follows:

695C.140 1. A health maintenance organization shall, unless otherwise provided for in this chapter, file notice with the Commissioner ~~[~~and the State Board of Health~~]~~ before any material modification of the operations described in the information required by NRS 695C.070. If the Commissioner does not disapprove within 90 days after filing of the notice, the modification is deemed approved.

2. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 101. NRS 695C.1693 is hereby amended to read as follows:

695C.1693 1. Except as otherwise provided in NRS 695C.050, a health care plan issued by a health maintenance organization must provide coverage for medical treatment which an enrollee receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The enrollee has signed, before participating in the clinical trial or study, a statement of consent indicating that the enrollee has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the enrollee.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III

or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the enrollee is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the enrollee during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695C.1691, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the health maintenance organization has contracted for such services. If the health maintenance organization has not contracted for the provision of such services, the health maintenance organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the health maintenance organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to an enrollee is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the enrollee.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the enrollee's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the enrollee during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the enrollee.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the enrollee, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~[~~**:**

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee of the availability of the benefits required by this section.~~

~~(b) Provide~~~~]~~ ***provide*** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an enrollee caused by:

(1) Any medical treatment provided to the enrollee in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the enrollee in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an enrollee's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 102. NRS 695C.1705 is hereby amended to read as follows:

695C.1705 Except as otherwise provided in the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance:

1. A group health care plan issued by a health maintenance organization to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➥ if that plan is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement plan pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous

policy or coverage may be reduced if notice of the reduction is given to the employees pursuant to NRS 608.1577.

3. Any health maintenance organization which issues a replacement plan pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the organization indicating what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. If an employee or enrollee was a recipient of benefits under the coverage provided pursuant to NRS 695C.1709, the employee or enrollee is not entitled to have issued to him or her by a health maintenance organization a replacement plan unless the employee or enrollee has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695C.1709.

5. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group health care plan issued by a health maintenance organization.

Sec. 103. NRS 695C.172 is hereby amended to read as follows:

695C.172 1. No health maintenance organization may issue evidence of coverage under a health care plan to any enrollee in this state if it contains any exclusion, reduction or other limitation of coverage relating to complications of pregnancy unless the provision applies generally to all benefits payable under the policy and complies with the provisions of NRS 689B.340 to **[**~~689B.590,~~**]** ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. Evidence of coverage under a health care plan subject to the provisions of this chapter which is issued on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision which is in conflict with this section is void.

Sec. 104. NRS 695C.1727 is hereby amended to read as follows:

695C.1727 1. No evidence of coverage that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the evidence of coverage includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery an evidence of coverage specified in subsection 1 ~~[~~:

~~(a) Shall include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee under the evidence of coverage of the availability of the benefits required by this section.~~

~~(b) Shall~~] ***shall*** provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for the evidence of coverage that are required under the evidence of coverage.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the enrollee after the enrollee is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the enrollee and which requires modification of the enrollee's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 105. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the

United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 106. NRS 695C.200 is hereby amended to read as follows:

695C.200 The Commissioner shall within a reasonable period approve any form if the requirements of NRS 695C.170 are met **.** ~~[and any schedule of charges if the requirements of NRS 695C.180 are met.]~~ It is unlawful to issue such form or to use such schedule of charges until approved. If the Commissioner disapproves such filing, the Commissioner shall notify the filer. In the notice, the Commissioner shall specify the reasons for disapproval. A hearing will be granted within 90 days after a request in writing by the person filing.

Sec. 107. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the Commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. ~~[The organization shall file a copy of the report with the State Board of Health.]~~

2. The report must be on forms prescribed by the Commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the Commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during

the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the Commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection ~~[~~2~~]~~ ***1*** of NRS 695C.080 in such form as required by the ~~[~~State Board of Health;~~]~~ ***Commissioner;*** and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the Commissioner to carry out his or her duties pursuant to this chapter.

3. Every health maintenance organization shall file with the Commissioner annually an audited financial statement of the organization prepared by an independent certified public accountant. The statement must cover the preceding 12-month period and must be filed with the Commissioner within 120 days after the end of the organization's fiscal year. Upon written request, the Commissioner may grant a 30-day extension.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

5. The Commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 108. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

2. The ~~[~~State Board of Health~~]~~ ***Commissioner*** shall make an examination concerning the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as it deems necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

3. Every health maintenance organization and provider shall submit its books and records relating to the health care plan to an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination. Medical records of natural persons and records of physicians providing service pursuant to a contract to the health maintenance organization are not subject to such examination, although the records are subject to subpoena

upon a showing of good cause. For the purpose of examinations, the Commissioner ~~[~~and the State Board of Health~~]~~ may administer oaths to, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

4. The expenses of examinations pursuant to this section must be assessed against the organization being examined and remitted to the Commissioner **.** ~~[~~or the State Board of Health, whichever is appropriate.~~]~~

5. In lieu of such examination, the Commissioner may accept the report of an examination made by the insurance commissioner or the state board of health of another state.

Sec. 109. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The ~~[~~State Board of Health certifies to the~~]~~ Commissioner ***certifies*** that the health maintenance organization:

(1) Does not meet the requirements of subsection ~~[~~2~~]~~ ***1*** of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 110. NRS 695C.340 is hereby amended to read as follows:

695C.340 1. When the Commissioner has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the Commissioner shall notify the health maintenance organization **[**~~and the State Board of Health~~**]** in writing specifically stating the grounds for denial, suspension or revocation and fixing a time at least 30 days thereafter for a hearing on the matter.

2. **[**~~The State Board of Health or its delegated representative shall be in attendance at the hearing and shall participate in the proceedings. The recommendation and findings of the State Board of Health with respect to matters relating to the quality of health maintenance services provided in connection with any decision regarding denial, suspension or revocation of a certificate of authority are conclusive and binding upon the Commissioner.~~**]** After the hearing, or upon the failure of the health maintenance organization

to appear at the hearing, the Commissioner shall take action as is deemed advisable on written findings which must be mailed to the health maintenance organization **.** ~~[with a copy thereof to the State Board of Health.]~~ The action of the Commissioner ~~[and the recommendation and findings of the State Board of Health]~~ are subject to review by the First Judicial District Court of the State of Nevada in and for Carson City. The court may, in disposing of the issue before it, modify, affirm or reverse the order of the Commissioner in whole or in part.

Sec. 111. NRS 695C.350 is hereby amended to read as follows:

695C.350 1. The Commissioner may, in lieu of suspension or revocation of a certificate of authority under NRS 695C.330, levy an administrative penalty in an amount not more than $2,500 for each act or violation, if reasonable notice in writing is given of the intent to levy the penalty.

2. Any person who violates the provisions of this chapter is guilty of a misdemeanor.

3. If the Commissioner ~~[or the State Board of Health]~~ for any reason ~~[have]~~ ***has*** cause to believe that any violation of this chapter has occurred or is threatened, the Commissioner ~~[or the State Board of Health]~~ may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in the suspected violation, to arrange a conference with the alleged violators or their authorized representatives to attempt to determine the facts relating to the suspected violation, and, if it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violation.

4. The proceedings conducted pursuant to the provisions of subsection 3 must not be governed by any formal procedural requirements, and may be conducted in such manner as the Commissioner ~~[or the State Board of Health]~~ may deem appropriate under the circumstances.

5. The Commissioner may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in violation of the provisions of this chapter.

6. Within 30 days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this chapter have occurred. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.

7. In the case of any violation of the provisions of this chapter, if the Commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to subsection 5,

the Commissioner may institute a proceeding to obtain injunctive relief, or seek other appropriate relief in the district court of the judicial district of the county in which the violator resides.

Sec. 112. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to NRS 679B.700.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to **[**~~689B.590,~~**]** ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS 689A.035, 689A.410, 689A.413 and 689A.415.

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.

12. NRS 689A.637, concerning health centers.

Sec. 113. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner **, [**~~or the State Board of Health,~~**]** each managed care organization shall file with the Commissioner **, [**~~and the State Board of Health,~~**]** on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

(a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or

(b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the Commissioner **,** ~~[or the State Board of Health,]~~ if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

(a) A copy of all of its quarterly and annual financial reports;

(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and

(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.

4. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

Sec. 114. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 115. NRS 695G.173 is hereby amended to read as follows:

695G.173 1. A health care plan issued by a managed care organization must provide coverage for medical treatment which a person insured under the plan receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695G.164, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the managed care organization has contracted for such services. If the managed care organization has not contracted for the provision of such services, the managed care organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the managed care organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the plan is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the plan.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~[~~:

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each person insured under the plan of the availability of the benefits required by this section.~~

~~(b) Provide~~~~]~~ ***provide*** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 116. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➥ The system must be approved by the Commissioner in consultation with the State Board of Health.

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to this section at such times as either deems necessary or appropriate.

Sec. 117. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to NRS 695G.200 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 117.5. **NRS 287.010 is hereby amended to read as follows:**

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such

insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and*** 689B.287 ~~[and 689B.575]~~ apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 118. NRS 287.045 is hereby amended to read as follows:

287.045 1. Except as otherwise provided in this section, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment.

2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

4. Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 90th day after the member's initial term of office begins.

5. Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and if the coverage under the Program is provided by a health maintenance organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.

Sec. 119. NRS 689A.045, 689A.370, 689A.480, 689A.500, 689A.515, 689A.545, 689A.560, 689A.565, 689A.575, 689A.595, 689A.605, 689A.610, 689A.620, 689A.640, 689A.645, 689A.650, 689A.655, 689A.660, 689A.665, 689A.670, 689A.675, **689A.680,** 689A.685, **689A.730,** 689B.120, 689B.130, 689B.140, 689B.150, 689B.170, 689B.180, 689B.200, 689B.210, 689B.245, 689B.246, 689B.247, 689B.248, 689B.249, 689B.283, **689B.410,** 689B.420, **689B.470, 689B.575,** 689B.590, 689C.021, 689C.035, 689C.051, 689C.076, 689C.084, 689C.089, 689C.099, 689C.107, 689C.145, 689C.157, ~~[689C.191,]~~ 689C.210, 689C.230, 689C.240, 689C.260, 689C.283, 689C.287, 689C.290, 689C.300, **689C.327,** 689C.340, 689C.342, 689C.344, 689C.346, 689C.348, 689C.620, 689C.640, 689C.650, 689C.680, 689C.690, 689C.700, 689C.710, 689C.720, 689C.730, 689C.740, 689C.750, 689C.760, 689C.770, 689C.780, 689C.790, 689C.800, 689C.810, 689C.820, 689C.830, 689C.840, 689C.850, 689C.860, 689C.870, 689C.880, 689C.890, 689C.900, 689C.910, 689C.920, 689C.930, 689C.950, 689C.955, 689C.960, 689C.970, 689C.980, 695C.1707, 695C.180, 695C.193, 695C.195, 695C.250 and 695I.050 are hereby repealed.

Sec. 119.5. **The provisions of sections 27 to 30, inclusive, 32.2 to 66, inclusive, and 67 to 118, inclusive, of this act apply to policies which are issued on or after October 1, 2013, and which become effective on or after January 1, 2014.**

Sec. 120. 1. This section and sections 1 to ~~[30,]~~ **26,** inclusive, **31 and 32** of this act become effective upon passage and approval.

2. Sections ~~[31 to 119,]~~ **27 to 30, inclusive, 32.2 to 66, inclusive, and 67 to 119.5,** inclusive, of this act become effective ~~[on]~~ **:**

(a) Upon passage and approval for the purpose of adopting regulations; and

(b) On January 1, 2014 ~~[.]~~ **, for all other purposes.**

3. **Section 66.5 of this act becomes effective on January 1, 2016.**

4. Sections 13, 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to

restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

689A.045 Termination of coverage on dependent child.
689A.370 Health insurance on franchise plan.
689A.480 "Basic health benefit plan" defined.
689A.500 "Converted policy" defined.
689A.515 "Eligible person" defined.
689A.545 "Health status-related factor" defined.
689A.560 "Individual reinsuring carrier" defined.
689A.565 "Individual risk-assuming carrier" defined.
689A.575 "Plan of operation" defined.
689A.595 "Program of Reinsurance" defined.
689A.605 "Standard health benefit plan" defined.
689A.610 Applicability; ceding arrangement prohibited in certain circumstances.
689A.620 Certain person with break in coverage deemed eligible person.
689A.640 Each health benefit plan marketed in this State required to be offered to eligible persons.
689A.645 Coverage to eligible person who does not reside in established geographic service area not required; coverage within certain areas not required.
689A.650 Coverage to eligible persons not required under certain circumstances; notice to Commissioner of and prohibition on writing new business after election not to offer new coverage required.
689A.655 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.
689A.660 Prohibited acts concerning preexisting conditions and modification of health benefit plan.
689A.665 Certain health carriers not required to offer health benefit insurance coverage to individuals.
689A.670 Election to operate as individual risk-assuming carrier or individual reinsuring carrier: Notice to Commissioner; effective date; change in status.

689A.675 Election to act as individual risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689A.680 Rates for individual health benefit plans to be developed based on rating characteristics: Prohibited characteristics; health status as rating factor.

689A.685 Amount of change in rate of single block of business; plan with provision for restricted network; involuntary transfer of individual or dependent prohibited; premiums adjusted for block of business.

689A.730 Producer may only sign up eligible persons if eligible persons are actively engaged in or related to association.

689B.120 Policies of group health insurance to contain provision for conversion; exceptions; conditions.

689B.130 Conversion privilege available to spouse and children; conditions.

689B.140 Denial of converted policy because of overinsurance; notice concerning cancellation of other coverage.

689B.150 Choice of plans for converted policy.

689B.170 Benefits payable under converted policy may be reduced by amount payable under group policy.

689B.180 Issuance and effective date of converted policy; premiums; persons covered.

689B.200 Notice of conversion privilege.

689B.210 Converted policy delivered outside Nevada: Form.

689B.245 Required provision concerning continuation of coverage.

689B.246 Notice of eligibility or election to continue coverage.

689B.247 Payment of premium for continued coverage.

689B.248 New insurer to provide continued coverage.

689B.249 Termination of continued coverage before end of period.

689B.283 Mandatory renewal of coverage under conversion health benefit plan.

689B.410 "Health benefit plan" defined.

689B.420 "Health status-related factor" defined.

689B.470 Certain plan, fund or program to be treated as employee welfare benefit plan which is group health plan; partnership deemed employer of each partner.

689B.575 Carrier that offers coverage through network plan: Contracts with certain federally qualified health centers.

689B.590 Converted policies: Carrier may only offer choice of basic and standard plans; election of basic or standard plan; premium; rates must be same for persons with similar case characteristics; losses must be spread across book.

689C.021 "Basic health benefit plan" defined.

689C.035 "Characteristics" defined.

689C.051 "Converted policy" defined.

689C.076 "Health status-related factor" defined.

689C.084 "Program of Reinsurance" defined.

689C.089 "Risk-assuming carrier" defined.

689C.099 "Standard health benefit plan" defined.

689C.107 Affiliated carriers deemed one carrier in certain circumstances; affiliated carrier that is health maintenance organization considered separate carrier; ceding arrangement prohibited in certain circumstances.

689C.145 Characteristics that carrier may use to determine rating factors for establishing premiums.

689C.157 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.

~~[689C.191 Determination of applicable creditable coverage of person; determining period of creditable coverage of person; required statement.]~~

689C.210 Procedure for increasing premium rates.

689C.230 Determination and application of index rate.

689C.240 Use of industry classifications as rating factor.

689C.260 Manner in which carrier may establish separate class of business; transferring small employer into or out of class of business.

689C.283 Election to operate as risk-assuming carrier or reinsuring carrier: Notice to Commissioner; effective date; change in status.

689C.287 Election to act as risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689C.290 Commissioner authorized to suspend restriction on increase of premiums for new rating period based on new business for policy.

689C.300 Carrier to file actuarial certification annually with Commissioner.

689C.327 Carrier that offers network plan: Contracts with certain federally qualified health centers.

689C.340 Required provisions in health benefit plan of employer who employs less than 20 employees related to continuation of coverage.

689C.342 Notice of election and payment of premium.

689C.344 Amount of premium for continuation of coverage; change in rates; payment to insurer; termination.

689C.346 Effect of change in insurer during period of continued coverage.

689C.348 Continued coverage ceases before end of established period under certain circumstances.

689C.620 "Board" defined.

689C.640 "Committee" defined.

689C.650 "Eligible person" defined.

689C.680 "Individual reinsuring carrier" defined.

689C.690 "Individual risk-assuming carrier" defined.

689C.700 "Plan of operation" defined.

689C.710 "Program of Reinsurance" defined.

689C.720 "Reinsuring carrier" defined.

689C.730 "Risk-assuming carrier" defined.

689C.740 Creation.

689C.750 Board of Directors: Creation; members; term; vacancy.

689C.760 Meetings of Board; Chair of Board.

689C.770 Plan of operation: Submission by Board; approval by Commissioner; temporary plan when plan not suitable or not submitted.

689C.780 Requirements of plan of operation and temporary plan of operation.

689C.790 Program deemed to have powers and authority of insurance companies and health maintenance organizations; exceptions; powers.

689C.800 Amount of coverage to be reinsured; time within which reinsurance may begin; limitation on reimbursement to reinsuring carrier; termination of reinsurance; premium rate charged to federally qualified health maintenance organization; manner of handling managed care and claims by reinsuring carrier.

689C.810 Premium rates: Methodology for determining; minimum rates; review of methodology.

689C.820 Premiums for certain health benefit plans that are reinsured with program required to meet established requirements for premium rates.

689C.830 Board required to determine, account for and report to Commissioner net loss.

689C.840 Net loss from reinsuring small employers and eligible employees and dependents required to be recouped by assessments against reinsuring carriers.

689C.850 Net loss from reinsuring individual eligible persons and dependents required to be recouped by assessments against individual reinsuring carriers.

689C.860 Board required to determine, account for and report to Commissioner estimate of assessments needed to pay for losses; evaluation of operation of Program.

689C.870 Additional funding: Eligibility based on amount of assessment needed; Board to establish formula for additional assessments on all carriers.

689C.880 Use of excess assessments.

689C.890 Assessment against reinsuring carrier to be determined annually; penalty for late payment of assessments; deferment of assessment.

689C.900 Insurer to receive certificate of contribution for paying additional assessment; certain amount of contribution may be shown as asset and may offset liability for premium tax.

689C.910 Adjustment of assessment on federally qualified health maintenance organizations.

689C.920 Immunity from liability of Program and reinsuring carriers for certain acts.

689C.930 Board to develop standards setting forth manner and levels of compensation paid to producers for sale of health benefit plans.

689C.950 Certain provisions inapplicable to certain basic health benefit plan delivered to small employers or eligible persons.

689C.955 Member, agent or employee of Board immune from liability in certain circumstances.

689C.960 Creation; members; term; vacancy.

689C.970 Meetings; Chair; duties.

689C.980 Board and Committee to study and submit report concerning effectiveness of certain provisions.

695C.1707 Required provision for continuation of coverage.

695C.180 Schedule of charges.

695C.193 Summary of coverage: Contents of disclosure; approval by Commissioner; regulations.

695C.195 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695C.250 Open enrollment.

695I.050 "Federal Act" defined.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 418 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 77 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 564.

AN ACT relating to local financial administration; revising provisions relating to the distribution of proceeds from certain taxes ad valorem in **certain** larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of each county to levy an additional 5-cent property tax on all taxable property in the county. (NRS 354.59815) For any county whose population is ~~[100,000]~~ **700,000** or more (currently Clark ~~[and Washoe Counties),]~~ **County), section 1** of this bill revises the formula for distributing the proceeds of the tax among the county and the cities ~~[and towns]~~ in the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 354.59815 is hereby amended to read as follows:

354.59815 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 5 cents per $100 of the assessed valuation of the county.

2. If a tax is levied pursuant to subsection 1 in:

(a) A county whose population is less than 100,000, the board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of the tax among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year.

(b) A county whose population is 100,000 or more ~~[,]~~ ***but less than 700,000,*** the board of county commissioners shall direct the county treasurer to distribute quarterly, from the proceeds of the tax for:

(1) The fiscal year beginning on July 1, 2008:

(I) Eighty-eight percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Twelve percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(2) The fiscal year beginning on July 1, 2009:

(I) Seventy-six percent of those proceeds to the State Treasurer for deposit in the State General Fund; and

(II) Twenty-four percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(3) The fiscal year beginning on July 1, 2010:

(I) Sixty-four percent of those proceeds to the State Treasurer for deposit in the State General Fund; and

(II) Thirty-six percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(4) The fiscal year beginning on July 1, 2011:

(I) Fifty-two percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Forty-eight percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(5) Each ~~*[The]*~~ fiscal year beginning on or after July 1, 2012:

(I) Forty percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Sixty percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

~~*[(6) Each]*~~

(c) A county whose population is 700,000 or more, from the proceeds of the tax for each fiscal year beginning on or after July 1, 2013:

[(I)] (1) Forty percent of those proceeds must be divided among the county and the cities within the county as provided in this subparagraph. The board of county commissioners shall direct the county treasurer to retain 30 percent and distribute quarterly the remaining 70 percent among the county and the cities [and towns] within [that] the county in the proportion that the projected assessed value of [each of those local governments] the unincorporated areas of the county and each of those cities for the fiscal year bears to the sum of the projected assessed values of the unincorporated areas and all those [local governments] cities for that fiscal year . [; and]

[(II)] (2) Sixty percent of those proceeds must be remitted quarterly by the county treasurer to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

➥ As used in this [subparagraph,] paragraph, "projected assessed value" means the assessed value of real and personal property in a county [,] or city , [or town,] as applicable, excluding real or personal property in any redevelopment area, which is projected by the Department of Taxation in the report prepared pursuant to NRS 361.4535.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of subsection 1 without the approval of the State Board of Finance and each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 565.

AN ACT relating to the Legislature; requiring a cooling-off period before a former State Legislator may serve as a paid lobbyist before the Legislature; providing for certain exceptions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) Certain violations of the Lobbying Act are punishable as misdemeanors. (NRS 218H.960)

Under the Lobbying Act, a paid lobbyist is a person who receives any compensation to: (1) appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicate directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action. (NRS 218H.080, 218H.500)

However, a paid lobbyist does not include: (1) persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying; (2) employees of a bona fide news medium who are acting in the course of their professional duties and news gathering function; (3) certain state and local officers and employees who confine their activities to matters related to their public offices or agencies; and (4) persons who contact the Legislators elected from the districts in which such persons reside. (NRS 218H.080)

Section 1 of this bill amends the Lobbying Act to prohibit a former State Legislator **, except in certain limited circumstances,** from serving as a paid lobbyist before the Legislature for a cooling-off period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

Section 2 of this bill prohibits a former State Legislator from filing a registration statement with the Director in the classification of a paid lobbyist during the cooling-off period. (NRS 218H.200)

Section 3 of this bill makes violations of the cooling-off period punishable as misdemeanors. (NRS 218H.960)

Section 4 of this bill provides that the cooling-off period applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Section 5 of this bill provides that the provisions of this bill become effective on November 4, 2014.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218H of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in this section, a former Legislator shall not receive compensation or other consideration to serve as a lobbyist for the period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

2. The provisions of this section do not apply to a former Legislator if the former Legislator:

(a) Is required, as part of his or her full-time employment, to lobby exclusively and directly for his or her employer;

(b) Does not lobby for any other employer, client or client of his or her employer; and

(c) Is required to perform significant duties for his or her employer other than lobbying.

3. As used in this section, "consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

Sec. 2. NRS 218H.200 is hereby amended to read as follows:

218H.200 ***1.*** Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes.

2. A former Legislator shall not file a registration statement with the Director in the classification of a lobbyist who receives any compensation for his or her lobbying activities during any period in which the former Legislator is prohibited from serving as such a lobbyist pursuant to section 1 of this act.

Sec. 3. NRS 218H.960 is hereby amended to read as follows:

218H.960 A person who is subject to any provision in NRS 218H.900 or 218H.930 ***or section 1 of this act*** and who violates or otherwise refuses or fails to comply with the provision is guilty of a misdemeanor.

Sec. 4. This act applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Sec. 5. This act becomes effective on November 4, 2014.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 510.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 510.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that for the remainder of the session, Assembly Standing Rule No. 57 be suspended for all bills in the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 90, 363, 374, 441; Senate Bill No. 139, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Eisen requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Barry and Beverly Eisen were married on October 9th, 1962; and

WHEREAS, Mr. and Mrs. Eisen moved on March 8th, 1963 from University City, Missouri, to southern Nevada where they established their family; and

WHEREAS, The Eisen family now extends to three generations with their three sons: Steve, Bob and Andy, all born and raised in southern Nevada, and three grandsons: Jonathan, Adam, and Reese, also growing up in southern Nevada; and

WHEREAS, Barry and Beverly were actively involved in their children's education, including serving as co-Presidents of the Parent-Teacher Association at George Harris Elementary School in Las Vegas; and

WHEREAS, Aside from caring for their family and educating their sons, Barry and Beverly were also committed to their volunteer work with the southern Nevada Jewish community; and

WHEREAS, Barry is past-President of Temple Beth Sholom while Beverly served as President of the Sisterhood; and

WHEREAS, Barry was also President of Nate Mack Greater Las Vegas B'nai B'rith and Beverly was Community Relations Director of the Jewish Federation of Las Vegas; and

WHEREAS, Barry and Beverly's accomplishments were not limited to raising a happy family while remaining committed to serve their community, but they are also dedicated to each other and have an exemplary marriage that has lasted more than a half-century; and

WHEREAS, Barry Eisen celebrated his 70th birthday on April 20th and his wife, sons, daughters-in-law, and grandsons celebrate a lifetime of his accomplishments as a husband, father, grandfather, community leader, and admirable man; now, therefore, be it

PROCLAIMED, That the State of Nevada recognizes the honorable lives and exemplary marriage of Barry and Beverly Eisen, that carry on a legacy through the third Eisen generation in southern Nevada; and be it further

PROCLAIMED, That the Nevada Legislature honors Barry and Beverly Eisen for their efforts raising three sons and their commitment to the local community, while maintaining and educating the family in their Jewish roots and traditions, proclaiming April 22nd as "Barry and Beverly Eisen Day" in the State of Nevada.

DATED this 22nd day of April, 2013.

ANDY EISEN
Nevada State Assemblyman

MARILYN KIRKPATRICK
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 121.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Hug High School: Oscar Adame, Alberto Garcia, Hannah Gebensleben, Frida Ponce, Diana Martinez, Alejandro Ayala, Aljeron Colis, Cara Freybargar Moore, Christian Vasquez, Robyn Bailey, Nick Dunkle, Kadi Campagna, Yezenia Olivera, Elizabeth Barajas, Anthony Barrera-Monroy, Mary Joy Beltejar, Joanna Perez, Guinevere Foldi, Shanelle Wright, Alexis Gallardo Del Valle, Dylan Lopez, Ayrhianna Paulin, Edgardo Rodriguez, Mario Fitzpatrick, and Scott Barclay.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Cashman and Sari Rogoff.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday-Shaffer.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Gard Jameson, Diana Bennett, and Cindy Dreibelbis.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Eisen and Beverly Eisen.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Mercy Darlucio, Iran Maggie Manzano, and Alex Barnes.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Thomas and Frank Cutrone.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Murray and Allison Serafin.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Dominick Richard Seminario and Charles Jurzenski.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Parker.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from George Whittell High School: Elizabeth Anderson, Alex Barnes, Tristan Beckwith, Steven Beelar, Zoe Bertz, Brittany Boulet, Spenser Buchholz, Danica Bunnett, Mercy Crace Darlucio, Margaret Dean, Margaret Elias, Hailey Elliott, Matthew Elliott, Kendal Ferris, Marcus Foerschler, Sterling Freeman, Ana Fuller-Wilmarth, Kay Henderson, Casey Huber, Tori Jimenez, Charles Jurzenski, Serena Libert, Iran Manzano, Nolan Marquez, Gianna Miller, Cameron Nye, Joshua Peterson, Laurie Petty, Kevin Preciado-Estrada, Veronica Rodriguez, Robert Rupp Jr., Dominick Seminerio, Jennifer Shepack, Skylar Smith, Dillon Stetler, Jonathan Verbeten, Mark Waite, Jacob Washalefsky, and Roceifin Nye.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 23, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:15 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

BEGUN ON MONDAY, THE FOURTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE THIRD DAY OF JUNE

VOLUME 3

THE SEVENTY-NINTH DAY—THE ONE HUNDRED AND EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

Page

ASSEMBLY PROCEEDINGS 2729

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 23, 2013

Assembly called to order at 12:01 p.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Gracious One,

We come before You, trusting not in our own righteousness, but in Your great and manifold mercies. We see those mercies unfold in our personal lives; we see in the dawn of each new day the unfolding of blessings in the natural beauties of the Earth, and we give thanks.

Help the members of this body work in unity of spirit toward the good of all, that our communities and state might reflect an appreciation for each person, whether man or woman, child or adult, whatever race or religion, to allow each to live in dignity. Help us move together toward the common good. In the name of love, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 185, 229, 314.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 31, 88, 94, 103, 104, 107, 111, 112, 127, 141, 152, 170, 192, 208, 209, 211, 217, 224, 228, 243, 246, 267, 278, 283, 286, 297, 307, 312, 317, 318, 321, 325, 329, 343, 350, 359, 381, 409, 410, 414, 421, 424, 425, 428, 429, 441, 448, 449, 450, 453, 456, 478, 493, 496, 503; Senate Joint Resolution No. 13.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 498.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Joint Resolution No. 13.

Assemblyman Horne moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 421 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 113 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 187 and 215 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 166, 167, and 405 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all bills reported out of committee be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

Assemblyman Horne moved that the Assembly dispense with the reprinting of bills for this legislative day.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 486 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 26, 38, 153, 163, 184, 215, 272, 287, 309, 360, 367, 370, and 404 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 31.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 88.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 94.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 103.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 104.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 107.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 111.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 112.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 127.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 141.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 152.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 170.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 185.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 192.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 208.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 209.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 211.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 217.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 224.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 228.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 229.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 243.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 246.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 267.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 278.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 283.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 286.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 297.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 307.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 312.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 314.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 317.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 318.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 321.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 325.

Assemblyman Horne moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 329.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 343.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 350.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 359.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 381.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 409.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 410.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 414.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 421.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 424.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 425.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 428.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 429.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 441.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 448.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 449.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 450.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 453.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 456.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 478.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 493.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 496.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 503.

Assemblyman Horne moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 166.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 571.

SUMMARY— ~~[Revises]~~ **Establishes** requirements for the ~~[registration]~~ **permitting** of a vehicle that is driven in Nevada by a nonresident who commutes to work on a regular basis in Nevada. (BDR 43-707)

AN ACT relating to motor vehicles; ~~[revising]~~ **establishing** requirements for the ~~[registration]~~ **permitting** of a motor vehicle of a nonresident who is employed in this State and operates the motor vehicle on the highways of this State on a regular basis to commute to that employment; requiring that such a motor vehicle comply with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a nonresident who is employed in this State and who owns a motor vehicle that is operated in this State must, within 30 days after commencing employment and with certain exceptions, register the motor vehicle in this State. (NRS 482.385) **Section 1** of this bill requires that an

owner of a motor vehicle that is operated in this State by a nonresident daily commuter ~~[register]~~ **obtain a nonresidential daily commuter permit for** the motor vehicle within 10 days after the nonresident daily commuter commences employment. Such a ~~[registration]~~ **permit** would require the payment of a fee and be valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the owner is a resident. If the location where the owner is a resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada resident. For the purposes of this bill, **section 1** defines "nonresident daily commuter" to mean a person who: (1) is not a Nevada resident; (2) enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment; (3) engages in such gainful employment at a location which is within the State of Nevada and not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and (4) principally garages his or her commuting vehicle in a state other than Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who is a natural person shall apply for ~~[the registration of]~~ a nonresidential daily commuter permit for each vehicle the person owns which is operated in this State by a nonresident daily commuter. The person must apply for the ~~[registration]~~ permitting of such a vehicle not later than 10 days after the date the nonresident daily commuter first operates the vehicle in this State, regardless of whether the nonresident daily commuter is also the owner of the vehicle.

2. The Department shall grant an application for ~~[registration]~~ the permitting of a vehicle pursuant to subsection 1 if the applicant:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not

require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of $33 for each vehicle for which the owner ~~[registers]~~ obtains a permit pursuant to this section.

3. The Department shall issue to an owner who ~~[registers]~~ obtains a permit for a vehicle pursuant to this section an indicator for the ~~[registered]~~ permitted vehicle that indicates the vehicle is operated by a nonresident daily commuter. The indicator must be displayed on the ~~[registered]~~ permitted vehicle when the ~~[registered]~~ permitted vehicle is operated in this State by a nonresident daily commuter. An indicator issued pursuant to this subsection is issued for a specific vehicle, is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than $100.

(b) For the second and each subsequent offense, by a fine of not more than $500.

➥ The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.

6. If an owner of a vehicle that is required to be ~~[registered]~~ permitted pursuant to this section fails to ~~[register]~~ obtain a permit for the vehicle pursuant to this section, the owner or operator of the vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that the vehicle is required to be ~~[registered]~~ permitted pursuant to subsection 1 and that the owner has failed to ~~[register]~~ obtain a permit for the vehicle pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, adopting by regulation a definition of "on a regular basis" for the purpose of subsection 8.

8. As used in this section, "nonresident daily commuter" means a person:

(a) Who is not a resident of the State of Nevada;

(b) Who enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment;

(c) Engages in a trade, profession, occupation or other gainful employment at a location which is:

(1) Within the State of Nevada; and

(2) Not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and

(d) Whose vehicle, which is used for the purpose described in paragraph (b), is principally garaged outside this State.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~.]~~ ***, or section 1 of this act.***

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, ***and section 1 of this act,*** a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who **[**~~engages in a trade, profession or occupation or accepts gainful employment in this State or who~~**]** enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such **[**~~employment or~~**]** enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~[.]~~ ***, and section 1 of this act.***

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, ***indicator,*** decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	50
For every other ***indicator,*** decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 167.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 572.

SUMMARY—~~[Revises]~~ **Establishes** requirements for the ~~[registration]~~ **permitting** of certain vehicles that are driven in Nevada and owned by a nonresident business. (BDR 43-708)

AN ACT relating to motor vehicles; ~~[revising]~~ **establishing** requirements for the ~~[registration]~~ **permitting** of a motor vehicle that is operated on the highways of this State for a business purpose within this State; requiring that such a motor vehicle complies with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain nonresident owners of motor vehicles that are used in this State for a gainful purpose must register such motor vehicles in this State. (NRS 482.385) **Section 1** of this bill requires a nonresident who is not a natural person, owns a vehicle of a type subject to registration in this State and allows that vehicle to be operated in this State for business purposes within this State to ~~[register]~~ **obtain a nonresident business permit for** the motor vehicle within 10 days after the commencement of such operation of the vehicle. Such a ~~[registration]~~ **permit** would require the payment of a fee, is nontransferable and is valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the nonresident is **a** resident. If the location where the nonresident is **a** resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada resident. The provisions of **section 1** do not apply to certain motor carriers or apportioned vehicles or vehicles that are leased or rented to lessees by short-term lessors.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, NRS 482.390 and 706.801 to 706.861, inclusive, a nonresident who:

(a) Is not a natural person;

(b) Is the owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter; and

(c) Allows that vehicle to be operated in this State by an employee, independent contractor or any other person for the purpose of engaging in the business of the nonresident within this State,

➥ *shall, within 10 days after the commencement of such operation, apply for ~~[the registration of]~~ a nonresident business permit for the vehicle.*

2. The Department shall grant an application for ~~[registration]~~ the permitting of a vehicle pursuant to subsection 1 if the nonresident owner of the vehicle:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of:

(1) Two hundred dollars for the first vehicle for which the owner ~~[registers]~~ obtains a permit pursuant to this section.

(2) One hundred and fifty dollars for each additional vehicle for which the owner ~~[registers]~~ obtains a permit pursuant to this section.

3. The Department shall issue to a nonresident owner who ~~[registers]~~ obtains a permit for a vehicle pursuant to this section an indicator for the ~~[registered]~~ permitted vehicle that must be displayed on the ~~[registered]~~ permitted vehicle when the ~~[registered]~~ permitted vehicle is operated in this State. The indicator issued pursuant to this subsection is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than $500.

(b) For the second and each subsequent offense, by a fine of not more than $750.

➥ *The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.*

6. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the

citation determines that the vehicle is required to be ~~[registered]~~ permitted pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

8. The provisions of this section do not apply with respect to a vehicle that is leased or rented to a lessee by a short-term lessor, as that term is defined in subsection 5 of NRS 482.053.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~[.]~~ ***, or section 1 of this act.***

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, ***and section 1 of this act,*** a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to

participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and section 1 of this act,*** a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~[.]~~ ***, and section 1 of this act.***

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, ***indicator,*** decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	50
For every other ***indicator,*** decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 405.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 573.

SUMMARY—Revises provisions concerning the identification of **seasonal residents** and ~~[registration]~~ **establishes provisions concerning the permitting** of the motor vehicles of seasonal residents. (BDR 43-414)

AN ACT relating to motor vehicles; providing for the issuance of special indicia of the ~~[registration]~~ **permitting** of a motor vehicle ~~[to]~~ **of** a seasonal resident; modifying the provisions pertaining to the issuance of an identification card to a seasonal resident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "seasonal resident," in relevant part, as a person who is not a resident of the State of Nevada but who temporarily resides in this State for a period of at least 31 consecutive days in each calendar year, returns to his or her state of residence at least once in each calendar year, is registered to vote or pays income tax in another state or jurisdiction and does not engage in gainful employment in this State. (NRS 481.052; NAC 481.005) **Section 3** of this bill allows the Department of Motor Vehicles to issue to a seasonal resident a decal, sticker or other indicia of ~~[the]~~ **a** seasonal ~~[registration in this State of]~~ **resident permit for** a motor vehicle if the motor vehicle meets certain criteria. **Section 3** also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such a decal, sticker or other indicia. **Section 5** of this bill modifies the fees charged for an identification card issued to a seasonal resident and specifies that such a card is valid for a period of 4 years unless suspended, cancelled or revoked. **Section 5** also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such an identification card. **Sections 2 and 4** of this bill allow a seasonal resident who possesses valid indicia of ~~[the]~~ **a** seasonal ~~[registration of]~~ **resident permit for** a motor vehicle and a valid identification card for a seasonal resident to operate the motor vehicle upon the highways of this State without registering the vehicle in this State in the same manner as would be required of a vehicle of a resident of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***A seasonal resident may operate a motor vehicle upon the highways of this State without registering the vehicle in this State pursuant to this chapter if the seasonal resident:***

1. Possesses and displays a valid decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to section 3 of this act; and

2. Possesses a valid identification card for seasonal residents that is issued pursuant to section 5 of this act.

Sec. 3. *1. The Department may issue to a seasonal resident a decal, sticker or other indicia of ~~[the]~~ a seasonal ~~[registration in this State of]~~ resident permit for a motor vehicle, if the motor vehicle:*

(a) Is a private passenger vehicle, a noncommercial truck or a recreational vehicle;

(b) Is not a commercial vehicle or otherwise used for business purposes;

(c) Is registered currently and validly in the state of which the owner or operator of the motor vehicle is a resident; and

(d) Is insured currently and validly in the state of which the owner or operator of the motor vehicle is a resident.

2. The Department shall not require the payment of any governmental services tax as a condition of issuing a decal, sticker or other indicia of seasonal ~~[registration]~~ permitting pursuant to this section.

3. A decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to this section must be displayed:

(a) On the lower left corner of the rear window of the motor vehicle for which it is issued; or

(b) In another location specified by regulation of the Department.

4. Except as otherwise provided in subsection 5, a decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to this section expires 1 year after the date on which it is issued.

5. The Department may suspend, cancel or revoke a decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to this section for any reason that would justify the suspension, cancellation or revocation, as applicable, of an ordinary motor vehicle registration under the laws of this State.

6. The fee for the initial issuance of a decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to this section is $18. The fee for the renewal of a decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to this section is $18.

7. For the purpose of obtaining a decal, sticker or other indicia of seasonal ~~[registration]~~ permitting that is issued pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.

8. The Department may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; ~~[or]~~

(4) A migrant or seasonal farm worker ~~[.]~~ ***; or***

(5) A seasonal resident who is authorized to operate a motor vehicle upon the highways of this State pursuant to section 2 of this act.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the

penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who applies for an identification card in accordance with the provisions of this section and who is not ineligible to receive an identification card pursuant to NRS 483.861 is entitled to receive an identification card if the person:

(a) Is a seasonal resident who does not hold a valid Nevada driver's license; and

(b) Complies with the provisions of this section and any applicable provisions of NRS 483.810 to 483.890, inclusive.

2. The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a seasonal resident	*$17*
A renewal of an identification card for a seasonal resident	*17*
A new photograph or change of name, or both, for a seasonal resident	*10*

3. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

4. An identification card that is issued to a seasonal resident pursuant to this section expires 4 years after the date on which it is issued, unless the seasonal resident commits an act or omission for which the Department is

required or authorized by the laws of this State to suspend, cancel or revoke the identification card.

5. For the purpose of obtaining an identification card pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.

6. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5.5. NRS 483.115 is hereby amended to read as follows:

483.115 "Out-of-state student" means a student ~~[~~**.**

~~1. Whose]~~ ***whose*** legal residence is not in this State ~~[~~**,**

~~2. Who]~~ ***and who*** comes into ~~[this State to attend]~~ ***Nevada for the purpose of attending*** an educational institution **.** ~~[, and~~

~~3. Who returns to his or her legal residence during the summer months.]~~

Sec. 6. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 ***and section 5 of this act*** as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund

and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 7. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, ***and section 5 of this act,*** and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is ~~[~~**:**

~~(a) A~~**]** ***a*** resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction **.** ~~[; or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.]~~

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older	$4
An original or duplicate identification card issued to a person under 18 years of age	3
A renewal of an identification card for a person under 18 years of age	3
An original or duplicate identification card issued to any other person	9
A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age	9
A new photograph or change of name, or both	4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7.5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section. ***This subsection does not apply to a person who, pursuant to this section, applies for an identification card as a seasonal resident.***

Sec. 8. NRS 483.865 is hereby amended to read as follows:

483.865 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive, ***and section 5 of this act*** a designation that the person is a person with a disability. The application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, "person with a disability which limits or impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

Sec. 9. NRS 483.867 is hereby amended to read as follows:

483.867 Upon the application of a person who is a seasonal resident of this State, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive ~~[.]~~ ***, and section 5 of this act:***

1. A designation indicating that the person is a seasonal resident; and

2. A statement indicating that the person holds a valid driver's license from another state or jurisdiction.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and carrying out any other preparatory administrative tasks necessary to implement the provisions of this act; and

2. On January 1, 2015, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 421.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 563.

AN ACT relating to parentage; revising provisions relating to assisted reproduction; revising provisions relating to gestational carrier arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the circumstances under which the legal relationship of parent and child is established. Under existing law, the legal relationship of mother and child is established by: (1) proof that the woman has given birth to the child; (2) an adjudication that the woman is the mother of the child; or (3) proof that the woman has adopted the child. (NRS 126.041) The legal relationship of father and child is established by: (1) certain presumptions of paternity that arise if a man was married to, or cohabitating with, the natural mother of the child; (2) a presumption of paternity that arises if the man resides with and holds out the child as his natural child; (3) genetic testing establishing that the man is the father of the child; or (4) a certain voluntary acknowledgment of paternity by the man. (NRS 126.041, 126.051, 126.053) Existing law also establishes the parentage of a child: (1) conceived by means of artificial insemination; or (2) born pursuant to a surrogacy agreement. (NRS 126.045, 126.061) This bill replaces the provisions of existing law governing artificial insemination and surrogacy agreements with provisions governing assisted reproduction and

gestational agreements which are based on the Uniform Parentage Act adopted by the Uniform Law Commission and the Model Act Governing Assisted Reproductive Technology promulgated by the American Bar Association.

Sections 16-22 of this bill provide for the parentage of a child conceived by a woman by means of assisted reproduction. Under **section 18**, a person who donates eggs, sperm or embryos for assisted reproduction by a woman is not a parent of the resulting child. **Sections 19 and 20** provide that a person who donates eggs, sperm or embryos for assisted reproduction, or a person who consents to assisted reproduction, with the intent of being a parent of the resulting child is a legal parent of that child. **Section 22** provides for the parentage of a child if the transfer of eggs, sperm or embryos occurs after a marriage or domestic partnership is dissolved.

Sections 23-33 of this bill enact provisions governing gestational agreements under which a woman carries and gives birth to a child intending that another person or persons become the legal parent or parents of the child. **Section 24** provides that if an enforceable gestational agreement is entered into by the gestational carrier, her spouse or domestic partner, if any, and the intended parent or parents: (1) the intended parent or parents under the gestational agreement become the legal parent or parents of the resulting child upon the birth of that child; and (2) the gestational carrier and her spouse or domestic partner, if any, are not the legal parents of the resulting child. **Sections 26 and 27** establish the requirements for: (1) a person to be eligible to be a gestational carrier ~~[and]~~ **; (2)** the intended parent or parents; and ~~[(2)]~~ **(3)** the execution and contents of an enforceable gestational agreement. **Sections 30 and 31** establish remedies for a breach of a gestational agreement. **Sections 32 and 33**: (1) authorize the reimbursement of certain expenses incurred by a donor of a gestational carrier in connection with a gestational agreement; and (2) enact provisions governing the compensation paid to a gestational carrier.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes, without limitation:***

1. Intrauterine insemination;

2. Donation of eggs;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 4. *"Domestic partner" means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.*

Sec. 5. *"Domestic partnership" has the meaning ascribed to it in NRS 122A.040.*

Sec. 6. *"Donor" means a person with dispositional control of eggs, sperm or embryos who provides eggs, sperm or embryos to another person for gestation and relinquishes all present and future parental and inheritance rights and obligations to any resulting child.*

Sec. 7. *"Embryo" means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a woman under conditions in which gestation may be reasonably expected to occur.*

Sec. 8. *"Gamete" means a cell containing a haploid complement of deoxyribonucleic acid that has the potential to form an embryo when combined with another gamete. The term includes:*

1. Sperm.

2. Eggs.

3. Nuclear deoxyribonucleic acid from one human being combined with the cytoplasm, including, without limitation, cytoplasmic deoxyribonucleic acid, of another human being.

Sec. 9. *"Gestational agreement" means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.*

Sec. 10. *"Gestational carrier" means an adult woman who is not an intended parent and who enters into a gestational agreement to bear a child conceived using the gametes of other persons and not her own.*

Sec. 11. *"Intended parent" means a person, married or unmarried, who manifests the intent as provided in sections 2 to 33, inclusive, of this act, to be legally bound as the parent of a child resulting from assisted reproduction.*

Sec. 12. *"In vitro fertilization" means the formation of a human embryo outside the human body.*

Sec. 13. *"Parent" means a person who has established the parent and child relationship.*

Sec. 14. *"Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 15. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 16. *Except as otherwise provided by any other provision of law, unless parental rights are terminated, a parent and child relationship established under sections 2 to 33, inclusive, of this act applies for all purposes.*

Sec. 17. *Sections 2 to 33, inclusive, of this act do not apply to the birth of a child conceived by means other than assisted reproduction.*

Sec. 18. *A donor is not a parent of a child conceived by means of assisted reproduction.*

Sec. 19. *A person who provides gametes for, or consents to, assisted reproduction by a woman, as provided in section 20 of this act, with the intent to be a parent of her child is a parent of the resulting child.*

Sec. 20. *1. Consent by a person who intends to be a parent of a child born by assisted reproduction must be in a signed record.*

2. Failure of a person to sign a consent required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if the woman and the person, during the first 2 years of the child's life, resided together in the same household with the child and openly held out the child as their own.

Sec. 21. *1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a woman who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:*

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth;

(b) The legal spouse or domestic partner and the woman who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 22. *1. If a marriage or domestic partnership is dissolved or terminated before the transfer of eggs, sperm or embryos, the former*

spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before placement of the eggs, sperm or embryos.

Sec. 23. ***1. A prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, a donor or the donors and the intended parent or parents may enter into a written agreement providing that:***

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, her legal spouse or domestic partner if she is married or in a domestic partnership, and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of section 27 of this act.

4. A gestational agreement may provide for payment of consideration pursuant to sections 32 and 33 of this act.

Sec. 24. ***1. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act:***

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor her legal spouse or domestic partner, if any, shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of sections 26 and 27 of this act and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or

parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of section 26 of this act;

(b) The intended parent or parents satisfy the ~~[requirements]~~ requirement set forth in subsection 2 of section 26 of this act; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in section 27 of this act.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) The resulting child is to be born in this State;

(b) A copy of the gestational agreement is attached to the petition; and

(c) The requirements of sections 26 and 27 of this act are satisfied,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 25. *1. Except as otherwise provided in NRS 239.0115, all hearings held in a proceeding under sections 23 to 33, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the parties to a gestational agreement, their witnesses and attorneys, except by order of the court.*

2. The files and records pertaining to a gestational carrier arrangement, gestational agreement or proceeding under sections 23 to 33, inclusive, of this act are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor; or

(b) As provided pursuant to subsection 3.

3. A person who intends to file a petition to enforce a gestational agreement may inspect the files or the records of the court concerning the gestational agreement.

Sec. 26. *1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to sections 23 to 33, inclusive, of this act, if, at the time the gestational agreement is executed, she:*

(a) ~~[Is at least 21 years of age;~~

~~(b) Has given birth to at least one child;~~

~~(c)]~~ *Has completed a medical evaluation relating to the anticipated pregnancy;*

~~[(d) Has completed a mental health evaluation relating to the anticipated gestational carrier arrangement;~~

~~(e)]~~ *(b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and*

~~[(f)]~~ *(c) Did not contribute any gametes that will ultimately result in an embryo that she will attempt to carry to term.*

2. The intended parent or parents shall be deemed to have satisfied the requirements of sections 23 to 33, inclusive, of this act if, before the gestational carrier agreement is executed, he, she or they have ~~[~~:

~~(a) Completed a mental health evaluation relating to the anticipated gestational carrier arrangement; and~~

~~(b) Undergone]~~ *undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.*

Sec. 27. *1. A gestational agreement is enforceable only if it satisfies the requirements of this section.*

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical ~~[for mental health evaluations]~~ evaluation required by subsection 1 of section 26 of this act to determine the eligibility of the gestational carrier ~~, [and the intended parent or parents,]~~ by:

(1) A gestational carrier satisfying the eligibility requirements ~~[of]~~ set forth in subsection 1 of section 26 of this act and the legal spouse or domestic partner of the gestational carrier, if any; and

(2) An intended parent or parents satisfying the ~~[eligibility requirements]~~ requirement set forth in subsection 2 of section 26 of this act;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician of her choosing, after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or her spouse or domestic partner, if any, immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

Sec. 28. ***1. Any person who is considered to be the parent of a child under sections 23 to 33, inclusive, of this act is obligated to support the child.***

2. The breach of the gestational agreement by the intended parent or parents does not relieve such an intended parent or parents of the obligation to support a resulting child.

Sec. 29. ***The marriage or domestic partnership of a gestational carrier after she executes a gestational agreement does not affect the validity of the gestational agreement and:***

1. The consent of the legal spouse or domestic partner of the gestational carrier to the gestational agreement is not required.

2. The legal spouse or domestic partner of the gestational carrier must not be presumed to be the parent of any resulting child.

Sec. 30. ***1. A gestational carrier, her legal spouse or domestic partner, if any, or the intended parent or parents are in noncompliance when he, she or they breach any provision of the gestational agreement or fail to meet any of the requirements of sections 23 to 33, inclusive, of this act.***

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement based solely on the evidence of the original intent of the parties.

3. There must be no specific performance remedy available for breach of the gestational agreement by the gestational carrier that would require the gestational carrier to be impregnated.

Sec. 31. ***1. Except as otherwise provided by section 30 of this act or by an express term of the gestational agreement, the intended parent or parents are entitled to any remedy available at law or equity.***

2. Except as expressly provided by an express term of the gestational agreement, the gestational carrier is entitled to any remedy available at law or equity.

Sec. 32. ***1. A gestational carrier may receive reimbursement for expenses and economic losses resulting from participation in the gestational carrier arrangement.***

2. A donor may receive reimbursement for expenses and economic losses resulting from the retrieval or storage of gametes or embryos and incurred after the donor has entered into a valid agreement in a record to be a donor.

3. Except as otherwise provided in subsection 4, economic losses occurring before the donor has entered into a valid agreement in a record to be a donor may not be reimbursed.

4. Any premiums paid for insurance against economic losses directly resulting from the retrieval or storage of gametes or embryos for donation may be reimbursed even if such premiums were paid before the donor entered into a valid agreement in a record, so long as such agreement becomes valid and effective before the gametes or embryos are used in assisted reproduction pursuant to the terms of the agreement.

Sec. 33. ***1. The consideration, if any, paid to a donor or prospective gestational carrier must be negotiated in good faith between the parties.***

2. Compensation must not be conditioned upon the purported quality or genome-related traits of the gametes or embryos.

Sec. 34. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. ~~[The natural mother]~~ ***A woman*** may be established by ***:***

(a) Except as otherwise provided in sections 23 to 33, inclusive, of this act proof of her having given birth to the child ~~[, or under]~~ ***;***

(b) An adjudication of the woman's maternity pursuant to this chapter, or NRS 125B.150 or 130.701 ~~[.]~~ ***;***

(c) Proof of adoption of the child by the woman;

(d) An unrebutted presumption of the woman's maternity;

(e) The consent of the woman to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or

(f) An adjudication confirming the woman as a parent of a child born to a gestational carrier if the gestational agreement is enforceable under the provisions of sections 23 to 33, inclusive, of this act or any other provision of law.

2. ~~[The natural father]~~ ***A man*** may be established ~~[under]~~ ***:***

(a) Under this chapter, or NRS 125B.150, 130.701 or 425.382 to 425.3852, inclusive ~~[.~~

~~3. An adoptive parent may be established by proof of adoption.]~~ ***;***

(b) By proof of adoption of the child by the man;

(c) By the consent of the man to assisted reproduction pursuant to sections 19 and 20 of this act which resulted in the birth of the child; or

(d) By an adjudication confirming the man as a parent of a child born to a gestational carrier if the gestational agreement was validated pursuant to the provisions of sections 23 to 33, inclusive, of this act, or other provision of law.

Sec. 35. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the

natural parent of a child in return for the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

4. This section does not prohibit a natural parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a ~~[surrogate, be inseminated and give birth to the child of a man who is not her husband.]~~ ***gestational carrier, as defined in section 10 of this act.***

Sec. 36. NRS 126.045 and 126.061 are hereby repealed.

TEXT OF REPEALED SECTIONS

126.045 Contract requirements; treatment of intended parents as natural parents; unlawful acts.

1. Two persons whose marriage is valid under chapter 122 of NRS may enter into a contract with a surrogate for assisted conception. Any such contract must contain provisions which specify the respective rights of each party, including:

(a) Parentage of the child;

(b) Custody of the child in the event of a change of circumstances; and

(c) The respective responsibilities and liabilities of the contracting parties.

2. A person identified as an intended parent in a contract described in subsection 1 must be treated in law as a natural parent under all circumstances.

3. It is unlawful to pay or offer to pay money or anything of value to the surrogate except for the medical and necessary living expenses related to the birth of the child as specified in the contract.

4. As used in this section, unless the context otherwise requires:

(a) "Assisted conception" means a pregnancy resulting when an egg and sperm from the intended parents are placed in a surrogate through the intervention of medical technology.

(b) "Intended parents" means a man and woman, married to each other, who enter into an agreement providing that they will be the parents of a child born to a surrogate through assisted conception.

(c) "Surrogate" means an adult woman who enters into an agreement to bear a child conceived through assisted conception for the intended parents.

126.061 Artificial insemination.

1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if the husband were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by the husband and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the Health Division of the Department of Health and Human Services, where, except as otherwise provided in NRS 239.0115, it must be kept confidential and in a sealed file. The physician's failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is treated in law as if the donor were not the natural father of a child thereby conceived.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 17 revises provisions governing the exclusion of a school district employee from a facility or institution operated by the Department of Corrections in conjunction with the statewide program for education for incarcerated persons. The bill allows the Director of the Department of Corrections, upon good cause, to restrict a teacher's access to a correctional facility for up to 30 days while the teacher's case is being heard by an interagency panel.

The bill further clarifies that "good cause" cannot include disagreements that the Director may have regarding course content but may include issues related to health and safety in a correctional facility.

Roll call on Assembly Bill No. 17:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 17 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 33 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 91 and 125 be taken from the General File and rereferred to the Committee on Ways and Means.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Madam Speaker presiding.

Quorum present.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 166, 167, and 405 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 35 consolidates campaign finance reporting requirements for general elections and special elections held on the same day as a primary or general election. The measure expands campaign finance reporting requirements to recall elections and makes reporting for special elections more consistent with general election reporting. The bill clarifies terms used in categorizing contributions and expenditures, including when an expenditure is deemed to be "coordinated with" a candidate or group of candidates, and that contributions and expenditures "against" a candidate must be reported. The measure makes clear that campaign finance reports are required even if a ballot question does not appear on the ballot or a candidate informally ends his or her campaign, runs unopposed, or loses in the primary.

Candidates who are removed from the ballot or not elected and public officers who resign from office and are not candidates for another office must comply with the laws governing the disposition of unspent contributions. The bill creates a voluntary procedure for formally ending a campaign and streamlining compliance with applicable campaign finance laws.

Finally, A.B. 35 eliminates redundant provisions and repeals an obsolete provision on reporting in city elections. The bill clarifies that remedies and penalties for violations are cumulative and in addition to any other remedies and penalties set forth in the law, including criminal penalties.

Roll call on Assembly Bill No. 35:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 35 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 36 makes various changes related to apprenticeship programs. The bill designates the Office of the Labor Commissioner as the State Apprenticeship Agency and the Registration Agency consistent with federal regulations. The Labor Commissioner is designated as the State Director of Apprenticeship. The bill charges the State Apprenticeship Council and State Director of Apprenticeship with assisting the State Apprenticeship Agency. Apprenticeship programs and apprentices will be approved by the State Apprenticeship Council.

Assembly Bill 36 also allows trainees of a training trust to be covered by workers' compensation insurance with a deemed wage of $150 per month.

Roll call on Assembly Bill No. 36:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 36 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblymen Flores and Hickey.

ASSEMBLYWOMAN FLORES:

Assembly Bill 48 is essentially a comprehensive cleanup bill from various changes that were made last session. I will try to be brief, but it is a comprehensive bill.

The bill does a number of things, including making it a crime to vote or attempt to vote if the person knows he or she is not a qualified voter or is using the name of another person. This is punishable as a category D felony. In addition, it requires each county clerk to provide a certified list of candidates to the Secretary of State prior to the primary and general elections. If a voter registers by mail or computer and the voter registration card is returned by the postal service, the voter must present proof of residency before voting. The bill extends the deadline for online voter registration to the third Tuesday before an election and adds definitions for "committee sponsored by a political party" and "independent expenditure."

It also deals with reporting of contributions or independent expenditures by persons and political parties or committees. That is increased from $100 to $1,000.

As to the Secretary of State, the bill changes the deadline to have regulations in place governing elections, removes the requirement for the Legislative Commission to approve expense forms, and changes the due date and content of compiled campaign finance reports.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 48. Having a right to vote is a sacred right given to all citizens of this country. Assembly Bill 48 helps protect that right by specifically penalizing those who commit or attempt voter fraud. It also provides for proof of residency for voters registering by mail or computer and changes other provisions. I believe A.B. 48 helps secure the integrity of our elections and increases accountability. For that reason, I am in support.

Roll call on Assembly Bill No. 48:

YEAS—31.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Kirner, Oscarson, Wheeler—10.

VACANT—1.

Assembly Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that the Assembly reconsider the action whereby Assembly Bill No. 125 was rereferred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

April 23, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 125.

CINDY JONES
Fiscal Analysis Division

Assemblywoman Carlton moved that Assembly Bill No. 125 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 248.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 248 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. The bill requires the subcommittee to consider issues concerning Nevada's existing statutes on violations of traffic laws and laws related to drivers' licenses, motor vehicle registration, motor vehicle insurance, and the treatment of violations as criminal offenses. The subcommittee must consider the related laws of other states, the elements of systems necessary to treat violations as civil infractions, and the anticipated fiscal effects of those systems.

Assembly Bill 248 requires the subcommittee to submit its report to the Advisory Commission at least 30 days before the meeting at which the Advisory Commission considers findings and recommendations for proposed legislation for the 78th Legislative Session

This bill has received a lot of support from us as a body, as a whole. I think we have 38 supporters, and I urge us today to support it again on the floor.

Roll call on Assembly Bill No. 248:
YEAS—41.
NAYS—None.
VACANT—1.
Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 50.
Bill read third time.
Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 50 extends the termination date of the redevelopment plan adopted by the agency of a city whose population is 500,000 or more from 45 to 60 years after the date on which the original redevelopment plan was adopted. Such a redevelopment agency must make available to the general public a detailed report concerning certain proposed expenditures for land or improvements by the agency at least seven days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure. The measure adds certain information to annual reports that must be submitted by such a redevelopment agency to the Legislature and the governing board of a city or a county, as applicable.

The measure provides for the set-aside and use of certain revenues from taxes imposed on property in a redevelopment area for education-related and other purposes. The measure also allows, by eliminating an existing prohibition, a city or county to create a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

Roll call on Assembly Bill No. 50:
YEAS—39.
NAYS—Fiore, Wheeler—2.
VACANT—1.

Assembly Bill No. 50 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 61 makes various changes to economic development, including clarifying when an abatement must be approved either by the Director of the Office of Economic Development or the Board; revising the composition of the Board; allowing the Director of the Office to declare void any contract between the Office and a regional development authority; removing the requirement for the Office to develop a State Plan for Inland Ports; specifying that only counties or cities may apply for grants or loans from the Catalyst Fund; and also abolishing the Advisory Council on Economic Development.

Roll call on Assembly Bill No. 61:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 61 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 77 prohibits a former legislator from being a paid lobbyist before the Legislature during the next regular legislative session after the legislator leaves office. The bill does not apply to a former legislator whose job duties include lobbying exclusively for his or her employer but whose job is comprised of significant duties other than lobbying. Former legislators may not register as a lobbyist with the Legislature during this cooling-off period. A violation of these prohibitions is a misdemeanor. The measure applies only to persons elected to a legislative term on or after November 4, 2014.

Roll call on Assembly Bill No. 77:

YEAS—40.

NAYS—Aizley.

VACANT—1.

Assembly Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 86 requires the State Contractors' Board to notify a licensed contractor who has failed to contribute to the Unemployment Compensation Fund or maintain industrial and occupational disease insurance as required by law that the contractor's license may be subject to administrative action by the Board. The measure authorizes the Board to suspend or revoke a contractor's license if the contractor fails to provide proof of compliance as required.

This bill also requires the Administrator of the Employment Security Division to provide to the Board a quarterly list of each contractor who is not in compliance with the provisions regarding contributions or payments in lieu of contributions to the Fund.

Roll call on Assembly Bill No. 86:

YEAS—40.

NAYS—Fiore.

VACANT—1.

Assembly Bill No. 86 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 87 provides for consistency in certain zoning ordinances. Prior to March 1, 2014, in a county with a population between 100,000 and 700,000–currently Washoe County–the county and the local governments in the county shall adopt consistent standards and specifications for the construction of any new school building or for any addition to or alteration of an existing school building. These standards and specifications must be approved by the board of trustees of the school district of the county.

Roll call on Assembly Bill No. 87:

YEAS—34.

NAYS—Duncan, Ellison, Fiore, Hardy, Hickey, Oscarson, Wheeler—7.

VACANT—1.

Assembly Bill No. 87 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Carlton.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 90 allows any person employed by an injured worker's labor organization or association, whether full-time or part-time, and who is not an independent contractor, to represent an individual before a hearing officer or in negotiations, settlements, hearings, or other meetings with an insurer concerning a claim.

In my conversations with many of the affected parties, I found that due to the Great Recession, a lot of labor unions and associations have not had the resources to have a full-time union representative representing injured workers, as is currently required in NRS 616C.325. This will give those organizations, unions, and associations the flexibility to allow them to have

a part-time union representative who will represent injured workers. One question that was brought up to me was whether this would prohibit a union from having an attorney on retainer to represent injured workers. The current law specifically provides that an attorney can represent those injured workers. I checked with our legal counsel, and I did receive an opinion that Assembly Bill 90 would not prohibit a union or labor organization from having an attorney on retainer to represent those injured workers.

ASSEMBLYWOMAN CARLTON:

Unfortunately, I rise in opposition to A.B. 90. In my legislative career, I have dealt with many issues on workers' comp. I have concerns about allowing a part-time person. With all due respect to the sponsor, I understand he is trying to accomplish something of economic need for some of these organizations. But these are complex cases. If something goes wrong, you have no recourse. If anyone looks at Chapter 616, they would see all the time limits and particulars that it takes to navigate a worker's comp case. To have a part-time person for any organization—and nowhere in the bill are any qualifications listed, any certifications listed—we just don't know if that person is going to be truly educated enough to make sure they make the right decisions and file the right forms at the right time to protect the injured worker.

In my first session in this building, I sat in a committee hearing and heard about a caseworker who had to go back because a mistake was made in a worker's comp case. They had to go back to that injured worker's home and take the wheelchair away from him. The last thing I want to do is ever allow something like that to happen again. I have grave concerns with this bill that we may have unqualified people out there giving advice to injured workers, and the injured worker will bear the harm.

Roll call on Assembly Bill No. 90:

YEAS—39.

NAYS—Carlton, Pierce—2.

VACANT—1.

Assembly Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 99 revises various provisions of the Uniform Law on Notarial Acts. The measure prohibits a notarial officer from performing a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party or in which either of them have a direct beneficial interest. The bill also establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. The bill specifically authorizes a notarial act to be performed by a person who is authorized to perform such an act by the law of a federally recognized Indian tribe or nation.

Assembly Bill 99 initially included revisions promulgated by the Uniform Commissioners to our Uniform Law on Notarial Acts. Many of those suggestions by the Commissioners had already been put into statute through the work of our Secretary of State and our Government Affairs Committee. Most of the bill has been deleted, but there are a few tweaks to accomplish some goals here that I believe are positive.

Roll call on Assembly Bill No. 99:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 99 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 117 allows a person driving a motorcycle, moped, or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red traffic signal if the person stops as required by the signal, the person waits for two complete cycles of the lights or lighted arrows, and the signal does not change because of a malfunction or the failure of the signal to detect the presence of the vehicle; no other device at the place prohibits a turn, if applicable; and the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

The bill also provides that if the person commits certain violations while proceeding into an intersection against a red signal that result in an injury to another person, the violations create a rebuttable presumption of facts necessary to impose civil liability.

Roll call on Assembly Bill No. 117:

YEAS—39.

NAYS—Bustamante Adams, Carlton—2.

VACANT—1.

Assembly Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblymen Daly and Hickey.

ASSEMBLYMAN DALY:

Assembly Bill 150 creates the Legislative Committee on Governmental Oversight and Accountability as a statutory interim committee. The Committee may evaluate and comment upon issues related to governmental agencies, including accountability programs, governmental oversight, financing methods, and any other matter affecting government agencies.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 150. Assembly Bill 150 creates the Legislative Committee on Governmental Oversight as a statutory interim committee. This bill overreaches and gives the committee unprecedented authority over local entities. Already the Legislature has the authority to evaluate, review, investigate, and comment on the operation of government entities. Existing committees that we already have are able to accomplish the goals proposed by A.B. 150. We should not be in the business of duplicating government services that add to our financial burden and further burden local governments.

Roll call on Assembly Bill No. 150:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—16.

VACANT—1.

Assembly Bill No. 150 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 161 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 189. Assembly Bill 189 started out as a special license plate for well-known, nonprofit health care in southern Nevada. Realizing the rules that we had set up on special plates, a compromise was offered to establish a separate tier of special license plates. This will add five new special license plates to the queue. They will be for the more sophisticated nonprofits that can reach a higher level of bonding and certification and can deal with those particular plates. The initial level will be much higher.

The thought behind this was the more sophisticated nonprofits—larger, well known—will get out of the queue with the others to allow the smaller nonprofits to work through the other queue more quickly. Knowing that they have the resources, they can apply for this special tier of special license plates.

Roll call on Assembly Bill No. 189:

YEAS—39.

NAYS—Kirner, Wheeler—2.

VACANT—1.

Assembly Bill No. 189 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 199. Assembly Bill 199 authorizes the Colorado River Commission to contract with certain new eligible customers based on an allocation of capacity and associated firm energy from a resource pool created pursuant to federal law, without subjecting the CRC to regulation by the Public Utilities Commission of Nevada. The bill prohibits the CRC from serving any new customer located within the service territory of an

electric utility that primarily serves densely populated counties in excess of the allocation made to that customer pursuant to federal law. Lastly, A.B. 199 requires the PUC to establish a tariff for certain services provided by an electric utility for its sale of electric or transmission services, or both, to a customer of the CRC.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and on October 1, 2013, for all other purposes.

This allows us to comply with the federal Hoover Power Allocation Act of 2011.

Roll call on Assembly Bill No. 199:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 199 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

I rise in support of Assembly Bill 202. Assembly Bill 202 grants jurisdiction to the juvenile court over a child charged with committing murder or attempted murder if the child was under the age of 14 when the crime was committed. The bill also authorizes a child who has been certified for transfer to adult court to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the adult proceedings.

Assembly Bill 202 also requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certification of juveniles as adults, housing of youthful offenders convicted of crimes as adults, and related subjects and to submit a report and recommendations for legislation to the 78th Session of the Nevada Legislature.

Under existing law a child can be treated as an adult at age eight. This bill ensures that a juvenile under the age of 14 cannot be treated as an adult in the juvenile justice system and creates a task force to look further into certification of juveniles as adults in our state. As my colleague from Assembly District 28 pointed out to me, research shows that young people respond better to treatment and do worse when subjected to adult prison settings.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 202 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Bill 205, which requires Nevada's charter schools to operate under performance-based contracts, rather than written charters, and further requires those

contracts to include performance measures for student achievement and proficiency; attendance and reenrollment rates; graduation rates, if applicable; financial and governance outcomes; and indicators which are specific to a school's mission.

There are many other outstanding provisions in here which strengthen our charter schools that are too numerous to mention at this time. I strongly urge our body to support this measure.

Roll call on Assembly Bill No. 205:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 205 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of A.B. 207. Assembly Bill 207 grants discretion to a prosecutor when a child is taken into custody for committing a battery that constitutes domestic violence or other battery offense. The bill authorizes the district attorney to file a petition alleging a different or lesser offense arising out of the same facts, to negotiate an agreement in which the child admits to a different or lesser offense, or to approve another action authorized by law, including dismissal or informal supervision.

Assembly Bill 207 requires the district attorney, in exercising his or her prosecutorial discretion, to consider the nature of the relationship between the child and the victim, the severity of the alleged offense, and whether the child engaged in a pattern of abusive behavior toward the victim.

In your Judiciary Committee, there was a lot of testimony about the collateral consequences to a child when they are adjudicated delinquent of this and many other crimes. Some of those collateral consequences can prevent a child from being able to join the military, to go on to certain colleges and graduate schools—that kind of thing. This will hopefully give prosecutors more discretion when something does not rise to the level of a battery domestic violence.

Roll call on Assembly Bill No. 207:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 207 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 210. This bill requires that when developing an individualized education program for a pupil with a hearing impairment, the pupil's

individualized education program team consider certain factors in order to achieve the best feasible instruction for the pupil.

The bill provides that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode solely because the pupil's chosen mode of communication differs from that recommended by the individualized education program team. The bill further requires that to the extent feasible, a school provide instruction to such pupils in more than one communication mode.

Finally, this measure requires the Department of Education to post certain data on its website within 30 days after submitting that data to the federal government.

I urge my colleagues to support this bill, but I do want to make clear that the intent of this bill is not to direct the school districts to include certain factors in an individualized education program for a specific student, but only to ensure that a certain list of factors are considered when that plan is developed. The requirement for a school to provide appropriate and equal access to education already exists under federal law. This is simply to ensure that there is consistency in the development of individualized education plans for children with hearing impairments. Again, I urge my colleagues to vote for this bill.

Roll call on Assembly Bill No. 210:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 210 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 223 authorizes a constable, subject to approval by the board of county commissioners, to appoint clerical and operational staff. The bill provides that such staff do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable.

In a county whose population is 700,000 or more, A.B. 223 requires any person appointed as a deputy constable to be certified by the Peace Officers' Standards and Training Commission, called POST, as a category II peace officer before commencing employment.

Assembly Bill 223 also authorizes a board of county commissioners to establish penalties for the failure of a constable to file any oath, report, or other document required by law to be filed with the county or with the POST Commission. The bill further requires the constable's oath to be filed and recorded in the office of the county recorder in the county where the constable holds office.

Finally, A.B. 223 specifies that the authority of the constable to issue a citation to the owner or driver of a vehicle that is not properly registered applies to vehicles located in the constable's township at the time the citation is issued.

Roll call on Assembly Bill No. 223:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 223 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Ellison, Oscarson, Bobzien, and Ohrenschall.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 227. This bill creates the Nevada Land Management Task Force consisting of 17 members appointed by the state's county commissions. Administrative support will be provided by the county commissions in conjunction with the Nevada Association of Counties. The Task Force will meet during the 2013-2014 legislative interim to report on matters relating to the transfer of federal lands to the state, including the identification of lands to be transferred by the federal government; a proposed plan for the administration and management of transferred federal lands; and an economic analysis and possible revenue impacts of transferred federal lands.

The Task Force must submit its findings and recommendations to the Legislative Committee on Public Lands no later than September 1, 2014, for inclusion in the Committee's final report.

According to the testimony, several other Western states, including the states of Utah, Wyoming, Idaho, Arizona, and South Carolina, have undertaken similar efforts. This is for a study only. Let me accentuate this again: a study. Assembly Bill 227 works in conjunction with Public Lands and with NACO.

ASSEMBLYMAN OSCARSON:

Thank you, Madam Speaker. I rise in support today of A.B. 227. Within Nevada almost 85 percent of our land is controlled by the federal government, depriving our state of important revenues that our citizens rightly deserve. I believe that the time has come for the federal government to honor its commitment to give states back their public lands that were promised to be returned within a reasonable time after being admitted into the Union– in Nevada's case, 149 years ago. Thank you, and I urge your support of this important legislation.

ASSEMBLYMAN BOBZIEN:

My opposition to this measure rests on two points. The first is that I believe there are a number of misstatements in the preamble to this bill, first and foremost, the idea that it is a negative to our state that these different land management agencies manage land in our state. The National Park Service manages the Great Basin National Park. The Fish and Wildlife Service manages the Shelton National Wildlife Refuge. The Bureau of Land Management manages Red Rock Canyon National Conservation area. These are all places that we take our families and our children. We pass along life lessons, and they enhance our quality of life.

The second part in the preamble that I believe is problematic is the idea that there is growing momentum for this movement. I need to remind members of this body, including the bill's sponsor, that Arizona, in fact, rejected such a measure overwhelmingly at the ballot last fall. Ultimately, Madam Speaker, my opposition to this bill has to do with the fact that to avoid the fiscal note, we have transferred the management and the responsibility of this study over to a nonprofit organization that is not a part of the state. The Nevada Association of Counties is certainly a respectable organization, and their input is necessary. I think it would be far more appropriate for that organization to facilitate a study and bring the findings and report them to our established and existing Public Lands Committee. I urge opposition.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 227, Madam Speaker. First of all, I want to commend my colleague from Elko and the Senator from Eureka. I think they took a very reasoned approach with this legislation, especially compared to the model over in Utah. It's a study; it's nothing more than a study, and it's a study to our Public Lands Committee, which I think most of us have great faith in. The Public Lands Committee may or may not agree with that study. However, when we look back at our history, we have seen some successes where lands have been turned over to the state: the Southern Nevada Public Lands Management Act of 1998—we saw successes with that; money that was used for affordable housing, for parks; and some land was preserved so that other land could be developed.

The state of Nevada does administer parks and administers it well. Obviously, the state will never have the resources of the federal government, and I don't think anyone is asking the state to take over our precious resources like Red Rock Canyon or any of the other parks that my colleague from Reno mentioned. What I hope this study will bring about is a goal of cooperative conservation where maybe we can look to alternative uses but where conservation is going to be a priority. I have talked to the sponsors, and I think they are committed to that. I hope that will be the case, but if not, we do have our Public Lands Committee that will receive this report and decide whether they endorse it or not endorse it. They will report back to the next session.

Roll call on Assembly Bill No. 227:

YEAS—23.

NAYS—Aizley, Bobzien, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Eisen, Flores, Frierson, Healey, Hogan, Horne, Munford, Pierce, Spiegel, Swank—18.

VACANT—1.

Assembly Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 486 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

NOTICE OF EXEMPTION

April 23, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 33.

CINDY JONES
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 486.

Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:59 p.m.

ASSEMBLY IN SESSION

At 2 p.m.
Madam Speaker presiding.
Quorum present.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 467.

AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to ~~[elect to be relieved of]~~ **apply to the Public Utilities Commission of Nevada for relief from** the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; ~~[providing that certain assessments and surcharges are applicable to providers of Voice over Internet Protocol services;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) **Section 2** of this bill authorizes such a provider to ~~[elect]~~ **apply** to **the Public Utilities Commission of Nevada to** be relieved of its duty to provide such service when certain alternative services are available **.** ~~[by filing notice with the Public Utilities Commission of Nevada and providing certain other information to the Commission.]~~ **Section 2 additionally sets forth certain requirements for notice, hearings and consumer sessions related to an application. Section 2 authorizes the Commission to require a telecommunication provider to provide service to a customer under certain circumstances.**

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684) **Section 3** of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. ~~[Section 4 of this bill provides that certain assessments and surcharges may be assessed against or imposed on providers of Voice over Internet Protocol services.]~~ **Section 3 preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.**

Sections 6, 7 and 18-34 of this bill remove obsolete references to telegraph lines and telegraph equipment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. A competitive supplier that is a provider of last resort may ~~[elect to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any other provider and via any technology.~~***

~~2. A competitive supplier that is a provider of last resort that elects to be relieved of its obligations as a provider of last resort shall file notice with the Commission of its election to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any provider and via any technology. The notice must include a map of the area or areas and a listing of the alternative voice services available in each area.~~

~~3. An election notice which is filed pursuant to subsection 2 shall be deemed approved 30 days after the date on which the notice of the election is received by the Commission unless the Regulatory Operations Staff of the Commission or the Consumer's Advocate files a written objection with the Commission within that period. Such an objection must only address whether an alternative voice service is available to existing customers in the area or areas subject to the election. In making an objection pursuant to this subsection, the Regulatory Operations Staff of the Commission or the Consumer's Advocate has the burden to show that an alternative voice service is not available in the area or areas subject to the election.~~

~~4. If an objection is made pursuant to subsection 3, the Commission shall rule on the objection and approve or disapprove the election within 90 days after receiving the notice of the election.~~

~~5. Any provider of last resort who has been granted full or partial relief from its obligations as a provider of last resort by the Commission before October 1, 2013, shall be deemed to be fully released of its obligations and status as a provider of last resort for the area covered by the Commission's order.~~

~~6. The relief described in subsections 2 to 5, inclusive, does not affect an incumbent local exchange carrier's obligations under federal law.~~

~~7. Except as otherwise provided in this chapter, the Commission shall not exercise jurisdiction over an alternative voice service, including, without limitation, determining the rates, pricing, service quality, terms, conditions or availability of an alternative voice service.~~

~~*8. For the purposes of this section, "alternative voice service" means a retail service made available through any technology or service arrangement, other than satellite voice service, that provides:*~~

~~*(a) Voice-grade access to the public switched telephone network; and*~~

~~*(b) Access to emergency 911 service.]*~~ *file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:*

(a) At least:

(1) One provider that utilizes a wireline technology and is capable of providing alternative voice service to all households in the area for which relief is sought; and

(2) One provider that utilizes any other technology and is capable of providing alternative voice service to all households in the area for which relief is sought;

(b) Two or more providers that utilize a wireless technology of sufficient voice quality as determined by the Commission and are capable of providing alternative voice service to all households in the area for which relief is sought; or

(c) Three or more providers that utilize any technology of sufficient voice quality as determined by the Commission and are capable of providing alternative voice service to all households in the area for which relief is sought.

2. An application filed pursuant to subsection 1 must include:

(a) A map of the area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the area for which relief is sought.

(b) A draft of the notice which the applicant intends to provide pursuant to subsection 4.

3. The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.

4. An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:

(a) To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a

promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.

(b) To each public safety answering point which is located within the area for which relief is sought.

5. The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensible language that is understandable to an ordinary layperson:

(a) A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.

(b) A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.

(c) A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.

(d) Any additional information required by the Commission.

6. A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:

(a) The Commission;

(b) The Consumer's Advocate;

(c) Representatives from each public safety answering point that is located within the area for which relief is sought; and

(d) Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.

7. Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.

8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section.

9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not

affect or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.

10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before September 30, 2013, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before September 30, 2013.

11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.

12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:

(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.

(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer who resides in a county whose population is less than 100,000 does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2015, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in this subsection and subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a provider of last resort. The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone

service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.

15. As used in this section:

(a) "Alternative voice service" means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

(1) Voice-grade access to the public switched telephone network; and

(2) Access to emergency 911 service.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 3. *1. Except as otherwise provided in subsection 2 , ~~[and section 4 of this act,]~~ a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.*

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit ~~[the assessment of]~~ :

(1) The assessment of taxes , ~~[or other]~~ fees or surcharges which are of general applicability ~~[,]~~ or which are otherwise authorized by statute; or

(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;

(c) Affect or modify:

(1) Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252 ~~[,]~~ , including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;

(2) Any obligation relating to the provision of video service by any person ~~[,]~~ pursuant to chapter 711 of NRS;

(3) Any applicable wholesale tariff; or

(4) ~~[The authority of the Commission to address or affect the resolution of disputes regarding intercarrier compensation.]~~ Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).

3. As used in this section:

(a) "Internet Protocol-enabled service" means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video

communications. The term does not include Voice over Internet Protocol service.

(b) "Voice over Internet Protocol service" means any service that:

(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;

(2) Uses a broadband connection from the user's location; and

(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

Sec. 4. ~~***[1. A provider of Voice over Internet Protocol service is subject to:***~~

~~***(a) Assessments levied and collected pursuant to subsection 5 of NRS 704.040;***~~

~~***(b) Surcharges imposed pursuant to NRS 244A.7643 and 266.344; and***~~

~~***(c) Surcharges imposed pursuant to NRS 427A.797.***~~

~~***2. As used in this section, "Voice over Internet Protocol service" has the meaning ascribed to it in subsection 3 of section 3 of this act.]***~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 704.006 is hereby amended to read as follows:**

704.006 "Basic network service" means the provision of stand-alone telephone service furnished to a residential customer ~~[through the customer's primary residential line as the only service]~~ that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network **;** ~~[with a minimum bandwidth of 300 to 3,000 hertz;]~~

(b) ~~[Dual tone multifrequency signaling and single party service;~~

~~(c)]~~ Access to:

(1) ~~[Operator services;~~

~~(2)]~~ Telephone relay services;

~~[(3) Local directory assistance;~~

~~(4)]~~ ***(2)*** Interexchange service; and

~~[(5)]~~ ***(3)*** Emergency 911 service **;** ~~[.~~

~~(d)]~~***(c)*** The first single-line directory listing; and

~~[(e)]~~ ***(d)*** Universal lifeline service for those eligible for such service.

Sec. 5. NRS 704.011 is hereby amended to read as follows:

704.011 1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 6. NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~[,]~~ ***and*** telephone ~~[and telegraph]~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

Sec. 7. NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~[telegraph,]~~ telephone or electric transmission line.

Sec. 8. NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~[1.]~~ The Commission shall adopt regulations that establish ~~[:~~

~~(a) The]~~ ***the*** obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

Sec. 9. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act,*** unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 10. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act*** do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 11. NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 12. NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 13. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 14. NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act,*** a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 15. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~[~~Each~~]~~ ***For any area in which a*** competitive supplier ~~[~~that~~]~~ is ~~[~~an incumbent local exchange carrier:~~]~~ ***a provider of last resort, the competitive supplier:***

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 16. NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect

on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~[A]~~ ***For any area in which a competitive supplier is a provider of last resort, the*** competitive supplier ~~[that is an incumbent local exchange carrier]~~ must provide reasonably detailed information concerning the rates, pricing,

terms and conditions of basic network service in the manner required by NRS 704.68875.

Sec. 17. NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~[~~A~~]~~ ***For any area in which a competitive supplier is a provider of last resort, the*** competitive supplier ~~[~~that is a provider of last resort may use an alternative technology to satisfy the~~]~~ ***may satisfy its*** obligation ~~[~~to provide basic network service or business line service in a service territory.~~]~~ ***as a provider of last resort through an alternative voice service*** **.** ~~[~~***provided by the competitive supplier or an affiliate of the competitive supplier.***~~]~~

2. ~~[~~Except as otherwise provided in this section, the~~]~~ ***The*** Commission may not exercise jurisdiction over an alternative ~~[~~technology~~]~~ ***voice service*** used by a competitive supplier ~~[~~that is a provider of last resort~~]~~ ***or its affiliate*** to satisfy the ~~[~~obligation to provide basic network service or business line service in a service territory,~~]~~ ***competitive supplier's obligation as a provider of last resort,*** including, without limitation, determining the rates, pricing, ~~[~~***service quality,***~~]~~ terms, conditions or availability of an alternative ~~[~~technology.~~]~~ ***voice service.***

3. ~~[~~If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit switched wireline telephony.

4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.

5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit-switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.~~]~~ ***The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect*** ***any obligation of*** ***the competitive*** ~~[~~***supplier's obligations as***~~]~~ ***supplier:***

(a) As an incumbent local exchange carrier pursuant to federal law.

(b) Pursuant to NRS 704.033.

4. As used in this section, "alternative voice service" ~~[has the meaning ascribed to it in section 2 of this act.]~~ means a retail voice service made available through any technology or service arrangement that provides:

(a) Voice-grade access to the public switched telephone network; and

(b) Access to emergency 911 service.

Sec. 18. NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a ~~[~~telegraph~~]~~ ***telephone*** line or lines by complying with NRS 707.240.

Sec. 19. NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns ~~[~~:

~~1. May]~~ ***may*** construct, or if constructed, maintain, or if partially constructed, complete and maintain, their ***telephone*** line ~~[~~of telegraph,~~]~~ described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same **.** ~~[~~;

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.~~]

Sec. 19.5. **NRS 707.280 is hereby amended to read as follows:**

707.280 1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a ***telephone*** line ~~[~~of telegraph,~~]~~ as provided in NRS 707.230 to ~~[~~707.290,~~]~~ ***707.280,*** inclusive, ~~[~~has~~]~~ ***have*** the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a

true appraisement thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~[telegraph]~~ ***telephone*** line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.

Sec. 20. NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 to ~~[707.290, inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.]~~ ***[, 707.240 and 707.250.]*** ***707.280, inclusive.***

Sec. 21. NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telegraph or]~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~[telegraph or]~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,

➥ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

Sec. 22. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone ~~[and telegraph]~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~[or telegraph]~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~[or telegraph]~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 23. NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat **,** ~~[or]~~

power ~~[, telegraph]~~ or telephone lines, and the places where gas or water mains are to be laid or installed.

Sec. 24. NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, ~~[telegraph,]~~ light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

Sec. 25. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and

over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~[telegraph or]~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 26. NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~[telegraph,]~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.

Sec. 27. NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~[telegraphic~~

~~equipment,~~] other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;

2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and

3. Revenue bonds constituting special obligations and payable from such net revenues.

Sec. 28. NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, [~~telegraphic equipment,~~] signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:

(a) General obligation bonds, payable from taxes; and

(b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.

2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

Sec. 29. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school

district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~[telegraph,]~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 30. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~[or telegraph]~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 31. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than $500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political

subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, ~~[telegraph service,]~~ natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 32. NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) "Cost of relocation" means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) "Utility" means any privately, publicly or cooperatively owned systems for supplying ~~[telegraph,]~~ telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

Sec. 33. NRS 496.020 is hereby amended to read as follows:

496.020 As used in this chapter, unless the context otherwise requires:

1. "Air navigation facility" means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. "Airport" means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Municipal" means pertaining to a municipality as defined in this section.

5. "Municipality" means any county, city or town of this state.

6. "Person" includes a government, a governmental agency and a political subdivision of a government.

7. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this state and who conducts such a business for a public use.

Sec. 34. NRS 497.020 is hereby amended to read as follows:

497.020 As used in this chapter, unless the context otherwise requires:

1. "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. "Person" includes a government, a governmental agency and a political subdivision of a government.

5. "Political subdivision" means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. "Structure" means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. "Tree" means any object of natural growth.

Sec. 35. NRS 707.270 ~~[, 707.280]~~ and 707.290 are hereby repealed.

Sec. 36. **The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before October 1, 2013.**

TEXT OF REPEALED SECTIONS

707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of $100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

~~[707.280 Right-of-way for line: Procedure for appraisal and compensation for private land; appeal.~~

~~1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a line of telegraph, as provided in NRS 707.230 to 707.290, inclusive, has the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.~~

~~2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief.~~

~~3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the~~

~~person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the telegraph line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.~~

~~4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.]~~

707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto. The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

The following amendment was proposed by Assemblymen Diaz and Hansen:

Amendment No. 578.

AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to ~~[elect to be relieved of]~~ **apply to the Public Utilities Commission of Nevada for relief from** the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; ~~[providing that certain assessments and surcharges are applicable to providers of Voice over Internet Protocol services;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) **Section 2** of this bill authorizes such a provider to ~~[elect]~~ **apply** to **the Public Utilities Commission of Nevada to** be relieved of its duty to provide such service when certain alternative services are available **.** ~~[by filing notice with the Public Utilities Commission of Nevada and providing certain other information to the Commission.]~~ **Section 2 additionally sets forth certain requirements for notice, hearings and**

consumer sessions related to an application. Section 2 authorizes the Commission to require a telecommunication provider to provide service to a customer under certain circumstances.

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684) **Section 3** of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. ~~[Section 4 of this bill provides that certain assessments and surcharges may be assessed against or imposed on providers of Voice over Internet Protocol services.]~~ **Section 3 preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.**

Sections 6, 7 and 18-34 of this bill remove obsolete references to telegraph lines and telegraph equipment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. A competitive supplier that is a provider of last resort may*** ~~***[elect to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any other provider and via any technology.***~~

~~***2. A competitive supplier that is a provider of last resort that elects to be relieved of its obligations as a provider of last resort shall file notice with the Commission of its election to be relieved of its obligations and status as a provider of last resort in any or all areas where an alternative voice service is available from any provider and via any technology. The notice must include a map of the area or areas and a listing of the alternative voice services available in each area.***~~

~~***3. An election notice which is filed pursuant to subsection 2 shall be deemed approved 30 days after the date on which the notice of the election is received by the Commission unless the Regulatory Operations Staff of the Commission or the Consumer's Advocate files a written objection with the Commission within that period. Such an objection must only address whether an alternative voice service is available to existing customers in the area or areas subject to the election. In making an objection pursuant to this subsection, the Regulatory Operations Staff of the Commission or the Consumer's Advocate has the burden to show that an alternative voice service is not available in the area or areas subject to the election.***~~

~~*4. If an objection is made pursuant to subsection 3, the Commission shall rule on the objection and approve or disapprove the election within 90 days after receiving the notice of the election.*~~

~~*5. Any provider of last resort who has been granted full or partial relief from its obligations as a provider of last resort by the Commission before October 1, 2013, shall be deemed to be fully released of its obligations and status as a provider of last resort for the area covered by the Commission's order.*~~

~~*6. The relief described in subsections 2 to 5, inclusive, does not affect an incumbent local exchange carrier's obligations under federal law.*~~

~~*7. Except as otherwise provided in this chapter, the Commission shall not exercise jurisdiction over an alternative voice service, including, without limitation, determining the rates, pricing, service quality, terms, conditions or availability of an alternative voice service.*~~

~~*8. For the purposes of this section, "alternative voice service" means a retail service made available through any technology or service arrangement, other than satellite voice service, that provides:*~~

~~*(a) Voice grade access to the public switched telephone network; and*~~

~~*(b) Access to emergency 911 service.]*~~ ***file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:***

(a) At least:

(1) One provider that utilizes a wireline technology, is not an affiliate of the provider of last resort and is capable of providing alternative voice service to the entire area for which relief is sought; and

(2) One provider that utilizes any other technology and is capable of providing alternative voice service to the entire area for which relief is sought;

(b) On or after June 1, 2015, two or more providers that utilize a wireless technology and that are capable of providing alternative voice service to the entire area for which relief is sought; or

(c) On or after June 1, 2015, three or more providers that utilize any technology and that are capable of providing alternative voice service to the entire area for which relief is sought.

2. An application filed pursuant to subsection 1 must include:

(a) A map of the entire area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the entire area for which relief is sought.

(b) A draft of the notice which the applicant intends to provide pursuant to subsection 4.

3. The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.

4. An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:

(a) To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.

(b) To each public safety answering point which is located within the area for which relief is sought.

5. The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensive language that is understandable to an ordinary layperson:

(a) A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.

(b) A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.

(c) A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.

(d) Any additional information required by the Commission.

6. A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:

(a) The Commission;

(b) The Consumer's Advocate;

(c) Representatives from each public safety answering point that is located within the area for which relief is sought; and

(d) Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.

7. Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.

8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section.

9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not affect or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.

10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before the effective date of this act, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before the effective date of this act.

11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.

12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:

(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.

(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2016, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that

service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in this subsection and subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a provider of last resort. The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.

15. As used in this section:

(a) "Alternative voice service" means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

(1) Voice-grade access to the public switched telephone network; and

(2) Access to emergency 911 service.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 3. *1. Except as otherwise provided in subsection 2 , ~~[and section 4 of this act,]~~ a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.*

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit ~~[the assessment of]~~ :

(1) The assessment of taxes , ~~[or other]~~ fees or surcharges which are of general applicability ~~[,]~~ or which are otherwise authorized by statute; or

(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;

(c) Affect or modify:

(1) Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252 ~~***[;]***~~ ***, including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;***

(2) Any obligation relating to the provision of video service by any person ~~***[;]***~~ ***pursuant to chapter 711 of NRS;***

(3) Any applicable wholesale tariff; or

(4) ~~***[The authority of the Commission to address or affect the resolution of disputes regarding intercarrier compensation.]***~~ ***Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).***

3. As used in this section:

(a) "Internet Protocol-enabled service" means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video communications. The term does not include Voice over Internet Protocol service.

(b) "Voice over Internet Protocol service" means any service that:

(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;

(2) Uses a broadband connection from the user's location; and

(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

Sec. 4. ~~***[1. A provider of Voice over Internet Protocol service is subject to:***~~

~~***(a) Assessments levied and collected pursuant to subsection 5 of NRS 704.040;***~~

~~***(b) Surcharges imposed pursuant to NRS 244A.7643 and 266.344; and***~~

~~***(c) Surcharges imposed pursuant to NRS 427A.797.***~~

~~***2. As used in this section, "Voice over Internet Protocol service" has the meaning ascribed to it in subsection 3 of section 3 of this act.]***~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 704.006 is hereby amended to read as follows:**

704.006 "Basic network service" means the provision of stand-alone telephone service furnished to a residential customer ~~**[**through the customer's primary residential line as the only service**]**~~ that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network ***;*** ~~[with a minimum bandwidth of 300 to 3,000 hertz;]~~

(b) ~~[Dual tone multifrequency signaling and single-party service;~~

~~(c)]~~ Access to:

(1) ~~[Operator services;~~

~~(2)]~~ Telephone relay services;

~~[(3) Local directory assistance;~~

~~(4)]~~ ***(2)*** Interexchange service; and

~~[(5)]~~ ***(3)*** Emergency 911 service ***;*** ~~[.~~

~~(d)]~~ ***(c)*** The first single-line directory listing; and

~~[(e)]~~ ***(d)*** Universal lifeline service for those eligible for such service.

Sec. 5. NRS 704.011 is hereby amended to read as follows:

704.011 1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 6. NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~[,]~~ ***and*** telephone ~~[and telegraph]~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

Sec. 7. NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~[telegraph,]~~ telephone or electric transmission line.

Sec. 8. NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~[1.]~~ The Commission shall adopt regulations that establish ~~[:~~

~~(a) The]~~ ***the*** obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

Sec. 9. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act,*** unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 10. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act*** do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 11. NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 12. NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 13. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 14. NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act,*** a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 15. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~[~~Each~~]~~ ***For any area in which a*** competitive supplier ~~[~~that~~]~~ is ~~[~~an incumbent local exchange carrier:~~]~~ ***a provider of last resort, the competitive supplier:***

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 16. NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~[A]~~ ***For any area in which a competitive supplier is a provider of last resort, the*** competitive supplier ~~[that is an incumbent local exchange carrier]~~ must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by NRS 704.68875.

Sec. 17. NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~[A]~~ ***For any area in which a competitive supplier is a provider of last resort, the*** competitive supplier ~~[that is a provider of last resort may use an alternative technology to satisfy the]~~ ***may satisfy its*** obligation ~~[to provide basic network service or business line service in a service territory.]~~ ***as a provider of last resort through an alternative voice service . [provided by the competitive supplier or an affiliate of the competitive supplier.]***

2. ~~[Except as otherwise provided in this section, the]~~ ***The*** Commission may not exercise jurisdiction over an alternative ~~[technology]~~ ***voice service*** used by a competitive supplier ~~[that is a provider of last resort]~~ ***or its affiliate*** to satisfy the ~~[obligation to provide basic network service or business line service in a service territory,]~~ ***competitive supplier's obligation as a provider of last resort,*** including, without limitation, determining the rates, pricing, ***[service quality,]*** terms, conditions or availability of an alternative ~~[technology.]~~ ***voice service.***

3. ~~[If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit switched wireline telephony.~~

~~4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement~~

~~corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.~~

~~5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.~~**]** ***The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect any obligation of the competitive*** ~~***[supplier's obligations as]***~~ ***supplier:***

(a) As an incumbent local exchange carrier pursuant to federal law.

(b) Pursuant to NRS 704.033.

4. As used in this section, "alternative voice service" ~~***[has the meaning ascribed to it in section 2 of this act.]***~~ ***means a retail voice service made available through any technology or service arrangement that provides:***

(a) Voice-grade access to the public switched telephone network; and

(b) Access to emergency 911 service.

Sec. 18. NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a ~~[~~telegraph~~]~~ ***telephone*** line or lines by complying with NRS 707.240.

Sec. 19. NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns ~~[~~:

~~1. May~~**]** ***may*** construct, or if constructed, maintain, or if partially constructed, complete and maintain, their ***telephone*** line ~~[~~of telegraph,~~]~~ described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same **.** ~~[~~;

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.~~**]**

Sec. 19.5. **NRS 707.280 is hereby amended to read as follows:**

707.280 1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a

telephone line ~~[of telegraph,]~~ as provided in NRS 707.230 to ~~[707.290,]~~ ***707.280,*** inclusive, ~~[has]~~ ***have*** the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~[telegraph]~~ ***telephone*** line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.

Sec. 20. NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 to ~~[707.290, inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.]~~ ***[, 707.240 and 707.250.]*** ***707.280, inclusive.***

Sec. 21. NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telegraph or]~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~[telegraph or]~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,

➥ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

Sec. 22. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone ~~[and telegraph]~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~[or telegraph]~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~[or telegraph]~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 23. NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the

franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat **,** ~~**[**or**]**~~ power ~~**[**, telegraph**]**~~ or telephone lines, and the places where gas or water mains are to be laid or installed.

Sec. 24. NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, ~~**[**telegraph,**]**~~ light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

Sec. 25. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~[telegraph or]~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 26. NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~[telegraph,]~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a

corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.

Sec. 27. NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~[~~telegraphic equipment,~~]~~ other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;

2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and

3. Revenue bonds constituting special obligations and payable from such net revenues.

Sec. 28. NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, ~~[~~telegraphic equipment,~~]~~ signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:

(a) General obligation bonds, payable from taxes; and

(b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.

2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

Sec. 29. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~[telegraph,]~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 30. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~[or telegraph]~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 31. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than $500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, ~~[telegraph service,]~~ natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 32. NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) "Cost of relocation" means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) "Utility" means any privately, publicly or cooperatively owned systems for supplying ~~[telegraph,]~~ telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of

Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

Sec. 33. NRS 496.020 is hereby amended to read as follows:

496.020 As used in this chapter, unless the context otherwise requires:

1. "Air navigation facility" means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. "Airport" means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Municipal" means pertaining to a municipality as defined in this section.

5. "Municipality" means any county, city or town of this state.

6. "Person" includes a government, a governmental agency and a political subdivision of a government.

7. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone **[**~~, telegraph~~**]** or water business in this state and who conducts such a business for a public use.

Sec. 34. NRS 497.020 is hereby amended to read as follows:

497.020 As used in this chapter, unless the context otherwise requires:

1. "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. "Person" includes a government, a governmental agency and a political subdivision of a government.

5. "Political subdivision" means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. "Structure" means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. "Tree" means any object of natural growth.

Sec. 35. NRS 707.270 ~~[, 707.280]~~ and 707.290 are hereby repealed.

Sec. 36. **The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before the effective date of this act.**

Sec. 36.5. **This act becomes effective upon passage and approval.**

TEXT OF REPEALED SECTIONS

707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of $100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

~~[707.280 Right-of-way for line: Procedure for appraisal and compensation for private land; appeal.~~

~~1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a line of telegraph, as provided in NRS 707.230 to 707.290, inclusive, has the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.~~

~~2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief.~~

~~3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the telegraph line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.~~

~~4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.~~**]**

707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto. The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered to third reading.

Assemblyman Horne moved that the Assembly recess until 3 p.m.
Motion carried.

Assembly in recess at 2:03 p.m.

ASSEMBLY IN SESSION

At 3:30 p.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 230.
Bill read third time.
Remarks by Assemblymen Bobzien, Hickey, Flores, Duncan, and Eisen.

ASSEMBLYMAN BOBZIEN:

I would like to make a statement regarding the update schedule for the Academic Standards Council, for the record, with regards to this bill. The expectation upon enactment would be that the Council would make the necessary revisions to the standards in the course of their normal update schedule.

Madam Speaker, I rise in support of this bill. I would like to share with the body some facts. Number one, teen pregnancy rates are dropping nationally and in Nevada. The decline is attributed to a delay in initiating sexual activity and increased use of birth control for those who are sexually active. This is encouraging news but is not nearly enough. Nevada has the fourth highest teen pregnancy rate in the country and alarming rates of sexually transmitted infections. Teen pregnancy costs over $86 million a year in Nevada. Testing and treatment for STIs cost $40 million a year. Imagine what Nevada could do if we could invest that $120 million a year into education or economic development.

The current sex education law was passed over 30 years ago. It is outdated and inadequate to the needs of our students today. In a 2003 Legislative Counsel Bureau survey of sex education programs throughout the state, one-third of Nevada counties were only offering sex education in their school districts in one grade. The school district either focused on the changes students could expect as they went through puberty or they focused on more advanced topics and offered the instruction only in the freshman year of high school. In the same survey, over one-third of school districts did not or could not share what they are currently teaching in their required sex education class despite the fact that this class is required and despite current law requiring school districts to make the curriculum available to parents upon request.

Madam Speaker, when this bill was heard in your Education Committee, the testimony was compelling. We heard from a sexual violence survivor who shared her story and asked us to pass this legislation by saying, "I believe having better sexual health education would have helped protect me from experiencing sexual violence or would have helped me to recognize a situation sooner so that I could get to safety."

One young man who could not attend the hearing shared his story. He is a 23-year-old student at UNLV, born and raised in Las Vegas. He went to the public schools in Clark County. He has been openly gay since high school. When he was 22, he got HIV from a partner who also went through the same Clark County schools. They did not get comprehensive sex education, and specifically, they did not get any information on LGBT sexual health. He decided to share his story because he doesn't want any other students to have this experience.

Finally, our colleague, Senator Spearman, shared the story of a young girl who was infected with HIV during her first sexual experience. The Senator recounted how on the night of her high

school prom, instead of helping this young lady get ready for her prom, she was helping her pick out the dress she would be buried in.

Madam Speaker, colleagues, make no mistake, giving our students the facts, giving them the medically accurate information they need, can and will save lives. I urge passage.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 230. As a parent, I consider the topic of human sexuality instruction a most sensitive issue and it should, of course, be approached with the utmost care. But this bill mandates that sex education standards be set by the statewide Council on Academic Standards. This takes away, in part, from local input and disregards the specific and unique needs of individual school districts and the families within them. The language in this bill is both broad and ambiguous and would lead to misinterpretation and confusion. Specifically, it adds that a provider of health care would be able to teach sexual education courses, which gives a preference to one particular advocate organization. Lastly, the bill heavily limits choice by changing existing law to have families and children opt out rather than opt in. This is a choice that should be initially granted to a parent rather than the state, a council, or the school. Simply stated, Assembly Bill 230 goes too far by constricting parental options. I think it would be wrong for this body to conclude that the state knows better than Nevada's parents as to what is best for their children.

My colleague rightly identified that teenage pregnancy has been going down in Nevada and throughout the country. He didn't acknowledge one of the elements of that is, of course, abstinence-based teaching, which is included in many of the curriculums in Washoe County, where I am from, which is touted as a model for what those proponents of having statewide standards do. I think it is fine for Washoe County, but again, I remind us that I think parents' input is most appreciated and most necessary when it comes to this particular sensitive issue, and I think it remains best with local communities. I urge your vote in opposition to this measure.

ASSEMBLYMAN FLORES:

I rise in support of Assembly Bill 230 and strongly urge this body to support this bill. In a perfect world, we probably would not need this bill, but clearly, we do not live in a perfect world and we are far from perfect in Nevada, based on the statistics that we have that my colleague has talked about. I can tell you that in my district and in my own personal experience, I come from a single parent household. My dad worked day and night. There was no one in my home. I did not have the appropriate role models to make good decisions.

Unfortunately, in this nonperfect world, we have an obligation to step up. We have an obligation to provide the information and the education that is going to arm our students, our young people, with the information to be able to make good decisions for themselves. Because if we do not, then they figure out how to make their own decisions with wrong and medically inaccurate information and things, unfortunately, they hear from their friends or from the Internet or who knows where else. Instead, we end up being fourth in the entire country with the highest teen pregnancy rates, with some of the highest levels of STDs. It is up to us to make a difference for those kids. I strongly urge you to support this bill. It is necessary and our kids truly deserve a better environment in which to learn.

ASSEMBLYMAN DUNCAN:

I rise in opposition to Assembly Bill 230. Madam Speaker and esteemed colleagues, one of the things I think that has been lost in this debate, as I heard in committee and also as we are talking about this now on the floor, is this idea of local control in the sense that what's good for Washoe County may not be good for Esmeralda County or may not be as good for Lyon County but might be good for Clark County. We respect our elected school boards and our officials to be able to work in concert with parents and local officials in those areas, to be able to come up with curriculum.

When I am listening to the debate on this, there are a lot of assumptions that are being thrown out there. It is almost as if we are acting as if sex education does not even appear in our schools, which frankly, Madam Speaker, is not true. The schools actually get to tailor their education to the needs of their local communities. One of the things I asked, in looking at this bill, is whether other states in the Union have had sex education like ours, that was left at the local school level, and then implemented comprehensive sex education and whether there was some sort of precipitous drop from where we are now and implementation of that to lower teen pregnancy and lower STI rates. I could never get an answer from anyone. I could only assume that the answer was no.

One of the things, too, is that from 2005 until 2008—and this was just in a *Las Vegas Sun* story—Nevada had the second largest decline in teen pregnancy from 2005 to 2008. So that tells me and signals to me that we still have places that we want to go but the way the education is going is working. And so I am just curious. When I listen to this debate, where are the facts that actually tell us that this comprehensive sex education that is being pushed by a special interest group—and again, I do not want to get into that—but could you imagine if other special interest groups were pushing a certain comprehensive sex education or an abstinence-only education, what the clamor would be in this building? I leave that for another day. But again, I can tell you, just being the voice of my constituents in Assembly District 37, overwhelmingly parents, teachers, educators, and medical personnel are against this bill in my district, and I want to voice their concerns. Again, sex education is important, it's something that is being done. Again, I don't want this to go out over the airwaves that somehow Nevada is not teaching sex education in our classes, because that is absolutely not true. But the choice and the ability to leave that at the local level is something that should be respected, and so I would ask the members to think about that as they are voting today.

ASSEMBLYMAN EISEN:

I rise in support of Assembly Bill 230. This is an important issue for me because I represent a special interest group, and that special interest group is the youth of Nevada, all of them. The insinuation or the overt statement that what is happening in sex education in the state of Nevada is working is simply wrong. Things are not as bad as they used to be, but being less bad is not the same as being better. While the rates of teen pregnancy have dropped in Nevada, we are still ranked amongst the worst in terms of teen pregnancy, adolescent sexually transmitted infections, and out-of-wedlock birth—all of these indicators, year after year after year. We have to do better. This bill is an effort to do better.

There are a couple of points I want to make sure I address directly in response to some concerns raised by my colleagues and friends from Districts 25 and 37. One point is that this bill takes away local control. I think that is a valid concern, but this bill does not do that. If this bill did, I would be concerned. But it does not. I would direct my colleagues to section 1, subsection 3, which retains the current language of statute that empowers local school boards to appoint advisory committees. Subsection 4 clearly states, with respect to who teaches the program and what materials and to students of what ages, that "the final decisions on these matters must be that of each local board of trustees."

The concern about protecting parental choice, I think, is also an important point. This bill does maintain the ability for parents to opt their student out of these programs should they wish to do that. That is a flexibility we do not offer parents on any other subject matter. We do not allow parents to opt their student out of math or out of history. We do not allow parents to come to a school and say, "We do not speak English in our home. We want our child to opt out of English." But we do still empower parents, in this circumstance, if they do not wish their child to have access to this information, if they wish to take care of this themselves, they still have that ability under this bill.

It is important to me that every student in Nevada—not just the students in Washoe where this is being done better—but that every student in Nevada has the opportunity to access quality, comprehensive. Education and information that empowers them to make choices that are in

their best interests in terms of their long-term health. I strongly urge my colleagues—on the basis of the facts of what we know is going on in Nevada and on the basis of the facts of what is actually in this bill—I urge you to support Assembly Bill 230.

Roll call on Assembly Bill No. 230:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 230 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 251 requires, with certain exceptions, a public body to make available to the general public a telephone number, mailing address, or electronic mail address at which each member of the public body may be personally contacted that is not monitored by the public body or accessible by any other member of the public body.

Roll call on Assembly Bill No. 251:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 251 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblymen Flores and Kirner.

ASSEMBLYWOMAN FLORES:

Essentially this bill replaces the high school proficiency exam with end-of-course exams. The primary reason for that is because the high school proficiency exam currently is not in line with our Common Core standards that the state of Nevada adopted. Essentially what we are doing with the high school proficiency exam right now is testing students on things that they haven't actually been taught, so clearly that is creating a problem. We're also not testing them until their junior or sometimes senior year, and so we are replacing it with an end-of-course exam where they can actually take their exam after they have taken their course. The College and Career Readiness Assessment is just another tool for school districts to be able to assess and provide remediation, if necessary, that does not affect whether or not they will be able to graduate. Lastly, it removes the certificate of attendance because what we had been doing is rather than helping our kids, we were just handing them a certificate that says "Thanks for coming." This makes that unavailable to them. I urge support.

ASSEMBLYMAN KIRNER:

I rise in support of this bill. I had a similar bill, and it didn't make sense to me to present two bills. I greatly appreciate the fact I was able to work across the aisle and to come up with a bill that made sense for all of us. I worked during the interim and visited with several of the superintendents, school boards, and some of the associations of school boards, et cetera. I believe my colleague from Assembly District 28 has covered it very well. I think this is a good bill, and I would appreciate your support.

Roll call on Assembly Bill No. 288:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 288 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman Paul Anderson:

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 321 requires each state agency to provide its employees with information relating to the Merit Award Program.

It adds two sections into the bill that discuss when and where it is appropriate to talk to the agency employees and give them information on how to participate in the Merit Award Program as well as its merits.

Roll call on Assembly Bill No. 321:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 321 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 326 requires that if an agreement includes a provision requiring a person to submit to arbitration any dispute arising between the parties to the agreement, then the agreement must include specific authorization of that provision by the person. Further, if an agreement fails to include the specific authorization as required by this bill, the provision is void and unenforceable. Collective bargaining agreements are excluded from the provisions of the bill.

I think more and more, we are being asked to accept—especially on computer software and credit cards and everything else—we are expected to accept conditions that we mostly don't read. While that is our own fault, more for not reading, by the fact that they are there, we have an expectation that what we are agreeing to is relevant to the service that we will be receiving. They are slipping in more and more things to agree to that you don't know about. I think, in this

case, if you are giving up a civil right to a jury or a court, or to go to court, or to have a class action lawsuit, you should know that that is what is happening to you. So I would urge that we do this, approve the bill, even though it won't prevent this from happening. It will make people more aware of what's going on.

Roll call on Assembly Bill No. 326:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 326 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 332 defines the term "abandoned residential property" and authorizes the beneficiary of a deed of trust to elect to follow certain procedures at any time after a notice of default and election to sell is recorded if the beneficiary determines the property is abandoned.

Under the bill, the beneficiary may elect to record, in the county where the property is located, an affidavit documenting that the property is abandoned; post a notice on the property; and mail a notice to the last known address of the borrower. The bill authorizes the borrower to record an affidavit stating that the property is not abandoned at any time before the foreclosure sale, in which case the beneficiary's affidavit is deemed withdrawn. If the borrower does not record an affidavit, the foreclosure sale vests title in the purchaser or the purchaser's successor in interest without equity or the right of redemption if the purchaser occupies the property as an owner-occupant, sells the property to an owner-occupant, or sells the property to a land bank for resale only to an owner-occupant.

We all have abandoned properties in our districts, and this bill will help to get those properties turned around and get people living in them who are going to put equity into our communities to help rebuild Nevada. I would appreciate your support.

Roll call on Assembly Bill No. 332:

YEAS—40.

NAYS—Ohrenschall.

VACANT—1.

Assembly Bill No. 332 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 333 requires the Office of Economic Development and the Office of Energy to conduct a cost/benefit analysis of economic development incentives previously approved by each respective office and in effect during the immediately preceding two fiscal years. The result

of the agency's analysis must be reported to the Chief and included as part of the proposed state budget for each biennium. Any such report created is a public record.

This is a great bill that we have worked on very diligently with the Governor's Office of Economic Development in order to create benchmarks to ensure that the incentives that are necessary in order to strengthen economic development in our state are put into place to ensure that Nevada and taxpayers are getting the most benefit for these new industries or businesses for either relocating to Nevada, starting up in Nevada, or expanding here in Nevada. I urge support of this bill as we continuously work to better the Governor's Office of Economic Development, in turn bettering the state of Nevada.

Roll call on Assembly Bill No. 333:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 333 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

I stand in support of Assembly Bill 339. Assembly Bill 339 addresses the situation in which an employee is scheduled to work 10 hours per day, four days per week, and is unable to work all 40 hours. The measure allows an employer to pay the employee only for the hours actually worked if the employee is not able to work 40 hours in a particular week for a reason outside of the employer's control. If the employee is not able to work 40 hours for a reason outside of the employee's control, then the employer is required to pay the employee overtime for any hours worked over eight hours during a workday.

Finally, A.B. 339 provides that an employee who is regularly scheduled to work ten hours per day, four days per week, is entitled to overtime compensation whenever he or she works more than ten hours in any workday.

Under current law, any day during which the employee works 8 hours but did not work 40 hours in that week, the employer is required to pay overtime. I urge your support for Assembly Bill 339.

Roll call on Assembly Bill No. 339:

YEAS—39.

NAYS—Carlton, Pierce—2.

VACANT—1.

Assembly Bill No. 339 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 341. Assembly Bill 341 makes various changes to the requirements for licensure by the Board of Homeopathic Medical Examiners and provides for licensure of graduates of a medical school located in the United Kingdom. It also makes many of the existing provisions related to homeopathic physicians applicable to advanced practitioners of homeopathy and homeopathic assistants. Additionally, A.B. 341 revises the educational program requirements for an advanced practitioner of homeopathy and a homeopathic assistant and revises the number of homeopathic assistants who may be employed or supervised by a homeopathic physician. This act becomes effective on October 1, 2013.

Roll call on Assembly Bill No. 341:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 341 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:04 p.m.

ASSEMBLY IN SESSION

At 4:09 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that the Assembly reconsider the action whereby Amendment No. 467 to Assembly Bill No. 486 was adopted.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 33, 408, 410, 413, and 425 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblymen Bobzien and Hansen.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 345 provides that wildlife in Nevada must be managed according to the best science available. For money generated by a $3 fee on game-tag applications, the bill allows such money to be used for research relating to injurious predatory wildlife and for management activities relating to the protection of game-animal species that are at risk of or historically

subject to excessive predation. The bill further requires the Board of Wildlife Commissioners to establish certain policies for programs, activities, and research related to predatory wildlife.

This bill provides what I believe to be needed transparency for how the money that sportsmen pay into the predator control fund is used. Predator control is certainly an important part of wildlife management, and this bill recognizes that. In fact, the existing statute does provide that the money should be used for research. This bill, though, makes that explicitly clear and urges the Wildlife Commission to set up policies whereby they can provide better reporting of those activities. In addition, I want to recognize that there was a lot of email that happened over the last 24 hours concerning section 1. Section 1 has been amended previously to make it explicitly clear that the wildlife in the state of Nevada must be managed according to the best science available. I urge passage.

ASSEMBLYMAN HANSEN:

I rise in opposition to this measure, A.B. 345. This goes back to A.B. 291 in the year 2001. I actually was very involved in this back then. What we did was we got a voluntary predator management fee on the deer tag application. For the last 12 years, people have been voluntarily averaging between $200,000 and $300,000 that have been given to this fund with the clear intent of managing predators, including much higher levels of actual removal of predators, and that's where the real sticking point has come in. What has happened is the Department of Wildlife has used all these funds mainly to do studies rather than do on-the-ground predator management. At this point, this bill doesn't harm that per se. However, what does change is the fact that all of these people for 12 years, including all of these people who just now put in their applications, thought those monies were being specifically earmarked for predator control efforts, not for another series of studies, and that's why I rise in opposition to it.

If they want to create a new fund, then fine and dandy, but what we are basically doing is we are going back and taking hundreds of thousands of dollars that had been earmarked specifically for predator control, and we are going to use those monies almost entirely for studies. That has been a huge fight for ten years between the Wildlife Commission and the Department of Wildlife and the Department of Agriculture and the federal wildlife management people. I would say that while the overall concept in the bill is fine, especially section 1, the use of scientific requirements—I'm fine with that—but the idea that we are going to take those fees that people have paid, clearly earmarked for predator control, and instead use them for studies is exactly what we've been fighting about forever. Mainly on the basis of good faith to all the people who thought that they have been using this for this purpose, I would urge us to say no. If we want to have a new fund, then fine and dandy. In the meantime, the funds should be used and allocated as the sportsmen had intended that paid this money voluntarily.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, for recognizing me for a second time. As someone who just recently put in my tag application, the fund is not voluntary. It is a $3 application fee on all applications. Additional monies can be voluntarily provided at the time of application, but it is not a voluntary fee.

Roll call on Assembly Bill No. 345:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 345 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblymen Dondero Loop and Frierson.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 348 establishes certain requirements for the governance of a foster care agency as well as certain requirements for the owners, members, volunteers, and vendors. A foster care agency must report certain information, execute contracts with a foster care provider with whom children are placed, and implement certain provisions for independent living foster homes, among other requirements. The bill also prescribes that foster care agencies can charge and collect certain fees and prohibits placement of certain children under certain circumstances.

ASSEMBLYMAN FRIERSON:

Madam Speaker, I worked with the Department of Child Protective Services, CPS and DCFS, over the interim preparing for this session to deal with the reality that we have children going into homes. We're not adequately providing the training and background checks and making sure that the facilities are appropriate for children. The worst thing that we can do to children in our foster care system is take them out of a bad situation and put them in a worse situation. Meeting with stakeholders to come up with some measures that would normalize the criteria for all of these facilities resulted in Assembly Bill 348. I would urge your support.

Roll call on Assembly Bill No. 348:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 348 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 363 adds abandoned, inoperable, or junk vehicles to the list of debris and rubbish that constitutes a public nuisance for the purposes of an ordinance adopted by a board of county commissioners or a governing body of a city in a county whose population is 700,000 or more. Such an ordinance may authorize the city or county to request the operator of a tow car to abate a public nuisance by towing an abandoned, inoperable, or junk vehicle if certain requirements relating to notice and the opportunity for a hearing are satisfied. The operator of a tow car who is requested by a city or county to tow a vehicle to abate a public nuisance or condition must comply with state laws regulating tow cars and the operators of tow cars. The owner of the vehicle towed pursuant to a request by a city or county to abate a public nuisance is responsible for the cost of removal and storage of the vehicle unless the vehicle is reported stolen.

Roll call on Assembly Bill No. 363:

YEAS—34.

NAYS—Bustamante Adams, Diaz, Flores, Horne, Kirkpatrick, Neal, Swank—7.

VACANT—1.

Assembly Bill No. 363 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblymen Bobzien, Hansen, Ellison, and Elliot Anderson.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 374 prohibits, with certain exceptions, a board of county commissioners from regulating or licensing or requiring any type of permit or fee for organizing, managing, or attending any assembly, event, or activity occurring on certain federal land if a federal agency has issued a license or permit for the activity or has otherwise authorized the activity. A board of county commissioners is authorized to enter an agreement to provide reasonable and necessary law enforcement services for certain activities licensed or permitted by a federal agency on federal land and to receive compensation for such services. Additionally, the county licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies does not apply to any assembly, event, or activity occurring on certain federal land that has been licensed, permitted, or otherwise authorized by a federal agency.

Madam Speaker, this makes very clear in statute what many counties have always recognized, including my home county, Washoe County. Festival ordinances enacted by a local government are not applicable to federal lands under the Supremacy Clause of the United States Constitution. What is appropriate for large events, such as the Burning Man festival held in Pershing County every year, is that local governments providing such services, particularly law enforcement services, should be a part of the event planning and should be properly reimbursed for their costs. In fact, in this particular situation, that has been the case for many, many years. What is not appropriate is a local government enacting an ordinance and merely handing someone a bill when the organizers already have to go through a federal permitting process. I urge passage.

ASSEMBLYMAN HANSEN:

I urge a no vote on Assembly Bill 374. What this really boils down to—let's start with the Washoe County ordinance, first of all. That has been thrown out quite a bit. I actually asked our own legal staff whether or not what Washoe County was doing was, in fact, legal. Here it is from LCB: "You have asked for an opinion concerning whether Washoe County is in compliance with statutory provisions regarding the regulation and licensing of outdoor assemblies. It is the opinion of this office that Washoe County is not in compliance with statutory provisions." So the use of Washoe County in this—in fact, Washoe County has not been following the law.

This involved Burning Man and this involves big, big dollars. They have to, by BLM requirements, give them a gross estimate—a 3 percent gross estimate—of the amount of money they are going to generate. In 2010, they paid $1.2 million; in 2011 they paid $1.6 million; and in 2012 they paid $1.9 million. That adds up if you assume that it is 3 percent of the gross. They grossed in 2010 $41 million. In 2011, they grossed $52 million; in 2012, $62 million. Now, how much do they actually pay in taxes to the state? Their total tax bill—the total amount they paid in 2010 on their own "After Burn" report—was $423,000. In 2011, that amount was $461,000. In 2012, with estimated gross revenue of over $60 million, they paid $155,000. Now, if you go back to 2003 when Burning Man had 31,000 participants, they paid, in payroll, just a hair over $1 million. In 2012 when they had 58,000 participants, they paid $8 million to themselves. In the meantime, little, tiny Pershing County, which is required under our own statutes—*Nevada Revised Statutes* 244.354 through 244.3548, which requires them to do certain things for outdoor events—and what did they bill? They billed a whopping total of $375,000. And what this really boils down to is that we have a very big, powerful corporation grossing

somewhere—they say up to $30 million. Let's use $30 million. They gross up to $30 million, then use their corporate power to basically intimidate a little, tiny county of 6,000 people with an entire county budget of only $8 million to provide all the enforcement, including court costs and everything else. On an itemized bill, Pershing County only charged them $375,000. Keep in mind, that same week they paid their own people $8 million. Yet they are accusing Pershing County of being the greedy ones in all of this.

I know there are some bills coming up where we are dealing with these kinds of organizations that come to our state and basically contribute nothing. I totally support that idea. And that is really what we are looking at right here. They have a federal lawsuit. It is going to cost little, tiny Pershing County $200,000, at least, just to defend what they did, what we required them to do, in a federal court hearing. They are in court as we speak. Somehow, Pershing County is the bad guy in all of this. Now I am going to tell you, it is not Pershing County that is the problem here. It is a big, powerful corporation making millions of dollars, and these guys try, very legitimately, to bill them for the services which are required under state law.

In the bill itself, in the digest in sections 3 and 4, it says "the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit . .". What are we talking about right there? Well, if you go into the bill and you look at what we are actually saying that we can't do anymore, here is one of the provisions that do not apply anymore: "Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly." We basically took away the ability for our own law enforcement people to enforce the drug laws. That is in this bill that we are agreeing to do. Why in the world would we remove that?

Now, another issue. When we agree to say that the federal government is supreme in all these sorts of things, we are shooting ourselves in the foot because the federal government is supposed to work with us in a concurrent fashion. This bill allows Pershing County, and the language in the bill itself clearly says it will allow county government to enter into an agreement. In other words, there is no authority for the government anymore. If in this agreement Burning Man does not agree, the county has no authority anymore to force them to comply with the statutes that we put into place that the county is trying to obey. As we look at this whole thing and step back for a second, somehow the little tiny county government that is trying to stand up and obey the laws that we told them to do is the bad guy in this scenario.

There is a federal court hearing. Why are we getting involved in the middle of a court hearing that hasn't even been adjudicated? There are so many issues with this that it's hard to know where to start. But the bottom line should be this: When we have these big outdoor events that come into the state of Nevada and generate $50 million or more, it is not at all unreasonable to pay a very tiny slice of that for the law enforcement and the legal provisions that we require a county to provide. Three hundred and seventy-five thousand dollars out of somewhere between $30 million and $50 million is a drop in the bucket. I hope we step back and try to protect our own people in this.

We've got to look out for the little guy in this. The big corporation in this case is not the victim of some sort of greedy little county. They have enough money to pay their own people $8 million when only six years earlier they'd been paying only $1 million. There's a lot of money being made in this. It's not unreasonable at all to expect the county to at least cover their costs in these sorts of scenarios. Having said that, Madam Speaker, I again urge that we defeat A.B. 374, that we stand up for the rights and protections of our little counties—little tiny Pershing County, 6,000 people—and we allow the court process to go forward. Then maybe if we've got to clean something up in the future, we can do so. But for right now, this bill should be defeated and we should allow the courts to handle this and allow it to be adjudicated before we start making decisions determining whether Pershing County is the good guy or Burning Man is the good guy.

ASSEMBLYMAN ELLISON:

I stand in opposition to Assembly Bill 374. I think my colleague from District 32 has done a great job describing the impact on just one small county. I believe this bill negatively impacts local counties and municipalities by heavily restricting their authority. I also believe Assembly Bill 374 sets a negative precedent that could have serious, unintended consequences in the future. I urge members to vote against A.B. 374.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of this measure. I guess where I am coming down on this issue is I want to avoid litigation costs in the future. I think when we are talking about activities that are happening on federal land that are big and important to the economy like Burning Man is, we ought to provide some certainty. I think this bill provides some certainty. It makes clear when people can regulate an event on federal land if they enter into an agreement, and I think that is important because, like my colleague from District 32 said, Pershing County is now dealing with huge legal fees. It is better to wrap this up here with clarity in statute so that people going forward know exactly what they can and can't do. This bill does that.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, for acknowledging me for a second time. There was enough said that I wasn't planning on speaking for a second time, but I do believe it deserves a response. Assembly Bill 374 does not take away existing rights; it merely clarifies that when the federal government has issued a permit for an outdoor assembly on federal land, the county cannot impose its own duplicative and potentially conflicting permits. There is no hypothetical concurrent jurisdiction that is at risk, as that issue is a settled matter of county and state jurisdiction regarding federal lands under the Supremacy Clause of the U.S. Constitution.

This is not a de facto bill of attainder. This does not adjudicate guilt in any pending litigation. The bill has no impact on the county's ability to enforce state and local laws on federal land or to be compensated for reasonable and necessary law enforcement services it provides in connection with a federally permitted event.

Pershing County's decision to more than triple the amount it has charged Burning Man for law enforcement from $120,000 in 2011 to $375,000 in 2012, and then to increase the amount again in 2013 to $600,000, is not the subject of this bill. Whether these amounts are reasonable or excessive is the subject of the pending litigation. Burning Man is not a $50 million corporation that pays no direct taxes in Nevada. Black Rock City, LLC—the company—is a $23 million production company that is a Nevada limited liability company, and as such pays all the taxes that all other Nevada companies do.

Burning Man provides substantial economic benefits to Nevada—and particularly northern Nevada—across the region. Participants attending the event spend over $30 million per year in Nevada, and the company spends over $5 million a year in production and planning. I also want to point out that the implication that BRC is a wealthy organization that paid their administrators $8 million for a one week event is simply not true. BRC employs hundreds of people, with many year-round employees; its entire payroll is about $7 million. BRC's expenses for the event and its year-round activities are in excess of $22 million. Rather than making substantial profits, it has donated large sums to municipalities and charities in Nevada, including over $400,000 to Pershing County.

Madam Speaker, this is not about picking on a little county; this is about providing certainty, presenting a business friendly face forward for the tourism endeavors that we have in this state, and providing an opportunity for a fantastic event for all of Nevada.

Assemblymen Horne, Frierson, and Carlton moved the previous question.

Motion carried.

The question being the passage of Assembly Bill No. 374.

Roll call on Assembly Bill No. 374:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 374 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 382.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Assembly Bill 382 allows the governing body of a city, within a county whose population is 700,000 or more and which is home to an endangered or threatened species, to impose a fee, by ordinance, on the construction of a structure or the grading of land in the unincorporated areas of the county if the county has created an enterprise fund as specified. The enterprise fund must be established pursuant to current state law, and the money in the fund may be used only to pay the actual direct costs of the program or programs established to encourage the preservation of those species or subspecies in the county likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened. The fee, collected at the same time and in the same manner as the fee for the issuance of a building permit, may be no more than $550 per acre.

This bill authorizes the areas of North Las Vegas, Las Vegas, Henderson, Boulder City, and Mesquite to validate and impose those fees they have already been doing and get them into legal compliance.

Roll call on Assembly Bill No. 382:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 382 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblymen Woodbury and Ohrenschall.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 386 establishes a pilot program in the Clark and Washoe County School Districts for the administration of mental health screenings to students enrolled in at least one secondary school in each school district. It also requires a parent to affirmatively give his or her written consent to the proposed screening or the child will be exempt.

This measure requires the school districts to report program outcomes to the Legislative Committee on Education and Nevada's Department of Education, and the Department must subsequently compile the results and submit them to the 78th Session of the Nevada Legislature.

Assembly Bill 386 also ensures engagement and coordination with community stakeholders throughout the process of implementing the pilot program, specifies that a school district does

not have financial or referral responsibilities related to follow-up treatment that might be needed by a student who is screened, and provides for aggregated data collection to inform the possible development of future programs, resources, or interventions.

The Wall Street Journal reported that, according to the National Institute of Mental Health, half of all cases of mental illness start by age 14. About 11 percent of adolescents have a depressive disorder by age 18. Left untreated, such issues can lead to high dropout rates, substance abuse, violence, and suicide—the third leading cause of death in adolescents. I believe that early identification and intervention is the key for best outcomes. If treatment can begin at the earliest stages—before illness begins to manifest in both self-destructive and outwardly destructive behaviors—the individual has a much higher chance of recovery, and both the social and financial costs to society are greatly reduced. I urge your support of this pilot program that seeks to address mental illness at its outset by voting yes on A.B. 386.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of A.B. 386. I think this could be one of the most important bills we process this session. This bill has such a potential to help our children. My colleague from District 3 has crafted this carefully, in that it is optional. A school, the principal, will have to agree to participate in this pilot program, and a parent will have to opt in to administer the screenings to their child.

In my private life, I've been working in the juvenile justice arena, and I see so many children who end up getting arrested because there's an undiagnosed mental health issue. Oftentimes these children turn to drugs to self-medicate because of the problems and because of the help they're not getting at home. One story, I recall, was a parent who said in open court that she hoped her child would get arrested because then maybe she'd get the treatment that she needed. This bill has the potential to try to get kids the help they need before they end up in the system and before they've made choices that may prejudice their future.

Roll call on Assembly Bill No. 386:

YEAS—34.

NAYS—Duncan, Ellison, Fiore, Grady, Hambrick, Kirner, Wheeler—7.

VACANT—1.

Assembly Bill No. 386 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblymen Fiore, Carlton, and Frierson.

ASSEMBLYWOMAN FIORE:

Assembly Bill 395 prohibits a person associated with a common-interest community from willfully and without legal authority harassing, threatening, or engaging in a course of conduct against other persons associated with their community, if that conduct causes harm or serious emotional distress or the reasonable apprehension thereof, or creates a hostile environment for the other person. The prohibition applies to a community manager; an agent or employee of a community manager; a member of the executive board; an agent, employee, or offices of a homeowners' association; a unit's owner; and a guest or tenant of a unit owner.

The bill provides that a person who violates this prohibition commits a public nuisance and is guilty of a misdemeanor.

I just want to thank my colleagues from Districts 8, 24, and 34 for amending this bill to greatness. I also want to double thank my colleagues from Districts 8 and 18 for working diligently with me in collaboration on this bill.

ASSEMBLYWOMAN CARLTON:

I believe I'm in opposition to this bill, but I do have a question since I did not get to sit in on the testimony on this bill. It's my understanding that this sets up separate actions and accountabilities and punishments if a behavior happens in a common-interest community, but for those of us who don't live in a common-interest community, if our neighbors treat us this way, we have no recourse. Is that correct?

ASSEMBLYWOMAN FIORE:

No, that is not correct. The law is the law. It just helps our homeowners and all of the associations out.

ASSEMBLYWOMAN CARLTON:

Madam Speaker, I believe I'm confused, then, because as I read this bill, to me, it applies just to residents of common-interest communities.

ASSEMBLYWOMAN FIORE:

Madam Speaker, may I ask my colleague from District 8 to help me out on this bill?

ASSEMBLYMAN FRIERSON:

Thank you, Madam Speaker. I believe that the bill refers specifically to HOAs and also property management companies. I think if there was a situation where there was a home that was not in a HOA or a property management association, they would not be covered under this bill. I believe it expressly refers to homeowners' association harassment by members of the HOA and by the property management company.

ASSEMBLYWOMAN CARLTON:

Thank you very much, Madam Speaker. I am now opposed to this bill. I don't believe we should treat different groups of people, depending upon where they live and the homeowners association dues that they pay, any differently than we do any of our other constituents in this state.

Roll call on Assembly Bill No. 395:

YEAS—31.

NAYS—Bobzien, Carlton, Daly, Diaz, Eisen, Flores, Martin, Pierce, Sprinkle, Swank—10.

VACANT—1.

Assembly Bill No. 395 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Bill 418, which revises the formula for distributing the proceeds from a property tax that county commissioners in a county with a population of 700,000 or more may levy at a rate not to exceed 5 cents per $100 of the assessed valuation of the county. The proceeds are distributed among the county and the cities and towns in the county.

Clark County and the various cities in Clark County have worked very diligently over the past few weeks to arrive at this bill, and it's an equitable solution that divides the money up in a very equitable manner. I urge your support, thank you.

Roll call on Assembly Bill No. 418:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 418 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 440. Assembly Bill 440 extends the deadline for online and in-person voter registration to 5 p.m. on the Friday immediately preceding election day. The bill clarifies that persons who register during early voting are eligible to vote during the early voting period.

Madam Speaker, in the Committee on Legislative Operations and Elections, there was much testimony from the office of the Secretary of State as to the security of the current system and as to the almost nonexistent amount of fraud in the current system. However, there was also testimony as to thousands of people who registered during the early voting period, qualified electors, but who were not able to vote because they missed a deadline. Nevada's deadlines are some of the most onerous in the country in terms of being able to register to vote.

One issue that gets me is the fact that a qualified elector in a state that allows later registration would be able to vote, but here in Nevada, would not. This would simply push up the deadline for online registration and in-office registration—two very secure forms of registration, not mail-in registration, but the two very safe forms of registration—to the last day of early voting, and it would allow those new registrants to participate in early voting if they choose to.

Roll call on Assembly Bill No. 440:

YEAS—25.

NAYS—Paul Anderson, Carlton, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—16.

VACANT—1.

Assembly Bill No. 440 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441.

Bill read third time.

Remarks by Assemblymen Flores, Hickey, Ohrenschall, and Carlton.

ASSEMBLYWOMAN FLORES:

I rise in support of Assembly Bill 441. Assembly Bill 441 authorizes county and city clerks to create one or more polling places on election day at which any registered voter may vote in person, without regard to his or her precinct.

This bill, first of all, is permissive. It is not mandatory. It allows the clerks to set up, essentially, a voting center, and I think probably everyone here has experienced a time where we have had to help our constituents in finding their polling location. If they are already a registered voter, they can go to this voting center—if their county registrar has elected to set it

up—and they can vote without having to go to their actual polling location. This is obviously very important, because any way in which we can help our community vote is always something that's worth doing on our end as a legislative body. I urge this body to support this. It is only going to help our community, and again, this is permissive, not mandatory, and it helps those who are already registered to vote to actually be able to cast their vote if they're confused about where their polling location is on election day.

ASSEMBLYMAN HICKEY:

I rise in opposition to A.B. 441. We heard extensive testimony on this bill about the fact that Nevada has one of the most permissive and liberal, if you will, early voting periods. There is ample opportunity, and I think the evidence of that is the very high percentage of voters that participated this past November. There are plenty of opportunities for people to vote, and the communication of voter guides and things from the county registrars are extensive; they tell voters plainly where their polling places are. Finally—with regards to having the county set up, somewhat arbitrarily, polling places on election days—it has been shown in some studies that there could be an advantage to one party or another depending on where those locations were settled. I think what we have now is a system that's working well. We have high voter turnout. People, I think, have an opportunity, and certainly if they're paying attention, they know where to vote currently.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of A.B. 441. There is not one election I can remember where I have not received a call from a voter. Usually it's about 6:40 on election day; they go to where they've always voted for years, and they're told they don't vote there—they need to head a couple of miles away to the new polling place. They're not going to make it, or they're going to be frustrated and they're just going to give up. That's always heartbreaking to me. In Clark and Washoe Counties we've had, as the Minority Leader said, very successful early voting, and early voting in Clark County does not discriminate in terms of where someone lives. You can show up to any of the early voting sites all around the county and you can vote; it doesn't matter what part of the city you live in. I think that leads to a problem on election day because we've taught people that during this two-week period of early voting, you can show up at any of the sites and vote, but on election day, it's back to the old fashioned way things work, and you have to go vote at the polling place in your neighborhood.

This will increase participation. One statistic that the Minority Leader cited—the 90 percent turnout in the last election—that's great, but our Committee also received data during our hearings that we have over 60,000 eligible but not registered. When you factor that into it, Madam Speaker, that means that less than half of the people eligible to vote—qualified electors—are participating, and anything that could increase participation, I think this body has a duty to support. I urge your passage.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 441. I'd like to share a story with you. Years ago, I wanted to vote on election day and showed up at my polling place. I was working the 7-3 shift at one of the hotel casinos, and by the time I got there, I stood in line for a couple hours—and it was one of the years where we had a very, very high turnout—and had to ask my husband to stay at home and wait for the Girl Scouts to show up because I couldn't get through the polling place in time.

Having polling places where people could go anywhere on election day and that was close by—especially when you're a Strip worker and you work the day shift, you have to be there at 7 a.m. or 8 a.m., you need to be in the parking garage at least a half an hour to 40 minutes earlier, and it takes you that half an hour to 40 minutes later to get out of it—it would be so much easier. Transportation can be a huge issue, getting on and off of our major tourist quarter when you're an employee down there, so I think this would be a definite advantage to the thousands of folks that we have working on the Strip every election day.

Roll call on Assembly Bill No. 441:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

VACANT—1.

Assembly Bill No. 441 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 459 allows a school facility's panel to remain dormant in effect, unless they have duties required by the statute.

As we all know, there's not always a lot of construction going on, and so this bill was a compromise between the school districts and some folks who were concerned about this panel remaining active to still stay around and to still be there for when construction does start. This does provide for some leeway to the school districts so they don't have to provide administrative support when there's no construction going on.

Roll call on Assembly Bill No. 459:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 459 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 494 makes several changes to the structure and responsibilities of the Nevada State Funeral Board including the name change of the Board to the Nevada Funeral and Cemetery Services Board. The number of Board members is increased from five to seven and several other requirements.

I had the privilege of being the chair of the Sunset Subcommittee—privilege or maybe a curse. It was a committee that was enacted last legislative session by a bipartisan effort, both from the Assembly and the Senate, both from Rs and Ds, and we were tasked with reviewing boards and commissions to make sure that they served the purpose of Nevada. This was one of the boards that, after several attempts for several years for us to be able to get them to do their job, failed repeatedly, but I guess this board believes in resurrections. They have come together with some help from former Governor Bob List and others to try to get it right for Nevada, so it does make some very strict changes. It also gives them a probationary notice to come back to the Subcommittee and report back to us every six months. I'm just the messenger, but I've learned a lot about boards and commissions in Nevada, and this is a way for us to put them on notice to make sure that they still serve our state.

Roll call on Assembly Bill No. 494:

YEAS—31.

NAYS—Carlton, Duncan, Fiore, Hambrick, Healey, Horne, Kirkpatrick, Ohrenschall, Oscarson, Wheeler—10.

VACANT—1.

Assembly Bill No. 494 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblymen Bustamante Adams, Stewart, Healey and Madam Speaker.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 496 makes various changes to the Clark County Sales and Use Tax Act of 2005. These changes include temporarily suspending the provisions which prohibit these tax revenues from supplanting or replacing existing funding for police departments until July 1, 2016; requiring additional reports to be filed relating to the expenditure of revenues during the period which these provisions are suspended; resetting the base year for determining when the use of these sales tax revenues supplant or replace existing revenues; and authorizing the imposition of an additional sales and use tax rate of up to 0.15 percent in Clark County, which may become effective no earlier than October 1, 2013. In order to become effective, this rate must be approved by a two-thirds majority of the Clark County Commission.

ASSEMBLYMAN STEWART:

I rise in support of A.B. 496. Our police force is being depleted in southern Nevada. We're 400 officers short of what we were back in the last decade. Crime is increasing by approximately 13 percent. They are stretching themselves throughout the county, and I'm very much in support of this bill. I'm in support of it because our neighborhoods need protection. My grandchildren, your grandchildren, all of our grandchildren need protection, and our tourists on the Strip need protection. I urge you to support this very important bill.

ASSEMBLYMAN HEALEY:

I rise in support of this bill as well. My district is in the far southwest part of the valley, which falls under the Enterprise command. Enterprise is one of the largest in our state and certainly under resourced; we oftentimes have long waits for 911 calls, which I was unfortunate enough to witness myself. I have worked very closely with our area command, and it comes down to resources. It comes down for the ability to have black and white vehicles on our streets and in our community, and it would be wonderful to get back to a part where our police force could actually be community policing versus response policing. It would be wonderful to get back to a part where our officers could get to know our business owners and our residents in the areas and commands they protect and serve every day. Unfortunately, they don't have the ability to do that because they don't have enough resources to keep up with the rising crime that our valley has seen.

Switching gears a little bit to my professional career, being on the Strip, our number one industry continues to be tourism. Unfortunately, we saw a terrible disaster just a week ago here in our country and what it takes in order to take control of a situation and handle a situation appropriately, which Boston and the surrounding jurisdictions did beautifully. Being on the Strip and being in charge of one of those buildings, it scares me every day to think that we could potentially have disaster hit our tourist district. And do we have enough resources to respond to that? No, we don't. It will take one incident—like what we saw in Boston—on our Strip to

tragically impact our state and put people back out of work and to shut down businesses, and we can't afford that. Are there concerns operationally about money? Yes, absolutely, but just as with the school bill—the measure on the bill that just failed and now we don't have enough money to build schools—it's a similar situation with our police force. If we don't invest in our police force and give them resources, our sheriff will have no choice but to reduce forces even more. We cannot allow that. We must stop the bleeding, and we must get back to a part where our police force can be there to be part of the community and not just respond at a time of need. I urge all of us to support this measure. Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Assemblywoman Bustamante Adams, I just have a clarification that I want to make sure gets addressed on the other side. I believe the Committee talked about some accountability measures—how many officers would actually be put in place, some amendments that were talked about in Committee on the body cameras, how many officers across Clark County would be accounted for so that we could hold the police department accountable for the dollars that were spent—so could you refresh my memory? Those were part of the discussion in the Committee, and they were going to look forward on the other side to putting those in place?

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Yes, Madam Speaker, those issues were answered by the sheriff, and in addition to the amendment from the NAACP, that has been provided so that we can address it on the Senate side.

Roll call on Assembly Bill No. 496:

YEAS—32.

NAYS—Paul Anderson, Carlton, Carrillo, Duncan, Ellison, Hogan, Pierce, Spiegel, Wheeler—9.

VACANT—1.

Assembly Bill No. 496 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 139 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 187.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 187 specifies that the single document rule does not apply to the sale of a motor vehicle in which, by agreement of the parties, a device has been installed that can disable the vehicle remotely. The bill also provides for regulation of the use of such devices in relation to the financing or leasing of a motor vehicle. It prohibits a party financing or leasing a motor vehicle from requiring a buyer or lessor to agree to the installation of such a device as a condition of a retail installment contract or lease agreement. The measure requires certain

disclosures and notice requirements and specifies that a violation by a secured party or lessor is a deceptive trade practice.

Roll call on Assembly Bill No. 187:

YEAS—25.

NAYS—Carlton, Carrillo, Ellison, Fiore, Grady, Hambrick, Hansen, Horne, Kirner, Livermore, Neal, Pierce, Stewart, Swank, Wheeler, Woodbury—16.

VACANT—1.

Assembly Bill No. 187 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblymen Cohen, Hansen, and Frierson.

ASSEMBLYWOMAN COHEN:

Assembly Bill 421 modernizes Nevada's laws on assisted reproduction. The bill provides definitions of appropriate terms; identifies the circumstances in which a parent-child relationship is established and in which a person is and is not the parent of a child; and addresses the effect of a divorce or termination of a domestic partnership.

Assembly Bill 421 also provides that court hearings related to assisted reproduction are confidential, addresses the effect of noncompliance with a gestational agreement, provides that a gestational carrier or donor may receive reimbursement for expenses and economic losses, and requires consideration, if any, to be negotiated in good faith between the parties. The bill also repeals obsolete statutes.

ASSEMBLYMAN HANSEN:

I voted against this bill in committee, although, honestly, the bill is an excellent bill for what it does. The reason I did is because of what they are deleting from the language. What is deleted says that two persons whose marriage is valid under Chapter 122 of NRS may enter into a contract with a surrogate for assisted conception. Since these are very, very well planned pregnancies, I believe that any kid coming into this world has the right to have a legally and lawfully wedded mother and father. I realize that is out-of-date, and the attorney who presented the bill said that no longer applies. But I have been watching now for 40 years as our society has changed to where now we have over half of our children born in illegitimate situations, and we have this huge rise in poverty in our state. We have this incredible number of young women who are living in poverty trying to raise children.

Just to close this out real quick, I have been doing a lot of homework on the education situation in Nevada, and I went back and read all of the State of the State speeches. Here's what Governor Bryan said—he was the first one who actually came up with this—where this change started to occur. He said our schools, particularly our teachers, are facing new heretofore unknown challenges. By 1991 one-half of our students, at some time during their schooling, will come from single parent families and one in four will live in poverty. Students will come from more diverse backgrounds with less support from home. I only want to bring that up because we have a whole lot of marriage things coming up and if we really, truly were worried about helping children stay out of poverty and helping women, in particular, avoid being single parents, these so-called traditional values that most of us are actually old enough to have grown up with—I don't think we should be so quick to throw those things out. When you are dealing with marriage, you're talking about an institution that has been going on for at least four or five thousand years. Just a little food for thought.

ASSEMBLYMAN FRIERSON:

Assembly Bill 421 ironically, attempts to, in some way, address our single parent situation by adopting measures that adapt to modern times. Assembly Bill 421 seeks to acknowledge those individuals that come together to serve as a stable parenting source for these children, and I think it is ironic that the concern about this is single parent homes when Assembly Bill 421 simply attempts to address that by allowing parents who have parented children in a nontraditional way to provide that source. Having experience in family court and seeing the foster care system firsthand, anything we can do in a modern world to make sure these children have a stable parent situation that is stable for their entire childhood is a positive step forward and a way for Nevada to move forward and catch up with the rest of the country.

Roll call on Assembly Bill No. 421:

YEAS—39.

NAYS—Hansen, Hardy—2.

VACANT—1.

Assembly Bill No. 421 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 486 allows certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the duty to provide basic network and business line service when certain alternative services are available. The measure prescribes the procedures to be followed by the PUCN in reviewing such an application and allows the PUCN to require providers to continue service under certain circumstances. The bill also gives the PUCN the authority to regulate certain telecommunication providers under provisions of federal and state law. Finally, A.B. 486 removes obsolete references to telegraph lines and equipment throughout the *Nevada Revised Statutes.*

Madam Speaker, you know that you, my colleague from District 32, and I held many work sessions on this bill, and we did meet with all of the parties to compromise on how the state of Nevada would move provider of last resort relief for the telecommunication industry in a direction without leaving the consumers in the state in a state of uncertainty. My colleagues and I feel very confident that we have scaffolded the process in a way to ensure that we educate our constituents about what this change means for them, ensured that we have the necessary protections in place, and we also feel that we have created sound telecommunication policy, moving our state into this next frontier of telecommunication modernization.

Roll call on Assembly Bill No. 486:

YEAS—39.

NAYS—Fiore, Ohrenschall—2.

VACANT—1.

Assembly Bill No. 486 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered reprinted, engrossed, as amended, and to the Senate.

Assemblyman Horne moved that the Assembly recess until 5:30 p.m.
Motion carried.

Assembly in recess at 5:23 p.m.

ASSEMBLY IN SESSION

At 5:36 p.m.
Madam Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Pulley and Eileen Moynihan.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Brookfield School: Spencer Abts, Adithya Ayanam, Chase Buchholz, Maya Conkey, Arabella Cullen, Kyle Dixson, Nathaniel Evans, Vivian Fyda, Arvind Gill, Gavin Glass, Jordan Goecker, Cameron Hackenberry, Olivia Hackenberry, Katarina Hallerbach, Jonah Henry, Grishen Hestiyas, Michael Howard, Sarah Liley, Neil Macartney, Akshay Mediwala, Daria Prewitt, Dane Quackenbush, Sarah Ross, William Ross, Erin Schmidt, Elissa Simons, Jordan Tayler, Melissa Venzon, Joshua Zebrack, Annette Friedlander, John Trevino, Lynne Simons, Julia Abts, and Peta Ross.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Knight.

The Assembly observed a moment of silence for Wilburta Marvel, who passed away today, April 23, 2013.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, April 24, 2013, at 11:30 a.m.
Motion carried.

Assembly adjourned at 5:38 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 24, 2013

Assembly called to order at 11:43 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Benitez-Thompson, Dondero Loop, and Pierce, who were excused, and one vacant.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Come, Spirit of Truth, and dwell in us. Come, Spirit of Compassion, and be our compass. Come, Spirit of Courage, and give us the strength to be those You would have us be, working tirelessly on behalf of others, creating in our communities and our state a place that might be a haven of blessing; a place of peace. Guide and direct these, Your servants, in the task before them. Let their concern for deep love and justice be their unity. In the Name of that love, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker requested the Committee on Legislative Operations and Elections examine the credentials of Tyrone Thompson.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Legislative Operations and Elections has had the credentials of the Assemblyman-appointee under consideration and begs leave to report that the following person is a duly appointed and qualified member of the Assembly of the 77th Session of the Legislature of the State of Nevada: Assemblyman Tyrone Thompson.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ohrenschall moved the adoption of the report.

Motion carried.

Madam Speaker appointed Assemblymen Horne and Hickey as a committee to escort Associate Chief Justice Mark Gibbons of the Supreme Court of the State of Nevada to the rostrum to administer the oath of office to Mr. Tyrone Thompson.

Associate Chief Justice Gibbons administered the oath of office to Mr. Tyrone Thompson.

Assemblyman Frierson moved that Associate Chief Justice Gibbons be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Associate Chief Justice of the Supreme Court to the bar of the Assembly.

Madam Speaker requested the Chief Clerk call the roll of those Assemblymen who have received the oath of office.

Roll called.

Present: Assemblymen Aizley, Elliot Anderson, Paul Anderson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler, Woodbury.

Excused: Assemblymen Benitez-Thompson, Dondero Loop, and Pierce.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:12 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler, and Woodbury; Senators Denis, Atkinson, Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman, and Woodhouse:

Assembly Concurrent Resolution No. 6—Expressing appreciation to the staff of the Legislative Counsel Bureau.

WHEREAS, The dedicated work of the staff of the Legislative Counsel Bureau is readily apparent upon entering the Legislative Building where the fastidiously clean and maintained surroundings welcome visitors throughout the year; and

WHEREAS, Without the outstanding service and continued cooperation of the staff of the Legislative Counsel Bureau, the Legislature could not function or fulfill its obligations to the people of the State of Nevada; and

WHEREAS, The goal of the Legislative Counsel Bureau is to continue to meet the ever-increasing challenges of providing nonpartisan, centralized services to members of both Houses of the Legislature and their constituents in the most efficient, professional manner possible; and

WHEREAS, Through the years, the Legislative Counsel Bureau has evolved into an organization of public servants who provide a full range of services for the "people's branch" of government; and

WHEREAS, In the Administrative Division of the Legislative Counsel Bureau, the staff of Information Technology Services and Broadcast and Production Services maintain and improve technology for the legislative process, the staff of the Buildings Unit, the Grounds Unit and the Janitorial Unit prepare and meticulously maintain the building and its grounds as a showplace in Carson City, and the staff of the Accounting Unit, the General Services Unit, the Legislative Police, the Las Vegas Office and the Director's Office, and the session staff in the message center, the bill mail room and the lobbyist registration center keep the Legislature functioning smoothly; and

WHEREAS, The Legislative Auditor and staff of the Audit Division provide the Legislature with independent and reliable information about the operations of state agencies, programs, activities and functions by conducting high quality performance audits to promote accountability in State Government, and by overseeing the annual single audit of State Government to ensure continued funding of federal programs; and

WHEREAS, The Senate and Assembly Fiscal Analysts and the staff of the Fiscal Analysis Division review the Governor's Executive Budget and related bills and amendments while maintaining their usual accuracy and efficiency, obtain and review fiscal notes, provide expenditure and revenue analyses, provide staff support for the Senate Committee on Revenue and Economic Development and the Assembly Committee on Taxation, and respond to the Legislators' requests for information concerning budgets and taxation; and

WHEREAS, The Legislative Counsel and the staff of the Legal Division, including the State Printing Office, Publications and the Gift Shop, draft bills and amendments and produce reprints with meticulous attention to detail, while staffing standing committees and providing legal advice on the usual wide range of issues to the Legislature and its staff, and print letterhead, business cards, and bills and resolutions and publish *Nevada Revised Statutes* and other legislative publications; and

WHEREAS, The Research Director and the staff of the Research Division, including the Research Library and Constituent Services Unit, provide research and analysis of current and proposed public programs and policies, furnish thorough and prompt background information for use in committees and on the floor of each House of the Legislature, aid committee chairs by providing administrative and technical assistance in the hearing and processing of bills to meet the rigorous scheduling demands of the legislative session, and respond to an increased number of Legislator and constituent requests in a timely, efficient and thorough manner; and

WHEREAS, During legislative sessions, the staff of the Legislative Counsel Bureau provide services eagerly and professionally, regardless of the time of day or number of hours required, and willingly sacrifice time with family and loved ones to ensure that legislative business can be completed in a timely and efficient manner; now, therefore be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Assembly and the Senate of the 77th Legislative Session do hereby express their sincere appreciation and commend the outstanding staff of the Legislative Counsel Bureau; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Rick Combs, Director of the Legislative Counsel Bureau.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne and Madam Speaker.

Resolution adopted unanimously.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 10—Providing for the appointment of additional attaches for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Ashlynd Baker and Diane Keetch are elected as additional attaches of the Assembly for the 77th Session of the Nevada Legislature.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted unanimously.

By Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler, and Woodbury:

Assembly Resolution No. 11—Expressing appreciation to the Chief Clerk and staff of the Assembly for their dedication and exceptional performance during the 77th Session of the Nevada Legislature.

WHEREAS, Each biennium the Nevada Legislature convenes to address the challenging issues faced by this State; and

WHEREAS, With a constitutionally mandated 120-day limitation on the length of the legislative session, it is critical that the legislative session proceed in an effective and efficient manner; and

WHEREAS, This daunting task requires a dedicated and talented staff which is capable of performing a multitude of functions and responding promptly to the different challenges that arise during the legislative session; and

WHEREAS, The Assembly Front Desk Staff, Sergeant at Arms and his staff, Personal Attaches, Committee Services Staff, Administrative Services Staff and other attaches of the Assembly have worked diligently and efficiently in providing exceptional service to the members of the Assembly; and

WHEREAS, The extraordinary people who have chosen to work with the Assembly during the 77th Session of the Nevada Legislature have carried out their duties on behalf of the residents of the State of Nevada with a professional attitude and tireless resolve; and

WHEREAS, Their herculean efforts earlier this week enabled the Assembly to coast to a smooth finish on the first House passage deadline, a day that is typically one of the more arduous deadlines of the legislative session; now therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 77th Session of the Nevada Legislature do hereby express their sincere appreciation and commend the Chief Clerk and outstanding support staff of the Assembly, which includes Matthew Baker, Lucinda Benjamin, McCall Miller, Christie Peters, Jason P. Hataway, Carol Aiello-Sala, Robin L. Bates, Sharon P. Murphy, Norman Budden, Dennis Humphrey, Linda Marrone, Mary A. Matheus, Steven J. Sweeney, Debra Williams, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Sally Stoner, Carolyn Maynick, Jenny McMenomy, Erin Smith, Tina Mims Frias, Brittany Shipp, Matthew Walker, Jean Kvam, Denise Larsen, Nichole Bailey, Jeanne Peyton, Judy Molnar, Sheri Bashaw, Jessica Nitti, Janet F. Stokes, Sylvia Dominguez-Curry, Juan Ortega, Mary Bean, Sara Menke, Linda Law, Sylvia Brown, Judi Bishop, Andrew Diss, Harle Glover, Pat Hutson, Mary Lee, Mary Merry, Cinthia Zermeno, Mistia Zuckerman, Bonnie Borda Hoffecker, Leslie Danihel, Gariety Pruitt, Patti Adams, Connie Davis, Linda Blevins, Anne Bowen, Nate Helton, Sherie Silva, Carol J. Thomsen, Janice Wright, Cynthia Wyett, Ted Zuend, John Budden, Jennifer Dalton, Janel Davis, Nancy Davis, James Fonda, Dianne Harvey, Gina Hall, Theresa Horgan, Julie Kellen, Jacqueline Lethbridge, Sharon McCallen, Lori McCleary, Earlene Miller, Karen Pugh, Thelma Reindollar, Maysha Watson, Karyn Werner, Linda Whimple, Lynson Beaulieu, Michael Cabrera, Patti Flasch, Jaunice Franzen, Anni Glogovac, Patricia Hartman, Verdene Johnson, Diane Keetch, Deanna Lazovich, Gregory Martin, Marilyn McElhany, Barbara Mickle, Kelly Osborne, Jenny Polek, Sheree L. Rosevear, Paula Rudolph, Christina Salerno, Jennifer Scaffidi, Cindy Southerland, Susan Sutton, Jackie Valley, Robin Valentine-Kindred, Cindie Kusko, Olivia M. Lloyd, Sean O'Callaghan, Ashlynd Baker, Colter Thomas, Cheryl Williams, Macy Young, Karel Ancona-Henry, Taylor Herrick, Diane Hudson, David E. Moore, Marcia Peterson, Elizabeth Saenz, Susan Schmid, Sonja Strom and Deanna Keirstead; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the staff of the Assembly.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted unanimously.

Assemblyman Horne moved that Senate Bill No. 139 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Horne requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN FIORE:

I would like to introduce Jen Scaffidi. I'll tell you, everything you need to know about Jen is contained in one little plaque that I got her last week, and it says, "I'm not bossy, I just know what you should be doing." I am really, really fortunate to have Miss Scaffidi as my attaché because she really does know what I'm supposed to be doing and where I'm supposed to be at all times. I thank her for serving with me.

ASSEMBLYMAN KIRNER:

A long time ago, I realized that any success that I may have in life I owe to others, and this is no exception. I owe much to my attaché here, Linda Law. It's a great thing in the morning to come in and see her smile, to enjoy her demeanor, and have her as my counsel. I appreciate you, Linda, and I'm glad to have you here. She's a veteran of Governor Guinn's tenure, she has worked at the LCB, and she's my "go to" person. So thank you, very much.

ASSEMBLYMAN WHEELER:

I'd like to introduce everyone to Marilyn McElhany. She has been in government for years and years and years—just a few years—and without her, I could not find my rear end with both hands. It's just that simple.

We also have another great lady, Leana Garcia. This is Leana Garcia, my attaché who helps Marilyn help me. Thank you.

ASSEMBLYMAN ELLIOT ANDERSON:

With me today we have Sharon McCallen. This is Sharon's fifth session here at the Legislature. She came here after spending 20 years with the Department of Education, so she fits in really well. One of the things that I'm really proud of Sharon about is she's always in here when I come in on the weekends when I'm up in Carson City getting work done; she's always in there buzzing away on those minutes and getting them done, and I've heard she has the fastest completion rate in the building, so I needed to brag about that a little bit.

Jacque Lethbridge is actually sitting over there with the smooth Chair of Transportation from District 18, despite last session's "northern wife" incident. I'm sure she's only doing it because he gave her a window office on the third floor; otherwise I know she'd be hanging out with us. Anyway, Jacque pulls double duty with our committee and the Transportation Committee. She and Sharon make a great team, and they have always stayed late together during our long joint meetings, so I really appreciate her as well. Thank you, Jacque.

Ashlynd Baker is right over here, and she's a new face in the Assembly. She's here this morning, I believe, for the first time. She just started with us and will be working with us. We're happy to have you here, and we promise to be much nicer to her than we are to her dad, who sits up there with the Chief Clerk.

Finally, we have Andrew Diss. Andrew Diss has been a friend of mine since 2009, and he's a great committee manager—he's a great, fantastic committee manager. This is his fourth session. He has been here as an intern, he has been here managing Commerce and Labor, and with all the bills that he had to deal with there, I got lucky getting Andrew as a committee manager. I'm really glad to have him here, and I appreciate all his hard work in making me look a lot better than I would without him. Thank you, very much.

ASSEMBLYWOMAN SPIEGEL:

I am pleased to introduce everyone to my attaché, Barbara Mickle. Barbara has been in Nevada for two and a half years and hails from the great state of New Jersey where, among other

things, she was a deputy attorney general. Her advice and counsel is always wonderful, and one thing I have to tell you is that she has got an amazing sense of humor. On those days when things get kind of tight and nerves get kind of raw, Barbara is there helping with sage advice, a smile, and a joke. I appreciate her very much, and I want to thank her. Just so you know, her favorite color is aqua in case anybody ever asks. After session, her goal is to get a yellow lab. Please thank her with me.

ASSEMBLYMAN HEALEY:

It's with great pleasure that I get to introduce my attaché, Miss Patti Flasch, and also the building's chief barista at Healeybucks. We invite you up to Healeybucks anytime; our menu is on the window. That just goes to show you the great personality that Patti brings to our building and particularly to my day. She always beats me in here in the morning and gets the office going. She is a 20-year resident of Las Vegas, where she was the executive assistant to Dick Foster Productions, so she has been in the entertainment world forever and keeps me entertained along with many of you as you come to enjoy her candy bowl. It is really a pleasure to work with somebody who really brightens up the day and keeps me well organized. Thank you for all your assistance, Patti.

ASSEMBLYWOMAN COHEN:

I'd like to introduce Jaunice Franzen. I'm really lucky that fate brought us together in Carson City—and it was really fate because we were kind of thrown together. She is a woman of virtue and she keeps everything moving smoothly in the office. Thank you, very much.

ASSEMBLYMAN OHRENSCHALL:

I am privileged to have at my desk my committee manager, Patricia Hudson. Patricia and I have been friends for about ten years now. She has come back and decided to do another tour of duty with me session after session after session. I don't know where I'd be without her. She gets me to my committee meetings on time—almost on time—but that's my fault,. Patricia is a retired educator who served for 30 years in the Washoe County schools, a native of Sparks, and just a wonderful person. We stay in touch in the interim, and I've been able to see her family grow, her kids and grandkids, and she has been able to see my family grow. Pat, I'm really lucky to have you.

I'm going to bounce over to the desk of my colleague from District 3. I have got Karen Pugh, who has been here with our Legislative Operations and Elections Committee. Karen has led a very, very interesting life. She pursued a lot of studies, lived on the East Coast, on the West Coast, and for quite a while worked in the motion picture industry in Hollywood. An interesting story is when I found that out, I told Karen about my plans, before I decided to go to law school, of moving down to Southern California and pursuing an acting career. Karen told me that I made the right decision of going to law school. With a face like mine, it was a good thing I pursued law and public service. Karen, it has been a pleasure working with you, and thank you for all your hard work and making this committee run as well as it has.

Next to Karen, I've got Jeanette Dean. Jeanette is an intern from the University of Nevada, Reno. She's working on her degree in political science, and Jeanette has just been so valuable and helpful in terms of policy work. She has helped me so much with Assembly Bill 147—the bill on breast cancer—and she has strategized, she has reached out to all of the stakeholders, and she has just been wonderful. She is going to be a true, wonderful public servant when she finishes school and decides what she wants to pursue. Jeanette, thank you very much.

Madam Speaker, if you might indulge me, two of our members are not with us today, and I'd like to introduce their staff. At my desk I have Jan Stokes. Jan serves with our colleague from District 3, and Jan is someone I have gotten to know over the years, too. I value her and I really appreciate her friendship. She and Pat have both been good friends. When Jan is not here at the Legislature, Jan works at the Secretary of State's office; she manages the Confidential Address Program, which protects victims of domestic violence and sexual assault. She has managed that

program for the last three years, and she has worked with our colleague from District 3 for the past five sessions. I always look forward to seeing her smile in the morning and the cheery words that she has to say. I know she has been a wonderful help to our colleague, the Deputy Majority Whip.

I'd like to next turn to my colleague from District 5, who is also not here today. Her staff is sitting at her desk. Terry Horgan: This is Terry's eighth session as a committee secretary, which I think most of us find hard to believe. Janel Davis: It is Janel's second session as a committee secretary, and I'm told that she is the tech guru for our colleague and for the Health and Human Services Committee. Harle Glover: This is Harle's nineteenth session. She retired from the Chief Clerk's office in 2005—that's a wonderful record of service. Macy Young: I'm not sure if Macy is present, but it is her first session. She is going to UNR and she's majoring in biology and pre-med. I know we all appreciate you. I'm sorry that my colleagues from Districts 5 and 3 weren't here, but I know how much they appreciate you; I sit next to my colleague from District 5 in Judiciary and I hear about it. Thank you very much, Madam Speaker.

ASSEMBLYMAN BOBZIEN:

We have a great crew this year for Commerce and Labor. Jessica Nitti came to me as a big unknown. In fact, we were sort of racing over the winter time to get together and have an interview, and we ended up having to do it over Skype, which was a first for me and probably a first for her, too. She came highly recommended, and I have to say she has been a fantastic attaché. I have a little bit of a reputation for being kind of difficult to deal with now and then, and she has been able to bob and weave and knows my next move before I do most of the time, which is fantastic.

I also want to introduce Leslie Danihel. Many of you remember her. She has been here for a few sessions, and I feel very fortunate to have her as the committee manager for Commerce and Labor, because she knows that committee, she knows the issues, and she knows the players. The bonus is that she is a huge hunter. Right when I get in the mood to talk and swap stories about my sporting exploits, this one—with all of her African trips and all of the different species that she has hunted—has amazing stories, and we have some good times talking about that.

Earlene is such a sweetheart and we talk parenting, because she is a devoted grandma and she really, really is. It is so wonderful having her presence, her calmness, and her energy in the office every day. I'm very appreciative of that.

Julie Kellen comes to us very new. I've already lost two committee secretaries this session—I hope I don't lose any more—but so far, so good. Seamless transition, and I'm very appreciative of how quickly she has picked up.

Sharing some duties, I want to give a shout out to Olivia Lloyd, whom all of you know. Olivia has one of the best senses of humor in the building, if you haven't picked up on that; spend some time with her if you've not talked with her, because she's a sharp one.

So again, as we all say—it sounds like a broken record, but it is true—when people ask me about what is the best aspect of our service in Carson City in the Assembly, I always say it is the staff. We have the privilege of working with some amazing people, so I want to express my thanks. Thank you.

ASSEMBLYWOMAN CARLTON:

When I first was given this task of Ways and Means and came to Carson City and visited the office, I was quite impressed to say the least. I went into my office and then the side offices and was walking around and thought, "This is pretty good. I've got a good crew here. There are some folks here; we can get this done. No matter what I do—how bad I mess up—they'll be able to fix it." Then I opened a door and saw that there were more offices back there. I was like, "Oh my goodness. How many people work in this office?" I'm here to tell you there are a dozen of them to keep up with me, so I'd like you to meet my dozen staff.

I have Patti Adams, who is my committee manager. It's her fourth session with Ways and Means. She retired from LCB's Legal Division after 14 years, and she's a native Nevadan from Las Vegas.

I have Linda Blevins, who is a committee secretary. This is her fifth session with Ways and Means and Government Affairs. She was with state government for 15 years.

Anne Bowen is a committee secretary. This is her sixth session with Ways and Means. She retired from the State Public Defender and other attorney duties after 25 years.

Connie Davis is the lead secretary. This is her seventh session with Ways and Means. She retired from LCB fiscal after 28 years in state government.

Nate Helton—our newest young member—is a committee secretary. It is his first session with Ways and Means, and he had a session as an intern with Mr. Bobzien. He is currently attending UNR with a political science major. He's a native Nevadan from Fallon.

Diane Hudson is our proofreader—second session. She is a retired librarian of 18 years and has been in Nevada since 2010. She is originally from Illinois—my home state.

Sherie Silva is a committee secretary. This is her fourth session with Ways and Means. She retired from LCB's Fiscal Analysis Division after ten years. She is another native Nevadan from Fallon. Sherie is currently an IFC secretary.

Carol Thompson is a committee secretary. This is her eighth session with Ways and Means, and she spent one session with Mr. Bob Price. She is retired from the Parole Board with a total of 30 years from state government.

Janice Wright is a committee secretary. This is her third session with Ways and Means. She retired from state government with 30 years of experience.

Cindy Wyatt is my committee assistant. This is her second session with Ways and Means. She retired from the Washoe County District Attorney's Office as the chief investigator with 35 years of service.

Ted Zuend is our other proofreader. This is his fourth session with Ways and Means. He retired from LCB's Fiscal Analysis Division after 20 years, and has a total of 27 years with state government.

Mary Lee, who on the sheet of paper says is my personal secretary, but she's more than that; she's my friend. She has been with me for four sessions now, and every session we've had a new office so, Madam Speaker, we would like to not have to move next session. She retired from state service with 30 years in social work and had a secondary degree in paralegal. If anybody has been trying to add this up, before you—in these dozen people—you have over 235 years of experience keeping me on track. I would like you all to really show your appreciation for them. They do all the work, and they're the ones who are going to get us ready to go home.

ASSEMBLYMAN HOGAN:

I'm really happy to have this opportunity to introduce my attaché, Mr. Greg Martin. Before long, he became known as Mr. Greg Arias because he becomes an instant friend with everyone, up and down the hall. He knows them, knows their names long before I do, and becomes a bonded buddy. That's very helpful to have your staff people well connected within the first days of their activity with you. When I first came, I had an odd reaction to the use of the term "attaché." I thought it was kind of odd to pick an old French word like that. It worked real well when I just modified it, and I refer to Greg as "my Apache" and that's with great respect for our Native American people in our state, and I mean it very respectfully. He is a very hard worker. He knows the work, he learns the work very, very quickly and has become absolutely necessary to my existence in any number of ways. Finding mysteriously disappearing hearing rooms and such things as that, he has done wonders. He also had the remarkable opportunity, along with all the rest of his family, of being my constituent for ten years. Finally, after that much association with his mom, his dad, his brother, and his little dog, we decided that we probably should be a team. So I was really very, very glad to get this very public spirited, politically active, gay man to join me here and carry out the duties of an Assemblyman and an Apache. I should also add that he is a retired educator, as certain others were here in the introductions, and that also is very

helpful. We do a lot of work with the school systems, and he was gregarious with them in his day so he knows all the people I need to talk to. Sometimes he just goes and does the talking himself. I'm very appreciative of having Greg here.

ASSEMBLYMAN CARRILLO:

I want to introduce my staff one at a time. I have Jacque Lethbridge, who we know is also the committee secretary for Education. She worked in the 2007 Session, and she is glad to be back, even after being the committee secretary of my committee. She retired in 2012 and she's an avid quilter and scrap booker, loves to read, goes camping, and dabbles in genealogy. Just to let the body know, she is actually directly related to our 16th President of the United States, so that is going to be a trivia question later on.

Next, I have James Fonda. He is a senior at UNR in criminal justice. It's his first session here. He loves to travel, play sports, and he hopes I will adjourn early tomorrow so he can play softball.

I have Olivia Lloyd, who works, of course, in two different committees as well. This is her fourth session. I have to say one thing about Olivia. She always has a smile on her face and always makes you feel welcome, even in your own committee. Sometimes when you look in the audience she is the only smiling face there. Thank you, Olivia.

I have my attaché / committee manager—I'm married in Las Vegas and last session I called her my southern wife, and I referred to Ms. Zermeno as my northern wife, and the white flags went up immediately. After that, I think the Speaker cut my mic off, and that was the end of that one. I had no reference of northern wife on my sheet here, but thank you for ratting me out and putting me on the spot. She is a political science major, and she is very active in her community. One thing I have to really say, is when we were coming through the election process—of course I was going to be running for office again—she called me up and wanted to know if there was an opportunity to become my attaché for the second session. I said, "Well, of course, but let me get elected first." After I filed and found out there was nobody running against me for the election cycle, I called her up and told her to pack her bags. She has been wonderful as a committee manager and attaché. I have to say she has a great sense of humor to put up with me. Sometimes she gets my jokes, sometimes she doesn't, so then I have to sit her in my office and explain it to her. But she is a wonderful person, and anybody who stops by can guarantee getting a smile out of her as well. Thank you, Cindy, for all your hard work.

ASSEMBLYMAN HANSEN:

I have been exceptionally blessed with my attaché. She has a motto. It is "Ira, I would agree with you but then we'd both be wrong." Cindy has been in this building since 1989. This is her eleventh session. When you hear the people she was with—Marvin Sedway in Ways and Means; Gene Porter when he was Majority Leader two times; in the 1995 Session, Lynn Hettrick—she was his attaché when he was Co-speaker; Bernie Anderson in Judiciary; Ellen Spiegel; and then with me—this is her second session. She also spent two years with Don Williams in Research. She has a lot of experience in this building. And I remember last time when I mentioned that, Speaker Oceguera said, "How the heck did she end up with you?" That's a long story. We won't tell that one.

If you think I'm a little bit radical occasionally, trust me, she really keeps me calmed down, and with her experience in the building, she knows how to say, "I just don't think you should probably say that, that way, Mr. Hansen." Also, for us, we both have a deep love for Nevada history. The displays that have been done—the Chief Clerk has been stealing her from me quite frequently to put on these wonderful Nevada history things—we have more fun talking about Nevada history. If you ever come in my office, I have a whole bunch of Nevada history books. While we are supposed to be doing our work, we are actually doing a lot of homework on that—that's our little secret. But it has been an absolutely wonderful experience to work with Cindy, and as you can tell, she's got the experience to help keep me in line and hopefully help us all do a little bit better job here. Thank you very much, Cindy.

ASSEMBLYMAN PAUL ANDERSON:

It is my pleasure to introduce Pat Hartman. She has been a wonderful person to work with, and I'm sincerely blessed to have her in the office. As it's my first session, I needed someone who would be able to guide me and keep me in line, and she has done a good job at that. She is a great sounding board. We talk a lot about our families, and it is certainly a pleasure to work with her. She asked that I do not go down her resume, so I'll respect that and not do it. But it is certainly a pleasure to work with her, and I appreciate her efforts on my behalf.

ASSEMBLYMAN DALY:

I'd like to introduce my attaché and committee manager, Mary Merry. It is her second session. Last session she was with my colleague from Reno. She is helping me with my committee. This is my first time running a committee and her first time as committee manager as well. So there is a lot of action, and I told the Chief Clerk that we had to get someone that wasn't adverse to a little cussing. She hears a lot in my office. We work together very well, and she makes sure I get all my work done. She usually can predict what I'm going to do next, but every once in a while, I try not to yell at anybody. I haven't ever yelled at her and she hasn't had to yell at me, either.

We also have Cheryl Williams, who introduced herself the first day in our committee, because I had them all do that. As a native Native American, we were talking, and I found out that I used to work with her dad when I was a younger man in construction. He was a delivery man for Basalite Materials, and I was a hod carrier many years ago, and thinner then, too.

My staff has helped me a lot with the committee, and I appreciate their help and thank them for being with me today.

Our other committee secretary is in Colorado. I think most of you probably remember Mistia Zuckerman. She was pregnant two years ago. I first met her when she worked on the Dina Titus campaign. She is in Colorado and transmits electronically. Thank you.

ASSEMBLYMAN EISEN:

At my side is my attaché Jenny Polek. She has been very much at my side since just before we started session. Jenny is new to the Legislature and, in fact, relatively new to Nevada—she comes to us from the state of Washington—our gain, their loss. She had worked previously for U.S. Senator Patty Murray and has been absolutely amazing. I cannot count the number of compliments I have gotten on Jenny from visitors, from other staff members, from other legislators, that she always has a smile on her face, no matter what I have dumped on her desk or what she is attempting to clear off of my desk. She is incredibly efficient, in fact, so much so that she has been able to help out other staff in the building to catch up on work when they needed it. She has not needed any help in deciphering my writing, which I thought was fairly impressive. We knew that we were a good fit very early in the session when I made a reference to Airplane, the movie. She immediately began quoting the movie for me, so we were kindred spirits. It was clear at that point. I appreciate all the work that she has done for me and for our constituents and will continue to do throughout the session.

ASSEMBLYMAN HAMBRICK:

In my first term, as all freshman legislators, we are interviewed by the Chief Clerk. I talked to Susan Furlong at length, and she looked at me, sort of tilted her head a little bit, and said, "I have just the person for you." In my first session, I referred to her as "pistol." She has done nothing to diminish that reputation in this building. This is her fifth session, and her second session in the same office. Oh never mind, that's a different story. Think about it, okay?

Sherry is a mentor to many of the attachés in this chamber. She is a secondary photographer for many of the committees and the staff, and she is very involved with the yearbook. She and her husband run a small store in Silver City, so on your way to Virginia City, stop by Doodads and go in and say hi. Just a side note, her husband was recently inducted—about two years ago—into the Las Vegas Rock and Roll Hall of Fame. She and her husband have a small

band—very, very talented. To say she is the brains of the outfit is an understatement. She has kept me out of trouble more times than I care to admit, as most of our attachés do. I'm very, very grateful. Susan, thank you for picking her for me.

ASSEMBLYWOMAN DIAZ:

To my side I have my right hand, Sylvia Dominguez-Curry. This is our second session serving, and she was brave enough to come in and serve with me my first session when I was pregnant and I was going to have my son my first session. She was so instrumental then, and she has continued to be so instrumental for me. You know you have someone that truly stands by your side at all times when your son throws up on them, and they don't give up on you. They just politely say, "I got to go." Every time I've needed her, she has been there for me. She is my family away from Carson. I really value all the work. I get tons of compliments time and time again about how great she is and I just hope she knows that I really value her. I won't come back if she doesn't come back.

ASSEMBLYMAN MUNFORD:

Standing here with me is, first, my intern, Jake Holder. Jake is quite resourceful. He is very helpful, and sometimes he thinks he is an elected official. He tries to tell me what to do. I think he has also been a candidate for office because he ran against John Oceguera for congressman. I think he does have hopes and aspirations and goals and objectives. I hope he fulfills those dreams and those wishes. He has been a very good help, and I've enjoyed him being in my office.

Next is my attaché Robin Valentine-Kindred. She has been a real asset to me. She has really helped me. She doesn't get me on time, though, to meetings. She tries. I tell her, "Have the television on and see what the committee is doing. Is the chairman there yet?" Anyway, she has been really an asset to me. She has also worked in a previous legislative body. She worked in Hawaii, and she was there with their legislative body. She always compares what they are doing in Hawaii with what we are doing here in Nevada. She is a very outstanding, wonderful, resourceful attaché, and I really enjoy her. She has made me look good on many occasions, and I have really enjoyed her company. I hope, if I return, she will be my attaché next session. Thank you.

ASSEMBLYMAN STEWART:

It's hard to follow my colleague, my goodness. I'd like to introduce my attaché, Sara Menke. I have a reputation for being a little hard on attachés. It's my fourth session, and I have had only one come back. Sara was a little behind on some of her work, and so she is still up there finishing up. Hopefully, she will be down here in a few minutes. Is she out there yet?

Sara is a great help to me—a very hard worker, as you can see. She is probably the only attaché who is a grandmother, and she rides Harleys. I have great respect for her. She has become more than an attaché. She is a friend and she is actually, today, taking care of some family business. I appreciate her very much, and I hope she will come back for a third term. I'm not quite sure; she is still debating that. Thank you.

ASSEMBLYMAN SPRINKLE:

Standing right here next to me is Anni Glogovac. Just a few minutes ago she said to me, "You know, you better not talk about me as long as everybody else." If there is one thing that I learned way back in January is that I do whatever she tells me to do. All I will say is that with both of us being freshmen, we kind of looked at each other and shrugged our shoulders and said, "You know, I guess we'll figure it out together," and that's exactly what we have done. She has been there for me constantly, and it is always that face that I look for when I walk into my office.

ASSEMBLYMAN FRIERSON:

First, to my right is Gariety Pruitt, my committee manager. I've known Gariety for some time before session, and it didn't take me long to realize that she is made for this. Gariety has a

bachelor's degree in political science and a dual master's degree in elections and campaign management. Clearly she is smarter than me because she decided to work on this side rather than actually run for office. She has a miniature pinscher terrier mix that she's very dedicated to, and she absolutely keeps me on track. She knows our bills better than I do, and that's without a doubt. She is absolutely a taskmaster.

To her right is my attaché Judy Molnar. She also asked that I do not go into depth on her background. I will say that Judy is dedicated. She drives almost an hour, one way, every day. She comes to us from Markleeville, and I am committed to having dinner with her over at La Ferme at some point before session ends, since she has to drive by there anyway. I will say that my son has not thrown up on her yet, but there is always tomorrow.

I also ask that our staff stand up. We have with us Nancy Davis. I will be brief. They are so understated but they are so helpful, and I tell them all the time. I am fiercely protective of them because they do such a great job. I feel like they are my army. Nancy Davis is in her second session. She has been married for 35 years, has two daughters, five grandchildren, and five step-children along with a Goldendoodle.

I also have Linda Whimple. She is in her second session. She graduated from Carson High School, and she lives in Fallon with her husband. She has two daughters, two sons, and two Yellow Labs.

Thelma Reindollar is in her first session. You wouldn't know it because she has done such a phenomenal job. She's an avid snowshoer. She has backpacked all 165 miles of the Tahoe Rim Trail, and she has done a couple of 100-mile century rides.

Dianne Harvey is in her first session. Her other job is as a substitute teacher. She has her master's degree in education and she taught in the Washoe County School District for 30 years.

Karyn Werner is married and has four children, eight grandchildren, two great-grandchildren, and one Golden Retriever. She retired from the state seven years ago, and this is her third session with the Judiciary Committee.

I did not want to leave out Marcy Peterson, who is our proofreader. She loves the color purple. I have never seen her without purple. She loves to dance and probably has more rhythm in this building than anybody I have ever seen.

Finally, Colter Thomas, who is in his first session and actually began after session started. He has been doing a great job. He graduated from Lewis & Clark College in Oregon and is a seasonal State Park employee at Spooner Lake.

Thank you all so much for all that you do in keeping me in line.

ASSEMBLYWOMAN FLORES:

I have with me here today, Juan Ortega. He also did not want me to spend a whole lot of time talking about him, or spend a lot of time talking, period. I just jotted down a couple of things that came to mind immediately when thinking about Juan. He loves Justin Bieber. He loves running long distances for no reason. He is also an arts and crafts and an events master. For those of you who went to the baby shower for my colleague from Assembly District 27, that was mostly all him. For all of you who are going to have an amazing time at our Cinco de Carson event next Thursday at 6 p.m., it is going to be a demonstration of my wonderful assistant's amazing talents. So, you can thank him. More importantly, you all know that I am just a little bit demanding, and Mr. Ortega here is just phenomenal. He keeps me in line. I know that you probably don't agree with that statement, but he really does. He has just been incredible and wonderful, and I really can't thank him enough for all that he does for me every day.

ASSEMBLYMAN HORNE:

First, our intern Whitney Moffitt, who goes to school at UNLV, has been awesome. She works closely with Brittany, whom you will meet later. At first she was kind of shy. I think she is still kind shy, but she has folded in nicely with the group, because as you know, Madam Speaker, we are kind of crazy in there. She is working really hard, and I hope she is getting a lot out of this. She wants to, and I expect to see her, do wonderful things with her degree. She

graduates at the end of this spring. Political science? Criminal justice? Okay, I don't know, but she's graduating. That's what's important. Come on people. She's very smart and very quick, and she puts up with me, as you can see. It's all golden from there.

Next, Brittany Shipp. Some of you remember Brittany from last session when she was an intern, and now she's my policy analyst. Some of you have seen her testifying in committees. You've seen my bills, and a lot of why they look so good is because of Brittany. She really is amazing, and when I heard that she was available, I called her right away, because I knew that she was going to be good just by what I learned about her from when she was an intern last session. She is making me awesome this session. Yes, I'm awesome. I just wanted to straighten that out. It's because of her. Anything about me is because of Brittany.

Last, but certainly not least, is Nicole Bailey. Nicole is scared because I seem to embarrass her every session. She has been with me for three sessions. I should say, two and a half because she started part of the way in the first session with me. That's another story that we will share over drinks. I want to say that over the years, Nicole and I have become good friends. We stay in touch during the interim. She's the gatekeeper. I tell people, and the lobbyists will tell you, I don't set the times. I say to clear it with Nicole, because you are not getting me in trouble. She sets my calendar. But what was really neat was that before session started and I needed somebody, I didn't think she would want to do the job. She had been a committee manager last session in Judiciary. I called her and just asked if she was interested, and she said "yes." She said, "I can't let you go down there by yourself with all of those strangers." I thought that was really sweet, because she really is the type of friend that has your back. That's really important to me, and I love her to death.

ASSEMBLYMAN HICKEY:

I think this person hardly needs an introduction, but if you don't know her, you need to know Jeanne Peyton. Jeanne, if you don't know but if you were to talk to her you would know, is a Long Island, New Yorker. She has been in Nevada a long time, but she has not lost that wonderful quality. She's worked for a lot of great people. She worked in the Chief Justice's office, she worked in LCB with Lorne Malkiewich, and she has now downgraded to the Minority Leader's office. You know, she is one of the friendliest people here. A lot of people come to see me, and they may never get to, but they're never disappointed because they are probably coming to see Jeanne, quite honestly. They certainly enjoy their time with her, as do all of the members of our caucus. She's is one of the friendliest and most helpful souls here. We appreciate you Jeanne.

ASSEMBLYMAN HARDY:

First of all, I would like to start off by thanking the Chief Clerk and the talent she has for selecting attachés, at least for me. The last session I had a wonderful attaché, and this session I have one also. I'm going to do things a little different here. I'm not going to introduce her name yet; there's something special here. What can I say about her? She's one of those individuals that was born in Ventura, California. She was raised on the coast of San Luis Obispo. She's been quite entertaining to me. One of her talents is she does speak "billhilly," which helps me out a lot, and I have not learned how to speak "Valley girl" yet. She has quite a talent herself as a construction worker. She worked for the National Guard in California and is retired from there. She was the project construction manager for all those years. I noticed that one of the things she wrote down for me is she enjoys riding ATVs. I understand that she only rides them because her husband will not let her drive them. If you know her then you know why. The other thing is she's been married to Bob for 48 years; amazing man—has to be. The thing that is amazing is she is fantastic and she lightens up my day all the time, keeps me alive and keeps me going, and keeps me entertained. I've told her that this day is all about her, and you guys have really messed it up by all showing up here. So without further adieu, like one of my old favorites on the Johnny Carson show, Ed McMahon, here's Sheri Bashaw.

ASSEMBLYMAN DUNCAN:

To my right I have Ms. Verdeen Johnson. It's Verdeen's first session as an attaché, so we're both coming into this and learning together. One of the marks of Verdeen is she's just a genuinely kind person and always asks how I'm doing and is always there to help me. She asks how my wife, who is pregnant, is doing. She's just a great person, and I think that says a lot about her. I appreciate Susan for picking her for me. She's just a great teammate. So Verdeen, I appreciate all your efforts in our office; just a kind face. She brings Heath bar candies and great stuff like that, so I just appreciate her so much. I really appreciate the staff here, Legislative Police and everybody that makes this process work and go forward. As a freshman, I have really been amazed at just how well the machinery here works. Your hard work is never not noticed by us. I also want to give a special shout of thanks to Justin Harrison, Omar De La Rosa, and our caucus interns, Celssie Hardy and Amanda Schweisthal. Thank you guys for your hard work. You really help us out as well.

ASSEMBLYMAN MARTIN:

Thanks to everyone here also for the opportunity to say a special thank you to Paula Rudolph, my attaché, who is in her first session. It's kind of ironic because right after the election, I met with our Chief Clerk, and she said, "What kind of person do you want working in your office?" I've hired dozens of people in different businesses that I have, and I'm like, "Okay, it would help if I really understood what I'm about to be doing." With that said, I described, not knowingly, someone who is incredibly organized, thoughtful, and the rest of it, and I said mature. She's giving me the business because she keeps me in line. I walked into my office, which was the first time we met, and I found out that Paula had worked in a CPA firm for 11 years. What a perfect match, and it's proven very successful. I just want to say thank you to Paula, also to our Chief Clerk, all the other attachés who have been very helpful, and the staff and Legislative Police. Certainly, I do appreciate everything. One comforting thing: Paula had heard that I was into aquariums, and unknown to me, she went out and set up an aquarium and got two fish named Debit and Credit. That's the only accounting humor you're ever going to hear. Thank you, Paula. Thank you, everyone.

ASSEMBLYMAN OSCARSON:

How do you follow that? I'm pleased and very honored to introduce my attaché, Susan Sutton, today. One of the greatest accomplishments that I think will come out of this session is, Susan decided to learn how to text. Before that, she had other ways to communicate. So I am very pleased and proud of that. One of the things that I always like about Susan is that when we've had a long day, and she knows by watching when I'm in committees, I'll come to my desk or be in my committees, and there will be a little plate of goodies there for me with a little note that says "Hope you're having a good day," or "Hope things are going well." Those are important things when you're away from home to have people who care about you and take care of you. I think it's a great match. She has a great background in tourism. The reason she was late today is she was taking care of 35 of my senior citizens that were in Virginia City today and went up there to make sure that their tour went well. She's a great representative for me, she's a great representative for this body, and I appreciate everything she does.

ASSEMBLYMAN THOMPSON:

I want to introduce my attaché, Diane Keetch. We have known each other for a little bit over 29 hours, so we're doing really well. I can honestly say she has really good timing. What a day to come. On her second day, she gets flowers and accolades. We've raised the bar for you already, but I think we're going to do really well. She previously worked in this building; in 1999 she was the attaché for then-Assemblyman Dennis Nolan, and coincidently in the exact same office. We're going to say that's a good thing and a good sign for us. Again, I welcome and thank Diane Keetch for today. Thank you.

ASSEMBLYMAN LIVERMORE:

It is a pleasure, today, to introduce my attaché, Kelly Osborne. I have known Kelly for many, many years. She has been part of my family throughout my private life, with my children and my family. We have done a lot of camping together and having family time and sharing vacation retreats. A couple of things I learned, though, is that she is the only person that I know that buys a new car and gives the new car a name. She tells me she dropped "Pearl" off at the garage. I was thinking that was a family member. Well, I guess it is. It's her car.

Throughout the years, when she was in her school days, there used to be, if you lived in Carson City for a long period of time, there used to be a food establishment a couple of blocks from here on Carson Street, called the Penguin drive-in. Kelly and I had the A&W Drive-in. So we always compared who had the best tacos and who had the best hamburgers and stuff like that. We still kibitz a lot about that. That is kind of a treat to have someone who knows me and knows my family. She also plays in a Bunco club out of the Attorney General's Office.

Kelly had a 27-year career in state government. Last year my first session, I tried to recruit her to come in and work in my office as my attaché, but the timing didn't work out. But this time I am very fortunate to have Kelly here today. Speaking of her 27 years of state government, she worked at the Attorney General's Office and the Historic Preservation Office. She came out of retirement, she said, to take care of me. And she has done that. You know, I can't tell you how many times she has taken the scissors to cut the threads off my suit and has straightened my tie and the other things that make me look appropriate and help me in my career here. It is a pleasure, very much so, and I sincerely appreciate Kelly Osborne and the things that she has done for my office and for helping and assisting me in my duties of representing Assembly District No. 40. It is an honor, today, to introduce Kelly Osborne.

ASSEMBLYWOMAN SWANK:

I wanted to introduce my attaché, Lynson Beaulieu. Lynson and I have had a lot of fun this session, figuring things out. We are both new. I have to say that Lynson has been in education, K-12, for quite a while. Our complimentary interests in education, mine in higher education and hers in K-12, has been invaluable. We have had excellent conversations about education, about language, about identity. Her just being a very smart woman has been so great for our working relationship in the office. I have to thank the Chief Clerk, that this has been a great match. We have really enjoyed working together and having this opportunity to talk about education. Thank you so much, it has been great.

ASSEMBLYWOMAN NEAL:

I am going to introduce Chair Benitez-Thompson's staff, the Government Affairs Committee, which might be entertaining at some point. I will introduce Mrs. Bonnie Hoffecker. She loves to work in her garden and loves the television show The Big Bang Theory. She is the committee manager for Government Affairs. Bonnie's first session was in 1995. She has worked all over the building, from session to session, and she has a son named William. Let's welcome Bonnie Borda Hoffecker.

Next, we have someone who is in a constant state of remodeling her home. And she is now a snowbird, traveling to Arizona in the winter. Let's introduce Lori McCleary. She is a Government Affairs committee secretary. She retired from the state of Nevada but decided it was overrated and came and joined us for our session.

Now we have a wonderful young lady who was born in May and named after May. We think she is a distant relative of Bonnie. Her name is Maysha Watson. She is a Government Affairs committee secretary. She was born in Guam and moved to Seattle when she was 18 years old. She spent time abroad in southeastern France. Welcome.

Our next person up is John. He loves to hunt and fish. And he is also working on his master's degree in teaching. He is a Government Affairs committee secretary. John is busy raising three boys: Aidan, Danaus, and River. And he also plays guitar. Welcome to our next Government Affairs committee secretary.

All right. Now we have up next, Jen. She has two dogs named Bear and Vader. She loves running and photography. Wow. And she also has a second degree in applied psychology and two boys. Let's welcome Jen Dalton. She is the next Government Affairs committee secretary.

And last, but not least, we have a political junky who enjoys good movies, red wine, and listening to NPR. We have Michael Cabrera. He is the personal attaché for Assemblywoman Benitez-Thompson. He is a native Nevadan, born and raised in Reno, and a graduate of the University of Nevada.

And now we have Cheryl Williams. She is our committee assistant. She is also in NATRAM, but she staffs our Government Affairs Committee and sits there quietly listening to the shenanigans of Government Affairs. I wanted to give a shout out to Jennifer Reudy, our policy analyst, and Jim Primrose, of our legal staff. We have shared many laughs, and we have at least decided to roll over a few bills without our chairs, at least six times. But in a nonpartisan way.

And lastly, my personal attaché is Jackie Valley. She plans to go home and retire after this session. Isn't that beautiful? She has been around since 1995, as committee manager for the Assembly Committee on Transportation. She has worked approximately eight sessions. And she has been with me for two sessions. That is the final introduction. Let's welcome Jackie Valley.

ASSEMBLYMAN AIZLEY:

I would like introduce my attaché, Denise Larsen. I had to do that right away because the first time I introduced her I gave her the wrong name. All these good things which have been said about the attachés, I think every one of them will apply to Denise. Maybe not the fact that some have had a long history of working with previous, great legislators. Denise has been with me for three terms.

The usual talents all apply. We talk about the grandkids, we talk about family, we talk about a lot of things we have in common. I think that we also are a good match. And I am very pleased to have her as the attaché for me. One thing I have seen her do this term, though, which is something remarkable, is there was a dead plant sitting somewhere in the office. I thought, "Why? What could possibly happen with this?" Well, it happened. It put out three new leaves in the time we have been here, with Denise's very careful treatment of the plant. And she is that way with people, as well, and she is pleasure to work with. Thank you.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Taking on the new journey of being a committee chair this session was a little daunting. As soon as I knew the people I was partnered with, I knew that it was going to be a great success. Judy Bishop is my committee manager and personal assistant. Thank you for always making me look well. And for our committee secretary, this is her first session. She took on the task to do the minutes for our committee, Taxation, which is a foreign language. She has taken it in stride and done a great job. So, Gina, thank you, as well.

I love training the next generation and could hardly wait to get interns for this session. We have two phenomenal students from UNR. First, there is Jordan Gregory, a graduate student at UNR, finishing his master's in political science, this semester, and he helped me out with Commerce and Labor for this session. And, also, our other intern, Morgan Watson—a graduate student at UNR, master's in American government—helped me with our Government Affairs team. Last, but not least, the Hispanic Legislative Caucus has several members. For our second session, as a group we did some extensive fund raising so we could bring a student with us. We are honored to be able to have Oscar Peralta with us, who is a student at the UNVL Boyd School of Law. His professional aspiration is to be an attorney. They are not here today because they are working on the Economic Forum, but our fiscal team, Michael Nakamoto and Russell Guindon, really have a great sense of humor. You guys probably do not get to see it as much as I do, but Taxation has gone so well because of them, as well. Thank you.

ASSEMBLYWOMAN WOODBURY:

I have Chris Salerno as my attaché. She was with me in the 2009 Session. From day one, we just clicked. I have Susan to thank for that, too. She just knew we would be perfect together, and she couldn't have been more right. That whole session, I hoped Chris would want to come back. I found out from someone else that she was hoping she could be with me again, too. We knew we were perfect for each other. She wasn't able to come back last session, but I am so thankful she was able to this session. Chris is very organized and crafty and very handy and adventurous. She's a wonderful grandmother to her five grandsons. But, to me, the most important quality a person can have is the way they treat others, and Chris embodies charity, service, caring, thoughtfulness. You cannot have a bad day when you are around Chris. You cannot tell when she is having a bad day because she is so cheerful and worried about making sure other people don't have a bad day. When I get to my office and people are there, I say, "Oh, you need to talk to me?" They say, "No. I just came to see Chris." So she keeps me grounded as well. I am thankful to have her.

ASSEMBLYMAN ELLISON:

I was a little disappointed. I have been waiting for this all year, waiting to see what was going to happen with my colleague from District No. 18. He did such a great job last year. But I am glad my colleague from District No. 22 and District No. 19 took over, for this year. But with me, I would like to introduce not only my attaché, but my friend. Deanna and I have known each other for many years. She worked for Congressman Jim Gibbons for about ten years and then went over to the Governor's Office for four years. She was my attaché last session. When I heard she was coming back, I wanted to know if she had started drinking. She did not. She is wonderful. When I walk in every morning, the first thing I see is the most beautiful smile you have ever seen. She always has a smile on her face. To many people in the building, she is known better as "Jennifer's mom." Jennifer is over there in the gallery waiting for a hot dog. But I can tell you, it is great to walk into the office in the morning and see such a great smile. It is like going from winter to spring. It's a great thing every morning. I can tell you that I have met a lot of the attachés in the building, and I have never found a bad one in this building yet. You have really done a great job in getting these young ladies put with the right people.

ASSEMBLYMAN GRADY:

I am very honored that we saved the best until last. First off, a little about Mary. She is retired with 33 years of state government service in tourism, education, and at Governor Bryan's Office. She has been with me for six sessions and, I believe, eight special sessions. When I first met Mary, my wife and I came into this building and walked into the office, and that smile that so many of us have mentioned was there to greet us. I walked into my office, and my wife was visiting with Mary. They found out that they went to high school together at Reno High School but did not know each other. In these six sessions, they have gotten to know each other very well, and I am very, very pleased that I can call Mary my friend. I also call Mary my boss. If any of you do not believe it, come into the office and you will see who is running things.

I guess if you looked up the words "helpful" or "assistance" in the dictionary, you would probably find Mary's picture because not only does she help me, but anyone in the building that needs help, Mary has been there to help them. And during the interim, it is really my pleasure and I look forward to calling Mary or Mary calls the house just to talk about where she has traveled to, where she's going to travel to, and what she is doing. And she'll ask me what I am doing and I will say, "The same thing. Mowing the lawn." Mary has just been great—great for my office and a great friend for my family. I am going to miss her. I am not sure she is coming back but I know, along with my two other colleagues in this building, we will not be coming back. Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

One, I just want to give an extra shout out to our Legislative Police. They are very much a big part of making sure this building runs so well. Whether it be the outside grounds or whether it be making sure everybody's offices are secure and safe and allowing for the public to come in, I think that sometimes we take them for granted. There are 27 of them, and I bet I've seen every one of them. I try to make all three shifts to make sure that everything is still good. I'd like to give that extra special shout out to them because they really do have a lot going on. My real appreciation for them came when, one day, I was walking down the street and trying to have some "me" time—my little cigarette time—and trying to get some peace, when I got a phone call from legislative police who said, "Hey, Mrs. Kirkpatrick."

And I'm like, "Yes? I just left the building."

And they said, "I know. You dropped a piece of paper about five yards back. Did you want us to help you get it or can you turn around?" I was like "Wow; they really do have a good grasp of what everybody does in this building." So I think that needs to be recognized.

The other folks that I really want to take a moment to recognize are IT and Broadcasting. They are here late at night, and—most of the time we don't see any of them—they listen to every single committee; they're probably listening now. They like it when we have fun because it makes things go a little bit better. They do really have to keep this building moving. They keep the computers up and running, and all of that is very important in making us efficient.

In my office, there are a lot of people that are in there that make the Leadership office run well. I'm a pretty easy person to get along with until you cross me, then we have a discussion. Last session I had a great staff, and I do want to take a moment to remember my friend, Cindie Carter, who was a staff member last session. She left sick the last three weeks of session. Chairing two committees I was like, "Holy smokes. What can I do to make this work?" Everybody in the building stepped in, but she passed away with cancer shortly after session. I wanted to remember her because she stuck with me for years, and I think it's important that once our attachés leave this building—they go back and they have their lives—they never forget their experience here. I definitely wanted to remember her today.

In the Leadership office, a few things matter to me. One, be pleasant to anybody who walks in. I don't care who it is or what they say to you, put a smile on your face and make it work. Two, the Leadership office belongs to the Assembly members. I don't care which Assembly members, but it's important that they feel that that's their office and it's accessible. I am accessible night or day, so if you're in there and you're working for me, you have to be accessible to everybody.

In my office I have Erin Smith, who I have known since she was in high school. Her mom is on the other side. Erin is really good at putting up with my cranky moods at times and keeping me on task. If you have ever been in my office, she comes in and says, "You know your other folks are here?"

I say, "I know."

And she says, "No really, they're here so it's time." She'll open the door and it's time for you to leave, so she's very good at that and it keeps me going. Today is her birthday, so I'm assuming she's having cake or something and enjoying her birthday.

I also have Tina Frias, who came with us this session as our research policy person. I hired her on the phone. I talked to her for 30 seconds because we were having a conversation while I was at the mall trying to Christmas shop—and if you know me and Christmas shopping, having to go into the Hollister store is very painful for me because it's dark and they have that weird music—and she's trying to talk to me, and I'm thinking, "Oh my gosh. I hope this is okay and that I at least sound a little professional." But she stuck with us and she has been a great help, and she plans to stay in Carson City—she loves it. Thank you, Tina.

I had Jenny last session when Mrs. Carter became ill. The Chief Clerk said, "I have someone who can help you out if you're okay with it." I had that person for all of two hours, because the first thing I said to her was, "Hey, do you think you could get me a copy of this?"

And she said, "That's not my job." I needed somebody else very quickly. So I pulled Jenny out of the office and I said, "Hey, can you help me?"

She said, "Absolutely." I have kept her ever since because, not only does she make great bakery items, but she also is fabulous about being Johnny On The Spot. She jumped in last session to a chair who had two committees, and she made it all work in the last two weeks of session without even knowing what direction we were going. This session, I called her and asked her "Are you coming back from school?" She's going to law school, and she said, "Yeah!"

I said, "Could you work for me?" That was when I thought I was going to be on the fourth floor, but she agreed. Then when I called her back and said, "How about on the first floor? You good with that, too?"

She said, "Yep, I'm up to the challenge." So she has been great.

I have Matt as well. Matt has been with Leadership for a very long time. He's very good at our policy stuff, he keeps us on track, and he works more hours than I do—believe it or not—he's here before I get here and he's working after I leave. He has been with us about six years. I remember when he first came in and helped us on some elections, and then he came last session and worked with former Speaker Oceguera. He did such a great job in the interim that I wanted to keep him on and bring him along with us. Thank you, Matt.

I also have Alicia in my office, who used to work for Assemblyman Conklin, and she did a good job during the interim. We brought her along to be part of our caucus folks and to keep our 27 on task on a regular basis, and she does that. However, unfortunately, her husband, who did work for us, was just offered a job in Chicago, so I'm hoping she can stay through the summer with us before she gets to go enjoy the Windy City.

Then I have Brendan. Here's what I want to tell you about Brendan: He and I have been through some challenges since he signed up to work with us on November 7th. Every day it's a new challenge. He had never been to a legislative session, had no idea what he was walking into. He became our director overnight, and he has really stepped up to the plate and made it all work.

The last person I want to recognize in my specific office is Jean; she's at the front desk. She is a bright spot in the day for anybody who walks in. She has no problem making you feel like you're in somebody's living room, and that's really what I want—people to feel that comfortable—so without her, I couldn't have that atmosphere in the front; that sets the tone for everybody.

What I'll tell you about Miss Furlong is she and I do well, because she works late night hours and I'm good with that; I can get a lot done late at night. I've been pretty challenging for her this session at times, because I like to shake things up, and I promised that on the first day, and I have not gone away from that. She has been really good about helping me stay on task and helping me learn the correct terminology, because I don't speak the way sometimes it's written. I have come a long way since she has helped me get there. She is great running the front desk. The front desk also coordinates everybody who comes into the building when they do—we have the Alumni stuff—so without Susan, I don't know what this front desk would do because she has really done a great job. I had the opportunity to work with a couple others. Mouryne Dini was fabulous—I believe she was probably a mentor for Miss Furlong—and then we had another chief clerk for one term. I can tell you Susan has done a fabulous job, and I really do appreciate her.

CHIEF CLERK SUSAN FURLONG:

I'm going to start first with Committee Services. Committee Services is headed by Jasmine Shackley; she is our Committee Services Manager. Jasmine works every other year. She does the mentoring. I think one of her strengths is she is very good at talking people into doing things

they don't think they can do. Because most of our committee secretaries haven't done that kind of work before. She gives them the confidence to take the test to begin with and does a great job. Her assistant is Sally Stoner, who also works with the proofreaders.

I'm going to call the proofreaders off by name. We have Karel Ancona-Henry, Taylor Herrick, Diane Hudson, Dave Moore, Marcy Peterson, Elizabeth Saenz, Susan Schmid, Sonja Strom, and Ted Zuend. That is our proofreading staff. I can tell you that when we are done with our minutes here, they go over to Research Library and they check them, too. We get great comments back from the Research Library that our minutes are in good shape, clear, and it's a good record for the public. So thank you for everything that you all do to make that happen. You probably don't see them very much outside of their offices, but they are very important part of what we do.

Next we have Deanna Keirstead, who is also part of Committee Services. She is the Document Center Manager. For you committee chairs, she helps the committee managers get the documents up on NELIS, she gets supplies to everyone, she just in general keeps everyone in order and is there to help whenever we need help. She doesn't ever mind coming in late or early. She has been working for us four sessions. We are really lucky to have her come back. Thank you.

I hope they are listening on the Internet. Something new we did this year is we have a couple of committee assistants in the Las Vegas Office. They have really helped the committee managers and the committee chairs have smooth meetings in southern Nevada. I have Cindie Kusko and Sean O'Callahan. It's a little bit difficult working such a long distance from where all of us are but I think they have done a great job, they are on the spot, they are there on weekends when we need them and late at night, and we really appreciate everything they do.

Marge Griffin is the manager of Administrative Services. She is the person that all your personal attachés go to when they have questions. She also works every other year. She does a great job handling difficult situations, put together a fantastic training this session with help from some of your personal attachés—Cindy Southerland, Jeanne Peyton, Linda Law—they all helped put the training together—those experienced people, for our newbies.

With her is Patty Manning, her assistant. Many of you may have seen Patty, because Patty is Marge's assistant, but Patty is also the person who fills in when your attaché is out. She is the first person we go to, and she always has a smile on her face. She is always helpful. You may have seen that she was the guest chef for us one day last month. She does a great job for us and she also works just about every other year for us.

I'm going to start with Sylvia Brown, who is waving in the back. You all know Sylvia. You have all talked about a common theme with our assistants—that they always have a smile on their face. Sylvia always has a smile on her face. My assistant retired last year, and Ms. Bustamante Adams was gracious enough to give me Sylvia Brown in my office, and I think she has done a great job. She comes in and helps with the recruitment, she orders your stationery, she does so many things that keep us all running smoothly.

The Sergeant at Arms, Robin Bates and Assistant Sergeant at Arms, Sharon Murphy—the Sergeant at Arms staff—I'm going to name them, if you can stand. We have Robin and Sharon, Norm Budden, Dennis Humphrey, Linda Marrone, Mary Matthews, Steve Sweeney, and Debra Williams. They do a fantastic job of making everything goes smoothly behind the scenes. As we have talked, about they are kind of invisible. They never draw attention to themselves but they make sure that you are well fed. Linda, thank you for those great meals. All of the rest of the staff help her with that. She is cooking in the front, and she has people in the back picking parsley apart and slicing strawberries, helping with the food prep, and helping get everything ready on the floor. They do a wonderful job. So, thank you.

The front desk staff had a real interesting request last night. We got done with the floor session about 6 p.m. and McCall and I were here until midnight working on the Journal. So they asked me not to say anything about them so they don't have to type remarks. But they all do a great job. New this year for us are McCall Miller and Carol Sala. Carol said she would work

anywhere so on the first day she started work, she learned that she was working on the front desk. Since that time she had an opportunity to do some committee secretary work, and I think she likes where she works now. McCall Miller took a break from law school to come up here. She is roommates with Jenny McMenomy. I wasn't sure, when Jenny referred her to me, how this was going to turn out but she has been great. She has been an immense help, she keeps Matt Baker in line, doesn't let his head get too big—it is really hard—and I can't imagine that anyone would actually volunteer to do the Journal because the Journal this week was 943 pages, and that's what she is doing, which requires a lot of attention to detail. She has been a great addition.

Jason Hataway has been with us many sessions. He started in the Sergeant at Arms and has been the Media Clerk since 1997. I've said this before, one of the things I love about Jason is he never loses his cool. When I'm reading the wrong bill he doesn't get panicked or anything. He just reaches over and whispers, "You're on the wrong bill." He keeps me on track and he does a great job, so thank you. He works at the Secretary of State's office when he is not here, so thank you, too, to the Secretary of State, because we have employees we get from the Executive Branch for session and it is great . It is very nice for us to have that experience come back.

Matt Baker is the Assistant Chief Clerk. He does a great job for us. He has been here since 1997. He also came from the Secretary of State's Office and he has done many of the positions on the front desk. I think one of his strengths is he is great at training people, he doesn't get flustered, and they all like to give him a hard time. I don't know if you have all seen his sign here—he thinks he's "king"—and he does a great job for us.

Cindy Benjamin started with the Legislature—her first session was in the 1970s—a long time ago. She took a break, moved to southern California, and came back. Matt Baker and Cindy Benjamin—we have permanent staff of three, for all of you who are new this session—that is the three of us. Prior to this year we shared Cindy with the Research Division, but we enticed her to come full time for us when my assistant retired. She does a great job. Whenever we have a question about how we have done something historically, Cindy is the person that we go to.

Christie Peters who is retired from the Department of Military, is the one who was processing all of those amendments this week. She always has a smile on her face. She does a great job processing the amendments and just helping out in general with anything that needs to be done on the front desk. We are lucky also to have her back every session. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Larsen.

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Diss, Sharon McCallen, and Ashland Baker.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Tubman, Valerie Truce, Patricia Hartman, and Cyndy Hallam.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Borda Hoffecker and Michael Cabrera.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Bram Buckley, Kelly Boyd, Lisa Flanders, Jessica Nitti, and Leslie Danihel.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Candiss Potts, Tom Martin, Robert Gillmore, and Judith Bishop.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Lee and Patti Adams.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno, James Fonda, and Jacque Lethbridge.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Jaunice Franzen, Michelle Anderton, and Kylee Anderton.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Walt Ducker, Linda Ducker, Bob Jensen, Cheryl Williams, and Mary Merry.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Dominguez-Curry.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Harle Glover, Terry Horgan, Janel Davis, and Macy Young.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Clara Andriola, Charlotte Garber, Elisabeth Valdez, and Verdene Johnson.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Bain, Karen Davis, Gwen Jensen, and Jenny Polek.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Lazovich.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Kiran Hill, Dave Schweer, Kevin Masters, Cindy Brooks, and Jennifer Scaffidi.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Ortega.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Molnar and Gariety Pruitt.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Sullivan, Diana Bradfute, Paige Shaw, and Mary Bean.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Duerr, Tom Becker, Marge Rhyno, and Sheree Rosevear.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Russ Elsner, Ginger Elsner, Leon Taylor, and Cindy Southerland.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Sabrina Amon, Tomas Prower, and Sheri Bashaw.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Flasch.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Paulette Bridges, Maureen Koski, Paige Shaw, and Jeanne Peyton.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Martin.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Whitney Moffitt, Nichole Bailey, and Brittany Shipp.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Walker, Tina Frias, and Jenny McMenomy.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Lowndes, Karli Epstein, and Linda Law.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Osborne.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to Martin Cicero, Paul Litton, and Paula Rudolph.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Valentine-Kindred.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Schaller, Tanya Getz, Karen Pugh, and Patricia Hutson.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Sutton.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Brower, Stephen Brower, Yvonne Liddell, and Barbara Mickle.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Kennedy, Lillian Gothberg, Anni Glogovac, and the following students and advisors from Lincoln Park Elementary: Gilberto Aguiera, Bryan Arce Gomez, Omar Carrillo, Rafeal Garcia, Erick Gasca, Alexzandria Mastin, Horacio Milo, Justin Morse, Laree Murillo, Ramses Rangel, Erik Vasquez, Mia Villarosa, Schylar Rain Weideman, Deeann Roberts, and Dawn Miller.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Lynson Beaulieu, Carole Challender, and Roxana Fowzer.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Vertis Thompson, Sonja Barnum Mason, Alphonso Mason, Beatrice Soares, Geneva Thompson, Randy Thompson, Shelly White, Christian Holliday, and Diane Keetch.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Chapman, Carol Sandmeier, Roger Sandmeier, Marilyn McElhany, and Leana Garcia.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Salerno.

Assemblyman Horne moved that the Assembly adjourn until Thursday, April 25, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:04 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 25, 2013

Assembly called to order at 11:35 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Benitez-Thompson and Pierce, who were excused.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Today we give thanks for all those who have gone before, paving the way from the past into an unknown future with courage, willing social pioneers on behalf of us all. Particularly, we give thanks for those who were the first in Nevada's government: the first women; the first men and women of color; the creative people who were first, in many ways, to lead the people of this state in ways that benefit those of us who follow on their trail of selfless service.

May the members of this body, today, find inspiration and direction from people who thought beyond narrow divides; individuals who considered all the people of this state, not just their own self-interest. Help this 77th Assembly be a force for good in our state and world.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 26, 105, 250.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 38, 49, 72, 82, 133, 135, 144, 148, 179, 181, 210, 213, 220, 230, 245, 252, 266, 280, 301, 311, 319, 324, 327, 346, 352, 371, 373, 383, 384, 388, 389, 392, 399, 418, 420, 427, 433, 460.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 24, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 139 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 26.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 38.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 49.

Assemblyman Frierson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 72.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 82.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 105.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 135.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 144.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 148.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 179.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 181.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 210.

Assemblyman Frierson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 213.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 220.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 230.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 245.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 250.

Assemblyman Frierson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 252.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 266.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 280.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 301.

Assemblyman Frierson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 311.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 319.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 324.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 327.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 346.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 352.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 371.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 373.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 383.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 384.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 388.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 389.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 392.

Assemblyman Frierson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 399.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 418.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 420.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 427.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 433.

Assemblyman Frierson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 460.

Assemblyman Frierson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 15.

Resolution read second time.

Remarks by Assemblyman Ohrenschall.

Resolution ordered to third reading.

Senate Bill No. 510.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblyman Eisen requested that the following proclamation be entered in the Journal.

Motion carried.

PROCLAMATION

WHEREAS, Physicians have played an important role in the rich history of the State of Nevada, beginning in the early days of the State when doctors lived in a rugged country that was sparsely settled and had to be self-reliant in an environment without well-equipped hospitals or a corps of trained assistants; and

WHEREAS, The Legislature began regulating the medical profession in 1875, when it approved an act titled, "An Act to prevent the practice of medicine and surgery by unqualified persons," which mandated that a physician or surgeon file a copy of a diploma or certificate of graduation with the county recorder and required the arrest of persons who did not comply; and

WHEREAS, In the same year, the Nevada State Medical Association was created in Virginia City, with the goals of improving health and well-being, and addressing the needs of patients, physicians, and the Nevada community by serving with responsibility and integrity as advocates for high-quality health care; and

WHEREAS, The medical profession became further regulated in 1899, when the Legislature created the State Board of Medical Examiners to license physicians to ensure that only well qualified, competent physicians received licenses to practice in Nevada; and

WHEREAS, Throughout the State's history, Nevada's physicians have played a vital role in our State, nation, and the world by tending to the health and well-being of their patients and by contributing to the reservoir of mankind's scientific knowledge; and

WHEREAS, As Nevada's population has grown to nearly 2.8 million people in 2012 and has become more diverse, the field of medicine has matured, with doctors now using state-of-the-art technology to serve the medical needs of this growing population; and

WHEREAS, The University of Nevada School of Medicine plays an important role in bringing high quality physicians to Nevada by offering medical degrees, residency programs, and fellowship programs throughout Nevada to serve the needs of both rural and urban populations; and

WHEREAS, Nevadans owe a debt of gratitude to physicians for the sympathy and compassion of physicians in ministering to the sick and in alleviating human suffering; now, therefore, be it

PROCLAIMED, That the Nevada Legislature commends and recognizes the important contributions of the Nevada State Medical Association and its members to improving the health and quality of life of all Nevadans and encourages all citizens of Nevada to express gratitude to physicians who serve their health needs; and be it further

PROCLAIMED, That April 25, 2013, is designated as "Physicians Day."

DATED this 25th day of April, 2013.

ANDY EISEN
Nevada State Assemblyman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Collins.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to David Gibson and Peter Neumann.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Giunchigliani.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Mauricia Baca.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bob Price, Nancy Price, and Shannon Eckmeyer.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Les Smith, Ali Chaney, and former Assemblyman Bernie Anderson.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Dahl.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Lynn Hettrick.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Florence Jameson.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bill Bilyeu, Nancy Bilyeu, and Ethan Bilyeu.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Whitney Monfalcone, former Senator Cliff Young, LaVonne Duhon, Diana Monfalcone, and Amerika Young.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Dianne Steele.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Jason Geddes.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Louis A. Toomin.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Jerry Fairchild and Jean Fairchild.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert Craddock, Jay Craddock, and Robert Craddock.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Dallett, Val Martino, Linda Smith, Ralph Coppola, and Carol Coppola.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Josh Griffin.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Artie Valentine, Faye Valentine, and Lisa Krasner.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Ron Knecht, Kathy Knecht, former Assemblyman Harold Jacobsen, and Alice Jacobsen.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Tod Bedrosian and Janet Bedrosian.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Genie Ohrenschall-Daykin, Frank Daykin, and Diane Santos.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Patricia Cafferata and the following students, chaperones, and teachers from Green Valley Christian Academy: Franco Alvarez, Melissa Burnett, Emma Carlopio, Jaden Freedman, Sofia Gil, Daniel Kessin, Leilani Lindsey, Mylie Marchesi, Lily McCandless, Karl Meyer, Collin Racinowski, Corrinne Sanchez, Sierra Sandoval, Jordan Vallender, Jaelyn Wallace, Julie Watts, Rylie Wooten, Declan Yuen, Zachary Atkinson, Anna Beajow, Chad Carlison, Mikayla Cavanaugh, Moriah Duvall, Allyson Farfan, Anyssa Huddler, Skyler Klassen, Lexie Lombardo, Zackary Loretto, Mirai Molde, Madelyn Reed, Nathen Schmidt, Collin Secrest, Talon Smith, Luke TFrierson, James Treadwell, Avery Valera, Mason Valera, McKayla Veltre, Hannah Whetstone, Jacob Wigger, Matthew Wurster, Alexis Zarley, Shane McLaughlin, Mary McLaughlin, Karin Cavanaugh, Nick Farese, William Huddler, Laurie Lombardo, John Loretto, Tsutomu Molde, Jennifer Secrest, Christ Smith, Yvonne Thorne,

Marcella Treadwell, Darrin Whetstone, Paula Wigger, Kelly Wurster, Jennifer Zarley, Deborah Ingalls, Michelle Durham, Luis Valera, Lisa Veltre, Catherine Perez-Alvarez, Suzi Carlopio, Dustin Rixey, Charles Freedman, Roly Gil, Marcella Kessin, Kary Meyer, Marty Sanchez, Julie Sandoval, Caila Vallender, Lyndee Wallace, Kristi Wooten, Pamela Wade, and Marina Joyner.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bob Benkovich, and former Assemblyman David Brown.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bud Garfinkle.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Charles Perry and Judee Spagnola-Perry.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Maureen Brower.

Assemblyman Frierson moved that the Assembly adjourn until Friday, April 26, 2013, at 8 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 26, 2013

Assembly called to order at 8 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Benitez-Thompson and Pierce, who were excused.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

In the midst of changing times, give us, O' Thou Who Hast Forever Been, new eyes to see the hopeful possibilities unfolding of a more just and human future. Give us the wisdom to listen deeply to each other, to the Earth, to Your direction for us. In a week of unprecedented changes, we give thanks for insights and understanding in places of unity, and for the willingness to continue conversations where there are places of disagreement. Renew the members of this body, that they might continue to work together on behalf of all Your people. In the Spirit of Love we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 510.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 587.

AN ACT relating to education; temporarily delaying the statutory deadline for notifying certain school district employees of reemployment status for the 2013-2014 year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to notify, on or before May 1 of each year, the postprobationary and probationary employees who are employed by the board of trustees of the reemployment status of those employees for the next school year. Existing law also requires those employees to notify the board of trustees, on or before May 10, of the acceptance of such reemployment. (NRS 391.3196, 391.3197) This bill extends those dates to May 15 and 28, 2013, respectively, for the current

fiscal year **~~[.]~~ in counties whose population is less than 700,000 (currently all counties other than Clark County).**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. **~~[Notwithstanding]~~ Except as otherwise provided in subsection 2:**

(a) Notwithstanding the provisions of NRS 391.3196 or any other statute to the contrary, on or before May 15, 2013, the board of trustees of each school district shall notify the postprobationary employees in their employ as of the effective date of this act concerning the reemployment status of those employees for the 2013-2014 year. If the board of trustees, or a person designated by the board of trustees, fails to notify a postprobationary employee on or before May 15, 2013, of his or her employment status for the next year, the employee shall be deemed reemployed for the next year under the same terms and conditions as he or she is employed for the current year.

~~[2.]~~ (b) Notwithstanding the provisions of NRS 391.3197 or any other statute to the contrary, on or before May 15, 2013, the board of trustees of each school district shall notify the probationary employees in their employ as of the effective date of this act concerning the reemployment status of those employees for the 2013-2014 year.

~~[3.]~~ (c) Notwithstanding the provisions of NRS 391.3196 or 391.3197 or any other statute to the contrary, a postprobationary or probationary employee who receives a notice of reemployment pursuant to **~~[subsection 1 or 2,]~~ paragraph (a) or (b),** as applicable, shall, on or before May 28, 2013, notify the board of trustees of the school district in writing of the employee's acceptance of the employment. The failure of a postprobationary or probationary employee to provide notification on or before May 28, 2013, of the employee's acceptance of reemployment for the next year is conclusive evidence of the employee's rejection of the contract.

~~[4.]~~ (d) If a school district or an agreement entered by a school district requires a postprobationary or probationary employee in the employ of the school district as of the effective date of this act to provide notice to the school district of the employee's intent to seek employment elsewhere or otherwise discontinue his or her employment with the school district for the next year, the school district shall extend the time by which such notice is due by 10 days.

~~[5.]~~ 2. The provisions of subsection 1 do not apply to the board of trustees of a school district in a county whose population is 700,000 or more or to such a school district's postprobationary employees or probationary employees.

3. As used in this section, "postprobationary employee" and "probationary employee" have the meanings ascribed to them in NRS 391.311.

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly dispense with the reprinting of Senate Bill No. 510 and that it be placed at the top of the General File for approval and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Carlton and Madam Speaker.

ASSEMBLYWOMAN CARLTON:

You have an excellent amendment here. It excludes Clark County from this notification scheme. If anybody needs any more information, ask the Speaker.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

In the past we did not adopt the budgets for the school districts until after May 1. However, every other year it becomes a problem because they do not have their budget where they can notify people on how many positions will stay and how many will go away. So we have done this for about three sessions. Typically we like to have a little more time to get it done. However, we are here and we are going to get it done.

ASSEMBLYWOMAN CARLTON:

I wholeheartedly ask the body to approve this amendment.

Roll call on Senate Bill No. 510:

YEAS—40.

NAYS—None.

EXCUSED—Benitez-Thompson, Pierce—2.

Senate Bill No. 510 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 15.

Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:09 a.m.

ASSEMBLY IN SESSION

At 8:10 a.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Joint Resolution No. 15 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Elliot Anderson requested that the following proclamation be entered in the Journal.

Motion carried.

PROCLAMATION

PROCLAMATION—Congratulating the softball team of the 77th Session of the Nevada Assembly and expressing the will of the 77th Session of the Nevada Assembly to ensure that the softball trophy due to the softball team of the Nevada Assembly is returned to the Assembly.

WHEREAS, The Nevada Assembly and Senate play a regular biennial softball game; and

WHEREAS, The Secretary of the Senate and the front desk of the Senate spent the previous week ensuring their Assembly counterparts that they would win the regular biennial softball game; and

WHEREAS, The Assembly and Senate commenced the regular biennial softball game for the 77th Regular Session on April 25th, 2013; and

WHEREAS, After a long, tireless, and grueling practice schedule the Assembly softball team prevailed over the Senate team by a score of 8-7; and

WHEREAS, After the Senate lost this regular biennial softball game, the Senate neglected to bring the regular biennial softball game trophy to Western Nevada College for presentment to the winners; and

WHEREAS, the Secretary of the Senate tweeted remarks that the Senate "lost" the regular biennial softball trophy; and therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, The Senate has an obligation, adopted under the rules of the regular biennial softball game, to ensure that the trophy for the regular biennial game was at the regular biennial softball game; and be it further

RESOLVED, That since the Secretary of the Senate insisted on regularly informing his Assembly counterparts that the Senate would win the regular biennial softball game and failed to bring the trophy to the regular biennial softball game; and be it further

RESOLVED, That the Speaker of the 77th Session of the Nevada Assembly shall appoint a committee of three members of the 77th Session of the Nevada Assembly for the purpose of securing the trophy due to the winners of the regular biennial softball game; and be it further

RESOLVED, That the 77th Session of the Nevada Assembly thanks Coach Andrew Diss for his hard work in ensuring the trophy be returned to the people's house and that this resolution shall be entered upon the Journal of the Assembly.

MARILYN K. KIRKPATRICK	SUSAN FURLONG
Speaker of the Assembly	*Chief Clerk of the Assembly*

Assemblyman Elliot Anderson requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise today in celebration. For those in the body and the gallery that are unaware, historic events took place last night. Your Assembly softball team—backed up by a constitutional majority of red shirts in the crowd—said before the game that the winds of triumph would blow in our favor.

Madam Speaker, I would warn the Senate for next session not to take the word "slowpitch" so literally and not to underestimate the House of Dini, Buckley, Carpenter, Marvel, and Kirkpatrick. The house of quiet confidence and a steadfast heart; the house of hunters that emerged victorious upon this session's game. The Senate enjoys reminding this honorable body, Madam Speaker, that they are the upper house, however, they are not this morning.

With that, I would recommend your pitcher—Minority Leader and colleague from District 25—the member from District 13, and the member from District 15 retrieve the trophy.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

At this time I will appoint a special committee to secure the trophy due to the winners of the regular biennial softball game.

Mr. Byerman, thank you so much for saving us the trip. If I could ask for one more special thing that you could do for us? Being that we love our colleagues in the Senate, could you tweet that we so graciously accepted the trophy?

SECRETARY OF THE SENATE DAVID BYERMAN:

I will also tweet that we will have it back in two years.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Okay, fair enough. Thank you.

Somebody who is on Twitter, please let me know to make sure he keeps his word. I would hate to do another proclamation.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Andrews.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to George Kosbab and Sal Ledesma.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Fox, Arthur Jones, and the following students, teachers, and chaperones from Denio School: Tyson Breshears, Estefani Barocio, Lane Johnson, Belen Barocio, Alex Barocio, Mattie Rose Johnson, Layton Johnson, Mary Thibodeaux, Melanie Grecco, Janet Johnson, Lorena Barocio, and Amie Breshears.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Don Oscarson, Shirley Oscarson, and Rebecca Oscarson.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 30, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 8:18 a.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 30, 2013

Assembly called to order at 11:58 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Pierce and Swank, who were excused.

Prayer by the Chaplain, Very Reverend Robert E. Stoeckig, Vicar General of the Diocese of Las Vegas, Pastor of St. Andrew Catholic Church, Boulder City, and Trustee of Catholic Charities of Southern Nevada.

We give You thanks, O' God, for the blessings we have this day. For the beauty we see in Nevada from Mount Rose to Mount Charleston and every hill and valley, for the expanse we behold from Austin to Laughlin and every place between where the desert meets the hills, for the blessings of resources like water and wind and minerals and sun throughout our state, and especially for the ways in which You have blessed us in the faces of our varied neighbors who call this home, for all of these we give You thanks.

We ask Your blessings upon us this day as those who have embraced the call to elected office seek the wisdom and grace which moves us all from self-interest to common good. As members of the State Assembly, their challenges are many as they seek to balance economy and ecology; as they do their best to provide education for our children and dignity for our senior citizens who have made the Silver State home. But as members of the Assembly, their talents and experiences are many, too. So send Your wisdom upon them this day, and every day, that they may use our collective resources to provide the best for all who dwell in our state and aspire to make it their home.

Help us all in acts of contagious neighborliness to lift each other up that all people may live in dignity and hope. Challenge us to see our diversity as gift and move us to harbor hope that each generation may embrace the other, because we recognize we are only as strong as the weakest among us, as collectively secure as the most vulnerable, and that our true richness lies in our belonging to each other.

As You have blessed us, help us to become a blessing to others. As we claim this place as home—we claim all the people of this state as neighbor—may we also claim our mutual responsibility to each other so that from one generation to the next, Your blessings may continue to shower upon all for whom "Home Means Nevada."

We ask this in Your Name, O' God.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bills Nos. 449, 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 29, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: BDR 53-1214 and BDR 32-1220.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Concurrent Resolution No. 7.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblymen Horne, Ellison, Wheeler, and Madam Speaker.

ASSEMBLYMAN HORNE:

I rise in support of S.C.R. 7. As stated in the resolution, this concerns unmanned aircraft systems, also known as drones. In accordance with the 2012 National Defense Authorization Act, the Federal Aviation Administration, in coordination with the United States Department of Defense and the National Aeronautics and Space Administration, will determine how to safely operate unmanned aircraft systems in shared national airspace.

Senate Concurrent Resolution 7 asserts that Nevada is an optimal location for testing of drones and their development and expresses that it would be an honor for our state to contribute in this important undertaking.

Basically, Madam Speaker, Nevada has a long, rich history of patriotic service to our nation in the development of defense practices for our country. Therefore, I urge your support of S.C.R. 7.

ASSEMBLYMAN ELLISON:

I have one question that I would like to ask. It says, "shared airspace as a pilot." Will this go into private airspace or strictly stay in military?

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

There is an application process that the federal government has that Nevada has been asked to participate in because we do have an Aerospace [and Defense] Sector Council. My understanding is this is just a resolution that allows us, and encourages the state of Nevada, to participate in the application process, and I believe going forward, there is manufacturing, there is research, and there is all kinds of other components to it that the legislative body would have the opportunity to get more of those details.

ASSEMBLYMAN WHEELER:

I rise in support of S.C.R. 7. In answer to my colleague's question, if taken as written, this resolution would strictly open only restricted air space—that which is restricted to private pilots anyway now—and simply encourages the development and the jobs to come to Nevada.

Resolution adopted.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblymen Ohrenschall, Stewart, Healey, Hickey, Hansen, Kirner, Carlton, and Madam Speaker.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Joint Resolution No. 15. Senate Joint Resolution 15 urges the United States Congress to enact comprehensive immigration reform. This reform legislation should address earned legal residency accompanied by a clear path to citizenship, the future immigration of families and workers, improved immigration enforcement and border security, and a funding stream to address the entire fiscal impacts on state governments.

Unless you are a Native American, we are all a nation of immigrants. Our ancestors came here or were brought here, and I think that's what has made our country rich. Current studies show that there are about 11 million people living in the shadows. Those are people who are contributing to our culture, to our economy, and to our tax base. They are contributing their wisdom, their experience, their initiative, their hard work, and their sweat equity. The current state of affairs in our federal immigration law is not working. Having this amount of our population who are raising families here but cannot live like normal people live—cannot call the police if there's an issue that they are concerned about because of their fear of being removed and deported—is simply not working. I think S.J.R. 15 is desperately needed, and I would urge its passage.

ASSEMBLYMAN STEWART:

I rise in support of S.J.R. 15. Although I do not agree with every line in this resolution, as Congressman Amodei said yesterday, "The car needs a tune up." It has been 35 years since it was, so I will support this.

ASSEMBLYMAN HEALEY:

I rise in support of S.J.R. 15 as well. As an individual who manages over 400 employees, many of which are immigrants, this bill is extremely important. It is also extremely important that as a state, we urge our federal leaders to do the right thing and pass this comprehensive immigration reform to allow these members of our communities, who are very valuable to our community and who make our community what it is today, come to have that opportunity to a pathway to citizenship. I certainly hope and urge all of us to do the right thing for these important members of our state and pass this resolution.

ASSEMBLYMAN HICKEY:

I rise in support of S.J.R. 15. The spirit of this resolution—urging Congress to enact comprehensive immigration reform—is a message in line with our cherished heritage as Americans because, as my colleague from District 12 said, we are a nation of immigrants. However, fixing our broken immigration system must begin with doing something this resolution does not call on Congress to do, and that is to begin by creating real border security, and—given the recent eye-opening events in Boston—by reforming our legal immigration system in this country. We should start by modernizing the current immigration system to ensure that future immigrants coming to this country come with the kind of background and skills that will contribute to a twenty-first century society and not merely satisfy the needs of certain segments of the economy resulting in what we now have, that being a very high social cost at the expense of cheap labor.

We should encourage Congress to make skill-based immigration a high priority in any comprehensive approach. Finally, as line 42 in the resolution calls upon Congress for reform that "must include a funding stream to address the entire spectrum of fiscal impacts that will be experienced by state governments as a result of . . . earned legalization and the increase in the number of immigrants," Nevada then should insist that any proposed fines or funds required of any illegal immigrant seeking a pathway to legal citizenry stay in Nevada to help compensate schools and social agencies that have been affected by unregulated immigration. For those reasons I stand, not in a full-throated endorsement but in an endorsement nonetheless, urging Congress to begin the discussion in Washington D.C. that we are having here today. With that, I urge your support of this resolution.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Joint Resolution 15. If, in fact, this did what my Minority Leader just mentioned, I would probably support it. If it were a generic bill calling on comprehensive reform, I would not have any issues. But this bill is very specific.

In a broader sense, I have been a licensed Nevada contractor for 27 years. I have been able to live an average middle-class lifestyle, and the reason I have been able to do that is because the Nevada Contractors' Board has a very aggressive program of going after illegal contractors, people that are not licensed. Because of their enforcement of that law, I have been able to maintain what we would call a middle-class lifestyle. What would happen to the contractors if, in fact, the Contractors' Board dropped that program and we allowed an unlimited number of illegal contractors to compete with those of us who are legal? It would absolutely devastate our ability to maintain our status as members of the middle class.

Now, in the last election cycle—we are talking national politics with this bill, we are not just talking local—in the last election cycle, President Obama called on the nation to have policies that would create good paying, middle-class jobs. When we look back on our history, how did we end up having a great American middle class? What happened, starting in the 1880s—Civil War clear into the twentieth century—was we had a policy, first of protectionism where we had a huge growth in the manufacturing spectrum in our country, and then we had some major changes in our policies on child labor, which we outlawed. We established a 40 hour work week, and we substantially reduced the amount of legal immigration to our country. You combine the phenomenal growth in our manufacturing sector with a limited supply of labor and you had a dramatic expansion in the value of labor. Our wages went way up. We created what became known as the American way of life. In fact, we had the highest standards of living in the world because of some government policies, one which protected our manufacturing base and two, limited our immigration.

Now in Nevada, in my lifetime—I am going back 30 years to 1983—the journeymen people in our trades—I am a tradesman, I am a plumber—the average hourly wage in 1983 for a journeyman grade plumber was about $15. If you do an inflation calculation, the average hourly wage today for a construction worker, journeyman grade, would be $35.06. But if you actually look at the impact in our state on the ordinary working-class people that are working today

building houses, it is still almost between $15 and $20. Why? Because we have this huge expansion of the labor pool.

Now in Nevada, we had two big middle-class things. One was construction, and the other was the gaming industry. Gaming is now paying a token of what it did 30 years ago because there is virtually an unlimited supply of labor. Who makes up the difference? Well, first of all, who benefits from that? The big gaming people, the big developers? They are the ones making money hand over fist.

My point is, our focus is wrong. Instead of protecting the people who have obeyed the law, that have actually gotten into this country legally—the people who are competing with the illegal immigrants are mainly the legal immigrants. Their wages and their standards of living have been held in check because of this failure to have a good, comprehensive immigration policy. If that was what this bill was addressing, it would be fine. We have so many specifics in this bill just the one that Minority Leader mentioned about the border—we are not calling for closing the border. From the bill, "Whereas the focus of law enforcement, both in and at the borders of the United States, should be to prevent criminals and those persons attempting to enter the country for the purpose of doing harm to this nation." It does not even call for blocking the border, as part of the thing.

If this resolution were generic, I would gladly support it. I do not think it is going to do a thing. I think if we came back here in two years, we would have the same exact scenario as we have today because there is simply not a will to do it, and the people that are suffering most are the hardworking, lower-and middle-class people of the state of Nevada. So I would urge us not to support this resolution because it is way too specific. Indeed, Congress needs to have comprehensive immigration reform, but this bill is micromanaging that process and we should reject it accordingly.

ASSEMBLYMAN KIRNER:

Madam Speaker, I rise in support of Senate Concurrent Resolution 15, although I do think the resolution misses one point. Coming from a business environment of a high-tech industry where we have H1B visas, which means we bring high-tech people over from different countries to support our business, I believe this resolution sort of ignores that population, and they, too, should be included in any urging of Congress to get off their keister and enact comprehensive immigration reform.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you Assemblyman Kirner. What I would say to the body before I call on Ms. Carlton is this was a bipartisan nationwide effort to come up with something to encourage the federal government to get busy.

ASSEMBLYWOMAN CARLTON:

I rise in support of S.J.R. 15. Immigration has been something very important to my family. Years ago, growing up in south St. Louis, my grandmother and my mother came from the German neighborhood in the city. My father was an Irishman. If you stop and think about it, back in 1957 when they got married, that was a big deal, to marry outside your own neighborhood. Things have changed a lot over the last 50 years, and I am very happy with those changes. Immigration has changed also. When my grandfather was born in this country, the youngest of 13, the oldest of his 6 siblings had been born in another country. They didn't look at each other differently. They were all one family. They all belonged together. There were no rules and regulations when they came here. They came here for a better life. They came here for the American dream. It was all about human dignity, and that's what this resolution is about. We have folks out there that do not have the benefit of the things that my grandparents, my parents, and myself have. They cannot get to the American dream, because we have built barriers around the American dream and they cannot break through. Without comprehensive

immigration reform, they will never be able to do the things that my husband and I have been able to do for my daughters and, hopefully, my daughters will be able to do for their children. This is very important to the future of our country and the children of this country to be able to get to that wonderful middle-class dream that we have all been able to attain.

Roll call on Senate Joint Resolution No. 15:

YEAS—37.

NAYS—Ellison, Hansen, Wheeler—3.

EXCUSED—Pierce, Swank—2.

Senate Joint Resolution No. 15 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 228, just reported out of committee, be rereferred to the Committee on Legislative Operations and Elections.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas A. Roberts.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Hollon.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Falvey.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Lund and Hildegard Lund.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Stoeckig

Assemblyman Horne moved that the Assembly adjourn until Thursday, May 2, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:32 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 2, 2013

Assembly called to order at 11:45 a.m.
Madam Speaker presiding.
Roll called.
All present except Assemblywoman Pierce, who was excused.
Prayer by the Chaplain, Rajan Zed.

Om
bhur bhuvah svah
tat Savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the Earth, inside the life of the sky and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead me from the unreal to the Real.
Lead me from darkness to Light.
Lead me from death to Immortality.

niyatam kuru karma tvam karma jyayo hyakarmanah
sarirayatrapi ca te na prasiddhyedakamanah

yajnarthatkarmano'nyatra loko'yam karmabandhanah
tadartham karma kaunteya muktasangah samacara

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

tasmadasaktah satatam karyam karma samacara
asakto hyacarankarma paramapnoti purusah

karmanaiva hi samsiddhimasthita janakadayah
lokasangrahamevapi sampasyankartumarhasi

Strive constantly to serve the welfare of the world; by devotion to selflessness, one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu
Saha nau bhunaktu
Saha viiryan karavaavahai
Tejasvi naavadhiitamastu
Maa vidhvishhaavahai

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

samani va akutih
samana hrdayani vah
samanam astu vo mano
yatha vah susahasti

United your resolve, united your hearts,
may your spirits be at one,
that you may long together dwell
in unity and concord!

Om Shanti, Shanti, Shanti.

Peace, Peace, Peace be unto all.

Om.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 175.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 587 to Senate Bill No. 510.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 1, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 43, 115, 127, 192.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 404.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 404.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 585.

AN ACT relating to vital statistics; providing that certain proceeds accruing to this State may be used by the Health Division of the Department of Health and Human Services for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the **Administrator of the Health Division of the Department of Health and Human Services, who serves as the** State Registrar **of Vital Statistics,** to keep a true and correct account of all fees received under chapter 440 of NRS. Money collected pursuant to certain specific provisions of chapter 440 of NRS must be used for certain purposes, but any other proceeds accruing to this State under the provisions of the chapter must be forwarded to the State Treasurer for deposit in the State General Fund. (NRS 440.690) This bill provides that such proceeds accruing to this State under the provisions of chapter 440 of NRS may instead be used by the Health Division of the Department of Health and Human Services to administer and carry out the provisions of the chapter and any regulations adopted pursuant thereto.

This bill also removes the provision which authorizes the Health Division, upon the approval of the State Board of Examiners and pursuant to its regulations, to maintain an account in a bank or credit union for the purpose of refunding overpayments of fees for vital statistics.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 440.690 is hereby amended to read as follows:

440.690 1. The State Registrar shall keep a true and correct account of all fees received under this chapter.

2. The money collected pursuant to subsection 2 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the

Children's Trust Account created by NRS 432.131. The money collected pursuant to subsection 3 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the Review of Death of Children Account created by NRS 432B.409. Any money collected pursuant to subsection 5 of NRS 440.700 must be remitted by the State Registrar to the county treasurers of the various participating counties for credit to their accounts for the support of the offices of the county coroners created pursuant to NRS 259.025. Any other proceeds accruing to the State of Nevada under the provisions of this chapter ~~[must be forwarded to the State Treasurer for deposit in the State General Fund.~~

~~3. Upon the approval of the State Board of Examiners and pursuant to its regulations,]~~ ***may be used by*** the Health Division of the Department of Health and Human Services ~~[may maintain an account in a bank or credit union for the purpose of refunding overpayments of fees for vital statistics.]~~ ***to administer and carry out the provisions of this chapter and any regulations adopted pursuant thereto.***

Sec. 2. This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2013.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 586.

SUMMARY—Makes ~~[a supplemental]~~ **an** appropriation to the **Health Division of the** Department of Health and Human Services for ~~[an unanticipated shortfall relating to]~~ the operation of the vital records and statistics program in Fiscal Year 2012-2013. (BDR S-1191)

AN ACT making ~~[a supplemental]~~ **an** appropriation to the **Health Division of the** Department of Health and Human Services for ~~[an unanticipated shortfall relating to]~~ the operation of the vital records and statistics program in Fiscal Year 2012-2013; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the **Health Division of the** Department of Health and Human Services the

sum of $519,243 for ~~[an unanticipated shortfall relating to]~~ the operation of the vital records and statistics program in Fiscal Year 2012-2013. ~~[This appropriation is supplemental to that made in section 18 of chapter 371, Statutes of Nevada 2011, at page 2159.]~~

Sec. 2. **Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2013, by the Health Division of the Department of Health and Human Services or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the Health Division of the Department of Health and Human Services or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.**

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Horne requested that the following proclamation be entered in the Journal.

PROCLAMATION OF THE ASSEMBLY OF THE NEVADA LEGISLATURE

Commemorating the Annual Nevada Law Enforcement Officers Memorial Ceremony

WHEREAS, Law enforcement officers bravely place their lives on the line for the safety and protection of the residents of Nevada every time they put on their uniforms; and

WHEREAS, On November 18, 1861, Sheriff John L. Blackburn was stabbed and killed during an arrest of a suspect in Carson City, Nevada, making him the first officer in this State to be killed in the line of duty; and

WHEREAS, Since that first tragic fall of an officer in 1861, 123 law enforcement officers have died in the line of duty in this State; and

WHEREAS, In 1989, the Nevada Legislature unanimously voted to enact Assembly Bill No. 493 (Ch. 450, Statutes of Nevada 1989, at p. 962) to provide for the construction of a memorial to law enforcement officers on the Capitol Complex; and

WHEREAS, A statewide fund raising campaign ensued and by 1996 all of the funds to complete the memorial had been raised; and

WHEREAS, In 1997, a site was selected for the memorial on the Capitol Mall and on May 13, 1998, the memorial was completed and dedicated; and

WHEREAS, On May 2, 2013, the 16th Annual Nevada Law Enforcement Officers Memorial ceremony will be held on the Capitol grounds to honor the peace officers in this State who have been killed in the line of duty; and

WHEREAS, The name of Officer Vernon B. Carvin, who died on Nevada Day in 1949 after being kicked in the chest by a violent prisoner who was being placed in a cell at the local jail,

will be enshrined on the memorial by the Nevada Law Enforcement Officers Memorial Commission during the ceremony; and

WHEREAS, The names of Lt. Glenn Barnes from the Washoe County Sheriffs' Office who died in the line of duty in 1991 and Deputy Denny Van Lawrence from the Elko County Sheriff's Office who died in the line of duty in 2012 will also be added to the memorial; and

WHEREAS, During the ceremony a tree and memorial plaque will be dedicated to former Senator William "Bill" Raggio who was Nevada's longest serving State Senator and a strong supporter of law enforcement in Nevada; now, therefore, be it

PROCLAIMED, By the Assembly of the 77th Session of the Nevada Legislature that the Assembly hereby expresses its support for the Annual Law Enforcement Officers Memorial Ceremony; and be it further

PROCLAIMED, That the Assembly on this day also pays tribute to and honors all of the officers who have lost their lives in the line of duty in hopes that those officers and their sacrifice may never be forgotten; and be it further

PROCLAIMED, that the Chief Clerk of the Assembly prepare and transmit a copy of this proclamation to Kirk Hooten on behalf of all men and women who serve Nevada Law Enforcement.

MARILYN K. KIRKPATRICK
Speaker of the Assembly

WILLIAM C. HORNE
Nevada State Assemblyman

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 6; Assembly Resolutions Nos. 10, 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Chamberlain and Grace Chamberlain.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Stewart.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Barrier.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Caluya.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Billy Wellman, Wendy Mulcock, and Lindsay Dalley.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Brooke.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Leon Mead.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Denton Thom and Gabriel Fanning.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Saint Viator Catholic Middle School: Jacob Bieszczat, Emerson Wieczorek, Dustyn Weber, Jake Espinoza, Connor Burgess, Julien Calabreses, Jensen Cheney, Kyle Melatti, John Martin, Jacob Reid, Dylan Sanglay, Madison Hall, Jensen Drewes, Mikayla Kelly, Allison Em, Skylar Minden, Olivia McEvoy, Elizabeth Horning, Amanda Paez, Madison Ryan, Madison Layne, Kandace Lau, Kristopher Acuna, Alvin Jordan Dela Llana, Cameron Nagy, Patrick Ballinger, Taylor Darden, Jason Lewandowski, Nathan Harrington, Andrew Yager, Justin Lewandowski, Christopher Hernandez, Christian Ron, Caden Farley, Cole Samson, Christopher Dornak, Christopher Jones, Brianna Burns, Juanita Dominguez, Chiamaka Amadi, Rosalia Sedano, Nikita Gilvarry, Kayla Rose Unkelbach, Paige Arredondo, Elena Conti, Riley Watson, Kristina Tucky, Nick Wieczorek, Chad Layne, Tami Espinoza, Melissa Kelly, Tiffany Drewes, Magdiel Paez, Judy Marco, Jo Ann Dela Llana, Chris Darden, Eric Dornak, Christopher Jones, Elizabeth Burns, Shelley Unkelbach, and Kirsten Arredondo.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Boyde Martin, Julisa Saenz, and Ivan Ramirez.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Johnson and Jade Johnson.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Boone Cutler and Steve Sanson.

Assemblyman Horne moved that the Assembly adjourn until Monday, May 6, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 6, 2013

Assembly called to order at 11:57 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Duncan, Ellison, Hogan, Munford, and Pierce, who were excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Gracious God, Our Heavenly Father,

We come to You this morning acknowledging Your care and tender mercies. We recognize Your divine providence and ascribe to Your power and wisdom and greatness. Grant us this day to find wisdom that is from above. Thank You for men and women who are willing to serve You in the affairs of government. This is a noble service for which we are thankful. We ask for clarity of thought and a willingness to cooperate as the issues of this hour are considered. Thank You for Your presence with us today.

We ask this in the Name of Him who Loves us with everlasting love.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 488.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Senate Joint Resolution No. 5, just reported out of committee, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 488.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Martin, Hickey, and Madam Speaker.

ASSEMBLYMAN MARTIN:

Senate Joint Resolution No. 5 urges the United States Congress to pass the Marketplace Fairness Act which would provide the states the authority to require out-of-state retailers, such as online and catalog retailers, to collect and remit sales tax on purchases shipped into the state.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Joint Resolution No. 5. This marketplace fairness resolution precedes a vote that is going to take place today, or is believed to, on the U.S. Senate floor. This, from my colleagues from my caucus, has been determined by most not to be a new tax. It is called marketplace fairness because it is a tax that already brick and mortar stores are paying. But because of the law, the way it is currently written, online businesses in Nevada are not paying this tax, or people that purchase from online businesses as Nevadans are not paying it, although many are voluntarily. This bill would bring us in compliance with a tax that already should be collected. It is supported by our Governor and by Representative Amodei on our side of the aisle, and I urge its passage.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

This has been an ongoing process for a good 15 to 18 years, and the Internet was not that popular back then, but now it is a sign of the times.

Roll call on Senate Joint Resolution No. 5:

YEAS—37.

NAYS—None.

EXCUSED—Duncan, Ellison, Hogan, Munford, Pierce—5.

Senate Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Roll call on Assembly Bill No. 449:

YEAS—37.

NAYS—None.

EXCUSED—Duncan, Ellison, Hogan, Munford, Pierce—5.

Assembly Bill No. 449 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Roll call on Assembly Bill No. 471:

YEAS—37.

NAYS—None.

EXCUSED—Duncan, Ellison, Hogan, Munford, Pierce—5.

Assembly Bill No. 471 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Warner Elementary School: Billy Acosta, Patrick Acosta, Naila Adame, Roberto Ayala-Cervantes, Logan Castro, McKenna Chapman, Kayla Copeland, Emily Criss, Victoria Ebersole, Loren Elder, Ethan Ellis, Tevin Ferguson, Ethan Gomez, Damon Granadoz, Gabriela Gullatt, Edward Hernandez Rodriguez, Anthony Hopkins, Michael Lawton, Rachel Metzker, Francisco Posada Lopez, Miguel Rivera, Jakeem Rivera-Soto, Marcelena Scollard, Lenore Slva, Seth Soberanes, Amanda Warner, Samantha Watson, Hannah Willams, Juan Ayala-Duron, Garret Camp, Curtis Carsen-Burge, Julieri Chagolla Munoz, Adrian Chavez, Deija Chavez, Gerardo Cruz-Bautista, Chelsea Eslit, Jeremy Flint, Edwin Gil-Alas, Annaliese Harnes, Vanessa Hernandez, Johnathan Hopkins, Sayra Huizar Gonzalez, Bradley Hutchison, Alexandria Laughman, Carlos Lorenzo Valente, Isreal Luna Alvarez, Evelyn Maxwell, Alasandra Ordaz, Kyla Peaua, Noah Rickett, Jalisa Romero, Thomas Schlesinger, Shansen Ternora, Andrew Theall, Kaileigh Ward, and Maria Zamudio.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Forest Schafer and Norb Szczurek.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Smith and Marie Bresch.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, May 8, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:13 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 8, 2013

Assembly called to order at 12:04 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Martin and Pierce, who were excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Gracious God,

We acknowledge Your presence this day. With the Psalmist, we say, "This is the day the Lord has made, let us be glad and rejoice in it." We acknowledge the words of the same Psalmist who said, "Great is the Lord and greatly to be praised." Today we are grateful for this land that we live in and for the freedoms which we enjoy because so many have made major sacrifices for us. Because of these great sacrifices we are able to govern ourselves freely. Please grant us the wisdom to govern wisely, and with compassion and justice.

In the Name of a compassionate God.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 462, 465, 468, 469, 472, 477, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Kirkpatrick:

Assembly Bill No. 498—AN ACT relating to taxation; revising provisions governing the tax on live entertainment to establish the Nevada Entertainment and Admissions Tax as an excise tax on live entertainment and admissions to places of amusement, sport, recreation or other entertainment; providing for the rate and imposition of the Nevada Entertainment and Admissions Tax; revising exemptions from the tax on live entertainment to establish certain exemptions from the Nevada Entertainment and Admissions

Tax; authorizing the Nevada Gaming Commission to adopt regulations under certain circumstances to provide for certain limited exemptions from the Nevada Entertainment and Admissions Tax; revising provisions governing investigations and the initiation of complaints by the State Gaming Control Board for violations relating to the tax on live entertainment and the Nevada Entertainment and Admissions Tax; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 584.

SUMMARY—Makes **a** supplemental ~~[appropriations]~~ **appropriation** to the Nevada Highway Patrol Division of the Department of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments **.** ~~[and for an unanticipated shortfall resulting from an increase in fuel costs.]~~ (BDR S-1192)

AN ACT making **a** supplemental ~~[appropriations]~~ **appropriation** to the Nevada Highway Patrol Division of the Department of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments **;** ~~[and for an unanticipated shortfall resulting from an increase in fuel costs;]~~ and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $14,803 as reimbursement for unanticipated visiting dignitary protection assignments. This appropriation is supplemental to that made in section 28 of chapter 371, Statutes of Nevada 2011, at page 2161.

Sec. 2. ~~[There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $731,409 for an unanticipated shortfall resulting from an increase in fuel costs. This appropriation is supplemental to that made in section 30 of chapter 371, Statutes of Nevada 2011, at page 2162.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 43, 115, 127, 175, 192; Senate Joint Resolution No. 15; Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis DeMille, Jasmine Scott, and Arilene Pelayo.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Lenz Elementary School: Faith Abila, Bella Auger, Lucas Bain, Jadon Bercovich, Nic Bielser, Nolan Craddock, Geno Crow, Kiley Cryer, Zach Czyz, Grayson Derifield, Jaden Eldridge, Lucia Ferrari, Tristan Fraser, Brock Grashuis, Ericka Gustafson, Siena Hall, Joey Huene, Alex Laird, Kattalin Lopategui, Ainsley Parmer, Rylie Salls, Ryan Siracusa, Jacoby Smith, Jeremiah Stephenson, Julian Vlad, Ellie Yarborough, Pablo Aramburu, Keighley Bader, Lilia Brettell, Jordan Clements, Kyle Espalin, Breanna Esqueda, James Graver, Lana Greene, Kurtis Lemay, Daniel Lindsay Jr., Presley Lorentzen, Candice Macomber, Carlos Morales, Mason Moschetti, Summer Murphy, Elizabeth Nebe, Katelyn Nebe, Andrew Nelson, Jolene Potter, Aisling Rovarino, Brigida Rovarino, Bryce Slocum, Beau Smith, Robert Whittemore, Aidan Winans, Breckyn Curtis, Caleb Royce, Juan Zacarias Mendez, Tyler Siracusa, Christina Hughes, Gary Lindquist, Angela Bader, Tonya Clements, Ken Greene, Catherine Auger, Anamarie Lopategui, Cheryl Gustafson, Nicole Prijatel, and Cecilly Ryan.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Linsey Harrison.

Assemblyman Horne moved that the Assembly adjourn until Thursday, May 9, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 9, 2013

Assembly called to order at 11:49 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Almighty God,

The Psalmist has said, "Oh our Lord, how majestic is Your Name in all the Earth. You have set Your glory above the heavens." In Your divine majesty, You have made each and every one an image of You. You have endowed us with gifts, talents, and abilities. Help us to use these with the compassion and fairness that You have shown us. May we humbly accept Your guidance this day.

In the Name of Him who continues to love us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 17, 19, 30, 32, 37, 77, 101, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 80, 130, 146, 195, 226, 228, 309, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 499—AN ACT relating to statutes; ratifying certain technical corrections made to sections of NRS; correcting the effective dates of certain provisions; correcting and clarifying certain provisions and repealing certain provisions of Statutes of Nevada; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Assembly Bills Nos. 462, 465, 468, 469, 472, 477, and 481, just reported out of committee, be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Since Assembly Bill 24 is our sesquicentennial plate, I wanted to make sure everyone was aware that the changes that were made just trued it up with other special license plates. The money will be distributed through the Nevada Cultural Affairs Foundation.

Roll call on Assembly Bill No. 24:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 24 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Roll call on Assembly Bill No. 478:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 478 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Roll call on Assembly Bill No. 462:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 462 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Roll call on Assembly Bill No. 465:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 465 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Roll call on Assembly Bill No. 468:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 468 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 469 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 472, because it is not actually delineated on the board, I thought it would be in the body's interest to make sure that they are aware that a fee is being changed here. The max was $100. Now they are going to make the max $150. It does not mean that they will be charging $150. It means that will be their new cap, and this is part of the Governor's budget.

Roll call on Assembly Bill No. 472:

YEAS—35.

NAYS—Duncan, Ellison, Fiore, Livermore, Oscarson, Wheeler—6.

EXCUSED—Pierce.

Assembly Bill No. 472 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Roll call on Assembly Bill No. 477:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 477 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Roll call on Assembly Bill No. 481:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 481 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Ewalt.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nicolas Boston.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Colby Green.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Clark Turley.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Anderson.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Cathey.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Sandy Miller Elementary School: Brianna Morenco, Mya Larson, Victoria Estrada, William Weinert,

Abel Velez, Belen Gutierrez, Melani Chavez, Elham Dansi Palmer, Tyson White, Koby White, Samantha Yang, Sedona Gronna, Sabrina Bevill, Fabian Canales, Walter Taylor, Daniel Lienau, Adrianna Gama, Roiva Karagdag, Justin Reti, Anthony Alesandrini, Gabriel Meyers, Noah Chavez, Elijah Ahmed, Allan Sanchez, Jocabed DeJesus, Grace Hermosillo, Denisse Sanchez, Dilson Escriba, Rodrigo Lizaola, Blaydin Tattam, Conor Glover, Angel Onofre, Kaitlyn Moser, Amy Cruz, Skylah McDowell, Peyton Collins, Elizabeth Hines, Charles Birt, Nicholas Daniels, Storm Allen, Nicholas Allen, Lizbeth Basulto, Stefany Mejia, Wendy Obregon, Kristyanna Frost, Elizabeth April, Thomas Patterson, John Patterson, Willilam Beaman, Jacob DeMarco, Kaelem Pickett, Lailanni Sanchez, Zali Downton, Sophia Romo, Cailhla Snyder, Dhamar Quezada, Vasco Ramirez, Nicholas Hypes, Cristian Acosta, Carolina Gustilo, Elainey Belay, Michele Kamleiter, Isabel Hillers, Rossie Miranda, Jamsine Glover, Shaada Ahmad, Jada Johnson, Alex-Micah Pendleton, Skyler Bryan, Tyler Wescott, Juan Ramos, Uriel Rodriguez, Gustavo Chavarin, Carlos Gomez, Spencer Stackel, Andrew Hamilton, Sam Holter, Evelyn Flores, Nataly Marsical, Rebecca Warren, Arrianna Morroquin, Adrian Espinoza, George Villegas, Kevin Calderon, Ashely Cantu, Evelin Armendariz, Georgina Diaz, Kiana Williams, Rachel Davis, Grace Regnaud, Nicholas Smallwood, Anne Grisham, Sandy Miller, Allison McCarthy, Erin Jensen, Abbey Chandler, Rosario Cienfuegos, Sharon Pearson, Jaqueline Cantu, Edra Glover, Rosa Basulto, Bo Beaman, Alemwork Aklog, Patrick Birt, Eric Collins, Cynthia Daniels, Liliana Barrera, Wendy Lopez, Spencer Larson, Raena McDowell, Norma Morales Marenco, Leslie Patterson, Juan Ramirez, Annette Snyder, Vicki Lozano, Ty Weinert, Shelly White, Lidia Yang, Jessica Gustilo, Katie Bryan, Sean Davis, Carlos Escriba, Leticia Villunueva Sanchez, Michele Kamleiter, Cruz Espinoza, Melissa Moser, Mary Bell, April Tattam, Gina Warren, Saifaalagi Leuma, Analine Flores, King Bevill, Jose Canales, George Chavez, Liza Glover, Yadira Gutierrez, Larry Hamilton, Mark Hillers, Chance Reti, Linda Figueroa, Scott Stackel, and Louise Seastrunk.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Gray.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Deamon Smith.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Hunter Morris.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Morris and Miles Grieve.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Connell Campbell.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Brown.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Taylor.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Rowe.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Raymond Plasse.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Bivens.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Seth Bake.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Walker Morgan.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Connor Taylor.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan Green.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Shick.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Seth Doutre.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, May 14, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 14, 2013

Assembly called to order at 11:49 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblywoman Kirkpatrick, who was excused.

Prayer by the Chaplain, Pastor Norm Milz,.

Almighty God and Father, thank You for the opportunity to serve the citizens of Nevada today as we meet in this chamber to discuss and move the bills that have been presented to us. Guide and lead us that our decisions may be based not on our own needs or positions, but for the good of this great state.

Guide our discussions that we may be kind, gentle, and forgiving to each other, especially to those who are not in agreement with our positions.

We also come to You today asking for Your continued help and assistance to the brave people of Boston and Texas as they have gone through incredible situations in the past months. Give comfort to those who have experienced loss of family, friends, and possessions. Keep in safety all those who are in the process of responding to these tragedies.

All these things we bring to You trusting in Your love, grace, and mercy. In the Name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 102, 163, 309, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 23, 24, 46, 79, 227, 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 51, 53, 61, 81, 117, 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 28, 45, 60, 78, 104, 105, 108, 110, 140, 189, 237, 264, 388, 420, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bills Nos. 325, 393; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 11, 65, 159, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 12, 13, 14, 158, 191, 343, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bills Nos. 448, 467, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 344, 362, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 20, 91, 153, 303, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 157, 185, 344, 460, 476, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 108, 111, 350.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 92, 498.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 13, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 13, 16, 41, 45, 57, 85, 252, 356; Senate Bills Nos. 461, 480.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 362, 459.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 12—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Jennifer Osheroff is elected as an additional attaché of the Assembly for the 77th Session of the Nevada Legislature.

Assemblyman Horne moved the adoption of the resolution.

Resolution adopted.

Assemblyman Horne moved that Assembly Bills Nos. 448, 467, 475; Senate Bills Nos. 11, 12, 13, 14, 23, 24, 28, 45, 46, 51, 53, 60, 61, 65, 78, 79, 81, 102, 104, 105, 108, 110, 117, 140, 157, 158, 159, 163, 185, 189, 191, 227, 237, 264, 274, 304, 309, 325, 343, 344, 382, 388, 393, 420, 441, 460, 476, 489, 503, 505; Senate Joint Resolution No. 12, just reported out of committee, be placed at the bottom of the Second Reading File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 139 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 92.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 362.

Assemblyman Horne moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 459.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 461.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 480.

Assemblyman Horne moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 498.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 30.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 139.

Bill read third time.

Remarks by Assemblymen Martin, Hickey, Ohrenschall, Hansen, Hambrick, and Healey.

ASSEMBLYMAN MARTIN:

Senate Bill 139 adds crimes committed because of a person's actual or perceived gender identity or expression to the list of crimes for which an offender is subject to an additional penalty, an offender may be charged with a gross misdemeanor for an otherwise misdemeanor offense, and a victim may bring a civil action against the offender. The measure expands the list of crimes subject to these additional penalties based upon categories used by the Federal Bureau of Investigation to compile statistics concerning hate crimes.

Finally, the bill adds crimes committed on the basis of gender identity or expression to the data collected and analyzed by the Program for Reporting Crimes within the Department of Public Safety.

This bill—I will make it very clear—does not afford victims special rights. This is a statement of what our society is and that we will not tolerate the systematic targeting of individuals who are in historically disadvantaged groups. I ask for your support.

ASSEMBLYMAN HICKEY:

I rise in opposition to Senate Bill 139. Many of us in this body have stood against discrimination for decades; I am one of them. However, I believe the American public has grown tired of political and social identity labels that further divide us as a country. My vote today is not so much an opposition to yet another state statute, but an affirmation of our uniquely American declaration that all men and women are created equal and should be treated that way.

I'd like to think my vote today represents the thousands of Nevadans who do not have to be told that it is wrong to hate and discriminate against others and do not believe it is necessary to create yet another category reminding us of what divides us as a society.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Bill 139. Sitting on the Judiciary Committee, Mr. Speaker pro Tempore, we hear a lot about violent crimes. Violent crime is a terrible thing, but when it happens because of who someone is—because they are different—then I think a statute like this is appropriate. If it can have an effect to make someone think before they go out and commit a violent crime, then I applaud the sponsors of this bill, and I hope that members will support it.

ASSEMBLYMAN HANSEN:

I rise in opposition to S.B. 139. The Fourteenth Amendment to the *United States Constitution* says, "No state shall deny to any person within its jurisdiction the equal protection of the laws." Until 1995 we did not have hate crime laws in the state of Nevada because historically, in criminal law, your actions were punished. This bill essentially expands a protected class, which means all the other people who are not protected classes are, in effect, second-class citizens.

I studied other states, and in their hate crime statutes they have some categories that we do not have including age, personal appearance, family responsibility, marital status, political affiliation, service in the armed forces, and gender. When you apply this in a practical sense, for example, if I was passing out religious flyers right now and somebody attacked me, that would be a hate crime. But if I was passing out flyers against the war in Iraq, that would not be considered a hate crime even though the actions were identical.

Another example of a category we do not protect is gender: If an individual hates women and attacks a woman, there is no enhanced penalty. If that same individual attacks a woman because he perceives her to be a lesbian, then that would be an enhanced penalty. If an individual were to attack me to steal my wallet with the motive of greed, there would be no enhanced penalty. But if he were to attack me because he perceived me to be a homosexual, then there would be an enhanced penalty.

Therefore, we are clearly dividing people into protected and unprotected classes in this. Those actions are already criminal, but what we are really doing here is starting to punish people because of thoughts and speech that we find repugnant. In our system, the First Amendment is really about protecting speech, especially unpopular speech. As Voltaire states, "I may disagree with everything you say, but I will defend unto death your right to say it." So I think we need to keep those things in mind. Some will say in defense of this that the U.S. Supreme Court has ruled on it, and that is true. Simply because they have ruled on it does not mean we need to add additional protected classes. I would point out, too, the U.S. Supreme Court originally ruled on this in 1896 in *Plessy v. Ferguson*, and at that time, they felt it was okay to have separation based on classifications. Nobody today accepts that 1896 ruling as valid.

I would urge us to say no. Either we are equal in the eyes of the law or we are not. There should not be special protected classes that get special treatment and enhanced penalties when you do something against them in a criminal nature, but then the other people who have the same exact actions done to them are somehow second class when it comes to those punishments. If we truly believe in equality, then equality should be for all in the eyes of the law because, when we have certain victims that are protected, then we obviously have other victims that are not protected. I urge us to say no to S.B. 139 on the very basis of equality in the eyes of the law as the Fourteenth Amendment requires.

ASSEMBLYMAN HAMBRICK:

I rise in objection that we are even having this debate today. Why is this house or any legislature in this nation having to debate whether someone should be protected or not? I object, also, to those who started us down this path, to those who burned the black churches in the South. I object to those who had tire chains and beat people to death and dragged them behind their trucks because of the color of their skin. I object to those who have barb-wired and dragged people to death and nearly crucified them because they had a different sexual preference. We did not come down this road because we wanted to come down this road. For generations before us, as my colleague from Sparks said, in the mid-90s this state did not have to worry about that. But we have had crimes against people because of color, because of the clothing they wear, because of their religion. I would ask my colleagues, please, to remember the last six words of the anthem we recite in this Chamber every day, "With liberty and justice for all." I ask you to support this bill.

ASSEMBLYMAN HEALEY:

I rise in support of Senate Bill 139. It saddens me today to hear we have members of this Chamber as well as residents of our state that do, in fact, still support and embrace discrimination. Discrimination comes in many terms and many fashions. Senate Bill 139 is adding those individuals from the transgender community to the hate crimes bill. The hate crimes bill is so important because, unfortunately, we do have to add different levels of protection based on the types of crime, these heinous crimes that are committed. And for each of you who stand in opposition to this bill, I urge you to step back for a moment and pull up online some of the stories of these transgender individuals, either here in this state or throughout this country who have been brutally—and I mean brutally—attacked, raped, sodomized, stabbed, faces bashed in, bones broken, left bloody to die. And many of them in this country have died; they were killed or attacked simply because of who they were. That is why we do need to add this level of protection into the law here in the state of Nevada. As legislators and as leaders, we all took the oath to protect all of our constituents. Well, right now, transgenders do not have that level of protection in the state of Nevada, and they deserve that level of protection in the state of Nevada. I certainly hope that as leaders today, we will all reflect a moment before we push our buttons and that we remember that we are here to protect each and every one of our constituents. I certainly hope that I can count on your support of S.B. 139 and do what is right, and provide equality for our transgendered individuals in the state of Nevada.

Assemblymen Frierson, Eisen, and Horne moved the previous question.

The question being the passage of Senate Bill No. 139.

Roll call on Senate Bill No. 139:

YEAS—30.

NAYS—Duncan, Ellison, Grady, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—11.

EXCUSED—Kirkpatrick.

Senate Bill No. 139 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 37.

Bill read second time and ordered to third reading.

Senate Bill No. 77.
Bill read second time and ordered to third reading.

Senate Bill No. 101.
Bill read second time and ordered to third reading.

Senate Bill No. 175.
Bill read second time and ordered to third reading.

Assembly Bill No. 448.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 590.

AN ACT relating to the state militia; authorizing the Adjutant General to accept certain property; revising certain provisions relating to the rental of an armory or facility of the Office of the Military; revising certain provisions relating to the Patriot Relief Account; repealing certain provisions concerning the state militia; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Adjutant General to accept federal funding for personnel support and equipment supplies, arms and facilities through the United States Property and Fiscal Officer for Nevada, and requires deposit of any money received in the State Treasury.

Sections 5 and 6 of this bill revise the provisions relating to the rental of a facility or an armory or space within an armory to **[**~~: (1)~~**]** allow a security deposit to be required **.** **[**~~; (2) change the manner of accounting for the money paid for the services; and (3) authorize~~**]** **Section 5 also authorizes** the use of the money **generated from the rental of an armory or space within an armory** to make repairs, construct new facilities, fund various activities and further state and governmental relations.

Existing law authorizes the payment of various benefits to members of the Nevada National Guard from the Patriot Relief Account in the State General Fund. (NRS 412.1435) **Section 7** of this bill revises certain provisions concerning authorized uses of money in the Patriot Relief Account.

Section **[**~~9~~**]** **8** of this bill repeals the existing law that provides certain allowances for military uniforms and equipment under certain circumstances. **(NRS 412.184)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 412 of NRS is hereby amended by adding thereto a new section to read as follows:

The Adjutant General may accept through the United States Property and Fiscal Officer for Nevada such equipment, supplies, arms, facilities and funding for personnel support as may be authorized and appropriated by federal law. All federal money received by the Adjutant General under this section must be deposited in the State Treasury.

Sec. 2. NRS 412.092 is hereby amended to read as follows:

412.092 The word "armory" as used in NRS 412.092 to 412.109, inclusive, ***and section 1 of this act,*** means any building, together with the grounds upon which it is situated, used for the storage and maintenance of military property or the training of troops, and in addition real property acquired or held in contemplation of such use.

Sec. 3. NRS 412.098 is hereby amended to read as follows:

412.098 The construction, expansion, rehabilitation or conversion of armories and arsenals in this State shall be accomplished by the State Public Works ~~[Board,]~~ ***Division ~~[,]~~ of the Department of Administration,*** subject to the inspection and approval of the Secretary of Defense, as prescribed by 10 U.S.C. § ~~[2237]~~ ***18237*** when federal funds have been allocated to the State for such work.

Sec. 4. NRS 412.102 is hereby amended to read as follows:

412.102 1. The Office shall provide and maintain armories suitable for conducting drills and the safekeeping of federal military property, with light, water and heat, for the units of the Nevada National Guard organized in the several counties of the State.

2. The expenses of procuring and maintaining the armories, and the monthly allowance to cover incidental expenses which may be incurred by each unit, ~~[must]~~ ***may*** be paid from the appropriation for the support of the Nevada National Guard ~~[.]~~ ***or from other available money.***

Sec. 5. NRS 412.108 is hereby amended to read as follows:

412.108 1. The person or governmental entity applying for the rental of an armory or space within an armory must execute and deliver a written agreement which must include among its provisions ~~[his, her or its]~~ ***:***

(a) The full name and address ~~[, the]~~ ***of the applicant;***

(b) The purpose for which its use is desired ~~[, the]~~ ***;***

(c) The nature and manner of the intended use of the space ~~[, a]~~ ***;***

(d) A reasonable rental ***, which may include a security deposit,*** to be paid for that use ***;*** and ~~[the]~~

(e) The amounts to be paid for heating, lighting, janitorial and other services connected with its use.

2. The terms and provisions of the agreement must be governed by Office regulations issued pursuant to this chapter, which regulations must include provisions designed to prevent unfair competition with privately owned property and business.

~~[2.]~~ ***3.*** No agreement for use made pursuant to ~~[this section]~~ ***subsection 1*** is effective until the agreement or lease has been approved and executed by the officer in charge of the armory or the officer's authorized representative, and has been approved by his or her military superiors as prescribed by Office regulations issued pursuant to this chapter.

~~[3.]~~ ***4.*** No agreement or lease made pursuant to ~~[this section]~~ ***subsection 1*** may be assigned in whole or in part nor may space be sublet to or used by a person or entity not a party to the agreement, unless each assignment, subletting or use is first approved in writing by the officer in charge of the armory or the officer's authorized representative.

~~[4.]~~ ***5.*** All money paid or given, directly or indirectly, for the rental of an armory or to obtain an agreement or permission to use the armory are use fees within the meaning of this section and must be paid to the officer in charge of the armory or the officer's authorized representative. Any person other than the officer in charge of the armory or the officer's authorized representative who receives that money shall immediately pay over the money to the officer in charge of the armory or the officer's authorized representative, who shall immediately forward ~~[one-half of]~~ the money to the office of the Adjutant General to be placed in an account in the State General Fund entitled the Adjutant General's Special Armory Account, to be used by the Office ~~[for]~~ ***to:***

(a) Make necessary repairs and improvements of state armories ~~[and construction of]~~ ***;***

(b) Construct new facilities ~~[in the manner prescribed by Office regulations. The remainder of the money must be placed in an armory account to be kept by the officer in charge of the armory or the officer's authorized representative, and used for military activities and affairs and to further relations with the community in which the armory is located. These]~~ ***;***

(c) Fund military activities and affairs;

(d) Further relations with the community in which the armory is located; and

(e) Further relations with the State.

6. The expenditures ***made pursuant to subsection 5*** must be made according to Office regulations and must be approved by a board of three persons appointed by the Adjutant General.

~~[~~5.~~]~~ ***7.*** When the use of an armory is by a federal, state, county or municipal bureau, agency or department or by any of the Armed Forces of the United States or any of the reserve components thereof, or by any unit of the reserve officers training corps, the Adjutant General may require the execution of a contract or agreement for that use, upon such terms and conditions as he or she prescribes.

Sec. 6. NRS 412.109 is hereby amended to read as follows:

412.109 1. Except as otherwise provided in NRS 412.108, the person or governmental entity applying for the rental of any facility of the Office must execute and deliver a written agreement which must include among its provisions ~~[~~this, her or its~~]~~ ***:***

(a) The full name and address ~~[~~, the~~]~~ ***of the applicant;***

(b) The purpose for which its use is desired ~~[~~, the~~]~~ ***;***

(c) The nature and manner of the intended use of the space ~~[~~, a~~]~~ ***;***

(d) A reasonable rental ***, which may include a security deposit,*** to be paid for that use ***;*** and ~~[~~the~~]~~

(e) The amounts to be paid for heating, lighting, janitorial and other services connected with its use.

2. The terms and provisions of the agreement must be governed by Office regulations issued pursuant to this chapter, which regulations must include provisions designed to prevent unfair competition with privately owned property and business.

~~[~~2.~~]~~ ***3.*** No agreement for use made pursuant to ~~[~~this section~~]~~ ***subsection 1*** is effective until the agreement or lease has been approved and executed as prescribed by Office regulations issued pursuant to this chapter.

~~[~~3.~~]~~ ***4.*** No agreement or lease made pursuant to ~~[~~this section~~]~~ ***subsection 1*** may be assigned in whole or in part nor may space be sublet to or used by a person or entity not a party to the agreement, unless each assignment, subletting or use is first approved in writing by the Office.

~~[~~4.~~]~~ ***5.*** All money paid or given, directly or indirectly, for the rental of a facility or to obtain an agreement or permission to use the facility are use fees within the meaning of this section and must be paid to the Office to be deposited in the State General Fund for credit to the Office.

~~[~~ 5.~~]~~ ~~[~~***officer in charge of the facility or the officer's authorized representative. Any person other than the officer in charge of the facility or the officer's authorized representative who receives such money shall immediately pay over the money to the officer in charge of the facility or the officer's authorized representative, who shall immediately forward the money to the office of the Adjutant General to be placed in an account in the State General Fund entitled the Adjutant General's Special Armory Account, to be used by the office to:***

(a) Make necessary repairs and improvements of state armories;

~~*(b) Construct new facilities;*~~

~~*(c) Fund military activities and affairs;*~~

~~*(d) Further relations with the community in which the armory is located; and*~~

~~*(e) Further relations with the State.*~~

~~*6. The expenditures made pursuant to subsection 5 must be made according to regulations of the office and must be approved by a board of three persons appointed by the Adjutant General.*~~

~~*7.*~~ ***6.*** When the use of a facility is by a federal, state, county or municipal bureau, agency or department or by any of the Armed Forces of the United States or any of the reserve components thereof, or by any unit of the reserve officers training corps, the Adjutant General may require the execution of a contract or agreement for that use, upon such terms and conditions as he or she prescribes.

Sec. 7. NRS 412.1435 is hereby amended to read as follows:

412.1435 1. The Patriot Relief Account is hereby created as a special account in the State General Fund.

2. The money in the Patriot Relief Account does not lapse to the State General Fund at the end of any fiscal year. The interest and income earned on the sum of:

(a) The money in the Patriot Relief Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Patriot Relief Account from the State General Fund,

➥ must be credited to the Account. All claims against the Patriot Relief Account must be paid as other claims against the State are paid.

3. The Office may accept gifts, grants and donations from any source for deposit in the Patriot Relief Account.

4. The money in the Patriot Relief Account may only be used to provide:

(a) Reimbursement to a member of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; ~~[~~and~~]~~ ***or***

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the Nevada System of Higher Education; ***and***

(b) Monetary relief from economic hardships experienced by a member of the Nevada National Guard who has been called into active service **.** ~~[~~**;** and

~~(c) A payment of $100 to a member of the Nevada National Guard who:~~

~~(1) Returns from deployment in a combat zone;~~

~~(2) Was on active service for 45 days or more in full time National Guard duty, as defined in 10 U.S.C. § 101(d)(5); and~~

~~(3) Not more than 90 days after returning from deployment in the combat zone, attends a course on reintegration into the community with his or her spouse, an adult member of his or her immediate family or an adult with whom he or she cohabits.~~**]**

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Account and to carry out a program to provide such reimbursement and monetary relief.

[~~6. As used in this section:~~

~~(a) "Combat zone" means any area which the President of the United States has designated by executive order as an area in which the Armed Forces of the United States are engaged in combat.~~

~~(b) "Course on reintegration into the community" means a class designed to provide a member of the Nevada National Guard who is returning from deployment in a combat zone with skills and training to enable the member more easily to adapt to life outside of the combat zone.~~**]**

Sec. 8. NRS 412.184 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

412.184 Allowances for uniform and equipment.

1. A person who, on or after July 1, 1973, has completed 2 years of service as a commissioned officer or warrant officer of the Nevada National Guard, shall receive an allowance of $100 at that time for uniforming and equipping himself or herself. Thereafter he or she shall receive, on completion of each 2 years of service, an additional allowance of $100 to assist him or her in meeting the uniform requirements necessary to continued service in the Nevada National Guard.

2. The allowances set forth in subsection 1 must be paid from money available to the office only after the officer has furnished satisfactory evidence to the Adjutant General that he or she is properly entitled thereto.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 591.

SUMMARY—Makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources to **purchase new equipment and** replace public safety equipment and worn and obsolete equipment. (BDR S-1185)

AN ACT making an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources to **purchase new equipment and** replace public safety equipment and worn and obsolete equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of $371,023 for **the purchase of new equipment and** the replacement of public safety equipment and equipment that is worn and obsolete, including replacing motors for watercraft for patrol and rescue units and replacing law enforcement and utility vehicles.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2015, by the Division of State Parks of the State Department of Conservation and Natural Resources or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the Division of State Parks or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 589.

AN ACT making appropriations to the Legislative Fund for dues and registration costs for national organizations, building maintenance projects and information technology purchases; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~[$755,000]~~ **$758,573** for dues and registration costs for national organizations to be allocated as follows:

For the Fiscal Year 2013-2014 ..... ~~[$377,500]~~ **$377,117**

For the Fiscal Year 2014-2015 ..... ~~[$377,500]~~ **$381,456**

Sec. 2. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~[$1,086,859]~~ **$1,082,800** for one-time building maintenance projects and information technology purchases for the Legislative Counsel Bureau.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 11.

Bill read second time and ordered to third reading.

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 14.

Bill read second time and ordered to third reading.

Senate Bill No. 23.

Bill read second time and ordered to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 28.

Bill read second time and ordered to third reading.

Senate Bill No. 45.

Bill read second time and ordered to third reading.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 51.
Bill read second time and ordered to third reading.

Senate Bill No. 53.
Bill read second time and ordered to third reading.

Senate Bill No. 60.
Bill read second time and ordered to third reading.

Senate Bill No. 61.
Bill read second time and ordered to third reading.

Senate Bill No. 65.
Bill read second time and ordered to third reading.

Senate Bill No. 78.
Bill read second time and ordered to third reading.

Senate Bill No. 79.
Bill read second time and ordered to third reading.

Senate Bill No. 81.
Bill read second time and ordered to third reading.

Senate Bill No. 102.
Bill read second time and ordered to third reading.

Senate Bill No. 104.
Bill read second time and ordered to third reading.

Senate Bill No. 105.
Bill read second time and ordered to third reading.

Senate Bill No. 108.
Bill read second time and ordered to third reading.

Senate Bill No. 110.
Bill read second time and ordered to third reading.

Senate Bill No. 117.
Bill read second time and ordered to third reading.

Senate Bill No. 140.
Bill read second time and ordered to third reading.

Senate Bill No. 157.
Bill read second time and ordered to third reading.

Senate Bill No. 158.
Bill read second time and ordered to third reading.

Senate Bill No. 159.
Bill read second time and ordered to third reading.

Senate Bill No. 163.
Bill read second time and ordered to third reading.

Senate Bill No. 185.
Bill read second time and ordered to third reading.

Senate Bill No. 189.
Bill read second time and ordered to third reading.

Senate Bill No. 191.
Bill read second time and ordered to third reading.

Senate Bill No. 227.
Bill read second time and ordered to third reading.

Senate Bill No. 237.
Bill read second time and ordered to third reading.

Senate Bill No. 264.
Bill read second time and ordered to third reading.

Senate Bill No. 274.
Bill read second time and ordered to third reading.

Senate Bill No. 304.
Bill read second time and ordered to third reading.

Senate Bill No. 309.
Bill read second time and ordered to third reading.

Senate Bill No. 325.
Bill read second time and ordered to third reading.

Senate Bill No. 343.
Bill read second time and ordered to third reading.

Senate Bill No. 344.
Bill read second time and ordered to third reading.

Senate Bill No. 382.
Bill read second time and ordered to third reading.

Senate Bill No. 388.
Bill read second time and ordered to third reading.

Senate Bill No. 393.
Bill read second time and ordered to third reading.

Senate Bill No. 420.
Bill read second time and ordered to third reading.

Senate Bill No. 441.
Bill read second time and ordered to third reading.

Senate Bill No. 460.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 489.
Bill read second time and ordered to third reading.

Senate Bill No. 503.
Bill read second time and ordered to third reading.

Senate Bill No. 505.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.
Resolution read second time and ordered to third reading.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1:01 p.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 80, 130, 146, 195, 226, 228, and 309 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hunter Lake Elementary Sschool: Avin Barbera, Kevin Butler, Sadie Byers, Jamie Clark, Daniel Dintchev, Joey Fore, Tess Fouassier, Skye Gregory, Emily Guadron, Amelia Jamieson, Jose Jordan Valdes,

Natalya Klupfell, Samantha Kruger, Dorothy Moss, Isabelle Ontiveros, Melissa Orozco Hernandez, Tyson Owens, Zayda Selemenev, Jack Shank, Ana Smith, Amber Stegall, Stone Tobin, Ian Walker, Chase Williams, Levi Zendejas, Maggie Arden, Christian Arreygue, Jaedyn Ashbrook, Alexis Burton, Spencer Childs, Jonah Davis, Elena Douglas, Kyle Fermoile, Van Fine, Zachary Geddry, Dylan Hutchings, Rachelle Kerr, Addison Klupfell, Wyatt Kretchman, Anabelle Mandel, Sierra McCameron-Coleman, Kevin Muldrew, Breeze Nay, Isis Noble, Hunter Puszkiewicz, Damian Scrivens, Charles Siemann, Kaleigh Sippola, Jolie Stewart, Ariana Taylor, Kellie Tolbert, Jose Villa, and Elizabeth Whitlock.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Suzann Bennett and Gabriel Olier.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Blanchard.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Jared Oscarson and Louis Mendiola.

Assemblyman Horne moved that the Assembly adjourn until Thursday, May 16, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:02 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 16, 2013

Assembly called to order at 12:19 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Hambrick and Pierce, who were excused.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God and Father, thank You for the opportunity to serve the citizens of Nevada today as we meet in this Chamber to discuss bills that have been presented to us. Help us take the responsibility to make decisions and move bills from this Chamber to the Senate and ultimately to the Governor's desk.

O' Lord, the time for this Session is soon to be completed. We need Your guidance to help us conclude boldly and fairly, making sure that all the citizens of this state are treated with equality as our own nation's *Constitution* states. Help us put aside our own priorities and make our focus priorities which are for the good of all.

Guide our discussions that we may seek each other out and work together, no matter what side of the aisle or political party we find another member of this Chamber.

We also come to You today asking for Your help and assistance to the brave people of Texas as they have gone through incredible weather yesterday. Give comfort to those who have experienced loss of family, friends, and possessions.

All these things we bring to You trusting in Your love and grace, in the Name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 29, 35, 40, 41, 47, 114, 127, 153, 154, 155, 268, 288, 310, 351, 438, 496, 497, 506, 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 125, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 26, 74, 272, 284, 342, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 86, 97, 98, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 27, 71, 103, 130, 136, 286, 347, 356, 365, 409, 419, 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 148, 433, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 7, 8, 48, 215, 216, 281, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 317, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 12, 22, 179, 206, 331, 492.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 447, 467.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblywoman Dondero Loop moved the adoption of the resolution.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Concurrent Resolution No. 4 encourages the Department of Health and Human Services and the Commissioner of Insurance to work with health care providers and insurers to develop a patient-centered medical home model of care and to adopt a payment system that allows for the implementation of this model of care in Nevada. A copy of the resolution is required to be transmitted to the Director of the Department of Health and Human Services, the Commissioner of Insurance, and the Nevada Academy of Family Physicians.

Resolution adopted.

Assemblyman Horne moved that Assembly Bill No. 444; Senate Bills Nos. 7, 8, 9, 26, 27, 29, 35, 40, 41, 47, 48, 71, 74, 86, 97, 98, 103, 114, 122, 125, 127, 130, 136, 148, 153, 154, 155, 215, 216, 268, 272, 281, 284, 286, 288, 310, 317, 335, 342, 345, 347, 351, 356, 365, 404, 409, 419, 432, 433, 434, 438, 453, 458, 496, 497, 506, 507, 509, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that the Assembly suspend Section 4 of Assembly Standing Rule No. 57 through May 17, 2013, for the purpose of allowing the committees to take final action on bills and resolutions on the same day they are heard.

Remarks by Assemblyman Horne.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 61, 78; Assembly Bill No. 344 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 447.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 467.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.

Madam Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 604.

AN ACT relating to the death penalty; providing for an audit of the fiscal costs of the death penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty in Nevada. The audit must include, without limitation, an examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor is required to present a final written report of the audit to the Audit Subcommittee of the Legislative Commission on or before January 31, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Auditor shall conduct an audit of the fiscal costs associated with the death penalty in this State.

2. The audit conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including, without limitation, pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) The processing of bonds, including costs for investigation by prosecutors, police and other staff;

(2) The investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Juries;

(8) Sentencing proceedings;

(9) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

(10) Requests for clemency;

(11) The incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

(12) The execution of a sentence of death, including costs of facilities and staff.

3. The audit must also examine the fiscal costs, including any potential cost savings, of the death penalty on:

(a) The use of plea bargaining in death eligible cases;

(b) Strategic litigation choices by the prosecution and the defense; and

(c) Sentencing.

4. The audit must be conducted:

(a) In the manner set forth in NRS 218G.010 to 218G.450, inclusive, and for the purposes of the audit conducted pursuant to this section, the provisions of those sections are applicable to a local government in the same manner as to an agency of the State.

(b) In accordance with applicable ~~[accounting]~~ **auditing** standards set forth by the United States Government Accountability Office, including

standards relating to the professional qualifications of the auditors, the quality of the audit work and the characteristics of professional and meaningful reports.

5. In determining the methodologies to be used, the Legislative Auditor shall review and consider audits, reports and data relating to the costs of the death penalty conducted or published by other states and the United States Department of Justice and the Administrative Office of the United States Courts. Methodologies and data to be considered must include, at a minimum, the cost estimation approach, top-down accounting method, retrospective observational design, independent statistical analyses, administrative databases and self-reported data.

6. On or before January 31, 2015, the Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 7.

Bill read second time and ordered to third reading.

Senate Bill No. 8.

Bill read second time and ordered to third reading.

Senate Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 593.

AN ACT relating to gaming; revising various definitions relating to gaming; revising provisions relating to the registration of persons who hold an ownership interest in certain business entities which hold a gaming license; revising provisions relating to the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems, mobile gaming systems and interactive gaming systems; revising provisions relating to the regulation of independent testing laboratories; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Gaming Commission and the State Gaming Control Board are required to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140)

Sections 1-4 of this bill revise the definitions of the terms "cashless wagering system," "gaming employee," "gross revenue" and "wagering credit" for the purposes of the statutory provisions governing the licensing and control of gaming.

Existing law requires audits of the financial statements of all nonrestricted licensees whose annual gross revenue is $5,000,000 or more, and requires the amount of annual gross revenue to be increased or decreased annually in an amount determined by the Commission and corresponding to the Consumer Price Index. (NRS 463.159) **Section 5** of this bill requires the Board to make such a determination.

Existing law also requires a limited partner holding a 5 percent or less ownership in a limited partnership or a member holding a 5 percent or less ownership in a limited-liability company, who holds or applies for a state gaming license, to register with the Board and submit to the Board's jurisdiction within 30 days after the person acquires a 5 percent or less ownership interest. (NRS 463.569, 463.5735) **Sections 6 and 7** of this bill remove the requirement to register with the Board after acquiring such an ownership, and instead require a person to register upon seeking to hold a 5 percent or less ownership.

Finally, existing law requires the Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of the registration of such independent testing laboratories. (NRS 463.670) **Section 8** of this bill: (1) extends the requirement of registration to additional persons that own, operate or have significant involvement with an independent testing laboratory; (2) provides that a person who is registered pursuant to **section 8** is subject to the same investigatory and disciplinary procedures as all other gaming licensees; and (3) authorizes the Commission to require a registered independent testing laboratory and certain persons associated with a registered independent testing laboratory to file an application for a finding of suitability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.014 is hereby amended to read as follows:

463.014 "Cashless wagering system" means a method of wagering and accounting:

1. In which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained by a computer operated and maintained by a licensee which maintains a record of each transaction involving the wagering instrument or wagering credits, exclusive of the game

or gaming device on which wagers are being made. The term includes computerized systems which facilitate electronic transfers of money directly to or from a game or gaming device; or

2. Used in a race book or sports pool in which the validity and value of a wagering instrument ***or wagering credits*** are determined, monitored and retained on a computer that maintains a record of each transaction involving the wagering instrument ***or wagering credits*** and is operated and maintained by a licensee.

Sec. 2. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service; ~~[and]~~

(z) ***Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and***

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks ~~[,]~~ ***or*** bartenders ~~[,]~~ ***whose duties do not involve gaming activities,*** cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 3. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game ***, or any contest or tournament in conjunction with interactive gaming,*** in which the licensee is not party to a wager,

➥ less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except

that losses in a contest or tournament conducted in conjunction with an inter-casino linked system ~~***[or interactive gaming]***~~ may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system ; ~~***[or interactive gaming;]***~~

(f) Uncollected baccarat commissions; or

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 4. NRS 463.01963 is hereby amended to read as follows:

463.01963 "Wagering credit" means a representative of value, other than a chip, token or wagering instrument, that is used for wagering at a game ***,*** ~~**[or]**~~ gaming device ***, race book or sports pool*** and is obtained by the payment of cash or a cash equivalent, the use of a wagering instrument or the electronic transfer of money.

Sec. 5. NRS 463.159 is hereby amended to read as follows:

463.159 1. The Commission shall by regulation require audits of the financial statements of all nonrestricted licensees whose annual gross revenue is $5,000,000 or more.

2. The Commission may require audits, compiled statements or reviews of the financial statements of nonrestricted licensees whose annual gross revenue is less than $5,000,000.

3. The amounts of annual gross revenue provided for in subsections 1 and 2 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding

year. On or before December 15 of each year, the ~~[Commission]~~ ***Board*** shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts of annual gross revenue in effect for the succeeding calendar year. The audits, compilations and reviews provided for in subsections 1 and 2 must be made by independent accountants holding permits to practice public accounting in the State of Nevada.

4. Except as otherwise provided in subsection 5, for every audit required pursuant to this section:

(a) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the Nevada State Board of Accountancy, but the preparation of statements without audit does not constitute compliance.

(b) The examination and audit must disclose whether the accounts, records and control procedures maintained by the licensee are as required by the regulations published by the Commission pursuant to NRS 463.156 to 463.1592, inclusive.

5. If the license of a nonrestricted licensee is terminated within 3 months after the end of a period covered by an audit, the licensee may submit compiled statements in lieu of an additional audited statement for the licensee's final period of business.

Sec. 6. NRS 463.569 is hereby amended to read as follows:

463.569 1. Every general partner of, and every limited partner with more than a 5 percent ownership interest in, a limited partnership which holds a state gaming license must be licensed individually, according to the provisions of this chapter, and if, in the judgment of the Commission, the public interest will be served by requiring any other limited partners or any or all of the limited partnership's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed, the limited partnership shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing. Publicly traded corporations which are limited partners of limited partnerships are not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive. A person who is required to be licensed by this section as a general or limited partner shall not receive that position until the person secures the required approval of the Commission. A person who is required to be licensed pursuant to a decision of the Commission shall apply for a license within 30 days after the Commission requests the person to do so.

2. All limited partners ~~[holding]~~ ***seeking to hold*** a 5 percent or less ownership interest in a limited partnership, other than a publicly traded

limited partnership, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a limited partner holding a 5 percent or less ownership interest in a limited partnership.]~~

3. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 7. NRS 463.5735 is hereby amended to read as follows:

463.5735 1. Every member and transferee of a member's interest with more than a 5 percent ownership interest in a limited-liability company, and every director and manager of a limited-liability company which holds or applies for a state gaming license, must be licensed individually according to the provisions of this chapter.

2. All members ~~[holding]~~ ***seeking to hold*** a 5 percent or less ownership interest in a limited-liability company, other than a publicly traded limited-liability company, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a member holding a 5 percent or less ownership interest in a limited-liability company.]~~

3. If, in the judgment of the Commission, the public interest will be served by requiring any members with a 5 percent or less ownership interest in a limited-liability company, or any of the limited-liability company's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed:

(a) The limited-liability company shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing; and

(b) Those persons shall apply for a license within 30 days after being requested to do so by the Commission.

4. A publicly traded corporation which is a member of a limited-liability company is not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive.

5. No person may become a member or a transferee of a member's interest in a limited-liability company which holds a license until the person secures the required approval of the Commission.

6. A director or manager of a limited-liability company shall apply for a license within 30 days after assuming office.

7. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 8. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every ***game or*** gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the ***game or*** gaming device is put into play.

(b) In this State for use outside this State, before the ***game or*** gaming device is shipped out of this State.

4. The Board may inspect every ***game or*** gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, ***every inter-casino linked system,*** every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or

used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories ~~[.]~~ ***and of each person that owns, operates or has significant involvement with an independent testing laboratory,*** specify the form of the application required for such registration ***, set forth the qualifications required for such registration*** and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any ***game,*** gaming device, associated equipment, cashless wagering system, ***inter-casino linked system,*** mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any ***game,*** gaming device, associated equipment, cashless wagering system, ***inter-casino linked system,*** mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. ***The Commission shall retain jurisdiction over any person registered pursuant to this section and any regulations adopted pursuant thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming***

system or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.

9. A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

10. The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the ~~[Commission]~~ ***Board*** to inspect and certify ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems ~~[and]~~ ***or*** interactive gaming systems, and any components thereof ~~[.]~~ ***and modifications thereto,*** and to perform such other services as the Board and Commission may request.

Sec. 9. This act becomes effective upon passage and approval.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 26.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time and ordered to third reading.

Senate Bill No. 29.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 40.
Bill read second time and ordered to third reading.

Senate Bill No. 41.
Bill read second time and ordered to third reading.

Senate Bill No. 47.
Bill read second time and ordered to third reading.

Senate Bill No. 48.
Bill read second time and ordered to third reading.

Senate Bill No. 71.
Bill read second time and ordered to third reading.

Senate Bill No. 74.
Bill read second time and ordered to third reading.

Senate Bill No. 86.
Bill read second time and ordered to third reading.

Senate Bill No. 97.
Bill read second time and ordered to third reading.

Senate Bill No. 98.
Bill read second time and ordered to third reading.

Senate Bill No. 103.
Bill read second time and ordered to third reading.

Senate Bill No. 114.
Bill read second time and ordered to third reading.

Senate Bill No. 122.
Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 619.

AN ACT relating to housing; revising the number of commissioners of a regional authority for housing in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Housing Authorities Law of 1947 (NRS 315.140-315.7813) authorizes, in a county whose population is 700,000 or more (currently Clark County), the formation of a regional authority by a resolution of the governing body of the county and the governing body of each city and town located within the county that desires to participate in the regional authority.

(NRS 315.7805) In Clark County, the Southern Nevada Regional Housing Authority has been so formed by Clark County and the Cities of Las Vegas, Henderson and North Las Vegas.

Existing law requires the appointment of nine persons to serve as commissioners of a regional authority, including one commissioner who serves on behalf of tenants. (NRS 315.7809) **Section 1** of this bill increases the number of commissioners of a regional authority to ~~[12, and]~~ **13 by: (1) increasing from two to three the number of commissioners who are appointed by the governing body of the largest city in the county that participates in the regional authority; and (2) increasing from one to four the number of commissioners who serve on behalf of tenants. Section 1 also** provides that ~~[4 of]~~ the commissioners **who serve on behalf of tenants** must ~~[represent tenants and]~~ be appointed, respectively, by the governing bodies of the county and the three largest cities in the county that participate in the regional authority.

Section 3 of this bill requires the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas to make their respective appointments of commissioners who represent tenants to the Southern Nevada Regional Housing Authority as soon as practicable on or after July 1, 2013. **Section 3** further provides for the staggering of the terms of the newly appointed commissioners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 315.7809 is hereby amended to read as follows:

315.7809 1. Upon the adoption of a resolution pursuant to NRS 315.7805 forming a regional authority, ~~[nine]~~ ***[12]*** ***13*** persons must be appointed to serve as commissioners of the authority as follows:

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority;

(b) The governing body of the largest city in the county ***that participates in the regional authority*** shall appoint ~~[two]~~ ***three*** persons to serve as commissioners of the authority;

(c) The governing body of the second largest city in the county ***that participates in the regional authority*** shall appoint two persons to serve as commissioners of the authority;

(d) The governing body of the third largest city in the county ***that participates in the regional authority*** shall appoint two persons to serve as commissioners of the authority; and

(e) ~~[One commissioner who serves]~~ ***Four commissioners who serve*** on behalf of tenants must be selected as described in subsection 3 ~~[.]~~ ***, including:***

(1) One commissioner who serves on behalf of tenants of the county, appointed by the governing body of the county;

(2) One commissioner who serves on behalf of tenants of the largest city in the county that participates in the regional authority, appointed by the governing body of that city;

(3) One commissioner who serves on behalf of tenants of the second largest city in the county that participates in the regional authority, appointed by the governing body of that city; and

(4) One commissioner who serves on behalf of tenants of the third largest city in the county that participates in the regional authority, appointed by the governing body of that city.

➥ None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.

2. ~~[Six of the commissioners who are first appointed pursuant to subsection 1 must be designated to serve for terms of 1, 2 and 3 years, respectively, from the date of their appointment, and three must be designated to serve for terms of 4 years from the date of their appointment, but thereafter commissioners]~~ ***Each commissioner*** must be appointed for a term of office of 4 years. ~~[The persons appointed initially to serve as commissioners pursuant to subsection 1 shall determine by lot whether they are designated pursuant to this subsection to serve for a term of 1 year, 2 years, 3 years or 4 years.]~~

3. ~~[The]~~ ***Each*** commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who ~~[was]~~ ***resides in the county or in the city from which he or she is appointed, as applicable, and who is*** selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects ~~[.]~~ ***in the county or city, as applicable.*** If no such organization exists, ~~[the]~~ ***each such*** commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority ~~[.]~~ ***and who reside in the county or in the city for which the list of nominees is prepared, as applicable.*** Thereafter, at least ~~[one commissioner]~~ ***four commissioners*** must be such ~~[a recipient who was]~~ ***recipients who were*** nominated and appointed in the same manner. If, during his or her term, ~~[the]~~ ***any such*** commissioner ceases to be a recipient of assistance, the commissioner must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the appointments described in ***paragraphs (a) to (d), inclusive, of*** subsection 1, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and

(b) Soliciting appointees who have experience in fields such as, without limitation:

(1) Real estate;

(2) Financial planning;

(3) Legal aid;

(4) Education;

(5) Public safety;

(6) The provision of public services; and

(7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 2. Notwithstanding the provisions of NRS 315.7809, the term of the commissioner of the Southern Nevada Regional Housing Authority who represents tenants and who is described in paragraph (e) of subsection 1 of NRS 315.7809 expires on June 30, 2013.

Sec. 2.5. Notwithstanding the provisions of NRS 315.7809, as amended by section 1 of this act, the commissioners of the Southern Nevada Regional Housing Authority described in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 315.7809 who are in office on July 1, 2013, continue to serve until the end of their current terms of office.

Sec. 3. As soon as practicable on or after July 1, 2013 ~~[, the]~~ **:**

1. The governing body of the City of Las Vegas shall make the additional appointment to the Southern Nevada Regional Housing Authority described in paragraph (b) of subsection 1 of NRS 315.7809, as amended by section 1 of this act.

2. The governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas shall make their respective appointments to the Southern Nevada Regional Housing Authority described in paragraph (e) of subsection 1 of NRS 315.7809, as amended by section 1 of this act. Notwithstanding the provisions of NRS 315.7809, as amended by section 1 of this act, the persons appointed to serve as commissioners pursuant to this ~~[section:~~

~~1.]~~ **subsection:**

(a) Must be designated to serve for initial terms of 1, 2, 3 and 4 years, respectively, from the date of their appointment, but thereafter each commissioner must be appointed for a term of office of 4 years.

~~[2.]~~ **(b)** Shall determine by lot which appointees are designated pursuant to this ~~[section]~~ **subsection** to serve for an initial term of 1, 2, 3 or 4 years, respectively.

Sec. 4. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1, 2.5 and 3 of this act become effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 608.

AN ACT relating to interscholastic events; revising provisions relating to the rules and regulations of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing regulations, the Nevada Interscholastic Activities Association may approve certain games, contests and meets in which all-star teams participate if the game, contest or meet is approved by the National Collegiate Athletics Association, or its successor organization, and the National Federation of State High School Associations, or its successor organization. (NAC 386.693) **Section 1** of this bill provides that the rules and regulations adopted by the Nevada Interscholastic Activities Association must provide criteria to be used by the Nevada Interscholastic Activities Association when determining whether to approve or disapprove the staging of all-star games, contests or meets by any other organization and the participation of all-star teams in games, contests and meets without approval from any other organization. **Section 3** of this bill requires the Nevada Interscholastic Activities Association, on or before ~~[October 1, 2013,]~~ **June 30, 2014,** to amend its rules and regulations as necessary to conform to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

The rules and regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 must provide criteria to be used by the Association when determining whether to approve or disapprove:

1. The staging of an all-star game, contest or meet by any other organization; and

2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.

Sec. 2. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive ~~[.]~~ ***, and section 1 of this act.*** The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 3. The Nevada Interscholastic Activities Association shall, on or before ~~[October 1, 2013,]~~ **June 30, 2014,** amend its rules and regulations,

including, without limitation, NAC 386.693, as necessary to conform to the provisions of section 1 of this act.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations; and

2. On ~~[October 1, 2013,]~~ **July 1, 2014,** for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 127.

Bill read second time and ordered to third reading.

Senate Bill No. 130.

Bill read second time and ordered to third reading.

Senate Bill No. 136.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time and ordered to third reading.

Senate Bill No. 153.

Bill read second time and ordered to third reading.

Senate Bill No. 154.

Bill read second time and ordered to third reading.

Senate Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time and ordered to third reading.

Senate Bill No. 216.

Bill read second time and ordered to third reading.

Senate Bill No. 268.

Bill read second time and ordered to third reading.

Senate Bill No. 272.

Bill read second time and ordered to third reading.

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 284.
Bill read second time and ordered to third reading.

Senate Bill No. 286.
Bill read second time and ordered to third reading.

Senate Bill No. 288.
Bill read second time and ordered to third reading.

Senate Bill No. 310.
Bill read second time and ordered to third reading.

Senate Bill No. 317.
Bill read second time and ordered to third reading.

Senate Bill No. 335.
Bill read second time and ordered to third reading.

Senate Bill No. 342.
Bill read second time and ordered to third reading.

Senate Bill No. 345.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 610.

AN ACT relating to education; creating the Advisory Council on Science, Technology, Engineering and Mathematics; prescribing the membership and duties of the Council; requiring the Council to submit to the State Board of Education, the Governor and the Legislature a written report which includes recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill creates the Advisory Council on Science, Technology, Engineering and Mathematics within the Department of Education. The members of the Council include: (1) the Superintendent of Public Instruction or his or her designee; (2) the Chancellor of the Nevada System of Higher Education or his or her designee; (3) the Executive Director of the Office of Economic Development or his or her designee; (4) the Director of the Department of Employment, Training and Rehabilitation or his or her designee; and (5) ~~[11]~~ **13** members appointed by the Governor, the Majority Leader **and Minority Leader** of the Senate and the Speaker **and Minority Leader** of the Assembly from among persons who are ~~[professional educators]~~ **classroom teachers** in the fields of science, technology, engineering and mathematics **, administrators of public schools**

or school districts with an education program relating to the fields of science, technology, engineering and mathematics or persons who represent businesses that employ persons in careers which are enhanced by education in science, technology, engineering and mathematics. **Section 2** of this bill requires the Council to develop: (1) a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State; (2) a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics; and (3) a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics. **Section 2** also requires the Council to conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools in this State. **Section 2** further requires the Council to submit to the State Board of Education, the Governor and the Legislature a report which includes recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State. Additionally, **section 2** requires the Council to apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics and to identify a nonprofit corporation to assist in the implementation of the programs developed by the Council. **Section 2** also requires the State Board to consider the plans and reports of the Council and adopt such regulations to carry out the Council's recommendations as the State Board deems necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Advisory Council on Science, Technology, Engineering and Mathematics is hereby created within the Department of Education. The Council consists of:

(a) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee;

(2) The Chancellor of the Nevada System of Higher Education or his or her designee;

(3) The Executive Director of the Office of Economic Development or his or her designee; and

(4) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(b) Three members appointed by the Governor ~~[from among the persons described in]~~ **pursuant to** subsection 2;

(c) Four members appointed by the Majority Leader of the Senate ~~[from among the persons described in subsection 2; and]~~ **pursuant to subsections 2 and 3;**

(d) Four members appointed by the Speaker of the Assembly ~~[from among the persons described in subsection 2.]~~ **pursuant to subsections 2 and 3;**

(e) One member appointed by the Minority Leader of the Senate pursuant to subsection 4; and

(f) One member appointed by the Minority Leader of the Assembly pursuant to subsection 4.

2. The ~~[members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 must be persons]~~ **Governor, Majority Leader of the Senate and Speaker of the Assembly shall each appoint:**

(a) One member who ~~[are professional educators]~~ **is a classroom teacher** in the ~~[fields]~~ **field** of science, technology, engineering ~~[and]~~ **or** mathematics ~~[or persons]~~ **;**

(b) One member who is an administrator of a public school or school district in this State with an education program relating to the fields of science, technology, engineering and mathematics; and

(c) One member who ~~[represent]~~ **represents** businesses that employ persons in careers which are enhanced by education in science, technology, engineering and mathematics, including, without limitation, careers relating to manufacturing, information technology, aerospace engineering, health sciences and mining.

3. **The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint one additional member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.**

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.

5. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~[4.]~~ **6.** The Council shall hold its first regular meeting as soon as practicable on or after July 1, 2013, at the call of the Governor. At the first regular meeting of the Council, the members of the Council shall elect a Chair by majority vote.

~~[5.]~~ **7.** The Council shall meet not more than four times each year at the call of the Chair.

~~[6.]~~ **8.** A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

~~[7.]~~ **9.** The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

~~[8.]~~ **10.** The members of the Council serve without compensation.

Sec. 2. 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by section 1 of this act shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools in this State and report the information gathered by the survey to the State Board of Education;

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c); and

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

2. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

3. The State Board of Education shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report

submitted pursuant to paragraph (g) of subsection 1 and adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013, and expires by limitation on June 30, 2017.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 347.
Bill read second time and ordered to third reading.

Senate Bill No. 351.
Bill read second time and ordered to third reading.

Senate Bill No. 356.
Bill read second time and ordered to third reading.

Senate Bill No. 365.
Bill read second time and ordered to third reading.

Senate Bill No. 404.
Bill read second time and ordered to third reading.

Senate Bill No. 409.
Bill read second time and ordered to third reading.

Senate Bill No. 419.
Bill read second time and ordered to third reading.

Senate Bill No. 432.
Bill read second time and ordered to third reading.

Senate Bill No. 433.
Bill read second time and ordered to third reading.

Senate Bill No. 434.
Bill read second time and ordered to third reading.

Senate Bill No. 438.
Bill read second time and ordered to third reading.

Senate Bill No. 453.
Bill read second time and ordered to third reading.

Senate Bill No. 458.
Bill read second time and ordered to third reading.

Senate Bill No. 496.
Bill read second time and ordered to third reading.

Senate Bill No. 497.
Bill read second time and ordered to third reading.

Senate Bill No. 506.
Bill read second time and ordered to third reading.

Senate Bill No. 507.
Bill read second time and ordered to third reading.

Senate Bill No. 509.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 20 is part of the reorganization of the Department of Agriculture, so there are a number of changes in personnel and their duties. There are also some ancillary issues that are encapsulated in the bill.

It expands the purposes for which money may be expended from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases. It revises notification requirements when a brand inspector determines that an animal is the legal property of a person other than the person offering that animal for inspection. It also provides a certification by the Department as an actual producer of farm products other than any livestock, livestock product, or poultry. It changes provisions related to pest control, including increasing requirements for certain liability insurance and removing a requirement that each Nevada business location of a person licensed to engage in pest control must retain a primary principal who is responsible for the daily supervision of each category of pest control. It repeals a statute regarding a special tax on certain classes of livestock and restores the same provisions to another chapter of *Nevada Revised Statutes*, part of the reorganization. Lastly, it repeals certain statutes relating to the Agricultural Loan Mediation Program, certain inspections by Department inspectors and peace officers, and the retention of cattle hides by certain persons slaughtering cattle.

Roll call on Assembly Bill No. 20:
YEAS—40.
NAYS—None.
EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 20 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 80 creates the Task Force on Alzheimer's Disease within the Department of Health and Human Services [DHHS]. The Director of DHHS appoints eight voting members and the Legislative Commission appoints two voting members, one from the Senate and one from the Assembly. The Task Force must develop the state plan to address Alzheimer's disease based upon the plan developed pursuant to Assembly Concurrent Resolution 10 of the 2011 Legislative Session, revise the plan as needed, prioritize action steps, and research issues relevant to Alzheimer's disease.

Additionally, the Task Force must submit an annual report on or before February 1 each year to the Governor and Director of the Legislative Counsel Bureau with findings and recommendations.

Roll call on Assembly Bill No. 80:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 80 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 91, Madam Speaker, allows a court to order a defendant to a program of regimental discipline if the defendant was convicted of a felony involving an act of violence and the district attorney stipulates to the defendant's eligibility for the program.

Roll call on Assembly Bill No. 91:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 91 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 130 requires the Board of Regents of the University of Nevada to pay certain fees and expenses for undergraduate classes that are taken at a school within the Nevada System of Higher Education by dependent children of a member of a rescue or emergency medical

services crew who is killed in the line of duty. This provision applies to salaried employees or volunteers and excludes those serving as contractors.

Roll call on Assembly Bill No. 130:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2

Assembly Bill No. 130 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 146 provides that a person who provides care to a minor and knowingly obtains labor or services by causing or threatening to cause serious harm or who engages in conduct that results in physical injury, sexual abuse, or sexual assault or benefits financially from such labor or services is guilty of a category A felony of holding a minor in involuntary servitude. The bill specifies that the consent of a minor is not a defense against a charge of servitude of a minor and clarifies that a parent or guardian is not prohibited from requiring a child to perform common household chores under the threat of reasonable discipline.

Roll call on Assembly Bill No. 146:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 146 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Assembly Bill 153 authorizes the operation of craft distilleries in Nevada. The bill sets forth the scope of operation for craft distilleries, creates a new license category for craft distilleries, and imposes a new licensing fee. The measure also prohibits the sharing or leasing of facilities among manufacturers, wholesalers, distributors, and retailers unless they are engaged in the same business and makes changes to exceptions for terminating a franchise with a wholesaler. Regardless of what others have stated, this is not a Mormon drinking bill. This is a jobs bill.

Roll call on Assembly Bill No. 153:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 153 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 195 authorizes the holder of a concealed firearm permit issued on or before June 30, 2011, to submit an application for renewal at any time before the permit expires if the permit has not already been renewed. If the permit holder submits a complete application 180 days or more before the expiration date, the sheriff to whom the application is submitted must grant or deny the application within 180 days.

Assembly Bill 195 becomes effective upon passage and approval and expires by limitation on June 30, 2016.

Roll call on Assembly Bill No. 195:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 195 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 226 requires an issuer of policies of life insurance, annuities, benefit contracts, and retained asset accounts to perform a comparison, on at least a semiannual basis, of the names on the Death Master File of the Social Security Administration with the names of its insured to identify potential matches.

Roll call on Assembly Bill No. 226:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 226 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Assembly Bill 228 authorizes a provider of health care who is licensed or certified in this state or in another state or territory to provide voluntary health care services without

compensation if those services are provided in association with a sponsoring organization. The bill requires a sponsoring organization to register with the Health Division of the Department of Health and Human Services and file quarterly reports containing information on the services delivered by the voluntary health care providers.

Roll call on Assembly Bill No. 228:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 228 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 303 authorizes the PEBP Board to approve the payment of an additional amount from available funds in order to increase the subsidy for Medicare retirees. For a full disclosure, I am a Medicare retiree. The bill does not affect me any differently than it affects others, and I will be voting on the bill.

All other retirees are eligible for subsidy increases when funds become available. Current law prevents Medicare retirees from the same privilege. This bill just corrects the inequity.

Roll call on Assembly Bill No. 303:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 303 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblywoman Flores.

ASSEMBLYWOMAN FLORES:

It's my bill. Assembly Bill 309 is very simple. It creates a system by which the Department of Motor Vehicles can provide electronic lien transfers of titles once they are paid off by the consumer.

Roll call on Assembly Bill No. 309:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 309 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 362 requires the State Board of Pharmacy to establish, maintain, and adopt regulations for an HIV/AIDS Drug Donation Program. A drug used to treat the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) can be donated by any person to a participating pharmacy, medical facility, health clinic, or provider of health care if the drug is in the original, unopened, and sealed package and not adulterated or misbranded. A person who accepts a donated drug must sign a waiver of liability.

Roll call on Assembly Bill No. 362:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 362 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 364 increases, from not more than 15 to not more than 39 working days in a calendar year, the period during which certain public officers or employees of the state who are active members of specified military groups must be relieved from their duties to serve under orders without loss of compensation. These provisions apply to officers and employees whose work schedules include Saturday or Sunday, and such an absence may not be part of the employees' annual vacation. It is a good bill.

Roll call on Assembly Bill No. 364:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 364 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 422 requires the Director of the Department of Corrections, in consultation with the Department's medical director and Inspector General, to request an autopsy of an offender who dies while in custody if the next of kin consents or does not notify the Director of an objection within 72 hours.

Roll call on Assembly Bill No. 422:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 422 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I have a file on this and I'll be happy to try to address it. This allows the Adjutant General to accept federal funding for personnel support, equipment, supplies, arms, and facilities through the fiscal officer for the state of Nevada. This is also the provision that allows them to rent out space, lease out space, accept the money for that space, and be able to spend the money that they got for that space—that was the amendment that we did yesterday. I would be happy to try to answer any questions.

Roll call on Assembly Bill No. 448:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 448 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Yes Mam. Assembly Bill 467, as amended, authorizes a one-time General Fund appropriation of $371,023 to the Division of State Parks of the State Department of Conservation and Natural Resources to fund new and replacement public safety equipment, as well as other worn and obsolete equipment, including six pickup trucks, one tractor, one front loader, one backhoe, one track loader, one pickup bed insert, one tilt deck trailer, one lowboy trailer with semitractor, and one storage shed. I can give you a lot more numbers, but I think that explains it pretty well. There are a couple things on this list that I needed a picture of, but I think I got the gist of it.

Roll call on Assembly Bill No. 467:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 467 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 475, as amended, makes an appropriation to the Legislative Fund in the sum of $758,573 for dues and registration costs for national organizations for the 2013-2015 biennium. The funding was requested by the Legislative Commission to pay dues and registration costs to the National Conference of State Legislators; the Council of State Governments; the American Legislative Exchange Council; the National Conference of Commissioners on Uniform State Laws; the Education Commission of the States; the Interstate Commission on Educational Opportunity for Military Children; and the National Conference of Insurance Legislators.

In addition, Assembly Bill 475 makes an appropriation to the Legislative Fund in the sum of $1,082,800 for one-time building maintenance projects and information technology purchases for the Legislative Counsel Bureau. These appropriations, as amended, totaling $1,841,373, were included in The Executive Budget for the 2013-2015 biennium. This bill is effective upon passage and approval. Madam Speaker, I did not read you the list of maintenance projects, but they are available for anyone who is interested. I can also tell you which elevators we are doing maintenance on.

Roll call on Assembly Bill No. 475:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Assembly Bill No. 475 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 11 makes it unlawful for a person to possess in Nevada any wildlife that was acquired, hunted, taken, or transported from another country or state in violation of a law or regulation of that country or state.

Roll call on Senate Bill No. 11:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 11 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 12 clarifies the authority of the Nevada Transportation Authority to submit fingerprints to the Federal Bureau of Investigation.

Roll call on Senate Bill No. 12:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 12 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 13 authorizes the Department of Motor Vehicles [DMV] to suspend the registration of a motor vehicle if the payment for the registration fee is returned to the DMV or otherwise dishonored. The bill requires the immediate return of the certificate of registration and license plates upon suspension. The DMV is required to notify the registered owner of the impending suspension and provide instruction for reinstatement. The registration must be reinstated upon payment of applicable registration and license plate fees, Governmental Services Tax, and any late fees or penalties.

Roll call on Senate Bill No. 13:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 13 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 14.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 14 authorizes the Director of the Department of Transportation to reduce the maximum vehicle weight limit on any state-owned road or bridge for the purpose of public safety. The weight limit reductions are not to exceed a period of 180 days. The Director must notify the Department of Transportation's Board of Directors within 60 days of making any weight limit reductions.

Roll call on Senate Bill No. 14:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 14 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 17.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 17 revises the deadlines for gaming licensees to file financial reports with the Gaming Control Board and to file certain reports and pay fees to the Nevada Gaming Commission from the 24th to the 15th of each month.

Roll call on Senate Bill No. 17:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 17 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 19 enables the Department of Motor Vehicles to revoke the license of a person convicted under a city or county ordinance of driving under the influence under the same or similar laws as set forth in the *Nevada Revised Statutes*.

Roll call on Senate Bill No. 19:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 19 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 23 establishes “Nevada Tribes Legislative Day” on the second Tuesday of February during every regular session of the Legislature. The Nevada Indian Commission is required to invite the Legislature, Governor, and other elected officials to recognize and pay tribute to the history, culture, and contributions of Native Americans to the prosperity and cultural diversity of Nevada and the United States. The Nevada Indian Commission will also schedule activities and discussions on this day between state and tribal leaders on issues of common interest.

Roll call on Senate Bill No. 23:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 23 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 24 authorizes the Attorney General to establish a program and adopt regulations necessary to assist law enforcement and prosecuting attorneys in complying with Article 36 of the Vienna Convention on Consular Relations.

Roll call on Senate Bill No. 24:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 24 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 28.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Senate Bill 28 provides that a person engages in unethical or dishonest practices in the securities business if the person misuses a certification or professional designation. In addition, the measure adds moral turpitude to the list of misdemeanors or felonies that would support license revocation.

This measure increases the penalty for making a false representation regarding a security that is publicly traded from a gross misdemeanor to a category B felony. The measure also prohibits willfully making false statements in the course of a securities investigation.

Finally, Senate Bill 28 expands the subpoena power of the Administrator of the Securities Division of the Office of the Secretary of State to issue a subpoena at the request of another state, jurisdiction, Canadian province or territory, or other foreign jurisdictions if the violation in the foreign jurisdiction would be a violation in the state of Nevada.

Roll call on Senate Bill No. 28:

YEAS—39.

NAYS—Fiore.

EXCUSED—Hambrick, Pierce—2.

Senate Bill No. 28 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 344; Senate Bills Nos. 30, 32, 37, 45, 46, 51, 53, 60, 61, 65, 77, 78, 79, 81, 101, 102, 104, 105, 108, 110, 117, 140, 157, 158, 159, 163, 175, 185, 189, 191, 227, 237, 264, 274, 304, 309, 325, 343, 344, 382, 388, 393, 420, 441, 460, 476, 489, 503, 505; Senate Joint Resolution No. 12, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Herbert E. Randall.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Ginter and the following students from O'Brien STEM Academy: Dallin Isaacson, Brenda Trinh, Taylor Bills, Kaydi Deutsch, Denyse Marquez Sanchez, Brenda Trujillo, Trentin Dalgleish, Andrew Wright, Gillian Hubbard, Eric Lopez-Hernandez, Janaesha Carey, Karmi Caguiat, Andrew Marable, Nency Rios Partida, Brittaney Vargas Carrillo, Wyatt Conlin, Ana Guzman, Nikki Zuber, Destiny Bledsoe, Daylen Mendonca, Zoria Nelson, Jared Werlinger, Jacob Gualano, Taylor Cerny, Jonas Stanley, Eduardo Martinez, Romie Dancer, Jamari Lawson, Asya Southy, Jerimiah Walthman, Ashley Appleman, Mason McCleary, Alejandra Sanchez, Sophia Oropeza, Steve Robles, Erika Hensens, Caleb Springmeyer, Kolton Mero, Eric Mason, Trisha Lim, Sarah Miller, Alyssa Haas, Josh Knuckles, Cinthia Amezcua, Nicole Carlson, Kolotita Palavu, Danielle Polier, Jennifer Lopez, Drenica Keith Nacion, and Asia Tutino Fitzgerald.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Mosley, Mike Mosley, Josalynne Mosley, and Anthony Mosley.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Tom Collins.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Spooner.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth H. Hart.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to LaLonnie Strait.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Roberts.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to John Yacenda.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Nevada Connections Academy: Lauren Arnold-Wahler, Jesse Hawkins, Cody Hawkins, Irelynn House, Harryck House, Luz Sandoval, Isabel Sandoval, Jennifer Asher, Jr., Susan Thompson, Nancy Lee Varnum, Kristy Arnold, Joy Hawkins, Christina House, Rowena Sandoval, Cristian Sandoval, and Jennifer Asher, Sr.

Assemblyman Horne moved that the Assembly adjourn until Friday, May 17, 2013, at 6:30 p.m.

Motion carried.

Assembly adjourned at 2:03 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 17, 2013

Assembly called to order at 7:08 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Hogan, and Pierce, who were excused.

Prayer of the Chaplain, Reverend Jeffrey D. Paul, read by the Chief Clerk of the Assembly, Susan Furlong.

O' Lord, our Governor, whose glory is in all the world: We commend the state of Nevada to Your care, that we may dwell in Your peace. Grant to the Assembly and to all in authority wisdom and strength to know and do Your will. Fill us all with a love of truth and righteousness and make us mindful of our calling to serve this people; one God, world without end.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 162, 180, 198, 267, 287, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bills Nos. 305, 392, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 80, 112, 167, 206, 233, 258, 276, 285, 315, 318, 338, 448, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 4, 100, 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 499; Senate Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bills Nos. 178, 202, 457; Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 73, 133, 134, 181, 371; Senate Joint Resolutions Nos. 1, 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 15 of the 76th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 170, 217, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 1, 31, 67, 139, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 350, 459, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: BDR 32-1224.

MARK KRMPOTIC
Fiscal Analysis Division

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 78, 101, and 191 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 125 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 499; Senate Bills Nos. 4, 55, 73, 80, 100, 111, 112, 133, 134, 143, 162, 167, 170, 176, 178, 180, 181, 198, 202, 206, 217, 233, 258, 262, 267, 276, 285, 287, 305, 315, 318, 338, 350, 371, 392, 402, 437, 443, 448, 449, 457, 459, 488; Senate Joint Resolutions Nos. 1, 13, 14; and Senate Joint Resolution No. 15 of the 76th Session, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time and ordered to third reading.

Senate Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 602.

SUMMARY—Revises provisions governing the testing of a person or decedent who may have exposed certain public employers, employees or volunteers to a ~~[contagious]~~ **communicable** disease. (BDR 40-265)

AN ACT relating to ~~[contagious]~~ **communicable** diseases; revising provisions governing the testing of a person who may have exposed certain public employers, employees or volunteers to a ~~[contagious]~~ **communicable** disease; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if the duties of a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees, any other person who is employed by an agency of criminal justice or any other public employee may require him or her to come into contact with human blood or bodily fluids and if he or she may have been exposed to a contagious disease while performing those duties, the employee or his or her employer may petition a court to have the person or decedent who may have exposed the employee or his or her employer to a contagious disease tested for exposure to the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis. Upon a finding by a court that there is probable cause to believe that a possible transfer of blood or other bodily fluids to the petitioner or the person on whose behalf the petition was filed occurred, the court is required to order testing of the blood of the person or decedent who possibly exposed to a contagious disease the petitioner or the person on whose behalf the petition was filed. (NRS 441A.195)

Section 1 of this bill allows any such employee or a volunteer for a public agency, who comes in contact with human blood or bodily fluids in the course of his or her official duties, or his or her employer or the public agency for which he or she volunteers, to seek a test of the person or decedent who possibly exposed the public employee or volunteer to a ~~[contagious]~~ **communicable** disease. **Section 1 requires a court to determine that the employee or volunteer would require medical intervention if there is a positive result to the test for the presence of a communicable disease before issuing an order for a test. Section 1** allows a judge or a justice of the peace hearing the petition upon a determination of probable cause and the ordering of a test, to authorize certain persons acting on behalf of the employer or public agency to sign the name of the judge or justice of the peace on a duplicate order. Such an order is to be deemed an order of the court but must be returned to the judge or justice of the peace for endorsement. Failure by the judge or justice of the peace to endorse the order does not in and of itself invalidate the order. **Section 1** also: (1) requires any records concerning such a petition or proceeding on such a petition to be

sealed and kept confidential; and (2) authorizes a court to establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order by electronic or telephonic means. **Sections 2 and 3** of this bill authorize justice courts and municipal courts to issue such orders.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees ~~[,]~~ ***or volunteers,*** any other person who is employed by ***or is a volunteer for*** an agency of criminal justice or any other public employee ~~[whose duties may require him or her to come]~~ ***or volunteer for a public agency who, in the course of his or her official duties, comes*** into contact with human blood or bodily fluids, ~~[who may have been exposed to a contagious disease while performing his or her official duties,]~~ or the employer of such a person ~~[,]~~ ***or the public agency for which the person volunteers,*** may petition a court for an order requiring the testing of a person or decedent for exposure to ~~[the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis]~~ ***a communicable disease*** if the person or decedent may have exposed the officer, ***emergency*** medical attendant, firefighter, county coroner or medical examiner or their employee ~~[,]~~ ***or volunteer,*** other person employed by ***or volunteering for*** an agency of criminal justice or other public employee ~~[whose duties may require him or her to come into contact with human blood or bodily fluids]~~ ***or volunteer for a public agency*** to a ~~[contagious]~~ ***communicable*** disease.

2. When possible, before filing a petition pursuant to subsection 1, the person ***,*** ~~[or]~~ employer ***or public agency for which the person volunteers, and who is*** petitioning shall submit information concerning the possible exposure to a ~~[contagious]~~ ***communicable*** disease to the designated health care officer for the employer ***or public agency*** or, if there is no designated health care officer, the person designated by the employer ***or public agency*** to document and verify possible exposure to ~~[contagious]~~ ***communicable*** diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer ***or public agency*** to document and verify possible exposure to ~~[contagious]~~ ***communicable*** diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or

decedent who possibly exposed him or her to a ~~[contagious]~~ ***communicable*** disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred ~~[,]~~ ***and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention,*** the court shall:

(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a ~~[contagious]~~ ***communicable*** disease to submit two ***appropriate*** specimens ~~[of blood]~~ to a local hospital or medical laboratory for testing for exposure to ~~[the human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis,]~~ ***a communicable disease;*** or

(b) Order that two ***appropriate*** specimens ~~[of blood]~~ be ~~[drawn]~~ ***taken*** from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a ~~[contagious]~~ ***communicable*** disease and be submitted to a local hospital or medical laboratory for testing for exposure to the ~~[human immunodeficiency virus, the hepatitis B surface antigen, hepatitis C and tuberculosis.]~~ ***communicable disease.***

➥ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. ***If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify possible exposure to a ~~[contagious]~~ communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.***

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person ***or the public agency for which the person volunteers,*** who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer ***or public agency,*** shall pay the cost of performing the test pursuant to subsection 3.

~~[5.]~~ ***8.*** As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

Sec. 2. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $10,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $10,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $10,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real

property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 3. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 4. NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested and, upon request, a member of the family of a decedent who was tested;

(b) The law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee ~~[,]~~ ***or volunteer,*** other person who is employed by ***or volunteers for*** an agency of criminal justice or other public employee ~~[whose duties may require him or her to come into contact with human blood or bodily fluids]~~ ***or volunteer of a public agency*** who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person ***or the public agency for which the person volunteers, as*** described in paragraph (b) or, if there is no designated health care officer, the person designated by the employer ***or public agency*** to document and verify possible exposure to ~~[contagious]~~ ***communicable*** diseases;

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any; and

(e) A designated investigator or member of the State Board of Osteopathic Medicine during any period in which the Board is investigating the holder of a license pursuant to chapter 633 of NRS.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.

3. A person to whom the results of a test pursuant to paragraph (b) or (c) of subsection 1 are disclosed shall keep any information relating to the identity of the person about whom the results relate in strict confidence and shall not disclose any information about that person or the results of any

test which would identify the person to any other person or governmental entity.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 620.

AN ACT relating to land use planning; revising provisions governing the subject matter of master plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the subject matter that may be included in a master plan and specifies 19 separate plans and other items that may be so included, with the exception of certain cities and counties who must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170) **Section 3** of this bill reorganizes the 19 separate plans and other items into 8 different elements that may comprise a master plan. Pursuant to this reorganization, a master plan may now include: (1) a conservation element; (2) a historic preservation element; (3) a housing element; (4) a land use element; (5) a public facilities and services element; (6) a recreation and open space element; (7) a safety element; and (8) a transportation element.

Existing law provides that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), if a planning commission or governing body of a city or county adopts only a portion of the master plan, the following must be included in the master plan: (1) a conservation plan; (2) a housing plan; and (3) a population plan. (NRS 278.150, 278.170) **Sections 2 and 4** of this bill provide that if a planning commission or governing body in such a county adopts only a portion of a master plan, the following must be included in the master plan: (1) a conservation plan of the conservation element; (2) the housing element; and (3) a population plan of the public facilities and services element.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.02556 is hereby amended to read as follows:

278.02556 Except as otherwise provided in this section, a governing body, regional agency, state agency or public utility that is located in whole or in part within the region shall not adopt a master plan, facilities plan or other similar plan, or an amendment thereto, after March 1, 2001, unless the regional planning coalition has been afforded an opportunity to make recommendations regarding the plan or amendment. A governing body, regional agency, state agency or public utility may adopt an amendment to a land use plan described in ~~[~~paragraph (g) of subsection 1 of~~]~~ NRS 278.160 without affording the regional planning coalition the opportunity to make recommendations regarding the amendment.

Sec. 2. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3 and 4, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion ~~[~~a~~]~~ ***:***

(a) A conservation plan ~~[~~, a~~]~~ ***of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;***

(b) The housing ~~[~~plan~~]~~ ***element, as described in paragraph (c) of subsection 1 of NRS 278.160;*** and ~~[~~a~~]~~

(c) A population plan ~~[~~as provided in~~]~~ ***of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of*** NRS 278.160.

4. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the ~~[~~subjects~~]~~ ***elements*** set forth in ~~[~~subsection 1 of~~]~~ NRS 278.160.

Sec. 3. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in ***this section and*** ~~[~~subsection~~]~~ ***subsections 3 and*** 4 of NRS 278.150 and ~~[~~subsection~~]~~ ***subsections 2 and*** 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following ~~[~~subject matter~~]~~ ***elements*** or portions thereof as

are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) ~~[(Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.~~

~~(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.~~

~~(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.~~

~~(d) Historic neighborhood preservation plan. The plan:~~

~~(1) Must include, without limitation:~~

~~(I) A plan to inventory historic neighborhoods.~~

~~(II) A statement of goals and methods to encourage the preservation of historic neighborhoods.~~

~~(2) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.~~

~~(e) Historical properties preservation plan. An inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.~~

~~(f) Housing plan. The housing plan must include, without limitation:~~

~~(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing to individuals and families in the community, regardless of income level.~~

~~(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.~~

~~(3) An analysis of projected growth and the demographic characteristics of the community.~~

~~(4) A determination of the present and prospective need for affordable housing in the community.~~

~~(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.~~

~~(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:~~

~~(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and~~

~~(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.~~

~~(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.~~

~~(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.~~

~~(g) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:~~

~~(1) Must address, if applicable:~~

~~(I) Mixed use development, transit oriented development, master planned communities and gaming enterprise districts; and~~

~~(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.~~

~~(h) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.~~

~~(i) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.~~

~~(j) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.~~

~~(k) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails,~~

~~reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.~~

~~(l) Rural neighborhoods preservation plan. In any county whose population is 700,000 or more, showing general plans to preserve the character and density of rural neighborhoods.~~

~~(m) Safety plan. In any county whose population is 700,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.~~

~~(n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.~~

~~(o) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.~~

~~(p) Solid waste disposal plan. Showing general plans for the disposal of solid waste.~~

~~(q) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.~~

~~(r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.~~

~~(s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights of way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.~~**]** ***A conservation element, which ~~[may]~~ must include:***

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores,

and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which ~~[may]~~ must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which ~~[may]~~ must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which ~~[may]~~ must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(4) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(5) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which ~~[may]~~ must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which ~~[may]~~ must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which ~~[may]~~ must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other ~~[subjects]~~ ***elements*** as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such ~~[subject]~~ ***element*** as a part of the master plan.

Sec. 4. NRS 278.170 is hereby amended to read as follows:

278.170 1. Except as otherwise provided in subsections 2 and 3, the commission may prepare and adopt all or any part of the master plan or any ~~[subject]~~ ***element*** thereof for all or any part of the city, county or region.

Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all ~~[subjects]~~ ***elements*** of the master plan, as outlined in NRS 278.160, it shall include, in its preparation and adoption ~~[, the]~~ ***:***

(a) A conservation ~~[,]~~ ***plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;***

(b) The housing ***element, as described in paragraph (c) of subsection 1 of NRS 278.160;*** and

(c) A population ~~[plans]~~ ***plan of the public facilities and services element, as*** described in ~~[that section.]~~ ***subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160.***

3. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the ~~[subjects]~~ ***elements*** set forth in ~~[subsection 1 of]~~ NRS 278.160.

Sec. 5. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:

(a) Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains; and

(d) If a military installation is located within 3,000 feet of the area to which the proposed amendment pertains, the commander of the military installation.

➥ The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.

3. Except as otherwise provided in NRS 278.225, the adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chair of the commission.

4. Except as otherwise provided in NRS 278.225, no plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in ~~[paragraph (g) of subsection 1 of]~~ NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to:

(a) A change in the land use designated for a particular area if the change does not affect more than 25 percent of the area; or

(b) A minor amendment adopted pursuant to NRS 278.225.

6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.

Sec. 6. NRS 278.230 is hereby amended to read as follows:

278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150, whenever the governing body of any city or county has

adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing; and

(b) A basis for the efficient expenditure of funds thereof relating to the ~~[subjects]~~ ***elements*** of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

Sec. 7. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include ~~[a]~~ ***the*** housing ~~[plan]~~ ***element*** in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing ~~[plan]~~ ***element*** pursuant to subparagraph (8) of paragraph ~~[(f)]~~ ***(c)*** of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) At the expense of the city or county, as applicable, subsidizing in whole or in part impact fees and fees for the issuance of building permits collected pursuant to NRS 278.580.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. On or before January 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period.

3. On or before February 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 2 and transmit the compilation to the Legislature, or the Legislative Commission if the Legislature is not in regular session.

Sec. 8. NRS 278.240 is hereby amended to read as follows:

278.240 Whenever the governing body of a city, county or region has adopted a master plan, or one or more ~~[subject matters]~~ ***elements*** thereof, for the city, county or region, or for a major section or district thereof, no street, square, park, or other public way, ground, or open space may be acquired by dedication

or otherwise, except by bequest, and no street or public way may be closed or abandoned, and no public building or structure may be constructed or authorized in the area for which the master plan or one or more ~~[subject matters]~~ ***elements*** thereof has been adopted by the governing body unless the

dedication, closure, abandonment, construction or authorization is approved in a manner consistent with the requirements of the governing body, board or commission having jurisdiction over such a matter.

Sec. 9. NRS 278.4787 is hereby amended to read as follows:

278.4787 1. Except as otherwise provided in subsection 5, a person who proposes to divide land for transfer or development into four or more lots pursuant to NRS 278.360 to 278.460, inclusive, or chapter 278A of NRS, may, in lieu of providing for the creation of an association for a common-interest community, request the governing body of the jurisdiction in which the land is located to assume the maintenance of one or more of the following improvements located on the land:

(a) Landscaping;

(b) Public lighting;

(c) Security walls; and

(d) Trails, parks and open space which provide a substantial public benefit or which are required by the governing body for the primary use of the public.

2. A governing body shall establish by ordinance a procedure pursuant to which a request may be submitted pursuant to subsection 1 in the form of a petition, which must be signed by a majority of the owners whose property will be assessed and which must set forth descriptions of all tracts of land or residential units that would be subject to such an assessment.

3. The governing body may by ordinance designate a person to approve or disapprove a petition submitted pursuant to this section. If the governing body adopts such an ordinance, the ordinance must provide, without limitation:

(a) Procedures pursuant to which the petition must be reviewed to determine whether it would be desirable for the governing body to assume the maintenance of the proposed improvements.

(b) Procedures for the establishment of a maintenance district or unit of assessment.

(c) A method for:

(1) Determining the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(I) Benefit the development or subdivision in which the improvements are located; and

(II) Benefit the public;

(2) Assessing the tracts of land or residential units in the development or subdivision to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the development or subdivision in which the improvements are located; and

(3) Allocating an amount of public money to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements, in the proportion that such maintenance will benefit the public.

(d) Procedures for a petitioner or other aggrieved person to appeal to the governing body a decision of the person designated by the governing body by ordinance adopted pursuant to this subsection to approve or disapprove a petition.

4. If the governing body does not designate by an ordinance adopted pursuant to subsection 3 a person to approve or disapprove a petition, the governing body shall, after receipt of a complete petition submitted at least 120 days before the approval of the final map for the land, hold a public hearing at least 90 days before the approval of the final map for the land, unless otherwise waived by the governing body, to determine the desirability of assuming the maintenance of the proposed improvements. If the governing body determines that it would be undesirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall specify for the record its reasons for that determination. If the governing body determines that it would be desirable for the governing body to assume the maintenance of the proposed improvements, the governing body shall by ordinance:

(a) Determine the relative proportions in which the assumption of the maintenance of the proposed improvements by the governing body will:

(1) Benefit the development or subdivision in which the improvements are located; and

(2) Benefit the public.

(b) Create a maintenance district or unit of assessment consisting of the tracts of land or residential units set forth in the petition or include the tracts of land or residential units set forth in the petition in an existing maintenance district or unit of assessment.

(c) Establish the method or, if the tracts or units are included within an existing maintenance district or unit of assessment, apply an existing method for determining:

(1) The amount of an assessment to pay the costs that will be incurred by the governing body in assuming the maintenance of the proposed improvements. The amount of the assessment must be determined in accordance with the proportion to which such maintenance will benefit the development or subdivision in which the improvements are located.

(2) The time and manner of payment of the assessment.

(d) Provide that the assessment constitutes a lien upon the tracts of land or residential units within the maintenance district or unit of assessment. The lien must be executed, and has the same priority, as a lien for property taxes.

(e) Prescribe the levels of maintenance to be provided.

(f) Allocate to the cost of providing the maintenance the appropriate amount of public money to pay for that part of the maintenance which creates the public benefit.

(g) Address any other matters that the governing body determines to be relevant to the maintenance of the improvements, including, without limitation, matters relating to the ownership of the improvements and the land on which the improvements are located and any exposure to liability associated with the maintenance of the improvements.

5. If the governing body requires an owner of land to dedicate a tract of land as a trail identified in the recreation plan of the governing body adopted pursuant to ~~[paragraph (k) of subsection 1 of]~~ NRS 278.160, the governing body shall:

(a) Accept ownership of the tract; and

(b) Assume the maintenance of the tract and any other improvement located on the land that is authorized in subsection 1.

6. The governing body shall record, in the office of the county recorder for the county in which the tracts of land or residential units included in a petition approved pursuant to this section are located, a notice of the creation of the maintenance district or unit of assessment that is sufficient to advise the owners of the tracts of land or residential units that the tracts of land or residential units are subject to the assessment. The costs of recording the notice must be paid by the petitioner.

7. The provisions of this section apply retroactively to a development or subdivision with respect to which:

(a) An agreement or agreements between the owners of tracts of land within the development or subdivision and the developer allow for the provision of services in the manner set forth in this section; or

(b) The owners of affected tracts of land or residential units agree to dissolve the association for their common-interest community in accordance with the governing documents of the common-interest community upon approval by the governing body of a petition filed by the owners pursuant to this section.

Sec. 10. NRS 279.608 is hereby amended to read as follows:

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area.

2. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be

published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

3. In addition to the notice published pursuant to subsection 2, the agency shall cause a notice of hearing on a proposed amendment to the plan to be sent by mail at least 10 days before the date of the hearing to each owner of real property, as listed in the records of the county assessor, whom the agency determines is likely to be directly affected by the proposed amendment. The notice must:

(a) Set forth the date, time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed amendment; and

(b) Contain a brief summary of the intent of the proposed amendment.

4. If after the public hearing, the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, those changes must be submitted by the agency to the planning commission for its report and recommendation. The planning commission shall give its report and recommendations to the legislative body within 30 days after the agency submitted the changes to the planning commission.

5. After receiving the recommendation of the agency concerning the changes in the plan, the legislative body shall hold a public hearing on the proposed amendment, notice of which must be published in a newspaper in the manner designated for notice of hearing by the agency. If after that hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plan.

6. As used in this section, "material deviation" means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The term includes, without limitation, the vacation of a street that is depicted in the streets and highways plan of the master plan described in ~~[paragraph (q) of subsection 1 of]~~ NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in ~~[paragraph (q) of subsection 1 of]~~ NRS 278.160 which has been adopted for the community.

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 73.

Bill read second time and ordered to third reading.

Senate Bill No. 80.

Bill read second time and ordered to third reading.

Senate Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 606.

Section 51.5 of Senate Bill No. 100 First Reprint is hereby amended as follows:

Sec. 51.5. Notwithstanding the provisions of NRS 450B.025, 450B.065, 450B.085, 450B.1905, 450B.191 and 450B.195, as amended by sections 5, 7, 9, 18, 19 and 21 of this act, any person who, on December 31, 2013, holds a certificate as an emergency medical technician, **intermediate emergency medical technician or** advanced emergency medical technician ~~[or paramedic]~~ is exempt from the training requirements for certification prescribed pursuant to the applicable provisions of NRS 450B.1905, 450B.191 or 450B.195, as amended by sections 18, 19 and 21 of this act, through December 31, 2015.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 111.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:28 p.m.

ASSEMBLY IN SESSION

At 7:31 p.m.
Madam Speaker presiding.
Quorum present.

Senate Bill No. 133.
Bill read second time and ordered to third reading.

Senate Bill No. 134.
Bill read second time and ordered to third reading.

Senate Bill No. 143.
Bill read second time and ordered to third reading.

Senate Bill No. 162.
Bill read second time and ordered to third reading.

Senate Bill No. 167.
Bill read second time and ordered to third reading.

Senate Bill No. 170.
Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 631.

AN ACT relating to ~~[body shops;]~~ **automotive repairs;** authorizing a body shop to impose certain charges for storage of a motor vehicle; requiring that body shops include rates for storage of vehicles in written estimates; requiring that body shops notify certain registered owners of a motor vehicle of charges for storage; revising provisions governing information that body shops are required to submit to the Department of Motor Vehicles; **requiring that body shops and garage operators inform certain persons as to the forms of payment which the shop or garage accepts;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a body shop may charge for storage of a motor vehicle if the owner or insurer of the motor vehicle elects to take possession of the motor vehicle instead of authorizing certain repairs and fails to take possession within 24 hours after that election. (NRS 487.6881) **Section 2** of this bill authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. **Section 2** also provides that any such charge for storage of a motor vehicle must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same

geographic area, as determined by the Department of Motor Vehicles, except that a body shop may request a hearing by the Department to show good cause as to why the body shop should be allowed to impose a charge which exceeds that limit.

Under existing law, a body shop must complete an on-line survey to report certain information, including the labor rate charged by the body shop, to the Department of Motor Vehicles within 60 days immediately preceding the date of submission of the application for renewal of the license of the body shop. (NRS 487.685) **Section 5** of this bill requires that a body shop also report to the Department in the on-line survey the rate charged by the body shop for storage of vehicles, if any, including both an indoor vehicle storage rate and an outdoor vehicle storage rate, if those rates differ. **Section 6** of this bill requires the Department to calculate and post the prevailing storage rates for each specific geographic area in a report that must be made available to the public on-line. (NRS 487.686)

Existing law requires a body shop to provide to a person requesting or authorizing the repair of a motor vehicle a written estimate or statement indicating the total charge for the repair, including the charge for labor and all parts and accessories necessary to perform the work. (NRS 487.6875) Existing law also requires a body shop to display in its place of business a sign setting forth various rights of the customer, including the right to receive a written estimate of charges for repairs made to the vehicle which exceed $50. (NRS 487.6871) **Section 9** of this bill requires that the person requesting or authorizing the repair is also entitled to receive from the body shop a written statement of charges for storage of the vehicle, if any, which could exceed $50. **Section 7** of this bill provides that the sign in a body shop which is required to set forth the various rights of the customer must also include language stating that the customer is entitled to receive a written statement of charges for storage of the vehicle, if any, which could exceed $50. **Section 7** also requires such signs to display the Internet address of the Division of Compliance Enforcement of the Department of Motor Vehicles and the telephone number of the closest office of the Division.

Section 3 of this bill provides that if a motor vehicle is towed to a body shop at the request of someone other than the registered owner or an authorized agent of the owner, the body shop which receives the motor vehicle must make reasonable attempts to notify the registered owner of the motor vehicle of the location of the vehicle. **Section 3** further provides that the body shop may impose a charge for storage of such a motor vehicle.

Section 3.5 of this bill requires under certain circumstances that body shops and garage operators inform certain persons as to the forms of payment which the shop or garage accepts.

Sections 12-14 of this bill provide for injunctive relief, civil penalties and a criminal misdemeanor penalty for violations of the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***1. Except as otherwise provided in NRS 487.6881, a body shop may impose a reasonable charge for storage of a motor vehicle that is in the possession of the body shop except that no such charge may be imposed:***

(a) For any day when the motor vehicle is being repaired, inspected, test driven or otherwise worked on by the body shop;

(b) For any day when the motor vehicle is being inspected, test driven ~~***[,***~~ ~~***reviewed]***~~ ***or otherwise worked on by the insurer of the motor vehicle or by the body shop at the request of the insurer of the vehicle;***

(c) For 24 hours after the person who authorized the repair of the motor vehicle has been notified that the repairs are completed; and

(d) For any day that the motor vehicle is not being repaired, inspected, test driven ~~***[, reviewed]***~~ ***or otherwise worked on due to a delay caused by anyone other than the owner of the motor vehicle, except that if the delay is due to the failure of the insurer to respond to a request by the body shop for inspection, authorization or other service by the insurer, a storage charge may be imposed 24 hours after the body shop made the request of the insurer.***

2. Except as otherwise provided in subsection 3, the rate charged by a body shop for storage of a motor vehicle pursuant to subsection 1 shall be deemed reasonable if it does not exceed an amount equal to one and one-half times the prevailing storage rates for the specific geographic area in which the body shop is located, as made available to the public pursuant to NRS 487.686.

3. A body shop that wishes to impose a charge for storage of a motor vehicle which exceeds the amount allowable pursuant to subsection 2 may petition the Department in writing for a hearing. The Department shall conduct a hearing within 30 days after receipt of the petition, or as soon thereafter as is practicable, ~~***[and]***~~ ***which, if practicable , must be conducted in the county where the body shop is located. The scope of the hearing must be limited to evidence presented by the body shop of good cause to impose a charge for storage of a motor vehicle which exceeds the amount otherwise allowable pursuant to subsection 2. The hearing officer shall render his or her determination not later than 10 days after the date of the***

hearing. The decision of the hearing officer pursuant to this subsection is a final decision for purposes of judicial review.

Sec. 3. ***1. If a motor vehicle is towed to a body shop at the request of someone other than the registered owner of the motor vehicle, the body shop shall use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this or any other state and ~~[notify]~~ :***

(a) Notify the registered owner of the location of the vehicle.

(b) Provide the registered owner with the information required pursuant to section 3.5 of this act.

2. Any charge imposed for storage of a motor vehicle pursuant to this section must meet the requirements of section 2 of this act.

Sec. 3.5. 1. A body shop or garage operator, as applicable, must inform a person regarding the types of payment the body shop or garage accepts:

(a) If the person is a prospective customer or customer, before the prospective customer or customer authorizes the body shop or garage operator to perform repair work on his or her vehicle; and

(b) In the specific instance of a body shop, if the:

(1) Person is the registered owner of the vehicle;

(2) Vehicle is towed to the body shop at the request of someone other than the registered owner of the motor vehicle; and

(3) Body shop notifies the registered owner of the location of the vehicle, ↪ as required pursuant to section 3 of this act.

2. The information required to be provided pursuant to subsection 1:

(a) Must be in writing;

(b) May be incorporated into a form already used by the body shop or garage operator for another purpose, including, without limitation, a form used to authorize repairs or estimate the cost of repairs or storage; and

(c) Must set forth, without limitation:

(1) Whether the body shop or garage provides the service of directly billing an insurance company for any payment due;

(2) Whether the body shop or garage accepts only cash as payment;

(3) Whether the body shop or garage accepts credit or debit cards;

(4) If the body shop or garage accepts credit or debit cards, or both:

(I) The brand or type of such cards the body shop or garage accepts; and

(II) Whether the body shop or garage imposes a fee or surcharge for the use of a credit or debit card;

(5) Whether the body shop or garage accepts personal checks or travelers' checks; and

(6) If the body shop or garage does not accept only cash as payment, whether the body shop or garage offers a discount for making payment in the form of cash.

Sec. 4. NRS 487.530 is hereby amended to read as follows:

487.530 As used in NRS 487.530 to 487.690, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 487.532 to 487.553, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 487.685 is hereby amended to read as follows:

487.685 1. A body shop licensed in this State must complete an on-line survey within 60 days immediately preceding the date of the submission of the application for renewal of the license of the body shop.

2. The Department shall conduct the survey by providing a form on its website or other Internet site to be completed by each body shop and submitted electronically to the Department.

3. Each survey must include, without limitation:

(a) The name and address of the body shop;

(b) The labor rate charged by the body shop; ~~[and]~~

(c) ***The vehicle storage rate charged by the body shop, if any, both for indoor storage and outdoor storage, if those rates differ; and***

(d) Any other information the Department deems necessary.

4. The information obtained from each survey must be available to the public on-line not more than 30 days after the renewal of the body shop's license.

Sec. 6. NRS 487.686 is hereby amended to read as follows:

487.686 1. The Department must compile the results of each survey completed pursuant to NRS 487.685 in a report which must be made available to the public on-line. The report must include, without limitation:

(a) The names and addresses of all body shops that complete the survey;

(b) ~~[~~The prevailing labor rate for~~]~~ ***For*** body shops in a specific geographic area as established by the Department ~~[~~; and~~]~~ ***:***

(1) The prevailing labor rate;

(2) The prevailing indoor vehicle storage rate; and

(3) The prevailing outdoor vehicle storage rate; and

(c) Any other information the Department deems necessary.

2. As used in this section ~~[~~, "prevailing~~]~~ ***:***

(a) "Prevailing indoor vehicle storage rate" means the average daily charge for storing a motor vehicle indoors, as reported in the survey for a specific geographic area.

(b) "Prevailing labor rate" means the average labor rate ***, as*** reported in the survey ~~[~~in~~]~~ ***for*** a specific geographic area.

(c) "Prevailing outdoor vehicle storage rate" means the average daily charge for storing a motor vehicle outdoors, as reported in the survey for a specific geographic area.

Sec. 7. NRS 487.6871 is hereby amended to read as follows:

487.6871 1. Each garage operator shall display conspicuously in those areas of his or her place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is ***REGISTERED*** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

YOU have the right to receive a ***WRITTEN ESTIMATE*** of charges for repairs made to your vehicle which exceed $50. (NRS 487.6875)

YOU have the right to read and understand all documents and warranties ***BEFORE YOU SIGN THEM***. (NRS 487.6871)

YOU have the right to ***INSPECT ALL REPLACED PARTS*** and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty ***BE RETURNED TO YOU AT THE TIME OF SERVICE***. (NRS 487.6883)

YOU have the right to require authorization ***BEFORE*** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 487.6877)

YOU have the right to receive a ***COMPLETED STATEMENT OF CHARGES*** for repairs made to your vehicle. (NRS 487.6893)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

2. Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

LICENSED BODY SHOP

THIS BODY SHOP IS LICENSED BY THE DEPARTMENT OF MOTOR VEHICLES

NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS
AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is ***LICENSED*** with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 487.6871)

YOU have the right to receive a ***WRITTEN ESTIMATE*** of charges for repairs made to your vehicle which exceed $50 ~~.~~ ***and, if any, the rate of and circumstances under which you will be charged more than $50 for the storage of your vehicle.*** (NRS 487.6875)

YOU have the right to read and understand all documents and warranties ***BEFORE YOU SIGN THEM***. (NRS 487.6871)
YOU have the right to ***INSPECT ALL REPLACED PARTS*** and accessories that are covered by a warranty and for which a charge is made. (NRS 487.6883)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty ***BE RETURNED TO YOU AT THE TIME OF SERVICE***. (NRS 487.6883)

YOU have the right to require authorization ***BEFORE*** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or $100, whichever is less. (NRS 487.6877)

YOU have the right to receive a ***COMPLETED STATEMENT OF CHARGES*** for repairs made to your vehicle ~~.~~ ***and for storage of your vehicle, if applicable.*** (NRS 487.6893)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

3. The sign required pursuant to the provisions of subsection 1 or 2 must include a replica of the Great Seal of the State of Nevada. The Seal must be 2

inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

4. ***The sign required pursuant to the provisions of subsection 1 or 2 must also include the words "The Compliance Enforcement Division of the Department of Motor Vehicles can be reached at," followed by the Internet address of the Compliance Enforcement Division and the telephone number of the nearest office of the Compliance Enforcement Division.***

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 8. NRS 487.6873 is hereby amended to read as follows:

487.6873 Whenever any body shop or garage operator accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, the body shop or garage operator shall comply with the provisions of NRS 487.6873 to 487.6893, inclusive ~~[.]~~ ***, and sections 2 , [and] 3 and 3.5 of this act.***

Sec. 9. NRS 487.6875 is hereby amended to read as follows:

487.6875 1. Except as otherwise provided in NRS 487.6879, a person requesting or authorizing the repair of a motor vehicle that is more than $50 must be furnished a written estimate or statement signed by the person making the estimate or statement on behalf of the body shop or garage operator indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.

2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:

(a) Diagnosis and disassembly; and

(b) Reassembly, if the person does not authorize the repair.

3. ***In an estimate furnished pursuant to subsection 1, a body shop [must] shall include, if any, the rate of and circumstances under which the person requesting or authorizing the repair would incur a charge for storage that exceeds $50.***

4. The provisions of this section do not require a body shop or garage operator to reassemble a motor vehicle if the body shop or garage operator determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

Sec. 10. NRS 487.6881 is hereby amended to read as follows:

487.6881 1. An owner and the insurer of a motor vehicle who have been notified of additional charges pursuant to NRS 487.6877 shall:

(a) Authorize the performance of the repair at the additional expense; or

(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the body shop or garage operator shall not undertake any repair which would involve such additional charges.

3. If the owner or insurer of the motor vehicle elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after the election ~~[, the body shop or]~~ ***:***

(a) The garage operator may charge for storage of the ***motor*** vehicle.

(b) The body shop may impose a reasonable charge for storage of the motor vehicle in accordance with the provisions of section 2 of this act.

Sec. 11. NRS 487.6893 is hereby amended to read as follows:

487.6893 1. If charges are made for the repair of a motor vehicle, the garage operator or body shop making the charges shall present to the person authorizing repairs or the person entitled to possession of the motor vehicle a statement of the charges setting forth the following information:

(a) The name and signature of the person authorizing repairs;

(b) A statement of the total charges;

(c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for labor; ~~[and]~~

(d) ~~[A]~~ ***In the case of a garage operator, a*** description of all other charges ~~[.]~~ ***; and***

(e) In the case of a body shop, a description of all other charges, including, without limitation, charges, if any, for storage of the motor vehicle.

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in this State, no lien for labor or materials provided under NRS 108.265 to 108.367, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered owner and the legal owner of the motor vehicle. In all other cases, the notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

Sec. 12. NRS 487.6895 is hereby amended to read as follows:

487.6895 The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Director, or of any person allegedly aggrieved by a violation of the provisions of NRS 487.6875 to 487.6893, inclusive, ***and sections 2*** ***,*** ~~***[and]***~~ ***3*** ***and 3.5*** ***of this act*** to enjoin any violation of the provisions of NRS 487.6875 to 487.6893, inclusive ~~[.]~~ ***, and sections 2*** ***,*** ~~***[and]***~~ ***3*** ***and 3.5*** ***of this act.***

Sec. 13. NRS 487.6897 is hereby amended to read as follows:

487.6897 Any person who knowingly violates any provision of NRS 487.6873 to 487.6893, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act*** is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than $500 for each offense, which may be recovered by civil action on complaint of the Director or the district attorney.

Sec. 14. NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of NRS 487.530 to 487.690, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act*** is guilty of a misdemeanor.

Sec. 15. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 665.

AN ACT relating to children; requiring an agency which provides child welfare services to determine whether certain reports concerning the possible abuse or neglect of a child are substantiated or unsubstantiated; setting forth that if such an agency substantiates a report alleging the person responsible for a child's welfare has abused or neglected the child, the agency must notify that person in writing of its intent to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, and that the person may administratively appeal the substantiation of the report; requiring the findings of fact in certain adjudicatory hearings to be included as part of the disposition of the case in the report required to be made to the Central Registry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, an agency which provides child welfare services to investigate each report of abuse or neglect received or referred to the agency. (NRS 432B.300) **Section 7** of this bill requires an agency which provides child welfare services to determine whether a report concerning the possible abuse or neglect of a child that the agency has determined warrants an investigation is substantiated or unsubstantiated. ~~[The definitions set forth in section 7 provide that a report that was~~

~~investigated is "substantiated" if credible evidence of the abuse or neglect exists and is "unsubstantiated" if no credible evidence of the abuse or neglect exists.]~~ If the agency determines a report is substantiated, **section 3** of this bill requires the agency to provide to the person responsible for the child's welfare and who is named in the report as allegedly causing the abuse or neglect, written notification which includes statements indicating: (1) that the report which was made against the person has been substantiated and the agency intends to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; (2) that the person has the right to request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry; and (3) the manner for requesting such an appeal.

Section 4 of this bill sets forth the process for such an administrative appeal and provides that the appeal is stayed upon written notice to the agency of a pending adjudicatory hearing on a petition alleging that a child is in need of protection, which hearing arose out of the same incident as the report. **Section 4** also sets forth the circumstances establishing a conclusive presumption that the substantiation of the report will be affirmed and the person's name will be placed in the Central Registry.

Existing law provides certain circumstances in which an investigation of child abuse or neglect is not warranted, including when the agency which provides child welfare services determines that the alleged act was the result of the reasonable exercise of discipline by a parent or guardian involving the use of corporal punishment. (NRS 432B.260) Section 6 of this bill removes the examples of spanking or paddling within that provision and further removes the requirement that the agency which provides child welfare services upon making such a determination remove all references of the matter from its records.

Existing law requires the agency investigating a report of abuse or neglect of a child to report certain information to the Central Registry after completing the investigation, including the disposition of the case. (NRS 432B.310) **Section 9** of this bill requires such an agency to include the findings of fact recorded by the court in certain adjudicatory hearings and certain specific allegations admitted to by the parties as part of the disposition of the case in the report the agency makes to the Central Registry.

Existing law further prohibits an agency which provides child welfare services from reporting to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure, unless the agency determines that a person has abused or neglected the child.

(NRS 432B.310) **Section 8** of this bill specifies that such abuse or neglect of the child must have occurred after the child was born.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Central Registry" has the meaning ascribed to it in NRS 432.0999.***

Sec. 3. ***If an agency which provides child welfare services determines pursuant to NRS 432B.300 that a report made pursuant to NRS 432B.220 is substantiated, the agency shall provide written notification to the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child which includes statements indicating that:***

1. The report which was made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to NRS 432B.310; and

2. The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required pursuant to section 4 of this act.

Sec. 4. ***1. A person to whom a written notification is sent pursuant to section 3 of this act may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within 15 days after the date on which the agency sent the written notification as required pursuant to section 3 of this act.***

2. Except as otherwise provided in subsection 3, if an agency which provides child welfare services receives a request for an administrative appeal within 15 days after the agency sent the written notification pursuant to subsection 1, a hearing before a hearing officer must be held in accordance with chapter 233B of NRS.

3. An administrative appeal is stayed upon the receipt of written notification to the agency which provides child welfare services of a pending adjudicatory hearing pursuant to NRS 432B.530 which arose out of the same incident as the incident upon which the report made pursuant to NRS 432B.220 was premised. The stay of the administrative appeal is lifted when:

(a) A final determination is made in the adjudicatory hearing; or

(b) The adjudicatory hearing is dismissed or terminated if the adjudicatory hearing does not result in a final determination being made.

4. If a request for an administrative appeal is not submitted pursuant to subsection 1, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to NRS 432B.310.

5. If the hearing officer in a hearing that is held pursuant to this section:

(a) Affirms the substantiation of the report, the agency which provides child welfare services shall place the person's name in the Central Registry pursuant to NRS 432B.310; or

(b) Rejects the substantiation of the report, the agency which provides child welfare services shall not place the person's name in the Central Registry pursuant to NRS 432B.310.

6. A conclusive presumption that the substantiation of the report will be affirmed and the person's name will be placed in the Central Registry pursuant to NRS 432B.310 is established if there is a final determination in an adjudicatory hearing that the child was in need of protection.

7. The decision of a hearing officer in a hearing that is held pursuant to this section is a final decision for the purposes of judicial review.

8. As used in this section, "final determination in an adjudicatory hearing" means a finding made by a court pursuant to subsection 5 of NRS 432B.530 as to whether a child was in need of protection at the time of the removal of the child from the home that is based on the child being subjected to abuse or neglect by the person to whom a written notice was sent pursuant to section 3 of this act.

Sec. 5. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

(a) The child is 5 years of age or younger;

(b) There is a high risk of serious harm to the child;

(c) The child has suffered a fatality; or

(d) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

(a) The child is not in imminent danger of harm;

(b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens the immediate health or safety of the child;

(c) The alleged abuse or neglect of the child or the alleged effect of prenatal illegal substance abuse on or the withdrawal symptoms resulting from any prenatal drug exposure of the newborn infant could be eliminated if the child and the family of the child are referred to or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment ***;*** ~~**[, including, without limitation, spanking or paddling;]**~~ and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, ***and sections 2, 3 and 4 of this act,*** the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

~~[➥ If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall delete all references to the matter from its records.]~~

7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or the family of the child pursuant to subsection 6, the agency shall require the person to notify the agency if the child or the family refuses or fails to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

8. ~~[An]~~ ***If an*** agency which provides child welfare services ~~[that]~~ determines ***pursuant to ~~[paragraph (a), (b) or (c) of]~~ subsection 3*** that an investigation is not warranted ***, the agency*** may, at any time, reverse that determination and initiate an investigation.

9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 7. NRS 432B.300 is hereby amended to read as follows:

432B.300 ~~[Except as otherwise provided in]~~

~~[1.]~~ If an agency which provides child welfare services determines that an investigation of a report concerning the possible abuse or neglect of a child is warranted pursuant to NRS 432B.260, ~~[an agency which provides child welfare services shall investigate each report of abuse or neglect received or referred to it to]~~ ***the agency shall*** determine ~~[:~~

~~1.]~~ ***, without limitation:***

~~[(a)]~~ ***1.*** The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. ***~~[(b)]~~*** Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. ***~~[(c)]~~*** Whether there is reasonable cause to believe that a child has suffered a fatality as a result of abuse or neglect regardless of whether or not there are any siblings of the child or other children who are residing in the

same household as the child who is believed to have suffered a fatality as a result of abuse or neglect;

4. ~~*[(d)]*~~ If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if the child remains in the same environment; ~~[and]~~

5. ~~*[(e)]*~~ The treatment and services which appear necessary to help prevent further abuse or neglect and to improve the environment of the child and the ability of the person responsible for the child's welfare to care adequately for the child ~~[.]~~ ***; and***

~~*[(f)]*~~ ***6. Whether the report concerning the possible abuse or neglect of a child is substantiated or unsubstantiated.***

~~*[2. As used in this section:*~~

~~*(a) "Substantiated" means that a report made pursuant to NRS 432B.220 was investigated and that credible evidence of the abuse or neglect exists.*~~

~~*(b) "Unsubstantiated" means that a report made pursuant to NRS 432B.220 was investigated and that no credible evidence of the abuse or neglect exists. The term includes efforts made by an agency which provides child welfare services to prove or disprove an allegation of abuse or neglect that the agency is unable to prove because it was unable to locate the child or the person responsible for the welfare of the child.]*~~

Sec. 8. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted, the severity of the injuries and, if applicable, any information concerning the death of the child; and

(c) The disposition of the case.

2. An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child ~~[.~~

~~3. As used in this section, "Central Registry" has the meaning ascribed to it in NRS 432.0999.]~~ ***after the child was born.***

Sec. 9. NRS 432B.530 is hereby amended to read as follows:

432B.530 1. An adjudicatory hearing must be held within 30 days after the filing of the petition, unless good cause is shown or the hearing has been continued until a later date pursuant to NRS 432B.513.

2. At the hearing, the court shall inform the parties of the specific allegations in the petition and give them an opportunity to admit or deny them. If the allegations are denied, the court shall hear evidence on the petition.

3. In adjudicatory hearings, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value. The parties or their attorney must be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when reasonably available.

4. The court may require the child to be present in court at the hearing.

5. If the court finds by a preponderance of the evidence that the child was in need of protection at the time of the removal of the child from the home, it shall record its findings of fact and may proceed immediately or at another hearing held within 15 working days, to make a proper disposition of the case. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and, if the child is in protective custody, order the immediate release of the child.

6. The findings of fact recorded by the court pursuant to subsection 5 and any specific allegations in the petition admitted to by the parties must be included as part of the disposition of the case in the report required to be made to the Central Registry pursuant to NRS 432B.310.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 178.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Senate Bill No. 206.

Bill read second time and ordered to third reading.

Senate Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 630.

AN ACT relating to county roads; revising provisions relating to the manner of performing work for the construction and repair of roads and bridges in smaller counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the county commissioners of the county make up the board of county highway commissioners. (NRS 403.010) With exceptions for emergencies and instances in which a county performs its own work with day labor and county equipment, if the construction of any superstructure related to a county road may require the expenditure of $500 or more, the board of county highway commissioners is required to advertise for bids and let contracts pursuant to certain competitive bidding provisions imposed on local government. (NRS 332.039, 403.490) **Section 1** of this bill provides that if the probable cost of road work does not exceed $100,000, a county may advertise for bids and let contracts pursuant to chapter 332 or 338 of NRS or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds $100,000, a county is required to advertise for bids and let contracts pursuant to chapter 332 or 338 of NRS, except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties), the board of county highway commissioners may instead determine, at a hearing and with the provision of certain notice requirements, to perform the work with county employees or day labor and using county equipment if the estimated cost of the project is more than $100,000 but less than $250,000. **Section 2** of this bill makes a parallel, conforming change with respect to the construction and repair of bridges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 403.490 is hereby amended to read as follows:

403.490 1. To perform any work or construct any superstructure under this chapter wherein an expenditure of ~~[~~$500~~]~~ ***$100,000*** or more may be necessary, the board of county highway commissioners shall cause definite plans of such work or superstructure to be made, estimates of the amount of work to be done and the probable cost thereof, together with a copy of the specifications thereof.

2. ~~[~~Upon~~]~~ ***Except as otherwise provided in subsection 3, upon*** receipt of the plans, estimates and specifications ~~[,]~~ ***for a project for which the estimated cost is $100,000 or more,*** the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 332 ***or 338*** of NRS ~~[.]~~ ***, as applicable.***

3. ~~[After submission of bids, the board of county highway commissioners may reject any and all bids and advertise anew, or the board may order the work done by day's work under the supervision of the county road supervisor.]~~ ***In a county whose population is less than 45,000, if the estimated cost of a project is $100,000 or more but less than $250,000, the board of county highway commissioners may hold a hearing to determine, by majority vote of the board, if the project can be performed by county employees or through the employment of day labor under the supervision of the board and by the use of its own machinery, tools and other equipment without advertising for bids and letting contracts pursuant to subsection 2. Notice for such a hearing must be provided not less than 15 days before the date of the hearing and must be published pursuant to the provisions of NRS 238.010 to 238.080, inclusive. The board shall provide, in the notice and at least 15 days before the hearing at the office of the board and at the place of the hearing, the following information, without limitation:***

(a) A list of:

(1) All county employees, if any, including supervisors, who will perform the work, including, without limitation, the classification of each employee and an estimate of the direct and indirect costs of the labor;

(2) The number of day laborers, if any, that will be employed to perform the work; and

(3) All machinery, tools and other equipment of the county to be used on the project.

(b) An estimate of:

(1) The direct and indirect costs of the labor of the county employees who will perform the work, if any;

(2) The direct and indirect costs of the labor of any day laborers who will be employed to perform the work ~~***[,]***~~ ***pursuant to chapter 338 of NRS;***

(3) The cost of any administrative support that will be required for the performance of the work;

(4) The total cost of the project, including, without limitation, the fair market value or, if available, the actual cost of all materials, supplies, equipment and labor necessary for the project; and

(5) The amount of savings to be realized by having county employees or day laborers perform the work.

4. In cases of emergency the board of county highway commissioners may let contracts for repairs in the manner prescribed by chapter 332 of NRS.

5. Nothing in this section shall prevent any county from opening, building, improving or repairing any public road or highway in the county ~~[by the]~~ ***through the work of county employees or the*** employment of day labor, under the supervision of the board of county highway commissioners and by the use of its own machinery, tools and other equipment, without letting contracts to the lowest responsible bidder, ~~[irrespective of]~~ ***if*** the probable cost of the work ~~[.]~~ ***does not exceed $100,000.***

Sec. 2. NRS 403.600 is hereby amended to read as follows:

403.600 1. No bridge shall be constructed or repaired except on the order of the board of county commissioners, or unless a petition is filed as provided in NRS 403.610.

2. In entering into a contract for the construction or repair of a bridge, the board of county commissioners shall comply with ~~[chapter 332 of]~~ NRS ~~[.]~~ ***403.610.***

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 233.

Bill read second time and ordered to third reading.

Senate Bill No. 258.

Bill read second time and ordered to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 629.

AN ACT relating to motor vehicles; requiring that certain devices be installed in vehicles that are designed to display certain advertisements ~~[or other content]~~ while moving over the highways of this State; **limiting the**

display of such advertisements to taxicabs; providing certain requirements concerning the equipment used to display such advertisements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a person from operating a motor vehicle to which is attached a dynamic display device, commonly known as a mobile billboard, on which the images or other content change periodically, upon the highways of this State, unless the motor vehicle is **a taxicab and is** also equipped with a display management system that is programmed to allow the image or content that is displayed to be changed only when the motor vehicle is: (1) not moving; or (2) in a location where the image or content may be changed without causing undue distraction to the operators of other vehicles. **This bill also provides that such a dynamic display device may not: (1) consist of more than three monitors, screens or viewers; (2) project or otherwise show moving images, moving information or other moving content; and (3) include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.** A violation of this prohibition is punishable as a misdemeanor. (NRS 484A.900)**. This bill does not require a display management system if a dynamic display device is operated for purposes other than advertisement.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless ~~[the]~~ :

(a) The motor vehicle is ~~[also equipped]~~ :

(1) A taxicab for which a currently valid certificate of public convenience and necessity has been issued pursuant to chapter 706 of NRS; and

(2) Equipped with a display management system which is configured to ~~[allow]~~ prevent the image or content displayed on the dynamic display ~~[to be changed only]~~ from changing when the motor vehicle is:

~~[(a) Not moving; or~~

~~(b)]~~

(I) Moving;

(II) In a turnout; or

(III) In ~~[a]~~ any other location ~~[, including, without limitation, an alley, parking lot or turnout,]~~ where changing the image or content

displayed on the dynamic display may ~~[be changed without causing]~~ cause undue distraction to the operators of other vehicles ~~[.]~~ ; and

(b) The dynamic display does not:

(1) Consist of more than three monitors, screens or viewers;

(2) Project or otherwise show moving images, moving information or other moving content; or

(3) Include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

~~[(b)]~~ (c) For purposes of law enforcement or emergency response;

~~[(c)]~~ (d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

~~[(d)]~~ (e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 267.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 285.
Bill read second time and ordered to third reading.

Senate Bill No. 287.
Bill read second time and ordered to third reading.

Senate Bill No. 305.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 609.

AN ACT relating to education; authorizing ~~[a qualified]~~ high school ~~[pupil]~~ **pupils** who ~~[completes]~~ **satisfy certain qualifications to complete** a public or private internship ~~[to]~~ **and** receive credit toward ~~[his or her]~~ **the** academic **credit** requirements for graduation from high school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the academic subjects and courses of study which are required **for pupils** to receive a standard high school diploma in this State. (NRS 389.018-389.180) **Section 1** of this bill authorizes a ~~[qualified]~~ high school pupil who is enrolled in grade 11 or 12 **and who satisfies the qualifications prescribed by the board of trustees of the school district or the governing body of the charter school in which the pupil is enrolled** to receive one elective credit toward ~~[his or her]~~ **the** academic **credit** requirements for graduation **from high school** by completing a public or private internship of not less than 60 hours. **Section 1 also requires the board of trustees of a school district or the governing body of a charter school to obtain the approval of the State Board of Education before authorizing pupils to participate in such internships.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil enrolled in grade 11 or 12 at a public school who is at least 16 years of age must be allowed to apply not more than one credit toward the total number of credits required for graduation from high school if the pupil successfully completes a public or private internship which has been approved pursuant to subsection 2 and which is of a duration of not less than 60 hours in a school year. The credit must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. ~~[With]~~ If the board of trustees of a school district or the governing body of a charter school obtains the approval of the State Board, the board

of trustees ~~[of a school district]~~ or the governing body ~~[of a charter school]~~ may authorize ~~[a qualified pupil]~~ pupils enrolled in the school district or charter school who satisfy the qualifications prescribed pursuant to subparagraph (2) of paragraph (a) to participate in a public or private internship for the purpose of obtaining credit pursuant to subsection 1. If a board of trustees or governing body of a charter school authorizes the participation in a public or private internship, the board of trustees or governing body shall:

(a) Prescribe:

(1) The fields, trades or occupations in which a pupil may complete a public or private internship, including, without limitation, agriculture, medical and health sciences, manufacturing and construction;

(2) The qualifications of a pupil for participation in a public or private internship;

(3) The manner in which a qualified pupil must apply for participation in a public or private internship; and

(4) The manner for verifying that a pupil has completed the requisite number of hours to qualify for credit; and

(b) Establish and maintain a nonexclusive list of participating businesses, agencies and organizations which offer the employment and supervision of pupils for the purposes of obtaining academic credit in a public or private internship pursuant to this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 315.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 611.

SUMMARY— ~~[Directs the Legislative Committee on Education to conduct an interim study]~~ **Requires reporting by the State Board of Education and school districts** concerning gifts and bequests relating to education. (BDR ~~[S-147)]~~ **34-147)**

AN ACT relating to education; ~~[directing the Legislative Committee on Education to conduct an interim study]~~ **requiring information** concerning **certain** gifts or bequests of money or property to **be reported by** the State Board of Education ~~[or]~~ **and** the board of trustees of ~~[a]~~ **each** school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill directs the Legislative Committee on Education to conduct an interim study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. This bill also requires the Committee to submit a copy of the final written report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.]~~ **Under existing law, the State Board of Education is authorized to accept gifts of money for deposit in the Education Gift Fund and the board of trustees of each school district is authorized to accept gifts and bequests of money and property for purposes deemed suitable by the board of trustees. (NRS 385.095, 386.390) This bill requires the State Board and the board of trustees of each school district to prepare reports relating to such gifts and bequests, including information relating to the donors thereof, and to include the reports on the agenda of the next regular meeting of the State Board or board of trustees, as applicable, for review of the transactions involving a gift or bequest that have taken place since the previous meeting. This bill also provides an exemption from the reporting requirement for any gift or bequest: (1) of less than $100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than $100,000; or (2) that is intended for a public broadcasting service.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. **NRS 385.095 is hereby amended to read as follows:**

385.095 Except as otherwise provided in NRS 385.091:

1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund ~~[.]~~ ***and reported pursuant to subsection 4.***

2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and duties, and no expenditure may be made until approved by the Legislature in an authorized expenditure act or by the Interim Finance Committee if the Legislature is not in session.

3. If all or part of the money accepted by the State Board from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Education Gift Fund until needed for the purpose specified by the donor.

4. Except as otherwise provided in subsection 5, the State Board shall record each gift of money deposited in the Education Gift Fund pursuant to this section and prepare a report which includes, for each such gift:

(a) The amount of the gift;

(b) Except as otherwise provided in subsection 6, the name of the donor of the gift;

(c) Any instructions provided by the donor concerning the use of the gift; and

(d) Information concerning any connection between the donor and the State Board or the administration of the system of public education in this State, including, without limitation:

(1) Any contract between the donor and the State Board;

(2) Any contract between the donor and the State Public Charter School Authority;

(3) Any bid by the donor for a contract with the State Board;

(4) Any bid by the donor for a contract with the State Public Charter School Authority;

(5) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the State Board or relating to the system of public education in this State; and

(6) Any service by the donor on a committee to form a charter school created pursuant to NRS 386.520.

5. This section does not apply to any gift of money:

(a) In an amount less than $100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than $100,000; or

(b) That is intended for a public broadcasting service.

6. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 4, unless the donor is required to provide information pursuant to paragraph (d) of subsection 4.

7. The State Board may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 4. If the State Board uses such a form, the State Board may rely upon the information provided by the donor on the form for purposes of the report required of the State Board pursuant to subsection 4 and the State Board is not otherwise required to verify the contents of the information provided by the donor on the form.

8. The State Board shall include the report prepared pursuant to subsection 4 on the agenda of the next regular meeting of the State Board held pursuant to NRS 385.040 and review all transactions involving a gift listed on the report that have taken place since the previous meeting of the State Board.

9. On or before February 1 of each year, the State Board shall transmit each report prepared pursuant to subsection 4 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 1.7. **NRS 386.390 is hereby amended to read as follows:**

386.390 ***1.*** Each board of trustees shall have the power to accept on behalf of and for the school district any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated.

2. Except as otherwise provided in subsection 3, the board of trustees of each school district shall record each gift or bequest accepted pursuant to this section and prepare a report which includes, for each such gift or bequest:

(a) The amount of the gift or bequest of money or the fair market value of the bequest of property, as applicable;

(b) Except as otherwise provided in subsection 4, the name of the donor of the gift or bequest;

(c) Any instructions provided by the donor concerning the use of the gift or bequest; and

(d) Information concerning any connection between the donor and the board of trustees or any person responsible for the administration of the system of public education in this State, including, without limitation:

(1) Any contract between the donor and the board of trustees;

(2) Any bid by the donor for a contract with the board of trustees;

(3) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the board of trustees or relating to the system of public education in this State; and

(4) Any service by the donor on a committee to form a charter school created pursuant to NRS 386.520.

3. This section does not apply to any gift or bequest:

(a) In an amount less than $100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than $100,000; or

(b) That is intended for a public broadcasting service.

4. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 2, unless the donor is required to provide information pursuant to paragraph (d) of subsection 2.

5. The board of trustees of a school district may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 2. If the board of trustees uses such a form, the board of trustees may rely upon the information provided by the donor on the form for purposes of the report required of the school district pursuant to subsection 2 and the board of trustees is not otherwise required to verify the contents of the information provided by the donor on the form.

6. The board of trustees of each school district shall include the report prepared pursuant to subsection 2 on the agenda of the next regular meeting of the board of trustees held pursuant to NRS 386.330 and review all transactions involving a gift or bequest listed on the report that have taken place since the previous meeting of the board of trustees.

7. On or before February 1 of each year, the board of trustees of each school district shall transmit each report prepared pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ~~[1. The Legislative Committee on Education shall conduct a study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. The study must include, without limitation, a review of:~~

~~(a) The transparency of the process of making gifts and bequests of money and property;~~

~~(b) The feasibility and advisability of imposing disclosure requirements for gifts or bequests of money or property;~~

~~— (c) The feasibility and advisability of restricting the ability of the State Board or the board of trustees of a school district to accept certain kinds of gifts or bequests of money or property;~~

~~— (d) The feasibility and advisability of limiting the conditions donors may place on gifts or bequests of money or property, including, without limitation, directions concerning the manner in which a gift or bequest is to be used;~~

~~— (e) The feasibility and advisability of imposing limitations on the purposes for which a gift or bequest of money or property may be used; and~~

~~— (f) Any other issues relating to gifts or bequests of money or property the Committee deems to be relevant.~~

~~— 2. The Committee shall recommend such action as may be necessary as a result of its findings.~~

~~— 3. On or before February 1, 2015, the Committee shall prepare a final written report of the results of the study and submit a copy of the report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.~~~~]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 402.

Bill read second time and ordered to third reading.

Senate Bill No. 437.

Bill read second time and ordered to third reading.

Senate Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 641.

Section 1 of Senate Bill No. 443 is hereby amended as follows:

Section 1. ~~[NRS 386.505 is hereby amended to read as follows:~~

~~— 386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:~~

~~— 1. The conversion of an existing public school, homeschool or other program of home study to a charter school.~~

~~— 2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:~~

~~(a) A private school from ceasing to operate as a private school and [reopening] *using the private school facility* as a charter school in compliance with the provisions of NRS 386.490 to 386.610, inclusive.~~

~~(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.~~

~~3. The formation of charter schools on the basis of a single race, religion or ethnicity.]~~ **(Deleted by amendment.)**

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 448.

Bill read second time and ordered to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

Senate Bill No. 457.

Bill read second time and ordered to third reading.

Senate Bill No. 459.

Bill read second time and ordered to third reading.

Senate Bill No. 488.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 15 of the 76th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 344.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 723.

AN ACT relating to public health; enacting provisions to authorize the use of Physician Orders for Life-Sustaining Treatment in this State; allowing the deposit of any Physician Order for Life-Sustaining Treatment form (POLST form) or other advance directive in the statewide health information exchange system and the Registry of Advance Directives for Health Care; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows any person who is of sound mind and 18 years of age or older to execute a declaration governing the withholding or withdrawal of life-sustaining treatment. (NRS 449.600, 449.610) Existing law also allows an adult person to execute a power of attorney enabling the agent named in the power of attorney to make decisions concerning health care for the principal if that principal becomes incapable of giving informed consent. (NRS 162A.700-162A.860) Existing law additionally allows certain patients suffering from a terminal condition to obtain a do-not-resuscitate order from a physician and a do-not-resuscitate identification from the health authority. (NRS 450B.510-450B.525) A declaration governing the withholding or withdrawal of life-sustaining treatment, a durable power of attorney for health care decisions and a do-not-resuscitate order are all classified as advance directives. (NRS 449.905) **Section 15** of this bill requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment form (POLST form), another type of advance directive which records the wishes of a patient and directs any provider of health care regarding the provision of life-resuscitating and life-sustaining treatment.

Sections 16, 17, 36 and 37 of this bill specify who is allowed to execute and revoke a POLST form. **Section 18** of this bill resolves potential conflicts between a POLST form and another advance directive. **Sections 19 and 22** of this bill convey similar protections and immunities to providers of health care with regard to a POLST form as are conveyed with regard to other advance directives.

Under existing law, a provider of health care or a person who administers emergency medical services is required to comply with an advance directive or take reasonable measures to transfer the patient to a provider of health care willing to do so, and imposes a penalty for failure to do so. (NRS 449.628, 449.660, 450B.550, 450B.580) **Sections 20 and 23** of this bill enact similar provisions with regard to a POLST form. **Section 21** of this bill establishes that a provider of health care may assume the validity of a POLST form unless he or she has knowledge to the contrary.

Section 22 provides that the execution of a POLST form or the lack thereof does not affect the sale, procurement or terms of a policy of life insurance or annuity, and cannot be used as a reason to withhold health care

or health insurance. **Section 23** provides a penalty if health care or health insurance is withheld. Existing law provides penalties for any person who willfully conceals, cancels, defaces, obliterates, forges or fraudulently induces the execution of a declaration governing the withholding or withdrawal of life-sustaining treatment. (NRS 449.660) **Section 23** establishes similar penalties with respect to a POLST form. **Section 25** of this bill sets forth that a POLST form executed in another state in compliance with the laws of that state or this State is valid in this State. **Section 26** of this bill authorizes the State Board of Health to adopt regulations to carry out the provisions of this bill.

Existing law provides for a statewide health information exchange system and a Registry of Advance Directives for Health Care, in which certain health records of a patient may be deposited to facilitate treatment of that patient by any health care provider. (NRS 439.581-439.595, 449.900-449.965) **Sections 28 and 29** of this bill allow a POLST form to be deposited in the exchange and the Registry. **Section 32** of this bill allows a patient who has executed a POLST form providing for the withholding of life-resuscitating treatment to apply for a do-not-resuscitate identification.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Attending physician" has the meaning ascribed to it in NRS 449.550.***

Sec. 4. ***"Do-not-resuscitate identification" has the meaning ascribed to it in NRS 450B.410.***

Sec. 5. ***"Do-not-resuscitate order" has the meaning ascribed to it in NRS 450B.420.***

Sec. 6. ***"Emergency care" means the use of life-resuscitating treatment and other immediate treatment provided in response to a sudden, acute and unanticipated medical emergency in order to avoid injury, impairment or death.***

Sec. 7. ***"Health care facility" has the meaning ascribed to it in NRS 162A.740.***

Sec. 8. ***"Incompetent" has the meaning ascribed to it in NRS 159.019.***

Sec. 9. ***"Life-resuscitating treatment" has the meaning ascribed to it in NRS 450B.450.***

Sec. 10. *"Life-sustaining treatment" has the meaning ascribed to it in NRS 449.570.*

Sec. 11. *"Other types of advance directives" means an advance directive as defined in NRS 449.905, but does not include a POLST form.*

Sec. 12. *"Physician Order for Life-Sustaining Treatment form" or "POLST form" means the form prescribed pursuant to section 15 of this act that:*

1. Records the wishes of the patient; and

2. Directs a provider of health care regarding the provision of life-resuscitating treatment and life-sustaining treatment.

Sec. 13. *"Provider of health care" means an individual who is licensed, certified or otherwise authorized or allowed by law to provide health care in the ordinary course of business or practice of a profession, and includes a person who:*

1. Is described in NRS 629.031; or

2. Administers emergency medical services as defined in NRS 450B.460.

Sec. 14. *"Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449.600 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.860, inclusive.*

Sec. 15. *The Board shall prescribe a standardized Physician Order for Life-Sustaining Treatment form, commonly known as a POLST form, which:*

1. Is uniquely identifiable and has a uniform color;

2. Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to NRS 451.500 to 451.598, inclusive;

3. Gives direction to a provider of health care or health care facility regarding the use of emergency care and life-sustaining treatment;

4. Is intended to be honored by any provider of health care who treats the patient in any health-care setting, including, without limitation, the patient's residence, a health care facility or the scene of a medical emergency; and

5. Includes such other features and information as the Board may deem advisable.

Sec. 16. *1. A physician shall take the actions described in subsection 2:*

(a) If the physician diagnoses a patient with a terminal condition;

(b) If the physician determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician shall explain to the patient:

(a) The existence and availability of the Physician Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. Upon the request of the patient, the physician shall complete the POLST form based on the preferences and medical indications of the patient.

4. A POLST form is valid upon execution by a physician and:

(a) If the patient is 18 years of age or older and of sound mind, the patient;

(b) If the patient is 18 years of age or older and incompetent, the representative of the patient; or

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

5. As used in this section, "terminal condition" has the meaning ascribed to it in NRS 449.590.

Sec. 17. *1. A Physician Order for Life-Sustaining Treatment form may be revoked at any time and in any manner by:*

(a) The patient who executed it, if competent, without regard to his or her age or ~~[mental or]~~ physical condition;

(b) If the patient is incompetent, the representative of the patient; or

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. The revocation of a POLST form is effective upon the communication to a provider of health care, by the patient or a witness to the revocation, of the desire to revoke the form. The provider of health care to whom the revocation is communicated shall:

(a) Make the revocation a part of the medical record of the patient; or

(b) Cause the revocation to be made a part of the medical record of the patient.

Sec. 18. *1. If a valid Physician Order for Life-Sustaining Treatment form sets forth a declaration, direction or order which conflicts with a declaration, direction or order set forth in one or more of the other types of advance directives:*

(a) The declaration, direction or order set forth in the document executed most recently is valid; and

(b) Any other declarations, directions or orders that do not conflict with a declaration, direction or order set forth in another document referenced in this subsection remain valid.

2. If a valid POLST form sets forth a declaration, direction or order to provide life-resuscitating treatment to a patient who also possesses a do-not-resuscitate identification, a provider of health care shall not provide life-resuscitating treatment if the do-not-resuscitate identification is on the person of the patient when the need for life-resuscitating treatment arises.

Sec. 19. *1. A provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability if:*

(a) The provider of health care withholds emergency care or life-sustaining treatment:

(1) In compliance with a Physician Order for Life-Sustaining Treatment form and the provisions of sections 2 to 26, inclusive, of this act; or

(2) In violation of a Physician Order for Life-Sustaining Treatment form if the provider of health care is acting in accordance with a declaration, direction or order set forth in one or more of the other types of advance directives and:

(I) Complies with the provisions of section 20 of this act; or

(II) Reasonably and in good faith, at the time the emergency care or life-sustaining treatment is withheld, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to section 17 of this act; or

(b) The provider of health care provides emergency care or life-sustaining treatment:

(1) Pursuant to an oral or written request made by the patient, the representative of the patient, or a parent or legal guardian of the patient, who may revoke the POLST form pursuant to section 17 of this act;

(2) Pursuant to an observation that the patient, the representative of the patient or a parent or legal guardian of the patient has revoked, or otherwise indicated that he or she wishes to revoke, the POLST form pursuant to section 17 of this act; or

(3) In violation of a POLST form, if the provider of health care reasonably and in good faith, at the time the emergency care or life-sustaining treatment is provided, is unaware of the existence of the POLST form or believes that the POLST form has been revoked pursuant to section 17 of this act.

2. A health care facility, ambulance service, fire-fighting agency or other entity that employs a provider of health care is not guilty of unprofessional conduct or subject to civil or criminal liability for the acts

or omissions of the employee carried out in accordance with the provisions of subsection 1.

Sec. 20. ***1. Except as otherwise provided in this section and section 18 of this act, a provider of health care shall comply with a valid Physician Order for Life-Sustaining Treatment form, regardless of whether the provider of health care is employed by a health care facility or other entity affiliated with the physician who executed the POLST form.***

2. A physician may medically evaluate the patient and, based upon the evaluation, may recommend new orders consistent with the most current information available about the patient's health status and goals of care. Before making a modification to a valid POLST form, the physician shall consult the patient or, if the patient is incompetent, shall make a reasonable attempt to consult the representative of the patient and the patient's attending physician.

3. Except as otherwise provided in subsection 4, a provider of health care who is unwilling or unable to comply with a valid POLST form shall take all reasonable measures to transfer the patient to a physician or health care facility so that the POLST form will be followed.

4. Life-sustaining treatment must not be withheld or withdrawn pursuant to a POLST form of a patient known to the attending physician to be pregnant, so long as it is probable that the fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

5. Nothing in this section requires a provider of health care to comply with a valid POLST form if the provider of health care does not have actual knowledge of the existence of the form.

Sec. 21. ***1. Unless he or she has knowledge to the contrary, a provider of health care may assume that a Physician Order for Life-Sustaining Treatment form complies with the provisions of sections 2 to 26, inclusive, of this act and is valid.***

2. The provisions of sections 2 to 26, inclusive, of this act do not create a presumption concerning the intention of a:

(a) Patient if the patient, the representative of the patient or a parent or legal guardian of the patient has revoked the POLST form pursuant to section 17 of this act; or

(b) Person who has not executed a POLST form,

➥ concerning the use or withholding of emergency care or life-sustaining treatment.

Sec. 22. ***1. Death that results when emergency care or life-sustaining treatment has been withheld pursuant to a Physician Order for Life-Sustaining Treatment form and in accordance with the provisions of sections 2 to 26, inclusive, of this act does not constitute a suicide or homicide.***

2. The execution of a POLST form does not affect the sale, procurement or issuance of a policy of life insurance or an annuity, nor does it affect, impair or modify the terms of an existing policy of life insurance or an annuity. A policy of life insurance or an annuity is not legally impaired or invalidated if emergency care or life-sustaining treatment has been withheld from an insured who has executed a POLST form, notwithstanding any term in the policy or annuity to the contrary.

3. A person may not prohibit or require the execution of a POLST form as a condition of being insured for, or receiving, health care.

Sec. 23. ***1. It is unlawful for:***

(a) A provider of health care to willfully fail to transfer the care of a patient in accordance with subsection 3 of section 20 of this act.

(b) A person to willfully conceal, cancel, deface or obliterate a Physician Order for Life-Sustaining Treatment form without the consent of the patient who executed the form.

(c) A person to falsify or forge the POLST form of another person, or willfully conceal or withhold personal knowledge of the revocation of the POLST form of another person, with the intent to cause the withholding or withdrawal of emergency care or life-sustaining treatment contrary to the wishes of the patient.

(d) A person to require or prohibit the execution of a POLST form as a condition of being insured for, or receiving, health care in violation of subsection 3 of section 22 of this act.

(e) A person to coerce or fraudulently induce another to execute a POLST form.

2. A person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 24. ***The provisions of sections 2 to 26, inclusive, of this act do not:***

1. Require a provider of health care to take any action contrary to reasonable medical standards;

2. Affect the responsibility of a provider of health care to provide treatment for a patient's comfort or alleviation of pain;

3. Condone, authorize or approve mercy killing, euthanasia or assisted suicide;

4. Except as otherwise provided in section 18 of this act, affect or impair any right created pursuant to the provisions of any other types of advance directives; or

5. Affect the right of a patient to make decisions concerning the use of emergency care or life-sustaining treatment, if he or she is able to do so.

Sec. 25. ***1. A Physician Order for Life-Sustaining Treatment form executed in another state in compliance with the laws of that state or this State is valid for the purposes of sections 2 to 26, inclusive, of this act.***

2. As used in this section, "state" includes the District of Columbia, the Commonwealth of Puerto Rico and a territory or insular possession subject to the jurisdiction of the United States.

Sec. 26. ***The Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 26, inclusive, of this act.***

Sec. 27. NRS 449.766 is hereby amended to read as follows:

449.766 "Aversive intervention" means any of the following actions if the action is used to punish a person with a disability or to eliminate, reduce or discourage maladaptive behavior of a person with a disability:

1. The use of noxious odors and tastes;
2. The use of water and other mists or sprays;
3. The use of blasts of air;
4. The use of corporal punishment;
5. The use of verbal and mental abuse;
6. The use of electric shock;
7. Requiring a person to perform exercise under forced conditions if the:

(a) Person is required to perform the exercise because the person exhibited a behavior that is related to his or her disability;

(b) Exercise is harmful to the health of the person because of his or her disability; or

(c) Nature of the person's disability prevents the person from engaging in the exercise;

8. Any intervention, technique or procedure that deprives a person of the use of one or more of the person's senses, regardless of the length of the deprivation, including, without limitation, the use of sensory screens; or
9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

(a) Food or liquid at a time when it is customarily served; or

(b) Medication.

➥ The term does not include the withholding or withdrawal of life-sustaining treatment in accordance with NRS 449.626 ~~[.]~~ ***or sections 2 to 26, inclusive, of this act.***

Sec. 28. NRS 449.905 is hereby amended to read as follows:

449.905 "Advance directive" means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;
2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.860, inclusive; ~~[and]~~
3. A do-not-resuscitate order as defined in NRS 450B.420 ~~[.]~~ ***; and***

4. A Physician Order for Life-Sustaining Treatment form as defined in section 12 of this act.

Sec. 29. NRS 449.925 is hereby amended to read as follows:

449.925 1. A person who wishes to register an advance directive must submit to the Secretary of State:

(a) An application in the form prescribed by the Secretary of State;

(b) A copy of the advance directive; and

(c) The fee, if any, established by the Secretary of State pursuant to NRS 449.955.

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the advance directive and post it to the Registry ~~[;]~~ ***and, if the person consents pursuant to NRS 439.591, the statewide health information exchange system established pursuant to NRS 439.581 to 439.595, inclusive;***

(b) Assign a registration number and password to the registrant; and

(c) Provide the registrant with a registration card that includes, without limitation, the name, registration number and password of the registrant.

3. The Secretary of State shall establish procedures for:

(a) The registration of an advance directive that replaces an advance directive that is posted on the Registry;

(b) The removal from the Registry of an advance directive that has been revoked following the revocation of the advance directive or the death of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access to the registrant's registration number and password if a registration card issued pursuant to this section is lost, stolen, destroyed or otherwise unavailable.

Sec. 30. NRS 449.945 is hereby amended to read as follows:

449.945 1. The provisions of NRS 449.900 to 449.965, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.860, inclusive; ~~[or]~~

(b) ***Sections 2 to 26, inclusive, of this act if the advance directive is a Physician Order for Life-Sustaining Treatment form; or***

(c) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 31. NRS 450B.470 is hereby amended to read as follows:

450B.470 "Qualified patient" means:

1. A patient 18 years of age or older who has been determined by the patient's attending physician to be in a terminal condition and who:

(a) Has executed a declaration in accordance with the requirements of NRS 449.600; ~~[or]~~

(b) ***Has executed a Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the patient is not to receive life-resuscitating treatment; or***

(c) Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. A patient who is less than 18 years of age and who:

(a) Has been determined by the patient's attending physician to be in a terminal condition; and

(b) Has ***executed a Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the patient is not to receive life-resuscitating treatment or has*** been issued a do-not-resuscitate order pursuant to NRS 450B.510.

Sec. 32. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances; ~~[or]~~

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.860, inclusive; ***or***

(III) A Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 33. NRS 450B.525 is hereby amended to read as follows:

450B.525 1. A parent or legal guardian of a minor may apply to the health authority for a do-not-resuscitate identification on behalf of the minor if the minor has been:

(a) Determined by his or her attending physician to be in a terminal condition; and

(b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. To obtain such a do-not-resuscitate identification, the parent or legal guardian must:

(a) Submit an application on a form provided by the health authority; and

(b) Comply with the requirements prescribed by the board.

3. An application submitted pursuant to subsection 2 must include, without limitation:

(a) Certification by the minor's attending physician that the minor:

(1) Suffers from a terminal condition; and

(2) Has ***executed a Physician Order for Life-Sustaining Treatment form pursuant to sections 2 to 26, inclusive, of this act if the form provides that the minor is not to receive life-resuscitating treatment or has*** been issued a do-not-resuscitate order pursuant to NRS 450B.510;

(b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(c) The name of the minor;

(d) The name, signature and telephone number of the minor's attending physician; and

(e) The name, signature and telephone number of the minor's parent or legal guardian.

4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or

otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.

5. If, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:

(a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.

(b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.

Sec. 34. NRS 450B.590 is hereby amended to read as follows:

450B.590 The provisions of NRS 450B.400 to 450B.590, inclusive, do not:

1. Require a physician or other provider of health care to take action contrary to reasonable medical standards;

2. Condone, authorize or approve mercy killing, euthanasia or assisted suicide;

3. Substitute for any other legally authorized procedure by which a person may direct that the person not be resuscitated in the event of a cardiac or respiratory arrest;

4. ~~[Affect]~~ ***Except as otherwise provided in section 18 of this act, affect*** or impair any right created pursuant to the provisions of NRS 449.535 to 449.690, inclusive ~~[,]~~ ***, or sections 2 to 26, inclusive, of this act;*** or

5. Affect the right of a qualified patient to make decisions concerning the use of life-resuscitating treatment, if he or she is able to do so, or impair or supersede a right or responsibility of a person to affect the withholding of medical care in a lawful manner.

Sec. 35. NRS 451.595 is hereby amended to read as follows:

451.595 1. As used in this section:

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in NRS 162A.790, containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449.600, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. ***The term includes a Physician Order for Life-Sustaining Treatment form executed pursuant to sections 2 to 26, inclusive, of this act.***

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.

Sec. 36. NRS 129.030 is hereby amended to read as follows:

129.030 1. Except as otherwise provided in NRS 450B.525, a minor may give consent for the services provided in subsection 2 for himself or herself or for his or her child, if the minor is:

(a) Living apart from his or her parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;

(b) Married or has been married;

(c) A mother, or has borne a child; or

(d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided.

2. Except as otherwise provided in subsection 4 and NRS 450B.525, ***and section 16 of this act,*** the consent of the parent or parents or the legal guardian of a minor is not necessary for a local or state health officer, board of health, licensed physician or public or private hospital to examine or provide treatment for any minor, included within the provisions of subsection 1, who understands the nature and purpose of the proposed examination or treatment and its probable outcome, and voluntarily requests it. The consent

of the minor to examination or treatment pursuant to this subsection is not subject to disaffirmance because of minority.

3. A person who treats a minor pursuant to subsection 2 shall, before initiating treatment, make prudent and reasonable efforts to obtain the consent of the minor to communicate with his or her parent, parents or legal guardian, and shall make a note of such efforts in the record of the minor's care. If the person believes that such efforts would jeopardize treatment necessary to the minor's life or necessary to avoid a serious and immediate threat to the minor's health, the person may omit such efforts and note the reasons for the omission in the record.

4. A minor may not consent to his or her sterilization.

5. In the absence of negligence, no person providing services pursuant to subsection 2 is subject to civil or criminal liability for providing those services.

6. The parent, parents or legal guardian of a minor who receives services pursuant to subsection 2 are not liable for the payment for those services unless the parent, parents or legal guardian has consented to such health care services. The provisions of this subsection do not relieve a parent, parents or legal guardian from liability for payment for emergency services provided to a minor pursuant to NRS 129.040.

Sec. 37. NRS 129.050 is hereby amended to read as follows:

129.050 1. Except as otherwise provided in NRS 450B.525, ***and section 16 of this act,*** any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

➥ to the furnishing of hospital, medical, surgical or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent, other than a halfway house for alcohol and drug abusers, or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent, parents or legal guardian within a reasonable time after treatment.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 672.

AN ACT relating to interscholastic events; revising provisions relating to the rules and regulations of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing regulations, the Nevada Interscholastic Activities Association may approve certain games, contests and meets in which all-star teams participate if the game, contest or meet is approved by the National Collegiate Athletics Association, or its successor organization, and the National Federation of State High School Associations, or its successor organization. (NAC 386.693) **Section 1** of this bill provides that the rules and regulations adopted by the Nevada Interscholastic Activities Association must provide criteria to be used by the Nevada Interscholastic Activities Association when determining whether to approve or disapprove the staging of all-star games, contests or meets by any other organization and the participation of all-star teams in games, contests and meets without approval from any other organization. **Section 3** of this bill requires the Nevada Interscholastic Activities Association, on or before June 30, 2014, to amend its rules and regulations as necessary to conform to the provisions of **section 1**. **Section 3.5 of this bill authorizes the Nevada Interscholastic Activities Association to approve the staging of all-star games, contests or meets by any other organization and the participation of all-star teams in games, contests or meets without approval from any other organization during the period between the passage and approval of this bill and the adoption by the Nevada Interscholastic Activities Association of the rules and regulations required by section 3.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

The rules and regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 must provide criteria to be

used by the Association when determining whether to approve or disapprove:

1. The staging of an all-star game, contest or meet by any other organization; and

2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.

Sec. 2. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive ~~.]~~ ***, and section 1 of this act.*** The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 3. The Nevada Interscholastic Activities Association shall, on or before June 30, 2014, amend its rules and regulations, including, without limitation, NAC 386.693, as necessary to conform to the provisions of section 1 of this act.

Sec. 3.5. **Notwithstanding the amendatory provisions of this act, the Nevada Interscholastic Activities Association may, before the effective date of the regulations required by section 3 of this act or July 1, 2014, whichever is earlier, approve:**

1. The staging of an all-star game, contest or meet by any other organization; and

2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.

Sec. 4. **1.** This **section and section 3.5 of this** act ~~[becomes]~~ **become** effective ~~[:~~

~~1.]~~ **upon passage and approval.**

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations; and

~~[2.]~~ **(b)** On July 1, 2014, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 444 requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty. The Legislative Auditor must present a final written audit to the Audit Subcommittee of the Legislative Commission no later than January 31, 2015.

Those of us who served during the 76th Session might remember Assembly Bill 501. Assembly Bill 501 was substantially similar to Assembly Bill 444 in that it sought an audit from our Legislative Auditor as to the costs of capital punishment in our state. Assembly Bill 501 was vetoed by the Governor, and in his veto message, the Governor opined that he wanted a cost audit that he was certain would be fair and accurate. He wanted specificity as to the methodologies used. If you or any of the members look at the text of Assembly Bill 444, I think you will see that what we are asking for here is an audit that is rational, dispassionate, and logical. Specifically, we have tried to address every point the Governor brought up in his veto message last session. Auditing standards that are prescribed by the U.S. Government

Accountability Office will be used, and there is much specificity as to the methodologies, which include the cost estimation approach, top-down accounting method, retrospective observational design, independent statistical analysis, administrative databases, and self-reported data. And those are all terms that explain why I went to law school. I hope the body will support this. It did pass unanimously out of your Committee on Legislative Operations and Elections.

Roll call on Assembly Bill No. 444:

YEAS—38.

NAYS—Hambrick.

EXCUSED—Diaz, Hogan, Pierce—3.

Assembly Bill No. 444 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 7, in its first reprint, requires the Executive Director of the Department of Taxation to prepare or cause to be prepared technical bulletins to educate the public on issues related to their businesses and the taxes administered by the Department, as well as on written opinions received by the Department from the Attorney General. The technical bulletins must be written in simple, nontechnical language.

The bill requires each proposed bulletin and any revisions to a bulletin to be submitted to the Nevada Tax Commission for approval before the bulletin or revised bulletin is published.

Roll call on Senate Bill No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 8 changes the definition of "wholesale price" for determining the tax on tobacco products other than cigarettes.

The bill clarifies that the wholesale price means the established price that is paid by a Nevada wholesaler, irrespective of whether the Nevada wholesaler is purchasing the tobacco product directly from the manufacturer or from an affiliate of the manufacturer.

Roll call on Senate Bill No. 8:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 8 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 9 revises definitions of various terms relating to the licensing and control of gaming. In addition, the measure transfers from the Gaming Commission to the Gaming Control Board responsibility for determining the annual adjustment to financial reporting thresholds for nonrestricted licensees. The measure requires that persons seeking to hold a 5 percent or smaller interest in certain gaming licensees register with the Board and repeals provisions under which a person was previously allowed up to 30 days after obtaining such an interest to register with the Board. Finally, the measure revises provisions relating to independent testing laboratories, including authorizing the Commission to require certain persons associated with registered independent testing labs to file an application for a finding of suitability.

Roll call on Senate Bill No. 9:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 9 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 26.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 26 creates within the Attorney General's Office the Victim Information Notification Everyday (VINE) System to consist of a toll-free telephone number and website through which crime victims and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender. The Attorney General is directed to create a governance committee for the system, which may adopt regulations for its operation and oversight. To the extent that funds are available, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety, and the State Board of Parole Commissioners shall cooperate with the Attorney General to establish and maintain the system. I am not an attorney, but I think I said that pretty good.

Roll call on Senate Bill No. 26:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 26 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 27 clarifies the authority of the Attorney General to defend present or former state judicial officers who are sued for certain acts or omissions relating to their public duties or employment. State judicial officers are defined as any justice of the Supreme Court, senior justice, judge of a district court, or senior judge. In addition, the measure clarifies the authority of the chief legal officer or other authorized legal representative of a political subdivision to provide legal counsel under certain circumstances to any present or former local judicial officers. Local judicial officers are defined as any justice of the peace, senior justice of the peace, municipal judge, or senior municipal judge of that political subdivision.

The measure also requires the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision to provide counsel for certain persons who are not employees or officers of the state or political subdivision, but are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the state or political subdivision.

Finally, the measure requires the Director of the Department of Administration to include the biennial cost of implementing the provisions of this measure in the Attorney General's cost allocation plan for the 78th Session of the Nevada Legislature.

Roll call on Senate Bill No. 27:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 27 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 29 allows the Administrator of the Manufactured Housing Division of the Department of Business and Industry to waive the eligibility requirements for assistance from the Fund for Low-Income Owners of Manufactured Homes if the applicant demonstrates that his or her circumstances warrant such a waiver.

I urge this body's support. I think this bill would give the Administrator the flexibility he needs to try to help people who need it, but maybe are just outside the guidelines.

Roll call on Senate Bill No. 29:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 29 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 30 grants to the Attorney General's multidisciplinary team the authority to review the death of a victim of crime that constitutes domestic violence and gives access to information contained in the Central Repository for Nevada Records of Criminal History and records of criminal history maintained by a criminal justice agency.

Roll call on Senate Bill No. 30:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 30 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 32 revises the powers and duties of the Director of the Department of Corrections [DOC] and makes various changes related to the Department of Public Safety [DPS]. The measure authorizes the Director of the DOC to permit the distribution of money, from any money deposited in the individual account of an offender from any source other than the offender's wages, to a governmental entity for certain deductions.

When a request for the transfer of a person detained in a local law enforcement facility is received from a sheriff or chief of police of a city, S.B. 32 requires the Director to determine if the transport will be made by the staff of the DOC or staff of the county sheriff or the chief of police who requested the transfer.

Senate Bill 32 provides that an offender in custody with the Division of Parole and Probation of the DPS for residential confinement cannot reside in another state. In addition, the measure expands eligibility for participation in a program of residential confinement for certain abusers of alcohol or drugs who commit certain violations of law relating to operating or being in actual physical control of any vessel under power or sail.

The measure authorizes the Division of Parole and Probation, under certain circumstances, to receive and distribute restitution to victims. Finally, the measure repeals provisions governing the Prison Revolving Account.

Roll call on Senate Bill No. 32:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 32 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 35 requires the Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, to charge to an employer against whom a civil action is brought a fee to defray the cost for recording, copying, or certifying documents in such actions. This fee must be charged to the employer in accordance with fees charged by county recorders for such services and be paid into the Unemployment Compensation Administration Fund.

This measure eliminates obsolete references in the *Nevada Revised Statutes* to the Unemployment Compensation and the State Employment Service as administrative subdivisions within the Division. This measure is effective upon passage.

Roll call on Senate Bill No. 35:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 35 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 37 provides that a person who willfully or maliciously removes, damages, or destroys any property maintained by a state or local government to obtain scrap metal is guilty of a crime. In addition, the measure expands the definition of "utility property" to include sewer service, storm water collection, and disposal service and makes it a crime to intentionally steal, take, and carry away utility property. Finally, the measure requires a person who is convicted of a crime relating to obtaining scrap metal or utility property, in addition to any other penalty, to perform 100 hours of community service for a first offense, 200 hours of community service for the second offense, and up to 300 hours for any third or subsequent offense.

Roll call on Senate Bill No. 37:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 37 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 40 makes various changes to provisions relating to medical laboratories. The bill removes the requirement that an application for a medical laboratory license be made under oath and instead requires that an application must include proof of identity of the laboratory director. The State Board of Health is required to adopt regulations setting forth acceptable forms of proof of identity that a laboratory director must include in an application.

The Board is also required to adopt regulations concerning the qualifications for certification as an assistant in a medical laboratory.

Senate Bill 40 increases the administrative penalty from $250 for a first offense and not more than $500 for a subsequent offense to not more than $10,000 that the Health Division of the Department of Health and Human Services may impose for a violation of provisions relating to medical laboratories.

Roll call on Senate Bill No. 40:

YEAS—38.

NAYS—Fiore.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 40 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 41.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Senate Bill 41 provides that a small-scale provider of last resort may file with the Public Utilities Commission of Nevada [PUCN] a proposed change in any schedule of rates or services using a letter of advice in lieu of an application if the applicant demonstrates that the proposed change in schedule is required by, or directly related to, a regulation or order of the [Federal Communications Commission] FCC and files the letter of advice not later than five years after the PUCN has issued a final order on a general rate application. A provider may request a waiver of the five-year period.

A commercial mobile radio service provider who seeks to merge with, directly or indirectly, acquire or obtain control of a public utility doing business in Nevada is exempt, in certain circumstances, from obtaining authorization of the transaction from the PUCN. The bill authorizes a person proposing such a transaction to request that the Regulatory Operations Staff of the PUCN and the Consumer's Advocate of the Bureau of Consumer Protection each waive the right to request an order from the PUCN requiring the filing of an application for authorization of the proposed transaction. If such a waiver is made, the person proposing the transaction is exempt from obtaining authorization from the PUCN.

The measure makes changes concerning lifeline and tribal linkup provided by small-scale providers of last resort. Finally, the bill also expands the applicability of the reduction in telephone rates to include bundled service offerings as required under federal regulations.

Roll call on Senate Bill No. 41:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 41 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 45 relates to the sealing of certain records of criminal history. The measure revises information that must be included in a petition to seal all records relating to a conviction. In addition, the measure revises the definition of an "agency of criminal justice" to include a subunit of any governmental agency and clarifies that the sealing of all records of a conviction includes those in the custody of such an agency of criminal justice.

Roll call on Senate Bill No. 45:

YEAS—38.

NAYS—None.

EXCUSED—Benitez-Thompson, Diaz, Hogan, Pierce—4.

Senate Bill No. 45 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the vote whereby Senate Bill No. 27 was passed be reconsidered.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 27 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Senate Bill 46 changes the name of the Motor Pool Division of the Department of Administration to the Fleet Services Division and makes the Fleet Services Division a permanent division of the Department.

Roll call on Senate Bill No. 46:

YEAS—38.

NAYS—None.

EXCUSED—Benitez-Thompson, Diaz, Hogan, Pierce—4.

Senate Bill No. 46 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 47 makes various changes to provisions governing the regulation of the mortgage industry. A nonprofit agency or organization that otherwise would be subject to the provisions of statutes governing mortgage brokers and mortgage agents is exempt from such provisions if, in addition to existing requirements, it maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986.

The measure clarifies the employment, association, and sponsorship requirements that a mortgage agent must satisfy in order to provide services as a mortgage agent. The bill requires mortgage brokers and mortgage bankers to establish written or oral policies and procedures for their mortgage agents. In addition, the cobrokering of a commercial loan through the cooperation of two or more mortgage brokers is not prohibited if such a transaction is not inconsistent with any other provision governing mortgage brokers and mortgage agents.

Roll call on Senate Bill No. 47:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 47 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 48 revises the composition of the Nevada Commission on Tourism by adding four nonvoting members of the Commission, as follows: the Chair of the Commission for Cultural Affairs, the Chair of the Board of Museums and History, the Chair of the Nevada Indian Commission, and the Chair of the Board of the Nevada Arts Council.

Roll call on Senate Bill No. 48:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 51.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 51 transfers the powers and duties related to the certification and regulation of intermediary service organizations from the Aging and Disability Services Division of the Department of Health and Human Services to the Health Division of DHHS and the State Board of Health, respectively.

Roll call on Senate Bill No. 51:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 51 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 53 requires the State Registrar of Vital Statistics to do some things. It also prescribes some procedures, and it further revises various provisions.

Roll call on Senate Bill No. 53:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 53 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 60 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 61 reduces the membership of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities within the Nevada Commission on Services for Persons with Disabilities from 11 to 9 members. The bill removes certain positions and it reclassifies other positions to be represented.

Roll call on Senate Bill No. 61:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 61 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 65 expands the authority of the Nevada Division of Environmental Protection, State Department of Conservation and Natural Resources, to issue orders other than emergency orders to correct violations by public water system operators if the Division has reason to believe that a person is engaged in, or is about to engage in, a practice which violates certain provisions relating to public water systems. The bill also authorizes the imposition of daily civil penalties of not more than $5,000 and daily administrative fines of not more than $2,500 against a laboratory for violations of certain regulations adopted by the State Environmental Commission or orders issued by the Division.

Roll call on Senate Bill No. 65:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 65 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 71 provides that when a court imposes consecutive sentences, those sentences must be aggregated if the crimes were committed on or after July 1, 2014, unless any of the sentences includes a sentence of life without the possibility of parole or death. In addition, this measure authorizes a prisoner who is serving consecutive sentences to request the Director of the Department of Corrections to aggregate any remaining sentences for which parole has not previously been considered. The aggregation of sentences does not apply to sentences for offenses entered into at different times. This measure provides that for offenses committed and sentences aggregated on or after July 1, 2014, any credits earned to reduce sentences may only reduce the minimum term or minimum aggregate term imposed by the sentence by not more than 58 percent.

For cases where a prisoner was less than 16 years of age at the time of the offense for which he or she was imprisoned, this measure provides that the State Board of Parole Commissioners is not required to release the prisoner if he or she is determined to be a high risk to reoffend in a sexual manner or there is a reasonable probability that the prisoner will be a danger to public safety while on parole. Finally, if a prisoner who was less than 16 years of age at the time of an

offense is paroled and then that parole is revoked, that prisoner must not be considered again for parole under these provisions of the law. The effective date of this bill is July 1, 2014.

Roll call on Senate Bill No. 71:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 71 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Senate Bill 74 requires a public officer or employee to prepare copies of public records for a member of the public upon request, rather than allowing the officer or employee to require that the requestor make the copies. Upon request, a member of the public must be provided with a copy of the minutes from, or a recording of, a public meeting free of charge. The fee for making copies that may be charged by certain entities is limited to 50 cents per page. Similarly, the fee that a county clerk may charge for preparing certain copies or for searching certain records is established at 50 cents per page unless the fee is waived by the county clerk. This bill is effective October 1, 2013.

Roll call on Senate Bill No. 74:

YEAS—35.

NAYS—Ellison, Hambrick, Oscarson, Wheeler—4.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 74 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 77 removes the prospective expiration for provisions relating to the issuance of marriage licenses by certain commercial wedding chapels that were passed by the Legislature during the 76th Legislative Session. Effective date is upon passage and approval.

Roll call on Senate Bill No. 77:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 77 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 79 repeals Section 710.600 of the *Nevada Revised Statutes*, which provides that in any incorporated city having a commission form of government, all net profits derived from municipally owned and operated utilities may be expended.

Roll call on Senate Bill No. 79:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Senate Bill 81 revises the Cancer Drug Donation Program by authorizing physicians to dispense a cancer drug donated for use in the Program.

Roll call on Senate Bill No. 81:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 81 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 86 expands programs providing respite care or relief for informal caretakers to include any person with Alzheimer's disease or other related dementia, regardless of the age of the person.

Roll call on Senate Bill No. 86:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Hogan, Pierce—3.

Senate Bill No. 86 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 97, 98, 102, 103, 104, 105, 108, 110, 114, 117, 122, 127, 130, 136, 140, 148, 153, 154, 155, 157, 158, 159, 163, 175, 185, 189, 215, 216, 227, 237, 264, 268, 272, 274, 281, 284, 286, 288, 304, 309, 310, 317, 325, 335, 342, 343, 344, 345, 347, 351, 356, 365, 382, 388, 393, 404, 409, 419, 420, 432, 433, 434, 438, 441, 453, 458, 460, 476, 489, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolution No. 12; Senate Bills Nos. 78, 101, 191, 60 be taken from the General File and placed at the top of the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 13, 16, 22, 41, 45, 57, 85, 108, 111, 179, 206, 252, 331, 350, 356, 492; Assembly Resolution No. 12; Senate Bill No. 139; Senate Joint Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Eisen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Caughlin Ranch Elementary School: Ryan Barkowski, Collin Beach, Edith Gonzalez-Ruiz, Emma Gregg, Brett Hamlin, Ellen Lombardo, Asher Hansen, Cailin Long, Arianne Magtibay, Aundriea Matthews, Paris McCabe, Ayla McDonald-Musil, Benjamin Olsen, Nicolas Pagni, Aden Pearson, Ashley To, Craig Watland, Kaelen Weigel, Zachariah Zittle, Alison Anthony, Sean Barnes, Lindsey Biggs, Keely Brown, Benjamin Brust, Erick Cheng, Alyssa Doyle, Jessica Doyle, Ryan Forderhase, Aden Gentner, Lindsey Haley, Brett Hardie, Evan Jones, Jessica Link, Nick Lombardi, Grace McAndrews, Jacob Medina, Sterling Moore, Sasha Nickerson, Sawyer Patton, Faith Pennebaker, Kevin Villariza, Alyssa Webb, Tyler Brombacker, Adelaide Armen, Conner Capurro, Electra Capurro, Elxsis Eayrs, Cooper Ericson, Katie Fagg, Rebecca Hamilton, Rami Itani, Halie LaChance, Sean Leffler, Joseph Listinsky, Mason McCabe, Grace Oksol, Hunter Olson, Kaylee Rogers, Kennedy Schraub, Annika Sorensen, Mason Strait, Brooklynne White, Skyler Blackson, Levi Wosick, Jair Gomez, Benjamin Miller, Sara Mulligan, Aidan Murray, Judy Sutherland,

Sabine Beach, Megan McDonald, Debbie Hamlin, Luciana Hansen, Colleen Long, Cheryl Zittle, Shannon Brust, Clay Brust, Jennifer Moore, Richard Haley, Laurel Haley, Bruce Brown, Wendy Brown, Stacy Hardie, Marianne Anthony, Colleen Medina, Sherry Olson, and Michelle Capurro.

Assemblyman Horne moved that the Assembly adjourn until Saturday, May 18, 2013, at 1:30 p.m.

Motion carried.

Assembly adjourned at 9 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTH DAY

CARSON CITY (Saturday), May 18, 2013

Assembly called to order at 2:05 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Hogan, Martin, and Pierce, who were excused.

Prayer by the Chaplain, Pastor Norm Milz.

God and Father, as we meet in this afternoon time, may we look at what this Chamber has done over the past week. May we feel confident as an Assembly that we have passed bills that are for the good of every citizen of the whole state of Nevada. If there is some way we have not done this, forgive us and help us to correct this in the near future.

We thank You for the opportunity to serve. May we daily work to fulfill this opportunity with honor. This is an awesome responsibility and one not to be taken lightly. May we never forget what is said on our State Seal, which reminds us of why we serve, "For the Good of the Country."

As we conclude this week, our time together as an Assembly is quickly coming to a conclusion. May panic to pass bills not cause us to lose focus on what we have been elected to do. May we work together to do things that will be for the betterment of this entire state. Guide our comments that we may be courteous and caring at all times, especially toward those with whom we do not agree.

All this we bring to You trusting in Your love and grace, in the Name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 31, 106, 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 316.

CINDY JONES
Fiscal Analysis Division

Assemblyman Horne moved that Senate Bills Nos. 185, 237, and 335 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 262 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 27 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 27.

Bill read third time.

The following amendment was proposed by Assemblyman Horne:

Amendment No. 724.

SUMMARY—Revises provisions relating to ~~[the]~~ legal representation**.** ~~[of certain persons by the Attorney General or the chief legal officer of a political subdivision of this State in certain civil actions.]~~ (BDR 3-219)

AN ACT relating to legal representation; revising provisions governing the legal representation of certain persons by the Attorney General or the chief legal officer of a political subdivision in civil actions relating to certain public duties or employment; **revising provisions concerning the crime of unlawfully soliciting legal business;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Attorney General provides legal counsel to any present or former officer or employee of the State, any immune contractor or any State Legislator in a civil action brought against that person based on any alleged act or omission relating to the person's public duty or employment if: (1) the person submits a written request for such legal counsel; and (2) the Attorney General determines that it appears that the person was acting within the course and scope of his or her public duty or employment and in good faith. In addition, under existing law, the chief legal officer or other

authorized legal representative of a political subdivision of this State provides legal counsel to any present or former officer of that political subdivision or a present or former member of a local board or commission if: (1) the person submits a written request for such legal counsel; and (2) the chief legal officer or authorized legal representative determines that it appears that the person was acting within the scope of his or her public duty or employment and in good faith. (NRS 41.0339)

Sections 2-3 and 3.7-8 of this bill clarify existing law by specifically requiring: (1) the Attorney General to provide legal counsel under these circumstances to any present or former justice of the Supreme Court, senior justice, judge of a district court or senior judge; and (2) the chief legal officer or other authorized legal representative of a political subdivision of this State to provide legal counsel under these circumstances to any present or former justice of the peace, senior justice of the peace, municipal judge or senior municipal judge of that political subdivision. In addition, **sections 2-3 and 3.7-8** require the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision of this State to provide counsel for certain persons who are not employees or officers of the State or political subdivision but who are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the State or political subdivision.

Section 3.3 of this bill clarifies that the statutory provisions relating to legal representation in civil actions relating to the public duties or employment of such persons do not abrogate, alter or affect the immunity of such persons under other law.

Existing law establishes the crime of unlawful solicitation of legal business and provides that a person who commits this crime is guilty of a misdemeanor. (NRS 7.045) Section 8.3 of this bill revises the acts which constitute the crime of unlawful solicitation of legal business and provides that a second or subsequent violation of this crime is a gross misdemeanor.

Section 8.5 of this bill provides that for the 78th Session of the Nevada Legislature, the Director of the Department of Administration must include the biennial cost of implementing this bill in the Attorney General's cost allocation plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.3, inclusive, of this act.

Sec. 2. ***As used in NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 41.0338 and sections 2.5 and 3 of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Local judicial officer" means a justice of the peace, senior justice of the peace, municipal judge or senior municipal judge.***

Sec. 3. ***"State judicial officer" means a justice of the Supreme Court, senior justice, judge of a district court or senior judge.***

Sec. 3.3. ***The provisions of NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of this State or a political subdivision of this State, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.***

Sec. 3.7. NRS 41.0337 is hereby amended to read as follows:

41.0337 ***1.*** No tort action arising out of an act or omission within the scope of a person's public duties or employment may be brought against any present or former:

~~[1.]~~ ***(a) Local judicial officer or state judicial officer;***

(b) Officer or employee of the State or of any political subdivision;

~~[2.]~~ ***(c)*** Immune contractor; or

~~[3.]~~ ***(d)*** State Legislator,

➥ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

2. No tort action may be brought against a person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of any present or former:

(a) Local judicial officer or state judicial officer;

(b) Officer or employee of the State or of any political subdivision;

(c) Immune contractor; or

(d) State Legislator,

➥ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

3. As used in this section:

(a) "Local judicial officer" has the meaning ascribed to it in section 2.5 of this act.

(b) "State judicial officer" has the meaning ascribed to it in section 3 of this act.

Sec. 4. NRS 41.0338 is hereby amended to read as follows:

41.0338 ~~[As used in NRS 41.0338 to 41.0347, inclusive, unless the context otherwise requires, "official]~~ ***"Official*** attorney" means:

1. The Attorney General, in an action which involves ~~[a]~~ ***:***

(a) A present or former ***state judicial officer,*** State Legislator, officer or employee of this State, immune contractor or member of a state board or commission ~~[.]~~ ***; or***

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves ~~[a]~~ ***:***

(a) A present or former ***local judicial officer of that political subdivision, a present or former*** officer or employee of that political subdivision or a present or former member of a local board or commission ~~[.]~~ ***; or***

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

Sec. 5. NRS 41.0339 is hereby amended to read as follows:

41.0339 ***1.*** The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former ***local judicial officer, state judicial officer,*** officer or employee of the State or a political subdivision, immune contractor or State Legislator in any civil action brought against that person based on any alleged act or omission relating to the person's public duties or employment ***, or any other person who is named as a defendant in a civil action solely because of an alleged act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator,*** if:

~~[1.]~~ ***(a)*** Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, the person submits a written request for defense:

~~[(a)]~~ ***(1)*** To the official attorney; or

~~[(b)]~~ ***(2)*** If the officer, employee or immune contractor has an administrative superior, to the administrator of the person's agency and the official attorney; and

~~[2.]~~ ***(b)*** The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or employment and appears to have been performed or omitted in good faith.

2. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service

to be rendered by the official attorney or a deputy of the official attorney, the official attorney must employ special counsel pursuant to NRS 41.03435 or 41.0344, whichever is applicable.

Sec. 6. NRS 41.0341 is hereby amended to read as follows:

41.0341 If the complaint is filed in a court of this state:

1. The ***local judicial officer, state judicial officer,*** officer, employee, board or commission member ***,*** ~~[or]~~ State Legislator ~~[,]~~ ***or other person for whom the official attorney is required to provide a defense pursuant to NRS 41.0339;*** and

2. The state or any political subdivision named as a party defendant,

➥ each has 45 days after their respective dates of service to file an answer or other responsive pleading.

Sec. 7. NRS 41.0346 is hereby amended to read as follows:

41.0346 1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a ***local judicial officer, state judicial officer,*** public officer, employee, immune contractor, member of a board or commission, ~~[or]~~ State Legislator ~~[,]~~ ***or any other person defended by the official attorney pursuant to NRS 41.0339,*** the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:

(a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;

(b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;

(c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

(d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or was wanton or malicious;

(e) Failure of the defendant to cooperate in good faith with the defense of the case; or

(f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the State or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the ~~[defendant's]~~ public ~~[duty]~~ ***duties*** or employment ~~[.]~~ ***of a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission or State Legislator.***

2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the State or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.

Sec. 8. NRS 41.0347 is hereby amended to read as follows:

41.0347 ***1.*** If the official attorney does not provide for the defense of a present or former ***local judicial officer, state judicial officer,*** officer, employee, immune contractor, member of a board or commission of the State or any political subdivision or ~~[of a]~~ State Legislator in any civil action in which the State or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course and scope of the person's public duty or employment and that the person's act or omission was not wanton or malicious:

~~[1.]~~ ***(a)*** If the Attorney General was responsible for providing the defense, the State is liable to that person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

~~[2.]~~ ***(b)*** If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

2. If the official attorney does not provide for the defense of a person who is named a defendant in any civil action solely because of an alleged act or omission relating to the public duties or employment of a present or former local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator and the State or political subdivision is also named a defendant, or the civil action was brought in a court other than a court of competent jurisdiction of this State, and if it is judicially determined that the injuries arose out of an act or omission of a local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator during the performance of any duty within the course and scope of such a person's public duty or employment and that the person's act or omission was not wanton or malicious:

(a) If the Attorney General was responsible for providing the defense, the State is liable to the person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

Sec. 8.3. **NRS 7.045 is hereby amended to read as follows:**

7.045 1. ~~[It]~~ ***Except as otherwise provided in this section, it*** shall be unlawful for ~~[any person or persons within the State of Nevada, unless the person or persons be an attorney at law or attorneys at law, licensed and entitled to practice law under and by virtue of the laws of the State of Nevada,]~~ ***a person, in exchange for compensation,*** to solicit ~~[, influence or procure, or aid or participate in soliciting, influencing or procuring any person within this state]~~ ***a tort victim*** to employ, hire or retain any attorney at law ~~[within this state for any legal service whatsoever, when such person or persons first hereinabove mentioned shall have, either before or after so soliciting, influencing or procuring, or aiding or participating therein as aforesaid, accepted or received or have been offered or promised from such attorney last mentioned, either directly or indirectly, any benefit, service, money, commission, property or any other thing of value, as consideration therefor, or compensation therefor, or reward therefor, or remuneration therefor, or in recognition thereof.]~~ ***, or to offer, accept or receive any compensation for the solicitation of another person to employ, hire or retain any attorney at law:***

(a) At the scene of a traffic accident that may result in a civil action;

(b) At a county or city jail or detention facility; or

(c) At a health care facility.

2. ***It is unlawful for a person to conspire with another person, including, without limitation, a health care professional, an employee of a health care professional or health care facility, a body shop licensed pursuant to chapter 487 of NRS, an ambulance service, a tow car operator, an insurance company, or any other person routinely associated with the delivery of legal services, to commit an act which violates the provisions of subsection 1.***

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of ~~[subsection 1 shall be]~~ ***this section:***

(a) For the first offense, is guilty of a misdemeanor.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Compensation" means the direct or indirect promise or payment of any fee, salary, wage, commission, bonus, rebate, refund, dividend or discount.

(b) "Solicit" or "solicitation" means directly or indirectly:

(1) Touting, promoting, recommending, suggesting or offering goods or services; or

(2) Selecting, obtaining or procuring goods or services.

(c) "Tort victim" means a person:

(1) Whose property has been damaged as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person;

(2) Who has been injured or killed as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(3) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person.

Sec. 8.5. For the 78th Session of the Nevada Legislature, in accordance with the provisions of subsection 2 of NRS 228.113, the Director of the Department of Administration shall include the biennial cost of implementing the provisions of this act in the Attorney General's cost allocation plan.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 344 requires the State Board of Health to adopt a Physician Order for Life-Sustaining Treatment [POLST] form. The bill prescribes who may execute and revoke a POLST form, resolves potential conflicts between the form and other advance directives, and provides similar immunities and protections to health care providers as with other advance directives.

Physicians must explain to a patient the availability of the POLST form and how it differs from an advance directive if: (1) a physician diagnoses a patient with a terminal condition; (2) a patient's life expectancy is less than 5 years; or (3) a patient requests it.

This Legislature has a long record of passing proactive policy that gets ahead of the tragedies and the controversies that can surround end-of-life issues, and this is the next chapter. I urge passage.

Roll call on Assembly Bill No. 344:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Assembly Bill No. 344 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 97 specifies that a petition alleging a child is in need of protection must include the address of the primary residence of the child at the time of removal, rather than the address of the location where the child is placed after removal.

The measure clarifies that certain persons have the right to be heard at semiannual or annual court proceedings. Finally, in an annual review concerning the permanent placement of a child, the court is required to make certain determinations regarding out-of-state placement and transition services.

Roll call on Senate Bill No. 97:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 97 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 98 makes various changes related to child welfare services. Specifically, this measure revises the criteria a court uses to determine whether a child welfare agency is required to make reasonable efforts to preserve and reunify the family of a child; revises the definition of "reasonable efforts"; requires the court, when determining whether reasonable efforts have been made, to consider certain matters related to the health and safety of the child, certain efforts to prevent the need to remove the child from the home, and efforts to finalize the plan for the permanent placement of the child; and requires the court to make certain determinations about whether a child welfare agency is required to make reasonable efforts or whether the child welfare agency has made those efforts on a case-by-case basis, based on specific evidence, and to expressly state each determination in the court order.

Roll call on Senate Bill No. 98:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 98 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 102 is the Kenny C. Guinn Memorial Millennium Scholarship. The bill expands the scholarship from one to two—one from the north and one from the south.

Roll call on Senate Bill No. 102:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 102 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 103 revises the period of limitation for crimes relating to the sexual abuse of a child. The measure provides that an indictment must be found or an information or complaint must be filed before the victim of child sexual abuse is 36 years old if the victim discovers or reasonably should have discovered the sexual abuse by that age, and 43 years old if the victim does not discover and reasonably should not have discovered the sexual abuse by 36 years of age.

Roll call on Senate Bill No. 103:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 103 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 104 replaces the requirement for prisoners convicted of sexual offenses to be evaluated by a panel with a new requirement for such prisoners to be assessed by the Nevada Department of Corrections [NDOC] before their parole is granted or continued. The measure requires the NDOC to assess such prisoners with a currently accepted standard of assessment that will return a risk level to reoffend in a sexual manner using low, moderate, or high categories. The completed assessment must be provided to the Parole Board not sooner than 120 days before a scheduled parole hearing and the findings must be considered by the Board before determining whether to grant or revoke the parole of the prisoner.

The measure requires training for any employee of the Nevada Department of Corrections who completes the assessment, and it requires procedures be established to ensure the accuracy of each completed assessment and to correct any errors prior to submitting the assessment to the Parole Board.

Roll call on Senate Bill No. 104:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 104 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 105 enacts the Uniform Electronic Legal Material Act to provide for the authentication, preservation, and security of an electronic record of certain legal materials. The measure defines legal materials as the *Nevada Constitution*; the *Statutes of Nevada*; the *Nevada Revised Statutes*; and the *Nevada Administrative Code*. The measure defines the official publisher of these documents as the Legislative Counsel Bureau.

Roll call on Senate Bill No. 105:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 105 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 108 provides that a child who violates curfews is deemed a child in need of supervision rather than a delinquent child. It decreases from eight to four days the length of time a child may remain in custody unless the district attorney shows good cause. Finally, it allows the court to order the Department of Motor Vehicles to issue restricted drivers' licenses to minors who have had their licenses suspended.

Roll call on Senate Bill No. 108:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 108 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 110 enacts an amendment to Article 4A of the Uniform Commercial Code [UCC], which was promulgated by the Uniform Law Commission and the American Law Institute. The amendment provides that Article 4A applies to a remittance transfer that is not an electronic funds transfer under the federal Electronic Funds Transfer Act [EFTA]. In addition, the amendment to the UCC clarifies that the federal statute governs in the case of any inconsistency between the applicable provision of Article 4A and the EFTA.

Roll call on Senate Bill No. 110:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 110 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 114 provides that a rate filing made by an insurer or rate service organization must include a proposed effective date for those rates and be filed with the Commissioner of

Insurance not less than 30 days before the proposed effective date of those rates. A filing for a proposed rate increase or decrease may include a request that the Commissioner authorize an earlier effective date than the date proposed. If within 15 days after a proposal is filed the Commissioner determines that the proposal is incomplete, the Commissioner must notify the insurer or rate service organization of that determination. The bill changes from 60 to 30 the number of days within which the Commissioner must approve or disapprove a proposed rate change after determining the proposal is complete. If the proposal is not approved, the Commissioner must submit a written notice to the insurer or rate service organization of the disapproval within that same 30-day period and provide the reasons why the proposal was disapproved. The insurer or rate service organization may, within 30 days of receiving a notice of disapproval, request a reconsideration of the proposal. The Commissioner must approve or disapprove the reconsidered proposal not later than 30 days after receipt of the request for reconsideration.

Roll call on Senate Bill No. 114:

YEAS—35.

NAYS—Carlton, Fiore, Frierson—3.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 114 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 117.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 117 prohibits the Department of Taxation from issuing a subpoena to compel the production of books and papers that contain individually identifiable health information. This measure defines "individually identifiable health information" as information that identifies a natural person or easily provides for the identification of a natural person and relates to the past, present, or future physical or mental health or condition of the person or the provision of health care to the person.

Roll call on Senate Bill No. 117:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Senate Bill 122 increases the number of commissioners of a regional housing authority from 9 to 13, and it provides that 4 of the commissioners must represent tenants and be appointed, respectively, by the governing bodies of the three largest cities in the county. The fourth

representative is to be appointed by Clark County. The bill also staggers the terms of the newly appointed tenant representatives so that their terms will not expire at the same time.

Roll call on Senate Bill No. 122:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 122 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Senate Bill 125 requires the Nevada Interscholastic Activities Association (NIAA) to adopt rules and regulations that provide the criteria to be used in determining whether to approve or disapprove all-star events without requiring the approval of any other organization. The NIAA must make these changes on or before June 30, 2014.

Roll call on Senate Bill No. 125:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 125 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Senate Bill 127 prohibits an employer from conditioning the employment of an employee or prospective employee on the person's consumer credit report or other credit information unless the information contained in the report or other credit information is reasonably related to the position of employment.

The measure establishes civil remedies available to a person affected by a violation committed by an employer. Further, the Labor Commissioner is authorized to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

Roll call on Senate Bill No. 127:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 127 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:
Senate Bill 130 requires the written notice from a homeowners' association concerning an alleged violation to include specific details of the alleged violation, a proposed solution to remedy the alleged violation, and a clear and detailed photograph of the alleged violation, under certain circumstances. In addition, the measure provides that the person charged with the alleged violation must be provided a reasonable opportunity to resolve the alleged violation or to contest the alleged violation at a hearing.

Roll call on Senate Bill No. 130:
YEAS—38.
NAYS—None.
EXCUSED—Diaz, Hogan, Martin, Pierce—4.
Senate Bill No. 130 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:41 p.m.

ASSEMBLY IN SESSION

At 2:44 p.m.
Madam Speaker presiding.
Quorum present.

Senate Bill No. 136.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:
Senate Bill 136 provides that homicide is justifiable when committed by a public officer, or a person acting under the command and in the aid of a public officer, when necessary in protecting against an imminent threat to the life of a person.

Roll call on Senate Bill No. 136:
YEAS—38.
NAYS—None.
EXCUSED—Diaz, Hogan, Martin, Pierce—4.
Senate Bill No. 136 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 140 provides for the statutory creation, perfection, and attachment of a "retaining lien" for attorney's fees by providing that the rights under such a lien may be adjudicated by a court at the request of the attorney having the lien or any party who has been served with notice of the lien.

Roll call on Senate Bill No. 140:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 140 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 148 revises requirements for the use of money in the Pollution Control Account by eliminating the program of grants to local governments derived from funds received in the Account in excess of $1 million. Instead, this excess money is to be distributed directly, on an annual basis, to local air pollution control agencies in nonattainment or maintenance areas in an amount proportionate to the number of forms issued to emissions testing stations. As with the previously-awarded grant money, this excess money must be used for programs related to the improvement of air quality.

Roll call on Senate Bill No. 148:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 148 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 153 makes various changes relating to the powers and duties of the Board of Occupational Therapy, including clarifying the authority of the Board to enforce regulations, preparing and maintaining records of administrative proceedings, determining the eligibility of an applicant for a license as an occupational therapist, and investigating complaints against a licensee.

The bill increases the supervised fieldwork requirement for a license as an occupational therapist or occupational therapy assistant from 8 weeks to 16 weeks and removes the requirement limiting the number of times each year examinations may be offered by the Board. The Board may issue a license without examination to a person who is certified by the National Board for Certification in Occupational Therapy or its successor organization.

Senate Bill 153 removes the exemption from licensure for an occupational therapist practicing with a licensed occupational therapist. The bill also revises provisions concerning temporary licensure of an occupational therapist.

Roll call on Senate Bill No. 153:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 153 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 154 requires the landlord of a manufactured home park to maintain, in good working order, any utility service apparatus located on each manufactured home lot, up to the disconnection point. A landlord is not required to maintain any such apparatus that has been damaged by the tenant of the lot. The measure requires that any maintenance to a utility service apparatus be performed by a person who is properly licensed. This measure is effective upon passage.

Roll call on Senate Bill No. 154:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 154 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 155 be placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 157 requires that the board of trustees of each school district establish criteria for determining budgetary priorities and requires the superintendent of that school district to use the criteria in preparing the budget of the school district. The bill also requires that the expenditures of each school district be prioritized to ensure the budgetary priorities are carried out. This was a non-exempt bill in the Committee on Ways and Means.

Roll call on Senate Bill No. 157:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 157 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 158 prohibits indemnification clauses in motor carrier transportation contracts that require one party to indemnify and hold harmless another party for that other party's own negligence or wrongful acts. Provisions of this bill do not apply to an agreement that provides for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

Roll call on Senate Bill No. 158:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 158 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 159 declares the Nevada Legislature's support for a land exchange of the Gypsum Mine property, which is bounded in part by the Red Rock Canyon National Conservation Area, for federal lands of equal value located away from the Conservation Area. The bill urges Nevada's Congressional Delegation to support and facilitate efforts to achieve the land exchange and transfer title of the Gypsum Mine property to the Bureau of Land Management so that it can be managed as part of the Conservation Area.

This is an area that is obviously, for those of us in southern Nevada, is a great recreational area, and we would love to see it preserved for that purpose.

Roll call on Senate Bill No. 159:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 159 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 163 requires that civics be taught in public and private elementary and secondary schools in Nevada.

Roll call on Senate Bill No. 163:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 163 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 175 revises provisions governing the manner in which a chemical solution or gas is determined to have the chemical composition necessary for accurately calibrating a device for testing a person's breath to determine the concentration of alcohol in a person's breath. Specifically, Senate Bill 175 allows a person who is certified to calibrate a device by the Director of the Department of Public Safety to confirm the concentration of alcohol contained in the solution or gas and make an affidavit or declaration identifying and stating that the solution or gas has the chemical composition that is necessary for use in accurately calibrating or verifying the calibration of, the device.

Roll call on Senate Bill No. 175:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 175 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 189 expands the definition of a "provider of health care" to include a medical student, dental student, dental hygienist student, and pharmacy student for purposes of enhanced penalties for the crimes of assault and battery against such a person.

Roll call on Senate Bill No. 189:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 189 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 215 provides for the following changes to the provisions governing county assessors: changing the amount of training required for an appraiser certified by the Department of Taxation to perform the duties of a property tax appraiser from 36 hours every five years to 36 hours every three years; authorizing the county assessor to waive the 10 percent penalty for the failure to report a mobile or manufactured home to the county assessor within 30 days, under extenuating circumstances; and some other provisions.

Roll call on Senate Bill No. 215:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 215 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 216 provides for the following changes to the provisions governing county treasurers: it authorizes them to provide tax bills in an electronic format; it clarifies that the notification required prior to the auction of property held in trust by the county treasurer be published in a newspaper at least once a week for four consecutive weeks; and it provides that the county treasurer may accept payment for delinquent taxes on a property up until three days prior to the auction.

Roll call on Senate Bill No. 216:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 216 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 227.
Bill read third time.
Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:
Senate Bill 227 adds a natural gas and a propane gas project to those projects that the governing body of a municipality is authorized to acquire, improve, equip, operate, and maintain. Additionally, the governing body may defray the costs of such a project, in whole or in part, through the issuance of general obligation bonds.

Roll call on Senate Bill No. 227:
YEAS—38.
NAYS—None.
EXCUSED—Diaz, Hogan, Martin, Pierce—4.
Senate Bill No. 227 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 264.
Bill read third time.
Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:
Senate Bill 264 requires the Advisory Commission on the Administration of Justice to include the following items relating to over-criminalization on an agenda for discussion: a review of all criminal sentences; a review of all criminal offenses; an evaluation of the reclassification of certain misdemeanor offenses to determine whether jail time is necessary; and an evaluation of certain felony offenses to determine whether misdemeanor punishment may be more appropriate given the disparate impacts a felony conviction may carry.

Roll call on Senate Bill No. 264:
YEAS—38.
NAYS—None.
EXCUSED—Diaz, Hogan, Martin, Pierce—4.
Senate Bill No. 264 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 268.
Bill read third time.
Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:
Senate Bill 268 requires a wireless telecommunications provider to provide, upon the request of a law enforcement agency, the most accurate call location information concerning the telecommunications device of a user to assist the law enforcement agency in an emergency situation that involves the immediate risk of death or serious physical harm. The measure requires a wireless telecommunications provider to submit its emergency contact information to the Department of Public Safety to facilitate such requests from law enforcement agencies. The Department is required to maintain a database of the information and provide it to a law

enforcement agency immediately upon request. Further, the Department is authorized to adopt regulations to carry out these provisions.

Roll call on Senate Bill No. 268:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 268 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 272.

Bill read third time.

Remarks by Assemblyman Livermore and Madam Speaker.

ASSEMBLYMAN LIVERMORE:

Senate Bill 272 provides for two separate revisions of the boundary line between Storey County and Washoe County upon the adoption of resolutions by the Board of County Commissioners of Storey County and the Board of County Commissioners of Washoe County approving the revisions.

The bill is effective upon the adoption of resolutions by the Board of County Commissioners of Storey County and by the Board of County Commissioners of Washoe County approving the boundary line revisions. The provisions of the bill expire by limitation on June 30, 2015, should either or both of the counties fail to adopt resolutions approving the boundary line revisions.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Was there map provided on the record?

ASSEMBLYMAN LIVERMORE:

Yes, in committee.

Roll call on Senate Bill No. 272:

YEAS—37.

NAYS—Neal.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 272 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 274 adds the Division of Welfare and Supportive Services, the Aging and Disability Service Division, and the Health Division of the Department of Health and Human Services to the entities authorized to execute contracts or agreements with certain governmental or private entities. It also makes additional related provisions.

Roll call on Senate Bill No. 274:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 274 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 281 provides an exemption from property taxes for the buildings, furniture, equipment, and land used by the Thunderbird Lodge Preservation Society until June 30, 2033. They now have the ability to apply and they do get their money. This saves two steps: (1) applying, and (2) they get their money back. This is a good bill, and I do urge your support.

Roll call on Senate Bill No. 281:

YEAS—38.

NAYS—None.

EXCUSED—Diaz, Hogan, Martin, Pierce—4.

Senate Bill No. 281 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 1, 31, 67, 139, 151, 436, 499; Senate Bills Nos. 4, 55, 60, 73, 78, 80, 100, 101, 111, 112, 133, 134, 143, 155, 162, 167, 170, 176, 178, 180, 181, 185, 191, 198, 202, 206, 217, 233, 237, 258, 267, 276, 284, 285, 286, 287, 288, 304, 305, 309, 310, 315, 317, 318, 325, 335, 338, 342, 343, 344, 345, 347, 350, 351, 356, 365, 371, 382, 388, 392, 393, 402, 404, 409, 419, 420, 432, 433, 434, 437, 438, 441, 443, 448, 449, 453, 457, 458, 459, 460, 476, 488, 489, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 12, 13, 14; Senate Joint Resolution No. 15 of the 76th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 31, 106, and 243, just reported out of committee, be placed on the Second Reading file.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; revising provisions governing the release of certain information maintained by agencies which provide child welfare services; revising provisions concerning certain federal educational assistance for homeless children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill authorizes directors of juvenile services, chief juvenile probation officers and the Chief of the Youth Parole Bureau, or his or her designee, to release, upon written request and good cause shown, certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. Under **section 1.2**: (1) any information released must be kept confidential by the recipient of the information and be provided only to a person authorized by **section 1.2** to receive the information; and (2) the information may not be used to deny a child access to any services for which the child would otherwise be eligible.

Section 1.2 also authorizes the release of certain information concerning a child who is within the purview of the juvenile court for the purposes of: (1) certain research concerning juvenile justice services if the information is provided in the aggregate and without the inclusion of personal identifying information; and (2) for the purposes of oversight of an agency, department or office providing services relating to juvenile justice. **Section 1.4** of this bill authorizes the inspection of sealed juvenile justice records for research purposes.

Sections 2 and 4 of this bill enact provisions governing the application of the federal McKinney-Vento Homeless Assistance Act of 1987 to children in the protective custody of an agency which provides child welfare services.

Sections 4.4, 4.6 and 4.8 of this bill authorize an agency which provides child welfare services to release certain information concerning reports or investigations of the alleged abuse or neglect of a child to certain agencies, persons and entities and provide for the confidentiality of such information. **Section 4.8** also authorizes an agency which provides child welfare services to charge a fee for processing costs reasonably necessary to prepare the information for release.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. Juvenile justice information must be maintained in accordance with federal law, and any provision of federal law authorizing the release of juvenile justice information must be construed as broadly as possible in favor of the release of juvenile justice information.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child, a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may, upon written request and good cause shown, share appropriate juvenile justice information with:

(a) ~~[A judge of the juvenile court or his or her designee;~~

~~(b) A master of the juvenile court or his or her designee;~~

~~(c)]~~ A director of juvenile services or his or her designee;

~~[(d)]~~ (b) The Chief of the Youth Parole Bureau or his or her designee;

~~[(e)]~~ (c) A district attorney or his or her designee;

~~[(f)]~~ (d) An attorney representing the child;

~~[(g)]~~ (e) The director of a state agency which administers juvenile justice or his or her designee;

~~[(h)]~~ (f) A director of a state, regional or local facility for the detention of children or his or her designee;

~~[(i)]~~ (g) The director of an agency which provides child welfare services ~~[.]~~ or his or her designee;

~~[(j)]~~ (h) A guardian ad litem or court appointed special advocate who represents the child;

~~[(k)]~~ (i) A parent or guardian of the child if the release of the information to the parent or guardian is consistent with the purposes of this section; or

~~[(l)]~~ (j) The child to whom the juvenile justice information pertains if the child has reached the age of majority.

3. A written request for juvenile justice information pursuant to subsection 2 may be made only for the purpose of determining the appropriate placement of the child pursuant to the provisions of chapter 432B of NRS, the appropriate treatment or services to be provided to the child or the appropriate conditions of probation or parole to be imposed on the child. The written request must state the reason that the juvenile justice information is requested. A written request for juvenile justice information may be refused if:

(a) The request does not demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A refusal pursuant to this subsection must be made in writing to the person or entity requesting the information not later than 3 days after receipt of the request, excluding Saturdays, Sundays and holidays.

4. Any juvenile justice information provided pursuant to this section is confidential, must be provided only to those persons listed in subsection 2 and must be maintained in accordance with any applicable laws and regulations.

5. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

6. A director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may release juvenile justice information:

(a) In the aggregate and without personal identifying information included, to a person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services.

(b) As deemed necessary by a legislative body of this State or a local government in this State to conduct an audit or proper oversight of any department, agency or office providing services related to juvenile justice.

7. ~~[A judge of the juvenile court or a master of the juvenile court shall not receive or release any juvenile justice information in a manner which violates any applicable rules adopted by the Supreme Court, the Nevada Code of Judicial Conduct or title 4 of NRS.~~

~~8. "Juvenile]~~ As used in this section, "juvenile justice information" means any information maintained by a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 1.4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency; ~~[or]~~

(c) A district attorney or an attorney representing a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons who were involved in the acts detailed in the records ~~[.]~~ ***; or***

(d) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies;

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

➥ Personal identifying information contained in records inspected pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

Sec. 1.6. NRS 218G.555 is hereby amended to read as follows:

218G.555 1. Except as otherwise provided in subsections 2 and 3, upon request, the Legislative Auditor or the Legislative Auditor's designee shall provide data and information obtained pursuant to NRS 218G.550 concerning a child who suffered a fatality or near fatality who had contact with or who was in the custody of an agency which provides child welfare services. The data or information which must be disclosed includes, without limitation:

(a) A summary of the report of the abuse or neglect of the child and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and

(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child or a member of the child's family or household.

2. The Legislative Auditor or his or her designee shall not disclose information pursuant to subsection 1 unless the person making the request has requested such information from the agency which provides child welfare services and has been denied access to such information or has not received the information in a timely manner.

3. The Legislative Auditor or his or her designee shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in ~~[subsection 3 of]~~ NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; or

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

Sec. 1.8. NRS 392B.110 is hereby amended to read as follows:

392B.110 1. The legal guardian or custodian of a child may submit to the Department an application to participate in the Program if:

(a) The child has been placed in a foster home; and

(b) The child is enrolled in a public school or is not enrolled in a school because the child has not attained the age required for enrollment.

2. A legal guardian or custodian of a child, as applicable:

(a) Must include in the application the name of the public school in which the child is enrolled, if applicable, and the name of the school in which the legal guardian or custodian of the child wishes to enroll the child. The public school in which the child wishes to enroll does not have to be located in the school district in which the child resides.

(b) May include in the application a statement describing the reason for requesting that the child participate in the Program.

3. Upon receipt of an application pursuant to subsection 1, the Department shall notify the school district in which the child resides and the school district in which the child wishes to enroll, if applicable, that an application to participate in the Program has been submitted on behalf of the child.

4. The Department shall approve an application if the application satisfies the requirements of subsections 1 and 2.

5. Upon approval of an application, the Department shall provide a written statement of approval to the legal guardian or custodian of the child, as applicable, and the public school in which the child will be enrolled. Upon denial of an application, the Department shall provide a written statement of denial to the legal guardian or custodian of the child indicating the reason for the denial.

6. In determining whether to accept or deny an application submitted pursuant to subsection 1, the Department, in coordination with the board of trustees of the school district in which the child resides and the board of trustees of the school district in which the child wishes to attend school, if applicable, shall consider the best interests of the child in continuing the child's education in the public school in which the child was enrolled before the child was placed in a foster home or in transferring to another public school within this State. Every effort must be made to enroll the child in the public school requested by the legal guardian or custodian of the child pursuant to subsection 2.

7. Neither the board of trustees of the school district in which the child resides nor the board of trustees of the school district in which the child

attends school, if applicable, is required to provide transportation for the child to attend a public school which the child is not zoned to attend.

8. A child who is under the care, or in the legal or physical custody, of an agency which provides child welfare services, as defined in NRS 432B.030, is exempt from the provisions of this section and shall attend school in accordance with the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto.

Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5, 3 and 4 of this act.

Sec. 2.5. ***"Information maintained by an agency which provides child welfare services" means data or information concerning reports and investigations made pursuant to this chapter, including, without limitation, the name, address, date of birth, social security number and the image or likeness of any child, family member of any child and reporting party or source, whether primary or collateral.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. A child who is in the legal [and] or physical custody of an agency which provides child welfare services and is awaiting foster care placement shall be deemed to be homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto. If a child is legally adopted or ordered by a court of competent jurisdiction to a permanent placement, the child is no longer deemed homeless for the purposes of the federal McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11301 et seq., and any regulations adopted pursuant thereto.***

2. For the purpose of this section, "awaiting foster care placement" means the period during which a child is removed from his or her home until he or she is legally adopted or enters a permanent placement.

Sec. 4.2. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.4. NRS 432B.175 is hereby amended to read as follows:

432B.175 1. Data or information concerning reports and investigations thereof made pursuant to this chapter must be made available pursuant to this section to any member of the general public upon request if the child who is the subject of a report of abuse or neglect suffered a fatality or near fatality. Any such data and information which is known must be made available not later than 48 hours after a fatality and not later than 5 business days after a near fatality. Except as otherwise provided in subsection 2, the data or information which must be disclosed includes, without limitation:

(a) A summary of the report of abuse or neglect and a factual description of the contents of the report;

(b) The date of birth and gender of the child;

(c) The date that the child suffered the fatality or near fatality;

(d) The cause of the fatality or near fatality, if such information has been determined;

(e) Whether the agency which provides child welfare services had any contact with the child or a member of the child's family or household before the fatality or near fatality and, if so:

(1) The frequency of any contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality;

(2) Whether the agency which provides child welfare services provided any child welfare services to the child or to a member of the child's family or household before or at the time of the fatality or near fatality;

(3) Whether the agency which provides child welfare services made any referrals for child welfare services for the child or for a member of the child's family or household before or at the time of the fatality or near fatality;

(4) Whether the agency which provides child welfare services took any other actions concerning the welfare of the child before or at the time of the fatality or near fatality; and

(5) A summary of the status of the child's case at the time of the fatality or near fatality, including, without limitation, whether the child's case was closed by the agency which provides child welfare services before the fatality or near fatality and, if so, the reasons that the case was closed; and

(f) Whether the agency which provides child welfare services, in response to the fatality or near fatality:

(1) Has provided or intends to provide child welfare services to the child or to a member of the child's family or household;

(2) Has made or intends to make a referral for child welfare services for the child or for a member of the child's family or household; and

(3) Has taken or intends to take any other action concerning the welfare and safety of the child or any member of the child's family or household.

2. An agency which provides child welfare services shall not disclose the following data or information pursuant to subsection 1:

(a) Except as otherwise provided in ~~[subsection 3 of]~~ NRS 432B.290, data or information concerning the identity of the person responsible for reporting the abuse or neglect of the child to a public agency;

(b) The name of the child who suffered a near fatality or the name of any member of the family or other person who lives in the household of the child who suffered the fatality or near fatality;

(c) A privileged communication between an attorney and client; and

(d) Information that may undermine a criminal investigation or pending criminal prosecution.

3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "near fatality" means an act that places a child in serious or critical condition as verified orally or in writing by a physician, a registered nurse or other licensed provider of health care. Such verification may be given in person or by telephone, mail, electronic mail or facsimile.

Sec. 4.6. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and except as otherwise authorized or required pursuant to NRS 432B.290, ***information maintained by an agency which provides child welfare services, including, without limitation,*** reports ***and investigations*** made pursuant to this chapter, ~~[as well as all records concerning these reports and investigations thereof, are]~~ ***is*** confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases ~~[data]~~ or ~~[information concerning]~~ ***disseminates*** such ~~[reports and investigations,]~~ ***information,*** except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

(c) As otherwise authorized or required pursuant to NRS 432B.290;

(d) As otherwise authorized or required pursuant to NRS 439.538; or

(e) As otherwise required pursuant to NRS 432B.513,

➥ is guilty of a ***gross*** misdemeanor.

Sec. 4.8. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. ***Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.***

2. Except as otherwise provided in ~~[subsections 2 and 3]~~ ***this section*** and NRS 432B.165, 432B.175 and 432B.513, ~~[data or]~~ information ~~[concerning reports and investigations thereof made pursuant to this chapter]~~ ***maintained by an agency which provides child welfare services*** may ***, at the discretion of the agency which provides child welfare services,*** be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to

believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court ~~[,]~~ ***other than a juvenile ~~[dependency]~~ court,*** for in camera inspection only, unless the court determines ~~***[in a written finding provided to the agency which provides child welfare services]***~~ that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 ~~***[, for in camera inspection only,]***~~ to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child ~~[,]~~ ***, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~[,]~~ ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~[,]~~ ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(k) A grand jury upon its determination that access to these records ***and the information*** is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, ***or a juvenile ~~[dependency]~~ court,*** that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~[,]~~ ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;***

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential ~~[,]~~ ***and the information is reasonably necessary to promote the safety, permanency and well-being of the child;***

(r) The persons ***or agent of the persons*** who are the subject of a report ~~[,]~~ ***, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;***

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized ~~[,]~~ by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if :

(1) The identity of the person making the report is kept confidential; and

(2) The ~~*[the]*~~ officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100; or

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence.

~~[2.]~~ ***3.*** An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect ~~[.~~

~~3. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.]~~ ***or any collateral sources and reporting parties.***

4. ***Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child***

welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Any person, except for:

(a) ~~[The subject of a report;~~

~~(b)]~~ A district attorney or other law enforcement officer initiating legal proceedings; or

~~[(c)]~~ ***(b)*** An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

➥ who is ~~[given access, pursuant to subsection 1, to]~~ ***provided with*** information ~~[identifying the subjects of a report]~~ ***maintained by an agency which provides child welfare services*** and ***further disseminates this information, or*** who makes this information public **,** is guilty of a ***gross*** misdemeanor.

~~[5. The Division of Child and Family Services]~~

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt ***rules , policies or*** regulations to carry out the provisions of this section.

Sec. 5. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 624.

AN ACT relating to judicial administration; revising provisions governing the collection of delinquent fines, administrative assessments, fees, restitution and other payments imposed in criminal and juvenile court proceedings; revising provisions governing the appointment of an attorney in juvenile court proceedings; authorizing a juvenile court to establish a restitution contribution fund; ~~[authorizing the waiver of all or part of any community service imposed by the juvenile court in exchange for a monetary contribution to a restitution contribution fund;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to impose a collection fee for certain delinquent fines, administrative assessments, fees and restitution and authorizes the court to take certain actions to collect such delinquent payments. (NRS 176.064) **Section 1** of this bill authorizes the court to enter a civil judgment for the amount of any unpaid fines, administrative assessments, fees and restitution imposed against a criminal defendant.

Under **section 1**, the civil judgment may be enforced and renewed in the same manner as a judgment for money rendered in a civil action, and a person who is not indigent and who has not satisfied the civil judgment within a certain period may be punished for contempt. **Section 1** also revises the purposes for which money collected from collection fees imposed by a court may be used. **Section 4** of this bill authorizes a juvenile court to impose the same collection fees for delinquent fines, administrative assessments, fees, restitution and certain other payments as a court may impose against a criminal defendant pursuant to **section 1**. **Section 4** authorizes a juvenile court to enter a civil judgment against a child or the parent or guardian of the child for any delinquent fines, administrative assessments, fees, restitution or other payments required in a juvenile court proceeding and authorizes the juvenile court to take certain actions if the juvenile court has entered such a civil judgment. Moreover, if the juvenile court has entered a civil judgment against a person who is not indigent and the juvenile court determines that the person has failed to make reasonable efforts to satisfy the civil judgment, **section 4** authorizes the juvenile court to punish the person for contempt. **Section 4** also provides that if a civil judgment entered by the juvenile court is unsatisfied and the person against whom the judgment is entered is convicted of a crime, the unsatisfied portion of the civil judgment must be included in the sentence for that crime.

Existing law requires a juvenile court to appoint an attorney to represent a child who is alleged to be delinquent or in need of supervision under certain circumstances. If the parent or guardian of a child for whom the juvenile court has appointed an attorney is not indigent, the parent or guardian is required to pay the reasonable fees and expenses of the attorney. If the parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with his or her ability to pay. (NRS 62D.030) Under **section 7** of this bill, the juvenile court is required to find that the parent or guardian of a child is indigent if the parent or guardian: (1) receives public assistance, resides in public housing, has an income that is less than 200 percent of the federally designated poverty standard, is incarcerated or is housed in a public or private mental health facility; or (2) is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.

Section 9 of this bill authorizes a juvenile court to establish a restitution contribution fund. Under **section 9**, all expenditures from the restitution contribution fund: (1) must be authorized by the juvenile court; and (2) must provide restitution to victims of unlawful acts committed by children or, if the source of the money is a grant, gift, donation, bequest or devise, must be made in accordance with the terms of the grant, gift, donation, bequest or

devise. ~~[Section 10 of this bill authorizes the juvenile court to waive all or part of any community service imposed against a child by the juvenile court upon good cause shown in exchange for a monetary contribution to the restitution contribution fund and requires the juvenile court to set forth in an administrative order that is available for public inspection a formula for determining the amount of a contribution to the fund and the manner in which the contribution must be made.]~~ **Section 6** of this bill authorizes an agreement for the informal supervision of a child to require the child to make a monetary contribution to a restitution contribution fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

(a) Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.

(b) Request that the court take appropriate action pursuant to subsection 3.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative

assessment, fee or restitution, take any or all of the following actions, in the following order of priority if practicable:

(a) ***Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.***

(b) Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount ***of the civil judgment entered pursuant to paragraph (a)*** and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.

~~[(b)]~~ ***(c)*** Order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~[(c)]~~ ***(d)*** For a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution ~~[.]~~ ***and to hire additional personnel necessary for the success of such a program.***

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to ~~[develop]~~ ***:***

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution ~~[.]~~ ***and to hire additional personnel necessary for the success of such a program; or***

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State ~~[.]~~ ***and to hire additional personnel necessary for the success of such a program.***

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

Sec. 2. NRS 176.065 is hereby amended to read as follows:

176.065 1. Except as otherwise provided in subsection 2, when a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, the court may, pursuant to NRS 176.064, ***or section 4 of this act,*** order that the person be confined in the state prison, the city or county jail or a detention facility, whichever is designated in the person's sentence of imprisonment, for an additional period of 1 day for each $75 of the amount until the administrative assessment and the fine or forfeiture are satisfied or the maximum term of imprisonment prescribed by law for the offense committed has elapsed, whichever is earlier, but the person's eligibility for parole is governed only by the person's sentence of imprisonment.

2. The provisions of this section do not apply to indigent persons.

Sec. 3. NRS 176.075 is hereby amended to read as follows:

176.075 1. Except as otherwise provided in subsection 2, when a person is sentenced to pay a fine or forfeiture without an accompanying sentence of imprisonment, the court may, pursuant to NRS 176.064, ***or section 4 of this act,*** order that the person be confined in the city or county jail or detention facility for a period of not more than 1 day for each $75 of the amount until the administrative assessment and the fine or forfeiture are satisfied.

2. The provisions of this section do not apply to indigent persons.

Sec. 4. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action.

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the

child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service **,** ~~[or]~~ provide restitution to any victim of the acts for which the child was referred to the probation officer ~~[,]~~ ***or make a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act;***

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work;

(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the agreement may also require any or all of the following, in the following order of priority if practicable:

(a) The child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to:

(1) A reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program or performs work; and

(2) In the case of a program of restitution through work, for industrial insurance, unless the industrial insurance is provided by the employer for which the child performs the work; or

(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.

Sec. 7. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in ***subsection 6 and*** NRS 424.085, if the juvenile court appoints an attorney to represent a child and:

(a) The parent or guardian of the child is not indigent, the parent or guardian shall pay the reasonable fees and expenses of the attorney.

(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.

6. ***For the purposes of paragraph (b) of subsection 5, the juvenile court shall find that the parent or guardian of the child is indigent if:***

(a) The parent or guardian:

(1) Receives public assistance, as that term is defined in NRS 422A.065;

(2) Resides in public housing, as that term is defined in NRS 315.021;

(3) Has a household income that is less than 200 percent of the federally designated level signifying poverty;

(4) Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or

(5) Is housed in a public or private mental health facility; or

(b) After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.

7. Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 8. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. The juvenile court may establish, with the county treasurer as custodian, a special fund to be known as the restitution contribution fund.***

2. The juvenile court may apply for and accept grants, gifts, donations, bequests or devises which the director of juvenile services shall deposit with the county treasurer for credit to the fund.

3. The fund must be a separate and continuing fund, and no money in the fund reverts to the general fund of the county at any time. The interest earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

4. The juvenile court shall:

(a) Expend money from the fund only to provide restitution to a victim of an unlawful act committed by a child; and

(b) If the source of the money is a grant, gift, donation, bequest or devise, expend the money, to the extent permitted by law, in accordance with the terms of the grant, gift, donation, bequest or devise.

5. The juvenile court must authorize any expenditure from the fund before it is made.

Sec. 10. ~~*[1. If a juvenile court has established a restitution contribution fund pursuant to section 9 of this act:*~~

~~*(a) In exchange for a monetary contribution to the restitution contribution fund, the juvenile court may, in its discretion and upon good cause shown, waive all or part of any community service which the juvenile court has ordered a child to perform.*~~

~~*(b) The juvenile court shall set forth in a written administrative order:*~~

~~*(1) A formula for determining the amount of the contribution to the restitution contribution fund pursuant to this section; and*~~

~~*(2) The manner in which the contribution must be made.*~~

~~*The juvenile court shall make available for public inspection the written administrative order described in this paragraph.*~~

~~*2. The provisions of this section do not:*~~

~~*(a) Create a right on behalf of a child to the waiver of all or part of any community service to be performed by the child in exchange for a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act; or*~~

~~*(b) Establish a basis for any cause of action against the State of Nevada or its officers or employees for denial of a waiver of all or part of any community service to be performed by a child in exchange for a monetary contribution to a restitution contribution fund established pursuant to section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 62E.100 is hereby amended to read as follows:

62E.100 Except as otherwise provided in NRS 62E.100 to 62E.300, inclusive ~~*[:]*~~ ***, and*** ~~*[sections]*~~ ***section 9*** ~~*[and 10]*~~ ***of this act:***

1. The provisions of NRS 62E.100 to 62E.300, inclusive, ***and*** ~~*[sections]*~~ ***section 9*** ~~*[and 10]*~~ ***of this act*** apply to the disposition of a case involving any child who is found to be within the purview of this title.

2. In addition to any other orders or actions authorized or required by the provisions of this title, if a child is found to be within the purview of this title:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.100 to 62E.300, inclusive, ***and*** ~~*[sections]*~~ ***section 9*** ~~*[and 10]*~~ ***of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 12. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 176.064 ~~[.]~~ ***or section 4 of this act.***

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ***,*** ~~[or]~~ from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged ~~[;]~~ ***or from a judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to section 4 of this act has been satisfied;*** and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 13. This act becomes effective upon passage and approval.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

AN ACT relating to genetic marker analysis; defining certain terms relating to genetic marker analysis; establishing the State DNA Database; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony; establishing the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of county commissioners of each county to designate a forensic laboratory to conduct and oversee any genetic marker analysis that is required by law. (NRS 176.0917) **Section 11** of this bill establishes the State DNA Database, which is to be overseen, managed and administered by the Forensic Science Division of the Washoe County Sheriff's Office. **Section 12** of this bill specifies the duties and responsibilities of forensic laboratories with respect to DNA records.

Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) **Section 13** of this bill requires that a biological specimen be obtained if a person is arrested for a felony. **Section 13** provides that if the person is convicted of the felony, the biological specimen must be kept, but if the person is not convicted, the biological specimen must be destroyed and all records relating thereto must be purged from all databases.

Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct punishable as a misdemeanor. (NRS 176.0913, 176.0916) **Sections 13, 21 and 23** of this bill increase the penalty for such conduct from a misdemeanor to a category C felony.

Section 15 of this bill imposes an additional administrative assessment of $3 on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 15** also provides that the money collected from the assessments must

be used to defray the costs associated with obtaining biological specimens and conducting genetic marker analysis.

Existing law: (1) establishes the Advisory Commission on the Administration of Justice and the Subcommittees on Juvenile Justice and Victims of Crime; and (2) directs the Commission and Subcommittees, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123-176.0125) **Section 16.3** of this bill establishes the Subcommittee to Review Arrestee DNA of the Commission. **Section 16.3** also: (1) requires the Chair of the Commission to appoint the members of the Subcommittee, including certain specified representatives; and (2) requires the Subcommittee to study issues related to arrestee DNA and report to the Commission with recommendations to address such issues.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16.3, inclusive, of this act.

Sec. 2. ***"Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.***

Sec. 3. ***"Biological specimen" means a biological sample, tissue, fluid or other bodily sample suitable for genetic marker analysis, obtained from a person or from physical evidence.***

Sec. 4. ***"CODIS" means the Federal Bureau of Investigation's Combined DNA Index System that allows for the storage and exchange of DNA records submitted by federal, state and local forensic DNA laboratories. The term includes the National DNA Index System administered and operated by the Federal Bureau of Investigation.***

Sec. 5. ***"DNA" means deoxyribonucleic acid which is located in the cells of a person and which provides the genetic blueprint of a person.***

Sec. 6. ***"DNA profile" means the genetic constitution of a person at defined locations in the DNA of the person.***

Sec. 7. ***"DNA record" means a database record, stored in the State DNA Database or CODIS, that includes the DNA profile of a person and data required to manage the record, including, without limitation, the identity of the agency submitting the database record, the identification number of the biological specimen and the names of personnel who conducted the genetic marker analysis.***

Sec. 8. ***"Forensic laboratory" means any laboratory designated pursuant to NRS 176.0917.***

Sec. 9. ***"Genetic marker analysis" means the analytical testing process of a biological specimen that results in a DNA profile.***

Sec. 10. *"State DNA Database" means the database established pursuant to section 11 of this act.*

Sec. 11. *1. The State DNA Database is hereby established to serve as this State's repository for DNA records and to provide DNA records to the Federal Bureau of Investigation.*

2. The Forensic Science Division of the Washoe County Sheriff's Office shall oversee, manage and administer the State DNA Database and shall:

(a) Implement policies for the management and administration of the State DNA Database, including, without limitation, any system for the identification of DNA profiles and DNA records that is necessary to support agencies of criminal justice.

(b) Adopt policies and protocols and enter into any necessary agreements to implement the provisions of NRS 176.0911 to 176.0917, inclusive, and sections 2 to 16, inclusive, of this act.

(c) Ensure that all searches of the State DNA Database are performed in accordance with state and federal law.

(d) Act as a liaison between the Federal Bureau of Investigation and other state agencies of criminal justice relating to this State's participation in CODIS.

Sec. 12. *1. A forensic laboratory shall:*

(a) Prescribe protocols and procedures for the collection, submission, identification, genetic marker analysis, storage, maintenance, uploading and disposition of biological specimens, DNA profiles and DNA records.

(b) Securely upload DNA records to the State DNA Database.

(c) Acquire and maintain computer hardware and software necessary to store, maintain and upload DNA profiles and DNA records relating to:

(1) Crime scene evidence and forensic casework;

(2) Persons arrested for a felony and persons convicted of an offense listed in subsection 4 of NRS 176.0913 who are required to provide a biological specimen;

(3) Persons required to register as sex offenders pursuant to NRS 179D.445, 179D.460 or 179D.480;

(4) Unidentified persons or body parts;

(5) Missing persons;

(6) Relatives of missing persons;

(7) Anonymous DNA profiles used for forensic validation, forensic protocol development, quality control purposes or establishment of a population statistics database for use by criminal justice agencies; and

(8) Voluntarily submitted DNA profiles.

2. A forensic laboratory may:

(a) Use all or part of the remainder of any biological specimen stored in the forensic laboratory for:

(1) Retesting to confirm or update the original genetic marker analysis; or

(2) Quality control testing of new forensic methods for genetic marker analysis, provided that no personal identifying information is included.

(b) Contract with providers of services to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory. Any provider of services who contracts with a forensic laboratory to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory is subject to the same restrictions and requirements as the forensic laboratory.

3. A forensic laboratory shall not use any biological specimen, DNA profile or DNA record for the purpose of identification of any medical or genetic disorder.

Sec. 13. ***1. If a person is arrested for a felony pursuant to a warrant, the law enforcement agency making the arrest shall:***

(a) Submit the name, date of birth, fingerprints and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person, through a cheek swab, pursuant to the provisions of this section; and

(c) Submit the biological specimen to the appropriate forensic laboratory for genetic marker analysis in accordance with the provisions of this section.

2. If a person is arrested for a felony without a warrant, the law enforcement agency making the arrest shall:

(a) Submit the name, date of birth, fingerprints and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person, through a cheek swab, pursuant to the provisions of this section;

(c) Submit the biological specimen to the appropriate forensic laboratory for genetic marker analysis in accordance with the provisions of this section after receiving notice that a court or magistrate has determined that probable cause existed for the person's arrest; and

(d) If a court or magistrate determines that probable cause did not exist for the person's arrest, destroy the biological specimen within 5 business days after receiving notice of the determination by the court or magistrate.

3. A law enforcement agency shall not knowingly obtain a biological specimen from a person who has previously submitted such a specimen for an arrest or conviction of a prior offense unless the law enforcement agency or a court or magistrate determines that an additional specimen is necessary.

4. If a law enforcement agency has not already obtained a biological specimen from a person arrested for an offense for which a biological specimen must be obtained pursuant to this section at the time a court or magistrate sets bail or considers releasing a person on his or her own recognizance, the court or magistrate shall:

(a) Require the person to provide a biological specimen as a condition of being admitted to bail or released on his or her own recognizance; and

(b) Require the biological specimen to be provided to the appropriate forensic laboratory.

5. The Attorney General or a district attorney may petition a district court for an order requiring a person arrested for an offense for which a biological specimen must be obtained pursuant to this section to provide a biological specimen:

(a) Through a cheek swab; or

(b) By alternative means, if the person will not cooperate.

➥ Nothing in this subsection shall be construed to prevent the collection of a biological specimen by order of a court of competent jurisdiction or the collection of a biological specimen from a person who is required to provide such a specimen pursuant to this section.

6. Upon receipt of a biological specimen, the forensic laboratory shall proceed with a genetic marker analysis. If the forensic laboratory determines that the biological specimen is inadequate or otherwise unusable, the law enforcement agency may obtain an additional biological specimen from the person arrested unless the person arrested is eligible to request destruction of the biological specimen and purging of his or her DNA profile or DNA record pursuant to this section.

7. Upon completion of a genetic marker analysis of a person pursuant this section, the forensic laboratory shall inform the Central Repository for Nevada Records of Criminal History that the forensic laboratory has created a DNA profile of the person and will be submitting the DNA profile of the person for inclusion in the State DNA Database and CODIS. The Central Repository for Nevada Records of Criminal History shall include an indication on the criminal history record of the person regarding the collection of a biological specimen and the creation of a DNA profile, but

may not include, in its records, any other information relating to the biological specimen, DNA profile or DNA record of the person.

8. A person whose record of criminal history indicates the collection of a biological specimen and whose DNA profile and DNA record have been included in the State DNA Database and CODIS pursuant to this section may make a written request to the Central Repository for Nevada Records of Criminal History, using the form created pursuant to section 14 of this act, that the biological specimen be destroyed and the DNA profile and DNA record be purged from the forensic laboratory, the State DNA Database and CODIS on the grounds that:

(a) The conviction on which the authority for keeping the biological specimen or the DNA profile or DNA record has been reversed and the case dismissed; or

(b) The arrest which led to the inclusion of the biological specimen or the DNA profile or DNA record:

(1) Has resulted in a felony charge that has been resolved by a dismissal, the successful completion of a preprosecution diversion program, a conditional discharge , ~~[or]~~ an acquittal ~~[;]~~ or an agreement entered into by a prosecuting attorney and a defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, receives a charge other than a felony; or

(2) Has not resulted in any additional criminal charge for a felony within ~~[5]~~ 3 years after the date of the arrest.

9. Within 6 weeks after receiving a written request pursuant to subsection 8, the Central Repository for Nevada Records of Criminal History shall forward the request and all supporting documentation to the forensic laboratory holding the biological specimen. Except as otherwise provided in subsection 10, upon receipt of the written request, the forensic laboratory shall destroy any biological specimen from the person and purge the DNA profile of the person if the written request is accompanied by:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For any biological specimen obtained pursuant to an arrest for which a biological specimen must be provided pursuant to this section:

(1) A certified copy of the dismissal, the successful completion of a preprosecution diversion program, a conditional discharge , ~~[or]~~ an acquittal ~~[;]~~ or the agreement entered into by the prosecuting attorney and the defendant in which the defendant, in exchange for a plea of guilty, guilty but mentally ill or nolo contendere, received a charge other than a felony; or

(2) A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony charges arising from the arrest have been filed within 5 years after the date of the arrest.

10. The forensic laboratory shall not destroy a biological specimen or purge the DNA profile of a person if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony, a new felony arrest or a pending felony charge for which collection of a biological specimen is authorized pursuant to this section.

11. If a forensic laboratory:

(a) Determines that the requirements to destroy a biological specimen or purge a DNA profile or DNA record of a person have not been met, the forensic laboratory shall notify the Central Repository of Nevada Records of Criminal History of that fact. The Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been denied.

(b) Destroys a biological specimen and purges a DNA profile pursuant to this section, the forensic laboratory shall take the following actions:

(1) Notify the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and from CODIS. Upon receipt of such notification, the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS.

(2) Notify the Central Repository for Nevada Records of Criminal History that the forensic laboratory has destroyed the biological specimen and purged the DNA profile of the person and has notified the State DNA Database that the DNA profile and DNA record of the person must be purged from the State DNA Database and CODIS. Upon receipt of such notification, the Central Repository shall, as soon as reasonably practicable, notify the person that his or her request has been granted, his or her biological specimen has been destroyed by the forensic laboratory and his or her DNA profile and DNA record have been purged from the forensic laboratory, the State DNA Database and CODIS.

12. Any cost that is incurred to obtain a biological specimen from a person, to destroy a biological specimen or to purge a DNA profile or DNA record from a forensic laboratory, the State DNA Database or CODIS pursuant to this section:

(a) Is a charge against the county in which the person was arrested; and

(b) Must be paid as provided in NRS 176.0915.

13. The biological specimen, DNA profile, DNA record and any other information identifying or matching a biological specimen with a person must, at all times, be stored and maintained in the forensic laboratory, State DNA Database or CODIS, as applicable, and may only be made

available in accordance with the provisions of this section. The biological specimen, DNA profile, DNA record, other information identifying or matching a biological specimen with a person and all computer software used by the forensic laboratory and the State DNA Database for the State DNA Database and for CODIS are confidential and are not public books or records within the meaning of NRS 239.010.

14. If any information related to a biological specimen, DNA profile or DNA record contained in CODIS is requested, the forensic laboratory shall comply with all applicable provisions of federal law and all applicable statutes and regulations governing the release of such information. All requests for any such information must be directed through the casework CODIS administrator of the forensic laboratory. To minimize duplication in the collection of a biological specimen and the conducting of a genetic marker analysis, a forensic laboratory may make information available to any agency of criminal justice to verify whether a biological specimen has been collected from a person and a genetic marker analysis has been conducted.

15. Except as otherwise authorized by this section, by federal law or by another specific statute, a biological specimen obtained pursuant to this section, a DNA profile, a DNA record and any other information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, DNA profile, DNA record or other information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

➥ A person who violates any provision of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 14. ***1. The Department of Public Safety shall establish a standard form for use by every law enforcement agency in this State that:***

(a) Sets forth the authorized use of a biological specimen pursuant to NRS 176.0911 to 176.0917, inclusive, and sections 2 to 16, inclusive, of this act.

(b) Identifies the circumstances and process under which a person may have his or her biological specimen destroyed and his or her DNA profile or DNA record purged from the forensic laboratory, the State DNA Database and CODIS.

(c) May be completed and submitted to the Central Repository for Nevada Records of Criminal History by a person to request that his or her biological specimen be destroyed and his or her DNA profile or DNA

record be purged from the forensic laboratory, the State DNA Database and CODIS.

2. A law enforcement agency shall provide the form to a person:

(a) Before obtaining a biological specimen;

(b) Upon release from custody if the person has submitted a biological specimen; or

(c) At the request of the person, if the person believes that he or she is eligible to have his or her biological specimen destroyed and his or her DNA profile or DNA record purged from the forensic laboratory, the State DNA Database and CODIS.

Sec. 15. ***1. In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, on or after July 1, 2013, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of $3 as an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.***

2. The money collected for an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible, and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he or she has paid, and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of genetic marker analysis to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of genetic marker analysis must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month for credit to the fund for genetic marker analysis pursuant to NRS 176.0915.

Sec. 16. *Any person authorized to collect a biological specimen pursuant to NRS 176.0911 to 176.0917, and sections 2 to 16, inclusive, of this act, may not be held civilly or criminally liable for any act relating to the collection of a biological specimen if the person performed that act in good faith and in a reasonable manner.*

Sec. 16.3. *1. There is hereby created the Subcommittee to Review Arrestee DNA of the Commission.*

2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:

(a) A member experienced in defending criminal actions.

(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.

3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee. ~~*[The Chair of the Subcommittee must be a member of the Commission.]*~~

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues relating to DNA of arrested persons and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. ***The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:***

(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; and

(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in section 3 of this act.

(b) "DNA" has the meaning ascribed to it in section 5 of this act.

(c) "DNA profile" has the meaning ascribed to it in section 6 of this act.

(d) "DNA record" has the meaning ascribed to it in section 7 of this act.

Sec. 16.7. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 16.3 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 17. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, ***and section 15 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to section 15 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or

renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 18. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, ***and section 15 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned

to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to section 15 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 19. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, ***and sections 2 to 16, inclusive, of this act,*** unless the context otherwise requires, ~~[~~"CODIS" means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.~~]~~ ***the words and terms defined in sections 2 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 20. NRS 176.0912 is hereby amended to read as follows:

176.0912 1. Except as otherwise provided in this section, upon the conviction of a defendant for a category A or B felony, an agency of criminal justice that has in its possession or custody any biological evidence secured in connection with the investigation or prosecution of the defendant shall preserve such evidence until the expiration of any sentence imposed on the defendant.

2. Biological evidence subject to the requirements of this section may be consumed for testing upon notice to the defendant.

3. An agency of criminal justice may establish procedures for:

(a) Retaining probative samples of biological evidence subject to the requirements of this section; and

(b) Disposing of bulk evidence that does not affect the suitability of such probative samples for testing.

4. The provisions of this section must not be construed to restrict or limit an agency of criminal justice from establishing procedures for the retention, preservation and disposal of biological evidence secured in connection with other criminal cases.

5. As used in this section ~~[~~:

~~(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.~~

~~(b) "Biological"~~ ~~]~~ ***, "biological*** evidence" means any semen, blood, saliva, hair, skin tissue or other identified biological material removed from physical evidence.

~~[~~(c) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.~~]~~

Sec. 21. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4:

(a) The name, social security number, date of birth ***, fingerprints*** and any other information identifying the defendant must be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) ~~[~~A~~]~~ ***Unless a biological specimen was previously obtained upon arrest pursuant to section 13 of this act, a*** biological specimen must be obtained from the defendant pursuant to the provisions of this section and the specimen must be used for ~~[~~an analysis to determine the~~]~~ ***a*** genetic ~~[~~markers of the specimen.~~]~~ ***marker analysis. If a biological specimen was previously obtained upon arrest pursuant to section 13 of this act, the court shall notify the Central Repository for Nevada Records of Criminal History, who in turn shall notify the appropriate forensic laboratory.***

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker ~~[~~testing~~]~~ ***analysis*** for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker ~~[~~testing~~]~~ ***analysis*** for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A felony;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097;

(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(e) A second or subsequent offense for stalking pursuant to NRS 200.575;

(f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. If it is determined that a defendant's biological specimen has previously been submitted for conviction of a prior offense, an additional sample is not required.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the ~~[results of a genetic marker analysis]~~ ***DNA profile, the DNA record*** and any ***other*** information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, ~~[results of a genetic marker analysis]~~ ***the DNA profile, the DNA record*** or ***other*** information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a ~~[misdemeanor.]~~ ***category C felony and shall be punished as provided in NRS 193.130.***

Sec. 22. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If a biological specimen is obtained from a ~~[defendant]~~ ***person*** pursuant to NRS 176.0913, ***or section 13 of this act, and the person***

is convicted of the offense for which the biological specimen was obtained, the court, in addition to any other penalty, shall order the ~~[~~defendant,~~]~~ ***person,*** to the extent of the ~~[~~defendant's~~]~~ ***person's*** financial ability, to pay the sum of $150 as a fee for obtaining the specimen and for conducting the ~~[~~analysis to determine the~~]~~ genetic ~~[~~markers of the specimen.~~]~~ ***marker analysis.*** The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the ~~[~~defendant~~]~~ ***person*** before or at the same time that any fine imposed by the court is collected from the ~~[~~defendant;~~]~~ ***person;*** and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker ~~[~~testing.~~]~~ ***analysis.*** The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker ~~[~~testing.~~]~~ ***analysis.*** The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker ~~[~~testing~~]~~ ***analysis*** to pay for the actual amount charged to the county for obtaining a biological specimen from a ~~[~~defendant~~]~~ ***person*** pursuant to NRS 176.0913 ~~[~~.~~]~~ ***or section 13 of this act.***

5. The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county commissioners shall deposit with the county treasurer for credit to the fund for genetic marker ~~[~~testing.~~]~~ ***analysis.***

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker ~~[~~testing~~]~~ ***analysis*** for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to cover any expense related to genetic marker ~~[~~testing.~~]~~ ***analysis.***

Sec. 23. NRS 176.0916 is hereby amended to read as follows:

176.0916 1. If the Division is supervising a probationer or parolee pursuant to an interstate compact and the probationer or parolee is or has been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct as an offense listed in subsection 4 of NRS 176.0913, ***unless a biological specimen was previously obtained upon***

arrest pursuant to section 13 of this act, the Division shall arrange for a biological specimen to be obtained from the probationer or parolee.

2. After a biological specimen is obtained from a probationer or parolee pursuant to this section, the Division shall:

(a) Provide the biological specimen to the forensic laboratory that has been designated by the county in which the probationer or parolee is residing to conduct or oversee genetic marker ~~[testing]~~ ***analysis*** for the county pursuant to NRS 176.0917; and

(b) Submit the name, social security number, date of birth ***, fingerprints*** and any other information identifying the probationer or parolee to the Central Repository.

3. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the ~~[results of a genetic marker analysis]~~ ***DNA profile, the DNA record*** and any ***other*** information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, ~~[results of a genetic marker analysis]~~ ***the DNA profile, the DNA record*** or ***other*** information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

4. A person who violates any provision of subsection 3 is guilty of a ~~[misdemeanor.]~~ ***category C felony and shall be punished as provided in NRS 193.130.***

5. A probationer or parolee, to the extent of his or her financial ability, shall pay the sum of $150 to the Division as a fee for obtaining the biological specimen and for conducting the ***genetic marker*** analysis ***.*** ~~[to determine the genetic markers of the biological specimen.]~~ Except as otherwise provided in subsection 6, the fee required pursuant to this subsection must be collected from a probationer or parolee at the time the biological specimen is obtained from the probationer or parolee.

6. A probationer or parolee may arrange to make monthly payments of the fee required pursuant to subsection 5. If such arrangements are made, the Division shall provide a probationer or parolee with a monthly statement that specifies the date on which the next payment is due.

7. Any unpaid balance for a fee required pursuant to subsection 5 is a charge against the Division.

8. The Division shall deposit money that is collected pursuant to this section in the Fund for Genetic Marker ~~[Testing,]~~ ***Analysis,*** which is hereby created in the State General Fund. The money deposited in the Fund for

Genetic Marker ~~[Testing]~~ ***Analysis*** must be used to pay for the actual amount charged to the Division for obtaining biological specimens from probationers and parolees, and for conducting ~~[an analysis to determine the genetic markers]~~ ***genetic marker analysis*** of the ***biological*** specimens.

Sec. 24. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker ~~[testing]~~ ***analysis*** that is ~~[ordered or arranged]~~ ***required*** pursuant to NRS 176.0913 or 176.0916 ~~[.]~~ ***or section 13 of this act.***

2. The forensic laboratory designated by the board of county commissioners pursuant to subsection 1:

(a) Must be operated by this State or one of its political subdivisions; and

(b) Must satisfy or exceed the standards for quality assurance that are established by the Federal Bureau of Investigation for participation in CODIS.

Sec. 25. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 15 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 26. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the ~~[genetic markers of a biological specimen]~~ ***DNA profile*** of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913, ***or section 13 of this act,*** to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The ~~[genetic markers of a biological specimen]~~ ***DNA profile*** of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[.]~~ ***or section 13 of this act.***

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the

agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 27. NRS 179D.151 is hereby amended to read as follows:

179D.151 ***1.*** A record of registration must include, if the information is available:

~~[~~1.~~]~~ ***(a)*** Information identifying the offender or sex offender, including, but not limited to:

~~[~~(a)~~]~~ ***(1)*** The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

~~[~~(b)~~]~~ ***(2)*** A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

~~[~~(c)~~]~~ ***(3)*** The date of birth and the social security number of the offender or sex offender;

~~[~~(d)~~]~~ ***(4)*** The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

~~[(e) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913;]~~

(5) Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS; and

~~[~~(f)~~]~~ ***(6)*** Any other information that identifies the offender or sex offender.

~~[~~2.~~]~~ ***(b)*** Except as otherwise provided in ~~[~~subsection 3,~~]~~ ***paragraph (c),*** information concerning the residence of the offender or sex offender, including, but not limited to:

~~[~~(a)~~]~~ ***(1)*** The address at which the offender or sex offender resides;

~~[~~(b)~~]~~ ***(2)*** The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

~~[~~(c)~~]~~ ***(3)*** The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

~~[~~(d)~~]~~ ***(4)*** The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

~~[~~3.~~]~~ ***(c)*** If the offender or sex offender has no fixed residence, the address of any dwelling that is providing the offender or sex offender temporary shelter, or any other location where the offender or sex offender habitually sleeps, including, but not limited to, the cross streets, intersection, direction and identifiable landmarks of the city, county, state and zip code of that location.

~~[~~4.~~]~~ ***(d)*** Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

~~[5.]~~ ***(e)*** Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

~~[6.]~~ ***(f)*** Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

~~[7.]~~ ***(g)*** Information concerning whether:

~~[(a)]~~ ***(1)*** The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender's or sex offender's enrollment at an institution of higher education; or

~~[(b)]~~ ***(2)*** The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender's or sex offender's work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

~~[8.]~~ ***(h)*** The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

~~[9.]~~ ***(i)*** The level of registration and community notification of the offender or sex offender.

~~[10.]~~ ***(j)*** The criminal history of the offender or sex offender, including, without limitation:

~~[(a)]~~ ***(1)*** The dates of all arrests and convictions of the offender or sex offender;

~~[(b)]~~ ***(2)*** The status of parole, probation or supervised release of the offender or sex offender;

~~[(c)]~~ ***(3)*** The status of the registration of the offender or sex offender; and

~~[(d)]~~ ***(4)*** The existence of any outstanding arrest warrants for the offender or sex offender.

~~[11.]~~ ***(k)*** The following information for each offense for which the offender or sex offender has been convicted:

~~[(a)]~~ ***(1)*** The court in which the offender or sex offender was convicted;

~~[(b)]~~ ***(2)*** The text of the provision of law defining each offense;

~~[(c)]~~ ***(3)*** The name under which the offender or sex offender was convicted;

~~[(d)]~~ ***(4)*** The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

~~[(e)]~~ ***(5)*** The specific location where the offense was committed;

~~[(f)]~~ ***(6)*** The age, the gender, the race and a general physical description of the victim; and

~~[(g)]~~ ***(7)*** The method of operation that was used to commit the offense, including, but not limited to:

~~[(1)]~~ ***(I)*** Specific sexual acts committed against the victim;

~~[(2)]~~ ***(II)*** The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

~~[(3)]~~ ***(III)*** The type of injuries inflicted on the victim;

~~[(4)]~~ ***(IV)*** The types of instruments, weapons or objects used;

~~[(5)]~~ ***(V)*** The type of property taken; and

~~[(6)]~~ ***(VI)*** Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

~~[12.]~~ ***(l)*** Any other information required by federal law.

2. As used in this section:

(a) "CODIS" has the meaning ascribed to it in section 4 of this act.

(b) "DNA profile" has the meaning ascribed to it in section 6 of this act.

(c) "DNA record" has the meaning ascribed to it in section 7 of this act.

Sec. 28. NRS 179D.443 is hereby amended to read as follows:

179D.443 ***1.*** When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

~~[1.]~~ ***(a)*** The offender or sex offender shall provide the local law enforcement agency with the following:

~~[(a)]~~ ***(1)*** The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

~~[(b)]~~ ***(2)*** The social security number of the offender or sex offender;

~~[(c)]~~ ***(3)*** The address of any residence or location at which the offender or sex offender resides or will reside;

~~[(d)]~~ ***(4)*** The name and address of any place where the offender or sex offender is a worker or will be a worker;

~~[(e)]~~ ***(5)*** The name and address of any place where the offender or sex offender is a student or will be a student;

~~[(f)]~~ ***(6)*** The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

~~[(g)]~~ ***(7)*** Any other information required by federal law.

~~[2.]~~ ***(b)*** If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, ***or section 13 of this act,*** the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by

the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker ~~[~~testing~~]~~ ***analysis*** for the county pursuant to NRS 176.0917.

~~[~~3.~~]~~ ***(c)*** The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

~~[~~(a)~~]~~ ***(1)*** A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

~~[~~(b)~~]~~ ***(2)*** The text of the provision of law defining each offense for which the offender or sex offender is required to register;

~~[~~(c)~~]~~ ***(3)*** The criminal history of the offender or sex offender, including, without limitation:

~~[~~(1)~~]~~ ***(I)*** The dates of all arrests and convictions of the offender or sex offender;

~~[~~(2)~~]~~ ***(II)*** The status of parole, probation or supervised release of the offender or sex offender;

~~[~~(3)~~]~~ ***(III)*** The status of the registration of the offender or sex offender; and

~~[~~(4)~~]~~ ***(IV)*** The existence of any outstanding arrest warrants for the offender or sex offender;

~~[~~(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;

(e)~~]~~ ***(4) Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS;***

(5) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

~~[~~(f)~~]~~ ***(6)*** Any other information required by federal law.

2. As used in this section:

(a) "CODIS" has the meaning ascribed to it in section 4 of this act.

(b) "DNA profile" has the meaning ascribed to it in section 6 of this act.

(c) "DNA record" has the meaning ascribed to it in section 7 of this act.

Sec. 29. NRS 209.247 is hereby amended to read as follows:

209.247 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from any money deposited in the individual account of an offender from any source other than the offender's wages:

1. An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260.

2. An amount the Director considers reasonable to meet an existing obligation of the offender for the support of the offender's family.

3. An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this subsection may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.

4. A deduction pursuant to NRS 209.246.

5. An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for the offender's funeral.

6. An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime.

7. An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from a source other than the wages earned by the offender during his or her incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated.

(b) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

8. An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from any source other than the wages earned by the offender during his or her incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated.

(b) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which any fine or administrative assessment is owing, until the balance owing has been paid.

9. An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker ~~[testing]~~ ***analysis*** and included in the judgment entered against the offender pursuant to NRS 176.0915.

➥ The Director shall determine the priority of any other deduction authorized by law from any source other than the wages earned by the offender during his or her incarceration.

Sec. 30. NRS 209.463 is hereby amended to read as follows:

209.463 Except as otherwise provided in NRS 209.2475, the Director may make the following deductions, in the following order of priority, from the wages earned by an offender from any source during the offender's incarceration:

1. If the hourly wage of the offender is equal to or greater than the federal minimum wage:

(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

(b) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family.

(c) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

(d) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

(e) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.

(f) A deduction pursuant to NRS 209.246.

(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release, or if the offender dies before his or her release, to defray expenses related to arrangements for his or her funeral.

(h) An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to any victim of his or her crime.

(i) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker ~~[testing]~~ ***analysis*** and included in the judgment entered against the offender pursuant to NRS 176.0915.

(j) An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

(2) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid.

(k) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated.

(2) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which a fine or administrative assessment is owing, until the balance owing has been paid.

➥ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

2. If the hourly wage of the offender is less than the federal minimum wage:

(a) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

(b) An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New

Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries.

(c) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.

(d) An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department. An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both.

(e) A deduction pursuant to NRS 209.246.

(f) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker ~~[testing]~~ ***analysis*** and included in the judgment entered against the offender pursuant to NRS 176.0915.

(g) An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to the offender's release, or if the offender dies before the offender's release, to defray expenses related to arrangements for the offender's funeral.

➥ The Director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration.

Sec. 31. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, ***and section 15 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 32. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~[.]~~ ***and section 15 of this act.***

Sec. 33. 1. If a person is convicted of an offense listed in subsection 4 of NRS 176.0913, regardless of the date upon which the conviction is entered, and the person has not previously submitted a biological specimen ~~[.~~ ~~(a) The]~~ **, the** Department of Corrections shall arrange for a biological specimen to be obtained before the person is released from custody, if the person is in the custody of the Department of Corrections.

~~[(b) The Division of Parole and Probation of the Department of Public Safety shall arrange for a biological specimen to be obtained from the person, if the person is located in this State but is not in the custody of the Department of Corrections.]~~

2. For the purposes of NRS 176.0911 to 176.0917, inclusive, as amended by this act, a biological specimen obtained pursuant to this section shall be

deemed to be a biological specimen obtained pursuant to NRS 176.0913, must be treated as a biological specimen obtained pursuant to NRS 176.0913 and is subject to the provisions of NRS 176.0913 as if the biological specimen were obtained pursuant to NRS 176.0913.

Sec. 34. 1. Except as otherwise provided in subsection 2, the amendatory provisions of this act apply to a person who is arrested on or after July 1, 2014.

2. The provisions of:

(a) Section 15 of this act apply to a person who pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, on or after July 1, 2013.

(b) Section 33 of this act apply to a person who is convicted of an offense listed in subsection 4 of NRS 176.0913 before, on or after July 1, 2014.

Sec. 35. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

At the request of Assemblyman Thompson the Assembly observed a moment of silence in memory of Jahlonn Williams, a 17-year-old honor student and basketball player at Mojave High School from District No. 17 who was killed on Mother's Day by an alleged drunk driver.

Assemblyman Horne moved that the Assembly adjourn until Monday, May 20, 2013, at 12:30 p.m.

Motion carried.

Assembly adjourned at 3:25 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 20, 2013

Assembly called to order at 1:17 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Pierce and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We pray for the members of this body, its officers, and all those who share in its work. We remember that You never were in a hurry nor lost Your inner peace when under pressure. But, we are only human. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind, and only You can supply the deepest needs of tired bodies, jaded spirits, and frayed nerves.

Give to us Your peace and refresh us in our weariness, that this may be a good day with much done and done well.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 20, 22, 25, 39, 66, 135, 236, 436, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 76, 169, 199, 414, 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 82, 213; Senate Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 470, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 463, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 7, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 28, 53, 69, 493, 495; Senate Bills Nos. 462, 464, 512.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Joint Resolutions Nos. 4, 5, 7.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 58, 451, 465, 468.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2013

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 298 is not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, Joint Standing Rule No. 14.2, and Joint Standing Rule No. 14.3.

RICHARD S. COMBS
Director

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 7—Urging the Office of the Governor to continue working with the Legislature to consider the potential impact of listing the greater sage grouse as an endangered or threatened species and to develop strategies to preclude the listing.

Assemblyman Daly moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 58.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 451.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 462.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 464.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 465.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 468.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 512.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 463, 470, 473, 482; Senate Bills Nos. 20, 22, 25, 39, 66, 76, 82, 109, 135, 152, 169, 199, 213, 236, 414, 421, 436, 440, 450; Senate Joint Resolution No. 9, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 7 and 311, just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 262 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 185 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 67, 436; Senate Bills Nos. 27, 111, 112, 191, 202, be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Joint Resolution No. 14 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 499; Senate Bills Nos. 60, 80, 162, 198, 237, be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 583.

AN ACT relating to state financial administration; revising provisions relating to **the payment of stale** claims **;** ~~[presented by a state agency to the State Board of Examiners after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which it was appropriated;]~~ authorizing a person designated by

the Clerk of the State Board of Examiners to carry out certain duties of the Clerk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain stale claims which are presented by a state agency to the State Board of Examiners after the date on which it is provided by law that money appropriated to the state agency for the previous fiscal year reverts to the fund from which it was appropriated must be paid from the Stale Claims Account in the State General Fund. A state agency is authorized to pay certain other claims incurred in the previous fiscal year from the appropriate budget account in a current fiscal year. (NRS 353.097) **Section 1** of this bill **clarifies the definition of "stale claim" to specifically refer to money authorized for expenditure, in addition to appropriated money, and makes similar conforming changes. Section 1 also** provides that a state agency may pay a **stale** claim for payroll expenses ~~[incurred in the previous fiscal year]~~ from the appropriate budget account in the current fiscal year.

Sections 1 and 2 of this bill authorize a person designated by the Clerk of the State Board of Examiners to perform ~~[certain]~~ **the** duties of the Clerk ~~[.]~~ **, which have been delegated to the Clerk by the Board of Examiners, to approve stale claims and claims from the Reserve for Statutory Contingency Account on behalf of the Board.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.097 is hereby amended to read as follows:

353.097 1. As used in this section, "stale claim" means any claim ~~[other than a claim for *payroll expenses, a claim for* medical expenses submitted by a third-party administrator or a claim which is $100 or more, and]~~ which is presented by a state agency to the State Board of Examiners ***:***

(a) If the claim was eligible to be paid from money that was appropriated, after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which appropriated ~~[.]~~ ***; or***

(b) If the claim was eligible to be paid from money that was authorized, after the last day of the fiscal year in which that state agency was authorized to expend the money.

2. There is hereby created a Stale Claims Account in the State General Fund. Money for the Account must be provided by direct legislative appropriation.

3. Upon the approval of a stale claim ~~[as provided in this section,]~~ ***pursuant to subsection 4,*** the claim must be paid from the Stale Claims

Account. Payments of ***such*** stale claims for a state agency must not exceed ~~[the]~~ **:**

(a) If the claim was eligible to be paid from money that was appropriated, the amount of money reverted to the fund from which appropriated by the state agency for the fiscal year in which the obligations represented by the stale claims were incurred ~~[.]~~ ***; or***

(b) If the claim was eligible to be paid from money that was authorized, the balance on the last day of the fiscal year of money that the state agency was authorized to expend during the fiscal year.

4. ~~[A]~~ ***Except as otherwise provided in this section, a*** stale claim must be approved for payment from the Stale Claims Account by the State Board of Examiners ***.*** ~~[, except that the]~~ ***The*** State Board of Examiners may authorize its Clerk ~~[,]~~ ***or a person designated by the Clerk,*** under such circumstances as it deems appropriate, to approve stale claims on behalf of the Board. A state agency that is aggrieved by a determination of the Clerk ***or the person designated by the Clerk*** to deny all or any part of a stale claim may appeal that determination to the State Board of Examiners.

5. A stale claim may be approved and paid at any time, despite the age of the claim, if payable from available federal grants or from a permanent fund in the State Treasury other than the State General Fund.

6. A state agency may pay from the appropriate budget account in the current fiscal year ~~[an obligation]~~ ***a stale claim*** of the state agency which ~~[:~~

~~(a) Is:~~

~~(1)]~~ ***is:***

(a) Less than $100; ~~[or]~~

~~[(2)]~~ ***(b)*** For medical expenses pursuant to a claim from a third-party administrator; ***or***

~~[(3)]~~ ***(c) For payroll expenses .*** ~~[, and~~

~~(b) Was incurred in the previous fiscal year but was not submitted for payment until after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which appropriated.]~~

Sec. 2. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk ~~[,]~~ ***or a person designated by the Clerk,*** under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners ***or to the person designated by the Clerk*** pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board ~~[.]~~ ***or the person designated by the Clerk.***

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 640.

AN ACT relating to unemployment compensation; creating the Interest Repayment Fund for the payment of interest accruing and payable on advances received by this State from the Federal Government relating to

unemployment benefits; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish an assessment to be imposed on certain employers; requiring certain employers to pay a proportionate share of such an assessment; requiring any money received from such employers to be deposited into the Fund; providing for the termination of the Fund in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes and directs the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to apply for an advance to the Unemployment Compensation Fund and to accept such an advance in accordance with the conditions specified in Title XII of the Social Security Act, 42 U.S.C. §§ 1321 et seq., as amended. Upon such a request by the Administrator, the Governor is required to make an application for advances to this State. (NRS 612.290)

This bill creates the Interest Repayment Fund as a special revenue fund to be used only for the payment of interest accruing and payable on such advances received **.** ~~[or special revenue bonds issued for the purpose of refinancing such advances.]~~ This bill requires the Administrator to establish an assessment, of which certain employers subject to the provisions governing unemployment compensation are required to pay a proportionate share. Any money collected from such an employer must be deposited into the Fund. This bill also provides that if the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all such employers and shall not accept any further payments. Any money remaining in the Interest Repayment Fund must be deposited into the Unemployment Compensation Fund after: (1) the payment of all interest payable on the advances received from the Federal Government **;** ~~[and all special revenue bonds issued for the purpose of refinancing such advances;]~~ and (2) a determination by the Administrator that no further payments are anticipated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Interest Repayment Fund as a special revenue fund.

2. The Fund consists of all money received pursuant to this section, and must only be used for the payment of interest accruing and payable on advances received pursuant to NRS 612.290 in accordance with the conditions specified in Title XII of the Social Security Act, 42 U.S.C. §§

1321 et seq., as amended . ~~[, or for the payment of special revenue bonds issued for the purpose of refinancing such advances.]~~

3. The Administrator ~~[, in consultation with the Employment Security Council in a manner consistent with NRS 612.310,]~~ shall establish an assessment that will be calculated by dividing the interest accruing and payable on advances received pursuant to NRS 612.290 by 95 percent of the total taxable wages paid by all employers in this State during the immediately preceding calendar year.

4. Except as otherwise provided in subsection 7, each employer subject to the provisions of this chapter shall pay a proportionate share of the assessment established by the Administrator pursuant to subsection 3. An employer's proportionate share of the assessment will be calculated by multiplying the employer's total taxable wages paid during the immediately preceding calendar year by the amount of the assessment. The Administrator shall notify each employer of his or her proportionate share of the assessment on or before June 30 of each year, and may collect interest on any such amount that remains unpaid on July 31 of each year in accordance with the provisions of NRS 612.620. Any money collected from an employer pursuant to this subsection must be deposited into the Interest Repayment Fund. The Administrator shall establish procedures necessary to collect payments pursuant to this subsection.

5. An employer's proportionate share of the assessment must not be charged against the experience rating record of the employer.

6. The provisions of law applicable to the collection of unemployment contributions also apply to the collection of payments pursuant to this section.

7. The provisions of this section do not apply to any nonprofit organization, political subdivision or Indian tribe which makes reimbursements in lieu of contributions pursuant to NRS 612.553.

8. The provisions of this section are operative only so long as the Interest Repayment Fund continues to exist and the Administrator continues to accept and deposit payments received from employers pursuant to this section into the Interest Repayment Fund. If the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all employers paying a proportionate share of the assessment and shall not accept any further payments. If and when the Interest Repayment Fund ceases to exist, any money remaining in the Interest Repayment Fund, after the payment of all interest accruing and payable on advances received pursuant to NRS 612.290 ~~[and all special revenue bonds issued for the purpose of refinancing such advances]~~ and a determination by the Administrator that no further payments are

anticipated, must be deposited into the Unemployment Compensation Fund.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 677.

AN ACT relating to governmental publications; revising provisions governing the submission of certain publications to the State Publications Distribution Center by certain state agencies and local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Publications Distribution Center within the State Library and Archives. (NRS 378.170) Under existing law, state agencies and local governments, with certain exceptions, are required to deposit paper copies of certain publications, upon release, with the Center for distribution to certain libraries throughout the State. If such a state agency or local government releases a publication in an electronic format or medium, the state agency or local government is required to notify the Center of the release and provide the Center with access to the publication. (NRS 378.180) A "publication" is defined to include any information in any format or medium that is: (1) produced pursuant to the authority or at the expense of a state agency or local government; (2) required by law to be distributed by a state agency or local government; or (3) distributed publicly by a state agency or local government outside that state agency or local government. (NRS 378.160)

Section 1 of this bill excludes from the definition of "publication" certain records of a local government which have been scheduled for disposition or retention.

Section 3 of this bill reduces the number of **paper** copies **of a publication** that a state agency **or local government** is required to deposit with the Center **.** ~~**[**from 12 copies to 10 copies. Section**]**~~ **Unless a publication is available only in paper form, section 3** ~~**[**also authorizes**]**~~ **requires** a state agency or local government to provide the Center with an electronic version of the publication in lieu of depositing paper copies. If the publication is **available** only **in paper form at the time copies are deposited with the**

Center, but is later released in an electronic format or medium, **section 3 also** requires the state agency or local government to provide the Center with an electronic version of the publication ~~[instead of notice and access to the electronic publication.]~~ **when it becomes available.** Finally, **section 3** prescribes requirements for the submission of an electronic version of a publication to the Center by a state agency or local government**.** ~~[and section]~~ **Section 2** of this bill requires the State Library and Archives Administrator to adopt regulations prescribing the procedures for submitting an electronic version of a publication to the Center.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;

(b) Nevada Reports;

(c) Bound volumes of the Statutes of Nevada;

(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution; or

(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080.

(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 2. NRS 378.170 is hereby amended to read as follows:

378.170 1. There is hereby created within the State Library and Archives a State Publications Distribution Center.

2. The State Library and Archives Administrator ~~[~~may make~~]~~ ***:***

(a) Except as otherwise provided in paragraph (b), may adopt such regulations as may be necessary to carry out the purposes of the Center.

(b) Shall adopt regulations prescribing the procedures for submitting an electronic version of a publication to the Center pursuant to NRS 378.180.

Sec. 3. NRS 378.180 is hereby amended to read as follows:

378.180 1. ~~[~~Every~~]~~ ***Except as otherwise provided in this subsection, every*** state agency shall:

~~[~~(a) For each publication of the state agency that was published, printed or copied ***on paper*** by the state agency itself or by a private printer, deposit with the Center, upon release,~~]~~ ~~[~~12~~]~~ ***[10*** copies of the publication~~]~~ ~~[~~.~~]~~ ***[or]*** ***, upon release of each of its publications, provide the Center with an electronic version of the publication.***

~~[~~(b) For each publication printed *on paper* for or on behalf of the state agency by the State Printing Office:

(1) In addition to the number of copies otherwise required by the state agency, request the State Printing Office to print~~]~~ ~~[~~12~~]~~ ***[10*** copies of that publication; and

(2) Deposit or request the State Printing Office to deposit those additional copies~~]~~ ***If a publication is available only in paper form, the state agency shall deposit 10 copies of the publication*** with the Center.

2. ~~[~~Every~~]~~ ***Except as otherwise provided in this subsection, every*** local government shall, upon release ~~[~~,~~]~~ ***of each of its publications,*** ~~[~~deposit with the Center at least six copies of~~]~~ ~~[~~each of its publications.~~]~~ ***[the publication or]*** ***provide the Center with an electronic version of the publication. If a publication is available only in paper form, the local government shall deposit six copies of the publication with the Center.***

3. ~~[~~Every~~]~~ ***If a publication is available only in paper form at the time copies are deposited with the Center pursuant to subsection 1 or 2, every*** state agency and local government shall, upon release of ~~[~~a~~]~~ ***the*** publication in an electronic format or medium, ~~[~~notify the Center of such release and~~]~~ provide the Center with ~~[~~access to~~]~~ ***an electronic version of*** the publication.

4. If a state agency or local government provides an electronic version of a publication to the Center pursuant to this section, the state agency or local government shall:

(a) Include, in a conspicuous location at or near the beginning of the publication, the date on which the publication was initially released by the state agency or local government; and

(b) Submit the electronic version of the publication in accordance with regulations adopted by the State Library and Archives Administrator pursuant to NRS 378.170.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 635.

AN ACT relating to the Office of the Attorney General; requiring the Office of the Attorney General to be provided with a copy of certain court rulings and to provide an index of those rulings to the Legislative Counsel biennially; ~~[requiring]~~ **specifying that** the Office of the Attorney General ~~[and certain other governmental entities to enter into a cooperative agreement with the Office of the State Controller for]~~ **must assign** the collection of certain restitution related to the expenses of extradition **~~[,]~~ to the State Controller;** authorizing the establishment of a program to prevent certain criminal offenders and persons charged with a crime from obtaining or using a United States passport; clarifying the term "state agency" as it relates to agencies required to deposit money in the Fund for Insurance Premiums; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court, in certain circumstances, to order a person who was extradited to this State to make restitution for the expenses incurred by the Attorney General or any other governmental entity in returning the person to this State. (NRS 179.225) **Existing law also requires: (1) the State Controller to act as the collection agent for each state agency; and (2) a state agency to coordinate all its debt collection efforts through the State Controller. (NRS 353C.195) Section 8** of this bill ~~[provides]~~ **specifies** that **if a court orders a person to make restitution to** the Office of the

Attorney General ~~[and any other governmental entity to which such restitution is owed must enter into a cooperative agreement with the Office of]~~ **for expenses relating to extradition, the Office of the Attorney General must assign the collection of such restitution to** the State Controller ~~[under which the Office of the State Controller will act as the collection agent for any such restitution.]~~ **in accordance with the provisions of existing law.**

Existing law requires each state agency to deposit certain amounts of money into the Fund for Insurance Premiums, which is maintained in part for use by the Attorney General. (NRS 331.187) **Section 14** of this bill clarifies that a part-time or full-time board, commission or similar body of the State which is created by law is required to make such a deposit.

Section 4 of this bill authorizes the Office of the Extradition Coordinator within the Office of the Attorney General to establish a program that assists prosecuting attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders and certain persons charged with a crime from obtaining or using a United States passport. **Section 4** also authorizes the Attorney General to adopt regulations relating to such a program.

Section 5 of this bill provides that if the Nevada Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding must provide a copy of the ruling to the Office of the Attorney General. **Sections 6 and 7** of this bill apply this requirement to the prevailing party in a proceeding in which a district court or justice court holds that any such provision is unconstitutional. **Section 2** of this bill requires the Office of the Attorney General to provide to the Legislative Counsel an index of all rulings it receives pursuant to **sections 5-7** on or before September 1 of each even-numbered year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***On or before September 1 of each even-numbered year, the Office of the Attorney General shall provide to the Legislative Counsel an index of all court rulings it has received pursuant to sections 5, 6 and 7 of this act during the immediately preceding 2-year period.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. The Office of the Extradition Coordinator within the Office of the Attorney General may establish a program that assists prosecuting***

attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders or persons charged with a crime who are subject to court-ordered restrictions on international travel from obtaining or using a United States passport.

2. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 5. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

If the Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 6. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

If a district court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 7. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

If a justice court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 8. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then

returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the ***Office of the*** Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. ~~***[The]***~~ ***If the court orders a person to make restitution for the expenses incurred by the Office of the Attorney General*** ~~***[and any other governmental entity to which restitution is ordered to be made]***~~ ***in returning the person to this State pursuant to this section , the Office of the Attorney General shall*** ~~***[enter into a cooperative agreement with the Office of]***~~ ***assign the collection of such restitution to the State Controller*** ~~***[pursuant to NRS 353.650 for the collection of any restitution which a court orders a person to make pursuant to this section.]***~~ ***in accordance with the provisions of NRS 353C.195.***

5. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 331.187 is hereby amended to read as follows:

331.187 1. There is created in the State Treasury the Fund for Insurance Premiums as an internal service fund to be maintained for use by the Risk Management Division of the Department of Administration and the Attorney General.

2. Each state agency shall deposit in the Fund:

(a) An amount equal to its insurance premium and other charges for potential liability, self-insured claims, other than self-insured tort claims, and administrative expenses, as determined by the Risk Management Division; and

(b) An amount for self-insured tort claims and expenses related to those claims, as determined by the Attorney General.

3. Each county shall deposit in the Fund an assessment for the employees of the district court of that county, excluding district judges, unless the county enters into a written agreement with the Attorney General to:

(a) Hold the State of Nevada harmless and assume liability and costs of defense for the employees of the district court;

(b) Reimburse the State of Nevada for any liability and costs of defense that the State of Nevada incurs for the employees of the district court; or

(c) Include the employees of the district court under the county's own insurance or other coverage.

4. Expenditures from the Fund must be made by the Risk Management Division or the Attorney General to an insurer for premiums of state agencies as they become due or for deductibles, self-insured property and tort claims or claims pursuant to NRS 41.0349. If the money in the Fund is insufficient to pay a tort claim, it must be paid from the Reserve for Statutory Contingency Account.

5. As used in this section ~~[~~, "assessment"~~]~~ ***:***

(a) "Assessment" means an amount determined by the Risk Management Division and the Attorney General to be equal to the share of a county for:

~~[~~(a)~~]~~ ***(1)*** Applicable insurance premiums;

~~[~~(b)~~]~~ ***(2)*** Other charges for potential liability and tort claims; and

~~[~~(c)~~]~~ ***(3)*** Expenses related to tort claims.

(b) "State agency" includes, without limitation, a part-time or full-time board, commission or similar body of the State which is created by law.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 678.

AN ACT relating to technological crimes; authorizing the Attorney General to take certain actions to prevent technological crimes; revising the provisions governing actions which constitute theft to include the theft of audio or visual services; revising the provisions governing the appointment of an Executive Director of Technological Crime within the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Attorney General to investigate and prosecute any alleged technological crime, pursue the forfeiture of property relating to a technological crime and bring an action to enjoin or obtain any equitable relief to prevent the occurrence or continuation of any technological crime.

Existing law authorizes a district attorney to institute a civil proceeding for the forfeiture of property used in the course of, intended for use in the course of, derived from or gained through a technological crime. Currently, the Attorney General may institute such a proceeding only if the property at issue is seized by a state agency. (NRS 179.1229, 179.1231) Section 1.5 of this bill removes this limitation on the authority of the Attorney General and authorizes the institution of a forfeiture proceeding by a district attorney or the Attorney General, as determined in each case by an agreement between the district attorney and the Attorney General.

Existing law describes certain actions which constitute theft. (NRS 205.0832) **Section 2** of this bill revises those provisions to include the theft of audio or visual services.

Existing law creates the Technological Crime Advisory Board. (NRS 205A.040) Existing law also requires the appointment of an Executive Director of Technological Crime within the Office of the Attorney General upon approval by two-thirds of the members of the Board. (NRS 205A.070) **Section 3** of this bill requires the appointment to be made upon approval by a majority of the members of the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General may:

(a) Investigate and prosecute any alleged technological crime.

(b) Pursue the forfeiture of property relating to a technological crime in accordance with the provisions of NRS ~~[179.1156 to 179.121,]~~ 179.1211 to 179.1235, inclusive.

(c) Bring an action to enjoin or obtain any other equitable relief to prevent the occurrence or continuation of a technological crime.

2. As used in this section, "technological crime" has the meaning ascribed to it in NRS 205A.030.

Sec. 1.5. **NRS 179.1231 is hereby amended to read as follows:**

179.1231 1. Property subject to forfeiture under NRS 179.1219 or 179.1229 may be seized by a law enforcement agency upon process issued by a court. Before an order of civil forfeiture is issued without legal process, notice of the claim for forfeiture of real property may be given in the manner provided in NRS 14.010 and 14.015. A seizure of personal property may be made without legal process if the seizure is incident to:

(a) A lawful arrest or search; or

(b) An inspection under an administrative warrant.

2. Property seized or made the subject of notice under this section is deemed to be in the custody of the agency, subject only to orders of the court which has jurisdiction over the proceedings for forfeiture. An agency which has seized such property without process shall begin proceedings for forfeiture promptly. Such an action takes precedence over other civil proceedings. The seized property is subject to an action to claim the delivery of the property if the agency does not file the complaint for forfeiture within 60 days after the property is seized. If a complaint for forfeiture is filed after an affidavit claiming delivery, the complaint must be treated as a counterclaim.

3. When property is seized pursuant to this section, pending forfeiture and final disposition, the law enforcement agency may:

(a) Place the property under seal.

(b) Remove the property to a place designated by the court.

(c) Require another agency authorized by law to take custody of the property and remove it to an appropriate location.

4. The district attorney ***or the Attorney General*** may institute civil proceedings under this section for the forfeiture of property subject to forfeiture pursuant to NRS 179.1229. The ***district attorney and the*** Attorney General ~~[may institute such proceedings when the property is seized by a state agency.]~~ ***shall determine by agreement between themselves which of them will institute such a proceeding in a particular case.*** If a district attorney ***or the Attorney General*** has not instituted such a proceeding or has not pursued one which was instituted ~~[,]~~ ***in accordance with the agreement,*** the ~~[Attorney General]~~ ***other*** may intercede after giving ***the prosecutor***

designated in the agreement 30 days' written notice of the intention to do so **.** ~~[to the district attorney.]~~ In any action so brought, the district court shall proceed as soon as practicable to the hearing and determination. Pending final determination in an action brought pursuant to this section, the district court may at any time enter such injunctions, prohibitions or restraining orders, or take such actions, including, without limitation, the acceptance of satisfactory performance bonds, as the court deems proper in connection with any property or interest subject to forfeiture.

5. Upon a finding of civil liability under this section, the court may order the forfeiture of the appropriate property.

Sec. 2. NRS 205.0832 is hereby amended to read as follows:

205.0832 1. Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, the person knowingly:

(a) Controls any property of another person with the intent to deprive that person of the property.

(b) Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person, or uses the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use.

(c) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, "material misrepresentation" means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

(d) Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner.

(e) Controls property of another person knowing or having reason to know that the property was stolen.

(f) Obtains services ***, including, without limitation, audio or visual services,*** or parts, products or other items related to such services which the person knows ***or, in the case of audio or visual services, should have known*** are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his or her own benefit or that of another person without lawful authority to do so.

(g) Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person.

(h) Commits any act that is declared to be theft by a specific statute.

(i) Draws or passes a check, and in exchange obtains property or services, if the person knows that the check will not be paid when presented.

(j) Obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation.

2. A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, the person received a written estimate of the cost of the repair.

Sec. 3. NRS 205A.070 is hereby amended to read as follows:

205A.070 1. Upon approval by ~~[two-thirds]~~ ***a majority*** of the members of the Board, the Board shall appoint an Executive Director of Technological Crime within the Office of the Attorney General.

2. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Board.

3. The Board shall establish the qualifications, powers and duties of the Executive Director.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 679.

AN ACT relating to the Nevada Commission on Homeland Security; clarifying that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply **, with certain limitations,** to all committees appointed by the Chair of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires the Nevada Commission on Homeland Security to comply with the Open Meeting Law but authorizes the Commission, upon a majority vote, to hold a closed meeting to receive security briefings, discuss procedures for responding to acts of terrorism and related emergencies, or discuss deficiencies in security with respect to public services, public facilities and infrastructure. (NRS 239C.140) This bill

clarifies that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply to all committees appointed by the Chair of the Commission. **This bill authorizes any such committee to hold a closed meeting under circumstances where the Commission may do so, with the prior approval of the Commission.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239C.140 is hereby amended to read as follows:

239C.140 1. Except as otherwise provided in subsections 2 and 3, the Commission ***and any committee appointed pursuant to NRS 239C.170*** shall comply with the provisions of chapter 241 of NRS and ***shall conduct*** all meetings ~~[of the Commission must be conducted]~~ in accordance with that chapter.

2. The Commission ***and , with the prior approval of the Commission, any committee appointed pursuant to NRS 239C.170*** may hold a closed meeting to:

(a) Receive security briefings;

(b) Discuss procedures for responding to acts of terrorism and related emergencies; or

(c) Discuss deficiencies in security with respect to public services, public facilities and infrastructure,

➥ if the Commission ***or committee*** determines, upon a majority vote of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

3. Except as otherwise provided in NRS 239.0115, all information and materials received or prepared by the Commission ***or any committee appointed pursuant to NRS 239C.170*** during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 715.

AN ACT relating to counties; authorizing, under certain circumstances, the board of county commissioners of certain smaller counties to authorize the use of county equipment on the property of a local government **or a private road** located within the county; ~~[revising the authority of counties over property within the county; revising provisions governing the use of county highway patrols and equipment on private roads and authorizing a county to recover the related labor costs of such use; revising provisions governing the abatement of a chronic nuisance on property located within the unincorporated area of a county; revising provisions governing the abatement of a public nuisance on property located within a county; revising provisions governing the covering or removal of graffiti on residential and nonresidential property in a county;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a board of county commissioners may authorize the use of county highway patrols and snowplows on private roads under certain circumstances. (NRS 244.273) Section 1 of this bill authorizes, under certain circumstances, the board of county commissioners in a county whose population is less than 15,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey and White Pine Counties) to authorize the use of county equipment on the property of any local government that is located within the county.

~~[Existing law authorizes a board of county commissioners to make orders concerning the property of the county. (NRS 244.265) Section 1.5 of this bill extends that authority to property within the county.~~

~~Existing law provides that a board of county commissioners may authorize the use of county highway patrols and snowplows on private roads if the board declares an emergency or deems the use to be in the best interest of the county. (NRS 244.273) Section 2 of this bill: (1) authorizes the use of county equipment on private roads under certain circumstances; (2) eliminates provisions that limit the circumstances under which such a use may be deemed to be in the best interest of the county; and (3) authorizes the board to recover from the owner of the private road the related labor costs of such a use.~~

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the district attorney may file a court action seeking the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county, the closure of the property where the nuisance is located or occurring, penalties against the owner of the property and any other appropriate relief. (NRS 244.3603) Section 4 of this bill eliminates certain provisions which: (1) specify the~~

~~procedures and provisions that the ordinance must include; (2) specify the civil penalties and costs that may be imposed against the owner of the property; and (3) define the term "chronic nuisance" to specify when such a nuisance exists.~~

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the board or its designee may order an owner of property within the county to take certain actions concerning the property to abate a public nuisance. (NRS 244.3605) Section 5 of this bill eliminates certain provisions which: (1) specify that the ordinance must contain certain procedures; and (2) specify the conditions under which the county may abate the public nuisance.~~

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which officers, employees or other designees of the county may cover or remove certain graffiti on residential property. (NRS 244.36935) Section 6 of this bill eliminates certain provisions that the ordinance must contain, including: (1) the circumstances under which the county may cover or remove such graffiti; and (2) the requirement that the county pay the cost of covering or removing the graffiti.~~

~~Existing law also authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the board or its designee may order an owner of nonresidential property to cover or remove certain graffiti. (NRS 244.3694) Section 7 of this bill eliminates certain provisions which: (1) specify that the ordinance must contain certain procedures; and (2) specify the conditions under which the county may cover or remove the graffiti.~~] **Section 1 also authorizes, under certain circumstances, the board of county commissioners of such a county to authorize the use of county highway patrols and county equipment on any private road that is located within the county and to require the owner of the road to pay the county for the use of the equipment and related labor costs.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is less than 15,000, the board of county commissioners may authorize the use of ~~[county]~~ :

1. County equipment on the property of any local government that is located within the county if:

~~[1.]~~ (a) The board adopts an ordinance which sets forth its determination that such use is in the best interest of the county.

[2.] ***(b) The board and the governing body of the local government enter into an interlocal agreement providing for the reimbursement of the county for the use of such equipment and related labor costs.***

[3.] ***(c) An employee of the county operates the equipment.***

2. County highway patrols and county equipment on any private road that is located within the county if:

(a) The board declares an emergency; or

(b) The board adopts an ordinance which sets forth its determination that such use is in the best interest of the county in the absence of a contractor that is licensed to perform the work.

➥ If the board authorizes the use of a county highway patrol or county equipment on a private road pursuant to this subsection, the equipment must be operated by an employee of the county. The board may require the owner of the road to pay the county for the use of the equipment and related labor costs.

Sec. 1.5. ~~[NRS 244.265 is hereby amended to read as follows:~~

~~244.265 The boards of county commissioners shall have power and jurisdiction in their respective counties to make orders respecting the property [of] within the county. [in conformity with any law of this State, and to take care of and preserve such property.]]~~ **(Deleted by amendment.)**

Sec. 2. NRS 244.273 is hereby amended to read as follows:

244.273 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** board of county commissioners of each county may authorize the use of county highway patrols and snowplows ~~*[equipment]*~~ on private roads if:

1. The board declares an emergency; or

2. The board deems ~~*[adopts an ordinance which sets forth its determination that]*~~ such use to be ~~*[is]*~~ in the best interest of the county ~~[.]~~ ***in the absence of a contractor that is licensed to perform the work.*** The board shall not deem such use to be in the best interest of the county unless:

(a) The equipment is being used for routine county business in the area where the private roads are located; and

(b) The use of the equipment on private roads does not interfere with the normal operations of the county. ~~*[in the absence of a responsive and responsible contractor that is licensed to perform the work.]*~~

➥ If the board authorizes the use of a county highway patrol or snowplow ~~*[equipment]*~~ on a private road pursuant to this section, the equipment must be operated by an employee of the county. The board may require the owner of the road to pay the county the prevailing rental rate for the use of such equipment . ~~*[and related labor costs.]*~~

Sec. 3. ~~[NRS 244.3601 is hereby amended to read as follows:~~

~~244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360~~ **,** ~~[or 244.3605,]~~ a board of county commissioners may, by ordinance ~~[, provide]~~ **:**

~~*(a) Provide* for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.~~

~~*(b) Provide for the imposition of civil penalties.*~~

~~2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:~~

~~(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or~~

~~(b) Posted on the property,~~

~~→ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.~~

~~3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.~~

~~4. The costs of securing or summarily abating the structure or condition~~ ***and any civil penalty that has not been collected from the owner of the property*** ~~may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

~~5. As used in this section~~ **[**~~:~~

~~(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection 6 of NRS 244.3605.~~

~~(b) "Imminent~~**, *"imminent*** ~~danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:~~

~~**[**(1)**]** ***(a)*** ~~The occupants, if any, of the real property on which the structure or condition is located; or~~

~~**[**(2)**]** ***(b)*** ~~The general public.**]**~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 244.3603 is hereby amended to read as follows:~~

~~244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:~~

~~(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;~~

~~(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and~~

~~(c) If applicable, seek ***civil*** penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.~~

~~2. An ordinance adopted pursuant to subsection 1 **[**must:~~

~~(a) Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action.~~

~~(2) If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.~~

~~(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)**]** ***may:***~~

~~***(a)*** Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.~~

~~***(b) Provide for the imposition of civil penalties.***~~

~~3. **[**If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:~~

~~(a) Impose a civil penalty:~~

~~(1) If the property is nonresidential property, of not more than $750 per day; or~~

~~(2) If the property is residential property, of not more than $500 per day,~~

~~for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;~~

~~(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and~~

~~(c) Order any other appropriate relief.~~

~~4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

~~5.~~**]** Any ***money expended to abate the condition on the property and*** ~~civil penalties that have not been collected from the owner of the property may~~ **[**~~not~~**]** ~~be made a special assessment against the property~~ **.** **[**~~pursuant to subsection 4 by the board unless:~~

~~(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;~~

~~(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and~~

~~(c) The amount of the uncollected civil penalties is more than $5,000.~~

~~6. As used in this section:~~

~~(a) A "chronic nuisance" exists:~~

~~(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.~~

~~(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.~~

~~(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.~~

~~(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.~~

~~(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:~~

~~(I) The building or place has not been deemed safe for habitation by a governmental entity; or~~

~~(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.~~

~~(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.~~

~~(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.~~

~~(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.~~

~~(e) "Nuisance activity" means:~~

~~(1) Criminal activity;~~

~~(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;~~

~~(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;~~

~~(4) Excessive noise and violations of curfew; or~~

~~(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.~~

~~(f) "Person associated with the property" means:~~

~~(1) The owner of the property;~~

~~(2) The manager or assistant manager of the property;~~

~~(3) The tenant of the property; or~~

~~(4) A person who, on the occasion of a nuisance activity, has:~~

~~(I) Entered, patronized or visited;~~

~~(II) Attempted to enter, patronize or visit; or~~

~~(III) Waited to enter, patronize or visit,~~

~~the property or a person present on the property.~~

~~(g) "Residential property" means:~~

~~(1) Improved real estate that consists of not more than four residential units;~~

~~(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or~~

~~(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold,~~

~~leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.~~

~~"~~ ~~The term does not include commercial real estate.~~**]]** **(Deleted by amendment.)**

Sec. 5. ~~[NRS 244.3605 is hereby amended to read as follows:~~

~~244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:~~

~~(a) Repair, safeguard or eliminate a dangerous structure or condition;~~

~~(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;~~

~~(c) Clear weeds and noxious plant growth; or~~

~~(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,~~

~~"~~ ~~to protect the public health, safety and welfare of the residents of the county.~~

~~2. An ordinance adopted pursuant to subsection 1~~ **[**~~must:~~**]** ***may:***

~~(a)~~ **[**~~Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.~~

~~(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.~~

~~(3) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)~~**]** ~~Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.~~

~~**[**(d)~~**]** ***(b)*** ~~Provide for~~ ***the imposition of*** ~~civil penalties~~ **[**~~for each day that~~**]** ***if*** ~~the owner did not abate the public nuisance . [after the date specified in the notice by which the owner was required to abate the public nuisance.~~

~~3. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance if:~~

~~(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;~~

~~(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or~~

~~(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.~~

~~4.~~**] *3.*** ~~In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and~~ **[**~~, except as otherwise provided in subsection 5,~~**]** ~~for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the expense and civil penalties are a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

~~**[**5. Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection 4 unless:~~

~~(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;~~

~~(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and~~

~~(c) The amount of the uncollected civil penalties is more than $5,000.~~

~~6. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:~~

~~(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or~~

~~(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.~~**]]** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 244.36935 is hereby amended to read as follows:~~

~~244.36935 [1.] The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is:~~

~~[(a)] 1. Placed on the exterior of a fence or wall located on the perimeter of residential property; and~~

~~[(b)] 2. Visible from a public right-of-way.~~

~~[2. An ordinance adopted pursuant to subsection 1 must provide that:~~

~~(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:~~

~~(1) The owner of the residential property consents to the covering or removal of the graffiti; or~~

~~(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:~~

~~(I) Sent by certified mail, return receipt requested; and~~

~~(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,~~

~~→ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.~~

~~(b) The county shall pay the cost of covering or removing the graffiti.]~~**]**

(Deleted by amendment.)

Sec. 7. ~~[NRS 244.3694 is hereby amended to read as follows:~~

~~244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is:~~

~~(a) Placed on that nonresidential property; and~~

~~(b) Visible from a public right-of-way,~~

~~→ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.~~

~~2. An ordinance adopted pursuant to subsection 1 [must:]~~ ***may:***

~~(a) [Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and~~

~~(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.~~

~~(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)~~**]** ~~Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.~~

~~***(b) Provide for the imposition of civil penalties.***~~

~~3.~~ **[**~~The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:~~

~~(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;~~

~~(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or~~

~~(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.~~

~~4.~~**]** ~~In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may~~ **[**~~:~~

~~(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or~~

~~(b) Make~~**]** ***make*** the cost of covering or removing the graffiti ***and any civil penalty that has not been collected from the owner of the property*** ~~a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.~~

[~~5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:~~

~~(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and~~

~~(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.~~

~~6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.~~

~~7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.]]~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on January 1, 2014.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 683.

AN ACT relating to concealed firearms; revising the definition of "concealed firearm"; authorizing a person to obtain one permit to carry a concealed firearm for all handguns owned by the person; revising provisions relating to a person's demonstration of competence with certain firearms for the purpose of obtaining or renewing a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "concealed firearm" as a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation. (NRS 202.3653) Existing law provides that a person who applies for a permit to carry a concealed firearm may submit one application and obtain one permit to carry all revolvers and semiautomatic firearms owned by the person. A permit must list each category of firearm to which the permit pertains and is valid for any revolver or semiautomatic firearm which the permittee owns or thereafter obtains. An applicant for a permit must demonstrate competence with revolvers, semiautomatic firearms or both, as applicable, before obtaining a permit. (NRS 202.3657) Existing law also requires a permittee who wishes to renew his or her permit to demonstrate continued competence with revolvers, semiautomatic firearms or both, as applicable. (NRS 202.3677)

Section 1 of this bill revises the definition of "concealed firearm" and defines the term as a loaded or unloaded handgun which is carried upon a person in a manner as not to be discernible by ordinary observation. **Section 2** of this bill provides that a person may obtain one permit to carry all handguns owned by the person, and such a permit is valid for any handgun which the person owns or thereafter obtains. **Section 2** requires an applicant for a permit to demonstrate competence with handguns before obtaining a permit, and **section 4** of this bill requires a permittee to demonstrate

continued competence with handguns before renewing a permit. **Section 3** of this bill revises the required form of a permit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, unless the context otherwise requires:

1. "Concealed firearm" means a loaded or unloaded ~~[pistol, revolver or other firearm]~~ ***handgun*** which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. "Department" means the Department of Public Safety.

3. ***"Handgun" has the meaning ascribed to it in 18 U.S.C. § 921(a)(29).***

4. "Permit" means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

~~[4. "Revolver" means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.~~

~~5. "Semiautomatic firearm" means a firearm which:~~

~~(a) Uses the energy of the explosive in a fixed cartridge to extract a fixed cartridge and chamber a fresh cartridge with each single pull of the trigger; and~~

~~(b) Requires the release of the trigger and another pull of the trigger for each successive shot.]~~

Sec. 2. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all ~~[revolvers and semiautomatic firearms]~~ ***handguns*** owned by the person. The person must not be required to list and identify on the application each ~~[revolver or semiautomatic firearm]~~ ***handgun*** owned by the person. A permit ~~[must list each category of firearm to which the permit pertains and]~~ is valid for any ~~[revolver or semiautomatic firearm]~~ ***handgun*** which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit ~~[for revolvers, semiautomatic firearms or both, as applicable,]~~ to any

person who is qualified to possess ~~[the firearms to which the application pertains]~~ ***a handgun*** under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with ~~[revolvers, semiautomatic firearms or both, as applicable,]~~ ***handguns*** by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of ~~[revolvers, semiautomatic firearms or both, as applicable,]~~ ***handguns*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number

or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[~~Whether the application pertains to semiautomatic firearms;

~~(g) Whether the application pertains to revolvers;~~

~~(h)]~~ A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

~~[(i)]~~ ***(g)*** A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 3. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to NRS 202.3677, the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County.....	Permit Number .....
Expires	Date of Birth.....
Height.....	Weight .....
Name	Address.....
City	Zip .....

Photograph

Signature .....
Issued by .....
Date of Issue .....
~~[Semiautomatic firearms authorized……Yes……No~~
~~Revolvers authorized……Yes……No]~~

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must:

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit; and

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657;

(c) Be accompanied by a nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(d) Be accompanied by a nonrefundable fee of $25.

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with ~~[revolvers, semiautomatic firearms or both, as applicable,]~~ ***handguns*** by successfully completing a course prescribed by the sheriff renewing the permit.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 689.

AN ACT relating to wildlife; urging the Board of Wildlife Commissioners to thoroughly ~~[and scientifically]~~ **conduct a certain** review **of** the hunting of black bears; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the Board of Wildlife Commissioners to adopt regulations establishing seasons for hunting game mammals and the manner and means of taking wildlife; and (2) authorizes the Commission to adopt regulations setting forth the species of wildlife which may be hunted or trapped without a license or permit. (NRS 501.181, 502.010) **Section 11.7** of this bill urges the Commission to thoroughly ~~[and scientifically]~~ **conduct its 3-year comprehensive** review **of** the hunting of black bears.

WHEREAS, Wildlife belongs to the people of the State of Nevada under NRS 501.100, and black bears are considered a big game mammal pursuant to NAC 502.020; and

WHEREAS, Pursuant to NRS 501.102, the Nevada Legislature has declared that hunting is a valuable activity in the management of game mammals and game birds, results in financial support for conservation programs that benefit many species, including nongame wildlife, is an excellent source of food, recreational opportunities and employment, contributes significantly to the economy of this State and the quality of life of its citizens, and provides a beneficial use for firearms, archery equipment and other legal weapons used to take game mammals and game birds, following the pioneer spirit of Nevada; and

WHEREAS, As set forth in NRS 501.100, the preservation, protection, management and restoration of wildlife within this State contribute immeasurably to the aesthetic, recreational and economic aspects of the natural resources belonging to the people of the State of Nevada; and

WHEREAS, Outdoor recreation is a major feature of life in Nevada, and the majority of the State of Nevada is in public ownership through the Federal Government, which manages over 60 million acres, or about 86 percent of the total land area of the State of Nevada; and

WHEREAS, In February 2011, the Board of Wildlife Commissioners approved the first black bear hunt in Nevada history; and

WHEREAS, As part of this approval, the Board adopted and the Nevada Legislature approved temporary regulations setting forth parameters under which the black bear hunt would operate, including a bear hunting season beginning on the third Saturday of August 2011 and ending on the last Saturday of December 2011 or until the harvest quota was achieved; and

WHEREAS, Before the 2012 bear hunting season, the Board of Wildlife Commissioners, with the Nevada Legislature approving, amended the administrative regulations to close bear hunting in portions of the Lake Tahoe Basin and the Carson Range, leaving bear hunting open in other areas of western Nevada; and

WHEREAS, A total of 1,156 applications for bear hunting tags were received by the Department of Wildlife for the 2011 bear hunting season and 1,762 applications were received for the 2012 bear hunting season, with 45 tags issued each year; and

WHEREAS, The 2011 black bear hunt resulted in the taking of 14 bears, and the 2012 bear hunt resulted in the harvest of 11 bears; and

WHEREAS, Proponents and opponents of the black bear hunt have continuously registered their opinions relating to the bear hunt to the Department of Wildlife, the Board of Wildlife Commissioners and Nevada lawmakers; and

WHEREAS, Some Native American tribes in Nevada have expressed concerns regarding potential interference with certain traditional ceremonies and activities, such as the annual pine nut harvest in black bear habitats in the Pine Nut and Sweetwater Mountains and the Wassuk Range, because the bear hunt takes place at the same time, and in the same places, as these traditional ceremonies and activities; and

WHEREAS, Opponents of the bear hunt in Nevada have declared that the black bear hunt is not scientifically sustainable and conflicts with nonlethal priorities of bear management and conservation, the interests and concerns of the majority of Nevadans, including Nevada Native American tribes, and the various nonconsumptive forms of outdoor recreation, including hiking and camping; and

WHEREAS, Proponents of the black bear hunt have stated that the bear hunt is scientifically sound and part of a viable and proven wildlife management approach, that hunting is the preferred means by which to manage wildlife and that a vast majority of Nevada sportsmen and sportswomen support bear hunting if it is done properly and ethically; and

WHEREAS, Scientists from the Department of Wildlife and scientists representing opponents of the bear hunt have arrived at different conclusions

relating to Nevada's black bear population, the scope and range of black bear habitat in Nevada and the genetic diversity of black bears; and

WHEREAS, The Board of Wildlife Commissioners has made a public commitment to review the black bear hunt following its third season and the Department of Wildlife's Black Bear Management Plan for 2012 further commits to a 3-year scientific analysis of the black bear hunt, including a review of black bear survival, mortality rates and population trends, with the goal of achieving and maintaining healthy and productive black bear populations; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.3. The Legislature hereby acknowledges the various perspectives on the hunting of black bears in Nevada.

Sec. 11.5. The Legislature hereby finds and declares that any hunting of black bears in Nevada should be predicated on sound scientific data that ensures a healthy, productive and viable black bear population and reduces the number of conflicts between bears and humans.

Sec. 11.7. The Nevada Legislature urges:

1. The proponents and opponents of the black bear hunt in Nevada to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population and which recognize and protect the rights of sportsmen and sportswomen, Native American tribes, conservationists and outdoor recreation enthusiasts in this State;

2. The continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property;

3. The Board of Wildlife Commissioners to thoroughly conduct its 3-year ~~[scientific]~~ **comprehensive** review of the black bear hunt following the 2013 bear hunting season, with the goal of ~~[evaluating]~~ **:**

(a) Evaluating the Department of Wildlife's 3-year scientific analysis of the black bear hunt and any other relevant and available scientific analysis of that hunt;

(b) Evaluating the overall impacts of three consecutive bear hunts **;** and ~~[making]~~

(c) Making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada; and

4. The Board of Wildlife Commissioners to submit this review to the Director of the Legislative Counsel Bureau for distribution to the Chair of the Senate Committee on Natural Resources and the Chair of the Assembly Committee on Natural Resources, Agriculture, and Mining.

Sec. 12. This act becomes effective upon passage and approval.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 632.

AN ACT relating to off-highway vehicles; authorizing the operation of an off-highway vehicle for the purposes of display, demonstration, maintenance, sale or exchange under certain circumstances; requiring the Department of Motor Vehicles to furnish special plates for an off-highway vehicle under certain circumstances; **specifying the required dimensions of a registration sticker or decal provided by the Department for an off-highway vehicle;** revising provisions governing the registration and operation of an off-highway vehicle and the licensing of an off-highway dealer, long-term lessor, short-term lessor and manufacturer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a manufacturer, distributor, dealer or rebuilder of motor vehicles to operate vehicles for the purposes of display, demonstration, maintenance, sale or exchange if the person attaches special plates to the motor vehicle. (NRS 482.320) The Department of Motor Vehicles provides those special plates to the person upon issuance of a license certificate.

(NRS 482.330) **Sections 2 and 3** of this bill set forth similar provisions applicable to dealers, lessors and manufacturers of off-highway vehicles.

Existing law exempts certain off-highway vehicles from registration requirements. (NRS 490.082) **Section 4** of this bill exempts from registration any off-highway vehicle: (1) operated solely in an organized race, festival or other event conducted under the auspices of a sanctioning body or by permit; (2) operated or stored on privately owned or leased land; (3) operated while engaged in an approved search-and-rescue operation; or (4) that has a displacement of not more than 70 cubic centimeters. **Under existing law, an off-highway vehicle that is registered or certified in another state and is located in this State for not more than 60 days is exempt from the requirement to register in this State. (NRS 490.082) Section 4 reduces the period of exemption from 60 to 15 days.**

Section 4.5 of this bill revises the dimensions of the registration sticker or decal for an off-highway vehicle, providing that the sticker or decal must be at least 3 inches high by 3 1/2 inches wide.

Existing law requires that any off-highway vehicle operated on a highway must have at least one headlamp that illuminates objects at least 500 feet ahead of the vehicle and at least one tail lamp that is visible from at least 500 feet behind the vehicle. (NRS 490.120) **Section 5** of this bill exempts an off-highway vehicle from this requirement when operated during daylight hours on a highway designated by a county for the operation of the off-highway vehicle without having the headlamp or tail lamp.

Existing law requires that, in order to obtain a license as a dealer, long-term or short-term lessor or manufacturer of off-highway vehicles, an applicant must: (1) furnish a processing fee, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and (2) file with the Department a bond of $50,000 or make a deposit with the Department of $50,000. (NRS 490.210, 490.270, 490.280) **Section 7** of this bill exempts from the fingerprinting requirement any applicant who has previously met the same requirement as part of an application for a license to operate as a transporter, manufacturer, distributor, dealer, rebuilder, broker or salesperson of motor vehicles. (NRS 482.3163, 482.325, 482.333, 482.362) **Section 8** of this bill exempts from the bond or deposit requirement any applicant who has previously filed a bond of $50,000 or more covering certain activities involving off-highway vehicles or made a deposit of $50,000 or more with the Department as part of an application for a license to operate as a broker, manufacturer, distributor, dealer or rebuilder of motor vehicles. (NRS 482.3333, 482.345, 482.346)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in NRS 490.160, an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has an established place of business in this State and who owns or controls any new or used off-highway vehicle that is otherwise required to be registered pursuant to NRS 490.082, may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate issued to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer as provided in section 3 of this act. Owners or officers of the corporation, managers, heads of departments and salespersons may be temporarily assigned and operate an off-highway vehicle displaying the special plate.***

2. A special plate which is issued to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer pursuant to section 3 of this act may be attached to an off-highway vehicle specified in subsection 1 by a secure means. The plate must not be displayed loosely in the window or by any other unsecured method in or on an off-highway vehicle.

3. The provisions of this section do not apply to:

(a) Work or service off-highway vehicles owned or controlled by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) Off-highway vehicles leased by off-highway vehicle dealers, long-term or short-term lessors or manufacturers, except off-highway vehicles rented or leased to off-highway vehicle salespersons in the course of their employment.

(c) Off-highway vehicles which are privately owned by the owners, officers or employees of the off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(d) Off-highway vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Off-highway vehicles which have been given or assigned to persons who work for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for services performed.

(f) Off-highway vehicles purchased by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for personal use which the off-highway vehicle dealer, long-term or short-term lessor or manufacturer is not licensed or authorized to resell.

Sec. 3. ***1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, the Department shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer one or more special plates for use on an off-highway vehicle specified in subsection 1 of section 2 of this act. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.***

2. The Department shall issue to each off-highway vehicle dealer, long-term or short-term lessor or manufacturer a reasonable number of special plates.

Sec. 4. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before the effective date of this section:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after the effective date of this section, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after the effective date of this section, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) The registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before the effective date of this section, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after the effective date of this section:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles ~~[:]~~ ***and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to section 3 of this act;***

(c) Is registered or certified in another state and is located in this State for not more than ~~[60]~~ ***15*** days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility; ~~[or]~~

(f) Was manufactured before January 1, 1976 ~~[.]~~ ***;***

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ ***As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.***

4. The registration of an off-highway vehicle expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee and a late fee of $25. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 4.5. **NRS 490.083 is hereby amended to read as follows:**

490.083 Each registration of an off-highway vehicle must:

1. Be in the form of a sticker or decal, as prescribed by the ~~[Department.]~~ ***Commission.***

2. Be ~~[approximately the size of a license plate for a motorcycle, as set forth by the Department.]~~ ***at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.***

3. Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

4. Be displayed on the off-highway vehicle in the manner set forth by the Commission.

Sec. 5. NRS 490.120 is hereby amended to read as follows:

490.120 ~~[In]~~

1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:

~~[1.]~~ ***(a)*** At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;

~~[2.]~~ ***(b)*** At least one tail lamp that is visible from at least 500 feet behind the vehicle;

~~[3.]~~ ***(c)*** At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

~~[4.]~~ ***(d)*** A stop lamp on the rear of the vehicle; and

~~[5.]~~ ***(e)*** A muffler which is in working order and which is in constant operation when the vehicle is running.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a highway designated by a county pursuant to NRS 490.100 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.

Sec. 6. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:

1. Comply with all traffic laws of this State;

2. Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 ~~[.]~~ ***or a special plate issued pursuant to section 3 of this act is attached to the vehicle;*** and

3. Wear a helmet.

Sec. 7. NRS 490.210 is hereby amended to read as follows:

490.210 1. An application for a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer must be filed upon forms supplied by the Department and include the social security number of the applicant. The forms must designate the persons whose names are required to appear thereon. The applicant must furnish:

(a) Such proof as the Department may deem necessary that the applicant is an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) A fee of $125.

(c) ***Unless the applicant has previously met the requirements of subsection 3 of NRS 482.3163, paragraphs (c) and (d) of subsection 1 of NRS 482.325, paragraph (d) of subsection 1 of NRS 482.333 or paragraph (e) of subsection 1 of NRS 482.362:***

(1) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada

Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

~~[(d)]~~ ***(2)*** For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(e)]~~ ***(d)*** If the applicant is a natural person, the statement required pursuant to NRS 490.330.

~~[(f)]~~ ***(e)*** A certificate of insurance for liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer containing the name of the licensee and the address of his or her established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 490.330. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

Sec. 8. NRS 490.270 is hereby amended to read as follows:

490.270 1. Except as otherwise provided in ***subsection 9 and*** NRS 490.280, before any off-highway vehicle dealer, long-term or short-term lessor or manufacturer is issued a license pursuant to this chapter, the Department shall require that the applicant procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General and conditioned that the applicant or any employee who acts on the applicant's behalf within the scope of his or her employment shall conduct his or her business as an off-highway vehicle dealer, ***long-term or short-term*** lessor or manufacturer without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation and without violation of the provisions of this chapter. The bond must be in the amount of $50,000.

2. The Department may, pursuant to a written agreement with any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has been licensed to do business in this State for at least 5 years, allow a

reduction in the amount of the bond of the off-highway vehicle dealer, lessor or manufacturer if such business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

3. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

4. The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by the representative or off-highway vehicle salesperson of any licensed off-highway vehicle dealer, long-term or short-term lessor or manufacturer who acts on behalf of the off-highway vehicle dealer, lessor or manufacturer and within the scope of the employment of the representative or off-highway vehicle salesperson.

5. The bond must provide that any person injured by the action of the off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson in violation of any provision of this chapter may apply to the Director, for good cause shown, for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a person is injured by the actions of an off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson, the judgment is binding on the surety.

(2) A judgment other than on the merits against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both

parties and acknowledged before any person authorized to take acknowledgments in this State and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

7. Any judgment entered by a court against an off-highway vehicle dealer, long-term or short-term lessor, manufacturer, representative or off-highway vehicle salesperson may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson.

8. The Department shall not issue a license pursuant to subsection 1 to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who does not have and maintain an established place of business in this State.

9. The provisions of this section do not apply to any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has met the requirements of NRS 482.3333, 482.345 or 482.346 with respect to:

(a) A bond greater than or equal to the amount prescribed in subsection 1 if the undertaking on the bond includes the activities described in subsection 4; or

(b) A deposit greater than or equal to the amount of the bond that would otherwise be required by subsection 1.

Sec. 9. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 490.150 to 490.520, inclusive, ***and sections 2 and 3 of this act*** or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 9.5. **Notwithstanding the amendatory provisions of section 4.5 of this act, a sticker or decal issued before July 1, 2013, for the**

registration of an off-highway vehicle remains valid for the period for which the sticker or decal is issued.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 618.

AN ACT relating to redevelopment of communities; revising requirements for the submission of an employment plan **[,] relating to certain redevelopment projects;** requiring **[**a**]** **certain** redevelopment **[**agency**]** **agencies** to withhold a portion of any incentive provided to a developer **[**unless**]** **until** the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; **[**extending the duration of certain redevelopment plans;**]** requiring **[**an employment plan to**]** **that certain employment plans** include information relating to **[**preferences for hiring**]** **efforts to hire** persons **[**from the redevelopment area; creating a revolving loan account to loan money to small businesses for redevelopment purposes in certain cities;**]** **who reside in certain areas;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a redevelopment agency provides property for development for less than the fair market value of the property or provides financial incentives of more than $100,000 to a developer, the developer must comply with certain laws relating to the payment of a prevailing wage. (NRS 279.500) Additionally, a proposal for a redevelopment project must include an employment plan, if appropriate. (NRS 279.482)

Sections 2-10 of this bill **[**only**]** apply to **[**a developer for**]** a redevelopment project if **[**part of the redevelopment area is within an enterprise community.**]** **the project is undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas).** **Section 7** requires public agencies who use redevelopment funds for a public work to submit an employment plan **.** **[**and exempts private developers who do not construct a redevelopment project for a known owner from that requirement.**]** **Section 8** requires an agency that proposes to provide an incentive to a developer to withhold payment of **an amount equal to 10 percent of** the incentive until: (1) at least 15 percent of the employees of contractors,

subcontractors, vendors and suppliers of the developer are residents of the redevelopment area ~~[.]~~ **, an area in the city for which the city council has adopted a plan for neighborhood revitalization or which is eligible for a community development block grant, or the Southern Nevada Enterprise Community;** (2) at least 15 percent of the jobs created by employers as a result of the redevelopment project are filled by residents of ~~[~~the redevelopment~~]~~ **such an** area; **and** (3) the developer ~~[~~or build-to-suit owner or lessee complies with the requirements in the employment plan; and (4) the developer~~]~~ satisfies the reporting ~~[~~required by~~]~~ **requirements of section 9**. **Section 10** allows a developer to appeal a refusal to pay the amount provided for in **section 8** to the ~~[~~legislative body of the community.~~]~~ **city council.**

Section 9 requires a developer that receives an incentive of more than $100,000 to report to the redevelopment agency certain information relating to the redevelopment project. **Section 9** also requires a developer that receives $100,000 or less in incentives to use its best efforts to report such information. Finally, **section 9** allows the redevelopment agency to refuse to pay all or a portion of the incentive or to require repayment of any incentive already paid if a developer fails to comply.

~~[~~Section 10.5 of this bill creates a revolving loan account in the treasury of a city whose population is 500,000 or more (currently the City of Las Vegas) to be used to make loans at or below market rate to small businesses located within, or interested in relocating to, certain redevelopment areas of the city.

~~Section]~~ **For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, section 13** of this bill requires **that** the employment plan ~~[~~to~~]~~ include information about the ~~[~~preference for hiring persons living within the redevelopment area used by~~]~~ **efforts of** the developer and each employer who will be relocating a business into the **redevelopment** area ~~[~~as a result of the redevelopment.

~~— Existing law provides that a redevelopment plan adopted by a redevelopment agency before July 1, 1991, terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) Section 12 of this bill provides that in a county whose population is 700,000 or more (currently Clark County), such a redevelopment plan terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 60 years after the date on which the original redevelopment plan was adopted, whichever is later.~~

~~— Section 15.5 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to submit an~~

~~annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that includes information on each loan made during the previous fiscal year from the revolving loan account created by section 10.5.]~~ **to hire residents of the redevelopment area, an area in the city for which the city council has adopted a plan for neighborhood revitalization or which is eligible for a community development block grant, or the Southern Nevada Enterprise Community. Section 13 also requires a developer or employer to agree to offer and conduct training for such residents or to make a good faith effort to provide training through an available program of training.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. ~~*[“Build-to-suit developer” means a private developer who constructs a redevelopment project in accordance with the customized specifications of a known owner or lessee to whom the developer will convey or lease the property upon completion of the project.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Build-to-suit owner or lessee” means the owner or lessee of a redevelopment project that has been constructed by a build-to-suit developer to the customized specifications of the owner or lessee.]*~~ **(Deleted by amendment.)**

Sec. 4. ***“Developer” means a person or entity that proposes to construct a redevelopment project which will receive financial assistance from an agency.***

Sec. 5. ***“Southern Nevada Enterprise Community” means the area designated as the Southern Nevada Enterprise Community in section 5 of chapter 407, Statutes of Nevada 2007.***

Sec. 6. ***The provisions of sections 2 to 10, inclusive, of this act*** ~~*[do not apply to a developer for a redevelopment project unless a portion of the redevelopment area of the redevelopment project is within an enterprise community which is currently or was previously established pursuant to 24 C.F.R. Part 597, including, without limitation, the Southern Nevada Enterprise Community.]*~~ ***apply only to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more.***

Sec. 7. ~~*[1.]*~~ ***A public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work pursuant to chapter 338 of NRS*** ~~*[is required to]*~~ ***shall submit an employment plan pursuant to NRS 279.482.***

~~*[2. A developer who constructs a redevelopment project for the purpose of conveying or leasing the property to an unknown owner or lessee is not required to submit an employment plan pursuant to NRS 279.482 but may submit an employment plan voluntarily.]*~~

Sec. 8. *1. Except as otherwise provided in subsection 2, if an agency proposes to provide an incentive to a developer for a redevelopment project, an amount equal to 10 percent of the amount of the proposed incentive must be withheld by the agency and must not be paid to the developer until:*

(a) At least 15 percent of all employees of contractors, subcontractors, vendors and suppliers of the developer are bona fide residents of ~~[the redevelopment area and, among such persons, preference in hiring and contracting is given to residents of]~~ a redevelopment area described in section 6 of this act, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570, or the Southern Nevada Enterprise Community;

(b) At least 15 percent of all jobs created by employers who relocate to the redevelopment area are filled by bona fide residents of ~~[the redevelopment area and, among such persons, preference in hiring is given to residents of the Southern Nevada Enterprise Community;]~~ any of the areas described in paragraph (a); and

(c) ~~[The developer or build-to-suit owner or build-to-suit lessee complies with any requirements imposed by the agency relating to the employment plan in the agreement for the redevelopment project; and~~

~~(d)]~~ The developer satisfies all reporting requirements as described in section 9 of this act.

2. If an agency provides ~~[nonmonetary]~~ incentives in a form other than cash to a developer for a redevelopment project, the developer shall deposit an amount of money with the agency equal to 10 percent of the value of ~~[the nonmonetary]~~ such incentives as agreed upon between the agency and the developer. If the developer satisfies the requirements of ~~[paragraphs (a) to (d), inclusive, of]~~ subsection 1, the agency shall return the deposit required by this subsection to the developer.

Sec. 9. *1. Except as otherwise provided in subsection 2, a developer that receives incentives from an agency for a redevelopment project shall, upon completion of the project and upon request of the agency, report, in a form prescribed by the agency, information relating to:*

(a) Outreach efforts that the developer has utilized, including, without limitation, information relating to job fairs, advertisements in publications that reach residents of the ~~[redevelopment area]~~ areas described in section 8 of this act and utilization of employment referral agencies;

(b) Training conducted for persons hired by the developer and contractors, subcontractors, vendors and suppliers of the developer and the employers within the ~~[development]~~ redevelopment project; and

(c) The execution of the redevelopment ~~[.]~~ project, including, without limitation, plans and the scope of services.

2. If a developer receives incentives from an agency for a redevelopment project with a value of $100,000 or less, the developer shall use its best efforts to satisfy the reporting requirements described in subsection 1.

3. If the developer fails to comply with the requirements of this section:

(a) The agency may refuse to pay all or any portion of an incentive; and

(b) The agency may require the developer to repay any incentive already paid to the developer.

Sec. 10. *1. A developer may appeal the refusal by an agency to pay the amount provided for in section 8 of this act to the legislative body of the community.*

2. In an appeal, the developer has the burden of demonstrating that:

(a) Specific actions were taken to substantially fulfill the requirements of section 8 of this act;

(b) An insufficient number of significant opportunities for appropriate contractors, subcontractors, vendors or suppliers to perform a commercially useful function in the project existed; and

(c) Use of appropriate contractors, subcontractors, vendors or suppliers as required by section 8 of this act would have significantly and adversely affected the overall cost of the project.

3. If the legislative body finds that the developer's appeal has satisfied the requirements of subsection 2, the agency shall pay the developer the amount provided for in section 8 of this act.

Sec. 10.5. ~~*[1. A revolving loan account is hereby created in the treasury of the community.*~~

~~*2. The money in the account must be used to make loans at or below market rate to small businesses located within the redevelopment area or interested in relocating to the redevelopment area for the costs of expanding, improving or relocating, as applicable, the existing small business. The terms of any loan made pursuant to this subsection must be limited to not more than 3 years.*~~

~~*3. The money in the account must be invested as money in other community accounts is invested. All interest and income earned on the money in the account must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the treasury of the community, and the balance in the account must be carried forward.*~~

~~*— 4. All payments of principal and interest on all the loans made to a small business from the account must be deposited for credit to the account.*~~

~~*— 5. Claims against the account must be paid as other claims against the community are paid.*~~

~~*— 6. The account may accept gifts, grants, bequests and donations from any source for deposit into the account.*~~

~~*— 7. The legislative body shall adopt rules prescribing:*~~

~~*— (a) The standards for the applicants for a loan;*~~

~~*— (b) The standards for the terms of a loan; and*~~

~~*— (c) The procedures for the issuance and repayment of a loan.*~~

~~*— 8. The agency shall issue a loan to each applicant whose application the agency approves.*~~

~~*— 9. The provisions of this section apply only to a community which is a city whose population is 500,000 or more.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and sections 2 to 10.5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. ~~[~~NRS 279.438 is hereby amended to read as follows:

~~— 279.438 A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or :~~

~~*— 1. In a county whose population is 700,000 or more, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.*~~

~~*— 2. In a county whose population is less than 700,000,* 45 years after the date on which the original redevelopment plan was adopted, whichever is later.~~~~]~~ **(Deleted by amendment.)**

Sec. 13. NRS 279.482 is hereby amended to read as follows:

279.482 1. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of NRS 279.382 to 279.685, inclusive, ***and sections 2 to 10.5, inclusive, of this act,*** including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

2. ~~[As]~~ ***Except as otherwise provided in section 7 of this act, as*** appropriate for the particular project, each proposal for a redevelopment project must also include an employment plan. The employment plan must include:

(a) A description of the existing opportunities for employment within the area;

(b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area; ~~[and]~~

(c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:

(1) Are economically disadvantaged;

(2) Have a physical disability;

(3) Are members of racial minorities;

(4) Are veterans; or

(5) Are women ~~[.]~~ ***; and***

(d) ~~[A]~~ For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, a description of the manner in which:

(1) The developer will , ~~[give a preference]~~ in hiring for construction jobs for the project ~~[to persons living within the redevelopment area and, among such persons, to]~~ , use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within the redevelopment area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization ~~[, an area]~~ or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570 , or the Southern Nevada Enterprise Community; and

(2) Each employer relocating a business into the area ~~[plans to give a preference in hiring to]~~ will use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within ~~[the redevelopment area and, among such persons, to persons living within an area for which the legislative body has adopted a specific plan for neighborhood revitalization, an area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or the Southern Nevada Enterprise Community.]~~ any of the areas described in subparagraph (1).

3. A description provided pursuant to paragraph (d) of subsection 2 must include an agreement by the developer or employer to offer and conduct training for the residents described in that paragraph or make a good faith effort to provide such training through a program of training that is offered by a governmental agency and reasonably available to the developer or employer.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.5. ~~[1. On or before January 1 of each year, if a community has a revolving loan account created by section 10.5 of this act, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report for the previous fiscal year containing information on each loan made from the account.~~

~~2. The report required pursuant to subsection 1 must be submitted for each fiscal year beginning with the Fiscal Year 2013-2014 and ending with the Fiscal Year 2016-2017.~~

~~3. As used in this section:~~

~~(a) "Agency" has the meaning ascribed to it in NRS 279.386.~~

~~(b) "Community" has the meaning ascribed to it in NRS 279.392.~~**]** **(Deleted by amendment.)**

Sec. 16. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 713.

AN ACT relating to taxation; making various changes governing the administration of sales and use taxes and related taxes; providing that the right of a retailer to claim certain deductions or refunds is not affected by the assignment of a debt to certain affiliated entities, the writing off by such an entity of the debt as a bad debt and the eligibility of such an entity to deduct the bad debt under federal law; ~~[providing for the retroactive application of those provisions under certain circumstances;]~~ requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Sales and Use Tax Act provides that a retailer who is unable to collect all or part of the sales price of a sale is entitled to receive a deduction from his or her taxable sales for that bad debt. (NRS 372.368) A corresponding provision is set forth in the Local School Support Tax Law. (NRS 374.373) **Section 1** of this bill provides that the right of a retailer to claim a deduction or refund under the Sales and Use Tax Act is not affected by the assignment of a debt by the retailer to an entity which is part of an affiliated group that

includes the retailer, the writing off by the entity of the debt as a bad debt and the eligibility of the entity to deduct the bad debt under federal law. **Section 1** also defines what constitutes an affiliated group. **Section 2** of this bill makes corresponding changes to the Local School Support Tax Law. ~~[Section 4 of this bill provides for the retroactive application of those provisions under certain circumstances.]~~ **Section 3** of this bill requires the Department of Taxation to adopt regulations necessary to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 372.368 is hereby amended to read as follows:

372.368 1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** or ~~[,]~~ if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 372.630 to

372.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. ***A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:***

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection ~~[11,]~~ ***12,*** upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

~~[11.]~~ ***12.*** For the purposes of subsection ~~[10,]~~ ***11,*** if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department

shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[10.~~

~~12.]~~ ***11.***

13. As used in this section:

(a) ***"Affiliated group" means:***

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

~~[(b)]~~ ***(c)*** "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 2. NRS 374.373 is hereby amended to read as follows:

374.373 1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** or ~~[,]~~ if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 374.635 to 374.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. ***A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:***

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection ~~[11,]~~ ***12,*** upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

~~[~~11.~~]~~ ***12.*** For the purposes of subsection ~~[~~10,~~]~~ ***11,*** if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[~~10.

~~12.]~~ ***11.***

13. As used in this section:

(a) ***"Affiliated group" means:***

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

~~[~~(b)~~]~~ ***(c)*** "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 3. The Department of Taxation shall, as soon as practicable on or after the date of passage and approval of this act, adopt such regulations as are necessary to carry out the provisions of this act.

Sec. 4. ~~[1. Notwithstanding the provisions of subsection 2 of NRS 372.725 and subsection 2 of NRS 374.725, the provisions of NRS 372.368, as amended by section 1 of this act, and NRS 374.373, as amended by section 2 of this act, apply retroactively with respect to a bad debt that on or after January 1, 2012, was written off in the business records of a retailer, or an entity that is part of an affiliated group which includes the retailer, and that were maintained in the ordinary course of the retailer's or entity's business.~~

~~2. As used in this section, "affiliated group" has the meaning ascribed to it in subsection 13 of NRS 372.368, as amended by section 1 of this act.~~] **(Deleted by amendment.)**

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 623.

AN ACT relating to crimes; revising criminal penalties for crimes that are gross misdemeanors; revising provisions governing the sealing of records of convictions pertaining to gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a person convicted of a gross misdemeanor may be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 193.140) Existing law further provides that a person convicted of certain other offenses may also be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 200.5099, 372.760, 374.765, 383.180, 453.411, 459.280, 459.595, 618.685, 638.170, 641A.440)

This bill provides that a person convicted of a gross misdemeanor may, in lieu of or in addition to any fine, only be punished by imprisonment in the county jail for a maximum of 364 days. **Sections 4, 8-10, 16-18, 23, 27 and 28** of this bill also clarify that certain crimes which are punishable by imprisonment in the county jail for a maximum of 364 days constitute gross misdemeanors.

Existing law provides that a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of a gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later. (NRS 179.245) **Section 5** of this bill reduces the period to 5 years after the date of release from actual custody or discharge from probation, whichever occurs later.

Section 30 of this bill provides that the amendatory provisions of this bill apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Section 31 of this bill authorizes a person who was convicted of a gross misdemeanor before October 1, 2013, and sentenced to a term of imprisonment in the county jail for 1 year to file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.140 is hereby amended to read as follows:

193.140 Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

Sec. 2. NRS 193.1605 is hereby amended to read as follows:

193.1605 1. Any person who commits a gross misdemeanor on the property of a public or private school, at an activity sponsored by a public or private school, or on a school bus or at a bus stop used to load and unload a school bus while the bus is engaged in its official duties:

(a) Shall be punished by imprisonment in the county jail for not fewer than 15 days but not more than ~~[1 year;]~~ ***364 days;*** and

(b) In addition to imprisonment, may be punished by a fine of not more than $2,000.

2. For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 3. NRS 193.330 is hereby amended to read as follows:

193.330 1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,

➥ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than $650, for a ***gross*** misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment;

(b) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

5. Any person who isolates an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after ~~[7]~~ ***5*** years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual

molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 6. NRS 332.810 is hereby amended to read as follows:

332.810 1. Before a contract is awarded, a person who has bid on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 7. NRS 333.800 is hereby amended to read as follows:

333.800 1. Before a contract is awarded, a person who has provided a bid or proposal on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered; or

(c) Solicit or obtain from the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid or proposal on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 8. NRS 372.760 is hereby amended to read as follows:

372.760 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, ***is guilty of a gross misdemeanor and*** shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not more than ~~[1 year]~~ ***364 days*** in the county jail, or be punished by both fine and imprisonment.

Sec. 9. NRS 374.765 is hereby amended to read as follows:

374.765 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, ***is guilty of a gross misdemeanor and*** shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not ~~[exceeding 1 year]~~ ***more than 364 days*** in the county jail, or be subject to both fine and imprisonment.

Sec. 10. NRS 383.180 is hereby amended to read as follows:

383.180 1. Except as otherwise provided in NRS 383.170, a person who willfully removes, mutilates, defaces, injures or destroys the cairn or grave of a native Indian ***is guilty of a gross misdemeanor and*** shall be punished by a fine of $500 for the first offense, or by a fine of not more than $3,000 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of NRS 383.170 ***is guilty of a gross misdemeanor and*** shall be punished by a fine of $500 for the first offense, or by a fine of not more than $1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by NRS 383.170;

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

Sec. 11. NRS 383.435 is hereby amended to read as follows:

383.435 1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land

without a valid permit, unless a greater penalty is provided by a specific statute:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of $500.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year]~~ ***364 days*** or by a fine of not more than $3,000, or by both fine and imprisonment.

2. This section does not apply to any action taken:

(a) In accordance with an agreement with the Office entered into pursuant to NRS 383.430; or

(b) In accordance with the provisions of NRS 381.195 to 381.227, inclusive, by the holder of a permit issued pursuant to those sections.

3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees.

Sec. 12. NRS 398.496 is hereby amended to read as follows:

398.496 1. An athlete's agent shall not, with the intent to induce a student athlete to enter into any contract:

(a) Give any materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the student athlete before the student athlete enters into the contract; or

(c) Furnish anything of value to a natural person other than the student athlete or another registered athlete's agent.

2. An athlete's agent shall not intentionally:

(a) Initiate communication, direct or indirect, with a student athlete to recruit or solicit the student athlete to enter into a contract of agency, unless the agent is registered pursuant to NRS 398.400 to 398.620, inclusive;

(b) Refuse or fail to retain or permit inspection of records required to be retained pursuant to NRS 398.480;

(c) Fail to register when required pursuant to NRS 398.448;

(d) Include materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate a contract of agency; or

(f) Fail to notify a student athlete, before the student athlete signs or otherwise authenticates a contract of agency for a particular sport, that the signing or authentication will make the student athlete ineligible to participate as a student athlete in that sport.

3. A person who willfully violates:

(a) A provision of NRS 398.400 to 398.620, inclusive;

(b) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(c) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

➥ is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $25,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person who violates:

(a) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(b) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

➥ without knowledge of the regulation or order, is guilty of a misdemeanor and shall be punished by a fine of not more than $25,000.

5. The provisions of NRS 398.400 to 398.620, inclusive, do not limit the power of the State of Nevada to punish a person for conduct which constitutes a crime pursuant to any other law.

Sec. 13. NRS 444.630 is hereby amended to read as follows:

444.630 1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than ~~[1 year.]~~ ***364 days.***

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for ~~[1 year.]~~ ***364 days.***

2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to NRS 444.635 and any administrative penalty imposed pursuant to NRS 444.629, a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

➥ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

➥ shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or a deputy of the district health officer or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within the jurisdiction of the district health officer.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

➥ Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 14. NRS 445A.705 is hereby amended to read as follows:

445A.705 1. Except as otherwise provided in NRS 445A.710 or unless a greater penalty is prescribed by NRS 459.600, a person who intentionally or with criminal negligence violates NRS 445A.465 or 445A.575, any limitation established pursuant to NRS 445A.525 and 445A.530, the terms or conditions of a permit issued pursuant to NRS 445A.495 to 445A.515, inclusive, or any final order issued under NRS 445A.690, except a final order concerning a diffuse source, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $25,000 for each day of the violation or by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by both fine and imprisonment.

2. If the conviction is for a second violation of the provisions indicated in subsection 1, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The penalties imposed by subsections 1 and 2 are in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 15. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $10,000 or by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 16. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Health Division of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, ***for a gross misdemeanor*** by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** and may be further punished by a fine of not more than $1,000.

Sec. 17. NRS 459.280 is hereby amended to read as follows:

459.280 1. A person who is employed at an area used for the disposal of radioactive waste and removes from the disposal area any of that waste, or without prior written authorization from the State Health Officer removes from the disposal area for his or her own personal use any machinery or equipment belonging to the operator of the area and used within the area where the waste is buried, ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364***

days, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. If a person who violates this section is employed by the operator of the disposal area, the operator may be assessed an administrative penalty of not more than $10,000, in addition to any other penalty provided by law.

Sec. 18. NRS 459.595 is hereby amended to read as follows:

459.595 Any person who:

1. Knowingly makes any false statement, representation or certification on any application, record, report, manifest, plan or other document filed or required to be maintained by any provision of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any regulation adopted or permit or order issued pursuant to those sections; or

2. Falsifies, tampers with or knowingly renders inaccurate any device or method for continuing observation required by a provision of NRS 459.400 to 459.560, inclusive, or by any regulation adopted or permit or order issued pursuant to those sections,

➥ ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $25,000, or by both fine and imprisonment. Each day the false document remains uncorrected or a device or method described in subsection 2 remains inaccurate constitutes a separate violation of this section for purposes of determining the maximum fine.

Sec. 19. NRS 482.551 is hereby amended to read as follows:

482.551 1. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Buys with the intent to resell;

(b) Disposes of;

(c) Sells; or

(d) Transfers,

➥ a motor vehicle or part from a motor vehicle that has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated to misrepresent the identity or to prevent the identification of the motor vehicle or part from a motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $60,000, or by both fine and imprisonment.

2. Except as otherwise provided in subsection 3 and NRS 482.5505, or if a greater penalty is otherwise provided by law, a person who takes possession of a motor vehicle or part from a motor vehicle knowing that an identification number or mark has been falsely attached, removed, defaced, altered or obliterated is guilty of a gross misdemeanor and shall be punished

by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $10,000, or by both fine and imprisonment.

3. The provisions of this section do not apply to an owner of or person authorized to possess a motor vehicle or part of a motor vehicle:

(a) If the motor vehicle or part of the motor vehicle was recovered by a law enforcement agency after having been stolen;

(b) If the condition of the identification number or mark of the motor vehicle or part of the motor vehicle is known to, or has been reported to, a law enforcement agency; or

(c) If the motor vehicle or part from the motor vehicle has an identification number attached to it which has been assigned or approved by the Department in lieu of the original identification number or mark.

Sec. 20. NRS 554.090 is hereby amended to read as follows:

554.090 Any corporation, common carrier, agent or employee of any corporation, or any other person violating or assisting in violating any of the provisions of NRS 554.020 to 554.090, inclusive, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $5,000, or by both fine and imprisonment. The prosecuting attorney and the State Department of Agriculture may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.

Sec. 21. NRS 581.445 is hereby amended to read as follows:

581.445 1. Except as otherwise provided in subsection 2, a person who violates any provision of NRS 581.415 is guilty of a gross misdemeanor and shall be punished:

(a) For the first offense, by imprisonment in the county jail for not more than 6 months, or by a fine of not less than $500 or more than $2,000, or by both fine and imprisonment.

(b) For a second or subsequent offense, by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $2,000 or more than $5,000, or by both fine and imprisonment.

2. A person who:

(a) Intentionally violates any provision of this chapter or any regulation adopted pursuant thereto;

(b) Is convicted pursuant to subsection 1 more than three times in a 2-year period; or

(c) Uses or has in his or her possession any device which has been altered to facilitate fraud,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 22. NRS 582.320 is hereby amended to read as follows:

582.320 1. Except as otherwise provided in subsection 2, a person who by himself or herself, by a servant or agent, or as the servant or agent of another person, violates any provision of this chapter is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 6 months or more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $1,000 or more than $5,000, or by both fine and imprisonment.

2. A person who by himself or herself, by a servant or agent, or as the servant or agent of another person:

(a) Intentionally violates any provision of this chapter or any regulation adopted pursuant thereto; or

(b) Is convicted pursuant to subsection 1 more than three times in a 2-year period,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 23. NRS 618.685 is hereby amended to read as follows:

618.685 Any employer who willfully violates any requirement of this chapter, or any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, where the violation causes the death of any employee, shall be punished:

1. For a first offense, ***for a misdemeanor*** by a fine of not more than $50,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. For a second or subsequent offense, ***for a gross misdemeanor*** by a fine of not more than $100,000 or by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by both fine and imprisonment.

Sec. 24. NRS 623.360 is hereby amended to read as follows:

623.360 1. It is unlawful for any person to:

(a) Hold himself or herself out to the public or to solicit business as an architect, registered interior designer or residential designer in this State without having a certificate of registration or temporary certificate issued by the Board. This paragraph does not prohibit a person who is exempt, pursuant to NRS 623.330, from the provisions of this chapter from holding himself or herself out to the public or soliciting business as an interior designer.

(b) Advertise or put out any sign, card or other device which indicates to the public that he or she is an architect, registered interior designer or residential designer or that he or she is otherwise qualified to:

(1) Engage in the practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➥ without having a certificate of registration issued by the Board.

(c) Engage in the practice of architecture or residential design or practice as a registered interior designer without a certificate of registration issued by the Board.

(d) Violate any other provision of this chapter.

2. Any person who violates any of the provisions of subsection 1:

(a) For the first violation, is guilty of a misdemeanor and shall be punished by a fine of not less than $500 nor more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second or any subsequent violation, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $1,000 nor more than $2,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

3. If any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining such conduct. Proceedings pursuant to this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 25. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by

failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

4. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 3:

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

5. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 26. NRS 624.965 is hereby amended to read as follows:

624.965 1. A violation of any provision of NRS 624.900 to 624.965, inclusive, or any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa by a contractor constitutes cause for disciplinary action pursuant to NRS 624.300.

2. It is unlawful for a person to violate any provision of NRS 624.900 to 624.965, inclusive.

3. Any person who violates any provision of NRS 624.900 to 624.965, inclusive:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

(c) For the third or subsequent offense, is guilty of a ~~[class]~~ ***category*** E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

4. The imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 27. NRS 638.170 is hereby amended to read as follows:

638.170 1. Except as otherwise provided in subsections 2 and 3 of this section and NRS 638.1525, a person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. A person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who practices as a veterinary technician without a license issued pursuant to the provisions of this chapter ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

Sec. 28. NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his or her license suspended or revoked, continues to represent himself or herself as a marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year]~~ ***364 days*** or by a fine of not more than $5,000, or by both fine and imprisonment. Each violation is a separate offense.

Sec. 29. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 30. The amendatory provisions of this act apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Sec. 31. **1. A person who was convicted of a gross misdemeanor and sentenced before October 1, 2013, to serve a term of imprisonment in the county jail for 1 year may file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.**

2. No person has a right to modification of a sentence pursuant to this section, and the granting or denial of a petition pursuant to this section does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board,

commission, department, officer, employee or agent of this State or a political subdivision of this State.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

AN ACT relating to crimes; making it a felony to perform certain health care procedures or surgical procedures without a license; **revising the provision defining when a person is deemed to be practicing dentistry;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires various medical professionals to be licensed to practice in this State (Chapters 630-637, 639 and 640 of NRS) **Sections 5 and 6** of this bill make it a felony to perform certain health care procedures or surgical procedures without a license and set forth specific penalties for engaging in such unlawful conduct.

Sections ~~[7-18]~~ 7-9 and 10-18 of this bill amend various provisions of existing law which impose penalties for the practice of certain medical professions without a license to specify that if the provisions of **section 5 or 6** provide a greater penalty for engaging in the unlawful conduct, the greater penalty must apply. **Section 9.5 of this bill revises the provision defining when a person is deemed to be practicing dentistry.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.***

Sec. 4. ***"Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond***

a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.

Sec. 5. ***A person who performs a health care procedure on another person without a license which results in:***

1. Substantial bodily harm other than death to the person who received the procedure:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

2. The death of the person who received the procedure, unless a greater penalty is provided by statute, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 6. ***A person who performs a surgical procedure on another person without a license which results in:***

1. No substantial bodily harm to the person who received the procedure:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

2. Substantial bodily harm other than death to the person who received the procedure is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

3. The death of the person who received the procedure, unless a greater penalty is provided by statute, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than

$5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 7. NRS 630.400 is hereby amended to read as follows:

630.400 A person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices medicine, perfusion or respiratory care under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by a specific statute, practices medicine, perfusion or respiratory care without being licensed under this chapter;

5. Holds himself or herself out as a perfusionist or uses any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

6. Holds himself or herself out as a physician assistant or uses any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

7. Holds himself or herself out as a practitioner of respiratory care or uses any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 8. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the Board as his or her own the diploma, license, certificate or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices homeopathic medicine under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, ***or unless a greater penalty is provided pursuant to section 5 or 6 of this act,*** practices homeopathic medicine without being licensed or certified under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 9. NRS 630A.600 is hereby amended to read as follows:

630A.600 Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 9.5. **NRS 631.215 is hereby amended to read as follows:**

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) ~~[~~Diagnoses,~~]~~ ***Evaluates or diagnoses,*** professes to ***evaluate or*** diagnose or treats or professes to treat ***, surgically or nonsurgically,*** any of the diseases ***, disorders, conditions*** or lesions of the oral cavity, ~~[~~teeth, gingiva or the supporting structures thereof;~~]~~ ***maxillofacial area or the adjacent and associated structures and their impact on the human body.***

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.

(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(f) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 10. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

2. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 5 or 6 of this act, a*** person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district

court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 11. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. Any person who:

(a) Practices or offers to practice nursing in this State or uses any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) Does not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter who practices or offers to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing,

➥ is guilty of a misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

4. The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 12. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices:

(a) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

(b) As a physician assistant without a valid license under this chapter; or

(c) Beyond the limitations ordered upon his or her practice by the Board or the court;

2. Presents as his or her own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

4. Files for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

5. Practices osteopathic medicine or practices as a physician assistant under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself or herself out as a physician assistant or who uses any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

7. Supervises a person as a physician assistant before such person is licensed as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 13. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 14. NRS 634A.230 is hereby amended to read as follows:

634A.230 Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a

valid license issued by the Board is guilty of a gross misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 15. NRS 635.167 is hereby amended to read as follows:

635.167 Any person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices podiatry under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

5. Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 16. NRS 636.410 is hereby amended to read as follows:

636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 17. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act:***

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. Violating any provision of this chapter.

Sec. 18. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision, is guilty of a misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 690.

AN ACT relating to trapping; requiring the registration of each trap, snare or similar device used in the taking of wild mammals; ~~[authorizing the removal or disturbance of a trap, snare or similar device under certain circumstances;]~~ **providing that any information in the possession of the Department of Wildlife concerning the registration of a trap, snare or similar device is confidential;** requiring the Board of Wildlife Commissioners to adopt regulations prescribing the frequency of required visits for a trap, snare or similar device; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who intentionally steals, takes and carries away personal goods or property of another person with a value of less than $650 or who knowingly buys, receives, possesses or withholds such property is guilty of a misdemeanor. (NRS 205.240, 205.275) **Section 1.6** of this bill provides that a person who intentionally steals, takes and carries away traps, snares or similar devices with an aggregate value of less than $650 or who knowingly buys, receives, possesses or withholds stolen traps, snares or similar devices with an aggregate value of less than $650 is guilty of a gross misdemeanor.

Existing law requires a person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping to obtain a trapping license. (NRS 503.454) Existing law also provides that each trap, snare or similar device used in the taking of wild mammals may bear a number registered with the Department of Wildlife or may be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the registration is permanent and the registrant must pay a one-time fee of $10 at the time the first trap, snare or similar device is registered. (NRS 503.452) **Section 3** of this bill amends those provisions by: (1) requiring each trap, snare or similar device used in the taking of wild mammals to be registered with the Department **;** ~~[of Wildlife;]~~ and (2) requiring each registered trap, snare or similar device to bear a number **which is** assigned by the Department ~~[.]~~ **and is affixed to the trap, snare or**

similar device in the manner specified by regulations adopted by the Board of Wildlife Commissioners.

Under existing law, ~~[it is]~~ **every person who takes fur-bearing mammals by any legal method is required to obtain a trapping license. Existing law also makes it** unlawful to move or disturb a lawfully-set trap. (NRS 503.454) **Section 4** of this bill ~~[removes this prohibition for a trap, snare, or similar device that creates immediate and obvious risk or injury or death to persons, pets and service animals.]~~ **: (1) requires every person who takes fur-bearing mammals by trap, snare or similar device to obtain a trapping license; and (2) clarifies that the prohibition against moving or disturbing a lawfully-set trap also includes any lawfully-set snare or similar device.**

Existing law requires each person who sets or places a trap, snare or similar device to visit those devices at least once every 96 hours and requires the removal of trapped mammals from the devices. (NRS 503.570) **Section 5** of this bill requires the ~~[Board of Wildlife Commissioners]~~ **Commission** to adopt regulations prescribing the frequency at which a person who sets or places a trap, snare or similar device is required to visit the trap, snare or similar device, which must be at least once every 96 hours.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. ***"Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal.***

Sec. 1.6. ***1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than $650 is guilty of a gross misdemeanor.***

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than $650:

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

➥ is guilty of a gross misdemeanor.

Sec. 2. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 503.452 is hereby amended to read as follows:

503.452 ***1.*** Each trap, snare or similar device used in the taking of wild mammals ~~[may]~~ ***must be registered with the Department before it is used. Each registered trap, snare or similar device must*** bear a number ~~[registered with]~~ ***which is assigned by*** the Department ~~*[,]*~~ ~~[or be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the]~~ ***and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The*** registration ***of a trap, snare or similar device*** is ~~[permanent.]~~ ***valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.***

2. A registration fee of $10 for each registrant is payable only once ~~[,]~~ ***by each person who registers a trap, snare or similar device. The fee must be paid*** at the time the first trap, snare or similar device is registered.

3. ~~*[A trap, snare or similar device sold or for which ownership is otherwise transferred on or after July 31, 2013, must not bear the registration number of the seller or transferor unless the trap, snare or similar device was permanently marked with the registration number of the person before that date.*~~

~~*4.]*~~ ***It is unlawful :***

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization ~~*[from the person to whom the trap, snare or similar device is registered.*~~

~~*5.]*~~ ***required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.***

4. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~*[6.]*~~ ***5. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.***

Sec. 4. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by ~~[any legal method]~~ ***trap, snare or similar device*** or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap ***, snare or similar device*** of any holder of a trapping license while the trap ***, snare or similar device*** is being legally used by the holder on public land or on land where the holder has permission to trap . ~~***[unless the trap, snare or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal.***~~

~~***3. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.]***~~

Sec. 5. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or ~~[any other]~~ ***similar*** devices which do not, or are not designed to, cause immediate death to the mammals, shall, if the traps, snares or ***similar*** devices are placed or set to take mammals, visit or cause to be visited ~~[at least once each 96 hours]~~ each trap, snare or ~~[other]~~ ***similar*** device ***at a frequency specified in regulations adopted by the Commission pursuant to subsection 3*** during all of the time the trap, snare or ***similar*** device is placed, set or used to take wild mammals, and remove therefrom any mammals caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices which do not, or are not designed to, cause immediate death to the mammals must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 5.5. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, ***and section 1.6 of this act,*** a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than $650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than $650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than $650, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than $650, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 5.6. NRS 205.275 is hereby amended to read as follows:

205.275 1. ~~[A]~~ ***Except as otherwise provided in section 1.6 of this act, a*** person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than $650, is guilty of a misdemeanor;

(b) If the value of the property is $650 or more but less than $3,500, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is $3,500 or more or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 6. 1. This section, sections 1 to 2, inclusive, 4, 5.5 and 5.6 of this act become effective upon passage and approval.

2. Sections 3 and 5 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 31, 2013, for all other purposes.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 721.

AN ACT relating to governmental administration; requiring a state agency to make available on an Internet website maintained by the state agency certain forms of the state agency in a format which allows the form to be completed, downloaded and saved electronically and submitted securely to the state agency via the Internet; authorizing a state agency to apply for a waiver from such a requirement; requiring the Interim Finance Committee to grant such a waiver in certain circumstances; authorizing a state agency to provide a copy of certain records to any other state agency upon request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires each state agency, as soon as reasonably practicable, but not later than June 30, 2015, to make available on an Internet website maintained by the state agency an electronic version of each administrative form of the state agency in a format which allows the form to be completed, downloaded and saved electronically and submitted securely to the state agency via the Internet. **Section 3** further authorizes a state agency to: (1) utilize, in a manner determined appropriate by the state agency, any program, software or technology to comply with that

requirement; (2) collaborate with other state agencies to comply with that requirement; and (3) comply with that requirement in phases or separate portions over time. **Section 3** also authorizes a state agency to apply to the Interim Finance Committee for a waiver of that requirement and requires the Committee to grant the waiver if the Committee determines that extenuating circumstances exist or that the cost to comply with the requirement is unreasonable and would place an undue burden on the operations of the state agency. **Section 4** of this bill authorizes a state agency, upon receiving a written request from any other state agency, to provide the requesting state agency with a copy of any record maintained by the state agency other than a record which is declared by law to be confidential**.** ~~[or which the state agency determines must be kept confidential.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 2, 3 and 4 of this act, the term "state agency" means every public agency, bureau, board, commission, department or division of the Executive Department of State Government.***

Sec. 3. ***1. Except as otherwise provided in subsection 3, a state agency shall, as soon as reasonably practicable, but not later than June 30, 2015, make available on an Internet website maintained by the state agency an electronic version of each administrative form of the state agency which is used by any person to submit information to the state agency. The electronic version of each administrative form must be in a format that allows a person to complete or prepare the form electronically, download and save an electronic copy of the form to a computer and submit the form to the state agency securely via the Internet.***

2. A state agency may, in the discretion of the state agency:

(a) Utilize, in the manner that the state agency determines is appropriate, any program, software or technology that the state agency determines is appropriate for the purposes of complying with the requirements of subsection 1;

(b) Collaborate with another state agency to carry out the provisions of subsection 1, including, without limitation, for the purpose of sharing technology; and

(c) Comply with the provisions of subsection 1 in phases or separate portions over time, if the state agency determines that such an approach would be useful in fully complying with the provisions of subsection 1 by June 30, 2015.

3. A state agency may apply to the Interim Finance Committee for a waiver of the requirements of subsection 1. The Committee shall grant such a waiver to a state agency if the Committee determines that extenuating circumstances exist or that the cost to comply with subsection 1 is unreasonable and would place an undue burden on the operations of the state agency.

Sec. 4. ***A state agency may, upon receiving a written request from any other state agency, provide to the requesting state agency a copy of any record maintained by the state agency other than a record which is declared by law to be confidential*** **.** ~~***[or which the state agency determines must be kept confidential.]***~~ ***For the purposes of*** ~~***[providing a copy of a record pursuant to this subsection,]***~~ ***this section, if a*** ~~***[state agency determines that a]***~~ ***record is declared by law to be confidential in part and not confidential in part, the state agency may provide to the requesting state agency a copy of that portion of the record which is*** ~~***[determined]***~~ ***not*** ~~***[to be]***~~ ***confidential.***

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 663.

AN ACT relating to juveniles; prohibiting a minor from transmitting or distributing certain images of bullying committed against another minor under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a minor from knowingly and willfully using an electronic communication device, such as a cell phone, to transmit or distribute, or otherwise knowingly and willfully transmitting or distributing, an image of bullying committed against another minor for the purpose of encouraging, furthering or promoting bullying ~~**[or]**~~ **and** harming the minor. A minor who violates this provision is considered: (1) for a first violation, a child in need of supervision for the purposes of the laws governing juvenile justice; and (2) for a second or subsequent violation, to have committed a delinquent act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute, or otherwise knowingly and willfully transmit or distribute, an image of bullying committed against a minor to another person with the intent to encourage, further or promote bullying ~~[or]~~ and to cause harm to the minor.

2. A minor who violates subsection 1:

(a) For the first violation, is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and

(b) For the second or a subsequent violation, commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult.

3. For the purposes of this section, to determine whether a person who is depicted in an image of bullying is a minor, the court may:

(a) Inspect the person in question;

(b) View the image;

(c) Consider the opinion of a witness to the image regarding the person's age;

(d) Consider the opinion of a medical expert who viewed the image; or

(e) Use any other method authorized by the rules of evidence at common law.

4. As used in this section:

(a) "Bullying" ~~[has the meaning ascribed to it in NRS 388.122.]~~ means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" means any electronic device that is capable of transmitting or distributing an image of bullying, including, without limitation, a cellular telephone, personal digital assistant, computer, computer network and computer system.

(c) "Image of bullying" means any visual depiction, including, without limitation, any photograph or video, of a minor bullying another minor.

(d) "Minor" means a person who is under 18 years of age.

Sec. 2. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation; ~~[or]~~

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737 ~~[.]~~ ***; or***

(e) Transmits or distributes an image of bullying committed against a minor in violation of section 1 of this act.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. As used in this section:

(a) ***"Bullying"*** ~~***[has the meaning ascribed to it in NRS 388.122.]***~~ ***means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:***

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

~~[(b)]~~ ***(c)*** "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 3. (Deleted by amendment.)

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 686.

AN ACT relating to juries; requiring a court to excuse a juror for cause under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a juror may be challenged for cause on certain grounds by either party to a jury trial and that any such challenge must be tried by the court. (NRS 16.050, 16.060, 175.036) **Section 1** of this bill revises the provisions establishing the grounds on which challenges for cause may be taken and includes, as an additional ground for such a challenge, the existence of a state of mind in the juror that the juror is biased for or against any party to the proceeding. ~~[Section]~~ **Sections 2 and 3.5** of this bill ~~[requires]~~ **require** a court ~~[in a civil action]~~ to excuse any juror the court determines is more likely than not to be biased.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 16.050 is hereby amended to read as follows:

16.050 1. Challenges for cause may be taken on one or more of the following grounds:

(a) A want of any of the qualifications prescribed by statute to render a person competent as a juror.

(b) Consanguinity or affinity within the third degree to either party.

(c) Standing in the relation of debtor and creditor, guardian and ward, master and servant, employer and clerk, or principal and agent, to either party, being a member of the family of either party or a partner, or united in business with either party, or being security on any bond or obligation for either party.

(d) Having served as a juror or been a witness on a previous trial between the same parties for the same cause of action or being then a witness therein.

(e) ~~[~~Interest~~]~~ ***Any ~~[financial]~~ interest*** on the part of the juror ***, including a financial interest,*** in the event of the action, or in the main question involved

in the action, except the interest of the juror as a member or citizen of a municipal corporation.

(f) Having formed or expressed ~~[an unqualified]~~ ***~~[any]~~*** ***a substantial*** opinion or belief as to the merits of the action, or the main question involved therein, but the reading of ~~[newspaper]~~ ***media*** accounts of the subject matter before the court ~~[shall]~~ ***does*** not disqualify a juror either for bias or opinion.

(g) The existence of a state of mind in the juror evincing ~~[enmity against or]~~ bias ~~[to either party.]~~ ***~~[that the juror is biased]~~ for or against any party to the proceeding.***

2. A challenge for cause for standing in the relation of debtor and creditor when the party to an action is a public utility as defined in NRS 704.020 may be allowed only where the circumstances as determined by the court so warrant.

Sec. 2. NRS 16.060 is hereby amended to read as follows:

16.060 Challenges for cause ~~[shall]~~ ***must*** be tried by the court ***.*** ***~~[and may be held in chambers.]~~*** The juror challenged and any other person may be examined as a witness on the trial of the challenge. ***~~[In civil actions, the]~~ The court shall excuse any juror who the court determines is more likely than not to be biased for or against any party to the proceeding.***

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **NRS 175.036 is hereby amended to read as follows:**

175.036 1. Either side may challenge an individual juror for disqualification or for any cause or favor which would prevent the juror from adjudicating the facts fairly.

2. Challenges for cause ~~[shall]~~ ***must*** be tried by the court. The juror challenged and any other person may be examined as a witness on the trial of the challenge. ***The court shall excuse any juror who the court determines is more likely than not to be biased for or against any party to the proceeding.***

Sec. 4. This act expires by limitation on June 30, 2015.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 788.

SUMMARY— ~~[Creates the Nevada State Parks and Cultural Resources Endowment Fund.]~~ **Establishes certain provisions relating to cultural resources of the State of Nevada.** (BDR 19-1154)

AN ACT relating to **cultural** resources; creating the Nevada State Parks and Cultural Resources Endowment Fund; **designating the Picon Punch as the official state drink;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill]~~ **Section 1.5 of this bill** creates the Nevada State Parks and Cultural Resources Endowment Fund, the income from which is only to be used for the purposes of enhancing state parks and preserving the cultural resources of this State.

Section 1.7 of this bill designates the traditional Basque drink known as the Picon Punch as the official state drink of the State of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 235 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. 1. The Nevada State Parks and Cultural Resources Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund any money the State Treasurer receives from any person who wishes to contribute to the Fund.

3. The Fund must be administered by a committee consisting of:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(b) The Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources; and

(c) Three members appointed by the Governor ~~[.]~~ ***with a view toward balancing gender and ethnicity.***

4. Insofar as practicable, the appointed members of the committee must reflect the geographical diversity of this State, and at least one of those members must have experience in the field of financial management or trust management. After the initial terms, each such member serves a term of 4 years. A member may be reappointed.

5. The committee shall, at its first meeting and biennially thereafter, elect a chair from among the appointed members of the committee. The committee shall meet at such times and places as are specified by a call of the chair.

6. The Fund must only be used for the purposes of the enhancement of state parks and the preservation of the cultural resources of this State. Any interest earned on money in the Fund must be credited to the Fund. The money which represents the principal of the Fund must not be spent, and

only the interest earned on the principal may be used to carry out the provisions of this section.

~~[5.]~~ 7. As used in this section, "cultural resources" has the meaning ascribed to it in subsection 3 of NRS 383.011.

Sec. 1.7. The traditional Basque drink known as the Picon Punch is hereby designated as the official state drink of the State of Nevada.

Sec. 1.9. **As soon as practicable after the effective date of this act, the Governor shall appoint to the committee created by section 1.5 of this act the appointed members of that committee. The members appointed initially to the committee pursuant to this section shall determine by lot whether they are designated to serve a term of 2, 3 or 4 years, respectively.**

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 617.

AN ACT relating to the City of Henderson; **providing for the creation and duties of a Charter Committee;** revising provisions relating to changing the boundaries of the City's wards based on changes in population; amending provisions relating to filling certain vacancies; amending provisions relating to Executive Officers; revising certain provisions relating to the Civil Service System; making various other changes to the Charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Henderson.

Section 1 of this bill **provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter.**

Section 1.5 of this bill revises provisions relating to when the boundaries of the City's wards must be changed.

Existing law authorizes the City Council to fill a vacancy on the City Council or in the office of Mayor or Municipal Judge by appointment within 30 days after the occurrence of the vacancy. (Henderson City Charter §

1.070) **Section 2** of this bill requires the City Council to fill a vacancy by: (1) appointment within 60 days after the occurrence of the vacancy; or (2) by calling a special election to be held not later than 90 days after the occurrence of the vacancy.

Existing law requires the appointment of certain officers by the City Manager to be ratified by the City Council. (Henderson City Charter § 1.090) **Section 3** of this bill eliminates the Director of Public Works and the Director of Finance from the ratification requirement but requires the appointments of the Assistant City Manager and the Chief Financial Officer to be ratified by the City Council.

Section 4 of this bill requires that Executive Officers other than the City Attorney and the City Clerk perform such duties as are designated by the City Manager.

Section 5 of this bill authorizes the City Council to direct the City Attorney to apply for a subpoena commanding the attendance of certain persons before the City Council or production of documents or data. **Section 5** also authorizes a Municipal Judge, rather than the City Clerk, to issue such a subpoena.

Section 6 of this bill revises the procedure for the City Clerk to keep a record of the City's ordinances.

Section 7 of this bill revises the powers of the City Council to regulate and control animals.

Section 8 of this bill amends the procedures relating to the sale, lease or exchange of real property owned by the City to eliminate: (1) certain requirements for applying or offering to purchase, lease or exchange real property; and (2) the requirement that the City Council obtain an appraisal of real property before selling or exchanging real property or entering into a lease for a term of 3 years or longer.

Section 9 of this bill provides that the City Manager is the Chief Executive Officer of the City.

Existing law provides that the City Council may remove the City Manager for cause. (Henderson City Charter § 3.030) **Section 10** of this bill provides that the City Council may remove the City Manager for cause in accordance with the terms of the employment agreement between the City and the City Manager.

Section 11 of this bill requires the City Clerk to keep all records and historical papers belonging to the City.

Existing law requires the City Attorney to perform such duties as may be set by the City Council. (Henderson City Charter § 3.060) **Section 12** of this bill requires the City Attorney to: (1) advise the City Council and all offices, departments and divisions of the City in all matters with respect to the City; (2) determine whether the City should initiate any judicial or administrative

proceeding; and (3) perform such other duties as are designated by the City Council or prescribed by ordinance.

Section 13 of this bill clarifies that all Executive Officers are required to reside within the City during the term of their employment.

Section 14 of this bill clarifies that any City employee may collect or recover fines, forfeitures and other money except taxes. **Section 14** also authorizes the City Manager and the City Attorney, in addition to the City Council, to collect all money, including taxes, due and unpaid to the City through proper legal action.

Section 15 of this bill provides that the City Council must not give orders to any subordinate of the City Attorney or City Clerk.

Section 16 of this bill provides that if the City Manager, City Attorney or City Clerk is adjudged guilty of nonfeasance, misfeasance or malfeasance in office, the City Council may terminate that officer pursuant to the terms of his or her employment agreement.

Section 17 of this bill eliminates obsolete provisions relating to the qualifications of a Municipal Judge.

Section 18 of this bill provides that all fines and forfeitures for the violations of ordinances must be paid to the Chief Financial Officer, rather than the City's Treasury.

Sections 19 and 21 of this bill provide, respectively, that a candidate who is declared elected to office after a primary or general municipal election must enter into the discharge of his or her duties at the second regular meeting of the City Council held in the month of June immediately following the general election.

Section 20 of this bill eliminates obsolete language relating to the timing of the general municipal election.

Section 22 of this bill authorizes the City Council, on behalf of the City, to acquire, improve, equip, operate and maintain, convert to or authorize recreation projects.

Existing law requires, with limited exceptions, the City Council to levy a tax not exceeding 3 percent upon the assessed value of all real and personal property within the City. (Henderson City Charter § 8.010) **Section 23** of this bill removes the 3 percent cap on such taxes **[.] and requires the City Council to levy such taxes at a rate allowable under applicable provisions of the Nevada Revised Statutes.**

Section 24 of this bill amends the classifications of employees of the City to whom the System of Civil Service applies. **Section 26** of this bill provides that such changes apply to existing employees and officers who are employed by the City before, on or after October 1, 2013.

Section 25 of this bill repeals provisions relating to the City Clerk's performance bond, the limitation on the City incurring indebtedness for an

amount exceeding the revenue of the year in which the debt is incurred, the transfer of money to the City Treasury, the deposit of surplus taxes and the City's Sinking Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto new sections to be designated as sections 1.120, 1.130 and 1.140, respectively, immediately following section 1.110, to read as follows:**

Sec. 1.120 Charter Committee: Appointment; qualifications; compensation; terms; vacancies.

1. The Charter Committee must be appointed as follows:

(a) The Mayor shall appoint two members;

(b) The Mayor pro tempore shall appoint two members;

(c) The remaining members of the City Council shall each appoint one member;

(d) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(e) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(f) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(g) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) Must be a registered voter of the City;

(b) Must reside in the City during his or her term of office; and

(c) Serves without compensation.

3. The term of office of a member of the Charter Committee is concurrent with the term of the person or persons, as applicable, by whom the member was appointed. If the term of office of any person making an appointment ends by resignation or otherwise, the term of office of a member of the Charter Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.

4. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 1.130 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee; and

3. Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter.

Sec. 1.140 Charter Committee: Removal of member.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including, without limitation:

(a) Failure or refusal to perform the duties of office;

(b) Absence from three consecutive regular meetings; or

(c) Ceasing to meet any qualification for appointment to the Charter Committee.

2. Any vacancy resulting from the removal of a member pursuant to this section must be filled pursuant to subsection 4 of section 1.120.

~~[Section 1.]~~ ***Sec. 1.5.*** Section 1.040 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2205, is hereby amended to read as follows:

Sec. 1.040 Wards: Creation; boundaries.

1. The City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.

2. The boundaries of wards must be established and changed by ordinance. Except as provided in subsection 3, the boundaries of wards must be changed whenever the population as determined by the ~~[last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce]~~ ***City's demographer*** and as revised figures are provided by the Planning Department of the City, in any ward exceeds the population in any other ward by more than 5 percent.

3. The boundaries of wards must not be changed, except to accommodate an annexation of territory to the City, during any year in which a general election is held.

Sec. 2. Section 1.070 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2450, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. ~~[Except as otherwise provided in NRS 268.325:]~~

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled ***for the remainder of the unexpired term*** by ~~[a]~~ ***:***

(a) A majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within ~~[30]~~ ***60*** days after the occurrence of the vacancy ~~[. The appointee must have]~~ ***appointing a person who has*** the same qualifications as are required of the elective official ~~[.~~

~~2. No such appointment extends beyond the first regular meeting of the City Council after the canvass of returns of the election in which the vacancy is to be filled.]~~ ***; or***

(b) A special election called by resolution of the City Council. The resolution must call for the special election to be held not later than 90 days after the vacancy occurs. Every candidate at the special election must have the same qualifications as are required of the elected official.

2. If a special election is held pursuant to paragraph (b) of subsection 1:

(a) The City Council shall meet to canvass the election returns and declare the result pursuant to section 5.100; and

(b) The person elected to fill the remainder of an unexpired term shall enter upon the discharge of his or her respective duties at the first meeting of the City Council held after the canvass of returns is made.

Sec. 3. Section 1.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 1.090 ~~[Appointive offices.]~~ ***Executive Officers.***

1. The City Council of the City shall appoint the following ~~[officers:]~~ ***Executive Officers:***

(a) City Manager.

(b) City Attorney.

(c) City Clerk.

2. The City Council may establish such other ~~[appointive officers]~~ ***Executive Officers*** as it may deem necessary for the operation of the City. Appointment of such ~~[officers]~~ ***Executive Officers*** must be made by the City Manager ***.*** ~~[,]~~

3. The appointments of the following Executive Officers are subject to ratification of the City Council ***:*** ~~[. Such officers must include:]~~

(a) Chief of Police.

(b) ~~[Director of Public Works.]~~ ***Assistant City Manager.***

(c) Fire Chief.

(d) ~~[Director of Finance.~~

~~(e) Such other officers as may be necessary.]~~ ***Chief Financial Officer.***

Sec. 4. Section 1.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 404, is hereby amended to read as follows:

Sec. 1.100 ~~[Appointive officers:]~~ ***Executive Officers:*** Miscellaneous provisions.

1. All ~~[appointive officers]~~ ***Executive Officers other than the City Attorney and City Clerk*** shall perform such duties as may be designated by the City Manager ***.*** ~~[and such other duties as may be directed by the City Council.~~

~~2. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except Council Members, sufficient security for the faithful and honest performance of their respective duties.~~

~~3. All appointive officers]~~

2. All Executive Officers of the City shall receive such salary as may be designated by the City Council.

Sec. 5. Section 2.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 405, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, other persons, subpoena power.

1. The City Council may:

(a) Provide for the punishment of any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all ~~[papers]~~ ***documents and data*** relating to any business before the City Council.

2. If any person ordered to appear before the City Council ***or to produce documents or data*** fails to obey such order:

(a) The City Council or any member thereof may ***direct the City Attorney to*** apply to the Municipal Court for a subpoena commanding the attendance of the person before the City Council ~~[.]~~ ***or production of the documents or data to the City Council.***

(b) ~~[Such Clerk]~~ ***A Municipal Judge*** may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the ***Municipal*** Court may issue an order to show cause why such person should not be held in contempt of ***the Municipal*** Court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

Sec. 6. Section 2.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2208, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the City Council by title and referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance or an amendment thereto, within 30 days after the date of publication.

2. At the next regular meeting or special meeting of the City Council following the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the City Council. Thereafter, it must be read by title only, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.040, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall ***keep a*** record ***of*** all ordinances ~~[in a book kept for that purpose,]~~ together with the affidavits of publication **.** ~~[by the publisher.]~~

Sec. 7. Section 2.250 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2210, is hereby amended to read as follows:

Sec. 2.250 Powers of City Council: Animals **.** ~~[and poultry.]~~ The City Council may regulate and control animals ~~[and poultry]~~ in the City and may construct facilities for this purpose.

Sec. 8. Section 2.320 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 48, Statutes of Nevada 1997, at page 89, is hereby amended to read as follows:

Sec. 2.320 Sale, lease, exchange of real property owned by the City: Procedure; disposition of proceeds.

1. Subject to the provisions of this section ~~[,]~~ ***and any applicable provisions of chapter 268 of NRS,*** the City may sell, lease or exchange real property in Clark County, Nevada, acquired by the City pursuant to federal law from the United States of America.

2. ~~[~~Except as otherwise provided in subsection 3:

~~(a)]~~ The City may sell, lease or exchange real property only by resolution. Following the adoption of a resolution to sell, lease or exchange, the City Council shall cause a notice of its intention to sell, lease or exchange the real property to be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City. The notice must be published at least 30 days before the date set by the City Council for the sale, lease or exchange, and must state:

~~[(1)]~~ ***(a)*** The date, time and place of the proposed sale, lease or exchange.

~~[(2)]~~ ***(b)*** The place where and the time within which applications and deposits may be made by prospective purchasers or lessees.

~~[(3)]~~ ***(c)*** Such other information as the City Council desires.

~~[(b) Applications or offers to purchase, lease or exchange pursuant to the notice required in paragraph (a) must be in writing, must not be accepted by the City Council for consideration before the date of publication of the notice and must be accompanied by a deposit of not less than 1 percent of the total offer to purchase. If a lease, sale or exchange is not consummated because:~~

~~(1) The City refuses or is unable to consummate the lease, sale or exchange, the deposit must be refunded.~~

~~(2) The person who made the application or offer to lease, buy or exchange refuses or is unable to consummate the lease, sale or exchange, the City shall retain an amount of the deposit that does not exceed 5 percent of the total offer to purchase.~~

~~3. The City Council may waive the requirements of subsection 2 for any lease of residential property that is for a term of 1 year or less.~~

~~4. The City Council shall not make a lease for a term of 3 years or longer or enter into a contract for the sale or exchange of real property until after the property has been appraised by one disinterested appraiser employed by the City Council. Except as otherwise provided in subsections 7 and 8, it must be the policy of the City Council to require that all such sales, leases or exchanges be made at or above the current appraised value as determined by the appraiser unless the City Council, in a public hearing held before the adoption of the resolution to sell, lease or exchange the property, determines by affirmative vote of not fewer than two thirds of the entire City Council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.~~

~~5.~~ ***3.*** It must be the policy of the City Council to sell, lease and exchange real property in a manner that will result in the maximum benefit accruing to the City from the sales, leases and exchanges. The City Council may attach any condition to the sale, lease or exchange as appears to the City Council to be in the best interests of the City.

~~[6.]~~ ***4.*** The City Council may sell unimproved real property owned by the City on a time payment basis. The down payment must be in an amount determined by the City Council, and the interest rate must be in an amount determined by the City Council, but must not be less than 6 percent per annum on the declining balance.

~~[7. Notwithstanding the provisions of subsection 4, the~~]

5. The City Council may dispose of any real property belonging to the City to the United States of America, the State of Nevada, Clark County, any other political subdivision of the State, or any quasi-public or nonprofit entity for a nominal consideration whenever the public interest requires such a disposition. In any such case, the consideration paid must equal the cost of the acquisition to the City.

~~[8.]~~ ***6.*** The City Council may sell, lease or exchange real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the City which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

~~[9.]~~ ***7.*** Proceeds from all sales and exchanges of real property owned by the City, after deduction of the cost of the real property, ***legal fees,*** reasonable costs of publication, title insurance, escrow and normal costs of sale, must be placed in the Land Fund previously created by the City in the City Treasury and hereby continued. Except as otherwise

provided in subsection ~~[10.]~~ ***8.*** money in the Land Fund may be expended only for:

(a) Acquisition of assets of a long-term character which are intended to continue to be held or used, such as land, buildings, machinery, furniture, computer software and other equipment.

(b) Capital improvements of improvements thereon.

(c) Expenses incurred in the preparation of a long-term comprehensive master planning study and any expenses incurred in the master planning of the City.

(d) All costs, including salaries, for administration of the Land Fund, and the land within the City.

(e) Expenses incurred in making major improvements and repairs to the water, sewer and street systems as differentiated from normal maintenance costs.

(f) Legal fees relating to the purchase, sale, lease or maintenance of the real property.

➥ Money received from leases of real property owned by the City must be placed in the Land Fund if the term of lease is 20 years or longer, whether the 20 years is for an initial term of lease or for an initial term and an option for renewal. ~~[Money received by the City from all other leases and interest on time payment sales of real property owned by the City must be apportioned in the ratio of 20 percent to current operational expenses of the City, 20 percent to the Land Fund, and 60 percent divided between the Land Fund and current operational expenses as determined by the Council.~~

~~10.]~~ ***8.*** If available, money in the Land Fund may be borrowed by the City **.** ~~[pursuant to the provisions of NRS 354.430 to 354.460, inclusive.]~~

Sec. 9. Section 3.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2212, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties.

1. The City Manager ***is the Chief Executive Officer of the City and*** shall perform such administrative and executive duties as the City Council may designate. His or her duties and salary must be set by the City Council.

2. The City Manager may appoint such clerical and administrative assistants ~~***[employees]***~~ as he or she may deem necessary, subject to the approval of the City Council.

3. The Mayor or a Council Member may not be appointed as City Manager during the term for which he or she was elected or within 1 year after the expiration of his or her term.

Sec. 10. Section 3.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 413, is hereby amended to read as follows:

Sec. 3.030 City Manager: Removal. The City Council may remove the City Manager for cause ~~[.]~~ ***in accordance with the terms of the City Manager's employment agreement.***

Sec. 11. Section 3.040 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2212, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties. The City Clerk shall:

1. Keep the corporate seal and all books ***, records*** and ***historical*** papers belonging to the City.

2. Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

3. Enter upon the journal the result of the vote of the City Council upon the passage of all ordinances and resolutions.

4. Perform such other duties as may be required by the City Council.

Sec. 12. Section 3.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada.

2. The City Attorney is the ***Chief*** Legal Officer of the City and shall ~~[perform]~~ ***:***

(a) Advise the City Council and all of the offices, departments and divisions of the City in all matters with respect to the affairs of the City;

(b) Determine whether the City should initiate any judicial or administrative proceeding; and

(c) Perform such ***other*** duties as may be ~~[set]~~ ***designated*** by the City Council ~~[.]~~ ***or prescribed by ordinance.***

Sec. 13. Section 3.110 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.110 ~~[City officers:]~~ ***Executive Officers:*** Residence. All ~~[city officers]~~ ***Executive Officers*** must reside within the City during the term of their employment unless the City Council waives this requirement because of hardship or other extenuating circumstances.

Sec. 14. Section 3.130 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.130 ~~[City officers:]~~ Collection and disposition of money.

1. All fines, forfeitures or other money except taxes collected or recovered by any ~~[officer]~~ ***employee of the City*** or ***other*** person pursuant to the provisions of this Charter or of any valid ordinance of the City must be paid by the ~~[officer]~~ ***employee*** or person collecting or receiving them to the ~~[Finance Director,]~~ ***Chief Financial Officer,*** who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.

2. The City Council ***, City Manager or City Attorney*** may by proper legal action collect all money, including taxes, which are due and unpaid to the City or any office thereof, and the City Council may pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such money.

Sec. 15. Section 3.140 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 414, is hereby amended to read as follows:

Sec. 3.140 Interference by City Council.

1. No Council Member or the Mayor may direct or request the appointment of any person to, or his or her removal from, office by the City Manager or by any of his or her subordinates, or ***, except as otherwise provided in section 1.090,*** in any manner take part in the appointment or removal of ~~[officers]~~ ***Executive Officers*** and employees ~~[in the administrative service of the City.]~~ ***unless the removal is authorized pursuant to section 3.150.***

2. Except for the purpose of inquiry, the Council and its members shall deal with ~~[the administrative service]~~ ***employees*** solely through the City Manager, ~~[and neither]~~ ***City Attorney or City Clerk, as applicable, or their designees. Neither*** the Council nor any member thereof ~~[shall]~~ ***may*** give orders to any subordinate of the City Manager, ***City Attorney or City Clerk,*** either publicly or privately.

~~[2. Any Council Member or the Mayor violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, is guilty of a misdemeanor, and upon conviction thereof shall cease to be a Council Member or the Mayor.]~~

Sec. 16. Section 3.150 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 415, is hereby amended to read as follows:

Sec. 3.150 Removal of ~~[officers.]~~ ***certain Executive Officers.*** If ~~[any officer]~~ ***the City Manager, City Attorney or City Clerk*** is adjudged

guilty of nonfeasance, misfeasance or malfeasance in office, the City Council may ~~[declare the office vacant and]~~ ***terminate the City Manager, City Attorney or City Clerk, as applicable, pursuant to the terms of his or her employment agreement, if there is an employment agreement between the City and the City Manager, City Attorney or City Clerk, as applicable. The City Council may*** fill the vacancy so caused ~~[,]~~ as provided by law.

Sec. 17. Section 4.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. Each Municipal Judge must have been a resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

2. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be a duly licensed member, in good standing, of the State Bar of Nevada **.** ~~[, except that the requirement to be a duly licensed member, in good standing, of the State Bar of Nevada does not apply to any Municipal Judge who is an incumbent when this section becomes effective as long as he or she continues to serve as such in uninterrupted terms.]~~

3. The salary of each Municipal Judge must be fixed by the City Council and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

Sec. 18. Section 4.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2214, is hereby amended to read as follows:

Sec. 4.030 Disposition of fines. All fines and forfeitures for the violation of ordinances must be paid ~~[into the Treasury of the City.]~~ ***to the Chief Financial Officer.***

Sec. 19. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 956, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. ***Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.***

Sec. 20. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 957, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year **,** ~~[and on the same day every 2 years thereafter,]~~ at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 21. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. ~~[The]~~ ***Except as otherwise provided in section 1.070, the*** officers so elected shall qualify and enter upon the discharge of their respective duties at the ~~[first]~~ ***second*** regular meeting of the City Council ~~[next succeeding that in which the canvass of returns was made.]~~ ***held in June of the year of the general municipal election.***

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 22. Section 6.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2099, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.280 and section 2.285, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park ***or recreation*** projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Telephone projects;
12. Transportation projects;
13. Underground and aboveground electric and communication facilities;
14. Underpass projects;
15. Water projects;
16. Upon petition by a person or business authorized to provide the service, such other utility projects as are deemed necessary by the Council; and
17. Any combination thereof.

Sec. 23. Section 8.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 420, is hereby amended to read as follows:

Sec. 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax ~~[not exceeding 3 percent]~~ ***~~[at the appropriate]~~ a rate allowable under applicable provisions of the Nevada Revised Statutes*** upon the assessed value of all real and personal property within the City except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied

shall be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of State and County taxes. The revenue laws of the State shall, in every respect not inconsistent with the provisions of this Charter, be applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of equalization of assessments, the rights of the City and the inhabitants thereof shall be protected in the same manner and to the same extent by the action of the County Board of Equalization as are the State and County.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties shall, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it may deem necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 24. Section 9.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 108, Statutes of Nevada 2003, at page 604, is hereby amended to read as follows:

Sec. 9.010 ***System of*** Civil Service.

1. There is hereby created a System of Civil Service, applicable to and governing the employment of all employees of the City except ***Executive Officers,*** department ***directors, senior department directors, division*** heads, ~~[~~the City Clerk, the City Attorney,~~]~~ assistant city attorneys, ~~[~~the City Manager, assistant city managers,~~]~~ ***any other attorney employed by the Office of the City Attorney,*** assistants to the City Manager, ~~[~~the Intergovernmental Relations Director,~~]~~ ***the Municipal Court Administrator,*** any elected officer ***,*** ~~[~~and~~]~~ any employee that reports directly to an elected officer ~~[~~.~~]~~ ***, any probationary employee, any temporary employee*** ~~*[, any employee to whom the provisions of a collective bargaining agreement entered into pursuant to chapter 288 of NRS apply]*~~ ***and any other employee excluded from the System by ordinance.***

2. The System of Civil Service must be administered by a Civil Service Board composed of five persons appointed by the City Council.

3. The Board shall prepare regulations governing the System of Civil Service to be adopted by the City Council. The regulations must provide for:

(a) Examination of potential employees.

(b) Procedures for recruitment and placement.

(c) Classification of positions.

(d) Procedures for promotion, disciplinary actions and removal of employees.

(e) Such other matters as the Board may deem necessary.

4. Copies of the regulations governing the System of Civil Service must be distributed to all employees of the City.

5. An employee of the City who is included in the System of Civil Service and accepts a position that is excluded from the System pursuant to subsection 1 does not retain any rights or privileges within the System.

Sec. 25. Sections 3.050, 7.030, 8.030, 8.040 and 8.050 of the Charter of the City of Henderson are hereby repealed.

Sec. 26. The provisions of section 9.010 of the Charter of the City of Henderson, as amended by section 24 of this act, apply to every person who is an:

1. Employee of the City of Henderson;
2. Appointive officer; or
3. Executive Officer,

➥ before, on or after October 1, 2013.

LEADLINES OF REPEALED SECTIONS

Sec. 3.050 City Clerk's performance bond.

Sec. 7.030 Limitations on incurring indebtedness; contracts.

Sec. 8.030 Taxes paid to County Treasurer; transfers of money to City Treasury.

Sec. 8.040 Surplus taxes; bond redemption.

Sec. 8.050 Sinking Fund.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 776.

AN ACT relating to public health; revising the qualifications for certain district health officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment of a State Health Officer by the Director of the Department of Health and Human Services and establishes

the qualifications for that position. (NRS 439.090, 439.100) Existing law further creates a health district in a county whose population is 700,000 or more. Such a health district has a health department consisting of a district health officer and a district board of health. (NRS 439.362) Existing law requires the district board of health in such a county to appoint a district health officer for the health district and establishes the qualifications for the district health officer. (NRS 439.368) This bill revises the qualifications of the district health officer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.368 is hereby amended to read as follows:

439.368 1. The district board of health shall appoint a district health officer for the health district who shall have full authority as a county health officer in the health district.

2. The district health officer must:

(a) Be licensed to practice medicine or osteopathic medicine in this State ~~[; and]~~ ***or be eligible for such a license and obtain such a license within 12 months after being appointed as district health officer;***

(b) Have at least ~~[the following additional education and experience:~~

~~(1) A master's degree in public health, health care administration, public administration, business administration or a related field; and~~

~~(2) Ten]~~ ***5*** years of management experience ~~[in an administrative position]~~ in a local, state or national public health department, program, organization or agency ***; and***

(c) Have:

(1) At least a master's degree in public health, health care administration, public administration, business administration or a related field;

(2) Work experience which is deemed to be equivalent to a degree described in subparagraph (1), which may include, without limitation, relevant work experience with a national organization which conducts research on issues concerning public health; or

(3) Obtained certification from or be eligible to be certified by the American Board of Preventive Medicine, ~~[its]~~ the American Osteopathic Board of Preventive Medicine, a successor organization or, if there is no successor organization, by a similar organization designated by the district board of health.

3. The district health officer is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board.

4. Any clinical program of a district board of health which requires medical assessment must be carried out under the direction of a physician.

Sec. 2. Notwithstanding the amendatory provisions of section 1 of this act, any person who, on July 1, 2013, is serving as the district health officer in a county whose population is 700,000 or more and who is otherwise qualified to serve as the district health officer on that date may continue to serve in that capacity until his or her successor is appointed by the district board of health.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 9.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 691.

SENATE JOINT RESOLUTION—Urging the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada.

WHEREAS, Outdoor recreation in Nevada generates $14.9 billion in consumer spending annually, creates 148,000 jobs and generates $4.8 billion in wages and salaries and $1 billion in state and local tax revenue; and

WHEREAS, Nevada has an abundance of federal public lands suitable for outdoor recreation that are managed by the Bureau of Land Management of the United States Department of the Interior; and

WHEREAS, Operators of outdoor recreation-related businesses are required to apply to the Bureau of Land Management for special recreation permits for commercial and competitive uses of those public lands; and

WHEREAS, Federal public lands in Nevada should be managed in a manner that preserves the environment; and

WHEREAS, The Bureau of Land Management has adopted regulations, 43 C.F.R. Part 2930, Subpart 2932, which set forth the procedure for applying for a special recreation permit; and

WHEREAS, The processing of special recreation permits by the Bureau of Land Management is often slow; and

WHEREAS, The slow processing of special recreation permits by the Bureau of Land Management deters outdoor recreation-related businesses from operating effectively and profitably; and

WHEREAS, Expedited processing of special recreation permits by the Bureau of Land Management would serve to create additional jobs for

Nevadans and generate additional state and local tax revenue; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges:

1. The Director of the Bureau of Land Management to expedite the process of approving special recreation permits for commercial and competitive uses of federal public lands in Nevada **~~[.]~~ for nonmotorized events;**

2. The Director of the Bureau of Land Management to amend the provisions of 43 C.F.R. Part 2930, Subpart 2932, to further expedite the process of approving **those** special recreation permits; and

3. The Nevada Congressional Delegation to use its best efforts to encourage the Director of the Bureau of Land Management to expedite the process of approving **those** special recreation permits ~~[for commercial and competitive uses of federal public land in Nevada]~~ and to make any necessary amendments to the provisions of 43 C.F.R. Part 2930, Subpart 2932; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblymen Grady and Bobzien.

ASSEMBLYMAN GRADY:

Senate Joint Resolution No. 14 expresses the Nevada Legislature's support for the Lyon County Economic Development and Conservation Act, H.R. 696, which was introduced in the 113th Congress on February 14, 2013. The resolution urges the passage of the act and requires the transmission of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and each member of Nevada's Congressional Delegation.

The Lyon County Economic Development and Conservation Act directs the Secretary of the Interior to convey land to the city of Yerington which will allow the city to partner with Nevada Copper to develop roughly 12,500 acres of land surrounding Nevada Copper's Pumpkin Hollow project. As set forth in H.R. 696, the 48,000 acres known as the Wavoka Wilderness is a cultural and natural resource worthy of protection. If approved, the act would allow the city of Yerington to purchase, at fair market value, approximately 10,400 acres of BLM-administered federal lands.

As you know, Lyon County still has one of the highest unemployment and foreclosure rates in the nation. The citizens in and around Mason Valley and Yerington support this project. Congressman Horsford and Congressman Amodei have been instrumental in getting this act in the House, and Senator Ford has been very helpful in getting the resolution through our own Senate.

ASSEMBLYMAN BOBZIEN:

I rise in support of S.J.R. 14. I just wanted to join my colleague from Yerington in support of this bill and in support of the federal efforts. I think it is a great example of commonsense federal lands legislation. In addition to the jobs that we will hopefully see from the mining operation, very important is the Wovoka Wilderness, which is a special place named after an important Paiute spiritual leader in Nevada's history and viewable from a favorite stretch of river of mine that I named one of my children after.

Roll call on Senate Joint Resolution No. 14:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Joint Resolution No. 14 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 791.

AN ACT relating to the Nevada System of Higher Education; increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to issue bonds and other securities to finance certain projects at the University of Nevada, Reno, in a total principal amount not exceeding $348,360,000. This bill increases the authorized amount of such bonds to $427,715,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 179, Statutes of Nevada 2011, at page 817, is hereby amended to read as follows:

Sec. 5. 1. The board, on behalf and in the name of the university, is authorized by this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the university in a total principal amount not exceeding ~~[$348,360,000]~~ ***$427,715,000*** for ***the construction of*** facilities at the University of Nevada, Reno, and in a total principal amount not exceeding $422,155,000 for facilities at the University of Nevada, Las Vegas, $35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school;

(b) To issue such bonds and other securities in connection with the project in one series or more at any time or from time to time on or before January 1, 2029, as the board may determine, and consisting of special obligations of the university payable from the net pledged revenues authorized by this act and possibly subsequently other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitation in paragraph (a);

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, proceeds of securities authorized by this act; and

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by this act, except as otherwise expressly provided in this act.

2. If the board determines to sell the bonds authorized by subsection 1 at a discount from their face amount, the principal amount of bonds which the board is authorized to issue provided in subsection 1 is increased by an amount equal to the discount at which the bonds are sold.

3. This act does not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 262.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 784.

AN ACT relating to motor vehicles; requiring that certain devices be installed in vehicles that are designed to display certain advertisements while

moving over the highways of this State; ~~[limiting the display of such advertisements to taxicabs;]~~ providing certain requirements concerning the equipment used to display such advertisements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a person from operating a motor vehicle to which is attached a dynamic display device, commonly known as a mobile billboard, on which the images or other content change periodically, upon the highways of this State, unless the motor vehicle is ~~[a taxicab and is also]~~ equipped with a display management system that is programmed to allow the image or content that is displayed to be changed only when the motor vehicle is: (1) not moving; or (2) in a location where the image or content may be changed without causing undue distraction to the operators of other vehicles. This bill also provides that such a dynamic display device may not ~~[: (1) consist of more than three monitors, screens or viewers; (2)]~~ project or otherwise show moving images, moving information or other moving content . ~~[; and (3) include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.]~~ A violation of this prohibition is punishable as a misdemeanor. (NRS 484A.900) This bill does not require a display management system if a dynamic display device is operated for purposes other than advertisement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:

(a) The motor vehicle is ~~[:~~

~~***(1) A taxicab for which a currently valid certificate of public convenience and necessity has been issued pursuant to chapter 706 of NRS; and***~~

~~***(2) Equipped]~~ equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:***

~~[(I)]~~ (1) Moving;

~~[(II)]~~ (2) In a turnout; or

~~[(III)]~~ (3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and

(b) The dynamic display does not ~~[:~~

~~***(1) Consist of more than three monitors, screens or viewers;***~~

~~*(2) Project]*~~ *project or otherwise show moving images, moving information or other moving content.* ~~*[; or*~~

~~*(3) Include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.]*~~

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 7.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 621.

AN ACT relating to gaming; revising provisions relating to the Gaming Policy Committee; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Gaming Policy Committee and provides for the composition and duties of the Committee. (NRS 463.021) ~~[This]~~ **Section 1 of this** bill: (1) adds to the Committee a representative of academia who possesses knowledge of matters related to gaming; (2) authorizes the Governor, as Chair of the Committee, to appoint an advisory committee on gaming education; and (3) specifies the duties of the advisory committee.

Sections 2 and 3 of this bill make appropriations to the State Gaming Control Board and the Nevada Gaming Commission for various travel, staffing and operating costs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chair and ~~[10]~~ ***11*** members, is hereby created.

2. The Committee must be composed of:

(a) One member of the Commission, designated by the Chair of the Commission;

(b) One member of the Board, designated by the Chair of the Board;

(c) One member of the Senate appointed by the Legislative Commission;

(d) One member of the Assembly appointed by the Legislative Commission;

(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and

(f) ~~[Five]~~ ***Six*** members appointed by the Governor for terms of 2 years as follows:

(1) Two representatives of the general public;

(2) Two representatives of nonrestricted gaming licensees; ~~[and]~~

(3) One representative of restricted gaming licensees ~~[.]~~ ***; and***

(4) One representative of academia who possesses knowledge of matters related to gaming.

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. Except as otherwise provided in subsection 6, the Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are

advisory and not binding on the Board or the Commission in the performance of their duties and functions.

6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (e) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.

7. The Governor, as Chair of the Committee, may appoint an advisory committee on gaming education. An advisory committee appointed pursuant to this subsection must:

(a) Contain not more than five members who serve at the pleasure of the Governor; and

(b) Be chaired by the person selected as chair by the Governor.

8. An advisory committee created pursuant to subsection 7 shall:

(a) Review and evaluate all gaming-related educational entities in this State, including, without limitation, the Culinary Academy of Las Vegas, the Institute for the Study of Gambling and Commercial Gaming of the University of Nevada, Reno, and the UNLV International Gaming Institute of the William F. Harrah College of Hotel Administration of the University of Nevada, Las Vegas, to determine how to align such entities with the needs of the gaming industry;

(b) Study and analyze the workforce and technology needs of the gaming industry to determine how the gaming-related educational entities may satisfy those needs;

(c) Study the potential for leveraging gaming-related competencies and technologies developed by gaming-related educational entities into other industries; and

(d) Report any findings and recommendations to the Committee.

Sec. 2. **1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the following sums for travel and operating costs:**

For the Fiscal Year 2013-2014 ..... $15,208

For the Fiscal Year 2014-2015 ..... $15,208

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the State Gaming Control Board or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2014, and September 18, 2015, respectively, by either the State Gaming Control Board or the entity to which the money was subsequently granted or transferred, and must be

reverted to the State General Fund on or before September 19, 2014, and September 18, 2015, respectively.

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Nevada Gaming Commission the following sums for staffing and operating costs:**

For the Fiscal Year 2013-2014 ..... **$54,673**

For the Fiscal Year 2014-2015 ..... **$55,083**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Nevada Gaming Commission or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2014, and September 18, 2015, respectively, by either the Nevada Gaming Commission or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2014, and September 18, 2015, respectively.

Sec. 4. **1. This section and sections 2 and 3 of this act become effective on July 1, 2013.**

2. Section 1 of this act becomes effective on October 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 311.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 595.

AN ACT relating to victims of crime; creating the Contingency Account for Victims of Human Trafficking in the State General Fund; authorizing the ~~[Interim Finance Committee]~~ **Director of the Department of Health and Human Services** to allocate money from the Account to nonprofit corporations and agencies and political subdivisions of this State for the purposes of establishing or providing programs and services to victims of human trafficking; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits holding a person in involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering and living from the earnings of a prostitute.

(NRS 200.463, 200.464, 200.465, 200.467, 200.468, 201.310-201.340) **Section 4** of this bill defines a victim of any of those crimes as a "victim of human trafficking."

Section 5 of this bill creates the Contingency Account for Victims of Human Trafficking in the State General Fund to be administered by the ~~[Interim Finance Committee.]~~ **Director of the Department of Health and Human Services.** **Section 5** also requires that funds in the Contingency Account be expended only for establishing or providing programs or services to victims of human trafficking. **Section 5** authorizes the ~~[Interim Finance Committee]~~ **Director** to **apply for and** accept gifts, grants and donations ~~[from]~~ **or** any **other** source **of money** for deposit into the Contingency Account. Finally, **section 5** provides that money remaining in the Contingency Account at the end of each fiscal year does not revert to the State General Fund and is required to be carried over into the next fiscal year.

Section 6 of this bill authorizes a nonprofit ~~[agency]~~ **organization** or an agency or political subdivision of this State to apply for an allocation of money from the Contingency Account. **Section 6** ~~[authorizes the Interim Finance Committee to approve the application and make the allocation if, after reviewing the application, the Interim Finance Committee determines that the money is needed to establish or provide programs or services to victims of human trafficking.]~~ **requires the Grants Management Advisory Committee within the Department of Health and Human Services to review such applications and make recommendations to the Director of the Department concerning allocations of money from the Contingency Account to applicants. Section 6 authorizes the Director to make allocations of money from the Contingency Account and place such conditions on the acceptance of an allocation as the Director determines are necessary, including, without limitation, requiring the submission of periodic reports concerning the use of an allocation by the recipient.** **Section 6** **also** requires that the recipient of an allocation of money from the Contingency Account use the money to establish or provide programs or services to victims of human trafficking. ~~[Section 6 also authorizes the Interim Finance Committee to require a recipient of an allocation of money from the Contingency Account to submit a report to the Interim Finance Committee regarding the use of the money at such times as the Interim Finance Committee deems appropriate.~~

~~Section 5 of this bill authorizes the Interim Finance Committee to perform its duties with respect to the Contingency Account during a regular or special session of the Legislature in addition to any period when the Legislature is not in regular or special session.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 217 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Contingency Account" means the Contingency Account for Victims of Human Trafficking created by section 5 of this act.***

Sec. 4. ***"Victim of human trafficking" means a person who is a victim of:***

1. Involuntary servitude as set forth in NRS 200.463 or 200.464.

2. A violation of any provision of NRS 200.465.

3. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

4. Pandering in violation of any provision of NRS 201.300, 201.310, 201.330 or 201.340.

5. A violation of NRS 201.320.

Sec. 5. ***1. The Contingency Account for Victims of Human Trafficking is hereby created in the State General Fund.***

2. The ~~[Interim Finance Committee]~~ Director of the Department of Health and Human Services shall administer the Contingency Account. The money in the Contingency Account must be expended only for the purpose of establishing or providing programs or services to victims of human trafficking ~~[.]~~ and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The ~~[Interim Finance Committee]~~ Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

4. The interest and income earned on the money in the Contingency Account, after deducting any applicable charges, must be credited to the Contingency Account.

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund , and the balance in the Contingency Account must be carried forward ~~[.]~~ to the next fiscal year.

Sec. 6. ***1. A nonprofit organization or any agency or political subdivision of this State may apply to the ~~[Interim Finance Committee]~~ Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.***

2. ~~[Upon receipt of an application for an allocation from the Contingency Account, the Interim Finance Committee shall review the application and determine whether the approval of the application is needed to establish or provide programs or services to victims of human trafficking. If the Interim Finance Committee determines that approving the application is needed to establish or provide programs or services to victims of human trafficking, the Interim Finance Committee may approve the application and make an allocation]~~ The Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to ~~[the applicant.]~~ applicants.

3. ~~[If a nonprofit organization or an agency or political subdivision of this State receives]~~ The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account ~~[,]~~ may use the money ~~[must be used]~~ only for the purposes of establishing or providing programs or services to victims of human trafficking.

~~[4. The Interim Finance Committee may require a recipient of an allocation of money from the Contingency Account to submit to the Interim Finance Committee, at such times as the Interim Finance Committee deems appropriate, a report concerning the use of any money allocated from the Contingency Account.]~~

Sec. 7. ~~[NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650~~ ***[.] and sections 5 and 6 of this act.*** ~~In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results~~

~~of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.~~**] (Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP :

Assembly Bill 1 requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid coverage of certain costs of emergency care, including dialysis, to stabilize patients with kidney failure.

Roll call on Assembly Bill No. 1:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 31 requires the head of each agency, bureau, board, commission, department, division, or any other unit of the Executive Department of State Government, except the Nevada

System of Higher Education, to designate one or more employees of the agency to act as records official for the agency.

The measure requires the Administrator of the State Library and Archives, in cooperation with the Attorney General, to prescribe by regulation the form to be used to request a public record from an agency, the form to be used by the agency to respond to a public record request, and the procedures that a records official must follow when complying with a public record request. These forms and procedures must be available on the agency's website.

Finally, the measure compiles a list of existing statutory exceptions to the Nevada Public Records Act within one section of the *Nevada Revised Statutes*.

Roll call on Assembly Bill No. 31:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 31 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 139 makes various changes to the state business portal.

Roll call on Assembly Bill No. 139:

YEAS—32.

NAYS—Ellison, Fiore, Hickey, Livermore, Oscarson, Stewart, Wheeler—7.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 139 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblymen Bustamante Adams and Daly.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 151 requires the Nevada Department of Transportation to establish goals for the participation of disadvantaged business enterprises and local emerging small businesses in certain contracts for transportation projects. Included are contracts for the construction, reconstruction, improvement, or maintenance of highways estimated to cost $250,000 or more that do not receive federal funding and contracts for architectural, engineering, and planning services. The participation goals must be consistent with the goals required for similar projects that receive federal funding, and they must be based on the information about the market for which the goals are set.

ASSEMBLYMAN DALY:

I have one question for my colleague from Assembly District 42. I wanted to make sure that as we bring this over, it will be the same as the federal requirements—that these are goals and

not quotas. I would just like to make sure that that is the way it is understood and going to be administered.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Thank you for the question from my colleague in the north. Yes, in the testimony, I did verify, in Transportation and also in front of Ways and Means and in the floor statement that it is goals and not quotas.

Roll call on Assembly Bill No. 151:

YEAS—35.

NAYS—Ellison, Fiore, Oscarson, Wheeler—4.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 151 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 4 allows various public employees or volunteers for a public agency who come in contact with human blood or bodily fluids in the course of their official duties to request that a person or decedent who may have exposed them to a communicable disease be tested. The bill requires a court to determine that the employee or volunteer would require medical intervention if there is a positive test result before issuing an order for a test.

Roll call on Senate Bill No. 4:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 4 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 31 authorizes a director of juvenile services, chief juvenile probation officer, or the Chief of the Youth Parole Bureau to share appropriate juvenile justice information, upon request, for purposes of ensuring the safety, permanent placement, rehabilitation, educational success, and well-being of a child. Information may be shared with the child's attorney, the district attorney, a court-appointed special advocate, and other specified persons. This measure provides that the information released is confidential.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 2:32 p.m.
Madam Speaker presiding.
Quorum present.

Roll call on Senate Bill No. 31:
YEAS—39.
NAYS—None.
EXCUSED—Hogan, Pierce, Woodbury—3.
Senate Bill No. 31 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 55.
Bill read third time.
Remarks by Assemblywomen Swank and Benitez-Thompson, and Madam Speaker.

ASSEMBLYWOMAN SWANK:
Senate Bill 55 reorganizes 19 separate plans and other items that may be included in a master plan under current statute into eight different elements that a plan may include. The elements are as follows: conservation, historic preservation, housing, land use, public facilities and services, recreation and open space, safety, and transportation.
In counties whose population is 100,000 or more but less than 700,000, if the governing body of a city or county adopts only a portion of a master plan, then shall include a conservation plan of the conservation element, a housing element, and a population plan of the public facilities and services element.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:
I just have a question. Based on the population, this sounds as if Washoe only wants to adopt this certain piece of it. I don't understand who wants to change the master plan.

ASSEMBLYWOMAN SWANK:
It does not change the master plan. It just reorganizes the master plan. So it used to be 19 separate plans, and they took these different pieces and grouped them under these eight pieces that are for 700,000 or more. So then that also conflated Washoe County's plan into just three separate elements because they have a reduced number of elements that their master plan adheres to.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:
So why would the City of Las Vegas bring a master plan that only benefits Washoe?

ASSEMBLYWOMAN SWANK:
Actually, it does not just benefit Washoe. It also benefits the City of Las Vegas by making it easier to adhere to this plan by not having 19 separate elements, just these 8, but they are all still required.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Okay, I just wanted to be clear that they are still going to be adopting master plans because that is what our constituents rely on. I see one, but also now allows the counties—which Washoe is the only one based on the population cap—that we still have some basics for constituents.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Just to add to the record, what it does is the language is delegated out into "must" for counties over 700,000 to signify the elements that they absolutely have to be able to report in their master plan, which is status quo. For counties 100,000 to 700,000, which currently just impacts Washoe, it does not change the elements they have to report on. It is the same amount of elements they had to report on before, just in a different structure.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 55 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 73 removes the provision that a report of an act of cruelty against an animal is confidential. The measure instead provides, except for the purposes of a criminal investigation or prosecution, that the willful release of any data or information concerning the identity of a person who made the report constitutes a misdemeanor.

Roll call on Senate Bill No. 73:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 73 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 78 makes numerous changes related to guardianships. The bill provides that a court may require a guardian to complete any available training concerning guardianships. In addition, the measure requires a bank to accept a copy of a court order appointing a guardian and letters of guardianship as proof of guardianship and allow the guardian access to the appropriate account or assets of the ward.

Roll call on Senate Bill No. 78:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 78 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 100 revises the terms referring to three types of trained and certified emergency medical technicians for consistency with the terms used in the *National Emergency Medical Services Education Standards* released by the National Highway Traffic Safety Administration in 2009. The measure replaces the term "intermediate emergency medical technician" with "advanced emergency medical technician" and replaces the term "advanced emergency medical technician" with "paramedic." In addition, the measure requires the certification training for these technicians to follow the curriculum or educational standards prepared by the United States Department of Transportation.

Roll call on Senate Bill No. 100:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 100 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 101 expands the supervision of a department of alternative sentencing to include a "supervised releasee" who is a person charged with or convicted of a misdemeanor, gross misdemeanor, or felony and who has been released from custody before trial or sentencing, subject to the conditions imposed by the court. The measure also revises the qualifications of the chief of a department of alternative sentencing to include experience in pretrial or presentence release.

Roll call on Senate Bill No. 101:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 101 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 106 authorizes a juvenile court to enter a civil judgment against the child, parent, or guardian for the amount due when the court has ordered an administrative assessment, fee, restitution, or other payment and the amount is delinquent. However, the bill does not authorize entry of a civil judgment against a child who is under the age of 18 or who is outside the jurisdiction of the juvenile court.

Regardless of whether juvenile jurisdiction or probation is terminated, Senate Bill 106 grants the juvenile court continuing jurisdiction over any civil judgment entered and it sets forth provisions on the collection and enforcement of the judgment.

Senate Bill 106 also authorizes a juvenile court to establish a restitution contribution fund and to require a monetary contribution to the fund in an agreement for informal supervision.

Similar to the provisions related to juvenile courts, this measure also authorizes an adult court to enter a civil judgment for a delinquent fine, administrative assessment, fee, or restitution in favor of the state or local entity responsible for collecting. The bill specifies that money from collection fees may be used to hire necessary collection personnel, improve court operations with a self-help center, or provide security for a regional justice center.

Roll call on Senate Bill No. 106:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 133 allows a county to participate, in an advisory capacity, in the development and implementation of a monitoring, management, and mitigation plan if the State Engineer requires such a [3M] Plan as a condition of appropriating water for a beneficial use. The State Engineer must consider any comment, analysis, or other information submitted by the participating county before approving any [3M] plan but is not required to include such comments and analyses in the plan. Finally, Senate Bill 133 specifies that a determination of the State Engineer regarding whether or not to include or follow such comments or analyses in the [3M] Plan shall not be considered a decision that is subject to judicial review.

Roll call on Senate Bill No. 133:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 133 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 134 authorizes a person to apply for a temporary permit to appropriate groundwater for watering livestock when the point of diversion is within a county or a contiguous county that is under a drought declaration. Any associated well must be plugged and sealed upon expiration of the temporary permit. A temporary permit issued for these purposes must not exceed one year in duration.

The bill also requires the Nevada Department of Wildlife, if it constructs or causes to be constructed a fence, to ensure that the fence is constructed and maintained in such a manner as to prevent livestock from being trapped in the fence. Finally, S.B. 134 requires each guzzler for use by wildlife to include a posted notice providing contact information that may be used to notify the person or agency that placed the guzzler if it is in disrepair.

Roll call on Senate Bill No. 134:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 134 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 143.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 143 directs the Department of Motor Vehicles to add at least one question to the written driver's license examination concerning the Nevada law prohibiting the use of cell phones or other handheld devices while driving.

Roll call on Senate Bill No. 143:

YEAS—37.

NAYS—Fiore, Neal—2.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 143 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 167 establishes provisions for a hospital to be designated and recognized as a STEMI [ST-Elevation Myocardial Infarction] receiving center by the Health Division of the Department of Health and Human Services. The measure provides that a licensed hospital which is not designated as a STEMI receiving center may not advertise that the hospital is a STEMI

receiving center. However, the bill does not prohibit any hospital from providing care to a victim of a heart attack, even if the hospital does not receive such a designation.

Roll call on Senate Bill No. 167:
YEAS—39.
NAYS—None.
EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 167 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 170 authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. Any such storage charge must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same geographic area. In cases of nonconsensual tows, a body shop must make a reasonable attempt to contact the vehicle's owner and notify the owner of the vehicle's location and charges imposed for storage. A body shop must report its vehicle storage rates to the Department of Motor Vehicles via an online survey.

Roll call on Senate Bill No. 170:
YEAS—39.
NAYS—None.
EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 170 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:55 p.m.

ASSEMBLY IN SESSION

At 3:27 p.m.
Madam Speaker presiding.
Quorum present.

Senate Bill No. 176.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 176 requires an agency that provides child welfare services to determine whether a report concerning the possible abuse or neglect of a child, which the agency has determined

warrants an investigation, is substantiated or unsubstantiated. The bill deletes the requirement that a child welfare agency remove all references in its records to an investigation if the agency determines the investigation was not warranted. The measure further removes spanking or paddling as an example of corporal punishment that is a reasonable exercise of discipline by a parent or guardian.

The agency is required to provide written notice to the person who has allegedly caused the abuse or neglect that it intends to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and that the person has a right to request an administrative appeal.

The bill sets forth the process for the appeal and specifies certain items that must be included in an investigation report. The bill also clarifies that abuse reported to the Central Registry must have occurred after the child was born.

Roll call on Senate Bill No. 176:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 176 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 178.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 178 authorizes the Nevada Silver Haired Legislative Forum to request for each regular session one legislative measure relating to matters within the scope of the Forum.

Roll call on Senate Bill No. 178:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 178 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 180.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 180 provides that if a court finds that an employee has been injured as the result of certain unlawful employment practices, it must award to the employee, in addition to any other legal or equitable relief, damages, lost wages and benefits, and costs and attorney's fees to the extent consistent with Title VII of the Civil Rights Act.

There was a lot of testimony in your Commerce and Labor Committee about the benefits of Senate Bill 180. This bill, if enacted into law, will protect workers who have been discriminated against based on their sexual orientation, their gender identity, and state employees who have been the victims of age discrimination. Currently, remedies like this are not available. There is also a benefit to the rural counties because those victims of discrimination now would have to go

to federal court, either in Las Vegas or in Reno. Now these kinds of actions could be brought before state court in any of the counties in the state. I urge passage.

Roll call on Senate Bill No. 180:

YEAS—24.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—14.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 180 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 181 expands the availability of special group fishing permits to include nonprofit organizations that will use such permits for the benefit of adults with disabilities. The bill allows the Director of the Nevada Department of Wildlife to expedite an application for and the approval of a special permit if it is determined that special circumstances exist. The bill removes restrictions that special fishing permits may authorize no more than 15 people to fish and that the Department may not issue more than two permits per year to the same organization.

Roll call on Senate Bill No. 181:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 181 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 206 establishes a cottage food operation as an entity that manufactures or prepares certain food items for sale; meets certain requirements relating to the preparation, labeling, and sale of those food items; and registers with the health authority. The measure prohibits a local government from adopting any ordinance or other regulation that prohibits a person from preparing food in a cottage food operation within the person's private home. Finally, the measure adds a cottage food operation to the list of entities that are excluded from the definition of a "food establishment."

Roll call on Senate Bill No. 206:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 206 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblymen Swank and Hardy.

ASSEMBLYWOMAN SWANK:

Senate Bill 217 provides that if the probable cost of a road or bridge construction project does not exceed $100,000, a county with a population less than 100,000 may advertise for bids and let contracts pursuant to existing statute or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds $100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that in a county whose population is less than 45,000, the board of county highway commissioners may instead determine to perform the work with its own resources if the estimated cost of the project is between $100,000 and $250,000.

ASSEMBLYMAN HARDY:

The proponents of the bill had actually stated that they would have it on the record that we understand that, for those counties that want to continue to blade their roads or do maintenance factor-type projects, there would be no interference at that point—only for those type of projects that are needed for construction contracting licenses.

Roll call on Senate Bill No. 217:

YEAS—27.

NAYS—Daly, Duncan, Ellison, Fiore, Grady, Hansen, Kirner, Livermore, Oscarson, Stewart, Wheeler—11.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 217 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:38 p.m.

ASSEMBLY IN SESSION

At 3:40 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 233 repeals certain sections of *Nevada Revised Statutes* that direct the governing bodies of certain counties and cities to establish a minimum distance between residential establishments which include half-way houses for recovering alcohol and drug abusers and residential facilities for groups. In addition, the measure repeals the establishment of a registry of group homes and various related provisions.

Roll call on Senate Bill No. 233:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblymen Hansen, Hickey, Aizley, and Sprinkle.

ASSEMBLYMAN HANSEN:

Senate Bill 243 establishes the state DNA Database, which is administered by the Forensic Science Division of the Washoe County Sheriff's Office. The measure provides that the Forensic Science Division shall act as a liaison between the Federal Bureau of Investigation and other state agencies of criminal justice relating to Nevada's participation in the FBI's DNA Indexing System, CODIS.

Senate Bill 243 provides the procedures for submitting a biological specimen to a forensic laboratory for genetic marker analysis when a person is arrested for a felony. If a court or magistrate determines that probable cause did not exist for the person's arrest, the biological specimen must be destroyed within five business days. The measure also provides that if a person is arrested for a felony and is not convicted, the person may make a written request to the Central Repository for Nevada Records of Criminal History to destroy the biological specimen and the DNA profile and purge the DNA record from the forensic laboratory, the state DNA Database, and CODIS.

The bill provides that any costs incurred relating to obtaining or destroying a biological specimen or purging a DNA profile or record are a charge against the county in which the person was arrested and must be paid from the county fund for genetic marker testing. The measure imposes an additional $3 administrative assessment on a person convicted of a misdemeanor, gross misdemeanor, or felony to help pay for the costs of obtaining specimens and conducting the analysis.

Finally, Senate Bill 243 establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice. The Subcommittee will consider issues relating to DNA of arrested persons and submit a report and recommendations to the Commission.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 243. Probably no bill this session has created a more healthy dialogue between law enforcement proponents and civil libertarians, but I would like us to

appreciate what went into this bill. A large working group studied the issues surrounding this bill during the interim to learn all the technical and procedural aspects. The intent of the bill is to simply protect public safety and justice, to solve crimes, and importantly, exonerate innocent people in the process. A detailed study conducted by the University of Virginia concluded that a DNA database most definitely reduces crime rates. Finally, this type of legislation is supported unprecedentedly by 50 states' Attorneys General. Members of this body, I think this is one bill where you could really apply the term "see the forest for the trees." This bill saves lives, protects innocent people who can be exonerated, and I think it is the right thing to do. We in Nevada especially have reason to know why.

ASSEMBLYMAN AIZLEY:

I rise in opposition to Senate Bill 243. Taking one's DNA upon arrest strikes me as an unreasonable search and seizure and somewhat close to a violation of the Fourth Amendment to our Bill of Rights. The current case, *Maryland v. King*, is before the U.S. Supreme Court now, with the decision expected by the end of June. Taking DNA upon conviction or with the permission of the person arrested would be acceptable. Nevada should spend more time on actual criminals and should focus on the current backlog of recent crimes. The Las Vegas crime lab recently testified that they are 65,000 DNA kits behind. As it is, I will not support the bill.

ASSEMBLYMAN SPRINKLE:

I rise in support of Senate Bill 243. I think it is really timely that I first point out that similar law exists in 28 other states, including Ohio, which just used this law to assist in the arrest of Ariel Castro. Some of the things that I have heard, as I have spoken with many people in regard to this bill and the concerns that they had is that this is constitutional for an arrestee's name and a mug shot to be posted in the newspaper and online, and yet when you look at the DNA evidence, there is no absolute way for somebody to simply be able to designate who that DNA came from. DNA has over 3 billion markers. These samples would only be between 13 and 18 markers, enough for an identification and gender ID only. Another reason why that is so important is because when we are talking about racial bias and profiling, just as much focus needs to be placed on proving someone is innocent with their DNA samples, and that could help do just that. With these markers, there is absolutely no way to determine race from the sample taken. In the end, this legislation is about protecting our society from those who would choose to do harm over and over again.

We have been identifying criminals using fingerprints for many years, and statistics show that using those fingerprints has been a system fraught with errors. The chances of making an error in identification using DNA is over 1 in a billion. Why would we not want to remove more violent criminals from our streets and protect those who have been wrongly accused of committing a crime? I ask this body to please support Senate Bill 243.

Roll call on Senate Bill No. 243:

YEAS—29.

NAYS—Aizley, Carrillo, Cohen, Fiore, Neal, Ohrenschall, Oscarson, Spiegel, Swank—9.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 243 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 499; Senate Bills Nos. 60, 80, 155, 162, 198, 237, 258, 267, 276, 284, 285, 286, 287, 288, 304, 305, 309, 310, 315, 317, 318, 325, 335, 338, 342, 343, 344, 345, 347, 350,

351, 356, 365, 371, 382, 388, 392, 393, 402, 404, 409, 419, 420, 432, 433, 434, 437, 438, 441, 443, 448, 449, 453, 457, 458, 459, 460, 476, 488, 489, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 12, 13; Senate Joint Resolution No. 15 of the 76th Session, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 36, 94, 208, 235, 252, 266, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Senate Bills Nos. 36, 94, 208, 235, 252, 266, and 493, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 649.

AN ACT relating to employment; establishing provisions for the collection of money owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation; ~~[establishing a waiting period of 1 week as an additional condition of eligibility for unemployment compensation benefits;]~~ revising provisions concerning unemployment compensation fraud; providing for the transfer of an employer's liabilities to the Division upon the transfer of the employer's trade or business; prohibiting the relief of an employer's record for experience rating of charges for benefits under certain circumstances; assigning liability for the payment of money owed to the Division upon the transfer of certain assets; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation is authorized to bring actions in district court for the repayment of fraudulently obtained benefits or to recover amounts owed to the Division by persons who commit unemployment insurance fraud. (NRS 612.365, 612.445) **Sections**

12-19 and 21 of this bill establish an additional method for the collection of such money. This method is modeled after the method used by the Division of Welfare and Supportive Services of the Department of Health and Human Services to enforce a court order that requires a person to make payments for the support of a child. (NRS 31A.025-31A.190) **Section 12** provides that if the Administrator obtains a judgment against a person who has fraudulently obtained benefits or committed unemployment compensation fraud, the Administrator may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it to the Division. **Sections 13-19** establish provisions for: (1) notifying a person whose income is to be withheld; (2) issuing a notice to withhold income to a person's employer; (3) establishing an employer's duties with respect to the withholding of income; (4) providing penalties for an employer's violation of those duties; and (5) providing an employer with immunity from any civil action for any conduct taken in compliance with a notice to withhold income. **Section 23** of this bill revises existing law concerning unemployment insurance fraud by: (1) providing that, in general, the Administrator may issue an initial determination finding that a person has committed such fraud at any time within 4 years after the first day of the benefit year in which the person committed the fraud; and (2) revising other provisions concerning the period during which the person is disqualified from receiving further benefits and the amount of the penalties that may be imposed.

~~**[** Existing law provides that an unemployed person is not eligible to receive benefits unless the Administrator finds that the person satisfies certain conditions. (NRS 612.375) **Section 22** of this bill adds an additional condition for such eligibility: the person must have been unemployed and otherwise eligible for benefits for a waiting period of 1 week within the person's current benefit year, during which no benefits were paid. All but 12 states currently include such a waiting period in their unemployment compensation laws.**]**~~

Under existing law, an employer's contribution rate is based on the employer's experience rating, which reflects the amount of unemployment compensation benefits that are paid to former employees and charged to the employer's record for experience rating. Existing law also provides for the transfer of some or all of an employer's record for experience rating when the employer transfers its trade or business to another employer. (NRS 612.550) **Section 24** of this bill provides that if the transferring employer is liable to the Division for unpaid contributions, interest or forfeits, a percentage of that liability must also be transferred to the other employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.

Under existing law, an employer who receives notice that a former employee has filed a claim for benefits is required to provide the Division with all relevant facts which may affect the claimant's rights to benefits within 11 days after the Division mails the notice of the claim. (NRS 612.475) The amounts of any benefits paid to that claimant are charged to the employer's record for experience rating unless circumstances exist which entitle the record to be relieved of such charges. (NRS 612.551) **Section 25** of this bill provides that an employer's record for experience rating is not entitled to be relieved of charges for the amount of any benefits erroneously paid to a claimant if the employer failed to submit timely all the information as required. This change is required to comply with federal law. (Trade Adjustment Assistance Extension Act of 2011, Pub. L. No. 112-40, § 252, 125 Stat. 402, 421-22)

Under existing law, an employer who, outside the usual course of business, sells certain assets and quits business is required to pay to the Division the amount of all contributions, interest or forfeits accrued and unpaid on account of wages paid by the employer up to the date of the sale. If the seller fails to do so within 10 days after the sale, the purchaser of the assets becomes personally liable for the payment of those amounts. (NRS 612.695) **Section 26** of this bill extends those provisions to apply in cases of the transfer of the assets of a business by means other than a sale.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ***If the Administrator obtains a judgment against a person for:***

1. The repayment of benefits obtained due to the person's fraud, misrepresentation or willful nondisclosure pursuant to NRS 612.365; or

2. The recovery of amounts owed to the Division for committing unemployment insurance fraud in violation of NRS 612.445,

➥ the Administrator may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the Division in accordance with the provisions of sections 12 to 19, inclusive of this act.

Sec. 13. *The Administrator shall provide to a person who is subject to the withholding of income pursuant to section 12 of this act a notice sent by first-class mail to the person's last known address:*

1. That his or her income is being withheld;

2. That a notice to withhold income applies to any current or subsequent employer;

3. That a notice to withhold income has been mailed to his or her employer;

4. Of the information provided to his or her employer pursuant to section 14 of this act;

5. That he or she may contest the withholding; and

6. Of the grounds and procedures for contesting the withholding.

Sec. 14. *1. The Administrator shall mail, by first-class mail, a notice to withhold income pursuant to section 12 of this act to each employer of the person who is subject to the withholding.*

2. If an employer does not begin to withhold income from the person in accordance with section 15 of this act after receiving the notice to withhold income that was mailed pursuant to subsection 1, the Administrator shall, by certified mail, return receipt requested, mail to the employer another notice to withhold income.

3. A notice to withhold income pursuant to section 12 of this act may be issued electronically and must:

(a) Contain the social security number of the person;

(b) Specify the total amount to be withheld from the income of the person, including any interest, penalties or assessments accrued pursuant to the provisions of this chapter;

(c) Describe the limitation for withholding income prescribed in NRS 31.295;

(d) Describe the prohibition against terminating the employment of a person because of withholding and the penalties for wrongfully refusing to withhold in accordance with the notice to withhold income; and

(e) Explain the duties of an employer upon the receipt of the notice to withhold income.

Sec. 15. *An employer who receives a notice to withhold income pursuant to section 12 of this act shall:*

1. Withhold the amount stated in the notice from the income due to the person beginning with the first pay period that occurs within 14 days after the date the notice was mailed to the employer and continuing until:

(a) The Administrator notifies the employer to discontinue the withholding; or

(b) The full amount required to be paid to the Administrator has been paid, as indicated by a written statement to the employer from the Administrator;

2. Calculate the amount of income to be withheld from a person's wages during each pay period in accordance with the provisions of NRS 31.295 and subject to the limitation on withholding prescribed in that section. For the purposes of this subsection, a withholding of income shall be deemed a garnishment of earnings.

3. Deliver the money withheld to the Administrator within 7 days after the date of each payment of the regularly scheduled payroll of the employer; and

4. Notify the Administrator when the person subject to withholding terminates his or her employment and provide the last known address of the person and the name of any new employer of the person, if known.

Sec. 16. *1. A notice to withhold income pursuant to section 12 of this act is binding upon any employer of the person to whom it is mailed. To reimburse the employer for his or her costs in making the withholding, the employer may deduct $3 from the amount paid to the person each time the employer makes a withholding.*

2. Except as otherwise provided in subsection 3, if an employer receives notices to withhold income pursuant to section 12 of this act for more than one employee, the employer may consolidate the amounts of money that are payable to the Administrator and pay those amounts with one check, but the employer shall attach to each check a statement identifying by name and social security number each person for whom payment is made and the amount transmitted for that person.

3. If the provisions of NRS 353.1467 apply, the employer shall make payment to the Administrator by any method of electronic transfer of money allowed by the Administrator. If an employer makes such payment by electronic transfer of money, the employer shall transmit separately the name and appropriate identification number, if any, of each person for whom payment is made and the amount transmitted for that person.

4. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 17. *1. It is unlawful for an employer to use the withholding of income to collect an obligation to pay money to the Administrator as a basis for refusing to hire a potential employee, discharging an employee or taking disciplinary action against an employee. Any employer who violates this section shall hire or reinstate any such employee with no loss of pay or benefits, is liable for any amounts not withheld and shall be fined $1,000.*

If an employee prevails in an action based on this section, the employer is liable, in an amount not less than $2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer wrongfully refuses to withhold income as required pursuant to sections 12 to 19, inclusive, of this act or knowingly misrepresents the income of an employee, the employer shall pay the amount the employer refused to withhold to the Administrator and may be ordered to pay punitive damages to the Administrator in an amount not to exceed $1,000 for each pay period the employer failed to withhold income as required or knowingly misrepresented the income of the employee.

Sec. 18. ***1. If an employer wrongfully refuses to withhold income as required pursuant to sections 12 to 19, inclusive, of this act, after receiving a notice to withhold income that was sent by certified mail pursuant to section 14 of this act, or knowingly misrepresents the income of an employee, the Administrator may apply for and the court may issue an order directing the employer to appear and show cause why he or she should not be subject to the penalties prescribed in subsection 2 of section 17 of this act.***

2. At the hearing on the order to show cause, the court, upon a finding that the employer wrongfully refused to withhold income as required or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of sections 12 to 19, inclusive, of this act;

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May fine the employer pursuant to subsection 2 of section 17 of this act; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the employee's income.

Sec. 19. ***1. An employer who complies with a notice to withhold income pursuant to section 12 of this act that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.***

2. Compliance by an employer with a notice to withhold income pursuant to section 12 of this act is a discharge of the employer's liability to the person as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the Administrator may not be held liable in any civil action to the person who is the subject of the withholding of income for any money withheld before the stay becomes effective.

Sec. 20. NRS 612.350 is hereby amended to read as follows:

612.350 1. ~~[Each]~~ ***An*** eligible person who is unemployed ***and otherwise entitled to receive benefits*** in any week must be paid for that week a benefit in an amount equal to the person's weekly benefit amount, less 75 percent of the remuneration payable to him or her for that week.

2. The benefit, if not a multiple of $1, must be computed to the next lower multiple of $1.

Sec. 21. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and the person must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. At any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter. ***If the overpayment is due to fraud, misrepresentation or willful nondisclosure, the Administrator may recover any amounts due in accordance with the provisions of sections 12 to 19, inclusive, of this act.***

4. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which the Administrator finds to be uncollectible or the recovery or adjustment of which the Administrator finds to be administratively impracticable.

5. To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.

6. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals

from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 22. ~~[NRS 612.375 is hereby amended to read as follows:~~

~~612.375 1. Except as otherwise provided in subsection 2 of NRS 612.3774, an unemployed person is eligible to receive benefits with respect to any week only if the Administrator finds that:~~

~~(a) The person has registered for work at, and thereafter has continued to report at, an office of the Division in such a manner as the Administrator prescribes, except that the Administrator may by regulation waive or alter either or both of the requirements of this paragraph for persons attached to regular jobs and in other types of cases or situations with respect to which the Administrator finds that compliance with those requirements would be oppressive or inconsistent with the purposes of this chapter.~~

~~(b) The person has made a claim for benefits in accordance with the provisions of NRS 612.450 and 612.455.~~

~~(c) The person is able to work, and is available for work, but no claimant may be considered ineligible with respect to any week of unemployment for failure to comply with the provisions of this paragraph if the failure is because of an illness or disability which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work has been offered the claimant which would have been suitable before the beginning of the illness and disability. No otherwise eligible person may be denied benefits for any week in which the person is engaged in training approved pursuant to 19 U.S.C. § 2296 or by the Administrator by reason of any provisions of this chapter relating to availability for work or failure to apply for, or a refusal to accept, suitable work.~~

~~(d) The person has within his or her base period been paid wages from employers:~~

~~(1) Equal to or exceeding 1 1/2 times the person's total wages for employment by employers during the quarter of the person's base period in which the person's total wages were highest; or~~

~~(2) In each of at least three of the four quarters in the person's base period.~~

~~***(e) The person has been unemployed and otherwise eligible for benefits for a waiting period of 1 week, within the person's current benefit year, during which no benefits were paid. For the purposes of this paragraph, a person is unemployed in any week during which the amount of any wages earned by the person is less than the person's weekly benefit amount.***~~

~~***~~ [If a person fails to qualify for a weekly benefit amount of one twenty-fifth of the person's high quarter wages but can qualify for a weekly benefit amount of $1 less than one twenty-fifth of his or her high quarter wages, the person's weekly benefit amount must be $1 less than one twenty-fifth of his

~~or her high quarter wages.]~~ ~~No person may receive benefits in a benefit year unless, after the beginning of the next preceding benefit year during which the person received benefits, he or she performed service, whether or not in "employment" as defined in this chapter and earned remuneration for that service in an amount equal to not less than 3 times his or her basic weekly benefit amount as determined for the next preceding benefit year.~~

~~2. In addition to fulfilling the requirements set forth in subsection 1, an unemployed person who has been determined to be likely to exhaust his or her regular benefits and to need services to assist in his or her reemployment, pursuant to the system of profiling established by the Administrator pursuant to 42 U.S.C. § 503, is eligible to receive benefits with respect to any week only if the person participates in those services to assist in his or her reemployment, unless the Administrator determines that:~~

~~(a) The unemployed person has completed his or her participation in those services; or~~

~~(b) There is a justifiable cause for the person's failure to participate in those services.~~

~~3. For any week in which a claimant receives any pension or other payment for retirement, including a governmental or private pension, annuity or other, similar periodic payment, except as otherwise provided in subsection 4, the amount payable to the claimant under a plan maintained by a base period employer or an employer whose account is chargeable with benefit payments must:~~

~~(a) Not be reduced by the amount of the pension or other payment if the claimant made any contribution to the pension or retirement plan; or~~

~~(b) Be reduced by the entire proportionate weekly amount of the pension or other payment if the employer contributed the entire amount to the pension or retirement plan.~~

~~4. The amount of the weekly benefit payable to a claimant must not be reduced by the pension offset in subsection 3 if the services performed by the claimant during the base period, or the compensation the claimant received for those services, from that employer did not affect the claimant's eligibility for, or increase the amount of, the pension or other payment, except for a pension paid pursuant to the Social Security Act or Railroad Retirement Act of 1974, or the corresponding provisions of prior law, which is not eligible for the exclusion provided in this subsection and is subject to the offset provisions of subsection 3.~~

~~5. As used in this section, "regular benefits" has the meaning ascribed to it in NRS 612.377.]~~ **(Deleted by amendment.)**

Sec. 23. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to

obtain or increase any benefit or other payment under this chapter, including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person. A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. ***Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.***

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the ~~[~~first week claimed in violation of~~]~~ ***week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to*** subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➥ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of $650 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, ~~[~~if the amount of benefits which must be repaid is greater than $1,000,~~]~~ the Administrator ~~[~~may~~]~~ ***:***

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be

deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

~~[(a)]~~ ***(1)*** If the amount of such benefits is greater than ***$25 but not greater than $1,000, 5 percent;***

(2) If the amount of such benefits is greater than $1,000 but not greater than $2,500, ~~[25]~~ ***10*** percent; or

~~[(b)]~~ ***(3)*** If the amount of such benefits is greater than $2,500, ~~[50]~~ ***35*** percent,

➥ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. ***Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.***

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 23.5. NRS 612.475 is hereby amended to read as follows:

612.475 1. The last employing unit of any unemployed claimant and the next to last employing unit of an unemployed claimant who has not earned remuneration with his or her last covered employer equal to or exceeding his or her weekly benefit amount in each of 16 weeks must be notified of any new claim or additional claim filed by the unemployed claimant following his or her separation.

2. The notice of the filing of a claim must contain the claimant's name and social security number, the reason for separation from the employing unit affected as given by the claimant, the date of separation and such other information as is deemed proper.

3. Upon receipt of a notice of the filing of a claim, the employing unit shall, within 11 days after the date of the mailing of the notice, submit to the Division all ***known*** relevant facts which may affect the claimant's rights to benefits.

4. Any employing unit that receives a notice of the filing of a claim may protest payment of benefits to the unemployed claimant if the protest is filed within 11 days after the notice is filed.

5. Any employing unit which has filed a protest in accordance with the provisions of this section must be notified in writing of the determination arrived at by the Administrator or the Administrator's Deputy, and the notice must contain a statement setting forth the right of appeal.

6. As used in this section:

(a) "Additional claim" means a claim filed during the benefit year when a break of 1 week or more has occurred in the series of claims with intervening employment.

(b) "New claim" means an application for a determination of eligibility and benefits, benefit amount and duration of benefits which certifies to the beginning date of a first period of unemployment in a benefit year or the continuance of a period of unemployment into a new benefit year.

Sec. 24. NRS 612.550 is hereby amended to read as follows:

612.550 1. As used in this section:

(a) "Average actual duration" means the number of weeks obtained by dividing the number of weeks of benefits paid for weeks of total unemployment in a consecutive 12-month period by the number of first payments made in the same 12-month period.

(b) "Average annual payroll" for each calendar year means the annual average of total wages paid by an employer subject to contributions for the 3 consecutive calendar years immediately preceding the computation date. The average annual payroll for employers first qualifying as eligible employers must be computed on the total amount of wages paid, subject to contributions, for not less than 10 consecutive quarters and not more than 12 consecutive quarters ending on December 31, immediately preceding the computation date.

(c) "Beneficiary" means a person who has received a first payment.

(d) "Computation date" for each calendar year means June 30 of the preceding calendar year.

(e) "Covered worker" means a person who has worked in employment subject to this chapter.

(f) "First payment" means the first weekly unemployment insurance benefit paid to a person in the person's benefit year.

(g) "Reserve balance" means the excess, if any, of total contributions paid by each employer over total benefit charges to that employer's experience rating record.

(h) "Reserve ratio" means the percentage ratio that the reserve balance bears to the average annual payroll.

(i) "Total contributions paid" means the total amount of contributions, due on wages paid on or before the computation date, paid by an employer not later than the last day of the second month immediately following the computation date.

(j) "Unemployment risk ratio" means the ratio obtained by dividing the number of first payments issued in any consecutive 12-month period by the average monthly number of covered workers in employment as shown on the records of the Division for the same 12-month period.

2. The Administrator shall, as of the computation date for each calendar year, classify employers in accordance with their actual payrolls, contributions and benefit experience, and shall determine for each employer the rate of contribution which applies to that employer for each calendar year in order to reflect his or her experience and classification. The contribution rate of an employer may not be reduced below 2.95 percent, unless there have been 12 consecutive calendar quarters immediately preceding the computation date throughout which the employer has been subject to this chapter and his or her account as an employer could have been charged with benefit payments, except that an employer who has not been subject to the law for a sufficient period to meet this requirement may qualify for a rate less than 2.95 percent if his or her account has been chargeable throughout a lesser period not less than the 10-consecutive-calendar-quarter period ending on the computation date.

3. Any employer who qualifies under paragraph (b) of subsection 9 and receives the experience record of a predecessor employer must be assigned the contribution rate of the predecessor.

4. Benefits paid to a person up to and including the computation date must be charged against the records, for experience rating, of the person's base-period employers in the same percentage relationship that wages reported by individual employers represent to total wages reported by all base period employers, except that:

(a) If one of the base period employers has paid 75 percent or more of the wages paid to the person during the person's base period, and except as otherwise provided in NRS 612.551, the benefits, less a proportion equal to the proportion of wages paid during the base period by employers who make reimbursement in lieu of contributions, must be charged to the records for experience rating of that employer. The proportion of benefits paid which is equal to the part of the wages of the claimant for the base period paid by an

employer who makes reimbursement must be charged to the record of that employer.

(b) No benefits paid to a multistate claimant based upon entitlement to benefits in more than one state may be charged to the experience rating record of any employer when no benefits would have been payable except pursuant to NRS 612.295.

(c) Except for employers who have been given the right to make reimbursement in lieu of contributions, extended benefits paid to a person must not be charged against the accounts of the person's base-period employers.

5. The Administrator shall, as of the computation date for each calendar year, compute the reserve ratio for each eligible employer and shall classify those employers on the basis of their individual reserve ratios. The contribution rate assigned to each eligible employer for the calendar year must be determined by the range within which the employer's reserve ratio falls. The Administrator shall, by regulation, prescribe the contribution rate schedule to apply for each calendar year by designating the ranges of reserve ratios to which must be assigned the various contribution rates provided in subsection 6. The lowest contribution rate must be assigned to the designated range of highest reserve ratios and each succeeding higher contribution rate must be assigned to each succeeding designated range of lower reserve ratios, except that, within the limits possible, the differences between reserve ratio ranges must be uniform.

6. Each employer eligible for a contribution rate based upon experience and classified in accordance with this section must be assigned a contribution rate by the Administrator for each calendar year according to the following classes:

Class 1	0.25 percent
Class 2	0.55 percent
Class 3	0.85 percent
Class 4	1.15 percent
Class 5	1.45 percent
Class 6	1.75 percent
Class 7	2.05 percent
Class 8	2.35 percent
Class 9	2.65 percent
Class 10	2.95 percent
Class 11	3.25 percent
Class 12	3.55 percent
Class 13	3.85 percent
Class 14	4.15 percent

Class 15 .....4.45 percent
Class 16 .....4.75 percent
Class 17 .....5.05 percent
Class 18 .....5.40 percent

7. On September 30 of each year, the Administrator shall determine:

(a) The highest of the unemployment risk ratios experienced in the 109 consecutive 12-month periods in the 10 years ending on March 31;

(b) The potential annual number of beneficiaries found by multiplying the highest unemployment risk ratio by the average monthly number of covered workers in employment as shown on the records of the Division for the 12 months ending on March 31;

(c) The potential annual number of weeks of benefits payable found by multiplying the potential number of beneficiaries by the highest average actual duration experienced in the 109 consecutive 12-month periods in the 10 years ending on September 30; and

(d) The potential maximum annual benefits payable found by multiplying the potential annual number of weeks of benefits payable by the average payment made to beneficiaries for weeks of total unemployment in the 12 months ending on September 30.

8. The Administrator shall issue an individual statement, itemizing benefits charged during the 12-month period ending on the computation date, total benefit charges, total contributions paid, reserve balance and the rate of contributions to apply for that calendar year, for each employer whose account is in active status on the records of the Division on January 1 of each year and whose account is chargeable with benefit payments on the computation date of that year.

9. If an employer transfers its trade or business, or a portion thereof, to another employer:

(a) And there is substantially common ownership, management or control of the employers, the experience record attributable to the transferred trade or business must be transferred to the employer to whom the trade or business is transferred. The rates of both employers must be recalculated, and the recalculated rates become effective on the date of the transfer of the trade or business. If the Administrator determines, following the transfer of the experience record pursuant to this paragraph, that the sole or primary purpose of the transfer of the trade or business was to obtain a reduced liability for contributions, the Administrator shall combine the experience rating records of the employers involved into a single account and assign a single rate to the account.

(b) And there is no substantially common ownership, management or control of the employers, the experience record of an employer may be

transferred to a successor employer as of the effective date of the change of ownership if:

(1) The successor employer acquires the entire or a severable and distinct portion of the business, or substantially all of the assets, of the employer;

(2) The successor employer notifies the Division of the acquisition in writing within 90 days after the date of the acquisition;

(3) The employer and successor employer submit a joint application to the Administrator requesting the transfer; and

(4) The joint application is approved by the Administrator.

➥ The joint application must be submitted within 1 year after the date of issuance by the Division of official notice of eligibility to transfer.

(c) Except as otherwise provided in paragraph (a), a transfer of the experience record must not be completed if the Administrator determines that the acquisition was effected solely or primarily to obtain a more favorable contribution rate.

(d) Any liability to the Division for unpaid contributions, interest or forfeit attributable to the transferred trade or business must be transferred to the successor employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.

10. Whenever an employer has paid no wages in employment for 8 consecutive calendar quarters following the last calendar quarter in which the employer paid wages for employment, the Administrator shall terminate the employer's experience rating account, and the account must not thereafter be used in any rate computation.

11. The Administrator may adopt reasonable accounting methods to account for those employers which are in a category for providing reimbursement in lieu of contributions.

Sec. 25. NRS 612.551 is hereby amended to read as follows:

612.551 1. Except as otherwise provided in subsections 2 ***, 3*** and ~~[3,]~~ ***7,*** if the Division determines that a claimant has earned 75 percent or more of his or her wages during his or her base period from one employer, it shall notify the employer of its determination and advise him or her that he or she has a right to protest the charging of benefits to his or her account pursuant to subsection 4 of NRS 612.550.

2. Benefits paid pursuant to an elected base period in accordance with NRS 612.344 must not be charged against the record for experience rating of the employer.

3. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** a claimant leaves his or her last or next to last employer to take other employment and leaves or is discharged by the latter employer, benefits paid to the claimant must not be charged against the record for experience rating of the former employer.

4. If the employer provides evidence within 10 working days after the notice required by subsection 1 was mailed which satisfies the Administrator that the claimant:

(a) Left his or her employment voluntarily without good cause or was discharged for misconduct connected with the employment; or

(b) Was the spouse of an active member of the Armed Forces of the United States and left his or her employment because the spouse was transferred to a different location,

➥ the Administrator shall order that the benefits not be charged against the record for experience rating of the employer.

5. The employer may appeal from the ruling of the Administrator relating to the cause of the termination of the employment of the claimant in the same manner as appeals may be taken from determinations relating to claims for benefits.

6. A determination made pursuant to this section does not constitute a basis for disqualifying a claimant to receive benefits.

7. If an employer who is given notice of a claim for benefits pursuant to subsection 1 fails to submit timely to the Division all known relevant facts which may affect the claimant's rights to benefits as required by NRS 612.475, the employer's record for experience rating is not entitled to be relieved of the amount of any benefits paid to the claimant as a result of such failure that were charged against the employer's record pursuant to NRS 612.550 or 612.553.

Sec. 26. NRS 612.615 is hereby amended to read as follows:

612.615 1. There is hereby created the Employment Security Fund as a special revenue fund.

2. ~~[All]~~ ***Except as otherwise provided in paragraph (a) of subsection 6 of NRS 612.445, all*** interest and forfeits collected under NRS 612.618 to 612.675, inclusive, and 612.740 ***and sections 12 to 19, inclusive, of this act*** must be paid into the Fund.

3. All money which is deposited or paid into the Fund is hereby appropriated and made available to the Administrator or for any other purpose authorized by the Legislature. The money may not be expended or made available for expenditure in any manner which would permit its substitution for, or a corresponding reduction in, federal payments which would, in the absence of this money, be available to finance expenditures for the administration of the employment security laws of the State of Nevada.

4. This section does not prevent this money from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal payments have been duly requested but not yet received, subject to the repayment to the Fund of such expenditures when received.

5. ~~[The]~~ ***Except as otherwise provided in this section,*** money in this Fund available to the Administrator must be used by the Administrator for the payment of costs of:

(a) Administration which are found not to have been properly and validly chargeable against federal grants received for or in the Unemployment Compensation Administration Fund; or

(b) Any program or the implementation of procedures deemed necessary by the Administrator to ensure the proper payment of benefits and collection of contributions and reimbursements pursuant to this chapter or for any other purpose authorized by the Legislature.

6. ***The Administrator may use money deposited in this Fund from a penalty imposed pursuant to paragraph (b) of subsection 6 of NRS 612.445 for any purpose that furthers the integrity of the system of unemployment compensation established pursuant to this chapter.***

7. Any balances in this Fund do not lapse at any time, but are continuously available to the Administrator for expenditure consistent with this chapter.

~~[7.]~~ ***8.*** Money in this Fund must not be commingled with other state money, but must be maintained in a separate account on the books of the depositary.

Sec. 27. NRS 612.655 is hereby amended to read as follows:

612.655 1. Where a payment of contributions, forfeit or interest has been erroneously collected, an employer may, not later than 3 years after the date on which such payments became due, make application for an adjustment thereof in connection with subsequent contributions, forfeit or interest payments or for a refund. All such adjustments or refunds will be made without interest. An adjustment or refund will not be made in any case with respect to contributions on wages which have been included in the determination of an eligible claim for benefits, unless it is shown to the satisfaction of the Administrator that such determination was due entirely to the fault or mistake of the Division.

2. Refunds of interest and forfeit collected under NRS 612.618 to 612.675, inclusive, and 612.740 ***and sections 12 to 19, inclusive, of this act*** and paid into the Employment Security Fund established by NRS 612.615 must be made only from the Employment Security Fund.

Sec. 28. NRS 612.695 is hereby amended to read as follows:

612.695 1. Any employer who, outside the usual course of the employer's business, sells ***or transfers*** substantially all or any one of the classes of assets enumerated in subsection 1 of NRS 612.690 and quits business, shall within 10 days after the sale ***or transfer*** file such reports as the Administrator may prescribe and pay the contributions, interest or forfeits

required by this chapter with respect to wages for employment to the date of the sale ~~[.]~~ ***or transfer.***

2. ***In the case of a sale:***

(a) The purchaser shall withhold sufficient of the purchase money to cover the amount of all contributions ***, interest*** and forfeits due and unpaid until such time as the seller produces a receipt from the Administrator showing that the contributions ***, interest*** and forfeits have been paid or a certificate showing that no contributions ***, interest*** or forfeits are due.

~~[3.]~~ ***(b)*** If the seller fails, within the 10-day period, to produce the receipt or certificate, the purchaser shall pay the sum so withheld to the Administrator upon demand.

~~[4.]~~ ***(c)*** If the purchaser fails to withhold purchase money as provided in ~~[~~subsection 2~~]~~ ***paragraph (a)*** and the contributions, interest and forfeits are not paid within the 10 days specified in this section, the purchaser is personally liable for the payment of the contributions ***, interest*** and forfeits accrued and unpaid on account of the operation of the business by the former owner.

3. In the case of a transfer other than a sale, if the contributions, interest and forfeits are not paid within the 10 days specified in this section, the transferee is personally liable for the payment of the contributions, interest and forfeits accrued and unpaid on account of the operation of the business by the former owner.

Sec. 29. (Deleted by amendment.)

Sec. 30. The provisions of NRS 612.551, as amended by section 25 of this act, do not apply to a claim for benefits paid before October 21, 2013.

Sec. 31. (Deleted by amendment.)

Sec. 32. ~~[1.]~~ This ~~[section and sections 1, 12 to 19, inclusive, 21 to 28, inclusive, and 30 of this act become]~~ **act becomes** effective upon passage and approval.

~~[2. Sections 2 to 11, inclusive, and 20 of this act become effective:~~

~~(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and~~

~~(b) For all other purposes, on the first day of the quarter after the date on which the Secretary of Labor approves the program of shared work unemployment compensation established pursuant to section 5 of this act as a short time compensation program.~~

~~3. Sections 29 and 31 of this act become effective:~~

~~(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) For all other purposes, if and only if the amendatory provisions of section 4 of chapter 476, Statutes of Nevada 2011, at page 2891, or substantially similar provisions, are in effect on the first day of the quarter after the date on which the Secretary of Labor approves the program of shared work unemployment compensation established pursuant to section 5 of this act as a short-time compensation program.~~

~~4. Section 29 of this act expires by limitation on the date on which the amendatory provisions of section 4 of chapter 476, Statutes of Nevada 2011, at page 2891, or substantially similar provisions, expire.]~~

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 644.

AN ACT relating to financial services; authorizing ~~[a high-interest loan service]~~ **certain licensees** to charge a late fee on a loan in default under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain limitations on the amounts that a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service may charge after a customer defaults on a loan. (NRS 604A.485) This bill authorizes ~~[a high-interest loan service]~~ **certain licensees** to charge not more than ~~[$25,]~~ **$15,** payable on a one-time basis, ~~[on]~~ **for** any ~~[loan]~~ **installment payment** that remains unpaid 10 days or more after the date of default.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to the amounts authorized to be collected pursuant to NRS 604A.485, a ~~[high-interest loan service]~~ licensee who makes a high-interest loan in accordance with the provisions of subsection 2 of NRS 604A.480 may charge a fee of not more than ~~[$25,]~~ $15, payable on a one-time basis, ~~[on]~~ for any ~~[loan]~~ installment payment that remains unpaid 10 days or more after the date of default.

Sec. 2. NRS 604A.407 is hereby amended to read as follows:

604A.407 1. Except as otherwise provided in this section, for the purposes of determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent, calculations must be made in accordance with the Truth in Lending Act and Regulation Z, except that every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the lender must be included in calculating the annual percentage rate, including, without limitation:

(a) Interest;

(b) Application fees, regardless of whether such fees are charged to all applicants or credit is actually extended;

(c) Fees charged for participation in a credit plan, whether assessed on an annual, periodic or nonperiodic basis; and

(d) Prepaid finance charges.

2. The following charges and fees must be excluded from the calculation of the annual percentage rate pursuant to subsection 1:

(a) Any fees allowed pursuant to NRS 604A.490 or 675.365 for a check not paid upon presentment or an electronic transfer of money that fails;

(b) Interest accrued after default pursuant to paragraph (c) of subsection 1 of NRS 604A.485;

(c) Charges for an unanticipated late payment, exceeding a credit limit, or a delinquency, default or similar occurrence; ~~[and]~~

(d) Any premiums or identifiable charges for insurance permitted pursuant to NRS 675.300 ~~[.]~~ ***; and***

(e) The fee allowed pursuant to section 1 of this act.

3. Calculation of the annual percentage rate in the manner specified in this section is limited only to the determination of whether a loan is a high-interest loan and must not be used in compliance with the disclosure requirements of paragraph (g) of subsection 2 of NRS 604A.410 or any other provisions of this chapter requiring disclosure of an annual percentage rate in the making of a loan.

Sec. 3. NRS 604A.485 is hereby amended to read as follows:

604A.485 1. If a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The unpaid principal amount of the loan.

(b) The unpaid interest, if any, accrued before the default at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension, in writing and signed by the customer, relating to the loan, the

licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.480.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the loan.

(d) Any fees allowed pursuant to NRS 604A.490 for a check that is not paid upon presentment or an electronic transfer of money that fails because the account of the customer contains insufficient funds or has been closed.

➥ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.430, 604A.445 and 604A.475, ***and section 1 of this act,*** the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such prohibited amounts include, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 726.

AN ACT relating to police officers; revising the definition of "police officer" to include court bailiffs and deputy marshals in district courts and

justice courts ~~[and chiefs and assistant alternative sentencing officers of departments of alternative sentencing]~~ primarily for purposes of certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers in this State for purposes of certain provisions relating to the Nevada Occupational Diseases Act. (NRS 617.135) This bill expands the definition of "police officer" to include ~~[: (1)]~~ court bailiffs and deputy marshals in district courts and justice courts ~~[, and (2) chiefs and assistant alternative sentencing officers of departments of alternative sentencing.]~~ Furthermore, because various other provisions of NRS reference "police officer" as that term is defined in the Act, this bill makes applicable to court bailiffs and deputy marshals in district courts and justice courts ~~[and to chiefs and alternative sentencing officers of departments of alternative sentencing]~~ certain provisions concerning: (1) industrial insurance coverage; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) certain programs of group insurance or other medical or hospital service for the surviving spouse or any child of police officers and firefighters. (NRS 6.020, 281.153, 287.021, 287.0477, chapters 616A-616D of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

12. A forensic specialist or correctional officer employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280; ~~[and]~~

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260 ~~[.]~~ ***; and***

16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests . [; and

17. A chief or an assistant alternative sentencing officer of a department of alternative sentencing created pursuant to NRS 211A.080.]

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 643.

AN ACT relating to scrap metal; authorizing a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal; requiring, under certain circumstances, a scrap metal processor to submit electronically to a local law enforcement agency or certain third parties certain information relating to certain purchases of scrap metal; **requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to the confidentiality of reported information; revising provisions relating to certain records maintained by scrap metal processors;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) **Section 1.3** of this bill authorizes a local law enforcement agency to establish an electronic reporting system or utilize an existing electronic reporting system to receive certain information relating to scrap metal purchases within the jurisdiction of the law enforcement agency. **Section 1.3** requires that the system be electronically secure and accessible only to: (1) a scrap metal processor for the purpose of submitting certain information; (2) an officer of the local law enforcement agency; and (3) an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system, **section 1.3** requires a scrap metal processor to submit electronically to the local law enforcement agency or, if applicable, any third party that the local law enforcement agency has contracted with, certain information relating to each purchase of scrap metal from certain persons. **Section 1.3 further requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations providing for the confidential maintenance of reported information and the oversight of designated third parties that may contract with a law enforcement agency to receive and maintain such information.**

Section 2 of this bill ~~[specifies that the record of purchase maintained by a scrap metal processor must include a copy of the seller's valid: (1) personal identification card issued by the Department of Motor Vehicles; (2) driver's license issued by this State or another state or territory of the United States; (3) United States military identification card; or (4) consular identification card.]~~ **revises provisions relating to the acceptable forms of personal**

identification which a scrap metal processor may accept for the purpose of maintaining certain records relating to purchases of scrap metal.

Section 1.5 of this bill provides that a person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill, so long as such actions are taken in good faith and without malicious intent.

Section 1.7 of this bill requires a person in whose possession the information required to be submitted to a local law enforcement agency is held to keep the information confidential. **Section 1.7** also provides that a person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. ***1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:***

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(a) The name of the seller;

(b) The date of the purchase;

(c) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(e) The license number and general description of any vehicle that delivered the scrap metal;

(f) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094; and

(g) The amount, in weight, of scrap metal purchased.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal within the jurisdiction of the law enforcement agency.

6. The provisions of this section do not apply to the purchase of scrap metal from a business entity.

7. <u>The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:</u>

<u>(a) The confidentiality of consumer information;</u>

<u>(b) The confidentiality of proprietary information;</u>

<u>(c) Equity of input into contractual terms;</u>

<u>(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;</u>

<u>(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the</u>

qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 1.5. ***A person is immune from any civil liability for any action taken in good faith and without malicious intent in carrying out the provisions of NRS 647.094 or section 1.3 of this act.***

Sec. 1.7. ***1. Except as otherwise required pursuant to section 1.3 of this act, any information concerning the purchase of scrap metal, as described in NRS 647.094 and section 1.3 of this act, must be kept confidential by the person in whose possession such information is held.***

2. A person who knowingly and willfully violates subsection 1 is guilty of a gross misdemeanor.

Sec. 2. NRS 647.094 is hereby amended to read as follows:

647.094 1. Every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:

(a) The date of the purchase.

(b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.

(c) A copy of the seller's valid ~~[~~personal~~]~~ ***:***

(1) Personal identification card ~~[~~or valid driver's~~]~~ ***issued by this State ~~[,]~~ or any other state or territory of the United States;***

(2) Driver's license issued by ~~[~~a~~]~~ ***this State or any other*** state ~~[~~or a copy of the seller's valid~~]~~ ***or territory of the United States;***

(3) United States military identification card ~~[.]~~ ***; or***

(4) ~~[Consular]~~ Any form of identification ~~[card as defined in]~~ which may serve as an acceptable form of identification pursuant to NRS 237.200.

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including the seller's gender, height, eye color and hair color.

(e) A photograph, video record or digital record of the seller.

(f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.

(g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of business be open to the inspection of a prosecuting attorney or any peace officer.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 648.

AN ACT relating to renewable energy; revising provisions which specify the renewable energy systems which qualify as portfolio energy systems; revising provisions relating to the implementation of energy efficiency measures by a provider of electric service for the purpose of complying with the renewable portfolio standard; revising provisions relating to the carrying forward to subsequent calendar years of the excess kilowatt-hours of electricity that a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (Sections 26-29 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) **Section 6** of this bill revises the portfolio standard to limit the use of savings achieved from energy efficiency measures by a provider to satisfy the portfolio standard.

Section 4 of this bill revises the definition of "portfolio energy system or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) **Section 9** of this bill revises the applicability of this provision to systems that were placed into operation **on or** before ~~[July 1, 2014.]~~ **December 31, 2015.**

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) **Section 11** of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. **Section 11** requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio

energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system ~~[~~**[**~~; or~~

~~2. Any energy efficiency measure.~~**]** ***:***

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; or

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years 2020 through 2024, inclusive, not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar year 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~[during]~~ ***:***

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year ~~[,]~~ ***2015 to 2019, inclusive,*** not more than ~~[25]~~ ***20*** percent of that amount may be based on energy efficiency measures ~~[.]~~ ***;***

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the

contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. ~~[For]~~ Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after ~~[July 1, 2015,]~~ January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a

renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~[and]~~

2. ***The system was placed into operation on or before ~~[July 1, 2014;]~~ December 31, 2015; and***

3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~[, the]~~ ***:***

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures ~~[.]~~ ***;***

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

➥ ***Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.***

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. ***If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:***

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the

provider complies with its portfolio standard, as determined by the Commission.

~~[6.]~~ ***7.*** If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~[7.]~~ ***8.*** All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

(a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and

(b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

(a) Each provider of electric service operating in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 645.

AN ACT relating to insurance; prohibiting certain policies of health insurance and health care plans from making monetary limits of coverage for certain orally administered chemotherapy less favorable to the insured than other forms of chemotherapy; limiting the total combined amount of any copayment, deductible or coinsurance for chemotherapy administered orally; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1, 3-5, 8 and 9** of this bill prohibit a health care plan and policy of insurance, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy from making the monetary limits of coverage for orally administered chemotherapy different than other types of chemotherapy. **Sections 1, 3-5, 8 and 9** further prohibit such a health care plan or policy of insurance from meeting this requirement by decreasing the monetary limits for chemotherapy under the policy or plan. **Sections 1, 3-5, 8 and 9** also prohibit such a health care plan and policy of insurance from requiring a copayment, deductible or coinsurance amount for orally administered chemotherapy in a combined amount that is more than $100 per prescription.

The provisions of this bill apply prospectively to any policy of insurance or health care plan ~~[offered through the Silver State Health Insurance Exchange on or after January 1, 2015, and to any other policy of insurance or health care plan]~~ **that is delivered,** issued **for delivery** or renewed on or after January 1, ~~[2014.]~~ **2015.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void . [if the policy is :

— (a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

— (b) For any other policy, delivered, issued for delivery or renewed on or after January 1, 2014.]

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A contract subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the contract or renewal which is in conflict with this section is void . ~~[if the contract is:~~

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other contract, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. Evidence of coverage subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void. [if the evidence of coverage is:

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. Nothing in this section shall be construed as requiring a health maintenance organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, ***and section 5 of this act,*** 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with

the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 5 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the

affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. An evidence of coverage for a health care plan subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void. [if the evidence of coverage is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.]

3. Nothing in this section shall be construed as requiring a managed care organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 8.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy

of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.200 to 695G.230, inclusive, and 695G.430 ***and section 8 of this act,*** do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A plan of self-insurance subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the plan or the renewal which is in conflict with this section is void . ~~[if the plan is:~~

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other plan, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. Nothing in this section shall be construed as requiring the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 9.5. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. ***The provisions of section 9 of this act do not apply to a trust fund established pursuant to this section before October 1, 2013.***

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 8 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 647.

AN ACT relating to real property; revising provisions governing loans secured by a lien on real property in which investors hold the beneficial interests; revising provisions governing the reconveyance of a deed of trust; **revising provisions relating to bona fide purchasers and encumbrancers of real property;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the beneficial interest in a mortgage loan belongs to more than one natural person, the holders of 51 percent or more of the outstanding principal balance may act on behalf of all the holders of the beneficial interests of record. (NRS 645B.340) **Section 2** of this bill revises

this provision to authorize the holders of 51 percent or more of the ownership interest in the real property previously securing the loan to act on behalf of all the holders of the ownership interests of record. **Section 2** also **: (1) requires that certain written notice of the proposed action be provided to each holder of a beneficial interest in the loan or an ownership interest in the real property; and (2)** specifies the manner in which the interests of the minority of persons who do not consent to a sale, transfer, encumbrance or lease of the real property are sold, transferred, encumbered or leased.

Existing law prohibits a mortgage broker from placing a private investor or arranging to place a private investor into a limited-liability, business trust or other business entity before a foreclosure of real property unless the mortgage broker complies with certain requirements. (NRS 645B.356) **Section 2.5** of this bill: (1) specifies that these requirements apply if private investors own real property because of a foreclosure sale or receipt of a deed in lieu of a foreclosure sale in full satisfaction of a loan; and (2) provides that a certain majority of the private investors may place the loan or the real property into a limited-liability company, business trust or other business entity on behalf of all the private investors. **Section 2.5** also specifies the manner in which the interests of the minority of private investors who do not consent to the placement are placed in the limited-liability company, business trust or other business entity.

Existing law establishes various procedures for the reconveyance of a deed of trust upon the payment, satisfaction or discharge of the obligation or debt secured by the deed of trust. (NRS 107.073, 107.077) **Section 3** of this bill establishes a procedure by which a trustor or the successor in interest of the trustor may cause the trustee to reconvey the deed of trust if: (1) the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of the deed of trust cannot be located after a diligent search or refuses to execute and deliver to the trustee a proper request for reconveyance; or (2) a balance remains due on the obligation or debt secured by the deed of trust and the trustor or successor in interest of the trustor cannot locate the beneficiary of record after diligent search. Under **section 3**, the trustor or the successor in interest of the trustor must record a surety bond that meets certain requirements and a declaration signed under penalty of perjury which states certain information concerning the deed of trust. If the beneficiary of record does not object in writing to the execution and recording of a reconveyance within 30 days after the recording of the surety bond and declaration, the trustee must execute and record or cause to be recorded a reconveyance of the deed of trust and that reconveyance releases the lien of the deed of trust. **Section 3** also establishes a procedure by which the trustor or the successor in interest of the trustor

may substitute the current trustee for the purposes of executing and recording the reconveyance if the current trustee cannot be located after diligent search.

Existing law provides that a conveyance of any estate or interest in lands, and any charge upon lands, is void if it is made with the intent to defraud prior or subsequent purchasers of the same lands. (NRS 111.175) Under existing law, such a conveyance or charge is not deemed fraudulent in favor of certain subsequent purchasers, unless the subsequent purchaser was privy to the fraud intended. (NRS 111.180) Section 3.5 of this bill: (1) defines the circumstances under which a purchaser of an estate or interest in real property is a bona fide purchaser of the property; and (2) provides that a conveyance of an estate or interest in real property, or a charge upon real property, is not deemed fraudulent in favor of a bona fide purchaser unless the subsequent purchaser had actual knowledge, constructive notice or reasonable cause to know of the intended fraud.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 645B.340 is hereby amended to read as follows:

645B.340 1. Except as otherwise provided by law or by agreement between the parties and regardless of the date the interests were created, if the beneficial interest in a loan ***or the ownership interest in the real property previously securing the loan*** belongs to more than one ~~[natural]~~ person, the holders of ***the beneficial interest in a loan whose interests represent*** 51 percent or more of the outstanding principal balance ***of the loan or the holders of 51 percent or more of the ownership interest in the real property, as indicated on a trustee's deed upon sale recorded pursuant to subsection 9 of NRS 107.080, a deed recorded pursuant to subsection 5 of NRS 40.430*** ~~*[by a sheriff conducting a foreclosure sale]*~~ ***or a deed in lieu of foreclosure, and any subsequent deed selling, transferring or assigning an ownership interest,*** may act on behalf of all the holders of the beneficial interests ***or ownership interests*** of record on matters which require the action of the holders of the beneficial interests in the loan ~~[,]~~ ***or the ownership interests in the real property,*** including, without limitation:

(a) The designation of a mortgage broker or mortgage agent, servicing agent or any other person to act on behalf of all the holders of the beneficial interests ***or ownership interests*** of record;

(b) The foreclosure of the property for which the loan was made;

(c) The ***subsequent*** sale, ***transfer,*** encumbrance or lease of real property owned by the holders resulting from a foreclosure or the receipt of a deed in

lieu of a foreclosure in full satisfaction of a loan ~~[.]~~ ***, to a bona fide purchaser or encumbrancer for value;***

(d) The release of any obligation under a loan in return for an interest in equity in the real property or, if the loan was made to a person other than a natural person, an interest in equity of that entity; and

(e) The modification or restructuring of any term of the loan, deed of trust or other document relating to the loan, including, without limitation, changes to the maturity date, interest rate and the acceptance of payment of less than the full amount of the loan and any accrued interest in full satisfaction of the loan.

2. ***A person designated to act pursuant to subsection 1 on behalf of the holders of the beneficial interest in a loan or the ownership interest in real property shall, not later than 30 days before the date on which the holders will determine whether or not to act pursuant to subsection 1, send a written notice of the action to each holder of a beneficial interest or ownership interest at the holder's last known address, by a delivery service that provides proof of delivery or evidence that the notice was sent. The written notice must state:***

(a) The actions that will be taken on behalf of the holders who consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1;

(b) The actions that will be taken on behalf of the holders who do not consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1; and

(c) The amount of the costs or, if an amount is unknown, an estimate of the amount of the costs that will be allocated to, or due from, the holder and deducted from any proceeds owed to the holder.

3. If real property is sold, transferred, encumbered or leased pursuant to paragraph (c) of subsection 1, any beneficial interest in the loan or ownership interest in the real property of a holder who does not consent to the sale, transfer, encumbrance or lease, including, without limitation, any interest of a tenant in common who does not consent to the sale, transfer, encumbrance or lease, must be sold, transferred, encumbered or leased by a reference to this section and by the signatures on the necessary documents of the holders consenting to the sale, transfer, encumbrance or lease of the real property. The holders consenting to the sale, transfer, encumbrance or lease of the real property shall designate a representative

to sign any necessary documents on behalf of the holders who do not consent to the sale, transfer, encumbrance or lease and, if the representative maintains written evidence of the consent of the number of holders described in subsection 1, the representative is not liable for any action taken pursuant to this subsection.

[3.] ***4.*** Any action which is taken pursuant to subsection 1 must be in writing.

[3.**]** ***[4.]*** ***5.*** The provisions of this section do not apply to a transaction involving two investors with equal interests.

Sec. 2.5. NRS 645B.356 is hereby amended to read as follows:

645B.356 1. A mortgage broker shall not place or arrange to place a private investor into a limited-liability company, business trust or other entity before ***or after*** foreclosure of the real property securing the loan ***, or receipt of a deed in lieu of foreclosure in full satisfaction of a loan secured by the real property,*** unless the mortgage broker:

(a) Provides a copy of the organizational documents of the limited-liability company, business trust or other entity to each investor not later than 5 days before the **[**investor transfers his or her**]** ***transfer of the*** interest in the loan **[**; and**]** ***or the interest in the real property;***

(b) ***Obtains the written authorization of a sufficient number of the investors to act on behalf of all the investors pursuant to NRS 645B.340; and***

(c) Obtains the written authorization of each investor **[**who wishes to**]** ***consenting to the*** transfer ***of*** his or her interest in the loan ***or in the real property*** to the limited-liability company, business trust or other entity.

2. ***If a private investor is placed into a limited-liability company, business trust or other entity pursuant to subsection 1, any beneficial interest in a loan or ownership interest in real property of the private investor who does not consent to the placement, including, without limitation, any interest of a tenant in common who does not consent to the placement, must be placed in the limited-liability company, business trust or other entity by a reference to this section and by the signatures on the necessary documents of the investors consenting to the placement. The investors who consent to an action pursuant to subsection 1 shall designate a representative to sign any necessary documents on behalf of the investors who do not consent to the action, and if the representative maintains written evidence of the consent of the number of investors described in paragraph (b) of subsection 1, the representative is not liable for any action taken pursuant to this subsection.***

3. The documents provided to each investor pursuant to paragraph (a) of subsection 1 must clearly and concisely state any fees which will be paid to the mortgage broker by the limited-liability company, business trust or other

entity, and the sections of the documents that state fees must be initialed by the investor ~~[~~.

~~3.]~~ ***and any representative designated pursuant to subsection 2.***

4. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of a private investor for the signing or dating of the written authorization.

~~[4.]~~ ***5.*** Any term of a contract or other agreement that attempts to alter or waive the requirements of this section is void.

Sec. 3. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Whenever the debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search as described in subsection 9 or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077, or whenever a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record, the trustor or the trustor's successor in interest may record or cause to be recorded a surety bond that meets the requirements of subsection 2 and a declaration that meets the requirements of subsection 3.

2. The surety bond recorded pursuant to subsection 1 must:

(a) Be acceptable to the trustee;

(b) Be issued by a surety authorized to issue surety bonds in this State in an amount equal to the greater of:

(1) Two times the amount of the original obligation or debt secured by the deed of trust plus any principal amounts, including, without limitation, advances, indicated in a recorded amendment thereto; or

(2) One-and-a-half times the total amount computed pursuant to subparagraph (1) plus any accrued interest on that amount;

(c) Be conditioned on payment of any amount which the beneficiary recovers in an action to enforce the obligation or recover the debt secured by the deed of trust, plus costs and reasonable attorney's fees;

(d) Be made payable to the trustee who executes a reconveyance pursuant to subsection 4 and the beneficiary or the beneficiary's successor in interest; and

(e) Contain a statement of:

(1) The recording date and instrument number or book and page number of the recorded deed of trust;

(2) The names of the original trustor and beneficiary;

(3) The amount shown as the original principal amount secured by the deed of trust; and

(4) The recording information and new principal amount shown in any recorded amendment to the deed of trust.

3. The declaration recorded pursuant to subsection 1 must:

(a) Be signed under penalty of perjury by the trustor or the trustor's successor in interest;

(b) State that it is recorded pursuant to this section;

(c) State the name of the original trustor;

(d) State the name of the beneficiary;

(e) State the name and address of the person making the declaration;

(f) Except as otherwise provided in subsection 8, contain a statement of the following, whichever is applicable:

(1) That the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077; or

(2) That a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record;

(g) Contain a statement that the declarant has mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust, a notice of the recording of the surety bond and declaration pursuant to this section, of the name and address of the trustee, of the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and of the requirement to notify the trustee in writing of any such objection; and

(h) Contain the date of the mailing of any notice pursuant to this section and the name and address of each person to whom such a notice was mailed.

4. Not earlier than 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3, delivery to the trustee of the fees charged by the trustee for the preparation, execution or recordation of a reconveyance pursuant to subsection 7 of NRS 107.077, plus costs incurred by the trustee, and a demand for reconveyance under NRS 107.077, the trustee shall execute and record or cause to be recorded a reconveyance of the deed of trust pursuant to NRS 107.077, unless the

trustee has received a written objection to the reconveyance of the deed of trust from the beneficiary of record within 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3. The recording of a reconveyance pursuant to this subsection has the same effect as a reconveyance of the deed of trust pursuant to NRS 107.077 and releases the lien of the deed of trust. A trustee is not liable to any person for the execution and recording of a reconveyance pursuant to this section if the trustee acted in reliance upon the substantial compliance with this section by the trustor or the trustor's successor in interest. The sole remedy for a person damaged by the reconveyance of a deed of trust pursuant to this section is an action for damages against the trustor or the person making the declaration described in subsection 3 or an action against the surety bond.

5. Upon the recording of a reconveyance of the deed of trust pursuant to subsection 4, interest no longer accrues on any balance remaining due under the obligation or debt secured by the deed of trust to the extent that the balance due has been stated in the declaration described in subsection 3. Notwithstanding any provision of chapter 120A of NRS, any amount of the balance remaining due under the obligation or debt secured by the deed of trust, including, without limitation, principal and interest, which is remitted to the issuer of the surety bond described in subsection 2 in connection with the issuance of that surety bond must, if unclaimed within 3 years after remittance, be property that is presumed abandoned for the purposes of chapter 120A of NRS. From the date on which the amount is paid or delivered to the Administrator of Unclaimed Property pursuant to NRS 120A.570, the issuer of the surety bond is relieved of any liability to pay to the beneficiary or his or her heirs or successors in interest the amount paid or delivered to the Administrator.

6. Any failure to comply with the provisions of this section does not affect the rights of a bona fide purchaser or encumbrancer for value.

7. This section shall not be deemed to create an exclusive procedure for the reconveyance of a deed of trust and the issuance of surety bonds and declarations to release the lien of a deed of trust, and shall not affect any other procedures, whether or not such procedures are set forth in statute, for the reconveyance of a deed of trust and the issuance of surety bonds and declaration to release the lien of a deed of trust.

8. For the purposes of this section, the trustor or the trustor's successor in interest may substitute the current trustee of record without conferring any duties upon that trustee other than duties which are incidental to the execution of a reconveyance pursuant to this section, if:

(a) The debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied;

(b) The current trustee of record and the current beneficiary of record cannot be located after diligent search as described in subsection 9;

(c) The declaration filed pursuant to subsection 3:

(1) In addition to the information required to be stated in the declaration pursuant to subsection 3, states that the current trustee of record and the current beneficiary of record cannot be located after diligent search; and

(2) In lieu of the statement required by paragraph (f) of subsection 3, contains a statement that the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077;

(d) The substitute trustee is a title insurer that agrees to accept the substitution, except that this paragraph does not impose a duty on a title insurer to accept the substitution; and

(e) The surety bond required by this section is for a period of not less than 5 years.

9. For the purposes of subsection 1, a diligent search has been conducted if:

(a) A notice stating the intent to record a surety bond and declaration pursuant to this section, the name and address of the trustee, the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and the requirement to notify the trustee in writing of any such objection, has been mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust.

(b) A search has been conducted of the telephone directory in the city where the beneficiary of record or trustee of record, whichever is applicable, maintained its last known address or place of business.

(c) If the beneficiary of record or the beneficiary's successor in interest, or the trustee of record or the trustee's successor in interest, whichever is applicable, is a business entity, a search has been conducted of the records of the Secretary of State and the records of the agency or officer of the state of organization of the beneficiary, trustee or successor, if known.

(d) If the beneficiary of record or trustee of record is a state or national bank or state or federal savings and loan association, an inquiry concerning the location of the beneficiary or trustee has been made to the regulator of the bank or savings and loan association.

10. As used in this section:

(a) "Surety" means a corporation authorized to transact surety business in this State pursuant to NRS 679A.030 that:

(1) Is included in the United States Department of the Treasury's Listing of Approved Sureties; and

(2) Issues a surety bond pursuant to this section that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.

(b) "Surety bond" means a bond issued by a surety for the reconveyance of a deed of trust pursuant to this section.

Sec. 3.5. **NRS 111.180 is hereby amended to read as follows:**

111.180 ***1. Any purchaser who purchases an estate or interest in any real property in good faith and for valuable consideration and who does not have actual knowledge, constructive notice of, or reasonable cause to know that there exists a defect in, or adverse rights, title or interest to, the real property is a bona fide purchaser.***

2. No ~~[such]~~ conveyance ~~[,]~~ ***of an estate or interest in real property,*** or charge ~~[,]~~ ***upon real property,*** shall be deemed fraudulent in favor of a ~~[subsequent]~~ ***bona fide*** purchaser ~~[who shall have legal notice thereof at the time of the purchase by the subsequent purchaser,]~~ unless it ~~[shall appear]~~ ***appears*** that the ~~[grantee]~~ ***subsequent purchaser*** in such conveyance, or person to be benefited by such charge, ~~[was privy to]~~ ***had actual knowledge, constructive notice or reasonable cause to know of*** the fraud intended.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Edwards.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Callen Aten and Camryn Aten.

Assemblyman Frierson moved that the Assembly adjourn until Tuesday, May 21, 2013, at 12:30 p.m., and that it do so in memory of the victims and families affected by the tornados that occurred in Oklahoma.

Motion carried.

Assembly adjourned at 4:40 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 21, 2013

Assembly called to order at 1:12 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Horne, Pierce, and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Keep strong our faith in the power of prayer as we unite our petitions in this sacred moment. We have asked for Your guidance in difficult decisions many times; they have not been answered in the way we had hoped. Many of the situations and relationships which we have asked You to change have remained the same.

Forgive us for thinking, therefore, that You are unwilling to help us in our dilemmas or that there is nothing You can do. Remind us, O' God, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power.

May we do the same with ourselves, that You can work through us to do Your will.

This we ask in the Name of the One who is all powerful.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 220, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 54, 99, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 38, 107, 141, 179, 224, 321, 373, 389, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 246, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was rereferred Senate Bill No. 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 209, 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 287, 336, 405, 408, 410, 414, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2013

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 2, 11, 17, 19, 23, 25, 29, 30, 39, 40, 55, 59, 61, 65, 72, 79, 82, 89, 90, 93, 94, 102, 109, 110, 117, 120, 128, 132, 144, 154, 155, 158, 168, 173, 174, 182, 183, 185, 194, 199, 210, 217, 221, 231, 244, 249, 255, 259, 266, 277, 281, 282, 307, 310, 322.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 83, Amendment No. 594; Assembly Bill No. 205,

Amendment No. 612, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 423, 469, 490; Senate Joint Resolution No. 14 of the 76th Session.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 44, 303, 466, 471.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 619 to Senate Bill No. 122.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 301, 304; Senate Bills Nos. 38, 54, 72, 99, 107, 141, 179, 209, 220, 224, 228, 246, 273, 301, 319, 321, 373, 389, 405, 410, 424, 442, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Frierson moved that Senate Bill No. 252 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 67 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 466; Senate Bills Nos. 237, 258, be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Frierson moved that Senate Bills Nos. 76, 80, 94, 162, 236, and 262 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Swank moved that Assembly Bill No. 436 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Speaker Kirkpatrick.

For: A New BDR No. C-1227

AJR: Proposes to amend the *Nevada Constitution* to ensure access to affordable health care in an emergency to all persons in this State.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 10, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

MARILYN K. KIRKPATRICK
Speaker of the Assembly

By Assemblywoman Kirkpatrick:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada Constitution to ensure access to affordable health care in an emergency to all persons in this State.

WHEREAS, The charges for health care services rendered as a result of an emergency are often exorbitant; and

WHEREAS, Persons who are not indigent but who do not have health insurance or are underinsured are often made to pay highly inflated prices for health care services received as a result of an emergency; and

WHEREAS, Such exorbitant pricing discourages persons from seeking necessary care and can be devastating financially to those who do seek such care; and

WHEREAS, It is of the utmost importance that all persons in this State have access to affordable health care services when needed as a result of an emergency; and

WHEREAS, It is unconscionable for hospitals to charge inflated rates for health care services provided as a result of an emergency to middle and lower income persons to subsidize the lower rates paid by public and private insurers; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 17, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 17. 1. No hospital shall deny treatment or services to a person who arrives at the emergency department of the hospital as a result of an emergency, regardless of whether the person has health insurance and regardless of the ability of the person to pay for such services.

2. All persons in this State have a right to receive emergency medical care and services at a reasonable cost, and no hospital shall charge for any treatment, service or medication or other product provided to a person who arrives at the emergency department of the hospital as a result of an emergency, whether or not the person has insurance, an amount which is greater than 200 percent of the lowest rate which the hospital has agreed to accept from a federal public insurer for the treatment, service or medication or other product.

3. The provisions of subsections 1 and 2 are self-executing. The Legislature may provide by law for a different rate than provided in subsection 2 if the Legislature determines that a different rate is appropriate and ensures that emergency medical care and services will be provided at a reasonable cost, and may further provide by law for the imposition of a penalty or fine, or both a penalty and fine, for failure to comply with this section and any additional requirements and restrictions on hospitals regarding the amount charged for any treatment, service or

medication or other product provided to a person who arrives at the emergency department of a hospital as a result of an emergency.

Assemblywoman Dondero Loop moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 13—Amending the Assembly Standing Rules for the 77th Session of the Legislature to conform the number of members on the Committee on Ways and Means.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule No. 40 of the Standing Rules of the Assembly as adopted and amended by the 77th Session of the Legislature is hereby further amended to read as follows:

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, ~~[~~sixteen~~]~~ ***fifteen*** members.
2. Judiciary, twelve members.
3. Taxation, twelve members.
4. Education, fourteen members.
5. Legislative Operations and Elections, nine members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, fifteen members.
8. Commerce and Labor, fifteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, fourteen members.

Assemblyman Ohrenschall moved the adoption if the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 44.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 303.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 423.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 466.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 469.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 471.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 490.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 14 of the 76th Session.

Assemblyman Frierson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 603.

AN ACT relating to water; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislative Committee on Public Lands is authorized to review and comment on the laws, regulations and policies relating to the use, allocation and management of water in this State. (NRS 218E.525) This bill requires the Committee to conduct a study concerning water conservation and alternative sources of water for Nevada communities and to submit a report of its findings and any recommendations for legislation to the 78th Session of the Nevada Legislature.

~~[WHEREAS, The waters of the State of Nevada are among its most precious and vital resources; and~~

~~WHEREAS, The State of Nevada is one of the most arid states in the United States and its limited surface water and groundwater resources have been depleted by recent drought conditions in the Colorado River Basin and the Great Basin; and~~

~~WHEREAS, Adequate, long-term supplies of water are essential to Nevada's economic future, valued quality of life and natural environment, and it is apparent that Nevada's urban areas will need alternative sources of water in the future to support growth and development; and~~

~~WHEREAS, One of the duties of the Legislative Committee on Public Lands is to review and comment on issues relating to water resources in this State; now, therefore,]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Committee on Public Lands shall conduct a study during the 2013-2014 interim concerning **water conservation and** alternative sources of water for Nevada communities. The study must include, without limitation, a **comprehensive** review of **~~[:]~~ all of the following:**

(a) Issues relating to water resources in this State;

(b) Studies **~~[relating to]~~ quantifying** water use, surface water resources and groundwater resources, including, without limitation, increased water supply through conservation; **~~[and]~~**

(c) **The total consumptive use of water in this State, calculated on the basis of gallons per capita per day;**

(d) Alternative sources of water, including, without limitation, desalination of **~~[ocean]~~** water, **~~[reclaiming wastewater, using graywater, capturing rainwater]~~ interbasin transfers of groundwater, conservation of water used for agricultural purposes, water conservation in urban areas** and cloud seeding **~~[.]~~ , and the reuse of water, including, without limitation, reclaiming wastewater, using graywater and capturing rainwater; and**

(e) Efforts that may be taken by the State of Nevada to ensure the equitable apportionment of groundwater in basins that have boundaries which extend outside the borders of the State of Nevada.

2. In addition to any report required pursuant to NRS 218E.525, the Committee shall, on or before February 1, 2015, submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 682.

AN ACT relating to criminal records; authorizing the dissemination of certain information concerning the criminal history of certain prospective and current employees and volunteers who work in positions involving children, elderly persons or persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the dissemination of certain information concerning the criminal history of prospective and current employees who work in positions involving children. (NRS 179A.180-179A.240) This bill expands these provisions: (1) to apply to persons who work in positions involving elderly persons and persons with disabilities; and (2) to authorize the dissemination of such information concerning certain prospective and current volunteers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179A.180 is hereby amended to read as follows:

179A.180 As used in NRS 179A.180 to 179A.240, inclusive, unless the context otherwise requires:

1. ***"Elderly person" means a person who is 60 years of age or older.***

2. "Employee" means a person who renders time and services to an employer ~~[.]~~ ***for compensation,*** and whose regular course of duties places that person in a position to:

(a) Exercise supervisory or disciplinary control over children ~~[.]~~ ***, elderly persons or persons with disabilities;***

(b) Have direct access to or contact with children ***, elderly persons or persons with disabilities who are*** served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children ***, elderly persons or persons with disabilities who are*** served by the employer,

↪ and includes a prospective employee **.** ~~[, but does not include a volunteer or prospective volunteer.]~~

~~[2.]~~ ***3.*** "Employer" means a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, whose employees ***or volunteers*** regularly render services to children, ***elderly persons or persons with disabilities,*** including without limitation care, treatment, transportation, instruction, companionship, entertainment and custody. ***The term includes, without limitation, a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, that licenses or certifies others to render services to children, elderly persons or persons with disabilities.***

4. "Person with a disability" means a person who:

(a) Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

5. Except as otherwise provided in this subsection, "volunteer" means a person who renders time and services to an employer without compensation, and whose regular course of duties place that person in a position to:

(a) Exercise supervisory or disciplinary control over children, elderly persons or persons with disabilities;

(b) Have direct access to or contact with children, elderly persons or persons with disabilities who are served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children, elderly persons or persons with disabilities who are served by the employer,

↪ and includes a prospective volunteer. The term does not include a person who renders time and services for a public school or for an activity that is part of the program for a public school. As used in this subsection, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 2. NRS 179A.190 is hereby amended to read as follows:

179A.190 1. Notice of information relating to the offenses listed in subsection 4 may be disseminated to employers pursuant to NRS 179A.180 to 179A.240, inclusive.

2. An employer may consider such a notice of information concerning an employee ***or a volunteer*** when making a decision to hire, retain, suspend or discharge the employee ~~[,]~~ ***or volunteer,*** and is not liable in an action alleging discrimination based upon consideration of information obtained pursuant to NRS 179A.180 to 179A.240, inclusive.

3. The provisions of NRS 179A.180 to 179A.240, inclusive, do not limit or restrict any other statute specifically permitting the dissemination or release of information relating to the offenses listed in subsection 4.

4. The offenses for which a notice of information may be disseminated pursuant to subsection 1 includes information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to:

(a) A sexual offense;

(b) A conviction for a felony within the immediately preceding 7 years;

(c) An act committed outside this State that would constitute a sexual offense if committed in this State or a conviction for an act committed outside this State that would constitute a felony if committed in this State; and

(d) The aiding, abetting, attempting or conspiring to engage in any such act in this State or another state.

Sec. 3. NRS 179A.200 is hereby amended to read as follows:

179A.200 1. In addition to any other information which an employer is authorized to request pursuant to this chapter, an employer may request from the Central Repository notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee ~~[.]~~ ***or a volunteer.***

2. A request for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 from an employer must conform to the requirements of the Central Repository. The request must include:

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee ***or volunteer*** is employed ***or volunteering*** or ***is*** seeking to become employed ~~[;]~~ ***or to volunteer;***

(c) The name, a complete set of fingerprints and other identifying information of the employee ~~[;]~~ ***or volunteer;***

(d) Signed consent by the employee ***or volunteer*** authorizing:

(1) The employer to forward the fingerprints of the employee ***or volunteer*** to the Central Repository for submission to the Federal Bureau of Investigation for its report;

(2) A search of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ~~[;]~~ ***or volunteer;*** and

(3) The release of a notice concerning that information;

(e) The mailing address of the employee ***or volunteer*** or a signed waiver of the right of the employee ***or volunteer*** to be sent a copy of the information disseminated to the employer as a result of the search of the records of criminal history; and

(f) The signature of the employee ***or volunteer*** indicating that the employee ***or volunteer*** has been notified ***:*** ~~[of:]~~

(1) ~~[The]~~ ***That his or her fingerprints will be used as the basis of a check of his or her records of criminal history;***

(2) Of the types of information for which notice is subject to dissemination pursuant to NRS 179A.210, or a description of the information;

~~[(2) The]~~

(3) Of the employer's right to require a check of the records of criminal history as a condition of employment ~~[;]~~ ***or volunteering;*** and

~~[(3) The]~~

(4) Of the employee's ***or volunteer's*** right, pursuant to NRS 179A.150, to challenge the accuracy or sufficiency of any information disseminated to the employer.

Sec. 4. NRS 179A.210 is hereby amended to read as follows:

179A.210 1. Upon receipt of a request from an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall undertake a search for the information, unless the request does not conform to the requirements of the Repository. The search must be based on the fingerprints of the employee ~~[,]~~ ***or volunteer,*** or on a number furnished to the employee ***or volunteer*** for identification pursuant to a previous search, as provided by the employer, and must include:

(a) Identifying any information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ***or volunteer*** in the Central Repository;

(b) Requesting information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ***or volunteer*** from repositories of the United States or other states, if authorized by federal law or an agreement entered into pursuant to NRS 179A.075;

(c) If the information pertains to an arrest for which no disposition has been reported, contacting appropriate officers in the local jurisdiction where the arrest or prosecution occurred to verify and update the information; and

(d) Determining whether the information relating to the offenses listed in subsection 4 of NRS 179A.190 is the type of information for which notice is subject to dissemination pursuant to this section.

2. Notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 may be disseminated to an employer who has requested it only if a check of the pertinent records indicates:

(a) A conviction for any such offense, or a conviction based on an arrest or on an initial charge for any such offense;

(b) An arrest or an initial charge for a sexual offense that is pending at the time of the request; or

(c) Two or more incidents resulting in arrest or initial charge for a sexual offense that have not resulted in a conviction.

3. If a search of the records of the Central Repository reveals no information for which notice is subject to release, the Central Repository shall submit the fingerprints of the employee ***or volunteer*** to the Federal Bureau of Investigation for a search of its records of criminal history. The Central Repository shall review all information received from the Federal Bureau of Investigation. Notice of any information received from the Federal Bureau of Investigation may be disseminated only if the information is of a kind for which notice is subject to release pursuant to this section.

4. Within 30 days after receipt of a request by an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall send a written report of the results of the search to the employer and to the employee ~~[,]~~ ***or volunteer,*** except that if the employee ***or volunteer*** has waived the right to receive the results of the search, the report must be sent only to the employer. If the search revealed:

(a) No information for which notice is subject to release, the report must include a statement to that effect; or

(b) Information about the employee ***or volunteer*** for which notice is subject to release, the report must include a notice of the type of information, limited to the descriptions set forth in subsection 2, revealed by the search. The notice must not include any further facts or details concerning the information. A statement of the purpose for which the notice is being disseminated, and the procedures by which the employee ***or volunteer*** might challenge the accuracy and sufficiency of the information, must also be included with the report.

5. Upon receipt of corrected information relating to the offenses listed in subsection 4 of NRS 179A.190 for which notice was disseminated under this section, the Central Repository shall send written notice of the correction to:

(a) The employee ***or volunteer*** who was the subject of the search, unless the employee ***or volunteer*** has waived the right to receive such a notice;

(b) All employers to whom notice of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee ~~[,]~~ ***or volunteer,*** any other employers who previously received the information.

6. Upon receipt of new information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee ***or volunteer*** who was the subject of a search within the previous 3 months, for which notice is subject to dissemination under this section, the Central Repository shall send written notice of the information to:

(a) The employee ***or volunteer*** who was the subject of the search, unless the employee ***or volunteer*** has waived the right to receive such a notice;

(b) All employers to whom a report of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee ~~[,]~~ ***or volunteer,*** any other employers who previously received a report of the results of the search.

Sec. 5. ~~[NRS 179A.230 is hereby amended to read as follows:~~

~~179A.230 1. A person who is the subject of a request for notice of information pursuant to NRS 179A.180 to 179A.240, inclusive, may recover actual damages in a civil action against:~~

~~(a) The Central Repository for an intentional or grossly negligent:~~

~~(1) Dissemination of information relating to the offenses listed in subsection 4 of NRS 179A.190 not authorized for dissemination; or~~

~~(2) Release of information relating to the offenses listed in subsection 4 of NRS 179A.190 to a person not authorized to receive the information;~~

~~(b) The Central Repository for an intentional or grossly negligent failure to correct any notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 which was disseminated pursuant to NRS 179A.180 to 179A.240, inclusive; or~~

~~(c) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.~~

~~2. An employer is liable to a child~~ ***, elderly person or person with a disability*** ~~served by the employer for damages suffered by the child~~ ***, elderly person or person with a disability*** ~~as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child~~ ***, elderly person or person with a disability*** ~~by an employee~~ ***or volunteer*** ~~if, at the time the employer hired the employee~~ ***[,] or volunteer,*** ~~the employee~~ ***or volunteer*** ~~was the subject of information relating to the offenses for which notice was available for dissemination to the employer and the employer:~~

~~(a) Failed, without good cause, to request notice of the information pursuant to NRS 179A.180 to 179A.240, inclusive; or~~

~~(b) Was unable to obtain the information because the employee~~ ***or volunteer*** ~~refused to consent to the search and release of the information, and the employer hired or retained the employee~~ ***or volunteer*** ~~despite this refusal.~~

~~3. The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the child~~ ***, elderly person or person with a disability*** ~~in an action against the employee~~ ***or volunteer*** ~~for damages sustained as a result of an offense listed in subsection 4 of NRS 179A.190.~~

~~3. An action pursuant to this section must be brought within 3 years after:~~

~~(a) The occurrence upon which the action is based; or~~

~~(b) The date upon which the party bringing the action became aware or reasonably should have become aware of the occurrence, whichever was earlier, if the party was not aware of the occurrence at the time of the occurrence.~~

~~4. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.~~**] (Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:33 p.m.

ASSEMBLY IN SESSION

At 1:35 p.m.

Madam Speaker presiding.

Quorum present.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 607.

AN ACT relating to persons with disabilities; restricting the ~~[devices]~~ **terms** of certain agreements relating to vending stands established by the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; authorizing such agreements to provide for the recovery by certain persons and entities of increases in utility costs or other expenses resulting from the operation of such vending stands; **revising provisions governing the Business Enterprise Account for Persons Who Are Blind;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is required to establish, where

suitable, vending stands in property owned, leased or occupied by the State or any of its political subdivisions, with certain exceptions, with the consent of the state or local governmental department or agency charged with maintaining the building or property. (NRS 277A.320, 426.640, 426.670) Similar agreements for the establishment of vending stands in a privately owned building are authorized between the Bureau and the private building owner. (NRS 426.685)

Sections 1 and 2 of this bill prohibit a private building owner or governmental agency that owns or controls a building or property in or on which a vending stand is established from requiring the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. An example of such a prohibited fee or assessment is a fee for the maintenance of landscaping or a common area. **Sections 1 and 2** authorize such a private building owner or governmental agency to enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand. Any conflicting provision in any contract or other agreement relating to such a vending stand is declared to be void. **Section 3** of this bill exempts any contract or other agreement relating to a vending stand in force on the effective date of this bill between the Bureau or a licensee and the owner of a private building in which the vending stand is established from the provisions of **section 2** during the current term of the contract or other agreement.

Existing law establishes the Business Enterprise Account for Persons Who Are Blind and provides that if the Account is dissolved, any money remaining in the Account reverts to the State General Fund. (NRS 426.675) Section 1.5 of this bill provides, instead, that if the Account is dissolved or the Vending Stand Program is terminated, the Administrator of the Rehabilitation Division shall, within 60 days: (1) provide an accounting of the money remaining in the Account to all licensed vending stand operators; and (2) distribute to each such operator his or her proportionate share of that money. Section 1.5 also requires the Division to adopt regulations to carry out those provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 426.670 is hereby amended to read as follows:

426.670 1. The Bureau shall:

(a) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by persons who are

blind and advise the heads of departments or agencies charged with the maintenance of the buildings or properties of its findings.

(b) With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Bureau may enter into leases ***,*** ~~[or]~~ licensing agreements ***or other contracts or agreements*** therefor.

(c) Select, train, license and assign qualified persons who are blind to manage or operate vending stands or do both.

(d) Except as otherwise provided in this paragraph, execute contracts or agreements with persons who are blind to manage or operate vending stands or do both. The agreements may concern finances, management, operation and other matters concerning the stands. The Bureau shall not execute a contract or agreement which obligates the Bureau, under any circumstances, to make payments on a loan to a person who is blind.

(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.

(f) Establish and effectuate such regulations as it may deem necessary to ensure the proper and satisfactory operation of vending stands. The regulations must provide a method for setting aside money from the revenues of vending stands and provide for the payment and collection thereof.

2. The Bureau may enter into contracts with vendors for the establishment and operation of vending stands. These contracts must include provisions for the payment of commissions to the Bureau based on revenues from the vending stands. The Bureau may assign the commissions to licensed operators for the maintenance of their incomes.

3. The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending stands.

(b) Penalties for failing to file reports or make payments required by NRS 426.630 to 426.720, inclusive, or a regulation adopted pursuant to those sections when they are due.

4. A department or agency that has care, custody and control of a public building or property in or on which a vending stand is established:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct,

measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

➥ Any provision in a lease, licensing agreement, contract or other agreement relating to a vending stand established pursuant to this section that conflicts with this subsection is void.

Sec. 1.5. **NRS 426.675 is hereby amended to read as follows:**

426.675 1. The Business Enterprise Account for Persons Who Are Blind is hereby created within the State General Fund and must be managed by the Administrator of the Division.

2. Money received by the Bureau under the provisions of NRS 426.670, except commissions assigned to licensed vending stand operators, must:

(a) Be deposited in the Business Enterprise Account for Persons Who Are Blind.

(b) Except as otherwise provided in subsection 4, remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending stands or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending Stand Program; and

(3) Other purposes, consistent with NRS 426.640, as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or his or her designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for Persons Who Are Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

4. If the Business Enterprise Account for Persons Who Are Blind is dissolved ~~[, any money remaining therein reverts to the State General Fund.]~~ ***or the Vending Stand Program is terminated, the Administrator of the Division shall, within 60 days after the dissolution or termination:***

(a) Provide an accounting of the money remaining in the Account to all licensed vending stand operators; and

(b) Distribute any money remaining in the Account to each such operator in the same proportion as the money deposited in the Account and

attributable to that operator bears to all the money remaining in the Account.

➥ The Division shall, in consultation with the Nevada Committee of Blind Vendors or its successor organization, adopt regulations to carry out the provisions of this subsection.

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for Persons Who Are Blind.

6. The interest and income earned on the money in the Business Enterprise Account for Persons Who Are Blind, after deducting any applicable charges, must be credited to the Account.

Sec. 2. NRS 426.685 is hereby amended to read as follows:

426.685 ***1.*** The Bureau may establish vending stands in privately owned buildings, if the building owner in each instance consents and enters into ~~[an]~~ ***a contract or other*** agreement approved by the Bureau.

2. The owner of a building in which a vending stand is established pursuant to subsection 1:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

➥ Any provision in a contract or other agreement relating to a vending stand established pursuant to subsection 1 that conflicts with this subsection is void.

Sec. 3. 1. The provisions of NRS 426.670, as amended by section 1 of this act, apply to any contract or other agreement relating to a vending stand entered into before, on or after the effective date of this act.

2. The provisions of NRS 426.685, as amended by section 2 of this act, do not apply to any contract or other agreement relating to a vending stand entered into before the effective date of this act during the current term of the contract or other agreement, but do apply to any extension or renewal of such a contract or other agreement and to any contract or other agreement entered into on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 688.

AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing **, conducting** or receiving ~~[~~admission~~]~~ **any** money **or other compensation** for a **charreada or rodeo that includes** horse tripping **; authorizing a charreada or rodeo to include a horse roping** event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) ~~[~~This~~]~~ **Section 1 of this bill defines "horse tripping" as the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall. Section 1.5 of this** bill prohibits a person from **: (1)** engaging in horse tripping for sport, entertainment, competition or practice **;** or **(2)** knowingly organizing, sponsoring, promoting, overseeing **, conducting** or receiving ~~[~~admission~~]~~ money ~~[~~for~~]~~ **or any other compensation for parking or for the admission to or attendance at** a charreada or rodeo that includes ~~[~~a~~]~~ horse tripping **. Section 1.5 also prohibits a person from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes a horse roping** event **in which a horse or other animal of the equine species is caught by the legs and then released** unless **the person first obtains a permit from** the local government where the horse ~~[~~tripping~~]~~ **roping** event is conducted **. ~~[~~allows it.~~]~~ Sections 4 and 5 of this bill require each board of county commissioners and city council to enact an ordinance setting forth the manner in which a person may apply for the issuance of the permit.** This bill imposes a criminal penalty against a person who is guilty of committing horse tripping, and provides an exception for ~~[~~catching and releasing an

~~animal.]~~ **tripping a horse or other animal of the equine species to provide medical or other health care.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 574.050 is hereby amended to read as follows:**

574.050 As used in NRS 574.050 to 574.200, inclusive:

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. ***"Horse tripping" means the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall.***

4. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

~~[4.]~~ ***5.*** "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

~~[Section. 1.]~~ ***Sec. 1.5.*** NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. ***A person shall not:***

(a) ~~[Except as otherwise provided in paragraph (b), intentionally]~~ Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee , conduct or receive any money or other compensation for parking or for the admission or attendance of any person to a charreada or rodeo that includes ~~[a horse]~~ :

(1) Horse tripping ~~[event unless the horse tripping event is allowed by the local government where the horse tripping event is conducted.]~~ ; or

(2) A horse roping event in which a horse or other animal of the equine species is caught by the legs and then released, unless the person first obtains a permit issued pursuant to NRS 244.359 or 266.325.

6. The provisions of subsection 5 do not apply with respect to tripping a horse or other animal of the equine species to provide medical or other health care for the animal.

7. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[~~6.**~~]~~** ***~~[7.]~~ 8.*** Except as otherwise provided in subsection **~~[~~**5,**~~]~~** ***~~[6,]~~ 7,*** a person who violates subsection 1, 2 **~~[~~**or 3:**~~]~~** ***, 3 or 5:***

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[7.]~~ ~~*[8.]*~~ ***9.*** In addition to any other fine or penalty provided in subsection ~~[5]~~ ~~*[6]*~~ ***7*** or ~~[6,]~~ ~~*[7,]*~~ ***8,*** a court shall order a person convicted of violating subsection 1, 2 ***,*** ~~[or]~~ 3 ***or 5*** to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 ~~[or 3,]~~ ***, 3 or 5*** including, without limitation, money expended for veterinary treatment, feed and housing.

~~[8.]~~ ~~*[9.]*~~ ***10.*** The court may order the person convicted of violating subsection 1, 2 ***,*** ~~[or]~~ 3 ***or 5*** to surrender ownership or possession of the mistreated animal.

~~[9.]~~ ~~*[10.]*~~ ***11.*** The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; ~~[or]~~

(b) Operating a ranch ~~.[.~~

~~*— 11. As used in this section:*~~

~~*— (a) "Horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:*~~

~~*— (1) Tripping such an animal to provide medical or other health care for the animal; or*~~

~~*— (2) Catching such an animal by the front legs and then releasing it as part of a horse tripping event that is allowed by the local government where the event is conducted.*~~

~~*— (b) "Horse tripping event" means an event at which a person intentionally engages in horse tripping for sport, entertainment, competition or practice.]*~~ ***; or***

(c) Carrying out the activities of a charreada which includes a horse roping event specified in subparagraph (2) of paragraph (b) of subsection 5 if a permit has been issued for the horse roping event pursuant to NRS 244.359 or 266.325.

Sec. 2. **NRS 244.189 is hereby amended to read as follows:**

244.189 1. Except as otherwise provided in subsection 2 and ***NRS 244.359, and*** in addition to any other powers authorized by ***a*** specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing;

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by ***a*** specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 3. **NRS 244.335 is hereby amended to read as follows:**

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, ***244.359,*** 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend

the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 4. **NRS 244.359 is hereby amended to read as follows:**

244.359 1. ~~[Each]~~ ***Except as otherwise provided in subsection 4, each*** board of county commissioners may enact and enforce an ordinance or ordinances:

(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.

(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.

(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.

(d) Prohibiting cruelty to animals.

(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.

2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.

3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed $500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this

subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.

4. Each board of county commissioners shall enact an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The board of county commissioners may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the county which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the county, the board of county commissioners shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.

Sec. 5. **NRS 266.325 is hereby amended to read as follows:**

266.325 ~~[The]~~ ***1. Except as otherwise provided in subsection 2, the*** city council may:

~~[1.]~~ ***(a)*** Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.

~~[2.]~~ ***(b)*** Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.

~~[3.]~~ ***(c)*** Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.

~~[4.]~~ ***(d)*** Prohibit cruelty to animals.

2. Each city council shall adopt an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The city council may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the city which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the city, the city council shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.

Sec. 6. **NRS 266.355 is hereby amended to read as follows:**

266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:

(a) Except as otherwise provided in NRS ***266.325,*** 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 7. **This act becomes effective upon passage and approval.**

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 666.

AN ACT relating to child welfare; requiring an agency which provides child welfare services to obtain and examine the credit report for certain children in its custody; requiring the agency to report each potential instance of identity theft or other crime to the Attorney General and make a diligent effort to resolve any inaccuracy in the report; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency which provides child welfare services to provide maintenance and special services to children who are placed in the custody of the agency. (NRS 432.020) This bill requires an agency which

provides child welfare services to obtain and examine the credit report of certain children placed into its custody when each child reaches the age of 16 years or, if a child has reached the age of 16 years before being placed into the custody of the agency, ~~[upon]~~ **within 90 days after** placement of the child, and at least once annually thereafter to identify any inaccuracies in the credit report. **This bill requires the agency, before obtaining the credit report, to inform each child of this requirement to obtain and examine his or her credit report and to explain to the child how inaccuracies on his or her credit report may be resolved and what financial impact an inaccuracy may have if left unresolved.** If the agency finds any inaccuracies, this bill requires the agency to report any information which indicates that a potential instance of identity theft or other crime may have occurred to the Attorney General and to continue to make a diligent effort to resolve each inaccuracy until all inaccuracies have been corrected **[.]** **or the child leaves the custody of the agency. If the child leaves the custody of the agency, this bill requires the agency to notify the child or the person responsible for the welfare of the child of any remaining inaccuracies, how the inaccuracies may be resolved and any community services that may be available to assist in resolving the inaccuracies.** This bill authorizes the Attorney General to investigate any such reports and prosecute the persons responsible for any identity theft identified in the investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:

(a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;

(b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and

(c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.

2. An agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:

(a) When the child reaches the age of 16 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or

(b) If the child has reached the age of 16 years before the child is placed in the custody of the agency which provides child welfare services, ~~[upon]~~ within 90 days after the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).

~~[2.]~~ 3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

~~[3.]~~ 4. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

(a) Report any information which may indicate identity theft or other crime to the Attorney General;

(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and

(c) ~~[Continue to make diligent efforts to resolve the]~~ If an inaccuracy ~~[if it]~~ remains unresolved after the child has left the custody of the agency which provides child welfare services ~~[until the inaccuracy is corrected.~~ ~~4.]~~ , notify the child or, if the child has not attained the age of majority, the person responsible for the child's welfare:

(1) That an inaccuracy exists in the credit report of the child;

(2) Of the manner in which to correct the inaccuracy; and

(3) Of any services that may be available in the community to provide assistance in correcting the inaccuracy.

5. An agency which provides child welfare services may, upon consent of a child who remains under the jurisdiction of a court pursuant to NRS 432B.594, continue to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered.

6. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection ~~[3]~~ 4 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 746.

SUMMARY—Restricts the use of ~~[solitary confinement and]~~ corrective room restriction on children in confinement. (BDR 5-519)

AN ACT relating to the administration of justice; restricting the use of ~~[solitary confinement and]~~ corrective room restriction on children who are in confinement in a state, local or regional facility for the detention of children; requiring the Advisory Commission on the Administration of Justice to conduct a study concerning detention and incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 1 and 2 of this bill prohibit the use of solitary confinement on a child who is detained in a state, local or regional facility for the detention of children.]~~ **Sections 1 and 2 of this bill** authorize the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children only if all other less-restrictive options have been exhausted and only to: (1) modify the negative behavior of the child; (2) hold the child accountable for a violation of a rule of the facility; or (3) ensure the safety of the child, the staff or others or to ensure the security of the facility. **Sections 1 and 2** also: (1) specify certain actions that must be taken with respect to a child subjected to corrective room restriction; ~~[and]~~ (2) provide that if a child is subjected to corrective room restriction, the period of corrective room restriction must be the minimum time required to address the negative behavior, rule violation or threat ~~[.]~~ **; and (3) provide that a child must not be subjected to corrective room restriction for more than 72 consecutive hours.**

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) **Section 7** of this bill requires the Commission to conduct a study concerning certain aspects of detention and incarceration in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A local or regional facility for the detention of children shall not subject a child to solitary confinement.~~

~~2.]~~ A child who is detained in a local or regional facility for the detention of children may be subjected to corrective room restriction only if

all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

~~[3.]~~ 2. Any ~~[disciplinary]~~ action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local or regional facility for the detention of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals ~~[,]~~ and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local or regional facility for the detention of children shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A local or regional facility for the detention of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for ~~[more than 5 days]~~ 72 consecutive hours must be addressed in the monthly report, and the report must include

the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

~~[7.]~~ 8. As used in this section ~~[:~~

~~(a) "Corrective]~~ , "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action ~~[.~~

~~(b) "Solitary confinement" means the involuntary holding of a child in total isolation from any other person, other than staff of the facility or an attorney, for more than 16 hours each day, including, without limitation, isolation from sight or sound, out of view or any form of communication outside of the cell.]~~ and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 2. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A facility shall not subject a child to solitary confinement.~~

~~2.]~~ A child who is detained in a facility may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

~~[3.]~~ 2. Any ~~[disciplinary]~~ action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals ~~[,]~~ and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A facility shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A facility shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for more than ~~[5 days]~~ 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section ~~[:~~

~~(a) "Corrective]~~ , "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action ~~[.~~

~~(b) "Solitary confinement" means the involuntary holding of a child in total isolation from any other person, other than staff of the facility or an attorney, for more than 16 hours each day, including, without limitation, isolation from sight or sound, out of view or any form of communication outside of the cell.]~~ and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, during the 2013-2014 interim, conduct a study concerning detention and incarceration in this State. The study must include, without limitation, an evaluation of:

1. Procedures regarding placement in, and release from, **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction and solitary confinement;

2. Security threat group identification, including, without limitation, any information relating to gang activity;

3. Notification of release and release procedures;

4. Access provided to children, offenders and prisoners confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement to:

(a) Mental health services;

(b) Audio and visual media for appropriate mental stimulation;

(c) Daily contact with staff;

(d) Health care services;

(e) Substance abuse programs and services;

(f) Reentry resources and transitional programs and services;

(g) Programs and services for offenders and prisoners who are veterans;

(h) Educational programming; and

(i) Other programs and services that are available to the general population;

5. The amount of specialized training provided to staff who interact with children, offenders and prisoners who are confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

6. The number of children, offenders and prisoners confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement who were referred to mental health professionals;

7. The number of children, offenders and prisoners in the general population who were referred to mental health professionals;

8. The number of children, offenders and prisoners confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement who have a mental health diagnosis;

9. The number of children, offenders and prisoners in the general population who have a mental health diagnosis;

10. The number of suicides and suicide attempts during the years of 2010, 2011 and 2012 among children, offenders and prisoners who are confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

11. The number of suicides and suicide attempts during the years of 2010, 2011 and 2012 among children, offenders and prisoners in the general population;

12. The number of reviews conducted by facilities concerning the placement of a child, offender or prisoner in **protective segregation,**

administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement that resulted in the child, offender or prisoner being transferred to the general population;

13. The average length of time children, offenders and prisoners were continuously confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;

14. The longest and shortest length of time a child, offender or prisoner was continuously confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;

15. A summary of the reasons for which children, offenders and prisoners were placed in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

16. The rate of recidivism among children, offenders and prisoners who were confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement at any time before release or discharge;

17. The rate of recidivism among children, offenders and prisoners who were never confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement;

18. The number of children, offenders and prisoners who were confined in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement immediately before being discharged from detention, including those discharged to parole or mandatory supervision; and

19. A calculation of the cost per day of confining a child, offender and prisoner in **protective segregation,** administrative segregation, disciplinary segregation, disciplinary detention, corrective room restriction or solitary confinement.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 729.

AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to court appointed special advocate programs in certain smaller counties under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an agency of criminal justice, upon request, to disseminate records of criminal history to certain persons and governmental entities. (NRS 179A.100) This bill requires an agency of criminal justice to disseminate a record of criminal history to a court appointed special advocate program in a county whose population is less than 100,000, (currently counties other than Clark and Washoe Counties) as needed to ensure the safety of a child for whom a special advocate has been appointed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity

designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) A court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 2. This act becomes effective on July 1, 2013 **[.]** **, and expires by limitation on June 30, 2015.**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 731.

AN ACT relating to public safety; enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; revising provisions relating to pedestrians and crosswalks; ~~[authorizing the imposition by a court of mandatory attendance in a pedestrian, bicycle and traffic safety course for the driver of a vehicle found guilty of certain traffic violations;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a driver who is convicted of a violation of a speed limit or of certain other traffic violations is subject to a doubling of the penalty if the violation occurs in a highway construction zone when workers are present. (NRS 484B.130) Existing law also provides that certain maximum speeds are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) **Sections 2 and 24** of this bill provide that a driver is subject to a doubling of the penalty for a violation of a speed limit or of certain other traffic violations if the violation occurs in a school zone or a school crossing zone at a time when the statutory speed limits for such zones are in effect. **Section 24** also makes it unlawful for a driver to make a U-turn

or pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect. Finally, **section 24** requires that the sign posted to mark the beginning of each school zone and school crossing zone newly include a designation that fines may be higher when the speed limit is in effect.

Section 1 of this bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. **Section 1** also provides that a person who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone. **Sections 3-13, 17, 18, 20-22, 25-28 and 30-32** of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian in a crosswalk under certain circumstances when the pedestrian is on the half of the highway upon which the vehicle is traveling, and when a pedestrian is lawfully in a crosswalk or intersection that is controlled by traffic lights. (NRS 484B.283, 484B.307) **Section 15** of this bill requires a driver to stop for such a pedestrian, specifies that the requirement applies to both marked and unmarked crosswalks, expands the requirement to when a pedestrian is within one lane of the half of the highway upon which the vehicle is traveling and defines the term "half of the highway" to mean the entire width of all the traffic lanes which convey traffic in the same direction, including any paved shoulder. ~~[Section 15 also authorizes a court, upon the conviction of the driver of a motor vehicle for violating certain crosswalk requirements, to order the driver to attend a course of pedestrian, bicycle and traffic safety and to lower the amount of any fine imposed if the person attends such a course. Section 15 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.]~~ **Section 19** of this bill requires a driver to stop for a pedestrian who is lawfully in a crosswalk or an intersection that is controlled by traffic lights.

Existing law requires a pedestrian to yield the right-of-way to vehicles when the pedestrian is crossing a highway outside of a marked or unmarked crosswalk, and when crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Existing law also prohibits a pedestrian from crossing a highway outside of a marked crosswalk when the pedestrian is between adjacent intersections at which traffic-control devices are in operation. (NRS 484B.287) **Section 16** of this bill eliminates the requirement for a pedestrian to yield the right-of-way to vehicles when crossing where a pedestrian tunnel or overhead pedestrian crossing has been provided. ~~[Section 16 also revises the prohibition on a pedestrian crossing outside of a marked crosswalk between adjacent~~

~~intersections to forbid a pedestrian from crossing outside of a marked or unmarked crosswalk if the pedestrian is within 250 feet of a marked or unmarked crosswalk, unless the pedestrian is crossing certain streets in a residential area.]~~ **Section 16** also requires a pedestrian to cross a highway at a right angle to the edge of the highway or, when a right angle is not possible or practicable, by the shortest route to the opposite side.

~~[Existing law provides that driving a vehicle in willful or wanton disregard of the safety of persons or property constitutes reckless driving, and provides for the imposition of certain fines and terms of imprisonment on a driver who is found guilty of reckless driving. (NRS 484B.653) Section 29 of this bill authorizes a court to order a driver found guilty of reckless driving under certain circumstances to, in addition to the required fine or term of imprisonment, attend a course of pedestrian, bicycle and traffic safety if the reckless driving involved the safety of pedestrians or persons riding bicycles. Section 29 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the zone which provides notice that higher fines may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any pedestrian in the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) ~~[Comply]~~ Complies with the requirements of subsection 3 ~~[.]~~ and NRS 484A.430 and 484A.440.

Sec. 2. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections ~~[2]~~ ***5, 9*** and ~~[6,]~~ ***11,*** a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, ***484B.363,*** 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120 ~~[.]~~ ***is subject to the additional penalty set forth in subsection 4 if*** that ***violation*** occurred ~~[:~~

~~(a)]~~ ***as described in subsection 2 or 3.***

2. For the purposes of subsection 1, the additional penalty set forth in subsection 4 applies when the violation occurs:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions **.** ~~[.~~

~~]~~ ***3. For the purposes of subsection 1, the additional penalty set forth in subsection 4 applies when the violation occurs:***

(a) In an area designated as a school zone or a school crossing zone in accordance with NRS 484B.363; and

(b) When the speed limits required by NRS 484B.363 are in effect.

4. Except as otherwise provided in sections 5, 9 and 11, a person convicted of a violation pursuant to subsection 1 shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~[2.]~~ ***5.*** The additional penalty imposed pursuant to subsection ~~[1]~~ ***4*** must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

~~[3.]~~ ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***8,*** a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

~~[4.]~~ ***7.*** A person who otherwise would be subject to an additional penalty pursuant to ~~[this section]~~ ***subsection 2*** is not relieved of any criminal liability because signs are not erected as required by subsection ~~[3]~~ ***6*** if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

~~[5.]~~ ***8.*** The requirements of subsection ~~[3]~~ ***6*** do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

~~[6.]~~ ***9.*** A person who would otherwise be subject to an additional penalty pursuant to ~~[this section]~~ ***subsection 2*** is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection ~~[5,]~~ ***8,*** unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

10. A person who otherwise would be subject to an additional penalty pursuant to subsection 3 is not relieved of any criminal liability because the school zone or school crossing zone is not marked in accordance with NRS 484B.363 if the violation results in injury to any person in the school zone or school crossing zone or in damage to property in an amount equal to $1,000 or more.

11. A person who otherwise would be subject to an additional penalty pursuant to subsection 3 is not subject to an additional penalty if the violation occurred in a school zone or a school crossing zone which is not marked in accordance with NRS 484B.363 unless the violation results in injury to any person in the school zone or school crossing zone or in damage to property in an amount equal to $1,000 or more.

Sec. 3. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.

3. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 4. NRS 484B.163 is hereby amended to read as follows:

484B.163 1. A person shall not drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3. Except as otherwise provided in NRS 484D.440, a vehicle must not be operated upon any highway unless the driver's vision through any required glass equipment is normal.

4. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 5. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 6. NRS 484B.200 is hereby amended to read as follows:

484B.200 1. Upon all highways of sufficient width a vehicle must be driven upon the right half of the highway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movements;

(b) When the right half of the highway is closed to traffic;

(c) Upon a highway divided into three lanes for traffic under the laws applicable thereon;

(d) Upon a highway designated and posted for one-way traffic; or

(e) When the highway is not of sufficient width.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 7. NRS 484B.203 is hereby amended to read as follows:

484B.203 1. Drivers of vehicles proceeding in opposite directions shall pass each other keeping to the right, and upon highways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the paved portion of the highway as nearly as possible.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 8. NRS 484B.207 is hereby amended to read as follows:

484B.207 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

3. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 9. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 10. NRS 484B.213 is hereby amended to read as follows:

484B.213 1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

2. A vehicle must not be driven to the left side of the highway at any time:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

3. Subsection 2 does not apply upon a one-way highway.

4. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 11. NRS 484B.217 is hereby amended to read as follows:

484B.217 1. The Department of Transportation with respect to highways constructed under the authority of chapter 408 of NRS, and local authorities with respect to highways under their jurisdiction, may determine those zones of highways where overtaking and passing to the left or making a left-hand turn would be hazardous, and may by the erection of official traffic-

control devices indicate such zones. When such devices are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

2. Except as otherwise provided in subsections 3 and 4, a driver shall not drive on the left side of the highway within such zone or drive across or on the left side of any pavement striping designed to mark such zone throughout its length.

3. A driver may drive across a pavement striping marking such zone to an adjoining highway if the driver has first given the appropriate turn signal and there will be no impediment to oncoming or following traffic.

4. Except where otherwise provided, a driver may drive across a pavement striping marking such a zone to make a left-hand turn if the driver has first given the appropriate turn signal in compliance with NRS 484B.413, if it is safe and if it would not be an impediment to oncoming or following traffic.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 12. NRS 484B.223 is hereby amended to read as follows:

484B.223 1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must:

(a) Be driven as nearly as practicable entirely within a single lane; and

(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.

2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:

(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;

(b) In preparation for a left turn; or

(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give notice of such allocation.

3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:

(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway.

(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway.

(c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.

4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:

(a) Be driven in the right turn lane only for the purpose of making a right turn; and

(b) While being driven in the right turn lane, not travel through an intersection.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 13. NRS 484B.227 is hereby amended to read as follows:

484B.227 1. Every vehicle driven upon a divided highway must be driven only upon the right-hand roadway and must not be driven over, across or within any dividing space, barrier or section or make any left turn, semicircular turn or U-turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 14. NRS 484B.280 is hereby amended to read as follows:

484B.280 1. A driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a ***school zone or a*** school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk ~~[.]~~ ***in accordance with NRS 484B.283.***

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.

Sec. 15. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control ~~[devices]~~ ***signals*** are not in place or not in operation **,** the driver of a vehicle shall ~~[yield the right-of-way, slowing down~~

~~or stopping if need be so to yield, to~~] ***stop for*** a pedestrian crossing the highway within a ***marked or unmarked*** crosswalk when the pedestrian is upon ***or within one traffic lane of*** the half of the highway upon which the vehicle is traveling [~~, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.~~] ***or onto which the vehicle is about to turn.***

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to [~~yield.~~] ***stop.***

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk ***,*** [~~at an intersection,~~] the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk" or "Don't Walk" ***or symbols indicating "Walk" or "Don't Walk"*** are in place, such signals indicate as follows:

(1) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. ***The requirements of paragraph (a) of subsection 1 do not apply:***

(a) At a marked or unmarked crosswalk where the movement of traffic is being directed by a police officer; or

(b) Where otherwise prohibited by local ordinance or regulation.

3. [~~Except as otherwise provided in subsection 4, if the driver of a motor vehicle or a pedestrian violates paragraph (a) or (c) of subsection 1,~~

~~*the court may, in addition to any fine imposed, order the driver or pedestrian to attend, at the driver's or pedestrian's own expense, a course of pedestrian, bicycle and traffic safety approved by the Department. The court may lower the amount of any fine imposed if the driver or pedestrian attends such a course.*~~

~~*4. The driver of a motor vehicle or a pedestrian who violates paragraph (a) or (c) of subsection 1 may be exempted from attending a course of pedestrian, bicycle and traffic safety pursuant to subsection 3 if he or she lives more than 50 miles from the nearest location where such a course is offered.*~~

~~*5.]*~~ If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~*[6.]*~~ *4. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.*

~~*[7.]*~~ *5. For the purposes of this section, "half of the highway" means the entire width of all the traffic lanes which are conveying traffic in the same direction of travel, including any paved shoulder.*

Sec. 16. NRS 484B.287 is hereby amended to read as follows:

484B.287 ***1.*** Except as provided in NRS 484B.290:

~~[1.]~~ ***(a)*** Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk ~~[at an intersection]~~ shall yield the right-of-way to all vehicles upon the highway.

~~[2.]~~ ***(b)*** Any pedestrian crossing a highway ~~[at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.~~

~~3. Between adjacent intersections at which official traffic control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.~~

~~4.]~~ ***shall cross at a right angle to the edge of the highway, or by the shortest route to the opposite side of the highway where a right angle is not possible or practicable except as otherwise provided in paragraphs*** ~~*[(c)]*~~ *(c)* ***and*** ~~*[(f).]*~~ *(d).*

(c) ~~*[Except as otherwise provided in this paragraph, a pedestrian who is within 250 feet of a marked crosswalk or an unmarked crosswalk shall not cross the highway outside of the marked or unmarked crosswalk. On a residential street, a pedestrian who is within 250 feet of a marked or an unmarked crosswalk may cross the residential street outside of the marked or unmarked crosswalk in accordance with paragraphs (a) and (b).*~~

~~*(d) A pedestrian who is more than 250 feet from a marked or unmarked crosswalk may cross a highway in accordance with paragraphs (a) and (b).*~~

~~*(e)]*~~ A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~[~~5.~~]~~ ~~*[(f)]*~~ ***(d)*** When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

2. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

~~*[3. As used in this section, "residential street" means a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.]*~~

Sec. 17. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. It is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 18. NRS 484B.303 is hereby amended to read as follows:

484B.303 1. Whenever official traffic-control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.

2. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 19. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word ***or symbol*** legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and ~~[to]~~ ***stop for*** pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians lawfully within an adjacent crosswalk and ***yield the right-of-way*** to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians lawfully within the adjacent crosswalk and ***yield the right-of-way*** to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and ~~[to]~~ ***stop for*** pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. ***Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:***

(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must stop for pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as provided in paragraph (c), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-

way to the left, but must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians and ***yield the right-of-way to*** other traffic proceeding as directed by the signal at the intersection.

(d) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

~~[8.]~~ ***9.*** Where the signal is a steady red with a green turn arrow:

(a) Vehicular traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must ~~[yield the right-of-way to]~~ ***stop for*** pedestrians lawfully within an adjacent crosswalk and ***yield the right-of-way*** to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

~~[9.]~~ ***10.*** If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~[10.]~~ ***11.*** Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~[11.]~~ ***12.*** A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

13. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

Sec. 20. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 21. NRS 484B.320 is hereby amended to read as follows:

484B.320 1. Except as otherwise provided in this section:

(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:

(a) To a provider of mass transit, a signal prioritization device; or

(b) To a response agency, a signal preemption device or a signal prioritization device, or both.

3. A police officer:

(a) Shall, without a warrant, seize any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal; or

(b) May, without a warrant, seize and take possession of a vehicle equipped with any device or mechanism that is capable of interfering with or altering the signal of a traffic-control signal, including, without limitation, a mobile transmitter, if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may cause the vehicle to be towed and impounded until:

(1) The device or mechanism is removed from the vehicle; and

(2) The owner claims the vehicle by paying the cost of the towing and impoundment.

4. Neither the police officer nor the governmental entity which employs the officer is civilly liable for any damage to a vehicle seized pursuant to the provisions of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the towing process begins.

5. Except as otherwise provided in subsection 9, the presence of any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal in or on a vehicle on the highways of this State constitutes prima facie evidence of a violation of this section. The State need not prove that the device or mechanism in question was in an operative condition or being operated.

6. A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.

7. A person who violates any provision of subsection 1 or 2 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

9. The provisions of this section do not:

(a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

10. As used in this section:

(a) "Mobile transmitter" means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

➥ The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) "Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 277A.270.

(c) "Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;

(2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;

(3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.

(e) "Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or

(3) The functions described in both subparagraphs (1) and (2).

(f) "Traffic-control signal" means a traffic-control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.

Sec. 22. NRS 484B.327 is hereby amended to read as follows:

484B.327 1. It is unlawful for any person to remove any barrier or sign stating that a highway is closed to traffic.

2. It is unlawful to pass over a highway that is marked, signed or barricaded to indicate that it is closed to traffic. A person who violates any provision of this subsection may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 23. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than $1,000, the driver shall be punished by a fine of not less than $1,000 or more than $2,000, and ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in ~~[subsection 1 of]~~ NRS 484B.130.

4. As used in this section, "authorized flagger serving in a traffic control capacity" means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 24. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. ***The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:***

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An

area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

~~[4.]~~ ***6.*** Each such governing body and the Department ***of Transportation*** shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include ~~[a]~~ ***:***

(a) A designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present ~~[.~~

~~5.]~~ ***; and***

(b) A statement which satisfies the requirements of NRS 484A.430 and provides notice that higher fines may apply in school zones.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

~~[6.]~~ ***8. A person who violates any provision of subsections 1 to 4, inclusive, may be subject to any additional penalty set forth in NRS 484B.130 or section 1 of this act.***

9. If, while violating ~~[subsection 1 or 2,]~~ ***any provision of subsections 1 to 4, inclusive,*** the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~[7.]~~ ***10.*** As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 25. NRS 484B.403 is hereby amended to read as follows:

484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227 ***, 484B.363*** and 484B.407.

2. If an official traffic-control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.

3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.

4. Notwithstanding the foregoing provisions of this section, local authorities and the Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.

5. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 26. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 75 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 27. NRS 484B.603 is hereby amended to read as follows:

484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.

2. Any person who fails to use due care as required by subsection 1 may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 28. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court

shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 29. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, ~~[~~subsection 1 or 2~~]~~ ***subsections 1 to 4, inclusive,*** of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months ***.*** ~~.~~

~~*→ and may be ordered to attend, at the driver's own expense, a course of pedestrian, bicycle and traffic safety approved by the Department if the violation involved the safety of pedestrians or persons riding bicycles. The driver may be exempted from attending such a course if he or she resides more than 50 miles from the nearest location where such a course is offered.]*~~

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

7. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ***or section 1 of this act*** unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 30. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

Sec. 31. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 32. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

6. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the

display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 712.

SUMMARY—Requires **each regional development authority and** the Board of Economic Development to ~~[make recommendations]~~ **take certain actions** regarding a recruiting and marketing effort to attract professionals and businesses to this State. (BDR 18-854)

AN ACT relating to economic development; **requiring each regional development authority to present a plan for its region to the Executive Director of the Office of Economic Development regarding a recruiting and marketing effort to attract professionals and businesses to the region;** requiring the Board of Economic Development to make recommendations to the Executive Director ~~[of the Office of Economic Development]~~ regarding a recruiting and marketing effort to attract professionals and businesses to this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Economic Development to recommend to the Executive Director of the Office of Economic Development a State Plan for Economic Development and to make recommendations for carrying out the State Plan. ~~[This]~~ **Section 2 of this** bill specifically requires the inclusion of recommendations regarding the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State. (NRS ~~[231.033,]~~ 231.037)

Existing law further requires the Executive Director to designate regional development authorities to implement the State Plan. (NRS 231.053)

Section 1 of this bill requires each regional development authority to present a plan to the Executive Director regarding the development and enhancement of a recruiting and marketing effort to attract

professionals and businesses to the region of this State served by the regional development authority. Section 1 also requires the Executive Director to consider those plans in carrying out his or her duties concerning the State Plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:**

Each regional development authority shall present a plan to the Executive Director regarding the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of this State served by the regional development authority. The Executive Director shall consider any plan presented pursuant to this section in carrying out the provisions of NRS 231.053.

Sec. 1.5. **NRS 231.020 is hereby amended to read as follows:**

231.020 As used in NRS 231.020 to 231.139, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast or other electronic transmission, and programs made for broadcast or other electronic transmission in episodes.

~~[Section 1.]~~ ***Sec. 2.*** NRS 231.037 is hereby amended to read as follows:

231.037 The Board shall:

1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

2. Recommend to the Executive Director a State Plan for Economic Development and make recommendations to the Executive Director for carrying out the State Plan for Economic Development ~~[.]~~ ***, including, without limitation, recommendations regarding the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State.***

3. Recommend to the Executive Director the criteria for the designation of regional development authorities.

4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the rural region of this State, one or more regional development authorities for each region.

5. Provide advice and recommendations to the Executive Director concerning:

(a) The procedures to be followed by any entity seeking to obtain any development resource, allocation, grant or loan from the Office;

(b) The criteria to be used by the Office in providing development resources and making allocations, grants and loans;

(c) The requirements for reports from the recipients of development resources, allocations, grants and loans from the Office concerning the use thereof; and

(d) Any other activities of the Office.

6. Review each proposal by the Executive Director to enter into a contract pursuant to NRS 231.057 for more than $100,000 or allocate, grant or loan more than $100,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed allocation, grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not enter into any contract pursuant to NRS 231.057 for more than $100,000 or make any allocation, grant or loan of more than $100,000 to any entity unless the allocation, grant or loan is approved by the Board.

Sec. 3. **NRS 231.053 is hereby amended to read as follows:**

231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional

development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, ***and section 1 of this act,*** and 231.1573 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, ***and section 1 of this act,*** and 231.1573 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 745.

AN ACT relating to professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain licensing boards to law enforcement agencies; requiring, to the extent feasible, certain licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing

members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; **revising provisions relating to schools of cosmetology;** providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, 62, 69, 76, 86 , 91.5 and 106 of this bill authorize a member or any agent of the various licensing boards to **: (1) enter any premises in this State where a person who holds a license, certificate or permit issued by that board practices his or her profession pursuant to the license, certificate or permit and inspect the premises to determine whether any violation of existing law governing the profession has occurred; and (2)** enter, with the cooperation of the appropriate law enforcement agency, any **other** premises in this State where **there is probable cause to believe that** a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit **without having done so** to determine whether the person holds the appropriate license, certificate or permit issued by that board.

Sections 9, 15, 21, 31, 37, 42, 51, 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 20.3, 20.7, 22, 26, 29, 36, 41, 47, 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards **, unless the board determines that extenuating circumstances exist,** to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. **Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, 60.7, 65, 72, 80, 87, 94, 101 and 108** of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another

licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, 22, 28, 33, 39, 45, 50, 66, 73, 79, 81-84, 89 and 95 of this bill revise existing criminal penalties for the unlicensed practice of certain professions and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. **Section 110** of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) **Section 1** of this bill extends this protection from disclosure to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such information to be kept confidential by the licensing board in whose possession the information is held.

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

Section 60.3 of this bill authorizes the Board of Dispensing Opticians to investigate the actions of any licensee of the Board that may constitute grounds for certain disciplinary actions.

Section 98.5 of this bill requires the State Board of Cosmetology to take such actions as it determines are reasonable to enable schools of cosmetology to receive certain federal money. Section 100.5 of this bill revises provisions governing the licensing of schools of cosmetology.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 622.310 is hereby amended to read as follows:

622.310 ***1.*** If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~[to]~~ ***:***

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 1.5. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***Any member or agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that medicine, perfusion or respiratory care is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 3. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 3.5. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[may]~~ ***:***

1. May adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:

(a) The qualifications and training required for administration; and

(b) The manner and place of administration.

Sec. 4. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against ~~[a physician, perfusionist, physician assistant or practitioner of respiratory care]~~ ***any person who is within the jurisdiction of the Board or any other licensing board*** on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. ***If the Board determines that the person who is the subject of the complaint does not hold a license issued by the Board or any other licensing board, the Board shall determine whether the person who is the subject of the complaint has engaged in the practice of medicine, perfusion or respiratory care. If the Board determines that the person:***

(a) Has engaged in the practice of medicine, perfusion or respiratory care, the Board may proceed with any investigation of, or action or disciplinary proceeding against, the person; or

(b) Has not engaged in the practice of medicine, perfusion or respiratory care, the Board shall refer the complaint to the licensing board that the Board determines is appropriate to consider the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the

privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination

designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. ~~[This section does not prevent or prohibit the]~~ ***The*** Board ~~[from communicating or cooperating with]~~ ***shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to*** any other licensing board or agency or any agency which is investigating a ~~[licensee,]~~ ***person,*** including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 ~~[A]~~

1. It is unlawful for any person ~~[who:]~~ ***to:***

~~[1. Presents]~~

(a) Present to the Board as his or her own the diploma, license or credentials of another;

~~[2. Gives]~~

(b) Give either false or forged evidence of any kind to the Board;

~~[3. Practices]~~

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely ~~[personates]~~ ***personate*** another licensee;

~~[4.]~~ ***(d)*** Except as otherwise provided by a specific statute, ~~[practices]~~ ***practice*** medicine, perfusion or respiratory care without being licensed under this chapter;

~~[5. Holds]~~

(e) Hold himself or herself out as a perfusionist or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~[7. Holds]~~

(g) Hold himself or herself out as a practitioner of respiratory care or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board **.** ~~[~~, ~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ***; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person

must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[, with]~~ :

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices homeopathic medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that homeopathic medicine is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 8. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ***~~[Forward]~~ Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency***

any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 10. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 630A.600 is hereby amended to read as follows:

630A.600 ***1.*** Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***Any member or agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that dentistry or dental hygiene is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 14. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.***

Sec. 15. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for ~~[refusal, suspension or revocation of a license or certificate under this chapter,]~~ ***initiating disciplinary action,*** investigate the actions of any person ~~[holding a certificate.]~~ ***who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Board shall, before ~~[refusing to issue, or before suspending or revoking any certificate,]~~ ***initiating disciplinary action,*** at least 10 days before the date set for the hearing, notify ***the accused person*** in writing ~~[the applicant or the holder of the certificate]~~ of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board **[**~~may~~**]** ***shall, to the extent feasible, communicate or cooperate with or*** provide any record or information described in subsection 1 to any other licensing board or **[**~~agency or~~**]** any ***other*** agency **[**~~which~~**]** ***that*** is investigating a person **,** **[**~~licensed pursuant to this chapter,~~**]** including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1, 2 or 3.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~*[, with]*~~ **:**

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices

nursing or as a nursing assistant or medication aide - certified and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that nursing is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. **NRS 632.285 is hereby amended to read as follows:**

632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. ~~[The]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 20.7. **NRS 632.291 is hereby amended to read as follows:**

632.291 1. Any person who practices or offers to practice as a medication aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide - certified as provided in this chapter.

2. It is unlawful for any person to practice or to offer to practice as a medication aide - certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide - certified in this State unless the person is certified as a medication aide - certified pursuant to the provisions of this chapter.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

4. ~~[The]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

Sec. 21. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, nursing assistant or medication aide - certified against whom the complaint is filed, and the Board is unable to identify the licensee, nursing assistant or medication aide - certified, the Board shall request that the employer of the licensee, nursing assistant or medication aide - certified provide to the Board the complete name of the licensee, nursing assistant or medication aide - certified. The employer shall

provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, nursing assistant or medication aide - certified shall provide to the Board, upon its request, the record of the work assignments of any licensee, nursing assistant or medication aide - certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. ~~[~~Any~~]~~ ***It is unlawful for any*** person ~~[~~who:~~]~~ ***:***

(a) ~~[~~Practices~~]~~ ***To practice*** or ~~[~~offers~~]~~ ***offer*** to practice nursing in this State or ~~[~~uses~~]~~ ***use*** any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) ~~[~~Does~~]~~ ***Who does*** not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter ~~[~~who practices~~]~~ ***to practice*** or ~~[~~offers~~]~~ ***offer*** to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing **.** ~~[~~, ➥ is guilty of a misdemeanor.~~]~~

3. ***A person who violates any provision of subsection 2:***

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ and shall be punished as provided in NRS 193.130.

4. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

~~[~~4.~~]~~ ***5.*** ~~[~~The~~]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[~~of the Board~~]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 23. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. ~~[~~This section does not prevent or prohibit the~~]~~ ***The*** Board ~~[~~from communicating or cooperating with~~]~~ ***shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to*** another licensing board or any agency that is investigating a ~~[~~licensee,~~]~~ ***person,*** including a law enforcement agency.

Sec. 24. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. ***Any member or agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that osteopathic medicine is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 26. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 27. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date

and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 28. NRS 633.741 is hereby amended to read as follows:

633.741 ~~[A]~~

1. It is unlawful for any person ~~[who:~~

~~1.]~~ ***to:***

(a) Except as otherwise provided in NRS 629.091, ~~[practices:~~

~~(a)]~~ ***practice:***

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

~~[(b)]~~ ***(2)*** As a physician assistant without a valid license under this chapter; or

~~[(c)]~~ ***(3)*** Beyond the limitations ordered upon his or her practice by the Board or the court;

~~[2. Presents]~~

(b) Present as his or her own the diploma, license or credentials of another;

~~[3. Gives]~~

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

~~[4. Files]~~

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

~~[5. Practices]~~

(e) Practice osteopathic medicine or ~~[practices]~~ ***practice*** as a physician assistant under a false or assumed name or falsely ~~[personates]~~ ***personate*** another licensee of a like or different name;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[who uses]~~ ***use*** any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

~~[7. Supervises]~~

(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter ***.*** ~~[.~~

~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ***; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 29. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

[The] Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 30. NRS 634.043 is hereby amended to read as follows:

634.043 1. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

2. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

~~[(c) Enter]~~

3. The Board or any agent of the Board may ~~[, with]~~ :

(a) Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices chiropractic or as a chiropractor's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter ~~[and inspect]~~ any ~~[chiropractic office]~~ ***other premises*** in this State ~~***[at which]***~~ ***where there is probable cause to believe that chiropractic is being practiced*** ~~[in order to enforce the provisions of this chapter.]~~ ***without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.***

Sec. 31. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. ***A complaint may be filed***

anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed ***or who performs any act for which a license or certificate is required*** pursuant to the provisions of this chapter.

2. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.***

3. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 33. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***Any member or agent of the Board may*** ~~*[, with]*~~ ***:***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that Oriental medicine is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.

Sec. 36. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.***

Sec. 37. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[doctor of]~~ ***person who practices*** Oriental medicine is filed with the Board, the Board shall review the complaint. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*** If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 38. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 39. NRS 634A.230 is hereby amended to read as follows:

634A.230 ***1.*** Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 634A.250.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. ~~*[The]*~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 42. ***Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 43. NRS 635.035 is hereby amended to read as follows:

635.035 ***1.*** The Board may:

~~[1.]~~ ***(a)*** Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[2.]~~ ***(b)*** Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may ~~*[, with]*~~ ***:***

(a) Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices podiatry or as a podiatry hygienist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that podiatry is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 ***1.*** Any person who:

~~[1.]~~ ***(a)*** Presents to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ ***(b)*** Gives either false or forged evidence of any kind to the Board;

~~[3.]~~ ***(c)*** Practices podiatry under a false or assumed name or falsely personates another licensee;

~~[4.]~~ ***(d)*** Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~[5.]~~ ***(e)*** Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the

violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of NRS 635.130.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 46. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 47, 48 and 49 of this act.

Sec. 47. ~~***[The]***~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to the provisions of this chapter.***

Sec. 48. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.***

Sec. 49. ***A member or any agent of the Board may*** ~~***[, with]***~~ ***:***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices optometry and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing optometry without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that optometry is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[No]~~

1. ***A*** person shall ***not*** engage in the practice of optometry in this State unless:

~~[1.]~~ ***(a)*** The person has obtained a license pursuant to the provisions of this chapter; and

~~[2.]~~ ***(b)*** Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing ***.*** ~~[and signed and verified by the person making it.]~~ The original complaint and two copies must be filed with the Executive Director. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 52. NRS 636.325 is hereby amended to read as follows:

636.325 1. Upon conclusion of the hearing, or waiver thereof by the ~~[licensee]~~ ***person*** against whom the charge is filed, the Board shall make and announce its decision. If the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee;

(b) Place the licensee on probation for a specified or unspecified period;

(c) Suspend the licensee from practice for a specified or unspecified period;

(d) Revoke the licensee's license; or

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.

➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.

2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.

3. The Board shall not ~~[privately]~~ ***issue a private*** reprimand **.** ~~[a licensee.]~~

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.3. **Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To the extent that money is available for that purpose, the Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.

2. The Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 60.7. **NRS 637.085 is hereby amended to read as follows:**

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section and NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. Chapter 637A of NRS is hereby amended by adding thereto the provisions set forth as sections 62 and 63 of this act.

Sec. 62. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without ~~[a]~~ the appropriate license issued pursuant to the provisions of this chapter.

Sec. 63. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 64. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the Board. The Board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.

2. A complaint made against any licensee charging one or more of the causes for which his or her license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

3. The complaint must be made in writing and ***may*** be ~~[signed and verified by]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to*** the person ~~[making it.]~~ ***who is the subject of the complaint.***

4. The Board, on its own motion, may investigate the activities of an applicant for or a holder of a license issued pursuant to this chapter at any time.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 65. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 66. NRS 637A.352 is hereby amended to read as follows:

637A.352 ***1.*** A person shall not engage in the business of a hearing aid specialist unless the person:

~~[1.]~~ ***(a)*** Holds a license issued by the Board; or

~~[2.]~~ ***(b)*** Is exempted from the provisions of this chapter by NRS 637A.025.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices audiology or speech pathology and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 70. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and ***may*** be ~~[signed and verified by]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to*** the person ~~[making it.]~~ ***who is the subject of the complaint.***

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 73. NRS 637B.290 is hereby amended to read as follows:

637B.290 ***1.*** A person shall not engage in the practice of audiology or speech pathology in this State without holding a valid license ~~[to do so as provided in]~~ ***issued pursuant to the provisions of*** this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology or speech pathology in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 74. (Deleted by amendment.)

Sec. 75. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 79, inclusive, of this act.

Sec. 76. ***A member or any agent of the Board may ~~[, with]~~ :***

1. Enter any premises in this State where a person who holds a license, certificate or permit issued pursuant to the provisions of this chapter practices pharmacy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to

believe that a person practices pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.

Sec. 77. ***~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.***

Sec. 78. ***Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 79. ***In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:***

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must:

(a) Include a telephone number with which the person may contact the Board; and

(b) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of this section.

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 80. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.***

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3.*** Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~[3.]~~ ***4.*** Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or

offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~[4.]~~ ***5.*** Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. ***A person who violates the provisions of this subsection:***

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

Sec. 83. NRS 639.284 is hereby amended to read as follows:

639.284 Except as otherwise provided in NRS 639.23277, any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

2. Is not a registered pharmacist and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter ~~[,]~~ ***:***

(a) If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ ***category D felony; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

Sec. 84. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to

prescription only or by a registered pharmacist or under his or her direct and immediate supervision ~~[.]~~ ***:***

1. If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ ***category D felony; or***

2. If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

Sec. 85. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[The]***~~ ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 86. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may ~~*[, with]*~~ ***:***

(a) Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter; and

(b) With ***the cooperation of the appropriate law enforcement agency,*** enter ~~[an office, clinic or hospital]~~ ***any other premises in this State*** where ***there is probable cause to believe that*** physical therapy is ***being*** practiced ***without the appropriate license issued pursuant to the provisions of this chapter*** and inspect it to determine ~~[if the]~~ ***whether any person at the premises is practicing*** physical ~~[therapists are licensed.]~~ ***therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.***

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 88. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and ***may*** be ~~[signed and verified by the person filing it.]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*** The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 89. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter. ***A person who violates the provisions of this subsection is guilty of a gross misdemeanor.***

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may ~~[issue]~~ ***:***

(a) Issue an order against any person who has violated subsection 1 imposing ~~[a civil]~~ ***an administrative*** penalty of not more than $5,000 for each violation. Any ~~[civil]~~ ***administrative*** penalty collected pursuant to this ~~[subsection]~~ ***paragraph*** must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a) to (d), inclusive.

Sec. 90. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 91 **, 91.5** and 92 of this act.

Sec. 91. ***Any person who becomes aware that a person practicing occupational therapy or as an occupational therapy assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 640A.200 may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 91.5. A member or any agent of the Board may:

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices occupational therapy or as an occupational therapy assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 92. ***Whenever any person has engaged in or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.***

Sec. 93. NRS 640A.110 is hereby amended to read as follows:

640A.110 The Board shall:

1. Enforce the provisions of this chapter;

2. ~~***[Forward]***~~ ***Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter;***

3. Maintain a record of its proceedings;

~~[3.]~~ ***4.*** Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~[4.]~~ ***5.*** Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~[5.]~~ ***6.*** Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to

any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. ***A person who violates the provisions of this subsection is guilty of a gross misdemeanor.***

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~[3.]~~ A person who violates ~~[any provision]~~ ***the provisions*** of this ~~[section]~~ ***subsection*** is guilty of a misdemeanor.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 96. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 97 **,** ~~[and]~~ 98 **and 98.5** of this act.

Sec. 97. ***Any person who becomes aware that a person practicing cosmetology in this State has, is or is about to become engaged in conduct***

which constitutes grounds for initiating disciplinary action pursuant to NRS 644.430 may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

Sec. 98. ***1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.***

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 98.5. <u>The Board shall take such action as it determines is reasonable to enable schools of cosmetology to receive money from the Federal Government for student financial assistance to the greatest extent practicable under federal law.</u>

Sec. 99. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting ~~[officers all violations]~~ ***officer or law enforcement agency each violation*** of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 100. (Deleted by amendment.)

Sec. 100.5. **NRS 644.380 is hereby amended to read as follows:**

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) ***Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.***

(e) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. ***If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:***

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

~~[5.]~~ ***6.*** After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 101. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 102. (Deleted by amendment.)

Sec. 103. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 107, inclusive, of this act.

Sec. 104. ***Whenever any person has engaged or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.***

Sec. 105. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 106. *A member or any agent of the Board may* ~~*[, with]*~~ *:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 107. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the

Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person ~~[licensed as a nursing facility administrator or an administrator of a residential facility for groups]~~ has failed to comply with the requirements of the standards. ~~[The]~~ ***Except as otherwise provided in this paragraph, the*** Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 **,** ~~[or]~~ 465.070 to 465.085, inclusive ~~[.]~~ ***, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.***

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 111. **1. Any person who is admitted to a school of cosmetology on or before the effective date of section 100.5 of this act shall be deemed to be admitted in compliance with the amendatory provisions of section 100.5 of this act.**

2. The State Board of Cosmetology shall, as soon as practicable after the effective date of section 100.5 of this act and at no cost to the school of cosmetology, issue to each school of cosmetology that meets the requirements of NRS 644.380, as amended by section 100.5 of this act a license that complies with the amendatory provisions of that section.

Sec. 112. **1. This section and sections 98.5, 100.5 and 111 of this act become effective upon passage and approval.**

2. Sections 1 to 98, inclusive, 99, 100 and 101 to 110, inclusive, of this act become effective on October 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 732.

AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence **;** ~~[or a lesser included offense;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a court to impose a fee of $500, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor **.** ~~[or a lesser included offense.]~~ If the fee of $500 is not within a defendant's present ability to pay, the justice or judge may ~~[impose]~~ **require** the equivalent community service to be performed. Under this bill, the money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a defendant who is charged with a violation of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, that charge , ~~[or a lesser included offense, including, without limitation, a traffic violation, arising from the same traffic episode,]~~ the justice or judge shall include in the sentence, in addition to any other penalty or administrative assessment provided by law, a fee of $500 for the provision of specialty court programs and render a judgment against the defendant for the fee. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the fee required pursuant to this subsection.

2. If the fee pursuant to subsection 1:

(a) Is not within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, community service for a reasonable number of hours, the value of which would be commensurate with the fee.

(b) Is not entirely within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, a reduced fee and community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the fee.

3. The money collected for the specialty courts fee must not be deducted from any fine imposed by the justice or judge but must be collected from the defendant in addition to the fine. The money collected for such a fee must be stated separately on the court's docket. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the specialty courts fee remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

4. A justice or judge shall, if requested by a defendant, allow a specialty courts fee to be paid in installments under terms established by the justice or judge.

5. Any payments made by a defendant must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of the specialty courts fee pursuant to this section; and

(e) To pay the fine.

6. The money collected for a specialty courts fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for a specialty courts fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for district attorney and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

9. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

~~***[(c) "Traffic violation" means conviction of a moving traffic violation in any municipal court or justice court in this State.]***~~

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the

administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the

center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the

court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 228.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 780.

AN ACT relating to public servants; revising provisions relating to public officers and employees; ~~[revising provisions relating to statements of financial disclosure;]~~ revising provisions relating to ethics in government and the enforcement of such provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes to provisions relating to public officers and employees **~~[~~**~~, ethics in government and the ethics laws. (Chapters 281 and~~**~~]~~** **and the administration of the Nevada Ethics in Government Law by the Commission on Ethics. (Chapter** 281A of NRS)

~~[Existing law requires certain candidates for public office and certain public officers to file annual statements of financial disclosure with the Secretary of State. (NRS 281.558-281.581) Sections 2-9 of this bill define certain terms relating to the statements of financial disclosure.~~

~~Sections 11-13, 42 and 49-55 of this bill revise provisions prohibiting public officers and employees from being interested in or benefiting from governmental contracts and clarify certain procedures for voiding governmental contracts or other actions which violate ethics laws.]~~

Sections 18-24 ~~[and 30-32]~~ **, 30 and 31** of this bill enact and revise various definitions in the ~~[Nevada]~~ Ethics ~~[in Government]~~ Law. **Section 19** revises and makes applicable throughout the Ethics Law the existing definition of "commitment in a private capacity to the interests of others" in NRS 281A.420.

Section 23 defines "pecuniary interest **~~[~~**~~,"~~**~~]~~** **" for the Ethics Law,** and **sections** ~~[40 and 42]~~ **40.3 and 41** of this bill require proof of a significant **personal or** pecuniary interest in defining various types of ~~[unethical conduct.]~~ **ethical conflicts, so that a de minimis or insignificant personal**

or pecuniary interest does not create a conflict of interest, require disqualification or abstention, or provide just or sufficient cause for an ethics investigation or violation. (NRS 281A.400, 281A.420)

Section 25 of this bill enacts provisions for computing periods **of time** prescribed or allowed under the Ethics Law. ~~[Sections 26 and 40 of this bill move and revise certain existing provisions from NRS 281A.410 requiring certain public officers to file disclosures if they have represented or counseled a private person for compensation before certain agencies.]~~ **Section 27** of this bill authorizes the Commission ~~[on Ethics]~~ to apply for and accept grants, contributions, services and money for the purposes of carrying out the Ethics Law.

Section 27.3 of this bill requires the Commission, when disposing of a request for an opinion by stipulation, agreed settlement or consent order, to treat comparable situations in a comparable manner and ensure that the disposition of a request for an opinion bears a reasonable relationship to the severity of the violation or alleged violation of the Ethics Law. Section 27.5 of this bill requires the Commission to consider various aggravating and mitigating factors when determining the amount of any civil penalty imposed for a willful violation of the Ethics Law.

Sections 33-37 of this bill make various changes concerning the **operation of the** Commission ~~[on Ethics]~~ and the duties of the Executive Director of the Commission and the Commission Counsel. Those changes include: (1) adjusting the eligibility requirements for certain members of the Commission; (2) requiring the Chair of the Commission to designate a qualified person to perform the duties of the Executive Director if the Executive Director is disqualified or unable to act on a particular matter; **and** (3) revising the administration of the assessments paid by cities and counties in semiannual installments to the Commission**.** ~~[; and (4) expanding the Commission's authority to adopt regulations to carry out the Ethics Law.]~~ **(NRS 281A.200, 281A.240, 281A.260, 281A.270, 281A.290)**

Section 38 of this bill directs public officers and employees who request the issuance of a subpoena on their behalf in ethics proceedings to serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure and to pay the costs of such service. **(NRS 281A.300)**

Sections ~~[39]~~ ***40.3*****-44** of this bill make various changes to provisions in the Ethics Law, including provisions relating to conflicts of interests for public officers and employees, disclosures and abstentions, the rendering of opinions and conduct of investigations by the Commission ~~[on Ethics]~~ and the duties of specialized and local ethics committees. **(NRS 281A.400, 281A.410, 281A.420, 281A.440, 281A.470)**

~~[Section 39 revises provisions proscribing various types of unethical conduct.~~

~~ Section 40 revises restrictions on various public officers and employees representing or counseling private persons for compensation before certain agencies, and moves and revises the existing "cooling-off" provisions from NRS 281A.550 prohibiting various public officers and employees from accepting compensation from certain persons or entities for a specified period after leaving public service.]~~

Section 45 of this bill revises the "safe harbor" provision of the Ethics Law to provide that a public officer or employee does not commit a willful violation if the public officer or employee: (1) relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and (2) his or her action was not contrary to a prior published opinion issued by the Commission. (NRS 281A.480)

Section 46 of this bill provides new requirements relating to informing, educating and instructing public officers and employees concerning the statutory ethical standards and the duties of public officers and employees under the Ethics Law. **(NRS 281A.500)**

~~[Section 48 of this bill authorizes the Commission on Ethics to request the drafting of 2 legislative measures for each regular session of the Legislature.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in NRS 281.558 to 281.581, inclusive, and sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[*"Business entity" means an organization or enterprise operated for economic gain, including, without limitation, a proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[*"Domestic partner" means a person in a domestic partnership.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[*"Domestic partnership" means:~~

~~*1. A domestic partnership as defined in NRS 122A.040; or*~~

~~*2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a*~~

~~*domestic partnership or is registered in this State.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[“Household” means an association of persons who live in the same home or dwelling.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[“Intentionally” means voluntarily or deliberatively, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[“Knowingly” imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[“Member of the candidate’s or public officer’s household” means:*~~

~~*1. The spouse or domestic partner of the candidate or public officer;*~~

~~*2. A person who lives in the household of the candidate or public officer;*~~

~~*3. A person who does not live in the household of the candidate or public officer, but who is dependent on and receiving substantial support from the candidate or public officer; or*~~

~~*4. A person who lives in the household of the candidate or public officer for 6 months or more in the year immediately preceding the year in which the candidate or public officer files a statement of financial disclosure.]*~~ **(Deleted by amendment.)**

Sec. 10. (Deleted by amendment.)

Sec. 11. ~~*[1. In addition to any other penalty provided by law, any governmental grant, contract or lease made or other governmental action taken by a public officer or employee in violation of this chapter or chapter 281A of NRS is voidable by the State, county, city or political subdivision.*~~

~~*2. The Attorney General, district attorney or city attorney shall give notice of the intent to void a governmental grant, contract or lease or other governmental action pursuant to this section not later than 30 days after adjudication of the violation.*~~

~~*3. In determining whether to void a governmental grant, contract or lease or other governmental action pursuant to this section, the interests of innocent third parties who could be damaged must be taken into account.*~~

~~*4. In addition to any other penalty provided by law, the Attorney General, district attorney or city attorney may:*~~

~~*(a) Pursue any other available legal or equitable remedies as a result of a violation of this chapter or chapter 281A of NRS by a public officer or employee; and*~~

~~*(b) Recover any fee, compensation, gift or benefit received by a person as a result of a violation of this chapter or chapter 281A of NRS by a public officer or employee. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.*~~

~~*5. As used in this section, "political subdivision" means any county, city or other local government as defined in NRS 354.474.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 281.221 is hereby amended to read as follows:~~

~~281.221 1. Except as otherwise provided in this section~~ **[**~~,~~**]** ~~*and NRS 281A.430,* it is unlawful for~~ **[**~~any~~**]** ~~*a* state officer who is not a member of the Legislature to:~~

~~(a) Become a contractor under any contract or order for supplies or other kind of contract authorized by or for the State or any of its departments, or the Legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so authorized.~~

~~(b) Be interested in any contract made by the officer or to be a purchaser or interested in any purchase under a sale made by the officer in the discharge of the officer's official duties.~~

~~2.~~ **[**~~Any~~**]** ~~*A* member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may supply or contract to supply, in the ordinary course of the member's business, goods, materials or services to any state or local agency, except the board~~ **,** **[**~~or~~**]** ~~commission *or body* of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~

~~3. A full- or part-time faculty member in the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.~~

~~4. A state officer, other than an officer described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the officer has not taken part in developing the contract plans or specifications and the officer will not be personally involved in opening, considering or accepting offers.~~

~~5.~~ **[**~~Any~~**]** ~~*In addition to any other penalty provided by law, any governmental* contract made *or other governmental action taken* in violation of this section may be declared void~~ **[**~~at the instance of the State or~~

~~of any other person interested in the contract except an officer prohibited from making or being interested in the contract.~~

~~6. Any person violating~~**]** ***pursuant to section 11 of this act.***

~~***6. A person who violates*** this section is guilty of a gross misdemeanor and shall forfeit his or her office.~~**]** **(Deleted by amendment.)**

Sec. 13. ~~**[**NRS 281.230 is hereby amended to read as follows:~~

~~281.230 1. Except as otherwise provided in this section and NRS 218A.970,~~ **[**~~281A.530~~**]** ***281A.430*** ~~and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way directly interested or affected:~~

~~(a) State, county, municipal, district and township officers of the State of Nevada;~~

~~(b) Deputies and employees of state, county, municipal, district and township officers; and~~

~~(c) Officers and employees of quasi-municipal corporations.~~

~~2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board~~ **, [**~~or~~**]** ~~commission~~ ***or body*** ~~of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~

~~3. A full or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.~~

~~4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the public officer or employee has not taken part in developing the contract plans or specifications and the public officer or employee will not be personally involved in opening, considering or accepting offers. If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose his or~~

~~her interest in the contract and shall not vote on or advocate the approval of the contract.~~

~~5. A person who violates any of the provisions of this section shall be punished as provided in NRS 197.230 and:~~

~~(a) Where the commission, personal profit or compensation is $650 or more, for a category D felony as provided in NRS 193.130.~~

~~(b) Where the commission, personal profit or compensation is less than $650, for a misdemeanor.~~

~~6. *In addition to any other penalty provided by law:*~~

~~*(a)* A person who violates the provisions of this section shall pay any commission, personal profit or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district or quasi-municipal corporation as restitution.~~

~~*(b) Any governmental contract made or other governmental action taken in violation of this section may be declared void pursuant to section 11 of this act.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 281.558 is hereby amended to read as follows:~~

~~281.558~~ **[**~~As used in NRS 281.558 to 281.581, inclusive, "candidate"~~**]** ~~*"Candidate"* means any person:~~

~~1. Who files a declaration of candidacy;~~

~~2. Who files an acceptance of candidacy; or~~

~~3. Whose name appears on an official ballot at any election.~~**]** **(Deleted by amendment.)**

Sec. 15. ~~[NRS 281.571 is hereby amended to read as follows:~~

~~281.571 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such electronic form as the Secretary of State otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:~~

~~(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.~~

~~(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence:~~

~~(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;~~

~~(2) Whose fair market value is $2,500 or more; and~~

~~(3) That is located in this State or an adjacent state.~~

~~(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes $5,000 or more, except for:~~

~~(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer~~ ***by blood, adoption, marriage or domestic partnership*** ~~within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.~~

~~2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~**[**3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.~~**]]** **(Deleted by amendment.)**

Sec. 16. ~~**[**NRS 281.573 is hereby amended to read as follows:~~

~~281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS [281.558 to 281.572, inclusive,] *281.559 and 281.561* must be retained by the Secretary of State for 6 years after the date of filing.~~

~~2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.]~~ **(Deleted by amendment.)**

Sec. 17. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to ~~[27,]~~ **27.5,** inclusive, of this act.

Sec. 18. ***"Agency" means any state agency or local agency.***

Sec. 19. ***"Commitment in a private capacity," with respect to the interests of another person, means a commitment, interest or relationship of a public officer or employee to a person:***

1. Who is the spouse or domestic partner of the public officer or employee;

2. Who is a member of the household of the public officer or employee;

3. Who is related to the public officer or employee, or to the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. Who employs the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. With whom the public officer or employee has a substantial and continuing business relationship; or

6. With whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 20. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 21. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 22. ***"Local agency" means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.***

Sec. 23. *"Pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:*

1. Anything of economic value; and

2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

Sec. 24. *"State agency" means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government.*

Sec. 25. *In computing any period prescribed or allowed by this chapter:*

1. If the period begins to run on the occurrence of an act or event, the day on which the act or event begins is excluded from the computation.

2. The last day of the period is included in the computation, except that if the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by the Governor or on a day on which the office of the Commission is not open for the conduct of business, the period is extended to the close of business on the next business day.

Sec. 26. ~~[1. Not later than January 15 of each year, a State Legislator or public officer who has, within the preceding calendar year, represented or counseled a private person for compensation before an agency shall disclose for each occurrence of such representation or counseling during the preceding calendar year:~~

~~(a) The name of the private person;~~

~~(b) The nature of the representation or counseling; and~~

~~(c) The name of the agency.~~

~~2. The disclosure required pursuant to subsection 1 must be made in writing and timely filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is:~~

~~(a) Delivered in person to the principal office of the Commission in Carson City.~~

~~(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~

~~(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.~~

~~(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile~~

~~*machine or other electronic means is complete upon receipt of the transmission by the Commission.*~~

~~*3. The Commission shall retain a disclosure filed pursuant to this section for 6 years after the date on which the disclosure was filed.]*~~ **(Deleted by amendment.)**

Sec. 27. ***The Commission may apply for and accept grants, contributions, services or money for the purposes of carrying out the provisions of this chapter only if the action is approved by a majority vote in an open public meeting of the Commission*** ~~*[.]*~~ ***and the Commission complies with the provisions of the State Budget Act.***

Sec. 27.3. In any matter in which the Commission disposes of a request for an opinion by stipulation, agreed settlement or consent order, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the request for an opinion bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 27.5. In determining the amount of any civil penalty to be imposed on a public officer or employee pursuant to NRS 281A.480, the Commission shall consider:

1. The seriousness of the violation, including, without limitation, the nature, circumstances, extent and gravity of the violation;

2. The number and history of previous warnings issued to or violations of the provisions of this chapter by the public officer or employee;

3. The cost to the Commission to conduct the investigation and any hearing relating to the violation;

4. Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation, any attempts to rectify the violation before any complaint is filed and any cooperation by the public officer or employee or former public officer or employee in resolving the complaint;

5. Any restitution or reimbursement paid to parties affected by the violation;

6. The extent of any financial gain resulting from the violation; and

7. Any other matter justice may require.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.040 to 281A.170, inclusive, ***and sections 18 to 24, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 30. NRS 281A.100 is hereby amended to read as follows:

281A.100 "Household" means an association of persons who live in the same home or dwelling ~~[,]~~ **[**~~, sharing its expenses,~~**]** and who are related by blood, adoption **,** **[**~~or~~**]** marriage ~~[,]~~ ***or domestic partnership.***

Sec. 31. NRS 281A.125 is hereby amended to read as follows:

281A.125 "Member of a local legislative body" means a member of a board of county commissioners, a governing body of a city or a governing body of any other political subdivision who performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy **.** **[**~~and which is not typically restricted to identifiable persons or groups.~~**]**

Sec. 32. **[**~~NRS 281A.160 is hereby amended to read as follows:~~

~~281A.160 1. "Public officer" means a person elected or appointed to a position which:~~

~~(a) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and~~

~~(b) Involves the exercise of a public power, trust or duty.~~ **[**~~As used in this section, "the~~**]**

~~***2. For the purposes of subsection 1:***~~

~~***(a) A position is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision if the position is established or created directly by the source of authority or if the source of authority authorizes a public body or officer to establish or create the position.***~~

~~***(b) "The*** exercise of a public power, trust or duty" means:~~

~~(1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;~~

~~(2) The expenditure of public money; and~~

~~(3) The administration of laws and rules of the State or any county, city or other political subdivision.~~

~~**[**2.**]** ***3. "Public officer" includes, without limitation, a person appointed, contracted with or otherwise employed, with or without compensation, to perform the duties of a position which is a public office or to serve in such a position on a temporary, interim or acting basis.***~~

~~***4.*** "Public officer" does not include:~~

~~(a) Any justice, judge or other officer of the court system;~~

~~(b) Any member of a board, commission or other body whose function is advisory;~~

~~(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or~~

~~(d) A county health officer appointed pursuant to NRS 439.290.~~

~~**[**3.**]** *5.* "Public office" does not include an office held by:~~

~~(a) Any justice, judge or other officer of the court system;~~

~~(b) Any member of a board, commission or other body whose function is advisory;~~

~~(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or~~

~~(d) A county health officer appointed pursuant to NRS 439.290.**]**~~ **(Deleted by amendment.)**

Sec. 33. NRS 281A.200 is hereby amended to read as follows:

281A.200 1. The Commission on Ethics, consisting of eight members, is hereby created.

2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom ~~**[**are**]**~~ ***must be*** former public officers ~~**[**,**]**~~ ***or employees,*** and at least one of whom must be an attorney licensed to practice law in this State.

3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or ~~**[**public**]**~~ employees, and at least one of whom must be an attorney licensed to practice law in this State.

4. Not more than four members of the Commission may be members of the same political party. ~~***[The provisions of NRS 281.057 do not apply to this subsection.***~~

~~***5.]***~~ Not more than four members ***of the Commission*** may be residents of the same county.

5. ~~***[6.]***~~ None of the members of the Commission may, while the member is serving on the Commission:

(a) Hold another public office;

(b) Be actively involved in the work of any political party or political campaign; or

(c) Communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself or the Commission, for compensation, to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

6. ~~[7.]~~ After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

Sec. 34. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281A.440.

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the

Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 35. NRS 281A.260 is hereby amended to read as follows:

281A.260 1. The Commission Counsel is the legal adviser to the Commission. For each opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission, the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct **. [**~~within the time set forth in subsection 6 of NRS 281A.440.~~**]** The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:

(a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employ outside legal counsel.

Sec. 36. NRS 281A.270 is hereby amended to read as follows:

281A.270 1. Each county whose population is 10,000 or more and each city whose population is 15,000 or more and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to this chapter. The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out the provisions of this chapter and only to the extent authorized for expenditure by the Legislature; ~~[and]~~

(c) Does not revert to the State General Fund at the end of any fiscal year ~~[.]~~ ***; and***

(d) Does not revert to a city or county if:

(1) The actual expenditures by the Commission are less than the amount of the assessments approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period; or

(2) The budget of the Commission is modified after the amount of the assessments has been approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, the Executive Director shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 37. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission . ~~[;~~

~~*(e) Specifying the information sufficient to satisfy the disclosure requirements of subsection 1 of NRS 281A.420; and*~~

~~*(f) Which are proper and necessary to carry out the provisions of this chapter.]*~~

2. ~~*[Define by regulation the term "gift" for the purposes of this chapter.*~~

~~*=3.]*~~ Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. ~~*[4.]*~~ Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. ~~*[5.]*~~ Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. ~~*[6.]*~~ Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. ~~*[7.]*~~ Publish a manual for the use of public officers and employees that ~~[~~contains:

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and~~

~~(c) An abstract of~~] ***explains*** the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the ~~[abstracts and]~~ published opinions of the Commission.

Sec. 38. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of books and papers. Upon the request of the Executive Director or the public officer or ~~[public]~~ employee who is the subject of a request for an opinion, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of books and papers. ***A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.***

3. Before issuing a subpoena to a public officer or ~~[public]~~ employee who is the subject of a request for an opinion ~~[,]~~ ***to compel his or her attendance as a witness or his or her production of books or papers,*** the Executive Director shall submit a written request to the public officer or ~~[public]~~ employee requesting:

(a) The appearance of the public officer or ~~[~~public~~]~~ employee as a witness; or

(b) The production by the public officer or ~~[~~public~~]~~ employee of any books and papers relating to the request for an opinion.

4. Each written request submitted by the Executive Director pursuant to subsection 3 must specify the time and place for the attendance of the public officer or ~~[~~public~~]~~ employee or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or ~~[~~public~~]~~ employee fails or refuses to attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the request, the Chair may issue the subpoena. Failure of the public officer or ~~[~~public~~]~~ employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or ~~[~~public~~]~~ employee of the time set forth in subsections 4, 5 and 6 of NRS 281A.440.

5. If any witness refuses to attend, testify or produce any books and papers as required by the subpoena, the Chair of the Commission may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission, or has refused to answer questions propounded to the witness, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

6. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced the books or papers before the Commission. A certified copy of the order must be served upon the witness.

7. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the Commission, at the time and place fixed in the order, and testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 39. ~~[~~NRS 281A.400 is hereby amended to read as follows:

~~281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:~~

~~1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend [improperly] to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.~~

~~2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for [the] :~~

~~*(a) The* public officer or employee [, any] ;~~

~~*(b) Any* business entity in which the public officer or employee has a significant pecuniary interest [, or any] ; *or*~~

~~*(c) Any* person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. [As used in this subsection:~~

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.~~

~~(b) "Unwarranted" means without justification or adequate reason.]~~

~~3. A public officer or employee shall not participate as an agent of government in the negotiation , [or] execution *or approval* of a contract between the government and [any] :~~

~~*(a) The public officer or employee;*~~

~~*(b) Any* business entity in which the public officer or employee has a significant pecuniary interest [.] ; *or*~~

~~*(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.*~~

~~4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's *public* duties . [as a public officer or employee.]~~

~~5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further [the] *a significant* pecuniary [interests of the] *interest of:*~~

~~*(a) The* public officer or employee ; or [any]~~

~~*(b) Any* other person or business entity.~~

~~6. A public officer or employee shall not suppress any governmental report or other *official* document because it might tend to affect unfavorably [the public officer's or employee's] *a significant* pecuniary [interests.] *interest of:*~~

~~*(a) The public officer or employee;*~~

~~***(b) Any business entity in which the public officer or employee has a significant pecuniary interest; or***~~

~~***(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.***~~

~~7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit **[**the public officer's or employee's**]** ***a significant*** personal or **[**financial**]** ***pecuniary*** interest **[**.**]** ***of the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.*** This subsection does not prohibit:~~

~~(a) A limited use of governmental property, equipment or other facility for personal purposes if:~~

~~(1) The public officer ***or employee*** who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;~~

~~(2) The use does not interfere with the performance of the public officer's or employee's public duties;~~

~~(3) The cost or value related to the use is nominal; and~~

~~(4) The use does not create the appearance of impropriety;~~

~~(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or~~

~~(c) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~**]** If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.~~

~~8. A State Legislator shall not:~~

~~(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:~~

~~(1) A limited use of state property and resources for personal purposes if:~~

~~(I) The use does not interfere with the performance of the State Legislator's public duties;~~

~~(II) The cost or value related to the use is nominal; and~~

~~(III) The use does not create the appearance of impropriety;~~

~~(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or~~

~~(3) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:~~

~~(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or~~

~~(2) Where such service has otherwise been established as legislative policy.~~

~~9. A public officer or employee shall not~~ ***, through the influence of a subordinate,*** ~~attempt to benefit~~ **[**~~the public officer's or employee's~~**]** ***a significant*** ~~personal or~~ **[**~~financial~~**]** ***pecuniary*** ~~interest~~ **[**~~through the influence~~**]** ~~of~~ **[**~~a subordinate.~~

~~10. A~~**]** ***:***

(a) The public officer or employee;

(b) Any business entity in which the public officer or employee has a significant pecuniary interest; or

(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.

10. Except as otherwise provided in this subsection, a ~~public officer or employee shall not~~ ***use the public officer's or employee's position in government to*** ~~seek other employment or contracts~~ **[**~~through the use of the public officer's or employee's official position.~~**]** ***for:***

(a) The public officer or employee;

(b) Any business entity in which the public officer or employee has a significant pecuniary interest; or

(c) Any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person.

➥ A public officer or employee may state or affirm that he or she holds a position as a public officer or employee and may describe or discuss his or her functions, duties and experiences as a public officer or employee, including, without limitation, providing such information on a resume or other application for future employment or appointment or election to a public office.

11. A public officer or employee shall not concurrently serve as a public officer or employee and hold a separate public office in which he or she exercises controlling influence over his or her employer or supervisor or the operation and activities of the agency by which he or she is employed.] **(Deleted by amendment.)**

Sec. 40. ~~[NRS 281A.410 is hereby amended to read as follows:~~

~~281A.410 [In addition to the requirements of the code of ethical standards:]~~

~~1. [If] *Except as otherwise provided in this section,* a public officer or employee [serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:~~

~~(a) Shall] *shall* not [accept] *:*~~

~~*(a) Accept additional* compensation [from any private person] to represent or counsel [the] *a* private person on any issue pending before *the Legislature or any agency, including* the agency in which that public officer or employee serves *;* [, if the agency makes decisions;] and~~

~~(b) If the public officer or employee leaves the service of [the] *an* agency, [shall not,] for 1 year after [leaving the service of the agency, represent or counsel for] *the termination of his or her service, accept* compensation *to represent or counsel* a private person [upon] *on* any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.~~

~~2. A State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve [. Any other] *, except that a member of a local legislative body* [public officer or employee] shall not represent or counsel a private person for compensation before any [state agency of the Executive or Legislative Department.~~

~~3. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department shall disclose for each such representation or counseling during the previous calendar year:~~

~~(a) The name of the client;~~

~~(b) The nature of the representation; and~~

~~(c) The name of the state agency.~~

~~4. The disclosure required by subsection 3 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:~~

~~(a) Delivered in person to the principal office of the Commission in Carson City.~~

~~(b) Mailed to the Commission by first class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.~~

~~(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third party commercial carrier.~~

~~5. The Commission shall retain a disclosure filed pursuant to subsections 3 and 4 for 6 years after the date on which the disclosure was filed.~~**] *local agency in the county in which he or she serves.***

3. A former member of the Public Utilities Commission of Nevada shall not:

(a) Accept any compensation from a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

↵ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

4. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Accept any compensation from a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS,

↵ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.

5. In addition to the other prohibitions set forth in this section, and except as otherwise provided in subsection 6, a former public officer or employee of an agency, except a clerical employee, shall not solicit or accept compensation from a person or entity whose activities are governed by, or which is a part of a business or industry whose activities are governed by, regulations or local ordinances adopted by the agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) During the immediately preceding year, the former public officer's or employee's principal duties included the formulation of policy contained in the regulations or local ordinances governing that business or industry;

~~(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the person or entity which is a part of that business or industry; or~~

~~(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct competitor in that business or industry.~~

~~6. The provisions of subsection 5 do not apply to a former public officer who was a member of:~~

~~(a) The governing body of a state agency or an advisory body thereto if:~~

~~(1) The governing body or the advisory body thereto performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy; or~~

~~(2) The former public officer:~~

~~(I) Is engaged in the profession, occupation or business regulated by the state agency;~~

~~(II) HHolds a license issued by the state agency; and~~

~~(III) Is required to hold a license issued by the state agency as a requirement for membership on the governing body of the state agency.~~

~~(b) A local legislative body or an advisory body thereto.~~

~~7. In addition to the other prohibitions set forth in this section, a former public officer or employee of an agency, except a clerical employee, shall not solicit or accept compensation from a person to whom a contract for supplies, materials, equipment or services was awarded by the agency for 1 year after the termination of the public officer's or employee's service or period of employment, if:~~

~~(a) The amount of the contract exceeded $25,000;~~

~~(b) The contract was awarded within the 12-month period immediately preceding the termination of the public officer's or employee's service or period of employment; and~~

~~(c) The position held by the former public officer or employee at the time the contract was awarded allowed for the former public officer or employee to affect or influence the awarding of the contract.~~

~~8. The Commission may relieve a current or former public officer or employee from the strict application of the provisions of this section if:~~

~~(a) The current or former public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and~~

~~(b) The Commission determines that such relief is not contrary to:~~

~~(1) The best interests of the public;~~

~~(2) The continued ethical integrity of the agency; and~~

~~*(3) The provisions of this chapter.*~~

~~*9. As used in this section:*~~

~~*(a) "Local ordinance" means any ordinance, code or other governing law adopted by a local agency.*~~

~~*(b) "Regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by an agency that is not subject to the requirements of chapter 233B of NRS.]*~~ **(Deleted by amendment.)**

Sec. 40.3. **NRS 281A.400 is hereby amended to read as follows:**

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. As used in this subsection ~~[:~~

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.~~

~~(b) "Unwarranted"]~~ **, *"unwarranted"*** means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any business entity in which the public officer or employee has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further ~~[the]~~ ***a significant*** pecuniary ~~[interests]~~ ***interest*** of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other ***official*** document because it might tend to affect unfavorably ~~[the public officer's or employee's]~~ ***a significant*** pecuniary ~~[interests.]~~ ***interest of the public officer or employee.***

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit ~~[the public officer's or employee's]~~ ***a significant*** personal or ~~[financial]~~ ***pecuniary*** interest ~~[.]~~ ***of the public officer or employee.*** This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer ***or employee*** who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit ~~[the public officer's or employee's]~~ ***a significant*** personal or ~~[financial]~~ ***pecuniary*** interest ***of the public officer or employee*** through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of the public officer's or employee's official position.

Sec. 40.5. **NRS 281A.410 is hereby amended to read as follows:**

281A.410 In addition to the requirements of the code of ethical standards:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. A State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve. Any other public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

3. Not later than January 15 of each year, any State Legislator or other public officer who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive

Department shall disclose for each such representation or counseling during the previous calendar year:

(a) The name of the client;

(b) The nature of the representation; and

(c) The name of the state agency.

4. The disclosure required by subsection 3 must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

5. The Commission shall retain a disclosure filed pursuant to subsections 3 and 4 for 6 years after the date on which the disclosure was filed.

Sec. 41. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a ***significant*** pecuniary interest; or

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the ~~[~~interest of others,~~]~~ ***interests of another person,***

➥ without disclosing ~~[~~sufficient~~]~~ information concerning the gift ~~[,]~~ ***or*** loan, ***significant pecuniary*** interest or commitment ***in a private capacity to the interests of the person that is sufficient*** to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's ***significant*** pecuniary interest, or upon the ~~[~~persons~~]~~ ***person*** to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the

time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's ***significant*** pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's ***acceptance of a gift or loan, significant*** pecuniary interest or ~~[~~the public officer's~~]~~ commitment in a private capacity to the interests of ~~[~~others~~]~~ ***another person*** where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of ~~[~~others,~~]~~ ***another person,*** accruing to the other ~~[~~persons,~~]~~ ***person,*** is not greater than that accruing to any other member of ~~[~~the~~]~~ ***any*** general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the ***acceptance of a gift or loan, significant*** pecuniary interest or commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors ~~[.~~

~~*(1) Favors]*~~ the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer has properly disclosed the public officer's acceptance of a gift or loan, ~~[the public officer's]~~ ***significant*** pecuniary interest or ~~[the public officer's]~~ commitment in a private capacity to the interests of ~~[others]~~ ***another person*** in the manner required by subsection 1 . Because ~~*[, and*~~

~~*(2) Acknowledges that]*~~ abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs , the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, ~~[the public officer's]~~ ***significant*** pecuniary interest or ~~[the public officer's]~~ commitment in a private capacity to the interests of ~~[others.]~~ ***another person.***

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section ~~[:~~

~~(a) "Commitment in a private capacity to the interests of others" means a commitment to a person:~~

~~(1) Who is a member of the public officer's or employee's household;~~

~~(2) Who is related to the public officer or employee by blood, adoption or marriage within the third degree of consanguinity or affinity;~~

~~(3) Who employs the public officer or employee or a member of the public officer's or employee's household;~~

~~(4) With whom the public officer or employee has a substantial and continuing business relationship; or~~

~~(5) Any other commitment or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (4), inclusive, of this paragraph.~~

~~(b) "Public~~**]** **,** ***"public*** officer" and "public employee" do not include a State Legislator.

Sec. 42. ~~**[**NRS 281A.430 is hereby amended to read as follows:~~

~~281A.430 1.~~ **[**Except**]** ***Notwithstanding the provisions of NRS 281.221 and 281.230, and except*** ~~as otherwise provided in this section and NRS~~ **[**281A.530**]** ***218A.970*** ~~and 332.800,~~ a public officer or employee shall not ***, directly or through a third party, perform any contract,*** bid on or enter into **[**a**]** ***any contract or modify or renew any contract if:***

~~***(a) The*** contract ***is*** between **[**a governmental**]** ***the*** agency ***in which the public officer or employee serves*** and **[**any**]** ***:***

~~***(1) The public officer or employee; or***~~

~~***(2) Any*** business entity in which the public officer or employee has a significant pecuniary interest **[**.**]** ***; or***~~

~~***(b) The contract is between an agency that has any connection, relation or affiliation with the agency in which the public officer or employee serves and:***~~

~~***(1) The public officer or employee; or***~~

~~***(2) Any business entity in which the public officer or employee has a significant pecuniary interest,***~~

"* if the duties or services to be performed or provided for the agency pursuant to the contract are the same or similar duties performed by the public officer or employee for the agency in which he or she serves.

~~2. A **[**member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.**]*** ***public officer or employee may perform a contract, bid on or enter into a contract or modify or renew a contract with an agency in which the public officer or employee serves, or a related agency as described in paragraph (b) of subsection 1, if:***

~~*(a) The contract is subject to competitive selection and, at the time the contract is bid on, entered into, modified or renewed:*~~

~~*(1) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not used as a result of the applicability of NRS 332.112 or 332.148;*~~

~~*(2) The sources of supply are limited and no other person expresses an interest in the contract;*~~

~~*(3) The public officer or employee has not taken part in developing the contract plans or specifications; and*~~

~~*(4) The public officer or employee is not personally involved in opening, considering or accepting offers.*~~

~~*(b) The contract, by its nature, is not adapted to be awarded by competitive selection and, at the time the contract is bid on, entered into, modified or renewed:*~~

~~*(1) The public officer or employee has not taken part in developing the contract plans or specifications and is not personally involved in opening, considering, or accepting offers; and*~~

~~*(2) The contract:*~~

~~*(I) Has been approved by the agency through the application of internal procedures in which a public officer or employee may obtain approval to engage in such contracts; or*~~

~~*(II) Is not exclusive to the public officer or employee and is the type of contract that is available to all persons with the requisite qualifications.*~~

~~3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may~~ ***perform a contract,*** ~~bid on or enter into a contract~~ ***or modify or renew a contract*** ~~with~~ **[**~~a governmental~~**]** ***an*** ~~agency, or may benefit financially or otherwise from a contract between~~ **[**~~a governmental~~**]** ***an*** ~~agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.~~

~~4. **[**A public officer or employee, other than a public officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if:~~

~~(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;~~

~~(b) The sources of supply are limited;~~

~~(c) The public officer or employee has not taken part in developing the contract plans or specifications; and~~

~~(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.~~

~~**]** If a public officer who is authorized to ***perform a contract,*** bid on or enter into a contract ***or modify or renew a contract*** with **[**a governmental**]** ***an*** agency pursuant to this **[**subsection**]** ***section*** is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.~~

~~***5. A public officer who is a member of the governing body of any county, city or other political subdivision shall not sell goods or services to the county, city or other political subdivision unless:***~~

~~***(a) The public officer, or an entity in which the public officer has a significant pecuniary interest, offers the sole source of supply of the goods or services within the area served by the governing body; and***~~

~~***(b) The governing body:***~~

~~***(1) Issues a public notice of the meeting which specifically mentions that such a purchase of goods or services will be considered; and***~~

~~***(2) Approves the purchase in accordance with the applicable provisions of law.***~~

~~***6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:***~~

~~***(a) The public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and***~~

~~***(b) The Commission determines that such relief is not contrary to:***~~

~~***(1) The best interests of the public;***~~

~~***(2) The continued ethical integrity of the agency; and***~~

~~***(3) The provisions of this chapter.***~~

~~***7. As used in this section, "contract, by its nature, is not adapted to be awarded by competitive selection" includes, without limitation:***~~

~~***(a) A contract for services which may only be contracted from a sole or limited source;***~~

~~***(b) A contract for professional services, including, without limitation, a contract for the services of:***~~

~~***(1) An expert witness;***~~

~~***(2) A professional engineer;***~~

~~***(3) A registered architect;***~~

~~***(4) An attorney;***~~

~~***(5) An accountant; or***~~

~~***(6) Any other professional, if the services of that professional are not adapted to competitive selection;***~~

~~***(c) A contract for services necessitated by an emergency affecting the national, state or local defense or an emergency caused by a natural or human-caused disaster or any other unforeseeable circumstances; or***~~

~~*— (d) Any other contract which is open or available to the public at large.]*~~ **(Deleted by amendment.)**

Sec. 43. NRS 281A.440 is hereby amended to read as follows:

281A.440 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as ~~[an]~~ ***a public*** officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester's future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the

public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a ***written*** recommendation relating to just and sufficient cause ***, including, without limitation, the specific evidence or reasons that support the recommendation,*** to the investigatory panel within 70 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. ~~[If, after the investigation, the Executive Director determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific evidence that supports the Executive Director's recommendation. If, after the investigation, the Executive Director determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific reasons for the Executive Director's recommendation.]~~

5. Within 15 days after the Executive Director has provided the ~~[~~Executive Director's~~]~~ ***written*** recommendation in the matter to the investigatory panel ~~[,]~~ ***pursuant to subsection 4,*** the investigatory panel shall ***conclude the investigation and*** make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept ***.*** ~~[, and such a record must remain confidential until the investigatory panel determines whether there is~~

~~just and sufficient cause for the Commission to render an opinion in the matter.]~~

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in ~~[this]~~ subsection ~~[, each document]~~ ***9, all information, communications, records, documents or other material*** in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, ~~[the Commission's copy of the request and all materials and information gathered in an investigation of the request, is]~~ ***the record of the proceedings of the investigatory panel made pursuant to subsection 5, are*** confidential ***and not public records pursuant to chapter 239 of NRS*** until ~~[the]~~ ***:***

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter ~~[. The]~~ ***and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or***

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 ~~[may in writing authorize]~~ ***authorizes*** the Commission ***in writing*** to make its ~~[files, material and]~~ information ***, communications, records, documents or other material*** which are related to the request publicly available ~~[.]~~ ***,***

↳ whichever occurs first.

9. Except as otherwise provided in ~~[paragraphs (a) and (b), the proceedings of the investigatory panel are]~~ ***this section, the investigative file***

of the Commission is confidential ***.*** ~~[until]~~ ***At any time after being served with written notice of the determination of*** the investigatory panel ~~[determines whether there is]~~ ***regarding the existence of*** just and sufficient cause ***for the Commission*** to render an opinion in the matter ~~[. A person who:~~

~~(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:~~

~~(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that the person filed with the Commission or the substance of testimony, if any, that the person gave before the Commission.~~

~~(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person requested an opinion from the Commission.~~

~~(b) Gives testimony before the Commission may:~~

~~(1) At any time, reveal to a third party the substance of testimony that the person gave before the Commission.~~

~~(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person gave testimony before the Commission.~~] ***, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.***

10. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

11. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and

appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

12. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that the person will testify truthfully,

➥ the Commission may decline to render an opinion.

13. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

14. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

15. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

16. For the purposes of this section, the investigative file of the Commission which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information obtained by the Commission through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, regardless of whether such information, records, documents or other material are obtained by a subpoena.

Sec. 44. NRS 281A.470 is hereby amended to read as follows:

281A.470 1. Any ~~[department, board, commission or other]~~ ***state*** agency ~~[of the State]~~ or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the

committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. ***The Secretary of State shall not approve the form unless the form contains all the information required to be included in a statement of financial disclosure pursuant to NRS 281.571.***

2. ***The Secretary of State is not responsible for the costs of producing or distributing a form for filing a statement of financial disclosure pursuant to the provisions of subsection 1.***

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

~~[3.]~~ ***4.*** Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 45. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law ~~[,]~~ ***and in accordance with the provisions of section 27.5 of this act,*** the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed $5,000 for a first willful violation of this chapter;

(b) Not to exceed $10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed $25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, the Commission may ***, upon its own motion or upon the motion of the person about whom an opinion was requested pursuant to NRS 281A.440,*** impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has

resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➥ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. An action taken by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of a provision of ~~[those sections]~~ ***this chapter*** if the public officer or employee establishes by sufficient evidence that the public officer or employee satisfied all of the following requirements:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by ~~[the]~~ ***his or her*** public body ~~*[on which the public officer]* [represents]~~ ~~*[serves* or by the]~~ ***, agency or*** employer ***;*** ~~[of the public employee]~~ ~~[or upon the manual published by the Commission pursuant to NRS 281A.290;~~

~~(b) The public officer or employee was unable, through no fault of the public officer or employee, to obtain an opinion from the Commission before the action was taken;]~~ and

~~[(c)]~~ ***(b)*** The public officer or employee took action that was not contrary to a prior published opinion issued by the Commission.

6. In addition to any other penalties provided by law, a public employee who commits a willful violation of this chapter is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 46. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. ***On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:***

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the ~~[Chief of the Budget Division]~~ Director of the Department of Administration ~~[.]~~ , or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The ~~[Administrator of the Division of Human Resource Management]~~ Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. ~~[Within 6 months after the date on which a public officer swears or affirms the oath of office or a public employee of a state agency begins employment, the public officer or employee shall complete a course on the statutory ethical standards conducted by the Executive Director pursuant to NRS 281A.240 or by a designee of the Executive Director.~~

~~4.]~~ Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

~~[~~2.~~]~~ ~~[5.]~~ 4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer ~~[~~takes~~]~~ ***swears or affirms the oath of*** office.

~~[~~3.~~]~~ ~~[6.]~~ 5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer ~~[~~takes~~]~~ ***swears or affirms the oath of*** office in accordance with subsection ~~[~~2,~~]~~ ~~[5,]~~ ***4,***

shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

~~[4.]~~ ~~*[7.]*~~ ***6.*** For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is ~~*[:]*~~ filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

~~[5.]~~ ***(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.***

~~*[8.]*~~ ***7.*** The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a ~~[hard]~~ copy ~~[;]~~ ***of the standards;*** and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a ~~[hard]~~ ***printed*** copy of the statutory ethical standards from the Commission.

~~[6.]~~ ~~*[9.]*~~ ***8.*** Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a ~~[hard]~~ ***printed*** copy of the form for making the acknowledgment, a ~~[hard]~~ ***printed*** copy of the statutory ethical standards must be included with the form.

~~[7.]~~ ~~*[10.]*~~ ***9.*** The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~[8.]~~ ~~*[11.]*~~ ***10.*** Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive

right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~[9.]~~ ~~*[12.]*~~ ***11.*** As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 47. ~~[NRS 281A.540 is hereby amended to read as follows:~~

~~281A.540 [1.] In addition to any other penalties provided by law, [a]~~ ~~*any*~~ ~~governmental grant, contract or lease [entered into in violation of this chapter is voidable by the State, county, city or political subdivision. In a determination under this section of whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General, district attorney or city attorney must give notice of the intent to void a grant, contract or lease under this section no later than 30 days after the Commission has determined that there has been a related violation of this chapter.~~

~~2. In addition to any other penalties provided by law, a contract prohibited by NRS 281.230 which is knowingly entered into by a person designated in subsection 1 of NRS 281.230 is void.~~

~~3. Any action taken by the State in violation of this chapter is voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies.~~

~~4. In addition to any other penalties provided by law, the Attorney General may recover any fee, compensation, gift or benefit received by a person as a result of a violation of this chapter by a public officer. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.]~~ ~~*made or other governmental action taken in violation of this chapter may be declared void pursuant to section 11 of this act.]*~~ **(Deleted by amendment.)**

Sec. 48. ~~[NRS 218D.175 is hereby amended to read as follows:~~

~~218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 100 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.~~

~~2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the~~

~~Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.~~

~~3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:~~

~~Lieutenant Governor ..... 1~~
~~Secretary of State ..... 5~~
~~State Treasurer ..... 2~~
~~State Controller ..... 2~~
~~Attorney General ..... 15~~

~~4. ***For a regular session, the Commission on Ethics created by NRS 281A.200 may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than two legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.***~~

~~***5.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 **,** [and] 3 ***and 4*** must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.~~] **(Deleted by amendment.)**

Sec. 49. ~~[~~NRS 245.075 is hereby amended to read as follows:~~

~~245.075 1. Except as otherwise provided in NRS 281.230, 281A.430 [, 281A.530] and 332.800, it is unlawful for any county officer **, *directly or indirectly,*** to be interested in any contract made by the county officer or ***to*** be a purchaser or [be] interested in any purchase of a sale made by the county officer in the discharge of his or her official duties.~~

~~2. Any contract made in violation of [subsection 1] ***this section*** may be declared void at the instance of the county interested or of any other person interested in the contract except the officer prohibited from making or being interested in the contract.~~

~~3. Any person [violating] ***who violates*** this section [, directly or indirectly,] is guilty of a gross misdemeanor and shall forfeit his or her office.~~] **(Deleted by amendment.)**

Sec. 50. ~~[~~NRS 268.384 is hereby amended to read as follows:~~

~~268.384 1. Except as otherwise provided in NRS 281.230, 281A.430 [, 281A.530] and 332.800, it is unlawful for any city officer **, *directly or indirectly,*** to be interested in any contract made by the city officer [,] or to be~~

~~a purchaser or interested [, directly or indirectly,] in any purchase of a sale made by the city officer in the discharge of *his or her* official duties.~~

~~2. Any person [violating] *who violates* this section is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 51. ~~[NRS 268.386 is hereby amended to read as follows:~~

~~268.386 Any contract made in violation of NRS 268.384 may be declared void at the instance of the city interested or of any other person interested in the contract except [an] *the* officer prohibited from making or being interested in the contract.]~~ **(Deleted by amendment.)**

Sec. 52. ~~[NRS 269.071 is hereby amended to read as follows:~~

~~269.071 1. [It] *Except as otherwise provided in NRS 281.230, 281A.430 and 332.800, it* is unlawful for any member of a town board or board of county commissioners acting for any town to become a contractor under any contract or order for supplies or any other kind of contract authorized by or for the board of which he or she is a member, or to be interested, directly or indirectly, as principal [,] in any kind of contract so authorized.~~

~~2. Any person [violating subsection 1] *who violates this section* is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 53. ~~[NRS 269.072 is hereby amended to read as follows:~~

~~269.072 1. [It] *Except as otherwise provided in NRS 281.230, 281A.430 and 332.800, it* is unlawful for any town officer, directly or indirectly, to be interested in any contract made by the town officer [,] or *to* be a purchaser or [be] interested in any purchase under a sale made by the town officer in the discharge of *his or her* official duties.~~

~~2. Any person [violating subsection 1] *who violates this section* is guilty of a gross misdemeanor and shall forfeit his or her office.]~~ **(Deleted by amendment.)**

Sec. 54. ~~[NRS 269.073 is hereby amended to read as follows:~~

~~269.073 Any contract made in violation of NRS 269.071 or 269.072 may be declared void at the instance of the town or any person interested in the contract except [an] *the* officer prohibited from making or being interested in the contract.]~~ **(Deleted by amendment.)**

Sec. 55. ~~[NRS 332.800 is hereby amended to read as follows:~~

~~332.800 1. Except as otherwise provided in NRS 281.230 [,] *and* 281A.430 , [and 281A.530,] a member of the governing body may not be interested, directly or indirectly, in any contract entered into by the governing body, but the governing body may purchase supplies, not to exceed $1,500 in the aggregate in any 1 calendar month from a member of such governing body [,] when not to do so would be of great inconvenience due to a lack of any other local source.~~

~~2. An evaluator may not be interested, directly or indirectly, in any contract awarded by such governing body or its authorized representative.~~

~~3. A member of a governing body who furnishes supplies in the manner permitted by subsection 1 may not vote on the allowance of the claim for such supplies.~~

~~4. A [violation of] *person who violates* this section is *guilty of* a misdemeanor and, in the case of a member of a governing body, *a violation is* cause for removal from office.]~~ **(Deleted by amendment.)**

Sec. 56. ~~[NRS 281A.530 and 281A.550 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 56.5. ~~[1. Except as otherwise provided in subsection 2, the provisions of subsection 5 of NRS 281A.410, as amended by section 40 of this act, do not apply to the service or employment of a public officer or employee who is serving or is employed by a local agency before January 1, 2014.~~

~~2. A public officer or employee who otherwise meets the requirements set forth in subsection 1 but who, on or after January 1, 2014, begins serving as a public officer or begins working as an employee of another state or local agency is subject to the provisions of subsection 5 of NRS 281A.410, as amended by section 40 of this act, with respect to such subsequent service or employment.]~~ **(Deleted by amendment.)**

Sec. 57. ~~[1.]~~ This ~~[section and sections 1 to 10, inclusive, 14 to 38, inclusive, 41 and 43 to 48, inclusive, of this act become]~~ **act becomes** effective upon passage and approval.

~~[2. Sections 11, 12, 13, 39, 40, 42 and 49 to 56.5, inclusive, of this act become effective on January 1, 2014.~~

~~TEXT OF REPEALED SECTIONS~~

~~281A.530 Purchase of goods or services by local government from member of governing body not unlawful or unethical; conditions. The purchase of goods or services by a local government upon a two-thirds vote of its governing body from a member of the governing body who is the sole source of supply within the area served by the governing body is not unlawful or unethical if the public notice of the meeting specifically mentioned that such a purchase would be discussed.~~

~~281A.550 Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; determination by Commission.~~

~~1. A former member of the Public Utilities Commission of Nevada shall not:~~

~~(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or~~

~~(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,~~

~~→ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.~~

~~2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:~~

~~(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or~~

~~(b) Be employed by such a person,~~

~~→ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.~~

~~3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:~~

~~(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;~~

~~(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or~~

~~(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.~~

~~4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:~~

~~(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;~~

~~(b) The former public officer holds a license issued by the board, commission or similar body; and~~

~~(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.~~

~~5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:~~

~~(a) The amount of the contract exceeded $25,000;~~

~~(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and~~

~~(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.~~

~~6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:~~

~~(a) The best interests of the public;~~

~~(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and~~

~~(c) The provisions of this chapter,~~

~~↵ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.~~

~~7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;~~

~~(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or~~

~~— (c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.~~

~~— 8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.~~

~~— 9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.~~**]**

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 781.

AN ACT relating to campaign practices; amending the definition of "committee for political action" to include certain organizations and entities that receive contributions or make expenditures in excess of certain amounts for the purpose of affecting an election **_[,]_** **or ballot question;** requiring such organizations and entities to register as committees for political action **_[,]_** **and report certain information; clarifying that political parties and committees sponsored by political parties are not committees for political action;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Nevada's elections laws require major and minor political parties and committees sponsored by those political parties to report certain information regarding campaign contributions and expenditures. Nevada's elections laws also require committees for political action to report certain information regarding campaign contributions and expenditures. (Chapter 294A of NRS)

Section 1 of this bill **clarifies that major and minor political parties and committees sponsored by those political parties are not committees for political action under Nevada's elections laws to ensure that there is no**

conflict between the provisions governing major and minor political parties and committees sponsored by those political parties and the provisions governing committees for political action. (NRS 294A.0055)

Section 1 also revises the definition of "committee for political action" to include any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union that: (1) has as its primary purpose affecting the outcome of ~~[an]~~ **any** election **or ballot question** and for that purpose receives in excess of $1,500 in contributions or makes expenditures in excess of $1,500 in a calendar year; or (2) does not have as its primary purpose affecting the outcome of ~~[an]~~ **any** election **or ballot question** but for that purpose receives in excess of $5,000 in contributions or makes expenditures in excess of $5,000 in a calendar year. **(NRS 294A.0055)**

Section 2 of this bill requires all such organizations and entities to register with the Secretary of State not later than 7 calendar days after qualifying as a committee for political action **~~[.]~~ and to thereafter comply with the reporting requirements regarding campaign contributions and expenditures. However, if the organization or entity does not have as its primary purpose affecting the outcome of any election or ballot question, it must report only those contributions received for the purpose of affecting the outcome of any election or ballot question. (NRS 294A.230)**

The provisions of this bill requiring such organizations and entities to register with the Secretary of State as committees for political action and comply with campaign reporting requirements are modeled on statutes enacted by the State of Maine. (Me. Rev. Stat. Ann. tit. 21-A, §§ 1051-1063) The Maine statutes and similar statutes from other jurisdictions have been upheld as constitutionally valid elections laws because they promote an informed electorate by providing voters with pertinent and valuable information about organizations and entities that finance and disseminate elections-related speech. (*Nat'l Org. for Marriage v. McKee*, 649 F.3d 34 (1st Cir. 2011); *Real Truth About Abortion, Inc. v. FEC*, 681 F.3d 544 (4th Cir. 2012); *Ctr. for Individual Freedom v. Madigan*, 697 F.3d 464 (7th Cir. 2012); *Family PAC v. McKenna*, 685 F.3d 800 (9th Cir. 2012); *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010))

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means ~~[any]~~ ***:***

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

~~[(a)]~~ ***(1)*** Makes or intends to make contributions to candidates or other persons; or

~~[(b)]~~ ***(2)*** Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, primary city election, general election, general city election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, primary city election, general election, general city election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) ~~[An]~~ ***Except as otherwise provided in paragraph (b) of subsection 1, an*** individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) ~~[A]~~ ***Except as otherwise provided in paragraph (b) of subsection 1, a*** labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 2. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** committee for political action shall, before it engages in any activity in

this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. ***A person who qualifies as a committee for political action in accordance with:***

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, primary city election, general election, general city election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee ~~[,]~~ ***for political action;***

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

~~[3.]~~ ***4.*** A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

~~[4.]~~ ***5.*** The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection ~~[2. 5.]~~ ***3.***

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection

1 ~~[,]~~ ***or 2,*** if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 ~~[,]~~ ***or 2,*** each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 ***or 2*** for which the Secretary of State may impose a civil penalty.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 720.

AN ACT relating to sheriffs; revising provisions governing the removal of deputy sheriffs in certain smaller counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a peace officer must be certified by the Peace Officers' Standards and Training Commission within 1 year after beginning employment as a peace officer, unless an extension is granted. (NRS 289.550) In a county that does not have a metropolitan police department or whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), a deputy sheriff who has completed a 12-month probationary period may be terminated from employment only for cause. (NRS 248.040, 248.045) In this context, ~~[for these smaller counties,]~~ this bill provides that **, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties),** "cause" includes a deputy's failure to become certified by the Peace Officers' Standards and Training Commission within the required time, the loss of that certification or the deputy's failure to maintain a valid driver's license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him or her, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy

policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure. ***[As used in this paragraph,]***

2. For the purposes of paragraph (b) of subsection 1, in any county whose population is less than 45,000, "cause" includes, without limitation:

[(1)] (a) Failure to be certified by the Peace Officers' Standards and Training Commission within the time required by NRS 289.550;

[(2)] (b) Loss of the certification by the Peace Officers' Standards and Training Commission required by NRS 289.550; or

[(3)] (c) Failure to maintain a valid driver's license.

[2.]

➥ This subsection does not limit or impair any internal grievance procedure, grievance procedure negotiated pursuant to chapter 288 of NRS or administrative remedy otherwise available to a deputy.

3. No deputy sheriff is qualified to act as such unless he or she has taken an oath to discharge the duties of the office faithfully and impartially. The oath, together with the written appointment, must be recorded in the office of the recorder of the county within which the sheriff legally holds and exercises office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

[3.] 4. The sheriff may require of his or her deputies such bonds as to the sheriff seem proper.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 711.

AN ACT relating to taxation; requiring a county treasurer to assign a tax lien against a parcel of real property located within the county if an assignment is authorized by an agreement between the owner of the property

and the assignee; requiring the county treasurer to issue a certificate of assignment for each tax lien assigned; authorizing the assignee of a tax lien to commence an action against the property owner for the collection of the delinquent taxes, penalties, interest, fees and costs or to pursue any other remedy authorized by the agreement with the owner; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county treasurer to sell a tax lien against a parcel of real property upon which taxes have become delinquent. The consent of the owner of the property is not a prerequisite to such a sale. (NRS 361.731-361.733) This bill amends those provisions to delete references to the sale of a tax lien and to require that the county treasurer assign a tax lien if the property owner and the assignee enter into a written agreement that so provides and the assignee pays to the county treasurer an amount equal to the delinquent taxes and accrued penalties, interest, fees and costs. **Section 4** of this bill sets forth the mandatory and permissible terms of such an agreement. **Sections 5-10** of this bill revise various provisions relating to delinquent taxes and the collection of such taxes to add references to the assignee of a tax lien, and to provide for an action by the assignee against the owner to recover delinquent taxes, penalties, interest, fees and costs. **Sections 11-19** of this bill amend existing provisions governing the sale of a tax lien to provide for the assignment of the lien and the respective rights and duties of the county treasurer, the owner of the property and the assignee. **Section 21** of this bill authorizes an assignee to bring an action against the owner for the recovery of delinquent taxes, penalties, interest, fees and costs, or to pursue any other remedy authorized by the assignee's agreement with the owner.

Existing law imposes certain limitations on the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) **Section 22** of this bill provides that these limitations are not applicable to any action, described above, brought by an assignee against an owner to recover delinquent taxes or brought pursuant to an agreement between the assignee and the owner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this section and NRS 361.731 to 361.733, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 361.731 and section 3 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assignee" means a person:***

1. To whom an assignment of a tax lien is authorized pursuant to this section and NRS 361.731 to 361.733, inclusive, and sections 2 and 4 of this act; or

2. Who is the holder of a certificate of assignment issued pursuant to NRS 361.7318.

Sec. 4. ***1. If any taxes assessed against a parcel of real property pursuant to this chapter are delinquent and the requirements of NRS 361.7316 are otherwise satisfied, an owner of the property may authorize the county treasurer of the county in which the property is located to assign to an assignee the tax lien on the property. Any such authorization must be in writing and acknowledged by the owner before a notary public.***

2. An authorization given pursuant to this section must be made pursuant to a separate written agreement between the owner and the assignee. The agreement:

(a) Must provide that:

(1) The owner may redeem the tax lien by paying to the assignee the amounts required by the agreement, in the manner provided by the agreement; and

(2) The assignee is required to issue a release of the tax lien to the owner within 20 business days after the owner pays in full the amounts required by the agreement and otherwise fully performs the owner's obligations under the agreement.

(b) May provide for payment by the owner to the assignee of:

(1) The amount paid by the assignee to the county treasurer pursuant to NRS 361.7312 as consideration for the assignment;

(2) Fees for recording and other expenses incurred by the assignee in connection with the authorization and assignment ~~***[.]***~~ ***, the total of which must not exceed $600 if the property is a single-family residence occupied by the owner;***

(3) Interest on the foregoing amounts, until paid as provided by the agreement, at a rate not to exceed 15 percent per annum; and

(4) Any costs reasonably and necessarily incurred by the assignee to enforce the agreement or the tax lien, including, without limitation, attorney's fees and costs of suit, if the owner does not redeem the lien or otherwise does not perform in accordance with the agreement.

(c) May provide for either or both of the following remedies if the owner fails to redeem the tax lien or otherwise fails to perform in accordance with the agreement:

(1) An action by the assignee for collection of the amounts due pursuant to the agreement, as provided by law for the enforcement of contracts in writing; and

(2) An action by the assignee for collection of the taxes, penalties, interest, fees and costs relating to the tax lien, in the manner provided by NRS 361.625 to 361.730, inclusive, except insofar as any provision of those sections applies only to the district attorney of the county or an action commenced by the district attorney.

3. The assignee shall cause the agreement described in subsection 2, with the certificate of assignment of the tax lien issued pursuant to NRS 361.7318, to be recorded in the office of the county recorder of the county in which the property is located.

Sec. 5. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; ~~[and]~~

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189 ~~[.]~~ ***; and***

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by ***or on behalf of*** the taxpayer or his or her successor in interest ~~[:~~

~~(1) The]~~ ***, the*** tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

~~[(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.]~~

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 6. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum, assessed monthly, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) That each property described in the certificate may be redeemed within 2 years after the date of the certificate;

(b) That the title to each property not redeemed vests in the county for the benefit of the State and county; and

(c) That a tax lien may be ~~[sold]~~ ***assigned*** against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee. Before the owner or his or her successor redeems the property, he or she must also pay the county treasurer holding the certificate any additional taxes, penalties and costs assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him or her pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes, penalties, interest and costs due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate additional taxes, penalties, interest and costs assessed and accrued or the repayment of any of those delinquent amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 7. NRS 361.645 is hereby amended to read as follows:

361.645 1. The delinquent list or a copy thereof certified by the county treasurer showing unpaid taxes against any person or property is prima facie evidence in any court in an action commenced by the district attorney pursuant to the provisions of this chapter to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) The amount of taxes due and unpaid.

(e) That all the forms of law in relation to the assessment and levy of those taxes have been complied with.

2. A certificate of ~~[purchase]~~ ***assignment*** of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act*** or a copy thereof which is certified by the county treasurer and which indicates the ~~[sale]~~ ***assignment*** of a tax lien to collect unpaid taxes on a parcel of real property is prima facie evidence in any court in an action commenced by the ~~[holder of the certificate of purchase]~~ ***assignee*** to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) ~~[The amount of taxes, penalties, interest and costs due and unpaid.~~

~~(e)]~~ That all the forms of law in relation to the assessment and levy of those taxes and the ~~[sale]~~ ***assignment*** of the tax lien have been complied with.

Sec. 8. NRS 361.650 is hereby amended to read as follows:

361.650 1. Actions authorized by NRS 361.635 must be commenced in the name of the State of Nevada against the person or persons so delinquent, and against all owners, known or unknown.

2. An action authorized by NRS 361.733 must be commenced in the name of the ~~[holder of the certificate of purchase]~~ ***assignee*** of the tax lien against the person or persons delinquent in the payment of the taxes on the parcel of real property which is the subject of the tax lien and against all owners, known or unknown, of that parcel.

3. Any action described in subsection 1 or 2 may be commenced in the county where the assessment is made, before any court in the county having jurisdiction of the amount thereof. The jurisdiction must be determined solely by the amount of delinquent taxes, exclusive of penalties and costs sued for, without regard to the location of the lands or other property as to townships, cities or districts, and without regard to the residence of the person or persons, or owner or owners, known or unknown.

Sec. 9. NRS 361.685 is hereby amended to read as follows:

361.685 1. The district attorney or the ~~[holder of a certificate of purchase]~~ ***assignee*** of a tax lien ~~[issued]~~ ***assigned*** pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act*** shall file in the office of the county recorder a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice in the newspaper in which the notice was published.

2. The officers shall file a copy of the notices posted, with an affidavit of the time and place of posting.

3. Copies so filed or certified copies thereof are prima facie evidence of all the facts contained in the notice or affidavit, in all courts in the State.

4. The publishers are entitled to not more than the legal rate for each case for publishing a notice, including the making of the affidavit.

5. The county recorder is entitled to 50 cents for filing each notice of publication, including the affidavit.

6. The sums allowed must be taxed and collected as other costs in the case from the defendant, and in no case may they be charged against or collected from the county or State.

Sec. 10. NRS 361.695 is hereby amended to read as follows:

361.695 The defendant may answer by a verified pleading:

1. That the taxes, penalties, interest and costs have been paid before suit.

2. That the taxes, penalties, interest and costs have been paid since suit, or that the property is exempt from taxation under the provisions of this chapter.

3. Denying all claim, title or interest in the property assessed at the time of the assessment.

4. That the land is ~~[situate]~~ ***situated*** in, and has been assessed in, another county, and the taxes thereon paid.

5. Alleging fraud in the assessment, or that the assessment is out of proportion to and above the taxable value of the property assessed. If the defense is based upon the ground that the assessment is above the taxable value of the property, the defense is only valid as to the proportion of the tax based upon the excess of valuation, but in no such case may an entire assessment be declared void.

6. If the action is brought by the ~~[holder of a certificate of purchase]~~ ***assignee*** of a tax lien ~~[issued]~~ ***assigned*** pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act,*** that the ~~[defendant is the owner of a parcel of real property against which a tax lien was sold in a manner that]~~ ***assignment*** did not comply with the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.***

7. If the action is brought by the ~~[holder of a certificate of purchase]~~ ***assignee*** of a tax lien ~~[issued]~~ ***assigned*** pursuant to NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act,*** that the defendant has redeemed the tax lien pursuant to NRS 361.7326. ~~[The defendant shall file the certificate of redemption issued pursuant to NRS 361.7326 with his or her answer.]~~

Sec. 11. NRS 361.731 is hereby amended to read as follows:

361.731 ~~[As used in NRS 361.731 to 361.733, inclusive, unless the context otherwise requires, "tax]~~ ***"Tax*** lien" means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest ***, fees*** and costs which may accrue thereon are paid ~~[.]~~ ***:***

1. To the county treasurer; or

2. If the lien is assigned pursuant to NRS 361.731 to 361.733, inclusive, and sections 2, 3 and 4 of this act, to the assignee or any successor in interest of the assignee.

Sec. 12. NRS 361.7312 is hereby amended to read as follows:

361.7312 1. Except as otherwise provided in ~~[this section,]~~ ***subsection 2,*** a county ~~[may,]~~ ***treasurer shall*** ~~[in lieu of the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive, sell]~~ ***assign*** a tax lien against a parcel of real property upon which the taxes are delinquent ~~[pursuant to the provisions of NRS 361.731 to 361.733, inclusive.]~~ ***if the assignee:***

(a) Presents the county treasurer with:

(1) Written authorization for the assignment, duly executed by the owner of the property in accordance with section 4 of this act; and

(2) Evidence that the assignee has posted and maintains the bond required by NRS 361.7314 in the penal sum required by that section, or an affidavit showing that the assignee is exempt from the requirement pursuant to subsection 4 of that section; and

(b) Tenders to the county treasurer the full amount of the delinquent taxes assessed against the property and any applicable penalties, interest, fees and costs. Payment must be made in cash or by certified check, money order or wire transfer.

2. ~~[Except as otherwise provided in this section, a county may sell a tax lien to any purchaser.]~~ A county ***treasurer*** may not ~~[sell]~~ ***assign*** a tax lien to a government, governmental agency or political subdivision of a government ***.*** ~~[, or to any insurer other than an insurer that:~~

~~(a) Is entitled to receive the credit set forth in NRS 680B.050 because it owns and substantially occupies and uses a building in this State as its home office or as a regional home office; or~~

~~(b) Issues in this State a policy of insurance for medical malpractice.]~~

3. ~~[For the purposes of this section:~~

~~(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.~~

~~(b) "Policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.]~~ ***An assignment of a tax lien pursuant to this section does not affect the priority of the tax lien.***

Sec. 13. NRS 361.7314 is hereby amended to read as follows:

361.7314 1. ~~[Before a county may offer for sale tax liens against parcels of real property located within the county, the board of county commissioners of that county must adopt by resolution a procedure for the sale and transfer of tax liens by the county treasurer.~~

~~2. The procedure must include, but is not limited to:~~

~~(a) The requirements for notice of the sale of the tax lien. The notice must include:~~

~~(1) The date, time and location of the sale; and~~

~~(2) An indication of all other tax liens against the property that have been previously sold.~~

~~(b) The manner in which:~~

~~(1) A tax lien is selected for sale;~~

~~(2) The price to purchase a tax lien is determined; and~~

~~(3) The holder of a certificate of purchase issued pursuant to NRS 361.7318 may collect the delinquent taxes, interest, penalties and costs on the parcel of real property which is the subject of the tax lien.]~~ ***Except as***

otherwise provided in subsection 4, an assignee shall post a cash bond or surety bond:

(a) In the penal sum of $500,000; and

(b) Conditioned to provide indemnification to any owner of real property in this State with respect to which a tax lien is assigned to the assignee if the owner is determined to have suffered damage as a result of the assignee's wrongful failure or refusal to perform the obligations of the assignee under an agreement entered into pursuant to section 4 of this act.

2. No part of the bond required by this section may be withdrawn while any agreement entered into pursuant to section 4 of this act, to which the assignee is a party, remains in effect with respect to real property in this State.

3. Except as otherwise provided in subsection 4, each assignee shall annually submit to the Secretary of State a written statement, made under penalty of perjury:

(a) That the assignee has posted the bond required by this section; and

(b) Stating the name and business address of the surety or person with whom the bond has been posted.

➥ Any assignee or other person who knowingly makes or causes to be made a false statement to the Secretary of State pursuant to this subsection is guilty of a misdemeanor.

4. The provisions of this section do not apply to any assignee who is related within the third degree of consanguinity to the owner of the real property that is the subject of the assignment.

Sec. 14. NRS 361.7316 is hereby amended to read as follows:

361.7316 1. A county treasurer may ~~[sell]~~ ***assign*** a tax lien against a parcel of real property ***at any time*** after the ~~[first Monday in June after the]~~ taxes on that parcel become delinquent ***and before judgment in favor of the county is entered pursuant to NRS 361.700*** if:

(a) The parcel is on the secured roll; ***and***

(b) The taxes on the parcel are delinquent pursuant to the provisions of NRS 361.483 **.** ~~[;~~

~~(c) The tax receiver has given notice of the delinquency pursuant to NRS 361.5648; and~~

~~(d) The price for the tax lien established by the county treasurer is at least equal to the amount of the taxes which are delinquent for the parcel and any penalties, interest and costs which may accrue thereon.~~

~~2. The county treasurer may sell a tax lien separately or in combination with other tax liens in accordance with the procedure adopted by the board of county commissioners pursuant to NRS 361.7314.~~

~~3. Each tax lien must relate to the taxes assessed against the parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.~~

~~4. The county treasurer may sell a tax lien which relates to the taxes assessed against the parcel for any year of assessment and any penalties, interest and costs accrued thereon if those taxes are delinquent pursuant to the provisions of NRS 361.483.~~

~~5.~~ ***2.*** If two or more parcels are assessed as a single parcel, one tax lien may be ~~[sold]~~ ***assigned*** for that single parcel.

~~[6. A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.~~

~~7. If a tax lien offered for sale is not sold at the sale conducted by the county treasurer, the county may collect the delinquent taxes pursuant to the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive.]~~

Sec. 15. NRS 361.7318 is hereby amended to read as follows:

361.7318 1. The county treasurer shall issue a certificate of ~~[purchase]~~ ***assignment*** to each ~~[purchaser]~~ ***assignee*** of a tax lien.

2. ~~[The holder of a certificate of purchase is entitled to receive:~~

~~(a) The amount of the taxes which are delinquent for the year those taxes are assessed against the parcel of real property which is the subject of the tax lien and any penalties, interest and costs imposed pursuant to the provisions of this chapter; and~~

~~(b) Interest on the amount described in paragraph (a) which accrues at a rate established by the board of county commissioners. The interest must be calculated annually from the date on which the certificate of purchase is issued. The rate of interest established by the board may not be less than 10 percent per annum or more than 20 percent per annum.~~

~~3.~~ Each certificate of ~~[purchase]~~ ***assignment*** must include:

(a) ~~[A]~~ ***The legal*** description ***and parcel number*** of the ~~[parcel of]~~ real property which is the subject of the tax lien;

(b) The ***year or*** years ***for which*** the ***delinquent*** taxes ~~[which are delinquent]~~ were assessed on the parcel;

(c) The ***name of the owner of the property, if known;***

(d) The amount the county treasurer received for the tax lien ~~[;~~

~~(d) The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter;]~~ ***pursuant to NRS 361.7312;*** and

(e) A statement that the amount indicated on the certificate ~~[pursuant to paragraph (d)]~~ bears interest at the rate established by the ~~[board of county commissioners, from the date on which the certificate of purchase is issued.~~

~~4. The holder of a certificate of purchase may transfer the certificate to another person by signing the certificate before a notary public. A certificate of purchase may not be transferred to a government, governmental agency or political subdivision of a government. The transferee must submit the~~

~~certificate to the county treasurer for entry of the transfer in the record of sales tax liens maintained by the county treasurer pursuant to NRS 361.7322.~~ ~~5.~~**]** ***agreement entered into pursuant to section 4 of this act.***

3. Notwithstanding the provisions of NRS 104.9109, a security interest in a certificate of **[**~~purchase~~**]** ***assignment*** may be created and perfected in the manner provided for general intangibles set forth in NRS 104.9101 to 104.9709, inclusive.

Sec. 16. NRS 361.732 is hereby amended to read as follows:

361.732 If **[**~~the holder of a certificate of purchase~~**]** ***an assignee*** requests the county treasurer to issue a duplicate certificate **[**~~,~~**]** ***of assignment,*** the **[**~~holder~~**]** ***assignee*** must submit to the county treasurer a notarized affidavit which attests that the ***original*** certificate was lost or destroyed. The county treasurer shall, upon receipt of the affidavit, issue to the **[**~~holder~~**]** ***assignee*** an exact duplicate of the certificate of **[**~~purchase.~~**]** ***assignment.***

Sec. 17. NRS 361.7322 is hereby amended to read as follows:

361.7322 The county treasurer shall **[**~~prepare and maintain a record of each tax lien~~**]** ***make a notation in his or her records whenever*** he or she **[**~~sells~~**]** ***assigns a tax lien*** pursuant to the provisions of NRS 361.731 to 361.733, inclusive **[**~~.~~**]** ***, and sections 2, 3 and 4 of this act.*** **[**~~The record must include:~~

~~1. The date of the sale of the tax lien;~~

~~2. A description of the parcel of real property which is the subject of the tax lien;~~

~~3. The year the taxes which are delinquent were assessed on the parcel;~~

~~4. The name of the owner of the parcel, if known;~~

~~5. The name and address of the original purchaser of the tax lien;~~

~~6. The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter on the date the county treasurer sells the tax lien;~~

~~7. The name and address of any person to whom the certificate of purchase is transferred and the date of the transfer;~~

~~8. The name of the person who redeems the tax lien, the date of that redemption and the amount paid to redeem the tax lien; and~~

~~9. The date of any judgment entered pursuant to NRS 361.700.~~**]**

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 361.7326 is hereby amended to read as follows:

361.7326 1. **[**~~In addition to the persons authorized to redeem a tax lien pursuant to NRS 361.7324, any~~**]** ***An owner of property may redeem a*** tax lien **[**~~sold~~**]** ***assigned*** pursuant to the provisions of NRS 361.731 to 361.733, inclusive, ***and sections 2, 3 and 4 of this act*** **[**~~may be redeemed by any of the following persons, as their interests in the parcel of real property which is the subject of the tax lien may appear of record:~~

~~(a) The owner of the parcel of real property.~~

~~(b) The beneficiary under a deed of trust.~~

~~(c) The mortgagee under a mortgage.~~

~~(d) The person to whom the property was assessed.~~

~~(e) The person who holds a contract to purchase the property before its conveyance to the county treasurer.~~

~~(f) The successor in interest of any person specified in this subsection.~~

~~2. A person who redeems a tax lien must pay to the county treasurer the amount stated on the certificate of purchase of the tax lien, including interest at the rate stated on the certificate and any fees paid by the holder of the certificate of purchase to the county treasurer.~~**]** ***without a prepayment penalty at any time after the assignment by paying the amounts owed to the assignee under the agreement entered into pursuant to section 4 of this act.***

2. If **[**~~the person~~**]** ***an owner*** who redeems the tax lien has been served with a summons pursuant to NRS 361.670, the **[**~~person~~**]** ***owner*** must pay the costs incurred by the **[**~~holder of the certificate of purchase~~**]** ***assignee*** to commence the action.

[~~4. The county treasurer~~**]**

3. Within 20 business days after the redemption of the tax lien, the assignee shall issue a **[**~~certificate of redemption to each person who redeems a tax lien pursuant to this section.~~

~~5.~~**]** ***release of the lien to the owner.***

4. A **[**~~certificate of redemption~~**]** ***release*** issued pursuant to subsection **[**~~4~~**]** ***3*** must include:

(a) **[**~~A~~**]** ***The legal*** description ***and parcel number*** of the **[**~~parcel of real~~**]** property which is the subject of the tax lien;

(b) The ***year or years for which the taxes related to the lien were assessed on the parcel;***

(c) The recording information for the documents recorded pursuant to subsection 3 of section 4 of this act; and

(d) The date the tax lien is redeemed **. [**~~;~~

~~(c) The name and address of the person who redeems the tax lien; and~~

~~(d) The amount paid to redeem the tax lien.~~

~~6. The county treasurer shall record the information set forth in subsection 5 in the record he or she maintains pursuant to NRS 361.7322.~~

~~7. A certificate of redemption may be recorded in the office of the county recorder.~~**]**

5. The assignee shall ***[~~cause~~]*** ***:***

(a) Cause the release to be recorded in the office of the county recorder of the county in which the property is located ***[~~.~~]*** ***; and***

(b) Cause a copy of the release to be sent to the county treasurer of that county.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 361.733 is hereby amended to read as follows:

361.733 ~~[If]~~

1. Except as otherwise provided in this section, if a tax lien is not redeemed pursuant to NRS 361.7326 ***,*** ~~[within the time allowed for the collection of the delinquent taxes set forth in NRS 361.5648 to 361.620, inclusive,]~~ the ~~[holder of the certificate of purchase]~~ ***assignee*** may commence an action ***pursuant to NRS 361.625 to 361.730, inclusive,*** for the collection of the delinquent taxes, penalties, interest ***, fees*** and costs ~~[.]~~ ***owed pursuant to the certificate of assignment and the agreement entered into pursuant to section 4 of this act. An assignee may not commence such an action before the earliest date on which an action could be commenced by the district attorney of the county pursuant to NRS 361.635.***

2. Not later than 60 days before commencing such an action, the assignee shall cause written notice of the intended action and the assignee's claim, stating the amount owed to the assignee, to be mailed by certified mail to:

(a) The owner of the property at the owner's last known address; and

(b) Each of the following persons, as their interest in the property appears of record:

(1) The beneficiary under any deed of trust; and

(2) The mortgagee under any mortgage.

3. At any time after notice is given pursuant to subsection 2 and before the commencement of an action by the assignee, any person related to the owner of the property within the third degree of consanguinity or any beneficiary or mortgagee described in subsection 2 may obtain an assignment of the tax lien from the assignee by paying the assignee the amount then owed to the assignee.

Sec. 22. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) ***Pursuant to an agreement entered into pursuant to section 4 of this act between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.***

(p) Which is exempted from the provisions of this section by specific statute.

~~[(p)]~~ ***(q)*** To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 22.5. NRS 361.7324 and 361.7328 are hereby repealed.

Sec. 23. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

361.7324 Procedure when taxes on parcel again become delinquent during year after tax lien sold.

1. If a tax lien against a parcel of real property has been sold in the year immediately preceding the date that taxes on that parcel again become delinquent pursuant to NRS 361.483, the county treasurer shall:

(a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;

(b) Redeem the tax lien pursuant to NRS 361.7326; or

(c) Cause written notice of the delinquency to be sent by certified mail to the holder of the certificate of purchase who is listed in the record maintained by the county treasurer pursuant to NRS 361.7322.

2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph (c) of subsection 1, the holder of the certificate of purchase may:

(a) Purchase from the county treasurer a tax lien against the parcel for the current year of assessment pursuant to NRS 361.7318; or

(b) Consent to the redemption of the tax lien pursuant to NRS 361.7326.

3. If the holder of the certificate of purchase consents to the redemption of the tax lien pursuant to NRS 361.7326, the county treasurer shall:

(a) Redeem the tax lien pursuant to that section; or

(b) Sell the tax lien to another person, who shall redeem any previous tax lien pursuant to NRS 361.7326.

361.7328 Redemption of tax lien after sale: Notification and payment of holder of certificate of purchase.

1. The county treasurer shall, within 10 days after a tax lien is redeemed pursuant to NRS 361.7326, mail a certified copy of the certificate of redemption to the holder of the certificate of purchase of the tax lien.

2. The county treasurer shall pay to the holder of the certificate of purchase the amount indicated on the certificate pursuant to NRS 361.7318 at the time the holder presents the certificate for payment.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 782.

SUMMARY—Revises provisions governing ~~[certain professions]~~ **physicians**. (BDR 54-713)

AN ACT relating to ~~[professions;]~~ **physicians;** revising certain provisions governing certain continuing education requirements for physicians; ~~[authorizing certain qualified professionals who hold a license in another state or territory of the United States to apply for a license by endorsement to practice in this State;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of ~~[professions]~~ **allopathic and osteopathic physicians** in this State. ~~[(Title 54]~~ **(Chapters 630 and 633** of NRS) **Section 1** of this bill authorizes ~~[a]~~ **an allopathic** physician to substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. **Section 2** of this bill requires the State Board of Osteopathic Medicine to require, as part of the continuing education requirements approved by the Board, the biennial completion by an osteopathic physician of at least 2 hours of credit in pain management and addiction care. ~~[Sections 3 and 11 of this bill authorize~~

~~certain qualified professionals who are licensed in another state or territory of the United States to practice as a clinical professional counselor, marriage and family therapist, alcohol and drug abuse counselor or problem gambling counselor to apply for and receive a license or certificate by endorsement to practice their respective profession in this State. If the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the applicant is entitled to a 50 percent reduction in the fees otherwise provided for the application, endorsement and issuance of the license or certificate.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their

continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.***

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[5]~~ ***6*** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than

that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in pain management or addiction care.***

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. ~~[Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Board may issue a license by endorsement to practice as a clinical professional counselor or marriage and family therapist to an applicant who meets the requirements set forth in this section and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States.~~

~~2. Except as otherwise provided in subsection 5, an applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~*(a) The fee provided by NRS 641A.290 for an application for a license and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of $200;*~~

~~*(b) Proof satisfactory to the Board that the applicant:*~~

~~*(1) Satisfies the requirements of subsection 1;*~~

~~*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*~~

~~*(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice his or her respective profession; and*~~

~~*(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*~~

~~*(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(d) Any other information required by the Board.*~~

~~*3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than 30 days after receiving all materials, documentation and other information required by the Board to evaluate the application.*~~

~~*4. A license by endorsement may be issued at a meeting of the Board.*~~

~~*5. If an applicant for a license by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one-half of the fees specified by NRS 641A.290 and subsection 2 of this section for the application, endorsement and issuance of the license by endorsement.]*~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~**[**~~NRS 641A.220 is hereby ~~amended~~ to read as follows:

~~641A.220 **[**~~Each~~**]** *Except as otherwise provided in section 3 of this act, each* applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:~~

~~1. Is at least 21 years of age;~~

~~2. Is of good moral character;~~

~~— 3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~— 4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;~~

~~— 5. Has:~~

~~— (a) At least 2 years of postgraduate experience in marriage and family therapy; and~~

~~— (b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and~~

~~— 6. Holds an undergraduate degree from an accredited institution approved by the Board.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 641A.230 is hereby amended to read as follows:~~

~~— 641A.230 — 1. Except as otherwise provided in subsection 2~~ **[**~~,~~**]** ~~*and section 3 of this act,* each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.~~

~~— 2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.~~

~~— 3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.~~**]** **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 641A.231 is hereby amended to read as follows:~~

~~— 641A.231 —~~ **[**~~Each~~**]** ~~*Except as otherwise provided in section 3 of this act, each* applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:~~

~~— 1. Is at least 21 years of age;~~

~~— 2. Is of good moral character;~~

~~— 3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~— 4. Has:~~

~~— (a) Completed residency training in psychiatry from an accredited institution approved by the Board;~~

~~(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or~~

~~(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and~~

~~5. Has:~~

~~(a) At least 2 years of postgraduate experience in professional counseling;~~

~~(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:~~

~~(1) At least 1,500 hours of direct contact with clients; and~~

~~(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and~~

~~(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.~~**]** **(Deleted by amendment.)**

Sec. 10. ~~[NRS 641A.290 is hereby amended to read as follows:~~

~~641A.290~~ ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** Board shall charge and collect not more than the following fees, ~~respectively:~~

~~For application for a license..... $75~~
~~For examination of an applicant for a license..... 200~~
~~For issuance of a license..... 50~~
~~For annual renewal of a license..... 150~~
~~For reinstatement of a license revoked for nonpayment of the fee for renewal..... 100~~
~~For an inactive license..... 150~~**]** **(Deleted by amendment.)**

Sec. 11. ~~[Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. The Board may issue a license or certificate by endorsement to practice as a certified counselor or licensed counselor to an applicant who meets the requirements set forth in this section and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license or certificate if the applicant holds a corresponding valid and unrestricted license or certificate to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States.***~~

~~*2. Except as otherwise provided in subsection 5, an applicant for a license or certificate by endorsement pursuant to this section must submit to the Board with his or her application:*~~

~~*(a) The fee provided by NRS 641C.470 for an initial application for a license or certificate and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of $200;*~~

~~*(b) Proof satisfactory to the Board that the applicant:*~~

~~*(1) Satisfies the requirements of subsection 1;*~~

~~*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*~~

~~*(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license or certificate to practice his or her respective profession; and*~~

~~*(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*~~

~~*(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(d) Any other information required by the Board.*~~

~~*3. Not later than 15 business days after receiving an application for a license or certificate by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license or certificate by endorsement to the applicant not later than 30 days after receiving all materials, documentation and other information required by the Board to evaluate the application.*~~

~~*4. A license or certificate by endorsement may be issued at a meeting of the Board.*~~

~~*5. If an applicant for a license or certificate by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one half of the fees specified by NRS 641C.470 and subsection 2 of this section for the application, endorsement and issuance of the license or certificate by endorsement.]*~~

(Deleted by amendment.)

Sec. 12. **[**~~NRS 641C.300 is hereby amended to read as follows:~~

~~641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor or an alcohol and drug abuse counselor in~~

~~another state, a territory or possession of the United States or the District of Columbia if the *license or certificate is issued by endorsement pursuant to section 11 of this act, or if the* requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.~~**] (Deleted by amendment.)**

Sec. 13. ~~**[**NRS 641C.330 is hereby amended to read as follows:~~

~~641C.330~~ ~~**[**The**]** *Except as otherwise provided in section 11 of this act, the* Board shall issue a license as a clinical alcohol and drug abuse counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;~~

~~(d) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;~~

~~(e) Has completed a program that:~~

~~(1) Is approved by the Board; and~~

~~(2) Consists of at least 2,000 hours of postgraduate counseling of persons with mental illness who are also alcohol and drug abusers that is supervised by a licensed clinical alcohol and drug abuse counselor who is approved by the Board;~~

~~(f) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Pays the fees required pursuant to NRS 641C.470; and~~

~~(h) Submits all information required to complete an application for a license.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is:~~

~~(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or~~

~~(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;~~

~~(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all the information required to complete an application for a license.~~**] (Deleted by amendment.)**

Sec. 14. ~~[~~NRS 641C.350 is hereby amended to read as follows:

~~641C.350~~ ~~[~~The~~]~~ ***Except as otherwise provided in section 11 of this act, the*** Board shall issue a license as an alcohol and drug abuse counselor to:

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a license.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is:~~

~~(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;~~

~~(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;~~

~~(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or~~

~~(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;~~

~~(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a license.~~**] (Deleted by amendment.)**

Sec. 15. **[**~~NRS 641C.390 is hereby amended to read as follows:~~

~~641C.390 1.~~ [The**]** ***Except as otherwise provided in section 11 of this act, the*** ~~Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a certificate.~~

~~2. The Board may waive the educational requirement set forth in paragraph (c) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph (c) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq.~~

~~3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.~~

~~4. A certified alcohol and drug abuse counselor may:~~

~~(a) Engage in the practice of counseling alcohol and drug abusers; and~~

~~(b) Diagnose or classify a person as an alcoholic or abuser of drugs.~~**] (Deleted by amendment.)**

Sec. 16. **[**~~NRS 641C.430 is hereby amended to read as follows:~~

~~641C.430 [The] *Except as otherwise provided in section 11 of this act, the* Board may issue a certificate as a problem gambling counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;~~

~~(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;~~

~~(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;~~

~~(h) Pays the fees required pursuant to NRS 641C.470; and~~

~~(i) Submits all information required to complete an application for a certificate.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is licensed as:~~

~~(1) A clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) A clinical professional counselor pursuant to chapter 641A of NRS;~~

~~(3) A marriage and family therapist pursuant to chapter 641A of NRS;~~

~~(4) A physician pursuant to chapter 630 of NRS;~~

~~(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;~~

~~(6) A psychologist pursuant to chapter 641 of NRS;~~

~~(7) An alcohol and drug abuse counselor pursuant to this chapter; or~~

~~(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;~~

~~(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;~~

~~(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;~~

~~(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Pays the fees required pursuant to NRS 641C.470; and~~

~~(h) Submits all information required to complete an application for a certificate.~~] **(Deleted by amendment.)**

Sec. 17. ~~[NRS 641C.470 is hereby amended to read as follows:~~

~~641C.470 1. [The~~] ***Except as otherwise provided in section 11 of this act, the*** Board shall charge and collect not more than the following fees:

~~For the initial application for a license or certificate ..... $150~~
~~For the issuance of a provisional license or certificate ..... 125~~
~~For the issuance of an initial license or certificate ..... 60~~
~~For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor ..... 300~~
~~For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern ..... 75~~
~~For the renewal of a delinquent license or certificate ..... 75~~
~~For the restoration of an expired license or certificate ..... 150~~
~~For the restoration or reinstatement of a suspended or revoked license or certificate ..... 300~~
~~For the issuance of a license or certificate without examination ..... 150~~
~~For an examination ..... 150~~
~~For the approval of a course of continuing education ..... 150~~

~~2. The fees charged and collected pursuant to this section are not refundable.~~] **(Deleted by amendment.)**

Sec. 18. (Deleted by amendment.)

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 684.

AN ACT relating to real property; revising provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; providing civil remedies for failure to comply with certain provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; authorizing a ~~[defendant]~~ **mortgagor** in a judicial foreclosure action to elect mediation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Existing law also provides for a judicial foreclosure action under certain circumstances for the recovery of any debt or for the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) **Sections 2-16** of this bill establish additional ~~[restrictions on the exercise of the trustee's power of sale and the judicial]~~ **requirements for the** foreclosure ~~[which apply only to a residential mortgage loan secured by]~~ **of** owner-occupied housing ~~[.]~~ **securing a residential mortgage loan.** Under **section 7.5** of this bill, these additional restrictions do not apply to a ~~[credit union]~~ **financial institution** that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer owner-occupied homes located in this State. Under **section 30** of this bill, these additional restrictions apply only to a notice of default and election to sell which is recorded on or after October 1, 2013.

Section 10 of this bill provides that at least 30 **calendar** days before recording a notice of default and election to sell or commencing a judicial foreclosure action and at least 30 **calendar** days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust must provide to the borrower certain information concerning the borrower's account, the foreclosure prevention alternatives offered by the mortgage servicer, mortgagee or beneficiary and a statement of the facts supporting the right of the mortgagee or beneficiary to foreclose. **Section 11** of this bill prohibits the recording of a notice of default and election to sell or the commencement of a judicial foreclosure action **involving a failure to make payment** until the mortgage servicer complies with certain requirements regarding contact with, or attempts to contact, the borrower. **Section 13** of this bill prohibits the practice commonly known as "dual-tracking" by prohibiting a mortgage servicer, trustee, mortgagee or beneficiary of a deed of trust from continuing the foreclosure process while an application for a foreclosure prevention alternative is pending or while the borrower is current on his or her obligation under a foreclosure prevention alternative. **Section 14** of this bill requires a mortgage servicer to provide a single point of contact for a borrower who requests a foreclosure prevention alternative. **Section 15** of this bill requires that under certain circumstances, a mortgage servicer, mortgagee or beneficiary of a deed of trust must ~~[cause to be dismissed]~~ **dismiss** a judicial foreclosure action or ~~[cause to be withdrawn any]~~ **rescind a** recorded notice of default and election or notice of sale. **Section 16** of this bill provides for certain civil remedies for a material violation of the provisions of **sections 2-16**.

Section 18 of this bill provides that ~~[a defendant]~~ in a judicial foreclosure action concerning owner-occupied property **, the mortgagor** may elect to participate in the Foreclosure Mediation Program.

WHEREAS, The State of Nevada has been severely affected by the mortgage foreclosure crisis and consistently ranks as one of the top states for underwater home mortgage loans, mortgage defaults and foreclosures; and

WHEREAS, The dramatic increase in foreclosures during the mortgage foreclosure crisis has led to predatory and illegal practices by mortgage servicers and outside firms hired by mortgage servicers; and

WHEREAS, The Nevada Attorney General investigated and sued certain large financial institutions for engaging in illegal practices relating to the servicing of mortgage loans in default and entered into consent agreements and settlements requiring certain large financial institutions to adopt certain practices when servicing a mortgage loan in default; and

WHEREAS, The consent agreements and settlements only apply to the large financial institutions and are not permanent; and

WHEREAS, All homeowners in the State of Nevada deserve better consumer protections and fair and honest treatment in the servicing of mortgage loans in default; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[16,]~~ **16.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Borrower" means a natural person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan. The term does not include a natural person who:***

1. Has surrendered the secured property as evidenced by a letter confirming the surrender or the delivery of the keys to the property to the mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person.

2. ~~[Has contracted with an organization, person or entity whose primary business is advising persons who have decided to leave their homes on how to extend the foreclosure process and avoid their contractual obligations to mortgagees or beneficiaries of deeds of trust.~~

~~3.]~~ Has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the bankruptcy case, or granting relief from a stay of foreclosure or trustee's sale.

Sec. 4. *"Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage ~~[or deed of trust]~~ loan on the property ~~[that is the subject of the notice of default and election to sell]~~ or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale, as defined in NRS 40.4634.*

Sec. 5. *"Foreclosure sale" means the exercise of the trustee's power of sale pursuant to NRS 107.080 or a sale directed by a court pursuant to NRS 40.430.*

Sec. 6. *"Mortgage servicer" means a person ~~[or entity]~~ who directly services a residential mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person ~~[or entity]~~ providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.*

Sec. 7. *"Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage ~~[,]~~ or deed of trust ~~[or other equivalent, consensual security interest]~~ on owner-occupied housing as defined in NRS 107.086.*

Sec. 7.5. *The provisions of sections 2 to 16, inclusive, of this act do not apply to a ~~[credit union,]~~ financial institution, as defined in NRS ~~[678.070,]~~ 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS 107.086.*

Sec. 7.7. *The provisions of sections 2 to 16, inclusive, of this act must not be construed to authorize a mortgage servicer, a mortgagee or a beneficiary of a deed of trust to restrict a borrower from pursuing concurrently more than one foreclosure prevention alternative.*

Sec. 8. *1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of sections 2 to 16, inclusive, of this act.*

*2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, ~~[an]~~ a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[secured by a mortgage or other lien upon real estate that is not barred by~~

~~*NRS 40.430]*~~ ***is subject to the requirements of sections 2 to 16, inclusive, of this act.***

Sec. 9. ***1. Any duty of a mortgage servicer to maximize net present value under a pooling and servicing agreement is owed to all parties in a loan pool, or to all investors under a pooling and servicing agreement, not to any particular party in the loan pool or investor under a pooling and servicing agreement.***

2. A mortgage servicer acts in the best interests of all parties to the loan pool or investors in the pooling and servicing agreement if the mortgage servicer agrees to or implements a foreclosure prevention alternative for which both of the following apply:

(a) The residential mortgage loan is in payment default or payment default is reasonably foreseeable.

(b) Anticipated recovery under the foreclosure prevention alternative exceeds the anticipated recovery through foreclosure on a net present value basis.

Sec. 10. ***1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for*** ~~*[the recovery of any debt, or for the enforcement of any right, under]*~~ ***a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan*** ~~*[that is not barred by NRS 40.430]*~~ ***and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:***

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 501 et seq., regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last ~~[full]~~ payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in sections 12 and 13 of this act for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default

and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether ~~[an]~~ a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

Sec. 11. *1. A mortgage servicer, mortgagee, trustee, beneficiary of a deed of trust or an authorized agent of such a person may not record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commence a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[that is not barred by NRS 40.430]~~ until:*

(a) The mortgage servicer, mortgagee or beneficiary of the deed of trust has satisfied the requirements of subsection 1 of section 10 of this act;

(b) Thirty calendar days after initial contact is made with the borrower as required by subsection 2 or 30 calendar days after satisfying the requirements of subsection 5; and

(c) The mortgage servicer , mortgagee or beneficiary of the deed of trust complies with sections 12 and 13 of this act, if the borrower submits an application for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary . ~~[of the deed of trust.]~~

2. The mortgage servicer shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale. During the initial contact, the mortgage servicer shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the mortgage servicer must schedule the meeting to occur within 14 calendar days after the request. The assessment of the borrower's financial situation and discussion of the options to avoid a foreclosure sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the borrower must be provided the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that

Department. Any meeting pursuant to this subsection may occur by telephone.

3. The loss mitigation personnel of a mortgage servicer may participate by telephone during any contact with a borrower required by this section.

4. A borrower may designate, with consent given in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other adviser to discuss with the mortgage servicer, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid a foreclosure sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A foreclosure prevention alternative offered during any contact with a person or agency designated by a borrower pursuant to this subsection is subject to the approval of the borrower.

5. If a mortgage servicer has not contacted a borrower as required by subsection 2, a notice of default and election to sell may be recorded pursuant to subsection 2 of NRS 107.080 or a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[that is not barred by NRS 40.430]~~ may be commenced, if the mortgage servicer has taken all the following actions:

(a) The mortgage servicer attempts to contact the borrower by mailing by first-class mail to the borrower a letter informing the borrower of his or her right to discuss foreclosure prevention alternatives and providing the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency approved by that Department.

(b) After mailing the letter required by paragraph (a), the mortgage servicer attempts to contact the borrower by telephone at least 3 times at different hours on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the mortgage servicer. A mortgage servicer may attempt to contact a borrower pursuant to this paragraph by using an automated system to dial borrowers if, when the telephone call is answered, the call is connected to a live representative of the mortgage servicer. A mortgage servicer satisfies the requirements of this paragraph if it determines, after attempting to contact a borrower pursuant to this paragraph, that the primary telephone number of the borrower which is on file with the mortgage servicer and any secondary telephone numbers on file with the mortgage servicer have been disconnected.

(c) If the borrower does not respond within ~~[2 weeks]~~ 14 calendar days after the mortgage servicer satisfies the requirements of paragraph (b), the

mortgage servicer ~~[mails]~~ sends, by certified mail, return receipt requested, or any other mailing process that requires a signature upon delivery, a letter that includes the information required by paragraph (a).

(d) The mortgage servicer provides a means for the borrower to contact the mortgage servicer in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.

(e) The mortgage servicer posts on the homepage of its Internet website, if any, a prominent link to the following information:

(1) Options that may be available to borrowers who are unable to afford payments under a residential mortgage loan and who wish to avoid a foreclosure sale, and instructions to such borrowers advising them on steps to take to explore those options.

(2) A list of financial documents the borrower should collect and be prepared to present to the mortgage servicer when discussing options to avoid a foreclosure sale.

(3) A toll-free telephone number for borrowers who wish to discuss with the mortgage servicer options for avoiding a foreclosure sale.

(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.

6. If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or a complaint commencing a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan ~~[that is not barred by NRS 40.430,]~~ must contain a declaration that the mortgage servicer has contacted the borrower as required by subsection 2, has attempted to contact the ~~[grantor or the person who holds title of record]~~ borrower as required by subsection 5 ~~[of this act]~~ or that no contact was required.

Sec. 12. *1. Not later than 5 business days after receiving an application for a foreclosure prevention alternative or any document in connection with such an application, a mortgage servicer, mortgagee or beneficiary of the deed of trust shall send to the borrower written acknowledgment of the receipt of the application or document.*

2. The mortgage servicer, mortgagee or beneficiary of the deed of trust shall include in the initial acknowledgment of receipt of an application for a foreclosure prevention alternative:

(a) A description of the process for considering the application, including, without limitation, ~~[an estimate of when a decision on the~~

~~*application will be made and the length of time the borrower will have to consider an offer for a foreclosure prevention alternative;]*~~ *a statement that:*

(1) The mortgage servicer, mortgagee or beneficiary must either deny the application for a foreclosure prevention alternative or submit a written offer for a foreclosure prevention alternative within 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative; and

(2) If the mortgage servicer, mortgagee or beneficiary submits to the borrower a written offer for a foreclosure prevention alternative, the borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer, and the offer is deemed to be rejected if the borrower does not accept or reject the offer within 14 calendar days after the borrower receives the offer;

(b) A statement of any deadlines that affect the processing of an application for a foreclosure prevention alternative, including, without limitation, the deadline for submitting any missing documentation; and

(c) A statement of the expiration dates for any documents submitted by the borrower.

3. If a borrower submits an application for a foreclosure prevention alternative but does not initially submit all the documents or information required to complete the application, the mortgage servicer must:

(a) Include in the initial acknowledgment of receipt of the application required by subsection 2 a statement of any deficiencies in the borrower's application; and

(b) Allow the borrower not less than 30 calendar days to submit any documents or information required to complete the application.

Sec. 13. *1. If a borrower submits an application for a foreclosure prevention alternative offered by, or through, the borrower's mortgage servicer or mortgagee or the beneficiary of the deed of trust, then the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person may not commence a civil action for* ~~*[the recovery of any debt, or for the enforcement of any right, under]*~~ *a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan* , ~~*[that is not barred by NRS 40.430,]*~~ *record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until one of the following has occurred:*

(a) The borrower fails to submit all the documents or information required to complete the application within 30 calendar days after the date

of the initial acknowledgment of receipt of the application sent to the borrower pursuant to section 12 of this act.

(b) The mortgage servicer , mortgagee or beneficiary of the deed of trust makes a written determination that the borrower is not eligible for a foreclosure prevention alternative, and any appeal period pursuant to subsection ~~[4]~~ 5 has expired.

(c) The borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the date ~~[of]~~ on which the offer ~~[.]~~ is received by the borrower.

(d) The borrower accepts a written offer for a foreclosure prevention alternative, but defaults on, or otherwise breaches the borrower's obligations under, the foreclosure prevention alternative.

2. Not later than 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative, the mortgage servicer shall submit to the borrower a written offer for a foreclosure prevention alternative or the written statement of the denial of the application described in subsection 4. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

3. If a borrower accepts an offer for a foreclosure prevention alternative, the mortgage servicer must provide the borrower with a copy of the complete agreement evidencing the foreclosure prevention alternative, signed by the mortgagee or beneficiary of the deed of trust or an agent or authorized representative of the mortgagee or beneficiary.

~~[3.]~~ 4. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer must send to the borrower a written statement of:

(a) The reason or reasons for the denial;

(b) The amount of time the borrower has to request an appeal of the denial, which must be not less than 30 days; and

(c) Instructions regarding how to appeal the denial, including, without limitation, how to provide evidence that the denial was in error.

~~[4.]~~ 5. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust, or an authorized agent of such a person may not commence a civil action for ~~[the recovery of any debt, or for the enforcement of any right, under]~~ a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan , ~~[that is not barred by NRS 40.430,]~~ record a notice of default and election to sell pursuant to

subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until the later of:

(a) Thirty-one calendar days after the borrower is sent the written statement required by subsection ~~[3,]~~ 4; and

(b) If the borrower appeals the denial, the later of:

(1) Fifteen calendar days after the denial of the appeal;

(2) If the appeal is successful, 14 calendar days after a first lien loan modification or another foreclosure prevention alternative offered after appeal is ~~[declined]~~ rejected by the borrower; and

(3) If the appeal is successful and a first lien loan modification or another foreclosure prevention alternative is offered and accepted, the date on which the borrower fails to timely submit the first payment or otherwise breaches the terms of the offer.

~~[5.]~~ 6. If the borrower appeals the denial of a complete application for a foreclosure prevention alternative, not later than 30 calendar days after the borrower requests the appeal, the mortgage servicer must submit to the borrower a written offer for a foreclosure prevention alternative or a written denial of the appeal. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the written offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

7. A mortgage servicer shall not charge or collect any:

(a) Application, processing or other fee for a foreclosure prevention alternative; or

(b) Late fees for periods during which:

(1) A foreclosure prevention alternative is under consideration or a denial is being appealed;

(2) The borrower is making timely payments under a foreclosure prevention alternative; or

(3) A foreclosure prevention alternative is being evaluated or exercised.

~~[6.]~~ 8. A mortgage servicer is not required to evaluate an application from a borrower who has already been evaluated or afforded a fair opportunity to be evaluated for a foreclosure prevention alternative before October 1, 2013, or who has been evaluated or afforded a fair opportunity to be evaluated consistent with the requirements of this section, unless:

(a) There has been a material change in the borrower's financial circumstances since the date of the borrower's previous application; and

(b) That change is documented by the borrower and submitted to the mortgage servicer.

~~[7.]~~ 9. *For purposes of this section, an application is complete when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable timeframes specified by the mortgage servicer.*

Sec. 14. *1. If a borrower requests a foreclosure prevention alternative, the mortgage servicer must promptly establish a single point of contact and provide to the borrower one or more direct means of communication with the single point of contact.*

2. A single point of contact is responsible for:

(a) Communicating the process by which a borrower may apply for an available foreclosure prevention alternative and the deadline for any required submissions to be considered for the foreclosure prevention alternatives.

(b) Coordinating receipt of all documents associated with the available foreclosure prevention alternatives and notifying the borrower of any missing documents necessary to complete an application for a foreclosure prevention alternative.

(c) Having access to current information and personnel sufficient to timely, accurately and adequately inform the borrower of the current status of the foreclosure prevention alternative.

(d) Ensuring that the borrower is considered for all foreclosure prevention alternatives offered by, or through, the mortgage servicer and for which the borrower is or may be eligible.

(e) Having access to a person or persons with the ability and authority to stop the foreclosure process when necessary.

3. A single point of contact must remain assigned to the borrower's account until the mortgage servicer determines that all foreclosure prevention alternatives offered by, or through, the mortgage servicer have been exhausted or the borrower's account becomes current.

4. The mortgage servicer shall ensure that a single point of contact refers and transfers a borrower to an appropriate supervisor upon request of the borrower, if the single point of contact has a supervisor.

5. If the responsibilities of a single point of contact are performed by a team of personnel, the mortgage servicer must ensure that each member of the team is knowledgeable about the borrower's situation and current status in the process of seeking a foreclosure prevention alternative.

6. As used in this section, "single point of contact" means a natural *person or* a *team of personnel each of whom has the ability and authority to perform the responsibilities described in this section.*

Sec. 15. *1.* ~~*[The mortgage servicer, mortgagee or beneficiary of the deed of trust shall cause to]*~~ *A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential*

mortgage loan must be dismissed ~~[with]~~ without prejudice , ~~[a civil action commenced for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430, or cause to be withdrawn]~~ any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 ~~[,]~~ must be rescinded, and ~~[shall cancel]~~ any pending foreclosure sale ~~[,]~~ must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;

(c) If mediation pursuant to section 18 of this act is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of section 13 of this act, and any appeal period pursuant to subsection 5 of section 13 of this act has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is ~~[withdrawn,]~~ rescinded, or any pending foreclosure sale is

cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 16. *1. If a trustee's deed upon sale has not been recorded , ~~[pursuant to subsection 9 of NRS 107.080,]~~ a borrower may bring an action for injunctive relief to enjoin a material violation of sections 2 to 16, inclusive, of this act. If a sheriff has not recorded the certificate of the sale of the property , ~~[pursuant to subsection 5 of NRS 40.430,]~~ a borrower may obtain an injunction to enjoin a material violation of sections 2 to 16, inclusive, of this act. An injunction issued pursuant to this subsection remains in place and any foreclosure sale must be enjoined until the court determines that the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person has corrected and remedied the violation giving rise to the action for injunctive relief. An enjoined ~~[entity]~~ person may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.*

2. After a trustee's deed upon sale has been recorded ~~[pursuant to subsection 9 of NRS 107.080]~~ or after a sheriff has recorded the certificate of the sale of the property , ~~[pursuant to subsection 5 of NRS 40.430,]~~ a borrower may bring a civil action in the district court in the county in which the property is located to recover his or her actual economic damages resulting from a material violation of sections 2 to 16, inclusive, of this act by the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, if the material violation was not corrected and remedied before the recording of the trustee's deed upon sale ~~[pursuant to subsection 9 of NRS 107.080]~~ or the recording of the certificate of sale of the property pursuant to ~~[subsection 5 of]~~ NRS 40.430. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, the court may award the borrower the greater of treble actual damages or statutory damages of $50,000.

3. A mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person is not liable for any violation of sections 2 to 16, inclusive, of this act that it has corrected and remedied, or that has been corrected and remedied on its behalf by a third party, before the recording of the trustee's deed upon sale ~~[pursuant to subsection 9 of NRS 107.080]~~ or the recording of the certificate of sale of the property pursuant to ~~[subsection 5 of]~~ NRS 40.430.

4. A violation of sections 2 to 16, inclusive, of this act does not affect the validity of a sale to a bona fide purchaser for value and any of its encumbrancers for value without notice.

5. A signatory to a consent judgment entered in the case entitled United States of America et al. v. Bank of America Corporation et al., filed in the United States District Court for the District of Columbia, case number 1:12-cv-00361 RMC, that is in compliance with the relevant terms of the Settlement Term Sheet of that consent judgment with respect to the borrower who brought an action pursuant to this section while the consent judgment is in effect is not liable for a violation of sections 2 to 16, inclusive, of this act. If the consent judgment is modified or amended on or after October 1, 2013, to permit compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, to supersede some or all of the relevant terms of the Settlement Term Sheet of the consent judgment, a signatory who is in compliance with the modified or amended Settlement Term Sheet of the consent judgment while the consent judgment is in effect is not liable for a violation of sections 2 to 16, inclusive, of this act.

6. A court may award a prevailing borrower costs and reasonable attorney's fees in an action brought pursuant to this section.

7. The rights, remedies and procedures provided by this section are in addition to and independent of any other rights, remedies or procedures provided by law.

Sec. 16.5. 1. No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.

2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.4634.

Sec. 17. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; ~~[and]~~

(b) ***If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, contain the declaration required by subsection 6 of section 11 of this act; and***

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address

of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within ~~[90]~~ ***45*** days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within ~~[30]~~ ***15*** days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within ~~[120]~~ ***60*** days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees

charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 18. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If ~~[an]~~ a civil action for ~~[the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate that is not barred by NRS 40.430]~~ a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing is commenced in a court of competent jurisdiction:

(a) The copy of the complaint served on the ~~[defendant]~~ mortgagor must include a separate document containing:

(1) Contact information which the ~~[defendant]~~ mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the ~~[plaintiff]~~ mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the ~~[defendant]~~ mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the ~~[grantor or the person who holds the title of record]~~ mortgagor may use to comply with the provisions of subsection 2; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

2. The ~~[defendant]~~ mortgagor shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 1 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the ~~[plaintiff]~~ mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the ~~[defendant]~~ mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the ~~[defendant]~~ mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

3. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8 of NRS 107.086. The plaintiff or a representative, and the ~~[defendant]~~ mortgagor or his or her representative, shall attend the mediation. ~~[The plaintiff shall bring to the mediation the original or a certified copy of the mortgage or deed of trust, the mortgage note and each assignment of the mortgage or deed of trust or mortgage note.]~~ If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

4. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith ~~[or does not bring to the mediation each document required by subsection 3]~~ or does not have the authority or access to a person with the authority required by subsection 3,

the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the ~~[beneficiary of the deed of trust]~~ plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

5. If the ~~[defendant]~~ mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the ~~[plaintiff]~~ mortgagor had not elected to enter into mediation.

6. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

7. The rules adopted by the Supreme Court pursuant to subsection 8 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

8. Except as otherwise provided in subsection 10, the provisions of this section do not apply if:

(a) The ~~[defendant]~~ mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

9. A noncommercial lender is not excluded from the application of this section.

10. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

11. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 19. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive ~~[.]~~ ***, and section 18 of this act.*** In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Which is exempted from the provisions of this section by specific statute.

(p) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 20. NRS 40.433 is hereby amended to read as follows:

40.433 As used in NRS 40.430 to 40.459, inclusive, ***and section 18 of this act,*** unless the context otherwise requires, a "mortgage or other lien" includes a deed of trust, but does not include a lien which arises pursuant to chapter 108 of NRS, pursuant to an assessment under chapter 116, 117, 119A or 278A of NRS or pursuant to a judgment or decree of any court of competent jurisdiction.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. 1. Sections 2 to 16, inclusive, of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013, and to a judicial foreclosure action commenced on or after October 1, 2013.

2. The amendatory provisions of section 17 of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013.

3. The amendatory provisions of section 18 of this act apply only to an action commenced on or after October 1, 2013.

Sec. 31. (Deleted by amendment.)

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 748.

AN ACT relating to judgments; authorizing a court to issue an order permitting a judgment debtor to pay a judgment in installments under certain circumstances; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; revising provisions relating to the exemption of annuity benefits from certain claims of the annuitant's creditors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a court to allow a person who has had a judgment for the payment of money entered against him or her to pay the judgment in installments from income or property that is not exempt from execution if the court determines that the defendant is unable to pay the judgment.

Existing law provides that 75 percent of a judgment debtor's disposable earnings for any workweek are exempt from execution. (NRS 21.025, 21.075, 21.090, 31.045, 31.295) **Sections 2-4 and 6, 8 and 9** of this bill increase the exemption to 85 percent of a judgment debtor's disposable earnings for any workweek if the gross annual salary or wage of the debtor is ~~[~~$50,000~~]~~ **$40,000** or less.

Existing law requires a judgment creditor who seeks to enforce a foreign judgment in this State to domesticate the foreign judgment by filing a copy of the foreign judgment with the clerk of any district court of this State. (NRS 17.330-17.400) **Section 5** of this bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State.

Existing law exempts annuity benefits from certain claims of the annuitant's creditors under certain circumstances. (NRS 687B.290) **Section 10** of this bill subjects certain amounts of annuity benefits to execution by certain creditors of the annuitant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 21 of NRS is hereby amended by adding thereto a new provision to read as follows:

1. A judge of any court having jurisdiction at the time of the entry of a judgment, upon proper showing made by the defendant with both parties or their attorneys present in court, may make a written order permitting the judgment debtor to pay the judgment in installments from that portion of the judgment debtor's income or property which is not exempt from execution, at such times and in such amounts as, in the opinion of the judge, the judgment debtor is able to pay.

2. Upon compliance by the judgment debtor with the provisions of this section and the court rules, a judge of any court may issue an order permitting a judgment debtor to pay in installments from that portion of the judgment debtor's income or property which is not exempt from execution, at such times and in such amounts as, in the opinion of the judge, the judgment debtor is able to pay, any judgment previously entered by his or her court or filed in his or her court pursuant to NRS 17.350.

3. At any time after the entry of a judgment by a court or the filing of a judgment in a court pursuant to NRS 17.350, a judgment debtor may file a petition with the clerk of the court in which the judgment was entered or filed requesting the clerk to issue a notice, directed to the judgment

creditor. The petition must include an affidavit of the judgment debtor setting forth the judgment debtor's inability to pay the judgment from that portion of the judgment debtor's income or property which is not exempt from execution.

4. A notice issued pursuant to subsection 3 must notify the judgment creditor of the day and time of a hearing to allow the judgment debtor to pay the judgment in installments. The notice must be served on the judgment creditor not later than 4 days before the date set for the hearing on the petition, by placing the notice in the United States mail in an envelope properly stamped and addressed to the judgment creditor or the agent or attorney of the judgment creditor.

5. Except as otherwise provided by court order, a writ of execution or a writ of garnishment may not be issued on the judgment after the filing of a petition pursuant to subsection 3.

Sec. 2. NRS 21.025 is hereby amended to read as follows:

21.025 A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of the Court)
(Number and abbreviated title of the case)
EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

To the sheriff of ..... County.

Greetings:

To FINANCIAL INSTITUTIONS: This judgment is for the recovery of money for the support of a person.

On .....(month).....(day).....(year), a judgment was entered by the above-entitled court in the above-entitled action in favor of ..... as judgment creditor and against ..... as judgment debtor for:

$.....principal,
$.....attorney's fees,
$.....interest, and
$.....costs, making a total amount of
$.....the judgment as entered, and

WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

$.....accrued interest, and

$.....accrued costs, together with $..... fee, for the issuance of this writ, making a total of $.....as accrued costs, accrued interest and fees.

Credit must be given for payments and partial satisfactions in the amount of

$.....

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of

$.....

actually due on the date of the issuance of this writ, of which

$.....

bears interest at ..... percent per annum, in the amount of $..... per day, from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, SHERIFF OF ..... COUNTY, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any workweek, ***85 percent of the disposable earnings of the debtor during that week if the gross annual salary or wage of the debtor is ~~[$50,000]~~ $40,000 or less,*** 75 percent of the disposable earnings of the debtor during that week ***if the gross annual salary or wage of the debtor exceeds ~~[$50,000,]~~ $40,000*** or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This ..... day of the month of ..... of the year .....

....., Clerk.

By....., Deputy Clerk.

Sec. 3. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those

exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to

a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. ~~[~~Seventy five~~]~~ ***Eighty-five*** percent of the take-home pay for any workweek ~~[~~,~~]~~ ***if your gross annual salary or wage is ~~[$50,000]~~ $40,000 or less, or seventy-five percent of the take-home pay for any workweek if your gross annual salary or wage exceeds ~~[$50,000,]~~ $40,000*** unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to

make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 4. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, ***85 percent of the disposable earnings of a judgment debtor during that week if the gross annual salary or wage of the judgment debtor is*** ~~***[$50,000]***~~ ***$40,000 or less,*** 75 percent of the disposable earnings of a judgment debtor during that week ~~[,]~~ ***if the gross annual salary or wage of the judgment debtor exceeds*** ~~***[$50,000,]***~~ ***$40,000*** or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 5. Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any judgment debtor who is a resident of this State and who maintains an account or any other property at a branch of a financial institution located in this State or whose earnings are derived from employment in this State may bring a civil action against a judgment creditor under a foreign judgment, if the judgment creditor, without satisfying the requirements of NRS 17.330 to 17.400, inclusive, has obtained a writ of garnishment to satisfy all or part of the foreign judgment from:

(a) The earnings of the judgment debtor derived from employment in this State; or

(b) Money in the account or any other property maintained by the judgment debtor at a branch of a financial institution located in this State.

2. A judgment debtor who prevails in an action brought under this section may recover from the judgment creditor damages equal to two times any amount paid to the judgment creditor under the writ of garnishment. If the judgment debtor prevails in an action brought under this section, the court must award reasonable attorney's fees and costs to the plaintiff.

3. As used in this section, "foreign judgment" has the meaning ascribed to it in NRS 17.340.

Sec. 6. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. ~~[~~Seventy-five~~]~~ ***Eighty-five*** percent of the take-home pay for any workweek ~~[,]~~ ***if your gross annual salary or wage is*** ~~***[$50,000]***~~ ***$40,000 or less, or seventy-five percent of the take-home pay for any workweek if your gross annual salary or wage exceeds*** ~~***[$50,000,]***~~ ***$40,000*** unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and

maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the interest has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the

wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days

after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within 7 judicial days after the objection to the claim of exemption and notice for a hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 7. NRS 31.060 is hereby amended to read as follows:

31.060 Subject to the requirements of NRS 31.045, the sheriff to whom the writ is directed and delivered shall execute it without delay, and if the undertaking mentioned in NRS 31.040 is not given, as follows:

1. Real property must be attached by leaving a copy of the writ with the occupant of the property or, if there is no occupant, by posting a copy in a conspicuous place on the property and recording the writ, together with a description of the property attached, with the recorder of the county.

2. Personal property must be attached:

(a) By taking it into immediate custody, and, if directed by the plaintiff, using the services of any company which operates a tow car, as defined in

NRS 706.131, or common motor carrier, as defined in NRS 706.036, to transport it for storage in a warehouse or storage yard that is insured or bonded in an amount not less than the full value of the property; or

(b) By placing a keeper in charge of a going business where the property is located, with the plaintiff prepaying the expense of the keeper to the sheriff, during which period, the defendant, by order of the court or the consent of the plaintiff, may continue to operate in the ordinary course of business at the defendant's own expense if all sales are for cash and the full proceeds are paid to the keeper for the purpose of the attachment.

➥ If the property is stored pursuant to paragraph (a), the property must be segregated from other property and marked by signs or other appropriate means indicating that it is in the custody of the sheriff.

3. Any mobile home, as defined in NRS 40.215, must be attached by:

(a) Posting a copy of the writ in a conspicuous place on the mobile home;

(b) Taking it into immediate custody, subject to the provisions of subsection 2; or

(c) Placing a keeper in charge of the mobile home for 2 days, with the plaintiff prepaying the expense of the keeper to the sheriff:

(1) During which period, the defendant may continue to occupy the mobile home; and

(2) After which period, the sheriff shall take the mobile home into the sheriff's immediate custody, subject to the provisions of subsection 2, unless other disposition is made by the court or the parties to the action.

4. Debts and credits, due or to become due, and other personal property in the possession or under the control of persons other than the defendant must be attached by service of a writ of garnishment as provided in NRS 31.240 to 31.460, inclusive ~~.]~~ ***, and section 5 of this act.***

Sec. 8. NRS 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to be submitted with any writ of execution, attachment or garnishment to the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants.....

,

or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:.....

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount of disposable earnings, as

defined in NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the garnishable amount as follows:

(Check one of the following) The employee is paid:

[A] Weekly:__[B]Biweekly: __ [C] Semimonthly: __ [D] Monthly: __

(1) Gross Earnings $.....

(2) Deductions required by law (not including child support) $.....

(3) Disposable Earnings [Subtract line 2 from line 1] $.....

(4) Federal Minimum Wage $.....

(5) Multiply line 4 by 50 $.....

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1 $.....

[B] Multiply line 5 by 2 $.....

[C] Multiply line 5 by 52 and then divide by 24 $.....

[D] Multiply line 5 by 52 and then divide by 12 $.....

(7) Subtract line 6 from line 3 $.....

This is the attachable earnings. This amount must not exceed ~~[~~25%~~]~~ ***15 percent of the disposable earnings from line 3 if the employee's gross annual salary or wage is*** ~~***[$50,000]***~~ ***$40,000*** ***or less or 25 percent of the disposable earnings from line 3 if the employee's gross annual salary or wage exceeds*** ~~[of the disposable earnings from line 3.]~~ ~~***[$50,000.]***~~ ***$40,000.***

Answer:.....

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer:.....

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which

.....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer:.....

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, $400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:.....

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer:.....

Garnishee

I (insert the name of the garnishee), declare under penalty of perjury that the answers to the foregoing interrogatories by me subscribed are true and correct.

(Signature of garnishee)

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. The garnishee shall submit his or her answers to the judgment debtor within the same time. If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 9. NRS 31.295 is hereby amended to read as follows:

31.295 1. As used in this section:

(a) "Disposable earnings" means that part of the earnings of any person remaining after the deduction from those earnings of any amounts required by law to be withheld.

(b) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

2. The maximum amount of the aggregate disposable earnings of a person which are subject to garnishment may not exceed:

(a) ***Fifteen percent of the person's disposable earnings for the relevant workweek if the person's gross annual salary or wage is ~~[$50,000]~~ $40,000 or less;***

(b) Twenty-five percent of the person's disposable earnings for the relevant workweek ~~[; or~~

~~(b)]~~ ***if the person's gross annual salary or wage exceeds ~~[$50,000;]~~ $40,000; or***

(c) The amount by which the person's disposable earnings for that week exceed 50 times the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable,

➥ whichever is less.

3. The restrictions of subsection 2 do not apply in the case of:

(a) Any order of any court for the support of any person.

(b) Any order of any court of bankruptcy.

(c) Any debt due for any state or federal tax.

4. Except as otherwise provided in this subsection, the maximum amount of the aggregate disposable earnings of a person for any workweek which are subject to garnishment to enforce any order for the support of any person may not exceed:

(a) Fifty percent of the person's disposable earnings for that week if the person is supporting a spouse or child other than the spouse or child for whom the order of support was rendered; or

(b) Sixty percent of the person's disposable earnings for that week if the person is not supporting such a spouse or child,

➥ except that if the garnishment is to enforce a previous order of support with respect to a period occurring at least 12 weeks before the beginning of the workweek, the limits which apply to the situations described in paragraphs (a) and (b) are 55 percent and 65 percent, respectively.

Sec. 10. NRS 687B.290 is hereby amended to read as follows:

687B.290 1. The benefits, rights, privileges and options which under any annuity contract issued prior to or after January 1, 1972, are due or prospectively due the annuitant shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except as to ***amounts listed as an asset on an application for a loan or pledged as payment for a loan or*** amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office ***within 1 year after the annuitant makes a payment to the insurer or*** prior to the making of the payment to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the annuity contract, the annuitant and the payment sought to be avoided on the ground of fraud.

2. If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable or subject to commutation, and the same exemptions and exceptions contained in this section for the annuitant shall apply with respect to such beneficiary or assignee.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 749.

AN ACT relating to real property; authorizing the owner of a single-family dwelling to request the servicer of a mortgage or deed of trust to produce certified copies of certain loan-related documents under certain circumstances; authorizing the owner to report noncompliance to certain state regulatory bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates loans secured by mortgages or deeds of trust on real property and imposes certain requirements on lenders and servicers concerning those mortgages or deeds of trust. (Chapters 106 and 107 of NRS) Existing law also authorizes the Division of Mortgage Lending and the Division of Financial Institutions of the Department of Business and Industry

to license and regulate certain lenders and servicers. (Chapters 645B, 645E and 645F of NRS, titles 55 and 56 of NRS)

This bill amends the respective statutory chapters governing mortgages and deeds of trust to provide that under certain circumstances, the owner of a single-family dwelling that is subject to a mortgage or deed of trust may submit a written request to the servicer of the mortgage or deed of trust for a certified copy of the note, the mortgage or deed of trust and each assignment of the mortgage or deed of trust. **Not later than 10 days after receipt of such a request, the servicer must provide to the owner of the single-family dwelling the identity, address and any other contact information of the current owner or assignee of the note and the mortgage or deed of trust.** If the servicer does not provide the requested documents within ~~[60]~~ **30** days after receipt of the request, or if those documents indicate that the mortgagee or beneficiary of the deed of trust does not have a recorded interest in or lien on the single-family dwelling, the owner may report the servicer and the mortgagee or beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions, whichever is appropriate, which may take whatever actions it deems necessary and proper, including enforcing any applicable laws or regulations or adopting any additional regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 106 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgagor may submit a written request to the servicer of the mortgage for a certified copy of the note, the mortgage and all assignments of the note and mortgage if:

(a) The real property subject to the mortgage is a single-family dwelling;

(b) The mortgagor is the owner of record of the real property;

(c) The mortgagor currently occupies the real property as his or her principal residence; and

(d) The servicer or mortgagee is a banking or financial institution or any other business entity that is licensed, registered or otherwise authorized to do business in this State.

2. Not more than 10 days after receipt of a written request pursuant to subsection 1, the servicer of the mortgage shall provide to the mortgagor the identity, address and any other contact information of the current owner or assignee of the note and mortgage.

3. If the servicer of the mortgage does not provide a certified copy of each document requested pursuant to subsection 1 within ~~[60]~~ 30 days after receipt of the request, or if the documents provided by the servicer

indicate that the mortgagee does not have a recorded interest in or lien on the real property which is subject to the mortgage:

(a) The mortgagor may report the servicer and the mortgagee to the Division of Mortgage Lending or the Division of Financial Institutions of the Department of Business and Industry, whichever is appropriate; and

(b) The appropriate division may take whatever actions it deems necessary and proper, including, without limitation, enforcing any applicable laws or regulations or adopting any additional regulations.

~~[3.]~~ 4. As used in this section, "banking or financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or other financial institution that is licensed, registered or otherwise authorized to do business in this State.

Sec. 2. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A grantor of a deed of trust may submit a written request to the servicer of the deed of trust for a certified copy of the note, the deed of trust and all assignments of the note and deed of trust if:

(a) The real property subject to the deed of trust is a single-family dwelling;

(b) The grantor is the owner of record of the real property;

(c) The grantor currently occupies the real property as his or her principal residence; and

(d) The servicer or beneficiary of the deed of trust is a banking or financial institution or any other business entity that is licensed, registered or otherwise authorized to do business in this State.

2. Not more than 10 days after receipt of a written request pursuant to subsection 1, the servicer of the deed of trust shall provide to the grantor the identity, address and any other contact information of the current owner or assignee of the note and deed of trust.

3. If the servicer of the deed of trust does not provide a certified copy of each document requested pursuant to subsection 1 within ~~[60]~~ 30 days after receipt of the request, or if the documents provided by the servicer indicate that the beneficiary of the deed of trust does not have a recorded interest in or lien on the real property which is subject to the deed of trust:

(a) The grantor of the deed of trust may report the servicer and the beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions of the Department of Business and Industry, whichever is appropriate; and

(b) The appropriate division may take whatever actions it deems necessary and proper, including, without limitation, enforcing any applicable laws or regulations or adopting any additional regulations.

~~*[3.]*~~ ***4.*** *As used in this section, "banking or financial institution" has the meaning ascribed to it in section 1 of this act.*

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 598.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law requires various state and local officers and agencies to submit reports to the Legislative and Executive Departments of the State Government. Sections ~~[2-39]~~ **2-38 and 39** of this bill eliminate the requirement for the submission of certain obsolete and redundant reports. ~~[Section]~~

In addition, section 1 of this bill requires the Director of the Legislative Counsel Bureau to **review existing law and** develop recommendations for the elimination or revision of ~~[the requirement for the]~~ **any other provisions that require** submission of ~~[certain other]~~ obsolete and redundant reports. Section 1 further requires: (1) the recommendations to be presented biennially to the Legislative Commission; and (2) the Legislative Commission, as it deems appropriate, to request the preparation of a bill draft to facilitate the recommendations.

During this session, the Legislature passed Assembly Bill No. 350, which requires the Legislative Commission to review certain requirements in existing law for submitting reports to the Legislature and to determine whether such requirements should be repealed, revised or continued. Section 38.5 of this bill amends A.B. 350 to require the Legislative Commission to consider, in addition to other criteria, the recommendations made by the Director pursuant to section 1 of this bill regarding the elimination or revision of requirements in existing law for submitting reports to the Legislature.

Section 1 of Senate Bill No. 405 is hereby amended as follows:

Section 1. Chapter ~~[220]~~ **218D** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director ~~[of the Legislative Counsel Bureau]~~ shall develop recommendations for the:

(a) Elimination of any requirements to submit obsolete or redundant reports to the Legislature; and

(b) Revision of any requirements for reporting to reduce the frequency or to change the due dates, or any other revision of the requirements deemed appropriate by the Director.

2. In developing the recommendations required pursuant to subsection 1, the Director shall consider:

(a) The length of time the requirement has been in existence and whether the requirement remains relevant;

(b) The ability of the Legislature and the public to obtain the information provided in a report from another source; and

(c) Any other criteria determined by the Director to be appropriate.

3. The Director's recommendations, if any, must be ~~[presented]~~ :

(a) Presented to the Legislative Commission on or before July 1 of each even-numbered year ~~[.]~~ ; and

(b) Considered by the Legislative Commission when it conducts its review pursuant to section 1 of Assembly Bill No. 350 of this session of the requirements in state legislation for submitting such reports to the Legislature.

4. ~~[The]~~ Based on the Director's recommendations and its review pursuant to section 1 of Assembly Bill No. 350 of this session, the Legislative Commission shall, as it deems appropriate ~~[, request the preparation of a bill draft]~~ :

(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and

(b) Request the drafting of a legislative measure pursuant to NRS 218D.160 to facilitate ~~[the]~~ its recommendations.

NEW section 38.5 of Senate Bill No. 405 is hereby added as follows:

Sec. 38.5. **Section 1 of Assembly Bill No. 350 of this session is hereby amended to read as follows:**

Section 1. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must:

(a) Expire by limitation 5 years after the effective date of the addition or revision of the requirement; or

(b) Contain a statement by the Legislature setting forth the justifications for continuing the requirement for more than 5 years. The statement must include, without limitation:

(1) If the requirement is being revised, the date the requirement was enacted;

(2) If the requirement concerns a report regarding the implementation or monitoring of a new program, an analysis of the continued usefulness of such a report after 5 years; and

(3) An identification and analysis of any costs or benefits associated with or expected to be associated with the report.

2. The Legislative Commission shall review the requirements in state legislation for submitting a report to the Legislature which have been in existence for 4 years or more to determine whether the requirements should be repealed, revised or continued. In making its determination pursuant to this subsection, the Legislative Commission shall:

(a) Identify and analyze any costs or benefits associated with the report;

(b) Consider the ability of the Legislature to obtain the information provided in the report from another source; ~~[and]~~

(c) Consider any recommendations made by the Director pursuant to section 1 of Senate Bill No. 405 of this session regarding the elimination or revision of requirements in state legislation to submit obsolete or redundant reports to the Legislature; and

(d) Consider any other criteria determined by the Legislative Commission to be appropriate.

3. ~~[The Legislative Commission may, based]~~ Based upon its review of the requirements pursuant to subsection 2, ~~[make]~~ the Legislative Commission shall, as it deems appropriate:

(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting ~~[those]~~ such reports to the Legislature should be repealed, revised or continued ~~[.]~~ ; and

(b) Request the drafting of a legislative measure pursuant to NRS 218D.160 to facilitate its recommendations.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 775.

AN ACT relating to hypodermic devices; authorizing ~~[governmental]~~ **certain** entities ~~[and certain persons]~~ to establish a program for the safe distribution and disposal of hypodermic devices and certain other material; **requiring the county board of health or district board of health for the county in which a sterile hypodermic device program operates to establish guidelines governing such a program;** providing that the possession of a trace amount of a controlled substance is not a criminal offense in certain circumstances; removing hypodermic devices from the list of paraphernalia that is prohibited for delivery, sale, possession, manufacture or use in this State; providing that hypodermic devices may be sold or furnished without a prescription if not prohibited by federal law in certain circumstances; repealing a provision which makes it a crime to misuse a hypodermic device; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill authorizes a governmental entity, a **tax-exempt** nonprofit corporation, **a public health program, a licensed medical facility** or a person who has a **tax-exempt** nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. **Section 4.5 of this bill requires the county board of health or district board of health for the county in which a sterile hypodermic device program operates to establish guidelines governing such a program. Sections 5-7** of this bill enact provisions governing the operation of a sterile hypodermic device program, including, without limitation, the training of the staff and volunteers of the program and the devices, material and information that a program may provide. **Section 8** of this bill provides that the State, any of its political subdivisions and a sterile hypodermic device program and its staff and volunteers are exempt from civil liability relating to the operation of a sterile hypodermic device program. **Section 9** of this bill: (1) provides for the confidentiality of any record which is obtained or created in the operation of a sterile hypodermic device program; (2) provides that such records are not discoverable or admissible in criminal proceedings; (3) prohibits the use of records obtained from a sterile hypodermic device program as a basis for initiating a criminal charge, or to substantiate a criminal charge, against a person who participates in the program; and (4) provides that the staff and volunteers of a sterile hypodermic device program cannot be compelled to provide evidence in criminal proceedings concerning information known to the staff member or volunteer through the program.

Existing law prohibits the possession of a controlled substance. (NRS 453.336) **Section 11** of this bill provides that a person does not violate this provision if he or she has a trace amount of a controlled substance that is

in or on a hypodermic device that was obtained from a sterile hypodermic device program.

Existing law prohibits the delivery, sale, possession or manufacture of certain drug paraphernalia when the person engaging in the act reasonably should know that it will be used for an illegal purpose. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) **Section 12** of this bill removes hypodermic devices from the list of items that may be found to constitute drug paraphernalia.

Existing law authorizes the sale of hypodermic devices which are not restricted by federal law to being sold by prescription to be sold without a prescription for certain limited purposes. (NRS 454.480) **Section 15** of this bill removes the restrictions so that hypodermic devices may be sold or furnished without a prescription for any purpose so long as the sale of such devices is not restricted by federal law.

Section 16 of this bill repeals a provision which makes it a misdemeanor to use or allow the use of a hypodermic device for a purpose other than that for which it was purchased, because the specific uses were removed in **section 15**.

WHEREAS, The human immunodeficiency virus, hepatitis and other infectious diseases that may be transmitted through the use of unsterile hypodermic devices such as syringes and needles pose a major health threat in the United States, causing thousands of deaths and millions of dollars in preventable health care costs each year; and

WHEREAS, The lack of availability of sterile hypodermic devices is a major cause of this serious health threat; and

WHEREAS, Hundreds of studies have demonstrated that making sterile hypodermic devices available to persons who inject drugs reduces the spread of infectious disease and does not encourage drug use; and

WHEREAS, The trend among states has been to deregulate the possession, sale and use of hypodermic devices and to make such devices more accessible; and

WHEREAS, Increasing access to sterile hypodermic devices is necessary to control the spread of life-threatening infectious diseases; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby declares that the purpose of sections 2 to 10, inclusive, of this act is to enable the use of sterile hypodermic devices and other related material for use among people who inject drugs for the***

purpose of reducing the intravenous transmission of diseases. The provisions of sections 2 to 10, inclusive, of this act are intended to:

1. Ensure the availability and accessibility of sterile hypodermic devices by encouraging distribution of such devices by various means.

2. Provide for the effective operation of sterile hypodermic device programs that protect the human rights of people who use such programs.

3. Guarantee that sterile hypodermic devices and other sterile injection supplies are not deemed illegal.

4. Ensure that sterile hypodermic device programs operate in harmony with law enforcement activities.

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, "sterile hypodermic device program" or "program" means a program established pursuant to section 4 of this act for the safe distribution and disposal of hypodermic devices.*

Sec. 4. *1. A governmental entity, a nonprofit corporation that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), a public health program, a medical facility or a person who has a fiscal sponsor that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), may establish a sterile hypodermic device program in this State.*

2. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Public health program" has the meaning ascribed to it in NRS 454.00973.

Sec. 4.5. The county board of health or district board of health for the county in which a sterile hypodermic device program operates shall establish guidelines governing the operation of the program which provide for, without limitation:

1. The recording of the quantities of hypodermic devices distributed and collected by the program; and

2. The procedures for the safe collection and disposal of used hypodermic devices.

Sec. 5. *A sterile hypodermic device program shall ~~[establish]~~ :*

1. Establish and follow procedures for the safe collection and disposal of used hypodermic devices and other related material pursuant to guidelines established by the county board of health or district board of health for the county in which the program operates.

2. Provide community outreach and educational programs concerning:

(a) The safer use of hypodermic devices to avoid disease and infection; and

(b) The safe disposal of hypodermic devices.

3. Report the quantities of hypodermic devices distributed and collected by the program to the State Board of Health at least semiannually.

Sec. 6. *All staff and volunteers of a sterile hypodermic device program shall complete training which includes, without limitation, the following information:*

1. The policies and procedures of the program and relevant regulations, including, without limitation, emergency and safety policies and procedures;

2. Legal and law enforcement issues and policies regarding hypodermic devices;

3. Overdose prevention, recognition and response;

4. The risk of blood-borne diseases that may result from the use of hypodermic devices;

5. Methods for preventing the transmission or contraction of blood-borne diseases;

6. The dangers of injecting drugs and the manner in which to access treatment;

7. Information concerning the human immunodeficiency virus and hepatitis virus and the prevention of the spread of these viruses;

8. The safe disposal of hypodermic devices, including, without limitation, procedures concerning accidental needle sticks; and

9. Cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgendered individuals, racial and ethnic minorities, women, sex workers and any other participant population.

Sec. 7. *A sterile hypodermic device program may provide:*

1. Sterile hypodermic devices and other related material for safer injection drug use; and

2. Information concerning:

(a) The risks associated with the use of controlled substances;

(b) Drug dependence treatment services and other health services;

(c) Support services for people with drug dependence and their families;

(d) ~~[The safer use of hypodermic devices to avoid disease and infection;~~
~~(e)]~~ Methods for preventing the transmission or contraction of blood-borne diseases;

~~[(f)]~~ (e) Employment and vocational training services and centers; and

~~[(g)]~~ (f) Legal aid services.

Sec. 8. *The State, any political subdivision thereof, a sterile hypodermic device program and the staff and volunteers thereof are not subject to civil liability in relation to any act or failure to act in connection with the operation of a sterile hypodermic device program, if the act or failure to act was in good faith for the purpose of executing the provisions*

of sections 2 to 10, inclusive, of this act, and was not a reckless act or failure to act.

Sec. 9. ***1. Any record of a person which is created or obtained for use by a sterile hypodermic device program must be kept confidential and:***

(a) Is not open for public inspection or disclosure;

(b) Must not be shared with any other person or entity without the consent of the person to whom the record relates; and

(c) Must not be discoverable or admissible during any legal proceeding.

2. A record described in subsection 1 must not be used:

(a) To initiate or substantiate any criminal charge against a person who participates in the sterile hypodermic device program; or

(b) As grounds for conducting any investigation of a person who participates in the sterile hypodermic device program.

3. The staff and volunteers of a sterile hypodermic device program shall not be compelled to provide evidence in any criminal proceeding conducted pursuant to the laws of this State concerning any information that was entrusted to them or became known to them through the program.

4. The use of any personal information of any person who participates in a sterile hypodermic device program or of the staff or volunteers of the sterile hypodermic device program in research and evaluation must be done in such a manner as to guarantee the anonymity of the person.

5. Aggregate data from a sterile hypodermic device program, including, without limitation, demographic information, the number of clients contacted and the types of referrals may be made available to the public.

Sec. 10. ***No person shall be subject to any discrimination in the operation of a sterile hypodermic device program on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, national origin, residence, frequency of injection or controlled substance used.***

Sec. 11. NRS 453.336 is hereby amended to read as follows:

453.336 1. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. ***It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to sections 2 to 10, inclusive, of this act.***

6. As used in this section ~~[, "controlled]~~ ***:***

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Sterile hypodermic device program" has the meaning ascribed to it in section 3 of this act.

Sec. 12. NRS 453.554 is hereby amended to read as follows:

453.554 ~~[As]~~

1. Except as otherwise provided in subsection 2, as used in NRS 453.554 to 453.566, inclusive, unless the context otherwise requires, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ~~[injecting,]~~ ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

~~[1.]~~ ***(a)*** Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

~~[2.]~~ ***(b)*** Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

~~[3.]~~ ***(c)*** Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

~~[4.]~~ ***(d)*** Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

~~[5.]~~ ***(e)*** Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

~~[6.]~~ ***(f)*** Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

~~[7.]~~ ***(g)*** Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

~~[8.]~~ ***(h)*** Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

~~[9.]~~ ***(i)*** Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

~~[10.]~~ ***(j)*** Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

~~[11.]~~ ***(k)*** Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

~~[(a)]~~ ***(1)*** Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

~~[(b)]~~ ***(2)*** Water pipes;

~~[(c)]~~ ***(3)*** Smoking masks;

~~[(d)]~~ ***(4)*** Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

~~[(e)]~~ ***(5)*** Cocaine spoons and cocaine vials;

~~[(f)]~~ ***(6)*** Carburetor pipes and carburetion tubes and devices;

~~[(g)]~~ ***(7)*** Chamber pipes;

~~[(h)]~~ ***(8)*** Electric pipes;

~~[(i)]~~ ***(9)*** Air-driven pipes;

~~[(j)]~~ ***(10)*** Chillums;

~~[(k)]~~ ***(11)*** Bongs; and

~~[(l)]~~ ***(12)*** Ice pipes or chillers.

2. The term does not include any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection.

Sec. 13. NRS 453.560 is hereby amended to read as follows:

453.560 Unless a greater penalty is provided in NRS 212.160, a person who delivers or sells, possesses with the intent to deliver or sell, or manufactures with the intent to deliver or sell any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, ~~[inject,]~~ ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 14. NRS 453.566 is hereby amended to read as follows:

453.566 Any person who uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, ~~[inject,]~~ ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a misdemeanor.

Sec. 15. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced practitioner of nursing who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold ***or furnished*** without ***a*** prescription **.** ~~[~~for the following purposes:

~~(a) For use in the treatment of persons having asthma or diabetes.~~

~~(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.~~

~~(c) For use in an ambulance or by a fire fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.~~

~~(d) For the injection of drugs in animals or poultry.~~

~~(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.~~

~~(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.~~**]**

Sec. 16. NRS 454.520 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

454.520 Misuse of hypodermic device; penalty. Any person who has lawfully obtained a hypodermic device, as provided by NRS 454.480 to 454.530, inclusive, and uses, permits or causes, directly or indirectly, such a device to be used for any purpose other than that for which it was purchased is guilty of a misdemeanor.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 750.

AN ACT relating to real property; revising provisions governing the sale of real property by certain banking and financial institutions after a foreclosure sale or trustee's sale; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that if a banking or other financial institution forecloses on real property, purchases that real property at the foreclosure sale or trustee's sale and intends to sell the real property for an amount less than the amount of the indebtedness, the banking or other financial institution must afford the debtor a right of first refusal if: (1) the real property is a single-family dwelling and the debtor was the owner of the real property; (2) the debtor used the loan to purchase the real property; and (3) the debtor occupied the real property continuously after obtaining the loan. Under this bill, the right of first refusal must be conditioned on the same terms that the judgment creditor or beneficiary of the deed of trust intends to accept in a subsequent sale of the real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the judgment creditor or the beneficiary of the deed of trust is a banking or other financial institution, purchases the real property at a foreclosure sale and intends to sell the real property for an amount less than the amount of the indebtedness, the judgment creditor or beneficiary of the deed of trust must afford the right of first refusal to the debtor or grantor of the deed of trust if:

(a) The real property is a single-family dwelling and the debtor or the grantor was the owner of the real property at the time of the foreclosure sale;

(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property; and

(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust.

2. Any right of first refusal pursuant to subsection 1 must be conditioned upon the same terms the judgment creditor or the beneficiary of the deed of trust intends to accept in a subsequent sale of the real property. As used in this subsection, "same terms" means the same price

and the same manner of financing the purchase of the real property, including, without limitation, an all-cash offer.

3. In affording any right of first refusal pursuant to subsection 1, except as otherwise provided in this subsection, the judgment creditor or beneficiary of the deed of trust must, after receiving an offer to purchase the real property that the judgment creditor or beneficiary intends to accept and before accepting that offer, attempt to communicate the terms of the offer and the right of first refusal to the debtor or grantor by certified letter to the last physical mailing address provided by the debtor or grantor to the judgment creditor or beneficiary. If, within 10 business days after receiving the certified letter, the debtor or grantor does not provide written notice to the judgment creditor or beneficiary that the debtor or grantor intends to redeem the right of first refusal, the right of first refusal is terminated and the judgment creditor or beneficiary may immediately proceed with the sale. If the debtor or grantor has moved from the real property and has not provided the judgment creditor or beneficiary with an updated physical mailing address:

(a) The debtor or grantor is not required to attempt to communicate the terms of an offer or the right of first refusal pursuant to this subsection, or make any other attempt to contact the debtor or grantor;

(b) The right of first refusal is terminated; and

(c) The judgment creditor or beneficiary may immediately proceed with the sale.

4. As used in this section:

(a) "Banking or other financial institution" has the meaning ascribed to it in NRS 40.458.

(b) "Foreclosure sale" has the meaning ascribed to it in NRS 40.462.

Sec. 2. NRS 40.451 is hereby amended to read as follows:

40.451 As used in NRS 40.451 to 40.463, inclusive, ***and section 1 of this act,*** "indebtedness" means the principal balance of the obligation secured by a mortgage or other lien on real property, together with all interest accrued and unpaid prior to the time of foreclosure sale, all costs and fees of such a sale, all advances made with respect to the property by the beneficiary, and all other amounts secured by the mortgage or other lien on the real property in favor of the person seeking the deficiency judgment. Such amount constituting a lien is limited to the amount of the consideration paid by the lienholder.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 642.

AN ACT relating to education; eliminating various mandates relating to schools; **revising provisions relating to the reporting of incidences of bullying, cyber-bullying, harassment and intimidation occurring at public schools; revising provisions governing the examinations of the height and weight of pupils enrolled in public schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill deletes and repeals certain provisions relating to education and thereby eliminates: (1) a requirement that the Superintendent of Public Instruction prescribe a certain form of school register, prepare pamphlet copies of laws relating to schools for various school officials and provide a certain memorandum to the board of trustees of each school district and to the governing body of each charter school (NRS 385.210); (2) a description of the duties of the board of trustees of a school district and the governing body of a charter school in response to a memorandum transmitted to it pursuant to NRS 385.210 (NRS 386.360, 386.552); (3) ~~[requirements relating to the duties of the board of trustees of a school district in response to the policies prescribed by the Department of Education for school districts and public schools regarding bullying, cyber-bullying, harassment and intimidation (NRS 388.134, 388.139); (4)]~~ a requirement, effective on July 1, 2013, that the boards of trustees of certain school districts adopt a pilot program to provide a program of small learning communities for middle school and junior high school ~~[students]~~ **pupils** (NRS 388.171); ~~[(5)]~~ **(4)** a requirement that the board of trustees of each school district adopt a policy for each middle school and junior high school in the district to provide a program of peer mentoring (NRS 388.176); ~~[(6)]~~ **(5)** a requirement that the board of trustees of each school district adopt a policy for certain pupil-led conferences (NRS 388.181); ~~[(7)]~~ **(6)** requirements relating to small learning communities for ninth grade pupils in certain larger schools (NRS 388.215); ~~[(8)]~~ **(7)** certain requirements for a policy for peer mentoring **in public high schools** (NRS 388.221); ~~[(9)]~~ **(8)** a requirement that the board of trustees of each school district and the governing body of each charter school submit the results of a certain examination of achievement and proficiency of pupils to certain persons and entities (NRS 389.560); ~~[(10) a requirement that school districts conduct examinations of the height and weight of a representative sample of certain pupils (Chapter 285, Statutes of Nevada 2009, p. 1203); (11)]~~ **(9)** provisions relating to the establishment of school attendance councils (NRS 392.129); ~~[(12)]~~ **(10)** a reporting requirement relating to

alternative schedules (Chapter 489, Statutes of Nevada 2003, p. 3219); and ~~[(13)]~~ **(11)** reporting requirements relating to the use of environmentally sensitive cleaning and maintenance products within school districts. (Chapter 244, Statutes of Nevada 2009, p. 985)

Under existing law, the board of trustees of each school district is required to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) Also under existing law, the Superintendent of Public Instruction is required to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 7 of this bill eliminates these reporting requirements, and sections 2.3 and 2.5 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)

Under existing law, the board of trustees of each school district is required to conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10. (NRS 392.420) This requirement is scheduled to expire on June 30, 2015. (Chapter 285, Statutes of Nevada 2009, p. 1204) Section 4.5 of this bill limits this requirement relating to the examinations of the height and weight of pupils to a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 388.1325 is hereby amended to read as follows:~~

~~388.1325 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.~~

~~2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:~~

~~(a) The establishment of programs to create a school environment that is free from bullying, cyber-bullying, harassment and intimidation;~~

~~(b) The provision of training on the policies adopted by the school district pursuant to [NRS 388.134 and] the provisions of NRS 388.121 to 388.139, inclusive; or~~

~~(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to [NRS 388.134 and] the provisions of NRS 388.121 to 388.139, inclusive.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 388.139 is hereby amended to read as follows:~~

~~388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, [and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying, Cyber-Bullying, Harassment and Intimidation Is Prohibited in Public Schools,"] within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.]~~ **(Deleted by amendment.)**

Sec. 2.3. **NRS 385.3469 is hereby amended to read as follows:**

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each

school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole:***

(1) The number of ~~[incidents]~~ ***reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school;***

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.]~~ ***; and***

(3) Any actions taken to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2.5. **NRS 385.347 is hereby amended to read as follows:**

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district

and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term

substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school

district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) ***For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:***

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school;

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.]~~ ***; and***

(3) Any actions taken to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared

pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled

in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 388.221 is hereby amended to read as follows:

388.221 1. The board of trustees of each school district may adopt a policy for the public high schools in the district to provide a program of teen mentoring, which may include a component of adult mentoring, designed to:

(a) Increase pupil participation in school activities, community activities and all levels of government; or

(b) Increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school,

➥ or both.

2. ~~[Any such policy must include, without limitation:~~

~~(a) Guidelines for establishing:~~

~~(1) Eligibility requirements for pupils who participate in the program as mentors or mentees, including, without limitation, any minimum grade level for pupils who serve as mentors and any minimum grade point average that must be maintained by pupils who serve as mentors. The guidelines may not require a pupil who participates in the program to maintain a grade point average that is higher than the grade point average required for a pupil to participate in sports at the high school the pupil attends.~~

~~(2) Training requirements for pupils who serve as mentors.~~

~~(3) Incentives for pupils who serve as mentors.~~

~~(b) A requirement that each public high school which establishes a program for teen mentoring must also establish a committee to select each pupil mentor who participates in the program. The policy must provide that the committee may select a pupil who does not meet the general eligibility requirements for mentors if the members of the committee determine that the pupil is otherwise qualified to serve as a mentor.~~

~~(c) Any other provisions that the board of trustees deems appropriate.~~

~~3.~~**]** If the board of trustees of a school district has adopted a policy pursuant to subsection 1, the principal of each public high school in the district may:

(a) Carry out a program of teen mentoring in accordance with the policy prescribed by the board of trustees pursuant to subsection 1;

(b) Adopt other policies for the program of teen mentoring that are consistent with this section and the policy prescribed by the board of trustees pursuant to subsection 1; and

(c) On a date prescribed by the board of trustees, submit an annual report to the board of trustees and the Legislature that sets forth a summary of:

(1) The specific activities of the program of teen mentoring; and

(2) The effectiveness of the program in increasing pupil participation in school activities, community activities and all levels of government or in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school, as applicable to the type of program in effect at the school.

[~~4.~~**]** ***3.*** If the board of trustees of a school district has not adopted a policy pursuant to subsection 1, the principal of a public high school in the district may carry out a program of teen mentoring and take any action described in paragraph (b) or (c) of subsection **[**~~3~~**]** ***2*** if:

(a) The principal submits to the board of trustees for its approval a plan for such a program of teen mentoring that is consistent with the provisions of this section; and

(b) The board of trustees approves the plan.

[~~5.~~**]** ***4.*** A plan submitted to a board of trustees of a school district pursuant to subsection **[**~~4~~**]** ***3*** shall be deemed approved if the board of trustees does not act upon the plan within 60 days after the date on which the board of trustees receives the plan.

[~~6.~~**]** ***5.*** The board of trustees of each school district and each public high school may apply for and accept gifts, grants and donations from any source for the support of the board of trustees or a public high school in carrying out a program of teen mentoring pursuant to the provisions of this section. Any money received pursuant to this subsection may be used only for purposes of carrying out a program of teen mentoring pursuant to the provisions of this section.

~~[~~7.~~]~~ ***6.*** This section does not preclude a board of trustees of a school district or a public high school from continuing any other similar program of teen mentoring that exists on May 22, 2009.

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~[~~:

~~1. Each]~~ ***each*** advisory board to review school attendance created in its county pursuant to NRS 392.126.

~~[2. If applicable, each school attendance council established pursuant to NRS 392.129.]~~

Sec. 4.5. **NRS 392.420 is hereby amended to read as follows:**

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. In addition to the requirements of subsection 1, ***the board of trustees of*** each school district ***in a county whose population is 100,000 or more*** shall conduct examinations of the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10 in the schools within the school district. In addition to those grade levels, ***such*** a school district may conduct examinations of the height and weight of a representative sample of pupils enrolled in other grade levels within the school district. The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with ~~[~~the~~]~~ ***each*** school ~~[~~districts~~]~~

district in a county whose population is 100,000 or more for purposes of this subsection.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

9. Except as otherwise provided in this subsection, each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report

the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the State Health Officer in the format prescribed by the State Health Officer. If a school district ***in a county whose population is 100,000 or more*** conducts examinations of the height and weight of a representative sample of pupils enrolled in grade levels other than the grade levels required by subsection 2, the results of those examinations must not be included in the report submitted to the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 5. ~~[Section 5 of chapter 285, Statutes of Nevada 2009, at page 1204, is hereby amended to read as follows:~~

~~"Sec. 5. 1. This act becomes effective on July 1, 2009.~~

~~2. Section 1 of this act expires by limitation on June 30, [2015.]~~ ***2013.]*** **(Deleted by amendment.)**

Sec. 6. Section 38 of chapter 509, Statutes of Nevada 2011, at page 3504, is hereby amended to read as follows:

Sec. 38. 1. This section and section 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 21, inclusive, 21.5 to 36.5, inclusive, and 37 of this act become effective on July 1, 2011.

~~[3. Section 21.3 of this act becomes effective on July 1, 2011, for the purpose of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.]~~

Sec. 7. 1. NRS 385.210, 386.360, 386.552, ~~[388.134,]~~ **388.1353, 388.1355,** 388.171, 388.176, 388.181, 388.215, 389.560 and 392.129 are hereby repealed.

2. Section 7 of chapter 489, Statutes of Nevada 2003, at page 3219 is hereby repealed.

3. Section 6 of chapter 244, Statutes of Nevada 2009, at page 985 is hereby repealed.

4. Section 21.3 of chapter 509, Statutes of Nevada 2011, at page 3499 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

385.210 Form of school register; dissemination of information regarding statutes and regulations relating to schools; memorandum to school districts and charter schools; preparation and publication of Department bulletin.

386.360 Preparation of plan for implementation of statutes; transmittal of information concerning statutes to parents and teachers; rules.

386.552 Preparation of plan for implementation of statutes; written notice to parents and teachers concerning statutes and plan for implementation.

~~[388.134 Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to school personnel; posting of policies on Internet website; annual review and update of policies.]~~

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General.

388.171 Pilot program for small learning communities required in certain schools.

388.176 Adoption of policy for peer mentoring.

388.181 Adoption of policy for pupil-led conferences.

388.215 Program of small learning communities required for ninth grade pupils enrolled in larger schools.

389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

392.129 Establishment of school attendance councils; membership; duties; annual report.

Section 7 of chapter 489, Statutes of Nevada 2003:

Sec. 7. 1. If the board of trustees of a school district provides a program of instruction based upon an alternative schedule pursuant to subsection 2 of section 2 of this act, the board of trustees shall, on or before December 31, 2004, submit a written report to the Superintendent of Public Instruction. The report must include:

(a) A description of the alternative schedule; and

(b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and community.

2. The Superintendent of Public Instruction shall:

(a) Compile the reports, if any, submitted pursuant to subsection 1; and

(b) On or before February 1, 2005, submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.

Section 6 of chapter 244, Statutes of Nevada 2009:

Sec. 6. 1. On or before January 1, 2011, the board of trustees of each school district shall prepare and submit to the Department of Education a written report regarding the implementation of the use of environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools within the school district. The report must include, without limitation:

(a) A description of the cleaning and maintenance products that were replaced, if any;

(b) A description of the environmentally sensitive cleaning and maintenance products that are used in the public schools within the school district;

(c) A description of any requests for a waiver that the school district submitted to the Department and the status of the request; and

(d) An evaluation of the effectiveness of the use of environmentally sensitive cleaning and maintenance products on the health and safety of the pupils and school personnel in the school district.

2. On or before February 1, 2011, the Department of Education shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature regarding the implementation of the use of environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school districts in this State. The report must include, without limitation:

(a) A compilation of the reports submitted by each school district pursuant to subsection 1; and

(b) A description of the requests for a waiver submitted by school districts to the Department pursuant to section 3 of this act, including, without limitation:

(1) The number of waivers that were granted by the Department and the justification for each waiver; and

(2) The number of waivers that were denied by the Department and the reasons for each denial.

Section 21.3 of chapter 509, Statutes of Nevada 2011:

Sec. 21.3. NRS 388.215 is hereby amended to read as follows:

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a ~~[policy for each of those high schools]~~ ***pilot program*** to provide a program of small learning communities. The ~~[policy]~~ ***pilot program must be implemented in at least 50 percent of the high schools in the school district with an enrollment of 1,200 pupils or more and*** must require:

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in ninth grade.

2. The principal of ~~[each]~~ ***a*** high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, ***and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1*** shall:

(a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1;]~~ ***pilot program;*** and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 793.

SHORT FORM AMENDMENT

Sections 41 and 43.5 of this act are the only sections affected by this amendment.

Section 41 of Assembly Bill No. 67 First Reprint is hereby amended as follows:

Sec. 41. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and sections 40.3 and 40.7 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.

2. "Child" means a person less than 18 years of age.

3. ***"Induce" means to persuade, encourage, inveigle or entice.***

4. "Prostitute" means a male or female person who for a fee ***, monetary consideration or other thing of value*** engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

~~[4.] [conduct.]~~

5. "Prostitution" means engaging in sexual conduct ***with another person in return*** for a fee ~~[.~~

~~5.]~~ ***, monetary consideration or other thing of value.***

6. "Sexual conduct" means any of the acts enumerated in subsection ~~[3.]~~ ~~*[masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of a person, including sexual intercourse in its ordinary meaning.]*~~ ***4.***

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Section 43.5 of Assembly Bill No. 67 First Reprint is hereby amended as follows:

Sec. 43.5. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~[to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed]~~ ***or 201.320*** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~[10]~~ ***30*** days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution ***or for services to victims*** ~~***[of child prostitution]***~~ which are designated to receive such distributions by the district attorney of the county.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 252.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 797.

AN ACT relating to renewable energy; revising provisions which specify the renewable energy systems which qualify as portfolio energy systems; revising provisions relating to the implementation of energy efficiency measures by a provider of electric service for the purpose of complying with the renewable portfolio standard; revising provisions relating to the carrying forward to subsequent calendar years of the excess kilowatt-hours of electricity that a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (**Sections 26-29** of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) **Section 6** of this bill revises the portfolio standard to limit the use of savings

achieved from energy efficiency measures by a provider to satisfy the portfolio standard.

Section 4 of this bill revises the definition of "portfolio energy system or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure. (NRS 704.78215) Section 8 of this bill excludes from the calculation of portfolio energy credit certain electricity used by a portfolio energy system for its basic operations if the portfolio energy system is placed into operation on or after January 1, 2016.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) **Section 9** of this bill revises the applicability of this provision to systems that were placed into operation on or before December 31, 2015.

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) **Section 11** of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. **Section 11** requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system ~~[; or~~

~~2. Any energy efficiency measure.]~~ ***:***

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; or

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years 2020 through 2024, inclusive, not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar year 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~[~~during~~]~~ ***:***

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year ~~[~~.~~]~~ ***2015 to 2019, inclusive,*** not more than ~~[~~25~~]~~ ***20*** percent of that amount may be based on energy efficiency measures ~~[~~.~~]~~ ***;***

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal

made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this section, the amount of any electricity used by a portfolio energy system for its basic operations does not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be

deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~[and]~~

2. ***The system was placed into operation on or before December 31, 2015; and***

3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~[, the]~~ ***:***

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures ~~[.]~~ ***;***

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

➥ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the

sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. ***If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:***

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not

exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.

~~[6.]~~ ***7.*** If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~[7.]~~ ***8.*** All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

(a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and

(b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

(a) Each provider of electric service operating in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 7 expands the membership of the Gaming Policy Committee to 11 members by adding a knowledgeable representative from academia. The bill also authorizes the Governor to appoint an advisory committee on gaming education consisting of not more than five members to evaluate gaming-related educational entities in Nevada and how they align with the technology and workforce needs of the gaming industry, to study the potential for using competencies and technologies developed by the educational entities and other industries, and to make recommendations to the Gaming Policy Committee. Assembly Bill 7 also includes appropriations from the State General Fund to the state Gaming Control Board and the Nevada Gaming Commission for associated operations, travel, and staffing costs.

Assembly Bill 7 was largely a project of our Gaming Law section at UNLV Boyd School of Law, and as has been our experience, the students worked very hard on this. I think they have a good bill here that accomplishes some good public policy.

Roll call on Assembly Bill No. 7:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 7 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 311 creates the Contingency Account for Victims of Human Trafficking to be administered by the Director of the Department of Health and Human Services. The bill authorizes a nonprofit agency or a local or state agency to apply to the Director for an allocation of money to be used for establishing or providing programs or services for victims of human trafficking. The bill also requires the existing Grants Management Advisory Committee to review the applications and make recommendations to the Director concerning allocations of money from the contingency account.

Roll call on Assembly Bill No. 311:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 311 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 463, as amended, expands *Nevada Revised Statutes* 353.097 to provide state agencies with authority to pay a stale claim for payroll expenses from previous fiscal years with funds appropriated in the current fiscal year. The bill, as amended, also authorizes a person

designated by the Clerk of the State Board of Examiners to perform certain duties of the Clerk for the payment of stale claims or the payment of claims from the Reserve for Statutory Contingency Account.

This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 463:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 470 appropriates $11.6 million from the State Highway Fund to the Nevada Highway Patrol to buy cars, motorcycles, and pickup trucks. I would be happy to answer any questions.

Roll call on Assembly Bill No. 470:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 470 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 473 provides for an additional fee to be paid to the Department of Motor Vehicles to defray the cost of producing license plates. The fees must be deposited into the new License Plate Factory Account. This bill also authorizes the Department to determine the amount of the fee by regulation.

The Senate Committee on Finance and Assembly Committee on Ways and Means approved the Governor's recommendation to make the License Plate Factory self-supporting by changing the funding source for the License Plate Factory from Highway Funds totaling $3.4 million over the biennium, to a new funding source based primarily on revenues collected from a new license plate fee.

The Senate Committee on Finance and Assembly Committee on Ways and Means approved a license plate fee of $3 per license plate, excluding specialty plates, which are 50 cents higher than the per-license-plate fee recommended by the Governor. The 50-cent increase will allow for the repayment of Highway Fund appropriations over a five-year period, for a $500,000 reserve recommended by the Governor in the License Plate Factory budget for cash flow purposes, and to repay the $3.8 million Capital Improvement Project for a new building to house

the License Plate Factory, if ultimately approved by the money committees, which we did just recently.

The $3 license plate fee will also allow for a small reserve for contingencies for unanticipated costs and increases in the cost of materials to produce the license plates.

Assembly Bill 473 becomes effective on July 1, 2013.

Roll call on Assembly Bill No. 473:

YEAS—34.

NAYS—Ellison, Fiore, Livermore, Oscarson, Wheeler—5.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 473 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 482, as amended, authorizes the creation of the Interest Repayment Fund. If there is accrued interest due the federal government on advances deposited into the Unemployment Compensation Fund pursuant to NRS 612.290 and Title XII of the Social Security Act, as amended, the Administrator of the Employment Security Division shall establish an assessment on employers' taxable wages paid during the immediately preceding calendar year that will be deposited to the Interest Repayment Fund. The assessment rate will be determined by dividing the total interest accrued and payable to the federal government by 95 percent of the total taxes paid by all employers in this state during the immediate preceding calendar year. The ESD Administrator shall notify each employer of its proportional share of the assessment by June 30 of each year.

If the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all employers subject to the assessment and not accept any further payments. Any balances remaining in the Interest Repayment Fund after all payments of accrued interest have been made shall be deposited into the Unemployment Compensation Fund.

The provisions of Assembly Bill 482 do not apply to any nonprofit organization, political subdivision, or Indian Tribe which makes reimbursements in lieu of contributions pursuant to NRS 612.553.

Assembly Bill 482, as amended, becomes effective upon passage and approval. This just deals with the unemployment laws that we passed.

Roll call on Assembly Bill No. 482:

YEAS—37.

NAYS—Fiore, Wheeler—2.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 482 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Assembly Bill 499 corrects various errors in the *Nevada Revised Statutes* and the *Statutes of Nevada*.

Roll call on Assembly Bill No. 499:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Assembly Bill No. 499 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 20 makes various changes concerning the State Publications Distribution Center. The measure requires every state agency and local government to provide an electronic version of its publications. If it is only available in paper form, the state agency must provide ten copies. Finally, the measure establishes requirements for the submission of documents in an electronic format to the Center.

Roll call on Senate Bill No. 20:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 20 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 22.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 22 requires that if the State Supreme Court, a district court, or a justice court in Nevada makes a ruling holding that a provision of Nevada law violates the *Nevada Constitution* or the *United States Constitution*, the prevailing party in the case must provide the Attorney General with a copy of the ruling.

It also requires the State Controller to collect restitution for extradition expenses on behalf of the Office of the Attorney General.

Roll call on Senate Bill No. 22:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 22 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 25 authorizes the Attorney General to investigate and prosecute technological crimes, pursue the forfeiture of property in relation to these crimes, and bring action to enjoin or obtain equitable relief to prevent the occurrence or continuation of technological crimes. It also revises, from a two-thirds to a simple majority, the number of members of the Technological Crime Advisory Board who must vote to approve the appointment of the Board's Executive Director.

Roll call on Senate Bill No. 25:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 25 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 36 establishes provisions to collect money owed for the repayment of fraudulently obtained benefits or to recover amounts owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation by persons who commit unemployment insurance fraud. The bill also establishes a method for the Division to collect fraudulently obtained benefits.

The measure prohibits relieving an employer's account for benefits improperly paid if he or she fails to provide all relevant facts or respond timely to a request for separation information.

Roll call on Senate Bill No. 36:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 36 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblyman Daly

ASSEMBLYMAN DALY:

Senate Bill 39 clarifies that certain exceptions to Nevada's Open Meeting Law provided to the Nevada Commission on Homeland Security also apply to all committees appointed by the Chair of the Commission on Homeland Security. Any such committee must have prior approval of the Nevada Commission on Homeland Security prior to holding a closed meeting.

Roll call on Senate Bill No. 39:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Bill 60. Senate Bill 60 is over 90 pages in length. The floor statement is over 300 words. To be brief, it is a very good bill. The Secretary of State worked very hard with representatives of the registered agents. What they have is a bill that brings us in line with Wyoming and Delaware, and it is going to help make sure our industry is clean and that bad actors are going to have a very tough time if they try to bad act in Nevada. It really harmonizes a lot of statutes. It does a lot of good things. I am happy to answer any questions on it. Otherwise, I urge the body's support.

Roll call on Senate Bill No. 60:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Wheeler—12.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 60 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 66 makes various changes related to the powers and duties of counties. The measure allows a board of county commissioners in a county whose population is less than 15,000—currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine Counties—to authorize the use of county equipment on the property of any local government within the county if the board deems by ordinance that the use is in the county's best interest, the board and governing body of the local government enter into an interlocal agreement, and a county employee operates the equipment. Further, a board of county commissioners in these same counties may authorize the use of county highway patrols and county equipment on any private road if the board declares an emergency or the board deems by ordinance that the use is in the county's best interest in the absence of a licensed private contractor who could perform the work..

Roll call on Senate Bill No. 66:

YEAS—38.

NAYS—Fiore.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 66 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblymen Thompson, Hansen and Carlton.

ASSEMBLYMAN THOMPSON:

Senate Bill 82 acknowledges the various perspectives on the hunting of black bears in Nevada and urges proponents and opponents of the black bear hunt to engage in productive and meaningful discussions, with the goal of achieving a consensus on the proper management of Nevada's black bear population. The measure also urges the continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains, and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property. Finally, the bill urges Nevada's Board of Wildlife Commissioners to conduct its planned three-year comprehensive review of the black bear hunt following the 2013 bear hunting season, with the goal of evaluating certain scientific analyses and impacts of the hunt and making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada. This review is urged to be submitted to the Director of the Legislative Counsel Bureau for distribution to the Chairs of the Senate Committee on Natural Resources and the Assembly Committee on Natural Resources, Agriculture, and Mining.

ASSEMBLYMAN HANSEN:

I urge a no vote on S.B. 82. The bill presupposes that the Board of Wildlife Commissioners and the Department of Wildlife have not already done all of this. Having been involved in this process ever since it began about three years ago, I can assure this body that they have talked to everybody possible—the Indian tribes, the people pro and con on this whole thing—and the season they came up with was based entirely on scientific, verifiable information. The reality is this: The eastern portion of the Sierra population of black bears here in Nevada are part of the exact same herd that are in California. California harvested 1,900 black bears, including hunting in the Tahoe Basin. Trying to appease the people that are opposed to this hunt is pretty much impossible. Nevada did shut down the Tahoe portion of that hunt, trying to make them happy, and it has been a complete failure. They will never be happy. So we need to recognize that, close this wound that keeps being reopened, and let the Department of Wildlife and the Board of Wildlife Commissioners do what they do. The hunt that we have had—I think they harvested a total of only 14 bears. So it is completely scientifically justifiable, and I think this amendment kind of presupposes a fact that does not exist. The Wildlife Commission has done all this. So I would urge a no vote on this.

ASSEMBLYWOMAN CARLTON:

I rise in support of S.B. 82. Last session, when chairing the Natural Resources, Agriculture, and Mining Committee, this was a very big issue. We kept telling folks that we didn't want to go any further or make any decisions because we didn't have any data. This bill will have the Board of Wildlife Commissioners go back, look at what has happened since they have instituted the hunt and be able to have actual facts and figures so that we can have a rational discussion and hopefully be able to set some of the passions around this issue aside. I personally am not in support of the hunt, but I think we all have to stay open-minded enough to be able to look at the information that we can derive from what has happened over the last couple of years and have a rational discussion over this issue.

Roll call on Senate Bill No. 82:

YEAS—32.

NAYS—Ellison, Hansen, Hardy, Kirner, Oscarson, Stewart, Wheeler—7.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 82 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

I rise in support of Senate Bill 109. This bill makes various changes concerning off-highway vehicles [OHV]. The bill creates an OHV dealer plate, similar to an automobile dealer plate, that allows dealers to operate unregistered vehicles for the purposes of demonstrations or test drives. The bill also provides that the Commission on Off-Highway Vehicles, rather than the Department of Motor Vehicles, prescribes the form of the registration sticker or decal for off-highway vehicles, and it revises provisions regarding the size of the sticker or decal—makes it a little smaller. Registration of an OHV is not required if it is registered in another state and not located in Nevada for more than 15 days. Off-Highway Vehicles operated during daylight hours are exempted from certain requirements related to head lamps and tail lamps.

This bill also creates new exemptions from the off-highway vehicle registration process for vehicles operated solely in an organized race, festival, or other event conducted under the direction of a sanctioning body or by permit; operated or stored on privately-owned or leased land; operated while engaged in an approved search-and-rescue operation; or having an engine displacement of not more than 70 cubic centimeters.

Roll call on Senate Bill No. 109:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 109 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 135 revises provisions applying to developers of redevelopment projects if the project is within a redevelopment area of a city whose population is 500,000 or more.

Roll call on Senate Bill No. 135:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—14.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 135 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 152 allows a retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer to claim a deduction or refund of sales and use taxes to which the retailer would otherwise be entitled as a result of the failure to collect the debt that is owed.

Roll call on Senate Bill No. 152:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 152 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 155 expands a clinical professional counselor's scope of practice to include the assessment and treatment of couples or families if he or she has demonstrated competency as determined by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

Roll call on Senate Bill No. 155:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 155 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 169 limits punishment by imprisonment in the county jail for persons convicted of a gross misdemeanor to no more than 364 days. In addition, this measure authorizes a person convicted of a gross misdemeanor before October of this year and sentenced to a one-year term in jail to petition the court for an order modifying the original sentence to a term of 364 days, for good cause shown.

Senate Bill 169 also reduces the length of time a person must wait to petition for the sealing of all records relating to a conviction for any gross misdemeanor from seven years to five years from the date of release from actual custody or discharge from probation, whichever occurs later.

Roll call on Senate Bill No. 169:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—13.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 169 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Under existing law—Chapter 396—the Board of Regents of the University of Nevada is authorized to issue revenue bonds to finance capital improvements. Senate Bill 185 increases by $79.36 million the existing principal amount of bonds and other securities that may be issued by the Board of Regents from $348,360,000 to $427,715,000 to finance certain capital construction projects at the University of Nevada, Reno. The increased bonding authority would augment existing bond capacity to fund the demolition of Getchell Library and build a student achievement center; the seismic retrofit of Manzanita Residence Hall; build an indoor multi-purpose practice facility, expand the Lombardi Recreation Center facility, and build a new residence hall.

This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 185:

YEAS—36.

NAYS—Ellison, Fiore, Wheeler—3.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 185 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 198 revises provisions relating to the practice of chiropractic. The measure provides that a chiropractic assistant may perform certain ancillary service under indirect supervision if the services are performed on an established patient; the supervising chiropractic physician is reasonably accessible by telephone, facsimile, or other electronic means; and the services are performed in the primary practice of the supervising chiropractic physician or a hospital.

A chiropractor who employs one or more assistants who perform such services must maintain certain liability insurance.

The measure requires the Chiropractic Physicians' Board of Nevada to adopt regulations concerning the circumstances under which a chiropractic assistant may perform services under indirect supervision. The Board is authorized to impose disciplinary actions against a chiropractic assistant.

Roll call on Senate Bill No. 198:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 198 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 199 provides that a person without a license who performs health care procedures or surgical procedures is guilty of a felony. If a procedure results in death, the crime is a category B felony, with no probation allowed, unless a greater penalty is provided by law. The measure also amends provisions of existing law imposing penalties for the practice of various medical professions without a license, to specify that the greater penalties provided in S.B. 199 must apply when appropriate.

Roll call on Senate Bill No. 199:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 199 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblymen Daly, Bobzien, and Hansen.

ASSEMBLYMAN DALY:

Senate Bill 208 expands the definition of "police officer" to include court bailiffs and deputy marshals of a district court or justice court.

ASSEMBLYMAN BOBZIEN:

I rise in support of Senate Bill 208. I just wanted to relay some research that you had done going back into the minutes of 2007 and some information on Assembly Bill 139. At that time, it was made clear with an amendment that bailiffs would be called district court marshals and would be category 2 peace officers. So it is clear that this is a population that has been kind of out in limbo, but it is this Legislature's understanding that they were certainly eligible for the benefits related to this bill.

ASSEMBLYMAN HANSEN:

Actually, I have a huge question on this but is there any way we could roll this until tomorrow? Frankly, I am a no on it at the moment, but what I just heard may change that. If at all possible, I would like to make that request.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that Senate Bill No. 208 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 213.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 213 requires each trap, snare, or similar device used in the taking of wild mammals to be registered with and bear a number assigned by the Nevada Department of Wildlife [NDOW]. This bill provides that any trap registration information maintained by NDOW is confidential unless required to be disclosed by law or a court order.

The bill further provides that a person who intentionally steals one or more traps with a value of less than $650 is guilty of a gross misdemeanor. And finally, the measure requires the Board of NDOW to set visitation times by regulation at least once every 96 hours.

Roll call on Senate Bill No. 213:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Munford, Oscarson, Wheeler—12.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 213 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 235 authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to scrap metal purchases within its jurisdiction. The measure requires that the system be electronically secure and accessible only to a scrap metal processor for the purpose of submitting certain information, an officer of a local law enforcement agency, and an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor.

A person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill if the actions are taken in good faith and without malicious intent. The bill further requires a person who possesses the information required to be submitted to a local law enforcement agency to keep the information confidential. A person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

Roll call on Senate Bill No. 235:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 235 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 266 prohibits each health care plan and insurance policy, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy from making the monetary limits of coverage to the insured for orally administered chemotherapy different than other types of chemotherapy.

Roll call on Senate Bill No. 266:

YEAS—39.

NAYS—None.

EXCUSED—Horne, Pierce, Woodbury—3.

Senate Bill No. 266 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:04 p.m.

ASSEMBLY IN SESSION

At 3:06 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 436; Senate Bills Nos. 76, 80, 94, 162, 236, 262, 267, 276, 284, 285, 286, 287, 288, 304, 305, 309, 310, 315, 317, 318, 325, 335, 338, 342, 343, 344, 345, 347, 350, 351, 356, 365, 371, 382, 388, 392, 393, 402, 404, 409, 414, 419, 420, 421, 432, 433, 434, 436, 437, 438, 440, 441, 443, 448, 449, 450, 453, 457, 458, 459, 460, 476, 488, 489, 493, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 9, 12, 13; Senate Joint Resolution No. 15 of the 76th Session, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3; Senate Bills Nos. 7, 8, 11, 12, 13, 14, 17, 19, 23, 24, 26, 28, 29, 30, 32, 35, 37, 40, 41, 45, 46, 47, 48, 51, 53, 61, 65, 71, 74, 77, 79, 81, 86; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bailey Charter Elementary: Nicole Acebu, Samuel Avalos-Medina, Alycia Buchanan de Rodriguez, Maya Chamberlain, Alondra Cisneros Villa, Chevelle Erspamer, Gerome Garrett, Jr., Jaycee Goins, Llajayra Gomez Diaz, Graciela Herrera, Christian Hernandez Martinez, Emily Linebeck, Collin Manser, Makayla Martin, Nickolas Provencio, Armando Ramirez, Keyonni Washington, Nora Williams-Pavlatos, Anthony Bejarano, Viridiana Carmona-Palomino, Carlos Castaneda Estrada, Justin Cruz-Noguera, Jose Diaz, Iris Josephson, Katie Lawrence, Rickson Lenon, Skyler Lujan, Elizabeth Marquez, Xzorion Morgan, Michael Neve, Jacob Rodriguez Gutierrez, Citlaly Ruiz Ruvalcaba, Mauryha Saldana, Rachelle Solorzano Plascencia, Elizabeth Hoops, Lindsey Angus, Deloras McKay, Joann Wood, Thya Slusher, Kaci Lujan, Amie Erspamer, Alondra Cisneros, Lekeya Washington, Cecilia Medina, Michael Rodriguez, Samantha Manser, Jessica Middleton, and Justin Williams.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Legacy Christian School: Daniel Cline, Derek Cooley, Madelynn Uhrik, Anjelica Myers, William Ryan, Eric Stutzman, Lauren Vanderslice, Logan Lorentzen, Logan Fulton, Lisa Stone, Cyndi Cooley, Joleen Cline, and Jeff Myers.

Assemblyman Frierson moved that the Assembly adjourn until Wednesday, May 22, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:09 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 22, 2013

Assembly called to order at 12:05 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

The time is ticking by pretty fast as we are seeing the deadlines for this session of the Legislature. It is so easy to become confused and then live at cross-purposes to our central aims, and because of that, we are at cross-purposes with each other. Take us by the hand and help us to see things from Your viewpoint that we may see them as they really are. We come to choices and decisions with a prayer on our lips for our wisdom fails us. Give to these, Your servants, Your wisdom. We ask this in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Kirkpatrick, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler and Woodbury; Senators Denis, Atkinson, Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 8—Memorializing John J. McDonald.

WHEREAS, The members of the 77th Session of the Nevada Legislature note with profound sorrow the loss of John McDonald, a man whose legacy continues to enrich his community, on February 6, 2013; and

WHEREAS, John Joseph McDonald was born in Butte, Montana, on June 21, 1925, to Frank and Margie McDonald; and

WHEREAS, After serving in World War II, John married his wife Doris in 1952, and the young family moved to Nevada in 1960 to put down its roots in Las Vegas; and

WHEREAS, John worked in various casinos as a card dealer and eventually moved up the ranks to become a casino manager; and

WHEREAS, After his retirement in 1990, this lifelong football fan devoted his time and energy to youth sports, particularly his mission to ensure that local youth, regardless of background, were afforded recreational opportunities they may not otherwise have had; and

WHEREAS, Mr. McDonald enthusiastically took on the task of coaching neighborhood children who were cut from the Pop Warner football team, and as an added bonus to being taught focus, teamwork and leadership, those children would make the team the following year; and

WHEREAS, In the 1990s, John began working with neighbors near Buffalo Drive to advocate for the transformation of vacant land in the area to a youth football-designated complex, and his vision was realized in 2001 with the opening of All American Park, featuring six fields for youth football; and

WHEREAS, In January of 2012, this community leader's efforts were recognized with the naming of the John J. McDonald Football Complex at All American Park; and

WHEREAS, A loyal supporter of the sport, John traveled to see many University of Notre Dame football games, and his last family vacation was a trip to see Notre Dame win against the University of Southern California; and

WHEREAS, In addition to his sports-related hobbies and endeavors, John was active in politics and generously devoted time and energy to many campaigns; and

WHEREAS, Because he extended warmth and friendship to everyone equally, John was fondly known as "Mr. Mac," "Dad" or "Pops," and his positive outlook and gregarious smile will be greatly missed; and

WHEREAS, John was preceded in death by his beloved wife Doris Adair McDonald and sons-in-law Terry Pinter and Tommy Lavin, and he leaves behind daughters Jacquelyn McDonald Lavin and Kerry Lee McDonald, son Michael J. McDonald and his fiancee Jolette, grandchildren TJ and Brooke Lavin and great-grandchildren Justice and Aspen Lavin; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 77th Session of the Nevada Legislature hereby extend their deepest condolences to John's beloved family and countless friends; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to John's children Jacquelyn, Kerry Lee and Michael.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Assemblymen Munford, Hickey, and Madam Speaker.

ASSEMBLYMAN MUNFORD:

I would like to say a few words about John J. McDonald. Like a lot of people who live in Nevada, John was from elsewhere, but when he moved here after being discharged from the Navy, he came to stay and made his home in Las Vegas. He worked in the casino industry, raised a wonderful family, and was involved with youth and later, politics.

Many of you may not know this, but John was a constituent of mine. Often, when I would walk my district, I would stop at John's house. As I got to know him very well, he would invite me in for refreshments, and we would sit down and talk about things of concern about our community.

He was a dedicated family man and knew that without making effort, nothing gets done. Living in a large city can be challenging, particularly for youngsters, as he would often say. John worked with at-risk young men and taught them the fundamentals of sports, especially football—that was his favorite sport. He used sports to give confidence and steer them in the right and positive direction. John was even known to sponsor Pop Warner football teams and gave kids individualized coaching.

John expected honesty from his own children, and this extended to his players. He considered integrity to be an important part of a person's character; if a person did something wrong, they had to own up to it.

John lived by his values. He enjoyed time with his family, friends, and his players. Conversation was an important way for him to stay involved with people. I have to say, I spent many hours conversing with John.

John J. McDonald was an inspiration to many people. I am honored to have called him my friend. Driving by John J. McDonald's house, I had the opportunity to speak with his son and his son's fiancé on many occasions. I also have the opportunity to drive by a football complex that is named in his honor.

He was committed to his family, to his community, and to the youth. He was a man with integrity. He was an inspiration to me, and I can sincerely say, "Mr. Mac, we miss you very much."

ASSEMBLYMAN HICKEY:

I am pleased today to welcome our Governor back to this Chamber. He is here along with executive members of the Republican party—if they will please stand—to honor Mike McDonald's father John today. Please welcome them.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I am just going to take a few personal moments here. "Mr. Mac" is what we called him as kids. We all went to Western High School and hung out on Vegas Drive and Decatur in Las Vegas when it was way out—back then things did not go very far. There was never—and Mr. Horne is from Western as well—one day where he turned away a kid. There was never one day that he did not stop to think about somebody besides himself. I am sure you guys probably know I probably was not a quiet, shy child myself, but he always encouraged us to be who we are and to do whatever we could do and do the best at what we wanted to do. Whether it was sweeping the streets or going as far as you want to the top. I can tell you from my perspective—being a kid and growing up over there—he was great. He spent a lot of time just thinking about others. We need to stop every once in a while and remember those folks who made Nevada great, who touched so many lives for the long term, because if it was not for folks like that, I would not be here today. I would like to thank his family and personal friends for allowing us to do this and make sure that we, as Nevadans, do not forget what makes our state so great.

Resolution adopted.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 18, 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 131, 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 244, 313, 428, 429, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 447, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 21, 60, 73, 129, 165, 198, 263, 305, 321, 326, 327, 333, 334, 337, 341; Senate Bills Nos. 239, 330, 446.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 83, 84, 142, 164, 416, 463.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 8, Amendment No. 634; Assembly Bill No. 9, Amendment No. 601; Assembly Bill No. 10, Amendment No. 628; Assembly Bill No. 64, Amendment No. 636; Assembly Bill No. 84, Amendment No. 626; Assembly Bill No. 86, Amendment No. 650; Assembly Bill No. 87, Amendment No. 613; Assembly Bill No. 97, Amendment No. 625; Assembly Bill No. 99, Amendment No. 614; Assembly Bill No. 131, Amendment No. 600; Assembly Bill No. 156, Amendment No. 638; Assembly Bill No. 172, Amendment No. 615; Assembly Bill No. 181, Amendment No. 651; Assembly Bill No. 200, Amendment No. 633; Assembly Bill No. 233, Amendment No. 605; Assembly Bill No. 262, Amendment No. 639; Assembly Bill No. 306, Amendment No. 652; Assembly Bill No. 339, Amendment No. 653; and respectfully requests your honorable body to concur in said amendment.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendments Nos. 608, 672 to Senate Bill No. 125.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 593 to Senate Bill No. 9.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 18, 90, 131, 244, 278, 313, 428, 429, and 456, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 447 and 454, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 67, 287, 336; Senate Bills Nos. 76, 94, 99, 162, 179, 208, 220, 224, 236, 246, 262, 315, and 321, be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 72, 107, 276, 301, 319, and 373 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:35 p.m.

ASSEMBLY IN SESSION

At 12:44 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 500—AN ACT relating to economic development; enacting the Nevada New Markets Jobs Act which provides for tax credits for certain business entities; authorizing the Executive Director of the Office of Economic Development to adopt regulations; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 501—AN ACT relating to the Nevada System of Higher Education; authorizing certain capital projects at the campuses of the University of Nevada in Las Vegas and Reno; authorizing the issuance of general obligations of the State to pay the cost of the projects; pledging certain revenues as additional security for those obligations; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 83.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 84.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 142.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 164.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 239.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 330.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 416.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 446.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 463.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 716.

AN ACT relating to the military; revising and updating certain provisions governing military justice; revising and updating certain other provisions governing the Office of the Military, Nevada National Guard, Nevada National Guard Reserve and volunteer military organizations licensed by the Governor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Nevada Code of Military Justice, which provides a system of adjudicating guilt and punishing offenders within the Nevada National Guard. (NRS 412.196-412.584) **Sections 8, 65 and 66** of this bill specify personal and subject matter jurisdiction under the Code. Existing law allows commanding officers to impose certain types of nonjudicial punishment upon servicemen and servicewomen under their command. (NRS 412.286-412.302) **Sections 10-17, 67-70, 107 and 110** of this bill modify provisions governing nonjudicial punishment.

Existing law provides for courts-martial to adjudicate certain offenses under the Code. (NRS 412.304-412.448) **Sections 18-32, 72-97 and 100-103** of this bill revise provisions governing courts-martial. **Sections 30 and 31** provide that certain persons found incompetent to stand trial by court-martial or not guilty by reason of lack of mental responsibility in court-martial proceedings are committed to the ~~[custody]~~ **care** of ~~[the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services.]~~ **a suitable facility. Section 97** gives general courts-martial the authority to impose a punishment of confinement for up to 10 years. Convicted servicemen and servicewomen serve their confinement in civil jails, detention facilities, penitentiaries or certain prisons. (NRS 412.276, 412.414)

Existing law specifies military offenses triable by courts-martial. (NRS 412.452-412.562) **Sections 33-40** of this bill add to this list of offenses acting as a spy, espionage, possession of controlled substances, sexual assault, stalking, larceny, wrongful appropriation, extortion and assault.

Section 41 of this bill specifies who may administer oaths for the purposes of military administration, including military justice. **Sections 42 and 43** of this bill specify how the Code is to be construed.

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel and commissioned officers. (NRS 412.026) **Section 44** of this bill establishes the Nevada Enlisted Association of the National Guard of the United States, a group of current and retired enlisted personnel of the Nevada National Guard.

Section 53 of this bill conditions a program promoting rifle practice on the availability of funds from the State or Federal Government. (NRS 412.088)

Existing law provides that the Nevada National Guard cannot discriminate on the basis of race, creed, color, sex or national origin. (NRS 412.116) **Section 54** of this bill prohibits discrimination on the basis of gender or sexual orientation as well, while deleting language specifically prohibiting discrimination based on sex.

Section 57 of this bill provides that members of the Nevada National Guard deployed to perform an emergency are to be compensated according to their respective military grade and pay status instead of receiving compensation equal to that received by the main labor force in the service of the State or Federal Government as they do under existing law. (NRS 412.138)

Section 106 of this bill modifies the procedure for making a complaint against a commanding officer. (NRS 412.568) **Section 108** of this bill exempts persons subject to the Code from liability for acts or omissions performed as part of their duties under the Code. **Section 110** of this bill repeals allowances provided to servicemen and servicewomen of the Nevada National Guard for uniforms and equipment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 412 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 44, inclusive, of this act.

Sec. 2. ***"Nonjudicial punishment" means punishment that is imposed:***

1. Pursuant to NRS 412.286 to 412.302, inclusive, and sections 10 to 17, inclusive, of this act;

2. Against an accused, through the chain of command, by the accused's commanding officer or other officer in charge; and

3. Without the need to convene a court-martial.

Sec. 3. ***"Principal assistant" means a commissioned officer of the state military forces serving immediately subordinate to the convening authority.***

Sec. 4. ***"Restraint-of-freedom punishments" means restriction and arrest in quarters.***

Sec. 5. ***"Senior force judge advocate" means the senior judge advocate of the commanding officer of the same force of the state military forces as the accused, and who is that commanding officer's chief legal advisor.***

Sec. 6. *"State military forces" means the members of the Nevada National Guard, reservists of the Nevada National Guard, and volunteer military organizations licensed by the Governor pursuant to NRS 412.126 to organize, drill and bear arms as volunteer military companies or volunteer military organizations.*

Sec. 7. *1. The principal assistant shall assume command in the event of the commanding officer's death, prolonged absence or disability.*

2. In the case of the Nevada Air National Guard, the principal assistant may include an officer who lacks an aeronautical rating, as defined in Air Force Instruction 11-402 § 2.2, as it may be amended or replaced, and is serving in a position immediately subordinate to the convening authority.

3. Any delegation of authority to a principal assistant must be in writing, unless exigencies prevent such written delegation. If exigencies prevent written delegation, verbal authorization is sufficient and must be reduced to writing as soon as possible thereafter.

Sec. 8. *1. The following persons are subject to jurisdiction under this Code:*

(a) Any person described in subsection 1 of NRS 412.254 or who is a member of the state military forces; and

(b) Any person who is in the custody of the state military forces before trial or who is serving a sentence imposed by a court-martial.

2. Any person described in subsection 1 is subject to this Code until the person's active service has been terminated in accordance with the law or regulations of the state military forces and the National Guard Bureau and the regulations applicable to that person's service.

Sec. 9. *No member of the state military forces may be placed in confinement in immediate association with:*

1. An enemy prisoner; or

2. A person who is a citizen of a country other than the United States and who is not a member of the Armed Forces of the United States.

Sec. 10. *1. Each commanding officer shall maintain good order and discipline in his or her command. If a commanding officer determines that he or she can maintain good order and discipline through effective leadership, including, without limitation, administrative and corrective measures, he or she must do so. If a commanding officer determines that he or she cannot maintain good order and discipline through effective leadership, including, without limitation, administrative and corrective measures, he or she may pursue punitive measures.*

2. In determining the appropriate method of punishment, a commanding officer must consider, without limitation:

(a) The nature of the offense;

(b) The nature of the punishment;

(c) The record of the offending serviceman or servicewoman;

(d) The need to maintain good order and discipline; and

(e) The likely effect of the punitive measures on the record of the offending serviceman or servicewoman.

3. Each commanding officer shall, insofar as is practicable, take action to ensure that:

(a) Military justice is exercised promptly and fairly; and

(b) Each matter of a disciplinary or punitive nature is resolved:

(1) At the lowest appropriate level; and

(2) Using the least severe punishment appropriate to the offense.

Sec. 11. *1. This section sets forth the law, policies and procedures for nonjudicial punishment in the state military forces. Unless modified by this Code, the procedures contained in Chapter 3 of Army Regulation 27-10 and Air Force Instruction 51-202, as they may be amended or replaced, apply to nonjudicial punishment in this Code.*

2. Each commanding officer shall use nonjudicial punishment as an essential and prompt means of maintaining good order and discipline, and to promote positive behavior and changes in servicemen and servicewomen without the stigma of a court-martial conviction.

3. No superior may:

(a) Direct that a subordinate authority impose nonjudicial punishment in a particular case; or

(b) Issue regulations or guidelines which suggest to subordinate authorities that certain categories of minor offenses be disposed of by nonjudicial punishment instead of by court-martial or disposed of by administrative corrective measures, or that predetermined types or amounts of punishment be imposed for certain classifications of offenses that the subordinate authority considers appropriate for disposition by nonjudicial punishment.

4. Nonjudicial punishment may be imposed for a minor offense. Whether an offense is minor must be determined by, without limitation:

(a) The nature of the offense and the circumstances surrounding the commission of the offense;

(b) The age, rank, duty assignment, record and experience of the offender; and

(c) The maximum possible sentence that could be imposed for the offense if tried by general court-martial.

5. The decision as to whether an offense is minor is a matter of discretion for the commanding officer imposing nonjudicial punishment. The imposition and enforcement of nonjudicial punishment pursuant to NRS 412.286 to 412.302, inclusive, and sections 10 to 17, inclusive, of this act is not a bar to a trial by court-martial or other legal proceeding for a

serious crime or offense growing out of the same act or omission and not properly punishable pursuant to NRS 412.286 to 412.302, inclusive, and sections 10 to 17, inclusive, of this act, but the fact that a nonjudicial punishment has been enforced pursuant thereto may be shown by the accused at trial and when so shown must be considered in determining the severity of punishment to be adjudged in the event of a finding of guilty.

Sec. 12. ***Failure to comply with any procedural provision of this Code does not invalidate a punishment imposed pursuant to the Code, unless the error materially prejudiced a substantial right of the servicemen or servicewomen on whom the punishment was imposed.***

Sec. 13. ***1. Commanding officers have authority to impose nonjudicial punishment upon military personnel under their command. The authority of a commanding officer to impose nonjudicial punishment for certain types of offenses or certain categories of persons, or to impose certain types of punishment in specific cases, may be limited or withheld by a superior officer.***

2. Only the Governor and general officers in command may delegate their authority under subsection 1 to a principal assistant. This limitation on delegation of authority does not remove the authority of other commanding officers authorized to act under this Code, but such other commanding officers may not delegate that authority. A commanding officer superior to the commanding officer having authority to impose nonjudicial punishment may withhold that authority.

3. A commanding officer at any echelon may withhold from any subordinate commanding officer all or part of the authority prescribed in subsection 1, including, without limitation, the authority to impose nonjudicial punishment for specific types of offenses that the subordinate would otherwise impose. When authority is withheld, such action should be explained in a clearly defined writing or directive. The original of the writing or directive must be filed in the office of the applicable judge advocate who serves the commanding officer whose authority has been withheld. Any such withholding remains in effect when a new commanding officer is appointed or assumes command, until and unless expressly revoked by the superior commanding officer. Any such action should be addressed to the position held by the commanding officer whose authority has been withheld, not to the commanding officer by name.

Sec. 14. ***An accused facing nonjudicial punishment has the right to demand a trial by court-martial only if the commanding officer who initiated the proceeding for nonjudicial punishment elects to impose restraint-of-freedom punishments. If, before an offer of nonjudicial punishment is made, the commanding officer elects not to impose restraint-of-freedom punishments, the accused has no right to demand a trial by***

court-martial. If the commanding officer does not advise the accused serviceman or servicewoman of his or her right to reject the nonjudicial punishment and demand a trial by court-martial on initiation of the nonjudicial punishment action, the commanding officer thereby waives the right to retain the restraint-of-freedom punishments.

Sec. 15. ***1. A commanding officer, after preliminary inquiry, may use a summarized proceeding if it is determined that punishment will not include restraint-of-freedom punishments.***

2. A Summarized Record of Proceedings, under Article 15, UCMJ, as contained in Army Regulation 27-10, or AF Form 3070, as they may be amended or replaced, must be used to record the summarized nonjudicial punishment proceedings. However, the notification of the right to demand a trial by court-martial must be stricken from the form.

3. If a commanding officer who intends to impose nonjudicial punishment determines that a summarized proceeding is appropriate, the accused must be notified in writing of:

(a) The intent of the commanding officer to initiate nonjudicial punishment;

(b) The intent of the commanding officer to use summarized proceedings;

(c) The lack of a right on the part of the accused to demand a trial by court-martial;

(d) The maximum punishments allowable pursuant to the summarized proceeding;

(e) The right of the accused to remain silent;

(f) Each offense that the accused has allegedly committed with reference to the sections of the law allegedly violated;

(g) The right of the accused to confront witnesses, examine the evidence and submit matters in defense, extenuation and mitigation; and

(h) The right of the accused to appeal ~~.~~] within the period set forth in subsection 4 of NRS 412.296.

4. If a commanding officer determines that a summarized proceeding is appropriate, the accused does not have the right to consult with counsel before the hearing and the accused does not have the right to counsel or a spokesperson during the hearing.

5. Consistent with the regulations applicable to the accused's service, if a hearing is scheduled, notification of the date and time of the hearing may be made orally or in writing. The hearing must be scheduled not earlier than 24 hours and not later than 60 days after the accused receives notification pursuant to subsection 3 of the intent of the commanding officer to impose nonjudicial punishment.

Sec. 16. ***1. A commanding officer who, after preliminary inquiry, determines that the punishment options will include restraint-of-freedom punishments shall use a formal proceeding.***

2. If the commanding officer determines that a formal proceeding is appropriate, the accused must be notified in writing of:

(a) The intent of the commanding officer to initiate nonjudicial punishment;

(b) The intent of the commanding officer to use a formal proceeding;

(c) The maximum punishments allowable under the formal proceeding;

(d) The right of the accused to remain silent;

(e) Each offense that the accused has allegedly committed with reference to sections of the law that are alleged to have been violated;

(f) The right of the accused to confront witnesses, examine the evidence and submit matters in defense, extenuation and mitigation;

(g) The right of the accused to consult with a judge advocate and the location of such counsel;

(h) The right of the accused to demand a trial by court-martial at any time before the imposition of the nonjudicial punishment; and

(i) The right of the accused to appeal.

3. If the commanding officer determines that a formal proceeding is appropriate, the accused must be given a reasonable time to consult with counsel, to gather matters in defense, extenuation and mitigation and to decide whether to accept the nonjudicial punishment or demand a trial by court-martial. This decision period must be at least 48 hours, depending on the availability of counsel, but such period may be extended at the request of the accused.

4. The commanding officer is not bound by the formal rules of evidence before courts-martial and may consider any matter the commanding officer reasonably believes is relevant to the offense.

Sec. 17. ***1. A punishment may be announced at the next formation of the unit of the accused after the punishment is imposed or, if appealed, after the decision on the appeal. The announcement may also be posted on a bulletin board of the unit or published in a newsletter or web publication of the unit.***

2. The announcement of the results of punishments may be used to mitigate perceptions of unfairness of punishment and to serve as a deterrent to similar misconduct by other servicemen and servicewomen. The announcement of punishments must not be undertaken to invoke public embarrassment or scorn of the serviceman or servicewoman so punished. Accordingly, the practice of announcing punishments must be undertaken in a consistent manner to avoid the appearance of favoritism or vindictiveness.

3. In deciding whether to announce the punishment of servicemen and servicewomen in the grade of E-5 or above, the commanding officer shall consider the following factors:

(a) The nature of the offense;

(b) The military record and duty position of the serviceman or servicewoman being punished;

(c) The deterrent effect of announcing the punishment;

(d) The impact on the morale or mission of the applicable unit;

(e) The impact on the victim, if any, of the serviceman's or servicewoman's offense; and

(f) The impact on the ability of the serviceman or servicewoman to lead.

Sec. 18. *1. A military judge must be:*

(a) An active or retired commissioned officer of an organized state military force ~~[,]~~ or in federal service;

(b) One of the following:

(1) A member in good standing of the State Bar of Nevada;

(2) A member of the bar of a federal court for at least 5 years; or

(3) A person who is licensed to practice law in a state other than the State of Nevada, certified by the Adjutant General of the state in which the military judge is licensed, and a member in good standing therein, and who has received permission from the State Bar of Nevada to sit as a military judge; and

(c) Certified as qualified for duty as a military judge by the senior force judge advocate of the same military force of which the accused is a member.

2. If a military judge is not a member of the State Bar of Nevada, the military judge shall be deemed admitted pro hac vice, subject to filing with the senior force judge advocate of the same military force of which the accused is a member a certificate setting forth that the other qualifications provided in subsection 1 have been met.

Sec. 19. *Each component or branch of the state military forces has court-martial jurisdiction over all servicemen and servicewomen of that particular component or branch who are subject to this Code. Additionally, the Nevada Army National Guard and Nevada Air National Guard have court-martial jurisdiction over all servicemen and servicewomen subject to this Code.*

Sec. 20. *1. A person may not be tried or adjudged to punishment under this Code while incompetent.*

2. For the purposes of this section, a person is incompetent when presently suffering from a mental disease or defect rendering the person unable to understand the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case.

Sec. 21. *1. It is an affirmative defense in trial by court-martial that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality of the wrongfulness of his or her acts and, thus, lacked mental responsibility for those acts. Mental disease or defect does not otherwise constitute a defense.*

2. The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

3. Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge shall instruct the members of the court as to the defense of lack of mental responsibility under this section and charge them to find the accused:

(a) Guilty;

(b) Not guilty; or

(c) Not guilty by reason of lack of mental responsibility.

➥ Notwithstanding the provisions of NRS 412.396, the accused may only be found not guilty by reason of lack of mental responsibility pursuant to paragraph (c) if a majority of the members of the court-martial present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

4. The provisions of this subsection and subsection 3 do not apply to a court-martial composed only of a military judge. In the case of a court-martial composed only of a military judge or a summary court-martial officer, whenever lack of mental responsibility of the accused with respect to an offense is properly at issue, the military judge or summary court-martial officer shall find the accused:

(a) Guilty;

(b) Not guilty; or

(c) Not guilty only by lack of mental responsibility.

➥ Notwithstanding the provisions of NRS 412.396, the accused may be found not guilty only by reason of lack of mental responsibility pursuant to paragraph (c) only if the military judge or summary court-martial officer determines that the defense of lack of mental responsibility has been established.

Sec. 22. *1. On application by an accused who is under a sentence of confinement that has not been ordered executed, the convening authority or, if the accused is no longer under that person's jurisdiction, the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned may, in the sole discretion of that person, defer service of the sentence of confinement. The deferment must terminate when the sentence is ordered executed. The person who granted the deferment may rescind the deferment at any time. If the accused is no*

longer under the jurisdiction of the person who granted the deferment, the person exercising general court-martial jurisdiction over the command to which the accused is currently assigned may rescind the deferment at any time.

2. In any case in which a court-martial sentences an accused referred to in subsection 1 to confinement, the convening authority may defer the service of the sentence of confinement without the consent of the accused until after the accused has been permanently released to the state military forces by a state, the United States or a foreign country.

3. Subsection 1 applies to a person subject to this Code who:

(a) While in the custody of a state, the United States or a foreign country is temporarily returned by that state, the United States or a foreign country to the state military forces for trial by court-martial; and

(b) After the court-martial described in paragraph (a), is returned to that state, the United States or a foreign country under the authority of a mutual agreement or treaty, as the case may be.

4. In any case in which a court-martial sentences an accused to confinement and the sentence of confinement has been ordered executed pending review, the Adjutant General may defer further service of the sentence of confinement while that review is pending.

5. As used in this section, the term "state" includes any state, the District of Columbia and any commonwealth, territory or possession of the United States.

Sec. 23. ***1. This section applies to any sentence that includes:***

(a) Confinement for more than 6 months; or

(b) Confinement for 6 months or less and a dishonorable discharge, bad-conduct discharge or dismissal.

2. A sentence described in subsection 1 must result in the forfeiture of pay, or of pay and allowances, due the sentenced serviceman or servicewoman during any period of confinement or parole. The forfeiture required pursuant to this subsection must take effect on the date determined under this Code and may be deferred as provided by law. In the case of a general court-martial, all pay and allowances due the sentenced serviceman or servicewoman during such period must be forfeited. In the case of a special court-martial, two-thirds of all pay due the sentenced serviceman or servicewoman during such period must be forfeited.

3. In a case involving an accused who has dependents, the convening authority or other person acting under this Code may waive any or all of the forfeitures of pay and allowances required by subsection 2 for a period not to exceed 6 months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited must be paid, as the

convening authority or other person taking action directs, to the dependents of the accused.

4. If the sentence of a serviceman or servicewoman who forfeits pay and allowances under subsection 2 is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection 1, the serviceman or servicewoman must be paid the pay and allowances which the serviceman or servicewoman would otherwise have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.

Sec. 24. ***1. In each case subject to appellate review pursuant to NRS 412.422, the accused may file with the convening authority a statement expressly withdrawing the right of the accused to such appeal. Such a withdrawal must be signed by both the accused and defense counsel and must be filed in accordance with appellate procedures as provided by law.***

2. The accused may withdraw an appeal at any time in accordance with appellate procedures as provided by law.

Sec. 25. ***1. In a trial by court-martial in which a punitive discharge may be adjudged, the State may not appeal a finding of not guilty with respect to the charge or specification by the members of the court-martial, or by a judge in a bench trial, provided that the finding is not made in reconsideration of a sentence or a finding of guilty. The State may appeal the following:***

(a) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification;

(b) An order or ruling which excludes evidence that is substantial proof of a fact material to the proceeding;

(c) An order or ruling which directs the disclosure of classified information;

(d) An order or ruling which imposes sanctions for nondisclosure of classified information;

(e) A refusal of the military judge to issue a protective order sought by the State to prevent the disclosure of classified information; and

(f) A refusal by the military judge to enforce an order described in paragraph (e) that has been previously issued by appropriate authority.

2. An appeal of an order or ruling by the State may not be taken unless the trial counsel provides the military judge with written notice of appeal from the order or ruling within 72 hours after the order or ruling. Such notice must include a certification by the trial counsel that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.

3. The State must diligently prosecute an appeal under this section as provided by law.

4. An appeal under this section must be forwarded to the court prescribed in this Code. In ruling on an appeal under this section, the court may act only with respect to matters of law.

5. Any period of delay resulting from an appeal under this section must be excluded in deciding any issue regarding denial of a speedy trial unless an appropriate authority determines that the appeal was filed solely for the purpose of delay with the knowledge that it was totally frivolous and without merit.

Sec. 26. *1. The senior force judge advocate or his or her designee shall review each general and special court-martial case in which there has been a finding of guilty. The senior force judge advocate or designee may not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge or counsel or has otherwise acted on behalf of the prosecution or defense. The review of the senior force judge advocate or designee must be in writing and must contain the following:*

(a) Conclusions as to whether:

(1) The court has jurisdiction over the accused and the offense;

(2) The charge and specification stated an offense; and

(3) The sentence was within the limits prescribed by law.

(b) A response to each allegation of error made in writing by the accused.

(c) If the case is sent for action pursuant to subsection 2, a recommendation as to the appropriate action to be taken and an opinion as to whether corrective action is required as a matter of law.

2. The record of trial and related documents in each case reviewed under subsection 1 must be sent for action to the Adjutant General if:

(a) The senior force judge advocate who reviewed the case recommends corrective action;

(b) The sentence approved includes dismissal, a bad-conduct discharge, dishonorable discharge or confinement for more than 6 months; or

(c) Such action is otherwise required by regulations of the Adjutant General.

3. The Adjutant General may:

(a) Disapprove or approve the findings or sentence, in whole or in part;

(b) Remit, commute or suspend the sentence in whole or in part;

(c) Except where the evidence was insufficient at the trial to support the findings, order a rehearing on the findings or on the sentence, or both; or

(d) Dismiss the charges.

4. If a rehearing is ordered but the convening authority finds a rehearing impracticable, the convening authority shall dismiss the charges.

5. If the opinion of the senior force judge advocate or designee, in the review under subsection 1, is that corrective action is required as a matter of law and if the Adjutant General does not take action that is at least as favorable to the accused as that recommended by the senior force judge advocate or designee, the record of trial and action thereon must be sent to the Governor for review and action as deemed appropriate.

6. The senior force judge advocate or his or her designee may review any case in which there has been a finding of not guilty of all charges and specifications. The senior force judge advocate or designee may not review a case under this subsection if that person has acted in the same case as an accuser, investigating officer, member of the court, military judge or counsel or has otherwise acted on behalf of the prosecution or defense. The senior force judge advocate or designee shall limit any review under this subsection to questions of subject matter jurisdiction ~~[.]~~ ***as that jurisdiction is set forth in NRS 412.256.***

7. The record of trial and related documents in each case reviewed under subsection 6 must be sent for action to the Adjutant General.

8. The Adjutant General may:

(a) When subject matter jurisdiction is found to be lacking, void the court-martial ab initio, with or without prejudice to the government, as the Adjutant General deems appropriate; or

(b) Return the record of trial and related documents to the senior force judge advocate for appeal by the government as provided by law.

Sec. 27. ***1. The senior force judge advocate shall detail a judge advocate as appellate government counsel to represent the State in the review or appeal of cases specified in NRS 412.432 and before any federal or state court when requested to do so by the Attorney General. Appellate counsel representing the government must be members in good standing of the State Bar of Nevada.***

2. Upon an appeal by the State of Nevada, an accused has the right to be represented by detailed military counsel before any reviewing authority and before any appellate court.

3. Upon the appeal by an accused, the accused has the right to be represented by military counsel before any reviewing authority.

4. Upon the request of an accused entitled to be so represented, the senior force judge advocate shall appoint a judge advocate to represent the accused in the review or appeal of cases specified in subsections 2 and 3.

5. An accused may be represented by civilian appellate counsel at no expense to the State.

Sec. 28. *Decisions of a court-martial are from a court with jurisdiction to issue felony convictions, and appeals are to the court provided by the law of the state in which the court-martial was held. Appeals are to be made to courts of the state where a court-martial is held only after the exhaustion of the review conducted pursuant to NRS 412.418 to 412.438, inclusive, and sections 24 to 28, inclusive, of this act. The appellate procedures to be followed must be those provided by law for the appeal of criminal cases thereto.*

Sec. 29. *Under regulations prescribed, an accused who has been sentenced by a court-martial may be required to take leave pending completion of any action under NRS 412.304 to 412.448, inclusive, and sections 18 to 32, inclusive, of this act, if the sentence includes an unsuspended dismissal, an unsuspended dishonorable discharge or a bad-conduct discharge. The accused may be required to begin such leave on the date on which the sentence is approved or at any time after such date, and such leave may be continued until the date on which action under NRS 412.304 to 412.448, inclusive, and sections 18 to 32, inclusive, of this act is completed or may be terminated at an earlier time.*

Sec. 30. *1. Unless otherwise stated in this section, in the case of a person determined pursuant to section 20 of this act to be incompetent, the provisions of NRS 178.3981 to 178.4715, inclusive, are applicable. References to the court in NRS 178.3981 to 178.4715, inclusive, and to the judge of such court, shall be deemed to refer to the convening authority having authority to convene a general court-martial for that person. However, if the person is no longer subject to this Code at a time relevant to the application to the person of the relevant provisions of NRS 178.3981 to 178.4715, inclusive, the state trial court with felony jurisdiction in the county where the person is committed or otherwise may be found retains the powers specified in NRS 178.3981 to 178.4715, inclusive, as if it were the court that ordered the commitment of the person.*

2. When the ~~[Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or the Administrator's designee]~~ director of a facility in which a person is hospitalized pursuant to the actions taken by the convening authority having authority to convene a general court-martial for that person determines that the person ~~[has recovered to such an extent that the person]~~ is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the ~~[Administrator or the Administrator's designee]~~ director shall promptly transmit a notification of that determination to the convening authority having authority to convene a general court-martial for the person ~~[.]~~ , the person's counsel and the authority having custody of the person. The

~~*[Administrator or the Administrator's designee shall send a copy of the notification to the person's counsel. The Administrator]*~~ *authority having custody of the person may retain custody of the person for not more than 30 days after* ~~*[transmitting]*~~ *receiving notification that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case.*

3. Upon receipt of a notification pursuant to subsection 2, the convening authority having authority to convene a general court-martial for the person shall promptly take custody of the person unless the person to which the notification applies is no longer subject to this Code. If the person is no longer subject to this Code, the ~~*[Administrator]*~~ *state trial court with felony jurisdiction in the county where the person is committed or otherwise may be found may take any action within the authority of* ~~*[the Administrator]*~~ *that court that the* ~~*[Administrator]*~~ *court considers appropriate regarding the person.*

Sec. 31. *1. If a person is found by a court-martial not guilty by reason of lack of mental responsibility or not guilty only by reason of lack of mental responsibility, the person must be committed to a suitable facility until the person is eligible for release through the procedures specified in NRS 178.467 to 178.471, inclusive.*

2. The court-martial must conduct a hearing on the mental condition of the person in accordance with NRS 175.539. A report of the results of the hearing must be made to the convening authority having authority to convene a general court-martial for the person.

3. If the court-martial finds by clear and convincing evidence that the person is a person with mental illness, the convening authority having authority to convene a general court-martial for the person shall commit the person to the custody of ~~*[the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services.]*~~ *a suitable facility until the person is eligible for release through the procedures specified in NRS 178.467 to 178.471, inclusive.*

4. Except as otherwise provided by law, the provisions of NRS 178.467 to 178.471, inclusive, apply in the case of a person committed to the custody of ~~*[the Administrator]*~~ *a suitable facility pursuant to this section, except that the* ~~*[state trial court with felony jurisdiction in the county where the person is committed]*~~ *convening authority having authority to convene a general court-martial for the person shall be considered the court that ordered the person's commitment.*

Sec. 32. *At a hearing ordered pursuant to section 30 or 31 of this act, the person whose mental condition is the subject of the hearing must be represented by counsel and, if the person is financially unable to obtain*

adequate representation, counsel must be appointed for the person pursuant to NRS 412.364 if the hearing is conducted by a court-martial or pursuant to NRS 171.188 if the hearing is conducted by a court of this State. The person must be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his or her behalf, and to confront and cross-examine witnesses who appear at the hearing.

Sec. 33. ***Any person who in time of war is found lurking as a spy or acting as a spy in or about any place, vessel or aircraft within the control or jurisdiction of any of the Armed Forces of the United States or in or about any shipyard, any manufacturing or industrial plant or any other place or institution engaged in work in aid of the prosecution of the war by the United States or elsewhere must be tried by a general court-martial.***

Sec. 34. ***1. Any person subject to this Code who, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, directly or indirectly communicates, delivers or transmits, or attempts to communicate, deliver or transmit, any object or information to any entity shall be punished as a court-martial may direct.***

2. A person accused pursuant to this section must be given broad latitude to present matters in extenuation and mitigation.

3. Findings made pursuant to this section may be based on evidence introduced on the issue of guilt or innocence, and evidence introduced during the sentencing proceeding.

4. As used in this section:

(a) "Entity" means:

(1) A foreign government;

(2) A faction, party or military or naval force within a foreign country, whether recognized or unrecognized by the United States; or

(3) A representative, officer, agent, employee, subject or citizen of a government, faction, party or force that is described in subparagraph (1) or (2).

(b) "Object or information" includes, without limitation, a document, writing, code book, signal book, sketch, photograph, photolineart negative, blueprint, plan, map, model, note, instrument, appliance or other information relating to national defense.

Sec. 35. ***1. Any person subject to this Code who wrongfully uses, possesses, manufactures, distributes, imports into customs territory of the United States, exports from the United States or introduces into an installation, vessel, vehicle or aircraft used by or under the control of the Armed Forces of the United States or of any state military forces a substance described in subsection 2 shall be punished as a court-martial may direct.***

2. The substances referred to in subsection 1 include, without limitation:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid and marijuana, and any compound or derivative of any such substance.

(b) Any substance not specified in paragraph (a) that is listed in a schedule of controlled substances prescribed by the President of the United States for the purposes of the Uniform Code of Military Justice of the Armed Forces of the United States, 10 U.S.C. §§ 801 et seq.

(c) Any other substance not referenced pursuant to paragraph (a) or (b) and that is listed in schedules I to V, inclusive, of 21 U.S.C. § 812.

Sec. 36. ***1. Any person subject to this Code who engages in or causes nonconsensual sexual contact with or by another person, without legal justification or lawful authorization, is guilty of sexual assault or sexual misconduct and shall be punished by way of nonjudicial punishment or as a court-martial may direct.***

2. Neither consent nor mistake of fact as to consent is an affirmative defense in a prosecution for sexual assault or sexual misconduct.

3. In a prosecution under this section, in proving that the accused made a threat, it need not be proven that the accused actually intended to carry out the threat.

4. As used in this section:

(a) "Nonconsensual" means:

(1) Using force against the other person before consent or to gain consent;

(2) Causing grievous bodily harm to a person;

(3) Threatening or placing a person in fear to gain consent;

(4) Rendering a person unconscious;

(5) Administering to a person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;

(6) Receiving verbal nonconsent before the act; or

(7) Lack of permission given.

(b) "Sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of another person or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh or buttocks of any person, with an intent to abuse, humiliate or degrade any person or to arouse or gratify the sexual desire of any person.

Sec. 37. *1. Any person subject to this Code:*

(a) Who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including, without limitation, sexual assault, to himself or herself or a member of his or her immediate family;

(b) Who has knowledge or should have knowledge that the specific person will be placed in reasonable fear of death or bodily harm, including, without limitation, sexual assault, to himself or herself or a member of his or her immediate family; and

(c) Whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family,

↪ is guilty of stalking and shall be punished as a court-martial may direct.

2. As used in this section:

(a) "Course of conduct" means a repeated:

(1) Maintenance of visual or physical proximity to a specific person; or

(2) Conveyance of verbal threats, written threats or threats implied by conduct or a combination of such threats, directed at or toward a specific person.

(b) "Immediate family," in the case of a specific person, means a spouse, parent, child or sibling of that person or any other family member, relative or intimate partner of the person who regularly resides in the household of the person or who regularly engages in contact with the person.

(c) "Repeated," with respect to conduct, means two or more occasions of such conduct.

Sec. 38. *1. Any person subject to this Code who wrongfully takes, obtains or withholds by any means, from the possession of the owner or of any other person, any money, personal property or article of value of any kind:*

(a) With intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his or her own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

(b) With intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to his or her own use or the use of another person other than the owner, is guilty of wrongful appropriation.

2. Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

Sec. 39. *Any person subject to this Code who communicates threats to another person with the intention thereby to obtain anything of value or any acquaintance, advantage or immunity is guilty of extortion and shall be punished as a court-martial may direct.*

Sec. 40. *Any person subject to this Code who:*

1. Attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

2. Commits an assault and intentionally inflicts grievous bodily harm with or without a weapon is guilty of aggravated assault and shall be punished as a court-martial may direct.

Sec. 41. *1. The following persons may administer oaths for the purposes of military administration, including military justice:*

(a) Any judge advocate;

(b) Any summary court-martial;

(c) Any adjutant, assistant adjutant, acting adjutant and personnel adjutant;

(d) Any commanding officer of the naval militia; and

(e) Any other person so designated by regulations of the Armed Forces of the United States or by the laws of this State.

2. The following persons may administer oaths necessary in the performance of their duties:

(a) The president, military judge and trial counsel for all general and special courts-martial;

(b) The president and the counsel for the court of any court of inquiry;

(c) Any officer designated to take a deposition;

(d) Any person detailed to conduct an investigation;

(e) Any recruiting officer; and

(f) Any other person so designated by regulations of the Armed Forces of the United States or by the laws of this State.

3. The signature without seal of any person, together with the title of his or her office, is prima facie evidence of the authority of that person.

Sec. 42. *This Code shall be so construed as to effectuate its general purpose to make it uniform, so far as practical, with the Uniform Code of Military Justice, 10 U.S.C. §§ 801 et seq.*

Sec. 43. *The provisions of this Code are hereby declared independent and severable and the invalidity, if any, or part or feature thereof shall not affect or render the remainder of such Code invalid or inoperative.*

Sec. 44. *Enlisted personnel of the Nevada National Guard, including retired enlisted members thereof, may organize themselves into an association, which is to be named the Nevada Enlisted Association of the National Guard of the United States. The Association may adopt bylaws*

not inconsistent with the statutes of this State and may alter and amend such bylaws. The Association may, upon request, provide advice and assistance to the Adjutant General regarding matters of concern to enlisted personnel of the Nevada National Guard.

Sec. 45. NRS 412.014 is hereby amended to read as follows:

412.014 "Office" means the Office of the Military ~~[.]~~ ***, including, without limitation, the Nevada Army National Guard and the Nevada Air National Guard.***

Sec. 46. NRS 412.022 is hereby amended to read as follows:

412.022 "Reservists" means members of the ***reservists of the*** Nevada National Guard ~~[Reserve.]~~ ***that are licensed by the Governor or by his or her designee.***

Sec. 47. NRS 412.024 is hereby amended to read as follows:

412.024 "Volunteers" means members of volunteer ***military*** organizations licensed by the Governor.

Sec. 48. NRS 412.026 is hereby amended to read as follows:

412.026 1. The militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, ***reservists to*** the Nevada National Guard ~~[Reserve]~~ and any volunteer ***military*** organizations licensed by the Governor.

2. The Nevada National Guard is an organized body of enlisted personnel between the ages of 17 and 64 years and commissioned officers between the ages of 18 and 64 years, divided into the Nevada Army National Guard and the Nevada Air National Guard.

3. ~~[The Nevada National Guard Reserve is an unorganized body comprising all able-bodied residents of the State between the ages of 17 and 64 years who:~~

~~(a) Are not serving in any force of the Nevada National Guard;~~

~~(b) Are or have declared their intention to become citizens of the United States; and~~

~~(c) Are not exempted from military duty under the laws of this state or the United States.~~

~~4.]~~ If a volunteer ***military*** organization is formed and becomes licensed by the Governor, it shall consist of an organized body of able-bodied residents of the State between the ages of 17 and 64 years who are not serving in any force of the Nevada National Guard and who are or who have declared their intention to become citizens of the United States.

Sec. 49. NRS 412.044 is hereby amended to read as follows:

412.044 1. The Governor shall appoint an Adjutant General who shall hold office for a 4-year term or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial. The current term of an Adjutant General shall continue until its

prescribed expiration date while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States.

2. To be eligible for appointment to the office of Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of lieutenant colonel or higher, and must have completed at least 6 ~~[years']~~ ***years of*** service in the Nevada National Guard as a federally recognized officer.

3. The Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not exceeding that of major general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of major general.

Sec. 50. NRS 412.048 is hereby amended to read as follows:

412.048 The Adjutant General shall serve as the Chief of Staff to the Governor, the Director of the Office of the Military and the Commander of the Nevada National Guard, and:

1. Is responsible, under the direction of the Governor, for the supervision of all matters pertaining to the administration, discipline, mobilization, organization and training of the Nevada National Guard, ***reservists of the*** Nevada National Guard ~~[Reserve]~~ and volunteer ***military*** organizations licensed by the Governor.

2. Shall perform all duties required of him or her by the laws of the United States and of the State of Nevada, and the regulations issued thereunder.

3. Shall employ such deputies, assistants and other personnel as he or she deems necessary to assist in the performance of those duties required of the Adjutant General as Director of the Office. The Adjutant General may so employ either members of the Nevada National Guard or civilian personnel. The duties of all deputies, assistants and other personnel appointed must be prescribed by Office regulations. All such employees are in the unclassified service of the State except civilian, clerical, administrative, maintenance and custodial employees who are in the classified service of the State.

Sec. 51. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively, at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

2. To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of lieutenant colonel or higher, and must have completed at least 6 ~~[years']~~ ***years of*** service in the Nevada National Guard

as a federally recognized officer **.** ~~[, 3 years of which must be immediately before the appointment.]~~

3. An Assistant Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

4. The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

5. Whoever serves as Chief of Staff for Army is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

6. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:

(a) One of the Assistant Adjutants General to perform the duties of his or her office as Acting Adjutant General.

(b) If neither Assistant Adjutant General is available, any national guard officer to be the Acting Adjutant General.

➥ The designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

Sec. 52. NRS 412.076 is hereby amended to read as follows:

412.076 1. Members of the militia of the State who are ordered to state active duty under the provisions of this chapter shall be deemed to be temporary employees of the State ~~[.]~~ ***for the purposes of subsection 9 of NRS 286.297.***

2. Regular employees of the Office may be ordered to state active duty under this chapter without jeopardizing their status as regular employees. Employees so ordered must be in an authorized leave status from their regular military office employment during the period served on active duty.

Sec. 53. NRS 412.088 is hereby amended to read as follows:

412.088 1. The Office ~~[shall]~~ ***may*** adopt and provide suitable medals, prizes or other awards for the promotion of rifle practice by duly organized rifle clubs of the Nevada ~~[State Rifle Association]~~ ***Firearms Coalition*** and organizations and members of the Nevada National Guard ~~[.]~~ ***when funds are available and appropriated by the State or the Federal Government.***

2. The Adjutant General shall encourage and promote rifle and pistol practice by Nevada clubs affiliated with the National Rifle Association of America, and select and appoint representatives from those clubs to attend the annual national rifle and pistol matches. Not more than $1,000 of the

amount appropriated for the support of the Adjutant General's office may be used annually in the purchase of ammunition to be used by such rifle clubs, which ammunition must be sold at cost plus transportation charges.

Sec. 54. NRS 412.116 is hereby amended to read as follows:

412.116 1. The forces of the Nevada National Guard must be organized, armed, disciplined, governed, administered and trained as prescribed by applicable federal laws and regulations and Office regulations.

2. It hereby is declared to be the policy of the State that there must be an equality of treatment and opportunity for all persons in the Nevada National Guard without regard to race, creed, color, ~~[sex]~~ ***gender, sexual orientation*** or national origin.

3. As used in this section, "sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 55. NRS 412.126 is hereby amended to read as follows:

412.126 1. The Governor is authorized to issue licenses to bodies of persons to organize, drill and bear arms as ***volunteer*** military companies or ***volunteer military*** organizations.

2. Whenever any such body of persons associate themselves as a ***volunteer*** military company or ***volunteer military*** organization and drill with arms under the license of the Governor, the ***volunteer*** military company or ***volunteer military*** organization:

(a) Shall file with the Adjutant General annually, or at such time as the Governor or Adjutant General may designate, a muster roll of such ***volunteer*** military company or ***volunteer military*** organization certified by the oath of the commanding officer thereof. The muster roll shall contain the names, ages, occupations and places of residence of all members thereof, and the number and character of all arms in the possession of such organization.

(b) Is subject to inspection by the Adjutant General upon his or her request within such time as the Adjutant General shall designate.

3. Each member of such ***volunteer*** military company or ***volunteer military*** organization shall take and subscribe to an oath before a person authorized to administer it that he or she will support the Constitution of the United States and the Constitution of the State of Nevada and will obey and maintain all laws and obey all officers employed in administering those Constitutions and laws.

Sec. 56. NRS 412.128 is hereby amended to read as follows:

412.128 1. Whenever the Governor deems it necessary in time of peace, the Governor may call all or any part of the ***reservists of the*** Nevada National Guard ~~[Reserve]~~ or volunteer ***military*** organizations licensed by the Governor into active service to be organized pursuant to Office regulations to augment the Nevada National Guard as an internal security force.

2. In time of war, the Governor may call all or any part of the ***reservists of the*** Nevada National Guard ~~[~~Reserve~~]~~ or volunteer ***military*** organizations licensed by the Governor into active service to be organized pursuant to Office regulations to replace the Nevada National Guard as a state force when the Nevada National Guard is ordered into federal service.

3. Whenever laws of the United States authorize the organization of such state forces under federal recognition, the Governor or Adjutant General may promulgate such Office regulations as are necessary to comply with such federal laws and obtain federal recognition for the force authorized by this section.

Sec. 57. NRS 412.138 is hereby amended to read as follows:

412.138 When members of the Nevada National Guard are called into state active duty by the Governor to fight a fire, combat a flood or any other emergency where members of the Nevada National Guard are performing as a labor force rather than a military force, they shall receive pay and allowances ~~[equal to that received by the main labor force in the service of the State or Federal Government.]~~ ***according to their respective military grade and pay status.***

Sec. 58. NRS 412.188 is hereby amended to read as follows:

412.188 1. The qualifications for enlistment and reenlistment, the periods of enlistment, reenlistment and voluntary extension of enlistment, the period of service, the form of oath to be taken and the manner and form of transfer and discharge of enlisted personnel of the Nevada National Guard must be those prescribed by applicable federal laws and regulations and Office regulations.

2. The Governor is authorized to extend the period of any enlistment, reenlistment, voluntary extension of enlistment or the period of service of enlisted personnel ~~[of]~~ ***serving as reservists of*** the Nevada National Guard ~~[Reserve]~~ or volunteer ***military*** organizations licensed by the Governor for a period not to exceed 6 months after the termination of an emergency declared by the Governor, the Legislature, the President or Congress.

3. Whenever the period of enlistment, reenlistment, voluntary extension of enlistment, and the period of service of enlisted personnel of the reserve components of the Armed Forces of the United States are extended, the Governor shall extend the period of any enlistment, reenlistment, voluntary extension of enlistment or the period of service of enlisted personnel in the corresponding ~~[force]~~ ***component*** of the Nevada National Guard for the same period.

Sec. 59. NRS 412.196 is hereby amended to read as follows:

412.196 NRS 412.196 to 412.584, inclusive, ***and sections 2 to 43, inclusive, of this act*** may be cited as the Nevada Code of Military Justice.

Sec. 60. NRS 412.198 is hereby amended to read as follows:

412.198 As used in the Nevada Code of Military Justice ***, unless the context otherwise requires,*** the words and terms defined in NRS 412.202 to 412.252, inclusive, ***and sections 2 to 6, inclusive, of this act*** ~~[shall, unless the context otherwise requires,]~~ have the meaning ascribed to them in ~~[such]~~ ***those*** sections.

Sec. 61. NRS 412.214 is hereby amended to read as follows:

412.214 "Commanding officer" ~~[includes only]~~ ***means a*** commissioned ~~[officers.]~~ ***officer who by virtue of rank and assignment exercises primary command authority over a military organization or a prescribed territorial area, which under pertinent official directives is recognized as a command.***

Sec. 62. NRS 412.216 is hereby amended to read as follows:

412.216 "Commissioned officer" includes ~~[a]~~ ***an officer*** commissioned ***in the Armed Forces of the United States and all*** warrant ~~[officer.]~~ ***officers of the same.***

Sec. 63. NRS 412.239 is hereby amended to read as follows:

412.239 "Military judge" means an official of a general or special court-martial ***.*** ~~[, who is a commissioned officer and who is licensed to practice law in the State of Nevada.]~~

Sec. 64. NRS 412.242 is hereby amended to read as follows:

412.242 "Nevada National Guard" includes the National Guard of the State, as defined in 32 U.S.C. § 101(3), the ***reservists to the*** Nevada National Guard ~~[Reserve]~~ and volunteer ***military*** organizations licensed by the Governor when called into active service by the Governor.

Sec. 65. NRS 412.254 is hereby amended to read as follows:

412.254 ***1.*** The following persons who are not in federal service are subject to this Code:

~~[1.]~~ ***(a)*** Members of the Nevada National Guard, whether or not they are in training pursuant to 32 U.S.C. §§ 501 to 507, inclusive.

~~[2.]~~ ***(b) Retired, separated or discharged members of the Nevada National Guard, regardless of their entitlement to pay, if the offense charged occurred before their retirement, separation or discharge.***

(c) All other persons lawfully ordered to duty in or with the Nevada National Guard, from the dates they are required by the terms of the order or other directive to obey it.

2. No person may be punished under this Code for any offense provided for in the Code unless:

(a) The person is subject to any provision of subsection 1 or is a member of the state military forces; and

(b) The offense is either a purely military offense or a civilian offense where there is a nexus between the offense and the state military forces.

3. To impose disciplinary action under the Code, there must be jurisdiction over the person pursuant to section 8 of this act and jurisdiction over the subject matter pursuant to NRS 412.256.

4. For jurisdictional issues based on assignment or attachment, each service component shall refer to the current rules and other guidance applicable to the service component, including, without limitation, regulations and policy directives. Before the initiation of any action pursuant to this Code, the judge advocate shall require that the commanding officer resolve any jurisdictional issue regarding assigned or attached personnel involved in the action.

Sec. 66. NRS 412.256 is hereby amended to read as follows:

412.256 ***The following ~~[subject matter is subject]~~ provisions apply with regard to jurisdiction under this Code:***

1. An offense of a purely military nature contained in the Code may be the subject of administrative measures, nonjudicial punishment or courts-martial. Each military offense is derived from the Uniform Code of Military Justice, 10 U.S.C. §§ 801 et seq. and, to the extent not inconsistent with the Code provisions describing those offenses, this Code incorporates each element of the offense as described in the Uniform Code with the following clarifications:

(a) Insofar as an element of an offense described in the Uniform Code refers to the United States, the element also refers to this State.

(b) Insofar as an element of an offense described in the Uniform Code refers to persons in the service of the United States or officials thereof, the element also includes persons in the service of the state military forces or state officials as provided in the Code.

(c) Insofar as an element refers to the property of the United States, the element also includes property of this State.

2. Offenses of a nonmilitary nature may be the subject of administrative measures, nonjudicial punishment or court-martial provided that the person alleged to have committed the offense is subject to the Code and there is a nexus between the act or omission constituting the offense and the state military forces. Civilian criminal offenses may be subject to prosecution pursuant to 10 U.S.C. §§ 933 and 934 if that nexus is present.

3. A proper civilian court has primary jurisdiction when an act or omission violates both the Code and state or federal criminal law. In such cases, a state court-martial or nonjudicial proceeding for punishment may be initiated only after the civilian authority has declined to prosecute or has dismissed charges, provided jeopardy has not attached. However, nothing in this Code precludes a commanding officer from taking administrative action even if the civilian authority exercises jurisdiction. Administrative remedies are not considered double jeopardy.

4. Any member of the state military forces may be ordered to duty involuntarily for any purpose under the Code.

5. In conducting prosecutions, a judge advocate shall coordinate with the Attorney General of the State of Nevada, similar officials in the State or county or equivalent prosecutorial authorities and appropriate municipal prosecutorial authorities to ensure that the judge advocate prosecutes with the cooperation of those local and state prosecutors. A commanding officer shall refer all suspected civilian offenses to a judge advocate who shall coordinate with the proper authorities when appropriate.

6. Each person discharged from the Nevada National Guard who is later charged with having fraudulently obtained the discharge is, subject to NRS 412.376, subject to trial by court-martial on that charge and is after apprehension subject to this Code while in the custody of the military for that trial. Upon conviction of that charge the person is subject to trial by court-martial for all offenses under this Code committed before the fraudulent discharge.

~~[2.]~~ ***7.*** No person who has deserted from the Nevada National Guard may be relieved from amenability to the jurisdiction of this Code by virtue of a separation from any later period of service.

Sec. 67. NRS 412.286 is hereby amended to read as follows:

412.286 ***1.*** Under Office regulations, limitations may be placed on the powers granted by NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, punishment may not be imposed upon any member of the Nevada National Guard under NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under Office regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by Office regulations, a commanding officer exercising general court-martial jurisdiction or an officer of general rank in command may delegate his or her powers under NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** to a principal assistant.

2. When nonjudicial punishment has been imposed for an offense, nonjudicial punishment may not again be imposed for the same offense. Administrative action can be taken for the same offense and will not be considered double punishment under the Code. For the purposes of this

subsection, "same offense" means an offense that was part of a single incident or course of conduct.

3. After nonjudicial punishment has been imposed, it may not be increased, upon appeal or otherwise, unless the punishment imposed was not provided for in the Code.

4. When a commanding officer determines that nonjudicial punishment is appropriate for a particular serviceman or servicewoman, all known offenses determined to be appropriate for disposition by nonjudicial punishment and ready to be considered at that time, including, without limitation, all such offenses arising from a single incident or course of conduct, must ordinarily be considered together, rather than being made the basis for multiple punishment.

5. Nonjudicial punishment may not be imposed for any offense which was committed more than 3 years before the date of imposition of punishment, unless such 3-year limitation is waived by the accused in writing or unless the accused has filed an appeal under this Code.

6. Nothing in subsection 2 or 4 precludes a commanding officer from imposing, at one time, more than one punishment nonjudicially for the offense or offenses arising from a single incident or course of conduct authorized in the Code.

Sec. 68. NRS 412.288 is hereby amended to read as follows:

412.288 Subject to NRS 412.286, **[**~~any~~**]** ***a*** commanding officer may **[**~~, in addition to or in lieu of admonition or reprimand,~~**]** impose one or more of the following ***authorized maximum*** disciplinary punishments ***listed in this section*** for minor offenses **,** without the intervention of a court-martial:

[~~1. Upon officers of his or her command:~~

~~(a) Restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days.~~

~~(b) If imposed by an officer exercising general court martial jurisdiction or an officer of general rank in command:~~

~~(1) Arrest in quarters for not more than 30 consecutive days;~~

~~(2) Forfeiture of not more than one-half of 1 month's pay per month for 2 months;~~

~~(3) Restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days; or~~

~~(4) Detention of not more than one-half of 1 month's pay per month for 3 months.~~

~~2. Upon other personnel of his or her command:~~

~~(a) Correctional custody for not more than 7 consecutive days.~~

~~(b) Forfeiture of not more than 7 days' pay.~~

~~(c) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction.~~

~~(d) Extra duties, including fatigue or other duties, for not more than 14 consecutive days.~~

~~(e) Restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days.~~

~~(f) Detention of not more than 14 days' pay.~~

~~(g) If imposed by an officer of the grade of major or above:~~

~~(1) Correctional custody for not more than 30 consecutive days;~~

~~(2) Forfeiture of not more than one-half of 1 month's pay per month for 2 months;~~

~~(3) Reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;~~

~~(4) Extra duties, including fatigue or other duties, for not more than 45 consecutive days;~~

~~(5) Restrictions to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days; or~~

~~(6) Detention of not more than one-half of 1 month's pay per month for 3 months.~~

~~➥ Detention of pay shall be for a stated period of not more than 1 year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two or more of the punishments of arrest in quarters, correctional custody, extra duties, and restriction may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment. For the purposes of this subsection, "correctional custody" is the physical restraint of a person during duty or nonduty hours and may include extra duties, fatigue duties or hard labor. If practicable, correctional custody will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.~~]

1. The maximum punishments a company grade officer may impose upon enlisted members of the officer's command for each offense are:

(a) For traditional guard members of the Nevada National Guard:

(1) Suspension from duty for not more than two drill periods which need not be consecutive;

(2) Forfeiture of pay for not more than two drill periods which need not be consecutive;

(3) Reduction to the next inferior pay grade if the grade from which the serviceman or servicewoman is demoted is within the authority to promote of the officer imposing the reduction;

(4) Withholding of privileges for not more than 6 consecutive months;

(5) Reprimand; and

(6) Admonition.

(b) For active guard reserve members of the Nevada National Guard:

(1) Suspension from duty for not more than 14 days which need not be consecutive;

(2) Forfeiture of pay for not more than 14 days which need not be consecutive;

(3) Reduction to the next inferior pay grade if the grade from which the serviceman or servicewoman is demoted is within the authority to promote of the officer imposing the reduction;

(4) Withholding of privileges for not more than 6 consecutive months;

(5) Reprimand; and

(6) Admonition.

2. The maximum punishments a commanding officer of the grade of major or above may impose upon enlisted members of the officer's command are:

(a) Any punishment authorized in subsection 1.

(b) For traditional guard members of the Nevada National Guard:

(1) Suspension from duty for not more than four drill periods which need not be consecutive;

(2) Forfeiture of pay for not more than four drill periods which need not be consecutive; and

(3) Reduction to the next inferior pay grade if the grade from which the serviceman or servicewoman is demoted is within the authority to promote of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades.

(c) For active guard reserve members of the Nevada National Guard:

(1) Suspension from duty for not more than 1 month, the days of which need not be consecutive;

(2) Forfeiture of pay for not more than 1 month, the days of which need not be consecutive; and

(3) Reduction to the next inferior pay grade if the grade from which the serviceman or servicewoman is demoted is within the authority to promote of the officer imposing the reduction or any officer subordinate to

the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades.

3. The maximum punishments which a commanding officer may impose upon officers under the commanding officer's command are:

(a) Any punishment otherwise authorized pursuant to this section and, if the commanding officer is a major or above, any punishment authorized in subsection 2.

(b) If imposed by an officer exercising general court-martial jurisdiction or an officer of general rank in command:

(1) For traditional guard members of the Nevada National Guard:

(I) Suspension from duty for not more than eight drill periods which need not be consecutive; and

(II) Forfeiture of pay for not more than one-half of one drill period's pay for eight drill periods which need not be consecutive.

(2) For active guard reserve members of the Nevada National Guard:

(I) Suspension from duty for not more than 2 months, the days of which need not be consecutive; and

(II) Forfeiture of pay for not more than one-half of 1 month's pay for 2 months, the days of which need not be consecutive.

4. The Governor, the Adjutant General, an officer exercising general court-martial authority or an officer of a general or flag rank may impose any punishment authorized in subsection 1, 2 or 3 upon any officer or enlisted member of the officer's command.

Sec. 69. NRS 412.294 is hereby amended to read as follows:

412.294 ***1.*** The officer who imposes the punishment authorized in NRS 412.288, or the officer's successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under NRS 412.288, whether or not executed.

2. In addition, he or she may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges and property affected.

3. He or she may also mitigate reduction in grade to forfeiture or detention of pay. ~~[When mitigating:~~

~~1. Arrest in quarters to restriction;~~

~~2. Correctional custody to extra duties or restriction, or both; or~~

~~3. Extra duties to restriction,~~

~~➥ the mitigated punishment shall not be for a greater period than the punishment mitigated.]~~

4. When mitigating forfeiture of pay to detention of pay, the amount of the detention ~~[shall]~~ ***must*** not be greater than the amount of the forfeiture.

5. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** by the officer who imposed the punishment mitigated.

Sec. 70. NRS 412.296 is hereby amended to read as follows:

412.296 ***1.*** A person punished under NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** who considers his or her punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under NRS 412.294 by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

~~[1. Arrest in quarters for more than 7 days;~~
~~2. Correctional custody for more than 7 days;~~
~~3. Forfeiture of more than 7 days' pay;~~
~~4. Reduction of one or more pay grades from the fourth or a higher pay grade;~~
~~5. Extra duties for more than 14 days;~~
~~6. Restriction for more than 14 days; or~~
~~7. Detention of more than 14 days' pay,]~~

(a) Suspension or forfeiture of pay for more than two drill periods or 14 days; or

(b) Reduction of one or more pay grades,

➥ the authority who is to act on the appeal shall refer the case to the State Judge Advocate for consideration and advice, and may so refer the case upon appeal from any punishment imposed under NRS 412.288.

2. Appeals of nonjudicial punishment must be made to the next superior authority. The next superior authority is typically the commanding officer superior to the commanding officer who imposed the punishment. When a principal assistant imposes nonjudicial punishment, the next superior authority is the commanding officer superior to the commanding officer who delegated the power to the principal assistant to impose punishment.

3. Only one appeal is allowed pursuant to this section.

4. The accused must be given a reasonable time within which to submit an appeal. A reasonable time is ~~[15]~~ 30 days after imposition of the nonjudicial punishment or the time before the next monthly drill following imposition of the punishment, whichever comes ~~[first,]~~ later.

5. A superior authority to the commanding officer who imposed the nonjudicial punishment, typically the next superior commanding officer, may act on an appeal.

6. Appeals must be in writing on applicable forms provided by the Office of the State Judge Advocate and must set forth the reasons for appeal and include additional documentation and evidence supporting the appeal. The superior authority may not consider additional evidence which was not presented to the commanding officer who imposed the nonjudicial punishment unless the exclusion of such evidence would yield an unjust result.

7. Before acting on an appeal, the superior authority shall refer the case to a judge advocate for consideration and advice. The judge advocate shall render an opinion as to the appropriateness of the punishment and whether the proceedings were conducted in accordance with law and regulations. When a case is so referred, the judge advocate is not limited to an examination of any written matter comprising the record of proceedings, and may make any inquiries and examine any additional matter deemed necessary.

8. In acting on an appeal, the superior authority may exercise the same power with respect to punishment imposed as may be exercised by the officer who imposed the nonjudicial punishment. The superior authority shall consider the record of proceedings, any matters submitted by the serviceman or servicewoman, any matters considered during legal review and any other appropriate matters. If the superior authority sets aside nonjudicial punishment due to procedural error, such superior authority may authorize additional proceedings by the imposing commanding officer or a successor, but the punishment shall be not more severe than that originally imposed. Upon completion of action by the superior authority, the accused must be promptly notified of the results.

Sec. 71. NRS 412.298 is hereby amended to read as follows:

412.298 The imposition and enforcement of disciplinary punishment ~~[under]~~ ***pursuant to*** NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act,*** for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission and not properly punishable ~~[under]~~ ***pursuant to*** NRS 412.286 to 412.302, inclusive ~~[.]~~ ***, and sections 10 to 17, inclusive, of this act,*** but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

Sec. 72. NRS 412.304 is hereby amended to read as follows:

412.304 1. In the Nevada National Guard not in federal service, there are general, special and summary courts-martial constituted like similar

courts of the Army and Air Force. They have the jurisdiction and powers, except as to punishments, and ~~[shall]~~ ***must*** follow the forms and procedures provided for those courts.

2. ~~[Courts-martial shall be constituted as follows:]~~ ***The three types of courts-martial for the state military forces include:***

(a) General courts-martial **,** consisting of:

(1) A military judge and not less than five members; or

(2) ~~[A]~~ ***Only a*** military judge ~~[alone,]~~ if, before the court is assembled, the accused, knowing the identity of the military judge ~~[,]~~ and after consultation with defense counsel, requests ***orally on the record or*** in writing ~~[,]~~ a court composed ~~[only]~~ of ***only*** a military judge, ~~[provided]~~ ***and*** the military judge approves ~~[. A court composed only of a military judge is not available to one accused of an offense punishable by death, except when the case has been referred to a trial as a noncapital case.]~~ ***the request.***

(b) Special courts-martial **,** consisting of:

(1) A military judge and not less than three members; or

(2) ~~[A]~~ ***Only a*** military judge ~~[alone,]~~ if ***one has been detailed to the court and*** the accused, under the same conditions as those prescribed in subparagraph (2) of paragraph (a) of this subsection, so requests ~~[.]~~ ***and the military judge approves the request.***

(c) Summary courts-martial, consisting of one commissioned officer.

Sec. 73. NRS 412.308 is hereby amended to read as follows:

412.308 Subject to NRS 412.306, general courts-martial have jurisdiction to try persons subject to this Code for any offense made punishable by this Code and may, under such limitations as the Governor may prescribe, adjudge any ~~[of the following punishments:~~

~~1. A fine of not more than $200 or forfeiture of pay and allowances of not more than $200;~~

~~2. Confinement with hard labor for not more than 200 days;~~

~~3. Dishonorable discharge, bad conduct discharge or dismissal;~~

~~4. Reprimand;~~

~~5. Reduction of enlisted persons to a lower grade; or~~

~~6. Any combination of these punishments.]~~ ***punishment allowed by the Code.***

Sec. 74. NRS 412.312 is hereby amended to read as follows:

412.312 Subject to NRS 412.306, special courts-martial have jurisdiction to try persons subject to this Code for any offense for which they may be punished under this Code ~~[. A special court-martial may adjudge any punishment a general court-martial may adjudge, except dishonorable discharge, dismissal or confinement with hard labor for more than 100 days, forfeiture of pay and allowances of more than $100 or a fine of more than $100.]~~ ***and may, under such limitations as the Governor may prescribe,***

adjudge any punishment not forbidden by this Code except for dishonorable discharge, dismissal, confinement for more than 1 year, forfeiture of pay exceeding one-half pay per month or forfeiture of pay for more than 1 year.

Sec. 75. NRS 412.314 is hereby amended to read as follows:

412.314 1. Subject to NRS 412.306, summary courts-martial have jurisdiction to try persons subject to this Code, except officers ~~[and warrant officers,]~~ ***, cadets, candidates and midshipmen,*** for any offense made punishable by this Code ~~[.]~~ ***under such limitations as the Governor may prescribe.***

2. No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if the person objects thereto ***.*** ~~[, unless under NRS 412.286, he or she has been permitted and has elected to refuse punishment under NRS 412.286 to 412.302, inclusive.]~~ If objection to trial by summary court-martial is made by an accused ~~[who has not been permitted to refuse punishment under NRS 412.286 to 412.302, inclusive, trial shall be ordered by special or general court-martial, as may be appropriate.~~

~~3. Summary courts-martial may adjudge any of the following punishments:~~

~~(a) Confinement with hard labor for not exceeding 25 days;~~

~~(b) A fine of not more than $25 or forfeiture of pay and allowances of not more than $25 for a single offense;~~

~~(c) Reduction of enlisted persons to a lower grade; and~~

~~(d) Any combination of these punishments.]~~ ***, trial by special or general court-martial may be ordered, as may be appropriate. Summary courts-martial may, under such limitations as the Governor may prescribe, adjudge any punishment not forbidden by this Code except dismissal, dishonorable or bad-conduct discharge, confinement for more than 1 month, restriction to specified limits for more than 2 months or forfeiture of more than one-half of 1 month's pay.***

Sec. 76. NRS 412.324 is hereby amended to read as follows:

412.324 ***1.*** In the Nevada National Guard not in federal service, ***a*** general ~~[courts-martial]~~ ***court-martial*** may be convened by the ***:*** ~~[President or by the]~~

(a) Governor ~~[.]~~ ***;***

(b) Adjutant General;

(c) Commanding officer of a component of the state military forces;

(d) Commanding officer of a division or a separate brigade; or

(e) Commanding officer of a separate wing.

2. If any such commanding officer is an accuser, the court shall be convened by superior competent authority and may in any case be

convened by such superior authority if considered desirable by such authority.

Sec. 77. NRS 412.326 is hereby amended to read as follows:

412.326 ***1.*** In the Nevada National Guard not in federal service, ~~[the]~~ ***a special court-martial may be convened by:***

(a) Any person who may convene a general court-martial;

(b) The commanding officer of a garrison, fort, post, camp, ~~[airbase, auxiliary airbase or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron or other detached command, may convene special courts-martial. Special courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.]~~ ***Nevada Air National Guard base or naval base or station;***

(c) The commanding officer of a brigade, regiment, detached battalion or corresponding unit of the Nevada Army National Guard;

(d) The commanding officer of a wing, group, separate squadron or corresponding unit of the Nevada Air National Guard; or

(e) The commanding officer or officer in charge of any other command when empowered by the Adjutant General.

2. When any such officer is an accuser, the court must be convened by superior competent authority and may in any case be convened by such superior authority if considered desirable by such authority.

Sec. 78. NRS 412.328 is hereby amended to read as follows:

412.328 1. In the Nevada National Guard not in federal service, ~~[the commanding officer of a garrison, fort, post, camp, airbase, auxiliary airbase or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company or other detachment, may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.]~~ ***a summary court-martial may be convened by:***

(a) Any person who may convene a general court-martial;

(b) The commanding officer of a detached company or other detachment or corresponding unit of the Nevada Army National Guard;

(c) The commanding officer of a detached squadron or other detachment or the corresponding unit of the Nevada Air National Guard; or

(d) The commanding officer or officer in charge of any other command when empowered by the Adjutant General.

2. When only one commissioned officer is present with a command or detachment he or she shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him or her. Summary courts-martial may, however, be

convened in any case by superior competent authority when considered desirable by ~~[him or her.]~~ ***such authority.***

Sec. 79. NRS 412.332 is hereby amended to read as follows:

412.332 1. Any commissioned officer of or on duty with the Nevada National Guard is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

2. Any warrant officer of or on duty with the Nevada National Guard is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before such courts for trial.

3. Any enlisted member of the Nevada National Guard who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member who may lawfully be brought before such courts for trial, but he or she shall serve as a member of a court only if, before the ~~[convening of the court,]~~ ***conclusion of a session called by the military judge before trial or, in the absence of such a session, before the court is assembled for the trial of the accused,*** the accused personally has requested ***orally on the record or*** in writing that enlisted members serve on it. After such a request, the accused ***serviceman or servicewoman*** may not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained. As used in this subsection, the word "unit" means any regularly organized body of the Nevada National Guard not larger than a company, a squadron or a corresponding body.

4. When it can be avoided, no person subject to this Code shall be tried by a court-martial any member of which is junior to him or her in rank or grade.

5. When convening a court-martial, the convening authority shall detail as members thereof such members of the Nevada National Guard as, in his or her opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of the Nevada National Guard is eligible to serve as a member of a general or special court-martial when he or she is the accuser ***,*** ~~[or]~~ a witness ***,*** ~~[for the prosecution]~~ or has acted as investigating officer or as counsel in the same case.

6. Before a court-martial is assembled for the trial of a case, the convening authority may excuse a member of the court from participating

in the case. The convening authority may delegate the authority under this subsection to a judge advocate or to any other principal assistant.

7. If within the command of the convening authority there is present and not otherwise disqualified a commissioned officer who is a member of the bar of the State and of appropriate rank, the convening authority shall appoint him or her as president of a special court-martial. Although this requirement is binding on the convening authority, failure to meet it in any case does not divest a military court of jurisdiction.

Sec. 80. NRS 412.334 is hereby amended to read as follows:

412.334 1. ***A military judge must be detailed to each general and special court-martial. The military judge shall preside over each open session of the court-martial to which the military judge has been detailed.***

2. The authority convening a general or special court-martial shall request the State Judge Advocate to detail a military judge. ***Neither the convening authority nor any staff member of the convening authority may prepare or review any report concerning the effectiveness, fitness or efficiency of the military judge who is detailed if the report relates to the military judge's performance of duty as a military judge.***

~~[2.]~~ ***3.*** No person may act as military judge in a case wherein the person is the accuser, a witness ***,*** ~~[for the prosecution,]~~ counsel or has acted as investigating officer.

~~[3.]~~ ***4.*** The military judge may not consult with the members of the court except in the presence of the accused and trial and defense counsel, nor may he or she vote with the members of the court.

Sec. 81. NRS 412.336 is hereby amended to read as follows:

412.336 1. For each general and special court-martial the authority convening the court shall request the State Judge Advocate to detail trial and defense counsel and such assistants as he or she considers appropriate.

2. No person who has acted as investigating officer, military judge or court member may thereafter act as trial counsel or assistant trial counsel in the same case.

3. Unless requested by the accused, no person who has acted as investigating officer, military judge or court member may thereafter act as defense counsel or assistant defense counsel in the same case.

4. No person who has acted for the prosecution may thereafter act for the defense in the same case; nor may any person who has acted for the defense act for the prosecution in the same case.

5. Counsel for general and special courts-martial shall be a member of the bar of the highest court of a state or of a federal court.

6. Except as otherwise provided in subsection 7, trial counsel or defense counsel detailed for a general or special court-martial must be a

judge advocate, and trial counsel must be a member in good standing of the State Bar of Nevada.

7. In the instance when defense counsel is not a member of the State Bar of Nevada, the defense counsel must be deemed admitted pro hac vice, subject to filing a certificate with the military judge setting forth the qualifications that counsel is:

(a) A commissioned officer of the Armed Forces of the United States or a component thereof;

(b) A member in good standing of the bar of the highest court of his or her state; and

(c) Certified as a judge advocate in the Judge Advocate General's Corps of the Army, Air Force, Navy or the Marine Corps; or

(d) A judge advocate as defined in this Code.

Sec. 82. NRS 412.342 is hereby amended to read as follows:

412.342 1. No member of a general or special court-martial may be absent or excused after ~~[the accused has been arraigned except]~~ ***the court has been assembled for the trial of the accused unless:***

(a) Excused as a result of a challenge;

(b) Excused by the military judge for physical disability ***;*** or ~~[as a result of a challenge or by]~~

(c) By order of the convening authority for good cause.

2. Whenever a general court-martial ***, other than a general court-martial composed of a military judge only,*** is reduced below five members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than five members. When the new members have been sworn, the trial may proceed after the recorded testimony of each witness previously examined has been read to the court in the presence of the military judge, the accused and counsel.

3. Whenever a special court-martial is reduced below three members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than three members. When the new members have been sworn, the trial shall proceed as if no evidence has previously been introduced, unless a verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel.

4. If the military judge of a court-martial composed of a military judge only is unable to proceed with trial because of physical disability, as a result of a challenge or for other good cause, the trial will proceed, subject to any applicable conditions of NRS 412.334, after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation

thereof is read in court in the presence of the new military judge, the accused and counsel for both sides.

Sec. 83. NRS 412.348 is hereby amended to read as follows:

412.348 1. No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

2. The accused shall be advised of the charges against him or her and of his or her right to be represented at that investigation by counsel. Upon his or her own request he or she shall be represented by civilian counsel if provided by him or her, or military counsel of his or her own selection if such counsel is reasonably available, or by counsel detailed by the officer exercising general court-martial jurisdiction over the command. At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him or her if they are available and to present anything he or she may desire in his or her own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

3. If an investigation of the subject matter of an offense has been conducted before the accused is charged with an offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination and presentation prescribed in subsection 2, no further investigation of that charge is necessary under this section unless it is demanded by the accused after he or she is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his or her own behalf.

4. ***If evidence adduced in an investigation under this section indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused is:***

(a) Present at the investigation;

(b) Informed of the nature of each uncharged offense investigated; and

(c) Afforded the opportunities for representation, cross-examination and presentation prescribed in subsection 2.

5. The requirements of this section are binding on all persons administering this Code but failure to follow them does not divest a military court of jurisdiction.

Sec. 84. NRS 412.354 is hereby amended to read as follows:

412.354 1. Before directing the trial of any charge by general court-martial, the convening authority shall refer it to the State Judge Advocate for consideration and advice. The convening authority may not refer a ***specification under a*** charge to a general court-martial for trial unless ~~[he or she has found that the charge alleges an offense under this Code and is warranted by evidence indicated in the report of the investigation.]~~ ***the convening authority has been advised in writing by a judge advocate that:***

(a) The specification alleges an offense under this Code;

(b) The specification is warranted by evidence indicated in the report of the investigation, if there is such a report; and

(c) A court-martial would have jurisdiction over the accused and the offense.

2. If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence, may be made.

3. The advice of the State Judge Advocate pursuant to subsection 1, with respect to a specification under a charge, must include a written and signed statement by the judge advocate:

(a) Expressing conclusions with respect to each matter set forth in subsection 1; and

(b) Recommending action that the convening authority take regarding the specification. If the specification is referred for trial, the recommendation of the judge advocate must accompany the specification.

Sec. 85. NRS 412.358 is hereby amended to read as follows:

412.358 ~~[The procedure,]~~ ***Pretrial, trial and posttrial procedures,*** including modes of proof, ~~[in cases before military courts and other military tribunals]~~ ***for cases before courts-martial arising under this Code and for courts of inquiry,*** may be prescribed by ~~[Office regulations, which must, so far as practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the courts of the State, but which may not be contrary to or inconsistent with this Code.]~~ ***the Governor or the Adjutant General by regulations, or as otherwise provided by law. The regulations prescribed under this section must apply the principles of law and the rules of evidence generally recognized in military criminal cases in the courts of the Armed Forces of the United States and must not be contrary to or inconsistent with this Code.***

Sec. 86. NRS 412.362 is hereby amended to read as follows:

412.362 ~~[No]~~

1. Except as otherwise provided in subsection 2, no authority convening a general, special or summary court-martial nor any other commanding officer, or officer serving on the staff thereof, may censure, reprimand or admonish the court or any member, law officer or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its, his or her functions in the conduct of the proceeding. No person subject to this Code may attempt to coerce or, by any unauthorized means, influence the action of the court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving or reviewing authority with respect to his or her judicial acts.

2. Subsection 1 does not apply with respect to:

(a) General instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial; or

(b) To statements and instructions given in open court by the military judge, summary court-martial officer or counsel.

3. In the preparation of an effectiveness, fitness or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the state military forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the state military forces or in determining whether a member of the state military forces should be retained on active status, no person subject to this Code may, in preparing any such report:

(a) Consider or evaluate the performance of duty of any such member as a member of a court-martial or witness therein; or

(b) Give a less favorable rating or evaluation of any counsel of the accused because of zealous representation before a court-martial.

Sec. 87. NRS 412.364 is hereby amended to read as follows:

412.364 1. The trial counsel of a general or special court-martial shall prosecute in the name of the State and shall, under the direction of the court, prepare the record of the proceedings.

2. The accused has the right to be represented in his or her defense before a general or special court-martial ~~[by]~~ ***or at an investigation as provided in NRS 412.348.***

3. The accused may be represented:

(a) In his or her defense before a general or special court-martial, by civilian counsel ~~[if provided by him or her, or by]~~ ***at the provision and expense of the accused;***

(b) By military counsel selected by the accused if reasonably available ***;*** ~~[,]~~ or ~~[by]~~

(c) By the defense counsel detailed under NRS 412.336.

4. Should the accused have counsel of his or her own selection, the defense counsel and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as his or her associate counsel ***,*** ~~[;]~~ otherwise they shall be excused by the president of the court.

5. Except as otherwise provided in subsection 6, if the accused is represented by military counsel of his or her own selection pursuant to paragraph (b) of subsection 3, any military counsel detailed in paragraph (c) of subsection 3 must be excused.

6. The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under NRS 412.336 to detail counsel, in that person's sole discretion:

(a) May detail additional military counsel as assistant defense counsel; and

(b) If the accused is represented by military counsel of the accused's own selection pursuant to paragraph (b) of subsection 3, may approve a request from the accused that military counsel detailed in paragraph (c) of subsection 3 act as associate defense counsel.

7. The senior force judge advocate of the same component of which the accused is a member shall determine whether the military counsel selected by an accused is reasonably available.

~~[3.]~~ ***8.*** In every court-martial proceeding the defense counsel may, in the event of conviction ~~[, forward]~~ ***:***

(a) Forward for attachment to the record of proceedings a brief of such matters as the defense counsel feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate ~~[.~~

~~4.]~~ ***;***

(b) Assist the accused in the submission of any matter under NRS 412.452 to 412.562, inclusive, and sections 33 to 40, inclusive, of this act; and

(c) Take other action authorized by this Code.

9. An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he or she is qualified to be a trial counsel as required by NRS 412.336, perform any duty imposed by law, regulation or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

~~[5.]~~ ***10.*** An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he or she is qualified to be the defense counsel as required by NRS 412.336, perform any

duty imposed by law, regulation or the custom of the service upon counsel for the accused.

Sec. 88. NRS 412.366 is hereby amended to read as follows:

412.366 1. At any time after the service of charges, which have been referred for trial to a court-martial composed of a military judge and members, the military judge may call the court into session without the presence of the members for:

(a) Hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

(b) Hearing and ruling upon any matter which may be ruled upon by the military judge whether or not the matter is appropriate for later consideration or decision by the members of the court;

(c) Holding the arraignment and receiving the pleas of the accused; or

(d) Performing any other procedural function which may be performed by the military judge which does not require the presence of the members of the court. These proceedings shall be conducted in the presence of the accused, defense counsel and trial counsel and shall be made a part of the record.

2. ***The proceedings described in subsection 1 must be conducted in the presence of the accused, defense counsel and trial counsel and must be made a part of the record. Such proceedings are not required to adhere to the provisions of NRS 412.342.***

3. Whenever a general or special court-martial deliberates or votes, only the members of the court may be present. All other proceedings, including any other consultation of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and the military judge.

Sec. 89. NRS 412.372 is hereby amended to read as follows:

412.372 1. The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge shall determine the relevancy and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall be presented and decided before those by the accused are offered, unless justice dictates otherwise.

2. ***If exercise of a challenge for cause reduces the court below the minimum number of members required by NRS 412.304, all parties shall, notwithstanding NRS 412.342, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges must not be exercised at that time.***

3. Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

4. If exercise of a peremptory challenge reduces the court below the minimum number of members required by NRS 412.304, the parties shall, notwithstanding NRS 412.342, either exercise or waive any remaining peremptory challenge not previously waived against the remaining members of the court before additional members are detailed to the court.

5. Whenever additional members are detailed to the court and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

Sec. 90. NRS 412.374 is hereby amended to read as follows:

412.374 1. The military judge, interpreters, and in general and special courts-martial, members, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel and reporters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully.

2. ***The form of the oath or affirmation, the time and place of the taking thereof, the manner of recording the same and whether the oath or affirmation must be taken for all cases in which these duties are to be performed or for a particular case must be as prescribed in regulation or as provided by law. The regulations may provide that:***

(a) An oath or affirmation to perform faithfully the duties of a military judge, trial counsel or defense counsel may be taken at any time by any judge advocate or other person certified or designated to be qualified or competent for the duty; and

(b) If such an oath or affirmation is taken, it need not again be taken at the time the judge advocate or other person is detailed to that duty.

3. Each witness before a military court shall be examined on oath or affirmation.

Sec. 91. NRS 412.376 is hereby amended to read as follows:

412.376 1. A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny, may be tried and punished at any time without limitation.

2. Except as otherwise provided in this section, a person charged with desertion in time of peace or the offense punishable under NRS 412.554, is not liable to be tried by court-martial if the offense was committed more than 3 years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

3. Except as otherwise provided in this section ~~[,]~~ ***or title 15 of NRS,*** a person charged with any offense is not liable to be tried by court-martial or punished under NRS 412.286 to 412.302, inclusive, ***and sections 10 to 17, inclusive, of this act*** if the offense was committed more than ~~[2]~~ ***3*** years

before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under NRS 412.286 to 412.302, inclusive ~~[.]~~ ***, and sections 10 to 17, inclusive, of this act.***

4. ***Periods in which the accused is absent without authority or fleeing from justice are excluded in computing the period of limitation prescribed in this section.***

5. Periods in which the accused was absent from territory in which the State has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, ~~[shall be]~~ ***are*** excluded in computing the period of limitation prescribed in this section.

6. When the United States is at war, the running of any statute of limitations applicable to any offense under this Code:

(a) Involving fraud or attempted fraud against the United States, any state or any agency of either in any manner, whether by conspiracy or not;

(b) Committed in connection with the acquisition, care, handling, custody, control or disposition of any real or personal property of the United States or any state; or

(c) Committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation or other termination or settlement of any contract, subcontract or purchase order which is connected with or related to the prosecution of war or with any disposition of termination inventory by any war contractor or government agency,

➥ is suspended until 2 years after the termination of hostilities as proclaimed by the President of the United States or by a joint resolution of the Congress of the United States.

7. If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations has expired or will expire within 180 days after the dismissal of the charges or specifications, trial and punishment under new charges and specification are not barred by the statute of limitations if the new charges and specifications:

(a) Are received by an officer exercising summary court-martial jurisdiction over the command within 180 days after the dismissal of the charges or specifications; and

(b) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

Sec. 92. NRS 412.382 is hereby amended to read as follows:

412.382 ***1.*** If an accused arraigned before a court-martial makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with

the plea, or if it appears that the accused has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty.

2. With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may be entered immediately without vote. This finding constitutes the finding of the court unless the plea of guilty is withdrawn before the announcement of the sentence, in which event the proceedings must continue as though the accused had pleaded not guilty.

Sec. 93. NRS 412.388 is hereby amended to read as follows:

412.388 A military court may punish for contempt any person who uses any menacing word, sign or gesture in its presence, or who disturbs its proceedings by any riot or disorder. The punishment may not exceed confinement for 30 days or a fine of $100, or both. ***A person not subject to this Code may be punished for contempt by a military court in the same otherwise applicable manner as that person could be punished if found in contempt of a criminal or civil court of the State.***

Sec. 94. NRS 412.396 is hereby amended to read as follows:

412.396 1. Voting by members of a general or special court-martial upon questions of challenge, on the findings and on the sentence ~~[shall]~~ ***must*** be by secret written ballot. The junior member of the court shall in each case count the votes. The count ~~[shall]~~ ***must*** be checked by the president, who shall forthwith announce the result of the ballot to the members of the court. ***Unless a ruling is final, if any member objects thereto, the court must be cleared and closed and the question decided by a voice vote as provided in NRS 412.398, beginning with the junior in rank.***

2. ***The military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Except as otherwise provided in this subsection, any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused is final and constitutes the ruling of the court, including, without limitation, for the purposes of interlocutory appeal under NRS 412.418 to 412.438, inclusive, and sections 24 to 28, inclusive, of this act. During the trial, the military judge may change the ruling at any time.***

3. Before a vote is taken on the findings, and except where a court-martial is composed of a military judge alone, the military judge shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court:

(a) That the accused must be presumed to be innocent until his or her guilt is established by legal and competent evidence beyond reasonable doubt;

(b) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he or she must be acquitted;

(c) That if there is a reasonable doubt as to the degree of guilt, the findings must be in a lower degree as to which there is no reasonable doubt; and

(d) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the State.

~~[3.]~~ ***4.*** If the court-martial is composed of a military judge alone, he or she shall determine all questions of law and fact, and, if the accused is convicted, adjudge an appropriate sentence. The military judge shall make a general finding, unless requested to make a special finding of facts. If an opinion or memorandum decision is filed, it is sufficient if the findings of fact appear therein.

Sec. 95. NRS 412.398 is hereby amended to read as follows:

412.398 1. No person may be convicted of an offense, except by the concurrence of two-thirds of the members present at the time the vote is taken.

2. All sentences shall be determined by the concurrence of two-thirds of the members present at the time that the vote is taken.

3. All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote ~~[.]~~ ***, but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by voice and by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for finding or sentence.*** A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

Sec. 96. NRS 412.404 is hereby amended to read as follows:

412.404 1. Each ***general and special*** court-martial ~~[shall]~~ ***must*** keep a separate record of the proceedings of the trial of each case brought before it and the record must be authenticated by the signatures of the president and the military judge. If the record cannot be authenticated by either the president or the military judge, by reason of his or her absence, it must be signed by a member in lieu of him or her. If both the president and the military judge are unavailable, the record must be authenticated by two members. ~~[A record of the proceedings of a trial in which the sentence adjudged includes a bad conduct discharge or is more than that which could be adjudged by a special court martial must contain a complete verbatim~~

~~account of the proceedings and testimony before the court. All other records of trial must contain such matter and be authenticated in such manner as the Governor may, by Office regulation, prescribe.]~~ ***In a court-martial consisting of only a military judge, the court reporter shall authenticate the record under the same conditions which would impose such a duty on a member pursuant to this subsection.***

2. ***A complete verbatim record of the proceedings and testimony must be prepared in each general and special court-martial case resulting in a conviction. In all other court-martial cases, the record must contain such matters as may be prescribed by regulations.***

3. Each summary court-martial must keep a separate record of the proceedings in each case, and the record must be authenticated in the manner as may be prescribed by regulations.

4. A copy of the record of the proceedings of each general and special court-martial must be given to the accused as soon as it is authenticated. If a verbatim record of trial by general court-martial is not required by subsection ~~[1,]~~ ***2,*** the accused may buy such a record in accordance with Office regulations.

Sec. 97. NRS 412.408 is hereby amended to read as follows:

412.408 1. The punishments which a court-martial may direct for an offense may not exceed limits prescribed by this Code ~~[.]~~ ***, but a sentence may not exceed more than confinement for 10 years for a military offense nor can a sentence of death be adjudged. Any conviction by general court-martial of any military offense for which an accused can receive a sentence of confinement for more than 1 year is a felony. Except for convictions by a summary court-martial, all other military offenses are misdemeanors. Any conviction by a summary court-martial is not a criminal conviction.***

2. ***The limits of punishment for violations of punitive articles prescribed herein must be the lesser of the sentences prescribed by the Manual for Courts-Martial of the United States that went into effect on January 1, 2004, and the most current edition of the State manual for courts-martial, if any, but no punishment may exceed that authorized by this Code.***

3. None of the provisions of this Code shall subject anyone to imprisonment for failure to pay a fine imposed by a military court.

Sec. 98. NRS 412.414 is hereby amended to read as follows:

412.414 1. A sentence of confinement adjudged by a military court, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the forces of the Nevada National Guard or in any jail, detention facility, penitentiary or prison designated for that purpose. Persons so

confined in a jail, detention facility, penitentiary or prison are subject to the same discipline and treatment as persons confined or committed to the jail, detention facility, penitentiary or prison by the courts of the State or of any political subdivision thereof.

2. ~~[The omission of the words "hard labor" from any sentence or punishment of a court-martial adjudging confinement does not deprive the authority executing that sentence or punishment of the power to require hard labor as a part of the punishment.]~~ ***No place of confinement may require payment of any fee or charge for so receiving or confining a person except as otherwise provided by law.***

3. The keepers, officers and wardens of city or county jails and of other jails, detention facilities, penitentiaries or prisons designated by the Governor, or by such person as the Governor may authorize to act under NRS 412.276, shall:

(a) Receive persons ordered into confinement before trial and persons committed to confinement by a military court; and

(b) Confine them according to law.

➥ A keeper, officer or warden may not require payment of any fee or charge for so receiving or confining a person.

Sec. 99. NRS 412.416 is hereby amended to read as follows:

412.416 1. Unless otherwise provided in Office regulations, a court-martial sentence of an enlisted member in a pay grade above E-1, as approved by the convening authority, that includes:

(a) A dishonorable or bad-conduct discharge; ***or***

(b) Confinement ~~[~~**,** ~~; or~~

~~(c) Hard labor without confinement,]~~

➥ reduces that member to pay grade E-1, effective on the date of that approval.

2. If the sentence of a member who is reduced in pay grade under subsection 1 is set aside or disapproved, or, as finally approved, does not include punishment named in subsection 1, the rights and privileges of which the member was deprived because of that reduction must be restored to him or her and he or she is entitled to the pay and allowances to which he or she would have been entitled, for the period the reduction was in effect, had the member not been so reduced.

Sec. 100. NRS 412.418 is hereby amended to read as follows:

412.418 ***1.*** Except as ***otherwise*** provided in NRS 412.316 to 412.432, inclusive, ***and sections 20 to 28, inclusive, of this act*** a court-martial sentence, unless suspended, may be ordered executed by the convening authority when approved by him or her. The convening authority shall approve the sentence or such part, amount or commuted form of the sentence

as he or she sees fit, and may suspend the execution of the sentence as approved by him or her.

2. If the sentence of the court-martial includes dismissal, a dishonorable discharge or a bad-conduct discharge and if the right of the accused to appellate review is not waived and an appeal is not withdrawn, that part of the sentence extending to dismissal, a dishonorable discharge or a bad-conduct discharge must not be executed until there is a final judgment as to the legality of the proceedings. A judgment as to the legality of the proceedings is final in such cases when review is completed by an appellate court prescribed in NRS 412.432, and is deemed final by the law of the state where judgment was had.

3. If the sentence of the court-martial includes dismissal, a dishonorable discharge or a bad-conduct discharge and if the right of the accused to appellate review is waived or an appeal is withdrawn, the dismissal, dishonorable discharge or bad-conduct discharge may not be executed until review of the case by the senior force judge advocate and any action on that review is completed. The convening authority or other person acting on the case under the Code when so approved under this section may order any other part of a court-martial sentence executed immediately.

Sec. 101. NRS 412.422 is hereby amended to read as follows:

412.422 1. ***The findings and sentence of a court-martial must be reported promptly to the convening authority after the announcement of the sentence.***

2. The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence. Any such submission must be in writing. Except in a summary court-martial case, such a submission must be made within 10 days after the accused has been given an authenticated record of trial under subsection 4 and, if applicable, the recommendation of a judge advocate. In a summary court-martial case, such a submission must be made within 7 days after the sentence is announced.

3. If the accused shows that additional time is required for the accused to submit such matters, the convening authority or other person taking action under this section, for good cause, may extend the applicable period under subsection 2 for not more than an additional 20 days.

4. In a summary court-martial case, the accused must be promptly provided a copy of the record of trial for use in preparing a submission authorized by subsection 2.

5. The accused may waive the right to make a submission to the convening authority under subsection 2. Such a waiver must be made in writing and may not be revoked. For the purposes of subsection 7, the time

within which the accused may make a submission pursuant to this subsection shall be deemed to have expired upon the submission of such a waiver to the convening authority.

6. The convening authority has sole discretion to modify the findings and sentence of a court-martial pursuant to this section. If it is impractical for the convening authority to act, the convening authority shall forward the case to a person exercising general court-martial jurisdiction who may take action under this section.

7. Action on the sentence of a court-martial must be taken by the convening authority or by another person authorized to act under this section. The convening authority or other person authorized to take such action may do so only after consideration of any matters submitted by the accused pursuant to subsection 2 or after the time for submitting such matters expires, whichever is earlier. The convening authority or other person taking such action may approve, disapprove, commute or suspend the sentence in whole or in part.

8. The convening authority or other person authorized to act on the sentence of a court-martial may, in the person's sole discretion:

(a) Dismiss any charge or specifications by setting aside a finding of guilty;

(b) Change a finding of guilty on a charge or specification to a finding of guilty on an offense that is a lesser included offense of the offense stated in the charge or specification; or

(c) Refrain from taking any such action.

9. Before acting under this section on any general or special court-martial case in which there is a finding of guilt, the convening authority or other person taking action under this section shall obtain and consider the written recommendation of a judge advocate. The convening authority or other person taking action under this section shall refer the record of trial to the judge advocate, and the judge advocate shall use such record in the preparation of the recommendation. The recommendation of the judge advocate must include such matters as may be prescribed by regulation and must be served on the accused, who may submit any matter in response pursuant to subsection 2. By failing to object in the response to the recommendation or to any matter attached to the recommendation, the accused waives the right to object thereto.

10. The convening authority or other person taking action under this section, in the person's sole discretion, may order a proceeding in revision or a rehearing if there is an apparent error or omission in the record or if the record shows improper or inconsistent action by a court-martial with respect to findings or sentence that can be rectified without material

prejudice to the substantial rights of the accused. In no case, however, may a proceeding in revision:

(a) Reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty;

(b) Reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this Code; or

(c) Increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

11. The convening authority or other person taking action under this section may order a rehearing if that person disapproves the findings and sentences and states the reasons for disapproval of the findings. If such person disapproves the findings and sentence and does not order a rehearing, that person shall dismiss the charges. The convening authority or other person taking action under this subsection may not order a rehearing as to the findings where there is a lack of sufficient evidence in the record to support the findings. The convening authority or other person taking action under this subsection may order a rehearing as to the sentence if that person disapproves the sentence.

12. After a trial by court-martial the record shall be forwarded to the convening authority, as reviewing authority, and action thereon may be taken by the person who convened the court, a commissioned officer commanding for the time being, a successor in command or by the Governor.

~~[2.]~~ ***13.*** The convening authority shall refer the record of each general court-martial to the State Judge Advocate, who shall submit his or her written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion ~~[shall]~~ ***must*** be limited to questions of jurisdiction.

Sec. 102. NRS 412.426 is hereby amended to read as follows:

412.426 1. If the convening authority disapproves the findings and sentence of a court-martial he or she may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing. In such a case the convening authority shall state the reasons for disapproval. If the convening authority disapproves the findings and sentence and does not order a rehearing, he or she shall dismiss the charges.

2. Each rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon a rehearing the accused may not be tried for any offense of which he or she was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for

the offense is mandatory. ***If the sentence approved after the first court-martial was in accordance with a pretrial agreement and the accused at the rehearing changes a plea with respect to the charges or specifications upon which the pretrial agreement was based or otherwise does not comply with the pretrial agreement, the approved sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first court-martial.***

Sec. 103. NRS 412.432 is hereby amended to read as follows:

412.432 1. ***Except as otherwise required by this section, all records of trial and related documents must be transmitted and disposed of as prescribed by regulation and provided by law.***

2. If the convening authority is the Governor, his or her action on the review of any record of trial is final.

~~[2.]~~ ***3.*** In all other cases not covered by subsection ~~[1,]~~ ***2,*** if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, the entire record must be sent to the appropriate staff judge advocate or legal officer of the state force concerned to be reviewed in the same manner as a record of trial by general court-martial. The record and the opinion of the staff judge advocate or legal officer must then be sent to the State Judge Advocate for review.

~~[3.]~~ ***4.*** All other special and summary court-martial records must be sent to the law specialist or legal officer of the appropriate force of the Nevada National Guard and must be acted upon, transmitted and disposed of as may be prescribed by Office regulations.

~~[4.]~~ ***5.*** The State Judge Advocate shall review the record of trial in each case sent to him or her for review as provided under subsection ~~[3.]~~ ***4.*** If the final action of the court-martial has resulted in an acquittal of all charges and specifications, the opinion of the State Judge Advocate must be limited to questions of jurisdiction.

~~[5.]~~ ***6.*** The State Judge Advocate shall take final action in any case reviewable by him or her.

~~[6.]~~ ***7.*** In a case reviewable by the State Judge Advocate under this section, the State Judge Advocate may act only with respect to the findings and sentence as approved by the convening authority. The State Judge Advocate may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as he or she finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record he or she may weigh the evidence, judge the credibility of witnesses and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses. If the State Judge Advocate sets aside the findings and sentence, he or she may, except where the setting aside is based on lack of sufficient evidence in the record to

support the findings, order a rehearing. If the State Judge Advocate sets aside the findings and sentence and does not order a rehearing, he or she shall order that the charges be dismissed.

~~[7.]~~ ***8.*** In a case reviewable by the State Judge Advocate under this section, he or she shall instruct the convening authority to act in accordance with his or her decision on the review. If the State Judge Advocate has ordered a rehearing but the convening authority finds a rehearing impracticable, he or she may dismiss the charges.

~~[8.]~~ ***9.*** The State Judge Advocate may order one or more boards of review each composed of not less than three commissioned officers of the Nevada National Guard, each of whom must be a member of the State Bar of Nevada. Each board of review shall review the record of any trial by special court-martial, including a sentence to a bad-conduct discharge, referred to it by the State Judge Advocate. Boards of review have the same authority on review as the State Judge Advocate has under this section.

Sec. 104. NRS 412.452 is hereby amended to read as follows:

412.452 No person may be tried or punished for any offense provided for in NRS 412.454 to 412.558, inclusive, ***and sections 33 to 40, inclusive, of this act*** unless it was committed while the person was in a duty status.

Sec. 105. NRS 412.566 is hereby amended to read as follows:

412.566 ***1.*** NRS 412.254, 412.256, 412.266 to 412.302, inclusive, ***and sections 9 to 17, inclusive, of this act,*** 412.332, 412.336, 412.362, 412.406, 412.452 to 412.556, inclusive, ~~[and]~~ 412.566 ~~[to]~~ ***, 412.568,*** 412.572 ~~[, inclusive,]~~ ***and section 8 of this act*** must be carefully explained to every enlisted member ~~[at the time]~~ ***:***

(a) At the time of his or her enlistment or transfer or induction into ~~[, or at the time]~~ ***any of the state military forces or within 30 days thereafter;***

(b) At the time of his or her being ordered to duty in or with ~~[,]~~ any of the state military forces or within 30 days thereafter. ~~[Those]~~

2. The sections ***set forth in subsection 1*** must also be explained annually to each unit of the state military forces.

3. A complete text of this Code and Office regulations thereunder must be made available to any member of the militia, upon his or her request, for his or her personal examination.

Sec. 106. NRS 412.568 is hereby amended to read as follows:

412.568 Any member of the ~~[militia]~~ ***state military forces*** who believes himself or herself wronged by his or her commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the ~~[Adjutant General's office.]~~ ***officer exercising general court-martial jurisdiction over the officer against whom the complaint is made. The officer exercising general court-martial jurisdiction shall examine the***

complaint and take proper measures for redressing the wrong complained of and shall, as soon as possible, send to the Adjutant General a true statement of that complaint, with the proceedings had thereon.

Sec. 107. NRS 412.576 is hereby amended to read as follows:

412.576 1. For the purpose of collecting fines or penalties imposed by a court-martial, the president of any general or special court-martial and the summary court officer of any summary court-martial shall make a list of all fines and penalties and of the persons against whom they have been imposed, and may thereafter issue a warrant under his or her hand directed to any sheriff or constable of the county, commanding him or her to levy and collect such fines, together with the costs, upon and out of the property of the person against whom the fine or penalty was imposed.

2. Such warrant shall be executed and renewed in the same manner as executions from Justice Courts are executed and renewed.

3. The amount of such a fine may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due him or her, until the fine is liquidated. Any sum so deducted shall be turned in to the military court which imposed the fine and shall be paid over by the officer receiving it in like manner as provided for other fines and moneys collected under a sentence of a summary court-martial.

4. All fines collected shall be paid by the officer collecting the same to the commanding officer of the organization of which the person fined is or was a member and accounted for by the commanding officer in the same manner as are other state funds.

5. Fines imposed by a military court or through imposition of nonjudicial punishment may be paid to the State and delivered to the court or imposing officer, or to a person executing their process. Fines may be collected in the following manner:

(a) By cash or money order;

(b) By retention of any pay or allowances due or to become due to the person fined from any state or the United States; or

(c) By garnishment or levy, together with costs, on the wages, goods and chattels of a person delinquent in paying a fine, as provided by law.

Sec. 108. NRS 412.578 is hereby amended to read as follows:

412.578 ***1.*** No action or proceeding may be prosecuted against the convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings because of the approval, imposition or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court.

2. All persons acting under the provisions of this Code, whether as a member of the military or as a civilian, are immune from any personal liability for any of the acts or omissions which they performed or failed to perform as part of their duties under this Code.

Sec. 109. NRS 412.604 is hereby amended to read as follows:

412.604 1. It is unlawful for any body of persons whatever, other than the Nevada National Guard and the troops of the United States, to associate themselves together as a ***volunteer*** military company or ***volunteer military*** organization to drill or parade with arms in any city or town of this state, without the license of the Governor, which license may at any time be revoked.

2. Students in educational institutions where military science is a part of the course of instruction may, with the consent of the Governor, drill and parade with arms in public under the superintendence of their instructor.

3. Nothing contained in this section shall be construed so as to prevent members of benevolent or social organizations from wearing swords.

4. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 110. NRS 412.184 and 412.292 are hereby repealed.

Sec. 111. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

412.184 Allowances for uniform and equipment.

1. A person who, on or after July 1, 1973, has completed 2 years of service as a commissioned officer or warrant officer of the Nevada National Guard, shall receive an allowance of $100 at that time for uniforming and equipping himself or herself. Thereafter he or she shall receive, on completion of each 2 years of service, an additional allowance of $100 to assist him or her in meeting the uniform requirements necessary to continued service in the Nevada National Guard.

2. The allowances set forth in subsection 1 must be paid from money available to the office only after the officer has furnished satisfactory evidence to the Adjutant General that he or she is properly entitled thereto.

412.292 Powers of officer in charge to impose punishment. An officer in charge may impose upon enlisted members assigned to the unit of which he or she is in charge such of the punishments authorized under paragraphs (a) to (f), inclusive, of subsection 2 of NRS 412.288 as the Adjutant General may specifically prescribe by Office regulation.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 719.

SUMMARY—Revises provisions relating to certain confidential information. (BDR ~~[19-468)]~~ **48-468)**

AN ACT relating to confidential information; ~~[establishing a procedure for the submission to a]~~ **requiring a state or** local governmental entity ~~[of]~~ **to keep confidential certain** records which are ~~[claimed to be confidential and which are required by the entity as a condition of its consideration of]~~ **submitted to the entity in connection with** an application for a **special use permit or any other** license, permit or similar approval; ~~[providing for the determination of such a claim of confidentiality and the status and disposition of the records;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Various provisions of existing law provide for the confidentiality of records submitted to an official or agency of the State or Federal Government. For example, NRS 534A.031]~~ **Existing law** provides that exploration or subsurface information obtained as a result of a geothermal project must be filed with the Division of Minerals of the Commission on Mineral Resources and further provides that this information is confidential for 5 years after the date of filing. ~~[However, there is no similar provision making this information confidential if it is submitted to a county or other political subdivision of the State]~~ **(NRS 534A.031) Section 10.5 of this bill requires a state or local governmental entity to keep this information confidential during the same period if the information is submitted to the entity** in connection with an application for a special use permit or any other license, permit or similar approval.

~~[Where the submission to a local governmental entity of records that are otherwise declared bylaw to be confidential is required by the local governmental entity as a condition of its consideration of an application for a license, permit or similar approval, sections 6 and 7 of this bill establish an expedited process by which the applicant may assert a claim of confidentiality with respect to the records and obtain a determination of that claim from the chief legal officer or attorney of the local governmental entity. If the chief legal officer or attorney agrees that the records are confidential, section 8 of this bill requires the local governmental entity to~~

~~maintain the records in confidence. If the records are determined not to be confidential, section 8 gives the applicant the choice of withdrawing the records from the possession of the local governmental entity, with the result that the application may likewise be deemed to have been withdrawn, or waiving any claim of confidentiality and proceeding with the application.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 239 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Applicant” means a person or governmental entity that submits an application to a local governmental entity.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[“Application” means a request submitted by an applicant to a local governmental entity for a license, permit or any similar approval involving the exercise of governmental authority.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[“Local governmental entity” has the meaning ascribed to it in NRS 239.121.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[The records of a local governmental entity are confidential and not public books or records within the meaning of NRS 239.010 or any other provision of statute or regulation if the records meet all of the following requirements:*~~

~~*1. The records are specifically declared by a statute or regulation of this State or a federal statute or regulation to be confidential when submitted to an elected or appointed officer, institution, board, commission, bureau, council, department, division or other official or agency of the State or Federal Government;*~~

~~*2. The records are submitted to the local governmental entity by an applicant in connection with an application to the local governmental entity; and*~~

~~*3. The submission of the records is required by the local governmental entity as a condition of its consideration of the application.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. An applicant who submits to a local governmental entity any records that the applicant believes are confidential for the purposes of sections 2 to 8, inclusive, of this act shall clearly mark the records as*~~

~~*confidential and submit with the records a written statement describing the records and specifically identifying each provision of statute or regulation, other than section 6 of this act, that declares the records to be confidential. Regardless of whether the records are determined to be confidential, the statement prepared pursuant to this subsection is a public record for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records. The statement must also include the mailing address of the applicant, which is the applicant's address of record for the purposes of sections 2 to 8, inclusive, of this act. If that address changes at any time while the records remain in the possession of the local governmental entity, the applicant shall so notify the local governmental entity in writing.*~~

~~*2. Upon its receipt of the records and the written statement required by subsection 1, the local governmental entity shall transmit the records and the statement to its chief legal officer or attorney or to the person designated by the chief legal officer or attorney to conduct the review required by this subsection. Within 5 business days after he or she receives the records and the statement of the applicant, the chief legal officer or attorney or his or her designee shall review the records and the statement, conduct any additional investigation or analysis he or she deems appropriate, and determine whether the records are confidential for the purposes of sections 2 to 8, inclusive, of this act. Pending this determination, the records must not be revealed in whole or in part to any person or governmental entity except to the extent necessary to carry out the provisions of this section, or upon the order of a court of competent jurisdiction. The records are presumed not to be confidential unless the chief legal officer or attorney or his or her designee finds that the records, or any part thereof, are confidential based on the review of the records and the statement, and any additional investigation or analysis.*~~

~~*3. The chief legal officer or attorney or his or her designee may determine for the purposes of sections 2 to 8, inclusive, of this act that the records are confidential in part and not confidential in part, in which case those records determined to be confidential and those records determined not to be confidential are subject, respectively, to the provisions of sections 2 to 8, inclusive, of this act applicable to records of that kind.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. Upon making the determination required by section 7 of this act, the chief legal officer or attorney of the local governmental entity or his or her designee shall cause written notice of the determination, including a statement of the basis for the determination, to be mailed to the applicant at the applicant's address of record. Regardless of whether the records are determined to be confidential, the notice prepared pursuant to*~~

~~*this subsection is a public record for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records. If the records are determined not to be confidential for the purposes of sections 2 to 8, inclusive, of this act, the notice must also include a copy of this section. If the records are determined to be confidential in part and not confidential in part, the notice must identify the records that have been determined not to be confidential.*~~

~~*2. If the records are determined to be confidential for the purposes of sections 2 to 8, inclusive, of this act:*~~

~~*(a) The records must not be revealed in whole or in part to any person or governmental entity except:*~~

~~*(1) To the extent necessary to consider and act upon the application;*~~

~~*(2) As authorized or required by the statute or regulation pursuant to which the records are determined to be confidential; or*~~

~~*(3) Upon the order of a court of competent jurisdiction.*~~

~~*(b) The local governmental entity shall cause the records to be mailed to the applicant at the applicant's address of record:*~~

~~*(1) Upon the expiration of any period of confidentiality specified in the statute or regulation pursuant to which the records are determined to be confidential; or*~~

~~*(2) At such time as the records are no longer required by the local governmental entity for any purpose connected with the application,*~~

~~*whichever is earlier.*~~

~~*3. If the records are determined not to be confidential for the purposes of sections 2 to 8, inclusive, of this act:*~~

~~*(a) The applicant may elect to:*~~

~~*(1) Withdraw the records from the possession of the local governmental entity, which withdrawal may be deemed by the local governmental entity to constitute a withdrawal of the application; or*~~

~~*(2) Waive any claim of confidentiality in the records, proceed with the application and authorize the local governmental entity to retain possession of the records.*~~

~~*The applicant must give written notice of the applicant's election to the local governmental entity within 10 business days after the date of mailing of the notice required by subsection 1.*~~

~~*(b) Notwithstanding the determination, unless the local governmental entity has received written notice of the applicant's waiver of any claim of confidentiality in the records, the records must not be revealed in whole or in part to any person or governmental entity except to the extent necessary to carry out the provisions of this section, or upon the order of a court of competent jurisdiction.*~~

~~*(c) If notice of the applicant's election pursuant to paragraph (a) is not received from the applicant by the local governmental entity within 15 business days after the date of mailing of the notice required by subsection 1, the local governmental entity shall cause the records to be mailed to the applicant at the applicant's address of record, and the local governmental entity may thereupon deem the application to be withdrawn.*~~

~~*4. If the applicant waives any claim of confidentiality in the records pursuant to subsection 3, the records are public books or records for the purposes of NRS 239.010 and any other provision of statute or regulation applicable to public books or records.*~~

~~*5. If the local governmental entity deems an application to be withdrawn pursuant to this section, it shall cause written notice of that action to be mailed to the applicant at the applicant's address of record within 5 business days after the date of the action. Such an action is a denial of the application for the purposes of any statute or regulation which provides for administrative or judicial review of the denial of an application of that kind. In any such review, the propriety of a determination that records are not confidential for the purposes of sections 2 to 8, inclusive, of this act is an issue properly within the scope of review.]*~~ **(Deleted by amendment.)**

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. **NRS 534A.031 is hereby amended to read as follows:**

534A.031 ***1.*** Any exploration and subsurface information obtained as a result of a geothermal project must be filed with the Division of Minerals of the Commission on Mineral Resources within 30 days after it is accumulated. The information is confidential for 5 years after the date of filing and may not be disclosed during that time without the express written consent of the operator of the project, except that it must be made available by the Division to the State Engineer or any other agency of the State upon request. The State Engineer or other agency shall keep the information confidential.

2. If any information made confidential by subsection 1 is submitted to any other state or local governmental entity in connection with an application for a special use permit or any other license, permit or similar approval, the entity shall keep the information confidential during the period the information is confidential pursuant to subsection 1.

Sec. 11. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 728.

AN ACT relating to personal representatives; authorizing a personal representative to ~~[take certain actions with respect to]~~ **direct the termination of** a decedent's account on certain Internet websites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the powers and duties of a personal representative in the administration of the estate of a decedent. (Chapter 143 of NRS) This bill authorizes a personal representative to ~~[take control of, conduct, continue or terminate]~~ **direct the termination of** any account of the decedent on any Internet website providing social networking or web log, microblog, short message or electronic mail service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 143 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, subject to such restrictions as may be prescribed in the will of a decedent or by an order of a court of competent jurisdiction, a personal representative has the power to ~~[take control of, conduct, continue or terminate]~~ direct the termination of any account of the decedent, including, without limitation:

(a) An account on any:

(1) Social networking Internet website;

(2) Web log service Internet website;

(3) Microblog service Internet website;

(4) Short message service Internet website; or

(5) Electronic mail service Internet website; or

(b) Any similar electronic or digital asset of the decedent.

2. The provisions of subsection 1 do not authorize a personal representative to ~~[take control of, conduct, continue or terminate]~~ direct the termination of any financial account of the decedent, including, without limitation, a bank account or investment account.

~~[3. The act by a personal representative to take control of, conduct or continue any account or asset of a decedent pursuant to subsection 1 does not invalidate or abrogate any conditions, terms of service or contractual obligations the holder of such an account or asset has with the provider or administrator of the account, asset or Internet website.]~~

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 696.

SUMMARY—Authorizes the ~~[~~indication~~]~~ **placement** of **a designation of** veteran status on ~~[~~instruction permits, drivers' licenses and identification cards.~~]~~ **certain documents issued by the Department of Motor Vehicles.** (BDR 43-80)

AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver's license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections 6 and 9 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) ~~[~~wishes~~]~~ **requests** to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States, submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of **section 6 or 9**, as applicable, **sections 2 and 3** of this bill require the Department to place ~~[~~the word "Veteran"~~]~~ **a designation that the person is a veteran** on the person's instruction permit, driver's license or identification card, as appropriate. **Sections 6 and 9** also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces**.** ~~[~~of the United States.~~]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Upon the application of a person who ~~[desires to declare]~~ requests that his or her instruction permit or driver's license indicate that he or she is a veteran of the Armed Forces of the United States ~~[and has fulfilled the requirements of]~~ pursuant to subsection 3 of NRS 483.292, and who satisfies the requirements of that subsection, the Department shall ~~[indicate]~~ place on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran . ~~[by imprinting on the instruction permit or driver's license the word "Veteran."]~~***

2. The Director shall determine the design and placement of the ~~[indication]~~ designation of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.

Sec. 3. ***1. Upon the application of a person who ~~[desires to declare]~~ requests that his or her identification card indicate that he or she is a veteran of the Armed Forces of the United States ~~[and has fulfilled the requirements of]~~ pursuant to subsection 3 of NRS 483.852, and who satisfies the requirements of that subsection, the Department shall ~~[indicate]~~ place on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, a designation that the person is a veteran . ~~[by imprinting on the identification card the word "Veteran."]~~***

2. The Director shall determine the design and placement of the ~~[indication]~~ designation of veteran status required by subsection 1 on any identification card to which this section applies.

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 5. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for ***the initial issuance of*** an instruction permit or driver's license pursuant to NRS 483.290 ~~[,]~~ ***or the renewal of an instruction permit or driver's license,***

the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[~~evidence~~]~~ ***:***

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ ***; and***

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]~~ ***In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have ~~[imprinted]~~ placed on his or her instruction permit or driver's license ~~[the word "Veteran"]~~ a designation that he or she is a veteran, as described in section 2 of this act , must:***

(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an instruction permit or driver's license upon which ~~[the word "Veteran":]~~ a designation that the person is a veteran:

(1) Is not ~~[imprinted,]~~ placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is ~~[imprinted,]~~ placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes ~~[to continue to have the word "Veteran" imprinted upon]~~ the instruction permit or driver's license ~~[.]~~ to continue to designate that the person is a veteran.

4. The Department shall, at least once each ~~[~~quarter:~~]~~ ***month:***

(a) Compile ~~[~~the aggregate number~~]~~ ***a list*** of persons who have, during the immediately preceding ~~[~~quarter,~~]~~ ***month,*** declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ ***list*** to the Office of Veterans Services to be used for statistical ***and communication*** purposes.

Sec. 7. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive ~~[,]~~, ***and section 2 of this act;*** or

(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 8. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** unless such violation is, by NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** or other law of this State, declared to be a felony.

Sec. 9. NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for ***the initial issuance of*** an identification card pursuant to NRS 483.850 ~~[.]~~ ***or the renewal of an identification card pursuant to NRS 483.875,*** the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[~~evidence~~]~~ ***:***

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ ***; and***

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]~~ ***In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have ~~[imprinted]~~ placed on his or her identification card ~~[the word "Veteran"]~~ a designation that he or she is a veteran, as described in section 3 of this act , must:***

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an identification card upon which ~~[the word "Veteran":]~~ a designation that the person is a veteran:

(1) Is not ~~[imprinted,]~~ placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is ~~[imprinted,]~~ placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes ~~[to continue to have the word "Veteran" imprinted upon]~~ the identification card ~~[.]~~ to continue to designate that the person is a veteran.

4. The Department shall, at least once each ~~[quarter:]~~ ***month:***

(a) Compile ~~[the aggregate number]~~ ***a list*** of persons who have, during the immediately preceding ~~[quarter,]~~ ***month,*** declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ ***list*** to the Office of Veterans Services to be used for statistical ***and communication*** purposes.

Sec. 10. This act becomes effective on January 1, 2014.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 662.

AN ACT relating to real property; establishing an expedited process for the foreclosure of abandoned residential property; authorizing a board of county commissioners or the governing body of an incorporated city to establish by ordinance a registry of abandoned residential real property and a registry of real property in danger of becoming abandoned; and providing other matters properly related thereto.

Legislative Counsel's Digest:

Existing law provides for a trustee under a deed of trust to exercise a power of sale on real property after a breach of an obligation or payment of debt secured by the deed of trust. (NRS 107.080) This bill establishes an expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

Section 2 of this bill establishes the criteria to be used to determine whether real property constitutes abandoned residential property. **Section 4** of this bill authorizes a beneficiary of a deed of trust to elect to use an expedited procedure for the exercise of the trustee's power of sale if: (1) after an investigation of the property, the beneficiary determines that the property is abandoned residential property; and (2) the beneficiary receives a certification that the property is abandoned residential property from an agency **or contractor** designated by the county or city in which the property is located. Under **section 4**, each county and city must designate an agency **or contractor** to provide certifications that property is abandoned residential property, and that agency **or contractor** may charge the beneficiary a fee of not more than ~~[$50]~~ **$300** to provide such certifications. To elect to use the expedited procedure, the beneficiary must include with the notice of default and election to sell the certification of the agency **or contractor** designated by the county or city and an affidavit setting forth the circumstances and

conditions supporting the determination that the property is abandoned residential property. If the certification and affidavit are included with the notice of default and election to sell: (1) **section 5** of this bill authorizes a notice of the sale of the property to be recorded not less than 60 days, rather than 3 months, after the recording of the notice of default and election to sell; and (2) **section 6** of this bill provides that the requirements relating to the Foreclosure Mediation Program are inapplicable and that the trustee may exercise the power of sale by obtaining a certificate from the Mediation Administrator.

Under **section 4**, if the trustee's sale is not conducted within 6 months **, unless the trustee's sale is tolled under certain circumstances,** after receipt of a certification from the agency **or contractor** designated by the county or city: (1) the notice of default and election to sell and the affidavit and certification to elect the expedited procedure are deemed to be withdrawn; and (2) the beneficiary is liable to the grantor or the successor in interest of the grantor for a civil penalty of not more than $500. **Section 4** further authorizes a grantor of a deed of trust or his or her successor in interest to record an affidavit stating that the property is not abandoned residential property and, if such an affidavit is recorded before the trustee's sale of the property, the notice of default and election to sell and the affidavit and certification to elect the expedited sale procedure are deemed to be withdrawn.

Section 3 of this bill: (1) authorizes a board of county commissioners or the governing body of an incorporated city to establish a registry of abandoned residential property and a registry of real property that is in danger of becoming abandoned residential property; and (2) requires the affidavit and certification required to elect the expedited sale procedure to be submitted to the entity maintaining the registry of abandoned residential property for the jurisdiction in which the property is located.

Section 7 of this bill provides that this bill expires by limitation on June 30, 2017, and thus, the authorization to use the expedited procedure for the exercise of the trustee's power of sale expires on that date.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this section and NRS 107.080 to 107.110, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires:***

1. "Abandoned residential property" means residential real property:

(a) Consisting of not more than four family dwelling units or a single-family residential unit, including, without limitation, a condominium,

townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units; and

(b) That the grantor or the successor in interest of the grantor has surrendered as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the property to the beneficiary or that satisfies the following conditions:

(1) The residential real property is not currently occupied as a principal residence by the grantor of the deed of trust, the person who holds title of record or any lawful occupant;

(2) The obligation secured by the deed of trust is in default and the deficiency in performance or payment has not been cured;

(3) The gas, electric and water utility services to the residential real property have been terminated;

(4) It appears, after reasonable inquiry, that there are no children enrolled in school residing at the address of the residential real property;

(5) Payments pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits, payments for unemployment compensation or payments for public assistance, as defined in NRS 422.050 and 422A.065, are not currently being delivered, electronically or otherwise, to a person who has registered the address of the residential real property as his or her residence with the agency making the payment;

(6) An owner of the residential real property is not presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(7) Two or more of the following conditions exist:

(I) Construction was initiated on the residential real property and was discontinued before completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;

(II) Multiple windows on the residential real property are boarded up or closed off or are smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;

(III) Doors on the residential real property are smashed through, broken off, unhinged or continuously unlocked;

(IV) The residential real property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(V) Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the residential real property within the immediately preceding 6 months;

(VI) The residential real property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(VII) The local police, fire or code enforcement authority has requested that the owner or any other interested or authorized party secure the residential real property because the local authority has declared the property to be an imminent danger to the health, safety and welfare of the public; or

(VIII) The residential real property is open and unprotected and in reasonable danger of significant damage resulting from exposure to the elements or vandalism.

2. The term does not include residential real property if:

(a) There is construction, renovation or rehabilitation on the residential real property that is proceeding diligently to completion, and any building being constructed, renovated or rehabilitated on the property is in substantial compliance with all applicable ordinances, codes, regulations and laws;

(b) The residential real property is occupied on a seasonal basis, but is otherwise secure;

(c) There are bona fide rental or sale signs on the residential real property, or the property is listed on a Multiple Listing Service, and the property is secure; or

(d) The residential real property is secure but is the subject of a probate action, action to quiet title or any other ownership dispute.

Sec. 3. *1. A board of county commissioners or the governing body of an incorporated city may establish by ordinance:*

(a) A registry of abandoned residential property that contains information concerning abandoned residential property located in the county or city.

(b) A registry of residential property located in the county or city that may be in danger of becoming abandoned residential property.

2. If a beneficiary of a deed of trust, the successor in interest of the beneficiary or the trustee includes with a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 the affidavit and certification described in subsection 6 of section 4 of this act and the county or city in which the abandoned residential property is located has established a registry of abandoned residential property, the beneficiary or its successor in interest or the trustee must submit a copy of the affidavit and certification to the entity maintaining the registry for the county or city in which the abandoned residential property is located.

3. If a beneficiary of a deed of trust, the successor in interest of the beneficiary or the trustee receives a copy of the affidavit described in subsection 7 of section 4 of this act, the beneficiary or its successor in interest or the trustee must notify the entity maintaining the registry for the county or city in which the property described in the affidavit is located. Upon receiving such a notification, the entity maintaining the registry must remove the property from the registry.

4. If a property which has been removed from a registry established pursuant to this section subsequently becomes abandoned residential property or in danger of becoming abandoned residential property, the property may be added to the applicable registry in accordance with this section or the requirements established for the registry by the board of county commissioners or the governing body of an incorporated city.

Sec. 4. *1. A beneficiary may elect to use an expedited procedure for the exercise of the trustee's power of sale pursuant to NRS 107.080 if, after an investigation, the beneficiary:*

(a) Determines that real property is abandoned residential property; and

(b) Receives from the applicable governmental entity a certification pursuant to subsection 4.

2. Each board of county commissioners of a county and each governing body of an incorporated city shall designate an agency or a contractor to inspect real property upon receipt of a request pursuant to paragraph (b) of subsection 3 and to provide certifications that real property is abandoned residential property pursuant to subsection 4.

3. If a beneficiary has a reasonable belief that real property may be abandoned residential property, the beneficiary or its agent:

(a) May enter the real property , but may not enter any dwelling or structure, to investigate whether the real property is abandoned residential property. Notwithstanding any other provision of law, a beneficiary and its agents who enter real property pursuant to this ~~[subsection]~~ paragraph are not liable for trespass.

(b) May request a certification pursuant to subsection 4 from the agency or contractor designated by the applicable governmental entity pursuant to subsection 2.

4. Upon receipt of a request pursuant to paragraph (b) of subsection 3, the agency or contractor designated by the applicable governmental entity shall inspect the real property ~~[.]~~ to determine the existence of two or more conditions pursuant to subparagraph (7) of paragraph (b) of subsection 1 of section 2 of this act. The ~~[agency]~~ designee and any ~~[of its]~~ employees of the designee may enter the real property , but may not enter any dwelling or structure, to perform an inspection pursuant to this subsection, and the ~~[agency]~~ designee and any ~~[of its]~~ employees who enter real property

pursuant to this subsection are not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, or for trespass. If the [agency] designee or an employee of the [agency] designee determines that the real property is abandoned residential property, the [agency] designee shall serve a notice by first-class mail to the grantor or the successor in interest of the grantor and by posting the notice on the front door of the residence. The notice must provide that unless a lawful occupant of the real property contacts the [agency] designee within 30 days after service of the notice, the [agency] designee will issue a certification that the real property is abandoned residential property and that the beneficiary may use the certification to seek an expedited procedure for the exercise of the trustee's power of sale. If a grantor or the successor in interest of the grantor or a lawful occupant of the real property fails to contact the [agency] designee within 30 days after service of the notice, the [agency] designee shall provide to the beneficiary a certification that the real property is abandoned residential property. The certification required by this subsection must:

(a) Be signed and verified by the designee or the employee or employees of the [agency] designee who inspected the real property;

(b) State that, upon information and belief of the [agency,] designee, after investigation by the designee or the employee or employees of the [agency,] designee, the real property is abandoned residential property; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned residential property. Documentary evidence in support of such conditions or circumstances must be attached to the certification.

5. For an inspection, service of notice and issuance of a certification pursuant to subsection 4, the agency or contractor designated pursuant to subsection 2 by the applicable governmental entity may charge and receive from the beneficiary a fee of not more than [$50.] $300.

6. A beneficiary who elects to use an expedited procedure for the exercise of the trustee's power of sale pursuant to NRS 107.080 must include, or cause to be included, with the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 an affidavit setting forth the facts supporting the determination that the real property is abandoned residential property and the certification provided to the beneficiary pursuant to subsection 4. The affidavit required by this subsection must:

(a) Be signed and verified by the beneficiary;

(b) State that, upon information and belief of the beneficiary after investigation by the beneficiary or its agent, the property is abandoned residential property; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned residential property. ~~[Photographic or other documentary]~~ Documentary evidence in support of such conditions or circumstances must be attached to the affidavit.

7. If the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes the affidavit and certification described in subsection 6, before the sale, the grantor or a successor in interest of the grantor may record in the office of the county recorder in the county where the real property is located an affidavit stating that the real property is not abandoned residential property, unless the grantor or the successor in interest of the grantor has surrendered the property as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the real property to the beneficiary. Upon the recording of such an affidavit:

(a) The grantor or the successor in interest must mail by registered or certified mail, return receipt requested, to the beneficiary and the trustee a copy of the affidavit; and

(b) The notice of default and election to sell and the affidavit and certification described in subsection 6 are deemed to be withdrawn.

8. If the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes the affidavit and certification described in subsection 6, the trustee's sale of the abandoned residential property must be conducted within 6 months after the beneficiary received the certification. If the trustee's sale is not conducted within 6 months after the beneficiary received the certification:

(a) The notice of default and election to sell and the affidavit and certification described in subsection 6 are deemed to be withdrawn; and

(b) The beneficiary is liable to the grantor or the successor in interest of the grantor for a civil penalty of not more than $500.

9. The period specified in subsection 8 is tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of the trustee's sale.

(b) If a court issues a stay or enjoins the trustee's sale, until the court issues an order granting relief from the stay or dissolving the injunction.

10. As used in this section:

(a) "Applicable governmental entity" means:

(1) If the real property is within the boundaries of a city, the governing body of the city; and

(2) If the real property is not within the boundaries of a city, the board of county commissioners of the county in which the property is located.

(b) "Beneficiary" means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.

Sec. 5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice ~~[.]~~ ***or, if the notice includes an affidavit and a certification indicating that, pursuant to section 4 of this act, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.***

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and

any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; ~~[and]~~

(b) ***If, pursuant to section 4 of this act, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of section 4 of this act; and***

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the ~~[3-month]~~ ***applicable*** period ***specified in paragraph (d) of subsection 2*** following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 6. NRS 107.086 is hereby amended to read as follows:

107.086 1. ~~[In]~~ ***Except as otherwise provided in this subsection, in*** addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section. ***The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to section 4 of this act, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.***

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation pursuant to this section; and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) Serves a copy of the notice upon the Mediation Administrator; and

(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or 6 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 7 which provides that mediation has been completed in the matter.

3. The grantor or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on the form an election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or a representative shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the grantor or the person who holds the title of record elected to enter into mediation and fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

8. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of

the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection 8.

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

Sec. 6.5. **Nothing in this act shall be construed to limit the ability of a county or city to enforce any existing ordinance relating to abandoned property.**

Sec. 7. This act becomes effective on July 1, 2013, and expires by limitation on June 30, 2017.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 698.

AN ACT relating to autonomous vehicles; requiring an autonomous vehicle that is being tested on a highway within this State to meet certain conditions relating to a human operator; prohibiting an autonomous vehicle from being registered in this State, or tested or operated on a highway within

this State, unless it meets certain conditions; providing that the manufacturer of a motor vehicle that has been converted to be an autonomous vehicle by a third party is immune from liability for certain injuries in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada. (NRS 482A.100) **Sections 2 and 7** of this bill exclude a vehicle that contains certain systems for assisting the driver from being an autonomous vehicle unless the combined effect of all such systems is to enable the vehicle to be driven without the active control or monitoring of a human operator. **Section 2.5** of this bill requires a person or entity to submit to the Department proof of insurance or other proof of financial responsibility, in the amount of $5,000,000, before testing an autonomous vehicle on a highway within this State. **Section 3** of this bill requires an autonomous vehicle that is being tested on a highway within this State to have a human operator who is seated in the driver's seat, monitoring the safe operation of the vehicle and capable of taking over control of the vehicle in an emergency. **Section 4** of this bill prohibits an autonomous vehicle from being registered in this State unless it meets federal standards and regulations. **Section 4** also prohibits an autonomous vehicle from being tested or operated on a highway within this State unless it is equipped with certain equipment to ensure its safe operation and can be operated in compliance with the motor vehicle and traffic laws of this State. **Section 5** of this bill provides that the manufacturer of a motor vehicle that has been converted to an autonomous vehicle by a third party is not liable for an injury that results from that conversion unless the defect that caused the injury was present in the vehicle as originally manufactured.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Autonomous technology" means technology which is installed on a motor vehicle and which has the capability to drive the motor vehicle without the active control or monitoring of a human operator. The term does not include an active safety system or a system for driver assistance, including, without limitation, a system to provide electronic blind spot detection, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keeping assistance, lane departure warning, or traffic jam and queuing assistance, unless any such system, alone or in combination with any other system, enables the vehicle on which the***

system is installed to be driven without the active control or monitoring of a human operator.

Sec. 2.5. *Before a person or entity begins testing an autonomous vehicle on a highway within this State, the person or entity must:*

1. Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of $5,000,000; or

2. Make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Department in the amount of $5,000,000.

Sec. 3. *If an autonomous vehicle is being tested on a highway within this State, a human operator must be:*

1. Seated in a position which allows the human operator to take immediate manual control of the autonomous vehicle;

2. Monitoring the safe operation of the autonomous vehicle; and

3. Capable of taking over immediate manual control of the autonomous vehicle in the event of a failure of the autonomous technology or other emergency.

Sec. 4. *1. An autonomous vehicle shall not be registered in this State unless the autonomous vehicle meets all federal standards and regulations that are applicable to a motor vehicle.*

2. An autonomous vehicle shall not be tested or operated on a highway within this State unless the autonomous vehicle is:

(a) Equipped with a means to engage and disengage the autonomous technology which is easily accessible to the human operator of the autonomous vehicle;

(b) Equipped with a visual indicator located inside the autonomous vehicle which indicates when autonomous technology is operating the autonomous vehicle;

(c) Equipped with a means to alert the human operator to take manual control of the autonomous vehicle if a failure of the autonomous technology has been detected and such failure affects the ability of the autonomous technology to operate safely the autonomous vehicle; and

(d) Capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State.

Sec. 5. *The manufacturer of a motor vehicle that has been converted by a third party into an autonomous vehicle is not liable for damages to any person injured due to a defect caused by the conversion of the motor vehicle or by any equipment installed to facilitate the conversion unless the defect that caused the injury was present in the vehicle as originally manufactured.*

Sec. 6. NRS 482A.010 is hereby amended to read as follows:

482A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[482A.020 to 482A.050, inclusive,]~~ ***482A.030 and 482A.040 and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 482A.030 is hereby amended to read as follows:

482A.030 "Autonomous vehicle" means a motor vehicle that ~~[uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator.]~~ ***is equipped with autonomous technology.***

Sec. 8. ~~[NRS 482A.200 is hereby amended to read as follows:~~

~~482A.200 The Department shall by regulation establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this section must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle [.] , *except in case of emergency.*]~~ **(Deleted by amendment.)**

Sec. 9. NRS 482A.020 and 482A.050 are hereby repealed.

Sec. 10. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

482A.020 "Artificial intelligence" defined. "Artificial intelligence" means the use of computers and related equipment to enable a machine to duplicate or mimic the behavior of human beings.

482A.050 "Sensors" defined. "Sensors" includes, without limitation, cameras, lasers and radar.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 703.

AN ACT relating to tow cars; requiring operators of tow cars to accept certain forms of payment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the authority of the Nevada Transportation Authority to set the rate for services provided by operators of tow cars. (NRS 706.445-

706.451) **Section 2** of this bill provides that operators of tow cars are required to accept cash, money ~~[order,]~~ **orders,** credit ~~[card or]~~ **cards,** debit ~~[card or]~~ **cards and** any ~~[other]~~ electronic transfer of money as payment for towing services. **Section 3** of this bill authorizes an operator of a tow car to enter into ~~[a contract]~~ **contracts** with ~~[an issuer]~~ **issuers** of credit cards ~~[or]~~ **and** debit cards to provide for the acceptance of such cards by the operator of a tow car for the payment of rates, taxes and charges. **Section 3** also authorizes ~~[the Authority to prescribe by regulation or order the maximum fee that]~~ an operator of a tow car ~~[may charge]~~ **to offer** a customer **a discount** for ~~[using a credit card or debit card to make]~~ **making** payment ~~[.]~~ **in cash.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***An operator of a tow car shall accept cash, money ~~[order,]~~ orders, credit ~~[card or]~~ cards, debit ~~[card or]~~ cards and any ~~[other]~~ electronic transfer of money as payment for towing services. As used in this section , "electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.***

Sec. 3. ***1. An operator of a tow car may enter into ~~[a contract]~~ contracts with ~~[an issuer]~~ issuers of credit cards ~~[or]~~ and debit cards to provide for the acceptance of credit cards ~~[or]~~ and debit cards by the operator of a tow car for the payment of rates, fares and charges owed to the operator of a tow car.***

2. The Authority may ~~[prescribe by regulation or order the maximum fee that an operator of a tow car may charge a customer for the convenience of using a credit card or debit card to make payment to the operator of a tow car. In prescribing such fees, the Authority may]~~ , as part of its investigation or review of any rates, fares or charges of a tow car operator that are subject to the approval of the Authority, consider the expenses incurred by the operator of a tow car in accepting payment by a credit card or debit card, including, without limitation:

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. An ~~[issuer shall not, by contract or otherwise:

(a) Prohibit an] *operator of a tow car ~~[from charging and collecting a fee authorized pursuant to subsection 2; or***

~~*(b) Require an operator of a tow car to waive the right to charge and collect a fee authorized pursuant to subsection 2.]*~~ ***may offer a discount to a customer for payment in cash of any rate, fare or charge.***

4. As used in this section, "issuer" means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with an operator of a tow car or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, ***and sections 2 and 3 of this act*** have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

➥ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~.~~ ***, and sections 2 and 3 of this act.***

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the Authority.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 7.5. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the

operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

(1) Of the location where the motor vehicle is being stored;

(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(3) Of the charge for towing and storage;

(4) Of the date and time the vehicle was placed in storage;

(5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and

(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or

(2) Fifteen days after placing any other motor vehicle in storage.

➥ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.

2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,

➥ unless the operator complies with the requirements set forth in subsection 1.

3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle ~~[.]~~ ***or after having been stolen and subsequently recovered,*** the operator shall not:

(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or

(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.

Sec. 8. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 9. NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, ***and sections 2 and 3 of this act*** do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

Sec. 10. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 11. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2 and 3 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and sections 2 and 3 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and sections 2 and 3 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person

may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 12. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 13. NRS 706.791 is hereby amended to read as follows:

706.791 1. If the Department is not satisfied with the records or statements of, or with the amount of fees paid by, any person pursuant to the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act,*** it may make an additional or estimated assessment of fees due from that person based upon any information available to it.

2. Every additional or estimated assessment bears interest at the rate of 1 percent per month, or fraction thereof, from the date the fees were due until they are paid.

3. If an assessment is imposed, a penalty of 10 percent of the amount of the assessment must be added thereto. If any part of the deficiency is found to be caused by fraud or an intent to evade the provisions of this chapter or the regulations adopted pursuant to this chapter, a penalty of 25 percent of the amount of the assessment must be added thereto.

4. The Department shall give the person written notice of the assessment. The notice may be served personally or by mail in the manner prescribed by Rule 5 of the Nevada Rules of Civil Procedure addressed to the person at the person's address as it appears in the records of the Department. Every notice of assessment must be served within 36 months after the end of the registration year for which the additional assessment is imposed.

5. If any person refuses or fails to make available to the Department, upon request, such records, reports or other information as determined by the Department to be necessary to enable it to determine that the amount of taxes and fees paid by that person is correct, the assessment made pursuant to the provisions of this section is presumed to be correct and the burden is upon the person challenging the assessment to establish that it is erroneous.

6. Any person against whom an assessment has been made pursuant to the provisions of this section may petition the Department in writing for a redetermination within 30 days after service of the notice. If a petition is not filed with the Department within that period, the assessment becomes final.

7. If a petition for redetermination is filed within 30 days, the Department shall reconsider the assessment and send the petitioner, by certified mail, notice of its decision and the reasons therefor. A petitioner aggrieved by the Department's decision may appeal the decision by submitting a written request to the Department for a hearing not later than 30 days after notice of the decision was mailed by the Department. The Department shall schedule an administrative hearing and provide the petitioner with 10 days' notice of the time and place of the hearing. The Department may continue the hearing as may be necessary.

8. The order of the Department upon a petition becomes final 30 days after service of notice thereof. If an assessment is not paid on or before the date it becomes final, there must be added thereto in addition to any other penalty provided for in this chapter a penalty of 10 percent of the amount of the assessment.

9. Every remittance in payment of an assessment is payable to the Department.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 702.

AN ACT relating to taxicabs; revising provisions relating to the authority of the Taxicab Authority to regulate the color scheme, insigne and design of the cruising lights of certain taxicabs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person must be a holder of a certificate of public convenience and necessity to operate a taxicab business. (NRS 706.386, 706.473, 706.8827) In counties whose population is less than 700,000 (currently all counties other than Clark County), the certificates are issued by the Nevada Transportation Authority, and in counties whose population is 700,000 or more (currently Clark County), the certificates are issued by the Taxicab Authority. (NRS 706.386, 706.881, 706.8827) Existing law requires the Taxicab Authority to: (1) approve or disapprove the color scheme, insigne and design of the cruising lights of taxicabs of a certificate holder in any county; and (2) ensure that the color scheme, insigne and design of the cruising lights of one certificate holder are readily distinguishable from those of another certificate holder operating in the same county. (NRS 706.8833, NAC 706.486) Existing law also requires that certain information about a taxicab's fare schedule **and the name of the certificate holder** be displayed on each taxicab. (NRS 706.8835) ~~[This bill eliminates the requirement that the Taxicab Authority approve or disapprove the color scheme on the taxicabs of a particular certificate holder.]~~ This bill ~~[also]~~ requires the Taxicab Authority to allow a certificate holder in any county to place advertisements on the exterior of the certificate holder's taxicabs, provided that the taxicabs bearing the advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county **through the display of the name of the certificate holder on each side of each taxicab,** and that the taxicabs still display the fare schedule as required.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme, insigne and design of the cruising lights of each taxicab must conform to those approved for the certificate holder pursuant to regulations of the Authority.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** Authority shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are ~~*[is]*~~ readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

3. The Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the taxicabs of the certificate holder which bear such advertisements ***[:***

(a) Are] ***are*** ***readily distinguishable from the taxicabs of other certificate holders operating in the same county*** ***[; and***

(b) Meet] ***by meeting*** ***the requirements of*** ***subsection 2 of*** ***NRS 706.8835.***

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 701.

AN ACT relating to tow cars; authorizing certain insurance companies to designate vehicle storage lots; requiring operators of tow cars to tow certain vehicles to designated vehicle storage lots under certain circumstances; revising certain provisions relating to operators of tow cars; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ **3** of this bill authorizes an insurance company to designate certain vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. **Section** ~~[1]~~ **3** requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort to communicate that information to the operator of the tow car before the vehicle is towed. **Section** ~~[1]~~ **3** further provides that the amendatory provisions of this bill apply only to a county whose population is 700,000 or more (currently Clark County). **Section 2 of this bill expresses the sense of the Legislature that the provisions of section 3 constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 2 and 3 of this act.**

Sec. 2. The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

(a) Guarantee safe access to the vehicles by their owners; and

(b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.

3. The provisions of section 3 of this act constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 3. 1. An insurance company may designate [a] one or more vehicle storage [lot] lots to which all vehicles that are [inoperable because] towed at the request of a law enforcement officer:

(a) Following an accident ; or [which have been recovered]

(b) Following recovery after having been stolen ,

↳ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle [that is inoperable because of] following an accident or [which was recovered] following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of the vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. If the operator of the tow car:

(a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the owner of the vehicle; or

(b) Otherwise determines the identity of the insurance company that provides coverage for the owner of the vehicle,

➥ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless the owner of the vehicle or a representative of the insurance company has directed otherwise.

3. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:

(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

4. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

5. A vehicle storage lot must:

(a) ~~[Except as otherwise provided in subsection 6, comply]~~ Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all ~~[applicable requirements imposed]~~ standards a law enforcement agency may adopt pursuant to NRS 706.4485 ~~[on an operator of a tow car;~~

~~(b)]~~ to protect the health, safety and welfare of the public;

(c) Comply with all ~~[applicable]~~ local laws and ordinances ~~[,]~~ applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

~~[(c)]~~ (d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

6. ~~[A]~~ If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess ~~[the]~~ those rates and charges ~~[that have been approved by the Authority]~~ for the storage of a vehicle ~~[,]~~ that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the

Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

7. Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection 4;

(b) Satisfied the requirements of subsection 5; and

(c) Otherwise satisfied the requirements of this section.

8. The provisions of this section apply only to a county whose population is 700,000 or more.

9. As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) "Vehicle storage lot" means a business which, for a fee, stores vehicles that are [inoperable because of] towed at the request of a law enforcement officer following an accident [and which have been recovered] or following recovery after having been stolen and includes, without limitation, a salvage pool , as that term is defined in NRS 487.400 [.] , which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

[Sec. 2.] ***Sec. 4.*** NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and [section 1] sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and*** ~~***[section 1]***~~ ***sections 2 and 3 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~.]~~ ***, and*** ~~***[section 1]***~~ ***sections 2 and 3 of this act.***

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➥ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, ***and section ~~[1]~~ 3 of this act*** have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

➥ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section*** ~~*[1]*~~ ***3 of this act.***

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section*** ~~*[1]*~~ ***3 of this act.***

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie

lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~.]~~ ***, and section ~~1~~ 3 of this act.***

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the Authority.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a

determination as to whether the applicant has complied with the requirements of subsection 3.

~~[Sec. 8.]~~ ***Sec. 10.*** NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, ***and section ~~[1]~~ 3 of this act,*** but no such transfer is valid for any purpose until a joint application to make the transfer is made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The Authority shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, ***and section ~~[1]~~ 3 of this act*** and the regulations adopted by the Authority pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the Authority;

(c) Has provided evidence that the transferee has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the transferee has filed with the Authority schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The Authority may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a

determination as to whether the applicant has complied with the requirements of subsection 2.

4. The Authority shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the Authority of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

~~[Sec. 9.]~~ ***Sec. 11.*** NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section ~~[1]~~ 3 of this act.***

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

~~[Sec. 10.]~~ ***Sec. 12.*** NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless the operator:

(a) Holds a certificate of public convenience and necessity issued by the Authority.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484A to 484E, inclusive, of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) ~~[Assesses]~~ ***Except as otherwise provided in section ~~[1]~~ 3 of this act, assesses*** only rates and charges that have been approved by the Authority for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

2. The Authority shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the

owner to operate the vehicle that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by the Nevada Highway Patrol pursuant to this section, the Nevada Highway Patrol shall not remove the operator of the tow car from the list, or restrict the operator's use pursuant thereto, solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

~~[Sec. 11.]~~ ***Sec. 13.*** NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and section ~~[1]~~ 3 of this act,*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and section ~~[1]~~ 3 of this act,*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

~~[Sec. 12.]~~ ***Sec. 14.*** This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 447.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 804.

AN ACT relating to highways; revising provisions relating to the construction, operation and maintenance of certain facilities to provide information ~~[, services or products]~~ to the traveling public; increasing fines for certain violations committed in roadside parks or rest areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Transportation to designate appropriate locations for the construction of certain roadside facilities and signs which provide information to members of the traveling public concerning accommodations, food, fuel and recreation. (NRS 408.551, 408.553) Existing law allows such facilities or signs to be erected or constructed and maintained by the Department or by a city, county or other governmental agency or private person, under contract with the Department. (NRS 408.553) Federal law newly authorizes a state to allow the installation of signs that acknowledge the sponsorship of a rest area, and to allow a private party to operate limited commercial activities at a rest area. (23 U.S.C. §§ 111, 131) **Section 3** of this bill allows the Director of the Department, with the approval of the Board of Directors of the Department, to authorize a private person to erect or construct, sponsor, operate or maintain a facility or a sign at a rest area, under contract with the Department. **Section 4** of this bill makes conforming changes to the authorization of the Department to adopt regulations regarding such facilities and signs. (NRS 408.557)

Existing law makes it unlawful for any person, firm, corporation, association or other entity, other than a public utility, to sell, exhibit or offer for sale certain goods and services or to erect, place, post or maintain certain signs in any roadside park or safety rest area in this State. A person who violates that provision, or any regulation adopted governing roadside parks or safety rest areas, shall be punished by a fine of not more than $100 for a first offense and not more than $500 for each subsequent offense. (NRS 408.433) **Section 1** of this bill raises the limit on a fine for a first such offense to not more than $1,000, and for each subsequent offense to not more than $5,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 408.433 is hereby amended to read as follows:

408.433 1. ~~[It]~~ ***Except as otherwise provided in NRS 408.553, it*** is unlawful for any person, firm, corporation, association or other entity, other than a public utility, to:

(a) Sell, exhibit or offer for sale any goods, wares, products, merchandise or services; or

(b) Erect, place, post or maintain any sign, billboard, placard, notice or other form of advertising,

➥ in any roadside park or safety rest area in this state, or in the approaches thereto.

2. Any person who violates any provision of this section or any regulation adopted under this chapter governing roadside parks or safety rest

areas shall be punished by a fine of not more than ~~[$100]~~ ***$1,000*** for a first offense and not more than ~~[$500]~~ ***$5,000*** for each subsequent offense.

Sec. 2. NRS 408.551 is hereby amended to read as follows:

408.551 As used in NRS 408.551 to 408.567, inclusive, "center" means a facility ***, including, without limitation, a safety rest area,*** to provide information ~~***[, services or products]***~~ to members of the traveling public, concerning accommodations, food, fuel and recreation, through an attendant or some ***other*** means of communication.

Sec. 3. NRS 408.553 is hereby amended to read as follows:

408.553 ***1.*** The Director may designate appropriate locations for the construction of centers and the erection and maintenance of directional and informational signs within the right-of-way.

2. The signs or centers may be erected or constructed ~~[and]~~ ***, sponsored, operated or*** maintained by:

~~[1.]~~ ***(a)*** The Department; ~~[or~~

~~2.]~~ ***(b)*** A city, county or other governmental agency ***,*** ~~[or private person,]~~ under contract with the Department ~~[.]~~ ***; or***

(c) A private person under contract with the Department, if the person has been authorized by the Director, with approval of the Board, to enter into such a contract.

Sec. 4. NRS 408.557 is hereby amended to read as follows:

408.557 1. The Director shall adopt regulations:

(a) Governing the size, shape, lighting and other characteristics of a sign to be erected at a location designated pursuant to NRS 408.553;

(b) Authorizing the use of trademarks and symbols identifying an individual enterprise on a sign erected at the location;

(c) Fixing the qualifications of a person or governmental agency to ***erect or construct,*** operate ***, sponsor or maintain*** a center ***or sign*** and of an enterprise to be identified on a directional or informational sign;

(d) Fixing reasonable fees, based upon the market value as determined by the Department, for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing ~~[information]~~ ***:***

(I) Information ~~***[, services or products]***~~ concerning commercial attractions ***;*** and ~~[services; and]~~

(II) Items designed to promote tourism in this State; and

(e) Otherwise necessary to carry out the provisions of NRS 408.551 to 408.567, inclusive.

2. The regulations adopted by the Director pursuant to subsection 1 must be consistent with the provisions of 23 U.S.C. ~~[§]~~ ***§§ 111 and*** 131.

Sec. 5. ~~[NRS 408.559 is hereby amended to read as follows:~~

~~408.559 The Department shall develop a plan, in cooperation with the Commission on Tourism, to carry out the provisions of NRS 408.551 to 408.567, inclusive. The plan must take into consideration such factors as:~~

~~1. Economic development in this state.~~

~~2. Availability of money for the purposes of NRS 408.551 to 408.567, inclusive.~~

~~3. Population in a particular area.~~

~~4. Proposed highway construction.~~

~~5. Need for information~~ **, [.] *services or products.***

~~➥ The Department and the Commission shall review the plan at least once each year and revise it until the provisions of NRS 408.551 to 408.567, inclusive, have been uniformly put into effect throughout the State.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 408.562 is hereby amended to read as follows:~~

~~408.562 The Director may recommend to the Board, for its approval, programs to provide information~~ ***, services or products*** ~~to the traveling public to be paid from such money as is available for this purpose pursuant to NRS 408.567.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 408.563 is hereby amended to read as follows:

408.563 The Department may contract or enter into other agreements with governmental agencies in this state or an adjoining state or with private persons to study various systems of providing information ***[, services or products]*** to the traveling public and to ***erect or*** construct ***, sponsor, operate or maintain*** signs ***and centers*** which provide ~~[that]~~ ***such*** information ~~[.]~~ ***[, services or products]*** ***to the traveling public.***

Sec. 8. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the Department from:

(a) Fees for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing ~~[information]~~ ***:***

(I) Information [, services or products] concerning commercial attractions ***;*** and ~~[services;]~~

(II) Items designed to promote tourism in this State;

(b) Participants in a telephone system established to reserve accommodations for travelers; and

(c) Appropriations made by the Legislature for the purposes of NRS 408.551 to 408.567, inclusive,

➥ must be deposited with the State Treasurer for credit to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund, which is hereby created.

2. Money in the Account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 454.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 796.

AN ACT relating to the Department of Motor Vehicles; requiring certain sellers, lessors, dealers and rebuilders of vehicles to transmit certain information to the Department in an electronic format; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, in relevant part, requires sellers of new vehicles, long-term lessors of new vehicles, sellers of used or rebuilt vehicles, and long-term lessors of used or rebuilt vehicles, upon such sale or lease, to furnish certain information to the Department of Motor Vehicles and the buyer or lessee, as applicable. (NRS 482.423-482.4245) **Sections 1-4** of this bill require such sellers and lessors to furnish the necessary information to the Department by way of electronic transmission. Under existing law, it is a gross misdemeanor for a person to commit certain fraudulent acts with respect to certain documents or security interests in vehicles, or to fail to submit certain reports to the Department within a prescribed time period. **(NRS 482.436) Section 5** of this bill removes the original of a seller's or lessor's report of sale or lease from the list of documents for which it is a crime to fail to submit the document to the Department within a certain time period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this State for the first time, the seller shall complete and ~~[execute]~~ ***submit to the Department*** a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a dealer who is licensed to sell the vehicle, ***transmit electronically to the Department*** a dealer's report of sale. The dealer's report of sale must be ***transmitted electronically to the Department***

in ~~[a form prescribed]~~ ***the manner required*** by the Department and must include:

(a) A description of the vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

2. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his or her assignee must be ~~[entered on]~~ ***included in*** the dealer's report of sale and on the manufacturer's certificate or statement of origin.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

(1) A certificate of title for a vehicle registered in this State; and

(2) The processing of the dealer's report of sale; and

(b) Within 20 days after the ~~[execution]~~ ***electronic transmission to the Department*** of the dealer's report of sale:

(1) Submit to the Department the ~~[original of the dealer's report of sale and the]~~ manufacturer's certificate or statement of origin; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract or other written agreement for the sale of a new vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to purchase or the contract of sale, whichever occurs first. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. For the purposes of establishing compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date ~~[imprinted or otherwise indicated]~~ on ***which*** the dealer's report of sale ***was transmitted electronically to the Department*** as the beginning date of the 20-day period.

7. Upon execution of all the documents necessary to complete the sale of a vehicle, including, without limitation, the financial documents, the dealer shall ~~[execute]~~ ***complete*** the dealer's report of sale and furnish a copy of the ~~[report]~~ ***information included therein*** to the buyer not less than 10 days before the expiration of the temporary placard.

8. The provisions of this section do not apply to kit trailers.

Sec. 2. NRS 482.4235 is hereby amended to read as follows:

482.4235 1. If a new vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and ~~[execute]~~ ***submit to the Department*** a manufacturer's certificate of origin or a manufacturer's statement of origin, and ***transmit electronically to the Department*** a long-term lessor's report of lease. Such a report must be ***transmitted electronically to the Department*** in ~~[a form prescribed]~~ ***the manner required*** by the Department and must include:

(a) A description of the vehicle; and

(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 20 days after the ~~[execution]~~ ***electronic transmission to the Department*** of the long-term lessor's report of lease:

(a) Submit to the Department the ~~[original of the long-term lessor's report of lease and the]~~ manufacturer's certificate of origin or manufacturer's statement of origin; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease or written agreement to lease for a new vehicle, the long-term lessor shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to lease or the lease, whichever occurs first. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration

of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. For the purposes of establishing compliance with the period required by subsection 2, the Department shall use the date ~~[imprinted or otherwise indicated]~~ on ***which*** the long-term lessor's report of lease ***was transmitted electronically to the Department*** as the beginning date of the 20-day period.

6. Upon executing all the documents necessary to complete the lease of the vehicle, including, without limitation, the financial documents, the long-term lessor shall ~~[execute]~~ ***complete*** the long-term lessor's report of lease and furnish a copy of the ~~[report]~~ ***information included therein*** to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 3. NRS 482.424 is hereby amended to read as follows:

482.424 1. When a used or rebuilt vehicle is sold in this State to any person, except a licensed dealer, by a dealer, rebuilder, long-term lessor or short-term lessor, the seller shall complete and ~~[execute]~~ ***submit to the Department*** a dealer's or rebuilder's report of sale. The dealer's or rebuilder's report of sale must be ***transmitted electronically to the Department*** in ~~[a form prescribed]~~ ***the manner required*** by the Department and must include:

(a) A description of the vehicle, including whether it is a rebuilt vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party must be ~~[entered on]~~ ***included in*** the dealer's or rebuilder's report of sale.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

(1) A certificate of title for a vehicle registered in this State; and

(2) The processing of the dealer's or rebuilder's report of sale; and

(b) Within 30 days after the ~~[execution]~~ ***electronic transmission to the Department*** of the dealer's or rebuilder's report of sale:

(1) Submit to the Department the ~~[original of the dealer's or rebuilder's report of sale and the]~~ properly endorsed certificate of title previously issued for the vehicle; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract or other written agreement for the sale of a used or rebuilt vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for not more than 30 days after the execution of a written agreement to purchase or the contract of sale, whichever occurs first. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. To establish compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date ~~[imprinted or otherwise indicated]~~ on ***which*** the dealer's or rebuilder's report of sale ***was transmitted electronically to the Department*** as the beginning date of the 30-day period.

7. Upon executing all the documents necessary to complete the sale of the vehicle, including, without limitation, the financial documents, the seller shall ~~[execute]~~ ***complete*** the dealer's or rebuilder's report of sale and furnish a copy of the ~~[report]~~ ***information included therein*** to the buyer not less than 10 days before the expiration of the temporary placard.

Sec. 4. NRS 482.4245 is hereby amended to read as follows:

482.4245 1. If a used or rebuilt vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and ~~[execute]~~ ***submit to the Department*** a long-term lessor's report of lease. Such a report must be ***transmitted electronically to the Department*** in ~~[a form prescribed]~~ ***the manner required*** by the Department and must include:

(a) A description of the vehicle;

(b) An indication as to whether the vehicle is a rebuilt vehicle; and

(c) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 30 days after the ~~[execution]~~ ***electronic transmission to the Department*** of the long-term lessor's report of lease:

(a) Submit to the Department the ~~[original of the long-term lessor's report of lease and the]~~ properly endorsed certificate of title previously issued for the vehicle; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease or written agreement to lease for a used or rebuilt vehicle, the long-term lessor shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of a written agreement to lease or the lease, whichever comes first. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration

of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. To establish compliance with the period required by subsection 2, the Department shall use the date ~~[imprinted or otherwise indicated]~~ on ***which*** the long-term lessor's report of lease ***was transmitted electronically to the Department*** as the beginning date of the 30-day period.

6. Upon executing all the documents necessary to complete the lease of the vehicle, including, without limitation, the financial documents, the long-term lessor shall ~~[execute]~~ ***complete*** the long-term lessor's report of lease and furnish a copy of the ~~[report]~~ ***information included therein*** to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 5. NRS 482.436 is hereby amended to read as follows:

482.436 Any person is guilty of a gross misdemeanor who knowingly:

1. Makes or causes to be made any false entry on any certificate of origin or certificate of title;

2. Furnishes or causes to be furnished false information to the Department concerning any security interest; or

3. Fails to submit or causes to not be submitted the ~~[original of the dealer's or long-term lessor's report of sale or lease, together with the]~~ certificate of title or certificate of ownership issued for a used vehicle to the Department within the time prescribed in subsection 3 of NRS 482.424 or, if a leased vehicle, subsection 2 of NRS 482.4235.

Sec. 6. This act becomes effective on July 1, ~~[2013.]~~ **2014.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 301 requires the Legislative Committee on Public Lands to conduct a study of water issues during the 2013-2014 interim. The study would include: (1) water resource issues; (2) studies quantifying water use; (3) the consumptive use of water measured in gallons per capita per day; (4) alternative water sources; and (5) efforts related to apportionment of water within interstate groundwater basins.

The Public Lands Committee shall, in addition to its required final report, submit a report on its findings and recommendations for legislation on water no later than February 1, 2015, for consideration by the 78th Session of the Nevada Legislature.

I am proud to report to this body that this is a collaborative effort between the Central Nevada Water Authority and Southern Nevada Water Authority. It was a great opportunity for us to get together, and we hope this passes.

Roll call on Assembly Bill No. 301:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 301 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 304 makes an appropriation of $136,960.55 for the salary of a Veterans Court Coordinator contingent upon non-state matching funds to the Eighth Judicial District Court. This appropriation is not in The Executive Budget. Any remaining balance of the appropriation must not be committed for expenditures after June 30, 2015, and must revert to the General Fund at the end of the 2013-15 biennium.

During the interim, the Legislative Committee on Seniors Citizens, Veterans and Adults with Special Needs did a lot of study on veterans court and found it was a money saver in Washoe County, which is already funded with an AOC [Administrative Office of the Courts] grant. This would allow us to get the program up and running in Clark County, saving money in Clark County's justice system, public defenders, and district attorneys. I urge passage because it will really help veterans as well.

Roll call on Assembly Bill No. 304:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 304 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 405, as amended, allows a seasonal resident to apply to the DMV [Department of Motor Vehicles] for a seasonal identification card. The bill requires the DMV to charge $17 for the identification card, which would expire after four years. The bill provides that applicants do not have to surrender an out-of-state driver's license or identification card when applying for a seasonal resident identification card.

This bill allows seasonal residents and out-of-state students with seasonal resident identification cards to apply to the DMV for a seasonal resident permit, also. The bill requires the applicants to pay a fee of $18 for each vehicle permit and submit proof that the vehicle is currently registered and insured in the state, country, or other place the owner or applicant is a resident.

Assembly Bill 405, as amended, allows the DMV to issue a decal, sticker, or other indicia to a seasonal resident who properly permits a vehicle. The decal, sticker, or other indicia must be displayed on the vehicle and expires after one year. It is limited to private passenger vehicles, noncommercial trucks, and recreational vehicles. This bill does not apply to commercial vehicles or those used for business purposes.

Assembly Bill 405, as amended, is effective upon passage and approval for the purposes of adopting regulations and performing preparatory administrative tasks and on January 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 405:

YEAS—40.

NAYS—Fiore.

EXCUSED—Pierce.

Assembly Bill No. 405 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 408 requires a state agency to make a concerted effort to determine the impact of a proposed regulation and to conduct, or cause to be conducted, an analysis of the likely impact of the regulation on a small business. The governing body of a local government is similarly charged with determining the impact of the proposed rule on the small business. A copy of the small business impact statement must be submitted to the Legislative Counsel when the adopted regulation is submitted. The Legislative Commission must return the regulation to the agency if it is not. The Legislative Commission or the Subcommittee to Review Regulations may reject a regulation if the small business impact statement submitted is inaccurate, incomplete, or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

Roll call on Assembly Bill No. 408:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 408 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 410, as amended, requires the Office of Economic Development, institutions within the Nevada System of Higher Education, and other interested parties to develop, create, and oversee a pilot program designed to stimulate Nevada's economy. The program is to be designed to provide assistance to businesses that are already located and operating in Nevada, rather than to recruit businesses from other states to relocate to Nevada.

Assembly Bill 410 also requires the appropriation of $300,000 from the State General Fund to the Nevada System of Higher Education to purchase software for a geographic information system, to hire a specialist to operate the system, and to provide other services as are necessary to carry out the pilot program.

Assembly Bill 410, as amended, becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act and on October 1, 2013, for all other purposes.

This act expires by limitation on June 30, 2017.

Roll call on Assembly Bill No. 410:

YEAS—28.

NAYS—Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—13.

EXCUSED—Pierce.

Assembly Bill No. 410 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 414, as amended, requires a course of study in health education established by the State Board of Education to include instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator. This instruction must be provided, to the extent money is available for this purpose, to students enrolled in a high school, including a charter high school. These provisions also apply to a private high school that offers a course of study in health.

Students with disabilities and those enrolled in a public, charter, or private school through a program of distance education are exempt from the requirements of the bill.

Roll call on Assembly Bill No. 414:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 414 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 424 authorizes the State Fire Marshal or the State Board of Fire Services to issue a written administrative citation if the State Fire Marshal or the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any statute or regulation related to the State Fire Marshal.

Roll call on Assembly Bill No. 424:

YEAS—40.

NAYS—Fiore.

EXCUSED—Pierce.

Assembly Bill No. 424 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 436 requires the Public Utilities Commission [PUC] of Nevada to adopt regulations specifying the information and criteria it will consider when reviewing a request to recover an amount based on the anticipated effects of a water conservation plan, recover the costs of providing service without regard to the quantity of water sold, and impose a surcharge to fund and encourage infrastructure investments.

Currently, the PUC regulates approximately 30 water utilities that range in size between 25 to 4,000 customers. The largest of these utilities in central Nevada is located in Pahrump and has approximately 4,000 customers. The average customer base of a PUC-regulated water company in Nevada is only about 270 customers. Under existing law, municipally-owned water or wastewater systems are not regulated by the Public Utilities Commission.

Roll call on Assembly Bill No. 436:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 436 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 38 amends the statutes relating to the dissemination of criminal history information to employers. The bill expands the definition of "employer" to include employers whose employees or volunteers regularly render services to elderly persons and persons with disabilities. This bill also authorizes an employer to request criminal history information when making a decision to retain or discharge a volunteer whose duties involve contact with children, elderly persons, and persons with disabilities and who has signed a written consent.

Roll call on Senate Bill No. 38:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 1:28 p.m.

ASSEMBLY IN SESSION

At 3:37 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 267 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 373 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 54 prohibits a private building owner or governmental agency that owns or controls a building or property where a vending stand is established from requiring the Bureau of Services to Persons Who are Blind or Visually Impaired, Rehabilitation Division, Department of Employment, Training and Rehabilitation or vending stand operator to pay any rent, fee, or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. A private building owner or governmental agency is authorized to enter into an agreement with the Bureau to recover increases in utility or other costs where there

is a direct and measurable increase in such costs as a result of the vending stand. Finally, the Bureau is required to provide an accounting of any money remaining in the Business Enterprise Account for Persons Who Are Blind to all licensed vending stand operators and distribute to each operator his or her proportionate share of such money.

Roll call on Senate Bill No. 54:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 54 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 80 makes various changes governing dairy products and dairy substitutes. Specifically, the measure authorizes the State Dairy Commission to impound and dispose of any adulterated milk or milk product or any misbranded milk or milk product and impose a civil penalty of not more than $1,000 for a violation of certain provisions governing permits for the sale of milk and cream. Additionally, S.B. 80 revises membership qualifications for certain members of the Commission, and it allows the Commission to accept gifts and grants to promote and develop the economic viability of the dairy industry in this state. The bill also makes various changes to frozen desserts and distributors of fluid milk and cream.

Finally, the measure revises various definitions for certain dairy products and eliminates numerous provisions governing dairy products and dairy substitutes.

Roll call on Senate Bill No. 80:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 80 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 141 requires an agency of criminal justice to disseminate a record of criminal history to a court-appointed special advocate program in a county whose population is less than 100,000 as needed to ensure the safety of a child for whom a special advocate has been appointed by a court.

Roll call on Senate Bill No. 141:

YEAS—30.

NAYS—Aizley, Bobzien, Carrillo, Ellison, Fiore, Frierson, Hardy, Hogan, Martin, Spiegel, Thompson—11.

EXCUSED—Pierce.

Senate Bill No. 141 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 209 requires each regional development authority in the state to present a plan to the Executive Director of the Governor's Office of Economic Development regarding the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of the state served by that regional development authority.

The bill additionally requires the Executive Director of the Office of Economic Development to consider those plans in carrying out his or her duties relating to the State Plan for Economic Development.

Roll call on Senate Bill No. 209:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 209 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 228.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 228 revises procedures applicable to the Commission on Ethics. The bill adds and applies definitions to the Nevada Ethics in Government Law for domestic partners and domestic partnerships and clarifies other definitions. With respect to the procedures of the Commission, the bill provides for: (1) computation of deadlines; (2) temporary designation of a replacement for the Executive Director in situations where a conflict prevents the Executive Director from participating; (3) retention of assessments received from local governments; (4) payment of the costs of subpoenas; (5) elimination of deadlines for written opinions; (6) confidentiality of documents, such as the investigatory file; and (7) assignment of responsibility for collecting acknowledgments of ethical standards from public officers and dissemination of the explanation of the ethics standards to public employees.

Roll call on Senate Bill No. 228:

YEAS—36.

NAYS—Ellison, Fiore, Hansen, Hardy, Wheeler—5.

EXCUSED—Pierce.

Senate Bill No. 228 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 252 revises provisions related to the Renewable Portfolio Standard [RPS]. The measure limits the qualifications of a portfolio energy system for purposes of meeting the RPS to: (1) those systems placed into operation after July 1, 1997, or (2) those systems placed into operation before July 1, 1997, if the system was used to satisfy the requirement before July 1, 2009. The bill also limits the qualifications of an energy efficiency measure for purposes of meeting the RPS to those measures installed on or before December 31, 2019. Further, S.B. 252 eliminates the 2.4 kilowatt-hour multiplication factor for each 1 kilowatt-hour actually generated or acquired from a solar photovoltaic system for purposes of calculating portfolio energy credits [PEC] for any system placed into operation after December 31, 2015. Similarly, the measure excludes from the calculation of PECs the energy used by a portfolio energy system for its basic operations for any system placed into operation after December 31, 2015.

The bill authorizes a provider of electric service that carries forward 10 to 25 percent more kilowatt-hours of electricity than the provider needs to satisfy the RPS for the subsequent calendar year to sell the excess electricity. Additionally, the measure requires a provider that carries forward 25 percent or more of the amount of PECs necessary to comply with the RPS for the subsequent year to make reasonable efforts to sell any excess credits.

Finally, S.B. 252 requires the PUC of Nevada to open an investigatory docket to study, examine, and review the process for the sale of PECs and to submit a written report of its findings to the 78th Session of the Nevada Legislature.

Roll call on Senate Bill No. 252:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Wheeler, Woodbury—14.

EXCUSED—Pierce.

Senate Bill No. 252 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 273 provides that in a county with a population less than 45,000, a deputy sheriff who has completed a 12-month probationary period may be terminated from employment for cause for failing to become certified by the Peace Officers' Standards and Training Commission within the statutorily required time, for losing POST certification, or for failing to maintain a valid driver's license.

Roll call on Senate Bill No. 273:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 273 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 284.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 284 requires that if a law enforcement officer employed by a law enforcement agency in a county whose population is 100,000 or more is involved in a fatal vehicle accident, a different law enforcement agency must investigate the accident. There are some exceptions to this that I could go into, Madam Speaker, but if you do not want me to, I will just recommend this bill be passed.

Roll call on Senate Bill No. 284:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 284 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 285 revises provisions governing requirements to obtain a permit to operate an air ambulance and to obtain a license to serve as an attendant on an air ambulance. Specifically, the bill provides that air ambulances based outside Nevada and attendants rendering services solely on such air ambulances are only exempt from these requirements if the operator delivers patients from a location outside Nevada to a location within Nevada and does not receive any patients within Nevada.

The measure also specifies that only the medical aspects of the operation of the air ambulance may be considered in determining whether to issue a permit to operate an air ambulance and precludes consideration of certain economic factors when making this determination. Inspections conducted concerning the issuance of a permit must be related only to the medical aspects of the operation of the air ambulance.

Finally, S.B. 285 eliminates the requirement that an owner of an air ambulance file a change in his or her schedule of rates before the change becomes effective.

Roll call on Senate Bill No. 285:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 285 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 286 defines the right to free speech in direct connection with an issue of public concern to be communication made in a place open to the public or in a public forum. A person who engages in such communication is immune from any civil action for claims based upon that communication. If a civil action is sought and the person who engaged in the communication files a special motion to dismiss, the measure adds a process for the court to follow and provides that a court ruling on the motion must be made within seven judicial days after the motion is served upon the plaintiff.

If a court grants a special motion to dismiss, the measure provides that in addition to reasonable costs and attorney's fees, the court may award an amount up to $10,000 to the person against whom the action was brought. If the court denies a special motion to dismiss and finds that the motion was frivolous or vexatious, the measure provides that the prevailing party shall receive reasonable costs and attorney's fees and may be granted an amount up to $10,000 and any such additional relief as the court deems proper to punish and deter the filing of frivolous or vexatious motions. Finally, the measure provides that if the court denies a special motion to dismiss, an interlocutory appeal lies to the Supreme Court.

Roll call on Senate Bill No. 286:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 286 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 67 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 67 defines the crime of sex trafficking separately from the crime of pandering. It authorizes the court to order videotaped depositions of a victim of sex trafficking and establishes a rebuttable presumption that good cause exists for such an order. Assembly Bill 67 authorizes a victim of sex trafficking or human trafficking to bring a civil action against the person who caused or profited from the act of trafficking. The bill makes other related changes to the statutes on criminal procedure crimes and punishments and grants the Attorney General concurrent jurisdiction to prosecute any offense involving pandering and sex trafficking without leave of the court.

Roll call on Assembly Bill No. 67:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 67 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 287 authorizes the holder of a license or a certificate of registration issued by the State Board of Cosmetology to display a duplicate of the license or certificate in lieu of the original license or certificate. Failure to display a duplicate under certain circumstances is grounds for disciplinary action by the Board. The bill authorizes a licensee to obtain a duplicate license from the Board if required by the licensee for reasons other than when the original is destroyed, misplaced, or mutilated or the name or address of the licensee changes.

Roll call on Senate Bill No. 287:

YEAS—40.

NAYS—Neal.

EXCUSED—Pierce.

Senate Bill No. 287 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 288.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 288 revises the manner in which a provider of debt-management services may request and receive payment from an individual debtor. A debt-management service may not request or receive payment of any fee or consideration until it has settled the terms of at least one debt pursuant to a settlement agreement or other contract executed by the individual and the individual has made at least one payment under the agreement or contract. The measure enacts rules for determining the amount of the fee or consideration that a debt-management service may request and receive from an individual. Further, the bill removes the requirement that a debt-management service return 65 percent of the setup fee if the provider terminates the agreement for nonpayment by the individual.

Roll call on Senate Bill No. 288:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 288 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 304 revises various provisions of the Charter of the City of Sparks. It clarifies that the authority of the City Manager to exercise control over the officers of the City applies only with respect to appointed officers. It also authorizes the City Council to employ special counsel to represent the City Council. The City Attorney shall have no responsibility or authority concerning the subject matter of an attorney employed as a special counsel.

The bill repeals certain sections of the Charter that are duplicated in the City's Civil Service regulations and elsewhere. Additionally, the City's Civil Service Commission is required to call a special meeting not later than 15 days after receiving notice from the City Manager and is required to hold at least one regular meeting each quarter.

Roll call on Senate Bill No. 304:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 304 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Senate Bill 305 authorizes a public school pupil who is at least 16 years of age and in Grade 11 or 12 to receive one elective credit toward graduation for completing a public or private internship program. The program must be approved by the school district's board of trustees or the governing body of a charter school. That board also must establish application and verification requirements.

I just want to make clear for the body that this measure was one of the legislative initiatives that was developed by the Nevada Youth Legislature, and although it did not come to the body as their designated proposal, it was carried by one of our Senators at their request.

Roll call on Senate Bill No. 305:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 305 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 309.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 309 urges the Nevada System of Higher Education and various business organizations, such as chambers of commerce, to establish mentoring programs for new, aspiring, or struggling business entrepreneurs, especially for those who are veterans, small businesses, or minority business owners. The measure also urges the various groups to work together to establish scholarship awards, based upon merit and need, and consider best practices for similar mentoring programs, including those that provide peer mentoring and training in management, to turn business ideas into viable businesses.

Roll call on Senate Bill No. 309:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 309 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 310 deletes the requirement that a financial institution operating an electronic terminal must disclose certain fees on a sign posted on or in clear view of the electronic terminal. The bill also authorizes a state-chartered bank to engage in a derivative transaction with the consent and written approval of the Commissioner of Financial Institutions. The measure provides that the total outstanding loans of such a bank, for the purpose of calculating the lending limit of the bank, must include the credit exposure of the bank arising from certain transactions, including derivative transactions.

Roll call on Senate Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 310 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 317.

Bill read third time.

Remarks by Assemblyman Wheeler and Madam Speaker.

ASSEMBLYMAN WHEELER:

Senate Bill 317 clarifies that it is an unfair act or practice for a manufacturer or distributor of vehicles and certain related entities to require a dealer to agree to any terms or conditions of a franchise agreement that waive certain provisions of Nevada law governing franchises for sales of motor vehicles. The bill further provides that any waiver of such provisions is void and unenforceable.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

What are we waiving? What part of the franchise agreement?

ASSEMBLYMAN WHEELER:

The way it was explained, I understand that during some franchise agreement negotiations, dealers were asked to actually sign a waiver of Nevada law in some instances that they could be held liable for, and their franchise taken away from them.

Roll call on Senate Bill No. 317:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 317 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 318 requires the Nevada Commissioner of Insurance to conduct a study of claims, coverage, and payments under dental and health insurance policies. The Commissioner is required to present the study results to the Legislative Committee on Health Care on or before June 1, 2014.

Roll call on Senate Bill No. 318:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 318 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 325.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 325 requires an explanation of a ballot question to include a digest consisting of a summary of existing laws directly related to the question and a statement of the impact of the proposal on those laws. The digest must also indicate the effect of the ballot question on public revenues. A question placed on a ballot by a governing body of a political subdivision must be written in easily understood language and include a digest. The measure requires governing bodies of all cities or counties to appoint committees to draft arguments in support of or in opposition to ballot questions, including advisory questions. Obsolete provisions requiring certain governing bodies to provide arguments for and against ballot questions are eliminated.

I want to praise the chairwoman of the Senate Legislative Operations and Elections Committee for bringing this bill forward. I know there have been many times that I have talked to constituents who tell me they vote against all of the ballot questions because they do not understand them. I hope this bill, should it pass into law, will help make those questions understandable because it is a vital part of our democratic process.

Roll call on Senate Bill No. 325:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 325 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 335.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Senate Bill 335 requires a person seeking to be employed or to enter into a contract or lease to drive a taxicab in a county under the jurisdiction of the Nevada Transportation Authority, which is all counties except Clark County, to obtain a medical examiner's certificate indicating the prospective driver meets certain health requirements. The bill also adds a chiropractor to the list of professionals who can provide a medical examiner's certificate for any prospective taxicab driver under the jurisdiction of the NTA.

Roll call on Senate Bill No. 335:

YEAS—40.

NAYS—Neal.

EXCUSED—Pierce.

Senate Bill No. 335 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Senate Bill 338 changes various terms in the *Nevada Revised Statutes* related to mental health. Specifically, it replaces the terms "mental retardation" and "mentally retarded" with "intellectual disability" and with "intellectually disabled," respectively. The bill also changes other similar words and terms in a similar manner.

Roll call on Senate Bill No. 338:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 338 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 342.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 342 authorizes a city or county to establish by ordinance a simplified procedure for the vacation or abandonment of a street it owns for the purpose of conforming the legal description of real property to a recorded survey or map of the relevant area. Before proceeding with the simplified procedure, a governing body must provide written notice to utility and video service providers to ensure that any issues related to easements on the affected property can be addressed.

Roll call on Senate Bill No. 342:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 342 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 343 creates a new category of off-highway vehicle [OHV]. The bill requires the owner of a large all-terrain vehicle to provide proof of insurance that meets the requirements of insurance on an automobile. The bill defines "large all-terrain vehicle" and provides for a new registration sticker or decal distinguishable from the sticker or decal of a standard off-highway vehicle. Additionally, the owner of a large all-terrain vehicle can register either as a standard OHV, as currently required, or the owner can choose the new designation which allows him or her to go on certain roads designated by a city or county.

Roll call on Senate Bill No. 343:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 343 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

There are behavioral health centers across the state that do private schooling. I use that term not meaning the traditional private school, but when the children go into the behavioral health center, they still have to keep them up on their studies. This allows the dollars to flow to those schools if they—the Washoe County School District or whoever—do not have the staff there. This allows them to not be operating at a loss on those schools.

Roll call on Senate Bill No. 344:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 344 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 345.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 345 creates a 17-member Advisory Council on Science, Technology, Engineering, and Mathematics, or STEM, within Nevada's Department of Education.

Among other things, the Council is required to develop a strategic plan for the development of education resources in STEM to serve as a foundation for workforce development, college preparedness, and economic development. Finally, the Council must submit reports of its activities to the Legislature, the State Board of Education, and the Governor with recommendations on STEM instruction and curriculum.

Roll call on Senate Bill No. 345:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 345 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblyman Wheeler and Madam Speaker.

ASSEMBLYMAN WHEELER:

Senate Bill 347 requires the Advisory Commission on the Administration of Justice to include on an agenda a discussion of items relating to parole. At a minimum, the discussion shall include a survey of the parole system of Nevada and other states and territories and a review of states that replaced discretionary parole systems with mandatory parole systems.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I just want to clarify for folks. We have about eight studies on the desk. This does not fall into that category because it is just a direction for the Advisory Commission on the Administration of Justice, which is going to be pretty busy based on the 20 different items everybody wants them to look at.

Roll call on Senate Bill No. 347:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 347 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 350, as amended, expands the list of authorized purposes for which a school district may issue general obligations pursuant to NRS 387.335 to include the purchase of motor vehicles and other equipment used for the transportation of pupils. Additionally, if money from the issuance of general obligations is used to purchase such equipment and the equipment is subsequently sold, the bill requires the proceeds of the sale to be applied toward the retirement of the general obligations.

This bill, as amended, becomes effective on July 1, 2013.

Roll call on Senate Bill No. 350:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 350 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 351.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 351 prohibits a health care provider or health facility that treats a patient for a condition for which the patient has filed or intends to file a civil claim to recover damages, or any business in which such a provider or facility has a financial interest, from acquiring a debt or lien for services that arise from the same claim and are provided to the patient by another facility.

A person who violates these provisions is guilty of a category E felony and may be further punished by a fine of not more than $25,000 for each violation.

Roll call on Senate Bill No. 351:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 351 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:31 p.m.

ASSEMBLY IN SESSION

At 4:35 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly reconsider the action whereby Senate Bill No. 347 was passed.
Remarks by Assemblyman Horne.
Motion carried.

Assemblyman Horne moved that Senate Bill No. 347 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly rescind the action whereby Senate Bill No. 235 was passed.
Remarks by Assemblywoman Benitez-Thompson.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 235 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 235.
Bill read third time.
The following amendment was proposed by Assemblywoman Benitez-Thompson:
Amendment No. 818.
AN ACT relating to scrap metal; authorizing a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal; requiring, under certain circumstances, a scrap metal processor to submit electronically to a local law enforcement agency or certain third parties certain information relating to certain purchases of scrap metal; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to the confidentiality of reported information; revising provisions

relating to certain records maintained by scrap metal processors; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) **Section 1.3** of this bill authorizes a local law enforcement agency to establish an electronic reporting system or utilize an existing electronic reporting system to receive certain information relating to scrap metal purchases within the jurisdiction of the law enforcement agency. **Section 1.3** requires that the system be electronically secure and accessible only to: (1) a scrap metal processor for the purpose of submitting certain information; (2) an officer of the local law enforcement agency; and (3) an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system, **section 1.3** requires a scrap metal processor to submit electronically to the local law enforcement agency or, if applicable, any third party that the local law enforcement agency has contracted with, certain information relating to each purchase of scrap metal from certain persons. **Section 1.3** further requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations providing for the confidential maintenance of reported information and the oversight of designated third parties that may contract with a law enforcement agency to receive and maintain such information.

Section 2 of this bill revises provisions relating to the acceptable forms of personal identification which a scrap metal processor may accept for the purpose of maintaining certain records relating to purchases of scrap metal.

Section 1.5 of this bill provides that a person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill, so long as such actions are taken in good faith and without malicious intent.

Section 1.7 of this bill requires a person in whose possession the information required to be submitted to a local law enforcement agency is held to keep the information confidential. **Section 1.7** also provides that a person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. ***1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:***

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(a) The name of the seller;

(b) The date of the purchase;

(c) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(e) The license number and general description of any vehicle that delivered the scrap metal;

(f) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094; and

(g) The amount, in weight, of scrap metal purchased.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal within the jurisdiction of the law enforcement agency.

6. The provisions of this section do not apply to the purchase of scrap metal from a business entity.

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from local law enforcement agencies in this state and representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

(a) The confidentiality of consumer information;

(b) The confidentiality of proprietary information;

(c) Equity of input into contractual terms;

(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;

(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 1.5. ***A person is immune from any civil liability for any action taken in good faith and without malicious intent in carrying out the provisions of NRS 647.094 or section 1.3 of this act.***

Sec. 1.7. ***1. Except as otherwise required pursuant to section 1.3 of this act, any information concerning the purchase of scrap metal, as***

described in NRS 647.094 and section 1.3 of this act, must be kept confidential by the person in whose possession such information is held.

2. A person who knowingly and willfully violates subsection 1 is guilty of a gross misdemeanor.

Sec. 2. NRS 647.094 is hereby amended to read as follows:

647.094 1. Every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:

(a) The date of the purchase.

(b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.

(c) A copy of the seller's valid ~~[~~personal~~]~~ ***:***

(1) Personal identification card ~~[~~or valid driver's~~]~~ ***issued by this State or any other state or territory of the United States;***

(2) Driver's license issued by ~~[~~a~~]~~ ***this State or any other*** state ~~[~~or a copy of the seller's valid~~]~~ ***or territory of the United States;***

(3) United States military identification card ~~[~~.~~]~~ ***; or***

(4) Any form of identification which may serve as an acceptable form of identification pursuant to NRS 237.200.

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including the seller's gender, height, eye color and hair color.

(e) A photograph, video record or digital record of the seller.

(f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.

(g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of

business be open to the inspection of a prosecuting attorney or any peace officer.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 287, 336; Senate Bills Nos. 76, 94, 99, 162, 179, 208, 220, 224, 236, 246, 262, 267, 315, 321, 356, 365, 371, 373, 382, 388, 389, 392, 393, 402, 404, 405, 409, 410, 414, 419, 420, 421, 424, 432, 433, 434, 436, 437, 438, 440, 441, 442, 443, 448, 449, 450, 453, 457, 458, 459, 460, 476, 488, 489, 493, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 9, 12, 13; Senate Joint Resolution No. 15 of the 76th Session, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

May 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: BDR S-1233.

MARK KRMPOTIC
Fiscal Analysis Division

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 28, 53, 69, 493, 495; Assembly Joint Resolutions Nos. 4, 5, 7; Senate Bills Nos. 97, 98, 102, 103, 104, 105, 108, 110, 114, 117, 122, 127, 130, 136, 140, 148, 153, 154, 157, 158, 159, 163, 175, 189, 215, 216, 227, 264, 268, 272, 274, 281.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Diggs, Brett Boyer, Hunter Whitehead, and the following students and chaperones from Truckee Meadows Community College High School: Sebastian Aleman, Alex Armitage, Haley Blonsley, Kaitlin Cates, Lizzie Cates, Shelby Cook, Christiann Crowder, Evan Cunningham, Serena Evans, Ian Gibson, Kaelie Huff, Ashley Jackson, Carly Johnson, J. J. Lake, Kenneth Lester, Diana Morales Herrera , Cheyanne Neuffer,

Karl Nordland, Gienie Mae Oquendo, Selena Padilla, Sonja Petersen, Kyra Pfennig, Keegan Phillips, Lainee Potter, Catrina Ryan, Jakob Shepherd, Tori Speicher, Elysia Stone, Tehman Tariq, Tayllor Thompson, Olivia Thrasher, Kaitlyn West, SaraJane Barnard, Chelsea Bosco, Janea Campbell, Quinn Chapman, Koraleigh Ebbs, Megan Geisinger, Sarah Goode, Tara Humphreys, Kim Kedrowski, Chloe Kelly, Connor Kelly, Tiffany Klaich, Karen Mendoza, Carlie Meyers, Brenda Moreno, Samantha Noose, Colby Noyes, Emily O'Brien, Faith Rucker, Anita Savell, Amanda Scott, Crystal Sepulveda, Jordyn Sliter, Frankie Talbot, Brylee Vann, and Melanie Mahan.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Hernandez.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Badger and Pat Maisch.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stavros Anthony and Jolette Gowens.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Slaughter, Ben Lerude, and Mason Osgood.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Michael McDonald, Jason Grove, Jay Matos, and Jesse Law.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Neil Heslin.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Gilles Rousseau.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Hames.

Assemblyman Horne moved that the Assembly adjourn until Thursday, May 23, 2013, at 12 noon.

Motion carried.

Assembly adjourned at 4:48 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

BEGUN ON MONDAY, THE FOURTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE THIRD DAY OF JUNE

VOLUME 4

**THE ONE HUNDRED AND NINTH DAY—
THE ONE HUNDRED AND THIRTEENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 4

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ASSEMBLY PROCEEDINGS 3848

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 23, 2013

Assembly called to order at 12:28 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

As children bring their broken toys for us to mend, we bring our broken dreams to You, O' God, and then complain as to why You could be so slow; to which You reply, "How could I work? You never did let go."

Help us to remember Your words to us, "They that wait upon the Lord will renew their strength. They will soar on the wings like eagles. They will run and not get weary; they will walk and not faint."

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 220, 262, 267, 315, 321, 441, 456, and 496 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 466 and Senate Bill No. 319 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 459, 460, 476, 488, and 489 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 179 and 224 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Joint Resolutions Nos. 1, 9, 12, 13; Senate Joint Resolution No. 15 of the 76th Session be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblymen Cohen and Hansen.

ASSEMBLYWOMAN COHEN:

Senate Joint Resolution 1 expresses support for wild horses and burros by declaring that these animals are an integral part of the ecosystem and rangelands of the United States and the state of Nevada. The resolution notes that wild horses and burros are natural resources and cultural assets with the potential to promote tourism and job creation, particularly with the building of "eco-sanctuaries." The resolution notes that these animals depend on the understanding, cooperation, and fairness of all interested persons. In addition, the resolution expresses the Legislature's support for the preservation and protection of wild horses and burros and the development of wild horse and burro-related ecotourism. Finally, S.J.R. 1 encourages a spirit of cooperation between wild horse and burro advocates, private land owners, and the State Department of Agriculture.

ASSEMBLYMAN HANSEN:

I rise in opposition of Senate Joint Resolution No. 1. Wild horses and burros are not an integral part of Nevada. They are, in fact, feral livestock. They are causing all sorts of problems to the rangelands of our state. What I requested in this bill was that we ask Congress to follow its own laws and make sure that the herds are managed to the levels in the herd management areas, as is required by federal law. So I think we need to recognize that while they are beautiful, they are not part of the native ecosystem, they are causing a lot of problems, and the federal government has failed completely in its job to properly manage those in the state. So I will be voting no for that reason.

Roll call on Senate Joint Resolution No. 1:

YEAS—27.

NAYS—Paul Anderson, Bobzien, Daly, Diaz, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Stewart, Woodbury—14.

EXCUSED—Pierce.

Senate Joint Resolution No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Joint Resolution No. 9 urges the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for commercial and competitive uses of federal public lands in Nevada when such uses are for nonmotorized events. The resolution also urges the Director of the BLM to amend the *Code of Federal Regulations* to

expedite the approval process for SRPs and asks Nevada's Congressional Delegation to use its best efforts to accelerate this process as well.

Roll call on Senate Joint Resolution No. 9:

YEAS—40.

NAYS—Daly.

EXCUSED—Pierce.

Senate Joint Resolution No. 9 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Senate Joint Resolution No. 12 urges the President of the United States to grant a posthumous pardon to John A. "Jack" Johnson, who in 1913 was convicted of violating the Mann Act, a conviction thought to be racially motivated. Mr. Johnson was the first African American to hold the title of Heavyweight Champion of the World. The conviction destroyed Mr. Johnson's reputation and diminished his athletic, cultural, and historical significance. The Mann Act, also known as the "White Slave Traffic Act," outlawed the transportation of women in interstate or foreign commerce for the purpose of prostitution or any other immoral purpose. I urge the passage of this resolution.

Roll call on Senate Joint Resolution No. 12:

YEAS—38.

NAYS—Flores, Hansen, Sprinkle—3.

EXCUSED—Pierce.

Senate Joint Resolution No. 12 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Elliot Anderson, Hardy, Fiore, Paul Anderson, Martin, and Healey.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Joint Resolution 13 proposes to amend the *Nevada Constitution* to provide that the state of Nevada and its political subdivisions shall recognize marriages and issue licenses to couples, regardless of gender. Religious organizations and clergy have the right to refuse to perform marriages, and no person has the right to make a claim against a religious organization or clergy for such refusal. If approved in identical form during the 2015 Legislative Session, in addition to this one, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

The issue before the Assembly today is not an easy one for many good people that I know, including those who I care for and respect and who will not be on the same side of this question. I rise in support because S.J.R. 13 will allow committed same-gender couples who love each other the freedom to marry. I rise in support because S.J.R. 13 will provide an economic boost to Nevada's lagging tourism industry and is supported by our state's largest employers. Finally,

S.J.R. 13 will allow the people a chance to change their minds on the topic. Before I go further, I want to address a number of the arguments against this resolution which have circulated around the Legislature.

The first is that marriage—or any type of policy—should not be in the constitution. Nevada's *Constitution* is already filled with policy, unfortunately. We have policy restricting the majority's purview to exercise a basic function of any legislature, taxing and spending. We have policy that creates special prohibitions against lotteries, mining taxes, and other policies. Nevada's *Constitution* and any constitution should be for basic structure and for securing our God given rights to life, liberty, and the pursuit of happiness and never for taking those rights away. However, whether we like constitutional policy or not is not the question before us today. Policy taking away the freedom to marry from committed same-gender couples, who love each other is already in the constitution. I would note that the proponents for Question 2 in 2000 and 2002 had no problem amending that language into the constitution. In sum, the question before this body is whether they believe everyone should have an equal right to life, liberty, and the pursuit of happiness, regardless of where this law is located.

The second argument against S.J.R. 13 is that supporters of the freedom to marry should go through the initiative process. In response, I would note that the *Nevada Constitution* includes three ways to amend the constitution, all legitimate and which all must be voted on by the people. They include a legislatively initiated amendment like here, an amendment initiated by the people, or a Constitutional Convention. Every member of this body represents 64,000 people, and every Senator represents 128,000 people. The sponsors of this measure represent over a million people, much more than are required to move an initiative petition forward. To act as though this method somehow undermines the spirit of the constitution, or makes this any less deserving of a vote, or somehow overrules a vote of the people who, by the way, still need to approve this at the ballot box, is wrong. The argument's logical conclusion is that there should not be a legislature in the first place, but of course we are a representative democracy.

Additionally, Question 2 was unnecessary. *Nevada Revised Statutes* 122.020 also restricted the freedom to marry before we were even a state. The Territorial Legislature, meeting in November of 1861, approved the earliest version of that statute, which ended up being codified into NRS Chapter 122. Their act stated that every male who attained the full age of 18 years and every female who attained the full age of 16 years was capable of contracting in marriage. Question 2 was unnecessarily duplicative and gratuitous.

The last argument is that we are overturning the will of the voters. However, pollsters from both sides of the aisle have found that the people's will has changed. Question 2 passed with 69 percent of the vote in 2000, and 67 percent of the vote in 2002. In February of this year, the latest RAN [Retail Association of NV] poll of Nevada conducted by Public Opinion Strategies put popular support for the freedom to marry at 54 percent. That's 7 percent higher than a similar poll conducted in August of 2012 by Public Policy Polling [PPP], which found support for the freedom to marry at 47 percent, with 42 percent opposed, and 80 percent in support of domestic partnerships. PPP also found a clear trend in support from their polling in 2011. Public opinion is evolving rapidly on this issue. Both pollsters specifically asked about marriage for same-gender couples, making it clear in the question that support would mean same-gender couples could marry. I also noted with interest a recent Washington Post/ABC poll that found that 81 percent of voters under 30 are in support. The will of the voters is changing, as it has with me, and it has been since 2002. I cannot tell you that I would have opposed Question 2 had I been able to vote on it.

Which leads me to why I am passionate about S.J.R. 13. I grew up in a small farm town, never having met anyone—that I knew of—who was gay. Then I served in the Marine Corps until 2005, where upon discharge I moved to Las Vegas. I remember the first person I met who I knew was gay. He and I worked together to advocate for our fellow veterans. At first, I was very uneasy around him, as you might expect from someone who came of age in the environments that I did. After spending more time with him and his partner of 20 years, I lost all the uneasiness that I had. In many ways, I consider both of them family now. Like other

members of this body, I care about my friends and family and want them to be happy. Marriage for most people is the ultimate expression of the pursuit of happiness, a pursuit that we have held dear sacred as Americans since 1776. The freedom to spend your life with the person you love is important. I feel that we all want that freedom, and we should treat everyone else as we would want to be treated. I would not want anyone stopping me from marrying a woman that I love. How would any of us who are straight feel if we were told it was illegal to marry the person we love or if there was a question on the ballot debating whether we were good enough to fall in love and make a lifetime commitment? This is not so much about rights as it is about love. We all know incredibly committed gay couples who are denied the freedom to marry in love. This includes all of us in the Legislature. We owe it to our friends and family, to treat them how we want to be treated.

In closing, Madam Speaker, I hope that like me, our colleagues support giving the voters a chance to change their minds because a lot of us—including people like me—have. I realize good people in this body will be legitimately compelled to vote their district instead of leading on this issue. However, good people in this body can also be a few steps ahead of their districts, instead of being on the affirmative side of this question. However, good people in this body can also be a few steps ahead of their districts, which are rapidly evolving to support, if they are not there already. I believe legislators may choose either course of action—even though I do not agree with their choice—and I will still respect them. However, I believe this vote will stick with us much longer than the next election. I am certain history will look at this vote as a seminal one. I think it is all important that we all are able to look ourselves in the mirror a generation from now, no matter which side we are on.

In closing, Madam Speaker, I served in the Marine Corps because I believe in this country, and I believe in freedom. If an adult can pay taxes, vote, start a business, and serve and die in combat for our freedom that they themselves do not have, then they should be able to marry whom they love. I do not think our state should stand in the way of such a fundamental freedom. I urge your support of S.J.R. 13.

ASSEMBLYMAN HARDY:

I rise in opposition to S.J.R. 13. Over the past several months, I have gained a great respect for those in this body—those whom I agree with and those with whom I disagree. Because of this respect, I believe I can be civil and passionate in my debate with you. About the topics like S.J.R. 13, I hope that respect will be shared by all those who speak today. For that reason, I would like to explain a different reason than that I have heard from my colleague from District 15. There are other issues in peoples' hearts and minds, and for that I would like to explain the reason I am where I am at.

I believe that marriage between a man and a woman is ordained of God; that the family is central to the Creator's plan for the eternal destiny of his children. I also believe that all human beings—male and female—are created in the image of God. Each is a beloved spirit—son or daughter of heavenly parents—and as such, has a divine nature and destiny. Gender is essential to the characteristic of an individual pre-mortal, mortal, and eternal identity and purpose.

I further declare that God has commanded that sacred powers of procreation are to be employed only between a man and a woman—lawfully wedded, as husband and wife. My respect for others and their beliefs do not cause me to abandon my commitment to the truth, which I understand. The covenants I have made because of those beliefs have cast me as a combatant in conflict between truth and error. For me there is no middle ground. I must stand up for the truth while I practice tolerance, love, and respect for the beliefs of others' ideas, different from my own and the people who hold Him. For my beliefs I must stand for truth, even if I must stand alone.

ASSEMBLYWOMAN FIORE:

I rise in qualified support of S.J.R. 13. Although I would have preferred a clean elimination of Section 21, Article 1 of the *Nevada Constitution*, the only option I have is to vote for or

against what is before this body. I voted against Question 2 when it was on the ballot in 2000 and 2002. I do not believe who should or should not be married is a matter that should be in our constitution; that is the prerogative of the Legislature. Unfortunately, my only option today is whether to leave the limitation of marriage in our *Constitution* or replace it with greater freedom by giving it to the vote of the people. I choose to give this choice back to the people.

When we started this session, I introduced my mother to this body, proudly. What is currently in our *Constitution* does not allow her to get married because my mom is gay. I love my mom with all my heart, and I am who I am today because of her guidance, influence, and how she raised me. You see children learn what they live, and my mom taught me to be the strong conservative, straight, Catholic, gun toting, Republican woman that all of you know. Besides being my peers, I consider each and every one of you friends. Since I am straight, I can marry the person of my choice; my mom does not have that option.

Growing up with a gay mom was challenging, not because she was gay, but because she was a wonderful, caring mother who set bounds for me. I grew up in a home where I had no idea what discrimination was. To this day, I have no comprehension of why anyone would want to discriminate against another soul. My vote today is to give it back to the people to hopefully take discrimination out of the *Nevada Constitution*. The ability to reconsider past decisions is part of what makes our great country a republic. The majority rules; however, the minority is never ignored when they can regroup and voice their opinions again. And sometimes the majority is no longer the majority. Mom, this vote is for you for showing me that being raised in a gay household is just as functional—if not more so—than a divorced heterosexual marriage.

ASSEMBLYMAN PAUL ANDERSON:

I rise to speak to Senate Joint Resolution 13. I, too, want to express my sincere appreciation and respect for this body. Over the last several months, I have made many new friends and acquaintances. I have come to better understand positions and policies, how our government works and operates, and both its strengths and weaknesses.

As I make my remarks, I especially want to express the idea of my sensitivity to both sides of this argument. I have family members that are gay. They are welcome and beloved members of our family. With that, I see the argument on both sides. I am sensitive to those arguments and have some internal conflict as to what the appropriate role government has in the case of who and who cannot be married. I do also have guiding principles and core values that are on one side of this argument and family members and people that I love and care for and respect on the other side of this debate.

If I were making this decision simply based on the constituents that I represent, this would be a very simple decision. Opinions from the legislative website from my district show 14 percent support and 86 percent in opposition. What does, however, influence my decision is the potential effect of this resolution on the process by which this is coming to the voters. An argument I hear often is that somehow by allowing gay marriage, it will affect my relationship with my wife or my relationship with my kids. I am not sure I support that argument. If gay marriage were allowed, I would not love my wife any less. My ability to teach morals and values that I deem appropriate would not be affected.

I do, however, believe that what we are doing with this resolution is not redefining marriage but un-defining marriage. Again, I believe that we are not redefining marriage but un-defining marriage. I think that has an impact on the idea of the family for many generations to come. I think we can look back historically to see how other decisions have influenced the family. These decisions are important and have significant impacts. And so I will stand by my belief that a mother and a father in a committed loving relationship—now known as marriage—is the best environment to raise a family.

My final point is that we are not enabling voters to make a choice on their definition of marriage with this resolution. That was done through the initiative process in 2000 and 2002. We are shortcutting the initiative process and endorsing our own idea and then asking the voters if they agree with this body. A few of us are going to endorse an idea and see if the voters agree

with us. This is not enabling but an endorsement. This is an endorsement of an idea that my constituents do not agree with, that I do not agree with, and I do not believe is in the best interest of Nevada.

For those reasons, Madam Speaker, I will respectfully be voting no on this resolution and urge this body to do the same.

ASSEMBLYMAN MARTIN:

I rise in support of S.J.R. 13. Okay, this is extremely personal and difficult for me, as one of the shyest members of this body, to speak on something so personal. Many of you know that I am openly gay, and I have a partner of 27 years; he is sitting in the gallery. We have been denied our civil rights—equality under the law—and we have been treated as second-class citizens. This is our opportunity as a body to set this correct. This is a fundamental right under our constitution—equality under the law, protection, tyranny of the majority. Actually, in the latest polls—not that I think civil rights should be based on polls—people are behind us.

This is very personal. We must have equality under the law. I apologize, it is just very difficult. We cannot have separate classes of laws for separate classes of people, and that is what marriage does. Legal and financial chaos ensues without the marriage protections. Obviously, the goal is not to strip married people of their rights, but to allow people in the secular society all the same rights of equality.

I know this is a very difficult for people of religion. I am a very religious person—I am very private about it—but this is about a secular society. This is about equality. I beg you, I ask you, I plead with you to have the courage, the conscience, and conviction to support S.J.R. 13.

ASSEMBLYMAN HEALEY:

I rise in support of S.J.R. 13. Every day we start our floor sessions with the Pledge of Allegiance, and we end with the last sentence, "with liberty and justice for all." I struggle with that because ever since I was a kid, I stood with pride and recited the Pledge of Allegiance, but not realizing that LGBT Americans are not included under that "all" portion of that sentence.

Like my own two brothers, I pay my taxes here in Nevada like a responsible citizen. However, I do not have the same rights and privileges that my brothers do. I, too, dream to have that ability to be married, just as my brothers do with their wives. When we talk about rights and privileges, if my partner were to get sick and need me to take care of him and I would need to take time off of work, I do not qualify to get Family Medical Leave to take care of him. If my partner dies before I do, I do not have the equal right to collect his social security benefits like my brothers do with their spouses. If my partner and I want to have kids, we are not eligible to earn the same income tax credit as my own brothers are.

Many people say to me, "Well, you got domestic partnerships. Is not that good enough?" I ask, why should I have to live my life "good enough?" Domestic partnerships do not provide me the rights to many of the protections that marriage would provide such as the tax on health benefits, child tax credit, continued health coverage through COBRA and many, many more.

Even though marriage has many contractual components, marriage is not just about a contract. It is the step of commitment between loving couples. Many LGBT Nevadans are members of the faith community, and like many straight members of the faith community, we just want the opportunity to stand in front of our higher power and be able to commit to the one that we love. I have heard the ridiculous argument that same gender marriage will threaten the "traditional" family or even the "traditional" marriage. What does "traditional" even mean anymore? Is there really a true definition of that? Aren't our families now single moms, single dads, two moms, two dads, and sometimes no parents at all? What is traditional?

The people of Nevada clearly made their opinion known with a yes vote to put the definition of marriage in the *Constitution* in 2000 and 2002. Yes, that was true then, but let us fast-forward 11 years to today, and let us look at the make-up of our residents and our constituents of Nevada—very different than back in 2000 and 2002. Nevada has seen some of its hardest times. With that, hundreds of thousands of people have moved in and out of Nevada. We have a very

different constituency base now than what we did back in 2002. The evolution of thoughts and ideas are what makes America the most amazing and progressive place to live in the world. It is because people change their views on issues that allows Nevada to grow and strive, even in some of our hardest times and years in our history. The process in which we change the *Constitution* and laws allows citizens the right to evolve their views. And it is that reason that I feel as lawmakers, we owe to our constituents the option of going back to the polls and expressing their current views. And I say current views because just look at what is happening with marriage around the country and around the world. Currently, 14 countries now have made it legal for same gender couples to be married in those countries. Right here in the United States, we have 12 states now, plus the District of Columbia, that have legalized same gender marriage. Six of those 12 states have taken such courageous steps in just the last 18 months—a clear indication that Americans are evolving in their opinions on same gender marriage.

Just to make it very clear, a yes vote today on S.J.R. 13 is a vote to allow our constituents the opportunity to go back to the polls and let their current views be expressed. As elected officials, I believe that we were sent here to do what is in the best interest of our constituents. Most times, each constituent is not given the opportunity to personally vote or let their voice be heard on the issues—that is what we are here to do. However, our process also allows voters an opportunity to go back to the polls and express their view through their own vote. That is what a vote on S.J.R. 13 will do. A no vote is a vote that simply means you are afraid that the views have evolved, which may differ from you—maybe that is why you would choose no, but I would hope not.

I would like to close with a personal story. It was September 10, 2010, when my life was drastically changed. My partner of a year and a half was killed on his motorcycle, just up the street here on Highway 50. This is Eddie. Eddie and I made plans to be married. Eddie knew that I was on a journey for the past 20 years fighting for equality here in Nevada. Eddie was with me for that ride and that quest to achieve equality here in Nevada and around the country. Our goal was to have a family. That was in September, and he had made plans that in December, he was going to move with me to Las Vegas so he could continue school down in Las Vegas. Our goal was that once he was finished with school, we would have a family. We hoped that marriage equality would have been passed by then, and that way we could have kids with parents that were actually married. I stood up at Eddie's funeral, and I promised his mother and his family that I would not stop fighting until we had this. I turned and I placed an HRC [Human Rights Campaign] flag in his hand inside the casket and told him that we will make this happen, and I will do it with your strength. To this day, I dream that I could marry Eddie. He is gone, but we have the chance today to let loving couples in Nevada, like Eddie and I, have the chance to live that same dream that my brothers and their spouses do.

I am voting yes today to allow my constituents the opportunity to go to the polls and let their voices be heard. I would ask each of you to demonstrate your leadership by also voting yes on S.J.R. 13. Loving couples of Nevada deserve the right to have their voices heard.

Roll call on Senate Joint Resolution No. 13:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—14.

EXCUSED—Pierce.

Senate Joint Resolution No. 13 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 15 of the 76th Session.

Resolution read third time.

Remarks by Assemblymen Bustamante Adams, Ellison, Wheeler, Daly, and Livermore.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Joint Resolution 15 of the 76th Session proposes to amend Article 10, Section 1 of the Nevada Constitution, which provides for uniform and equal rates of assessment on taxation, to remove the exception to this provision provided for mines and mining claims which, under current law, shall be assessed and taxed only as provided in Article 10, Section 5 of the Constitution.

Additionally, Senate Joint Resolution 15 of the 76th Session proposes to repeal Article 10, Section 5 of the Constitution. This section allows the Legislature to impose a tax on the net proceeds of minerals at a maximum rate of 5 percent, prohibits the imposition of any other tax upon a mineral or its proceeds until the identity of the proceeds as such is lost, provides for the distribution of this tax revenue among local governments and school districts, and provides for an exemption from property taxes for patented mines and mining claims where at least $100 worth of labor has been performed.

Pursuant to Article 16, Section 1 of the *Nevada Constitution* and Chapter 218D of the Nevada Revised Statutes, the provisions contained within this joint resolution must be approved by the Legislature during the 2011 and 2013 Sessions, followed by voter approval at the November 4, 2014, General Election, in order to be ratified.

I am happy to make these comments on behalf of my colleague from District 3 who could not be here today. I know that she is watching from home, and we all pray for a speedy recovery on your behalf. During the Taxation Committee, we had a very healthy and respectful discussion about this topic, and we acknowledged the history and the contribution made by this industry to this state. For this reason, we believe that the removal of the mining constitutional tax exemption should be determined by the voters.

ASSEMBLYMAN ELLISON:

I rise in opposition to Senate Joint Resolution 15. In previous sessions, we have approved millions of dollars in tax incentive programs to entice new businesses to come to Nevada in the hopes of bringing more companies and higher paying jobs to Nevada. We have invested millions in economic development programs to show what a friendly business environment our state has along with a strong stable infrastructure and no corporate taxes. We have focused more on enticing new businesses and we have forgotten those that helped us here. Nevada has been a mining state from the very beginning It has helped us build our cities, towns, highways, and most of our basic infrastructure. Today, mining employs over 25,000 Nevadans at an average salary of $88,000 per year. This is well over double the average salary in Nevada. Mining also provides health care, pension plans, education assistance, and scholarship opportunities.

Nevada mines also contributed over $417 million in taxes in 2011 and projections are substantially higher for 2012. Mining is also one of the most stable taxes based in Nevada. With the renewed interest in S.J.R. 15 and declining world gold prices in the last two months, we have already felt the impact in our state. One company alone has already laid off 125 employees and cancelled one new building expansion.

Just this one bill has the power to close many of the small ore mines around Nevada and adversely change the way mining is done forever. Every county in the state has some type of mining, Clark to Elko.

My colleagues, I stand before you today and I ask you to please reconsider the impact this one bill can have on our state and our economy. Please do not vote to change our *Constitution* at the cost of hundreds of high paying jobs. Are we willing to gamble on Nevada's future? Please vote no on S.J.R. 15.

ASSEMBLYMAN WHEELER:

I, too, rise in opposition to Senate Joint Resolution 15 today, Madam Speaker. Senate Joint Resolution 15 introduces an unstable element into our state's economy—into our budget and into the mining sector itself. Realistically, we do not know what the tax structure of this state looks like without the provisions and guarantees currently in our constitution. We have the opinions of a lot of lawyers, but as you all know, ask three different lawyers, and you are going to get three different answers.

Nevada should move in the direction of more stability, not less in relation to mining—more stability in our budget through responsible spending and more stability in our tax structure. All business involves risk. There is no getting around that. But since when is it government's job to increase that risk and to introduce more instability into the marketplace? It is not. But that is exactly what S.J.R. 15 does.

Passing S.J.R. 15 and creating this instability in our marketplace will not create one job in Nevada. It will not encourage any business to come here. It will not reduce one class size in Clark County. It will not restore equity to the University funding formula, and it will not make anyone pay their fair share.

Instead, it just brings more doubt into Nevada's tax structure, it brings doubt to the investors who have billions of dollars at risk in ventures in this state, it brings pain to our rural communities whose schools and services we will have to scale back, and it slows our economic development and our economic recovery in this state.

In actuality, S.J.R. 15 removes the state's guarantee of $417 million in taxes from the mining industry. This is a bad bill, it is bad policy, and it is bad for the people of Nevada. I hope you will join me in voting no on S.J.R. 15.

ASSEMBLYMAN DALY:

I rise in support of Senate Joint Resolution 15. To acknowledge the words of my friends from Assembly District 33 and Gardnerville, mining is an important industry in this state. It has been a long part of our history, since before we actually became a state when we were a territory. But along with many other things in this state which have modernized—and we have grown up, mining has modernized—our *Constitution* and the provisions that are in there have not kept up. We are not going to lose mining jobs or mining industry or anything else. The minerals are here, the resource is here, and if there is a market for those resources, mining will continue. They are not going to tunnel in from Utah. So I think it is time that we modernize our *Constitution* and catch up with other states that have passed laws where their revenue has increased and mining has stayed the same—Alaska, Colorado, and other places. I do support Senate Joint Resolution 15 to modernize our *Constitution* with the rest of the industry that has come into the state through mining.

ASSEMBLYMAN LIVERMORE:

I rise in opposition of Senate Joint Resolution 15. Supporters of this resolution are eager to raise taxes on the mining industry. We have seen this time and time again. Meanwhile, sales of all commodities are down since the start of the legislative session. Gold has dropped 20 percent; silver is down more than 30 percent; copper has dropped 11 percent. Major mining companies have stopped hiring Nevada workers. There have been numerous layoffs in the industry, and if the economy doesn't improve for these industries, there will be more.

If it were any other industry, we would not be having this conversation in a time of crisis. Instead, we would be asking how to support that industry. We would vote to incentivize to help make struggling businesses succeed, but since it is mining, we are doing the opposite. There are some in this body who think it is the right thing to do politically, so here we are, voting on a measure specifically designed to hurt an industry.

Many of you know I used to own the A & W franchise in this area. I can only imagine what would happen in this building had root beer ever fallen out of favor with the public. Would we

have complained, then, that international soft drink companies were not paying their fair share? Perhaps we would have considered special taxes on french fries?

My colleagues, we all know how this vote may come out today. But before the rolls are open, I would ask you to consider the problems we will unleash on one of the state's founding industries, on our rural communities, and potentially even on our own budget. Please consider all of these things and join me in voting no on S.J.R. 15.

Roll call on Senate Joint Resolution No. 15 of the 76th Session:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—15.

EXCUSED—Pierce.

Senate Joint Resolution No. 15 of the 76th Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 459.

Bill read third time.

Remarks by Madam Speaker.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

This is an expenditure of $47. million appropriated from the State General Fund authorized to be part of our budget.

Roll call on Senate Bill No. 459:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 459 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 460. The appropriation amount of the State General Fund to the Commission on Judicial Discipline would be $71,657 for the cost related to unanticipated hearings.

Roll call on Senate Bill No. 460:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 460 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
I rise in support of Senate Bill 476. Senate Bill 476 provides that payment for a special counsel employed by the Attorney General may come from available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Roll call on Senate Bill No. 476:
YEAS—41.
NAYS—None.
EXCUSED—Pierce.
Senate Bill No. 476 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 488.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
I rise in support of S.B. 488. It continues the temporary elimination of the Consumer Affairs Division. It pushes out the sunset date from June 30, 2013, to June 30, 2015.

Roll call on Senate Bill No. 488:
YEAS—41.
NAYS—None.
EXCUSED—Pierce.
Senate Bill No. 488 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 489.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
I rise in support of S.B. 489. Senate Bill 489 deals with our bonding authority and lists the not-to-exceed rates. The proposal was approved by the voters at the general election, and existing law prohibits the issuance of bonds more than six years after an election that is required to authorize their issuance. This bill extends the period for issuance of those bonds until June 30, 2019.

Roll call on Senate Bill No. 489:
YEAS—41.
NAYS—None.
EXCUSED—Pierce.

Senate Bill No. 489 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 817.

AN ACT relating to governmental financial administration; requiring the **Executive** Director of the Department of ~~[Administration]~~ **Taxation** to prepare and send a report of tax expenditures to the Governor and the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the **Executive** Director of the Department of ~~[Administration]~~ **Taxation** to prepare and send a report of tax expenditures to the Governor and the Legislature in November of each even-numbered year. A "tax expenditure" is defined as any law of this State that exempts, in whole or in part, certain persons, income, goods, services or property from the impact of established taxes. The report must include certain information regarding each such tax expenditure, including a description of the tax expenditure, the year the tax expenditure was enacted, the purpose of the tax expenditure, any subsequent amendments to the tax expenditure and, to the extent that pertinent information is available, estimates of: (1) the fiscal impact of the tax expenditure on both the State and local governments; (2) the number of taxpayers benefiting from the tax expenditure; and (3) the revenue that would result from repeal of the tax expenditure.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before November 10 of each even-numbered year, the Executive Director ~~[of the Department of Administration]~~ shall submit a tax expenditure report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the appropriate interim committee or committees of the Legislature.

2. The report required by subsection 1 must provide, for each tax expenditure:

(a) A description of the tax expenditure;

(b) The year in which the tax expenditure was enacted;

(c) The purpose for which the tax expenditure was enacted;

(d) A summary of any amendments to the tax expenditure since it was enacted;

(e) To the extent that pertinent information is available, estimates of:

(1) The fiscal impact to this State and local governments of the tax expenditure during each fiscal year of the biennium in which the report is prepared;

(2) The number of taxpayers receiving benefit from the tax expenditure; and

(3) The revenue that would result from repeal of the tax expenditure; and

(f) A statement of:

(1) Any pertinent information which is not available to prepare the estimates required by paragraph (e); and

(2) The reasons for the unavailability of that information.

3. Each agency, bureau, board, commission, department, division, office and other governmental entity of the State of Nevada, [and] each county treasurer and county assessor and each entity receiving the benefit of a tax expenditure, shall respond fully and appropriately to any request for information made by the Executive Director [of the Department of Administration] for use in the report required by this section not later than 30 days after such a request is made, to the extent that the requested information is not confidential, privileged or otherwise protected from disclosure by any provision of state or federal law.

4. As used in this section, "tax expenditure" means any law of this State that exempts, in whole or in part, certain persons, income, goods, services or property from the impact of established taxes, including, without limitation, tax abatements, tax credits, tax deductions, tax deferrals, tax exemptions, tax exclusions, tax subtractions and preferential tax rates.

Sec. 2. The **Executive** Director of the Department of **[**Administration**]** **Taxation** shall submit the initial report required by section 1 of this act on or before November 10, 2014.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 319.

Bill read third time.

The following amendment was proposed by Assemblyman Eisen:

Amendment No. 824.

AN ACT relating to physicians; revising certain provisions governing certain continuing education requirements for physicians; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of allopathic and osteopathic physicians in this State. (Chapters 630 and 633 of NRS) **Section 1** of this bill authorizes an allopathic physician to substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. **Section 2** of this bill requires the State Board of Osteopathic Medicine to require, as part of the continuing education requirements approved by the Board, the biennial completion by an osteopathic physician of at least 2 hours of credit in **ethics,** pain management ~~[and]~~ **or** addiction care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.***

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[5]~~ ***6*** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours

established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or addiction care.***

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Assemblyman Eisen moved the adoption of the amendment.

Remarks by Assemblyman Eisen.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 287.

Bill read third time.

The following amendment was proposed by Assemblyman Stewart:

Amendment No. 837.

AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; requiring a peace officer to take into custody and deliver a person to the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services in certain circumstances; removing the provision which generally requires a person and his or her responsible relatives to pay for certain costs relating to the person's involuntary admission to such a program; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the process for initiating a petition for the involuntary court-ordered admission to a mental health facility of a person who is alleged to have a mental illness. Additionally, existing law specifies that if a court finds that a person has a mental illness and is likely to harm himself or herself or others if not treated, the court must place the person in the most appropriate course of treatment. (NRS 433A.115-433A.330) This bill authorizes the court to order the involuntary admission of such a person to a program of community-based or outpatient services if such a program is an appropriate course of treatment for that person.

Section 3 of this bill requires that: (1) a plan of treatment be developed by persons who are qualified in the field of psychiatric mental health, in consultation with the person who will receive the treatment; (2) the plan contain certain information relating to the course of treatment; and (3) the developers of the plan submit the plan to the court in writing.

Section 4 of this bill authorizes under certain circumstances both the conditional release of a person involuntarily admitted to a program of community-based or outpatient services and the revocation of such release, and **section 19** of this bill authorizes the unconditional release of such a person under certain circumstances.

Section 13 of this bill sets forth the requirements for participation in a program of community-based or outpatient services, including that: (1) the person who is admitted to the program must be 18 years of age or older and have a history of noncompliance with treatment for mental illness; and (2) the court must approve the written plan of treatment which has been developed for the person and submitted to the court.

Section 18 of this bill sets forth the process by which a professional responsible for providing or coordinating a program of community-based or outpatient services may petition the court to order a peace officer to take into custody and deliver a person who is involuntarily admitted to the program to the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the person fails to participate in the program or otherwise fails to carry out the written plan of treatment developed for the person and submitted to the court.

Section 23 of this bill ~~[removes the provision]~~ **revises existing law** which generally requires a person and his or her responsible relatives to pay for the actual cost of the treatment and services rendered during the person's involuntary admission to a division facility **~~[.]~~ to require the same for an involuntary admission to a program of community-based or outpatient services. (NRS 433A.640) Responsible relatives include only the parent or legal guardian of a minor or the husband or wife of a person. (NRS 433A.610)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Program of community-based or outpatient services" means care, treatment and training provided to persons with mental illness, including, without limitation:***

1. A program or service for the treatment of abuse of alcohol;

2. A program or service for the treatment of abuse of drugs;

3. A program of general education or vocational training;

4. A program or service that assists in the dispensing or monitoring of medication;

5. A program or service that provides counseling or therapy;

6. A service which provides screening tests to detect the presence of alcohol or drugs;

7. A program of supervised living; or

8. Any combination of programs and services for persons with mental illness.

➥ *The term does not include care, treatment and training provided to residents of a mental health facility.*

Sec. 3. *If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:*

1. A description of the types of services in which the person will participate;

2. The medications, if any, which the person must take and the manner in which those medications will be administered;

3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and

4. Any other requirements which the court deems necessary.

Sec. 4. *1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the conditional release is in the best interest of the person and will not be detrimental to the public welfare. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.*

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the

person to participate in the program and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The professional responsible for providing or coordinating the program of community-based or outpatient services to the person who was ordered to resume participation in the program shall give written notice to that person and to his or her attorney, if the person is represented by legal counsel, of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

Sec. 5. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.018, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 433A.115 is hereby amended to read as follows:

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include

any person in whom that capacity is diminished by epilepsy, mental retardation, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 and 4 of this act*** and adequate treatment is provided to him or her.

Sec. 7. NRS 433A.130 is hereby amended to read as follows:

433A.130 All applications and certificates for the admission of any person in the State of Nevada to a mental health facility ***or to a program of***

community-based or outpatient services under the provisions of this chapter shall be made on forms approved by the Division and the Office of the Attorney General and furnished by the clerks of the district courts in each county.

Sec. 8. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. Any person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission ***to a mental health facility*** is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 9. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition ***for the involuntary admission to a mental health facility or to a program of community-based or outpatient services*** with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if

allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services;*** or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services;*** and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 10. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. ***Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.***

5. Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.

Sec. 11. NRS 433A.250 is hereby amended to read as follows:

433A.250 1. The Administrator shall establish such evaluation teams as are necessary to aid the courts under NRS 433A.240 and 433A.310 ~~[.]~~ ***and section 3 of this act.***

2. Each team must be composed of a psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are representative of the Division, selected from personnel in the Division.

3. Fees for the evaluations must be established and collected as set forth in NRS 433.414 or 433B.260, as appropriate.

Sec. 12. NRS 433A.270 is hereby amended to read as follows:

433A.270 1. The person alleged to be a person with mental illness or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person with mental illness last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person with mental illness in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered

admission of a person to a mental health facility ***or to a program of community-based or outpatient services*** in proceedings held pursuant to NRS 433A.200 or 433A.210.

Sec. 13. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person ***:*** ~~[to a public or private mental health facility:]~~

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services,*** the court shall enter its finding to that effect and the person must not be involuntarily ~~[detained in such a facility.]~~ ***admitted to a public or private mental health facility or to a program of community-based or outpatient services.***

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services,*** the court may order the involuntary admission of the person for the most appropriate course of treatment ~~[.]~~ ***, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services.*** The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. ***A court shall not admit a person to a program of community-based or outpatient services unless:***

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to section 3 of this act.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 ~~[.]~~ ***or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390.*** Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division ***,*** ~~[or]~~ any mental health facility that is not operated by the Division ***or a program of community-based or outpatient services*** may petition to renew the ~~[detention]~~ ***involuntary admission*** of the person for additional periods not to exceed 6 months each. For each renewal, the petition must set forth to the court specific reasons why further treatment would be in the person's own best interests.

~~[3.]~~ ***4.*** Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment ***, including involuntary admission to a program of community-based or outpatient services,*** as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

~~[4.]~~ ***5.*** If the court issues an order involuntarily admitting a person to a public or private mental health facility ***or to a program of community-based or outpatient services*** pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[5.]~~ ***6.*** As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 14. NRS 433A.320 is hereby amended to read as follows:

433A.320 The order for involuntary court admission of any person to a ***public or private*** mental health facility ~~[, public or private, shall]~~ ***or to a program of community-based or outpatient services must*** be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

Sec. 15. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When ~~[any]~~ ***an*** involuntary court admission ***to a mental health facility*** is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private mental health facility.

2. No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 16. NRS 433A.350 is hereby amended to read as follows:

433A.350 1. Upon admission to any public or private mental health facility ~~[,]~~ ***or to a program of community-based or outpatient services,*** each consumer ~~[of the facility]~~ and the consumer's spouse and legal guardian, if any, must receive a written statement outlining in simple, nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a consumer by this chapter and chapters 433 and 433B of NRS and, if the consumer has no legal guardian, describing procedures provided by law for adjudication of incompetency and appointment of a guardian for the consumer.

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and ***in each location in which a program of community-based or outpatient services is provided and must be*** provided to each consumer ~~[of such a facility]~~ upon admission.

Sec. 17. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility **,** ~~[or]~~ private institution **,** ~~[or]~~ facility offering mental health services ~~[.]~~ ***or program of community-based or outpatient services.*** The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, ~~[or]~~ from treatment to competency in a private institution or facility offering mental health services ~~[.]~~ ***, or from a program of community-based or outpatient services.***

Sec. 18. NRS 433A.370 is hereby amended to read as follows:

433A.370 1. When a consumer committed by a court to a division facility on or before June 30, 1975, or a consumer who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS 433A.145 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted consumer has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the consumer to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. ***When a consumer who is judicially admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to section 3 of this act, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer to solicit the consumer's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the consumer to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:***

(a) A copy of the order for involuntary admission;

(b) A copy of the plan of treatment submitted to the court pursuant to section 3 of this act;

(c) A list that sets forth the specific provisions of the plan of treatment which the consumer has failed to carry out; and

(d) A statement by the petitioner which explains how the consumer's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the consumer to harm himself or herself or others.

3. If the court determines that there is probable cause to believe that the consumer is likely to harm himself or herself or others if the consumer does not comply with the plan of treatment, the court may issue an order

requiring a peace officer to take into custody and deliver the consumer to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.

4. Any person appointed or designated by the Director of the Department to take into custody and transport ~~[to a division facility]~~ persons who have escaped ***,*** ~~[or]~~ failed to return ***or failed to participate in a program of treatment*** as described in ~~[subsection 1]~~ ***this section*** may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.

Sec. 19. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility ***or to a program of community-based or outpatient services*** by court order, is released at the end of the ~~[time]~~ ***period*** specified pursuant to NRS 433A.310, written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility ***or the professional responsible for providing or coordinating the program of community-based or outpatient services*** shall notify the guardian before discharging the consumer from the facility ~~[.]~~ ***or program.*** The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team ~~[.]~~ ***or the professional responsible for providing or coordinating the program of community-based or outpatient services.*** If the legal guardian does not inform the facility ***or professional*** as to where the consumer will be released within 3 days after the date of notification, the facility ***or professional*** shall discharge the consumer according to its proposed discharge plan.

2. ~~[An involuntarily court admitted]~~ ***A*** consumer ***who is involuntarily admitted to a mental health facility*** may be unconditionally released before the period specified in NRS 433A.310 when:

(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the

consumer. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in NRS 433A.310 when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from an evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.

Sec. 20. NRS 433A.460 is hereby amended to read as follows:

433A.460 1. No person admitted to a public or private mental health facility ***or to a program of community-based or outpatient services*** pursuant to this chapter shall, by reason of such admission, be denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license, unless such person has been specifically adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.

2. If the responsible physician of the mental health facility in which any person is detained ***or the professional responsible for providing or coordinating the program of community-based or outpatient services for a person*** is of the opinion that such person is unable to exercise any of the aforementioned rights, the responsible physician ***or other responsible professional, as applicable,*** shall immediately notify the person and the person's attorney, legal guardian, spouse, parents or other nearest-known adult relative, and the district court of that fact.

Sec. 21. NRS 433A.580 is hereby amended to read as follows:

433A.580 No person may be admitted to a private hospital ~~[or]~~ ***, a*** division mental health facility ***or a program of community-based or outpatient services*** pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital ***,*** ~~[or]~~ division facility ***or professional responsible for providing or coordinating a program of community-based or outpatient services*** and the consumer or person requesting his or her admission.

Sec. 22. NRS 433A.600 is hereby amended to read as follows:

433A.600 1. A person who is admitted to a ***division*** facility ***or to a program of community-based or outpatient services*** operated by the Division and not determined to be indigent and every responsible relative pursuant to NRS 433A.610 of the person shall be charged for the cost of treatment and is liable for that cost. If after demand is made for payment the person or his or her responsible relative fails to pay that cost, the administrative officer ***or professional responsible for providing or coordinating the program of community-based or outpatient services, as applicable,*** may recover the amount due by civil action.

2. All sums received ~~[by the administrative officer of a facility operated by the Division]~~ pursuant to subsection 1 must be deposited in the State Treasury and may be expended by the Division for the support of that facility ***or program*** in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Sec. 23. NRS 433A.640 is hereby amended to read as follows:

433A.640 1. Once a court has ordered the admission of a person to a division facility, the administrative officer shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

2. If a person is admitted to a division facility ***or program of community-based or outpatient services*** pursuant to a court order, that person and his or her responsible relatives are responsible for the payment of the actual cost of the treatment and services rendered during his or her admission to the division facility ***or program*** unless the investigation reveals that the person and his or her ***responsible*** relatives are not capable of paying the full amount of the costs.

3. Once a court has ordered the admission of a person to a program of community-based or outpatient services operated by the Division, the professional responsible for providing or coordinating the program shall make an investigation, pursuant to the provisions of this chapter, to

determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

Sec. 24. NRS 433A.650 is hereby amended to read as follows:

433A.650 Determination of ability to pay pursuant to NRS 433A.640 shall include investigation of whether the consumer has benefits due and owing to the consumer for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility ***or professional responsible for providing or coordinating a program of community-based or outpatient services*** may accept payment for the cost of a consumer's treatment from the consumer's insurance company, Medicare or Medicaid and other similar third parties.

Sec. 25. NRS 433A.660 is hereby amended to read as follows:

433A.660 1. If the consumer, his or her responsible relative pursuant to NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility ***or to the program of community-based or outpatient services operated by the Division*** rendering service pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility ***or program, as applicable,*** shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 26. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital ~~[or]~~ ***, a*** mental health facility ***or a program of community-based or outpatient services*** in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 and 5, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital ~~[or]~~ ***, a*** mental health facility ***or a program of community-based or outpatient services*** in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

6. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital ***,*** ~~[or]~~ mental health facility ***or program of community-based or outpatient services,*** is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

7. As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 27. NRS 433A.750 is hereby amended to read as follows:

433A.750 1. A person who:

(a) Without probable cause for believing a person to be mentally ill causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility ***or a program of community-based or outpatient services*** is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention ***, admission*** or restraint of the person alleged to be mentally ill, or any physician, psychiatrist ***,*** ~~[or]~~ licensed psychologist ***or other person professionally qualified in the field of psychiatric mental health*** who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 28. This act becomes effective on July 1, 2013.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 336.

Bill read third time.

The following amendment was proposed by Assemblyman Healey:

Amendment No. 833.

AN ACT relating to vehicle registration; authorizing the registration of certain trailers for a 3-year period in lieu of a 12-month period; requiring a registrant who elects to register a trailer for the longer period to pay fees commensurate with that longer period; authorizing the registration of certain commercial trailers and semitrailers for as long as the trailer is owned by the person who obtained the registration; providing for a one-time imposition of a flat governmental services tax on commercial trailers registered for as long as the trailer is owned by the person who obtained the registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the annual registration of trailers and semitrailers that are to be operated on the highways of this State and the imposition of a governmental services tax. (NRS 371.030, 482.205, 482.206) **Section 1.4** of this bill allows a person who owns a trailer to instead elect to register the trailer for a period of 3 years. **Section 1.4** also requires a person who registers a trailer for a 3-year period to pay upon registration all applicable fees and taxes which the person would pay if the trailer was registered for 1 year and then renewed for 2 consecutive years, including, without limitation, governmental services taxes, registration fees, license plate fees and additional fees, if applicable, for personalized prestige license plates and special license plates.

Sections 2, 3, 34.5 and 36 of this bill authorize the owners of certain commercial trailers and semitrailers to pay a flat registration fee of $24 and the imposition of the governmental services tax in the amount of $86 for a registration that is valid for as long as the person owns the trailer. **Section 2** provides that such a registration is nontransferable if the person transfers ownership of the trailer, and is valid until the owner either transfers ownership of the trailer or cancels the registration of the trailer and surrenders the license plates to the Department of Motor Vehicles. **Section 36** provides that the governmental services tax is imposed only when the trailer is registered and is nonrefundable. **Section 4.5** of this bill provides that the Department shall not, for a trailer being registered in this manner, issue any of the various special license plates offered for other vehicles.

Sections 2-4, 5 and 35 of this bill make conforming changes to provisions concerning the transfer of registration, the imposition of the governmental services tax, renewal stickers, the replacement of license plates or decals that are lost, mutilated or illegible, and the reporting of stolen motor vehicles, trailers or semitrailers. (NRS 482.206, 482.260, 482.2705, 482.285, 482.520) **Sections 6-34.1** of this bill make conforming changes to provisions authorizing the issuance of special license plates which are available for certain trailers and semitrailers. **Sections 36-38** of this bill make conforming

changes to provisions concerning the imposition of the governmental services tax.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. ***"Full trailer" means any commercial vehicle without motive power supported by front and rear axles and pulled by a drawbar.***

Sec. 1.4. ***1. A trailer may be registered for a 3-year period as provided in this section.***

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 1.5. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 1.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section ~~[.]~~ ***and section 1.4 of this act,*** every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ***and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483,*** must be registered for a period of 12

consecutive months beginning the day after the first registration by the owner in this State.

2. ~~[Every]~~ ***Except as otherwise provided in subsection 7 and section 1.4 of this act, every*** vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. ~~[A]~~ ***Except as otherwise provided in subsection 7 and section 1.4 of this act, a*** vehicle which must be registered through the Motor Carrier Division of the Department, or a motor vehicle which has a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. ~~[When]~~ ***Except as otherwise provided in subsections 6 and 7, when*** the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer that is registered for a 3-year period pursuant to section 1.4 of this act is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to section 1.4 of this act, for a period of 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 ~~[,]~~ ***and subsections 6 and 7,*** every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to section 1.4 of this act must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable. ~~***[The Department shall remit the governmental services tax collected pursuant to this subsection to the Department of Taxation.]***~~

Sec. 4. NRS 482.2705 is hereby amended to read as follows:

482.2705 1. The Director shall order the preparation of vehicle license plates for passenger cars and trucks in the same manner as is provided for motor vehicles generally in NRS 482.270.

2. Except as otherwise provided by specific statute, the Director shall determine the combinations of letters and numbers which constitute the designations for license plates assigned to passenger cars and trucks.

3. Any license plate issued for a passenger car or truck before January 1, 1982, bearing a designation which is not in conformance with the system described in subsection 2 is valid during the period for which the plate was originally issued as well as during any ~~[annual]~~ extensions by stickers.

Sec. 4.5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270 ~~[.]~~ ***, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.***

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive.

Sec. 5. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees.

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

(a) A duplicate number plate or a substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

(a) A substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and

(b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Signs a declaration that the plates were stolen; and

(b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. ~~[Credit]~~ ***Except as otherwise provided in subsection 7 of NRS 482.260, credit*** must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full ~~[12-month]~~ period of registration.

Sec. 6. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The Department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of such license plates.

2. The Department shall issue personalized prestige license plates, upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers ~~[.]~~ ***, except that such plates may not be issued for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.***

3. ~~[~~Personalized~~]~~ ***Except as otherwise provided in section 1.4 of this act, personalized*** prestige license plates are valid for 12 months and are renewable upon expiration. These plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter.

4. In case of any conflict, the person who first made application for personalized prestige license plates and has continuously renewed them by payment of the required fee has priority.

5. The Department may limit by regulation the number of letters and numbers used and prohibit the use of inappropriate letters or combinations of letters and numbers.

6. The Department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 7. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of $5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 7 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 8. NRS 482.3747 is hereby amended to read as follows:

482.3747 1. The Department, in cooperation with the Board of Regents and the athletic departments of the University of Nevada, Reno, and the University of Nevada, Las Vegas, shall design, prepare and issue collegiate

license plates, using any appropriate colors and designs to represent each university.

2. The Department may issue collegiate license plates for any passenger car or light commercial vehicle upon application by any person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with collegiate license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the collegiate license plates pursuant to subsections 3 and 4.

3. The fee for the collegiate license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. Collegiate license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a collegiate license plate shall pay for the initial issuance of a plate an additional fee of $25 and for each renewal of the plate an additional fee of $20 for academic and athletic scholarships to students of the University of Nevada, Reno, and the University of Nevada, Las Vegas.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Collegiate License Plate Account in the State General Fund created pursuant to NRS 396.384.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of collegiate plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 9. NRS 482.3748 is hereby amended to read as follows:

482.3748 1. Except as otherwise provided in this section, the Department, in cooperation with the Grand Lodge of Free and Accepted Masons of the State of Nevada, shall design, prepare and issue license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the

requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons.

3. An application for the issuance or renewal of license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons is void unless it has been stamped or otherwise validated by the Grand Lodge of Free and Accepted Masons. The Grand Lodge of Free and Accepted Masons may charge a fee for validating an application.

4. The fee payable to the Department for license plates that indicate affiliation with the Grand Lodge of Free and Accepted Masons is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

5. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. For the purposes of this section, "Grand Lodge of Free and Accepted Masons" means the Grand Lodge of Free and Accepted Masons of the State of Nevada, or its successor, and any recognized sister jurisdiction or organization of the Grand Lodge of Free and Accepted Masons.

Sec. 10. NRS 482.3749 is hereby amended to read as follows:

482.3749 1. The Department shall, in cooperation with the Nevada Commission on Sports and using any colors and designs that the Department deems appropriate, design, prepare and issue license plates which indicate status as a hall of fame athlete. The design of the license plates must include the words "hall of fame."

2. The Department shall issue license plates that indicate status as a hall of fame athlete for a passenger car or a light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be

combined with license plates that indicate status as a hall of fame athlete if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate status as a hall of fame athlete.

3. An application for the issuance or renewal of license plates that indicate status as a hall of fame athlete is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of identity and status as a hall of fame athlete.

4. In addition to all other applicable registration and license fees and governmental services taxes:

(a) A person who requests license plates that indicate status as a hall of fame athlete shall pay a fee to the Department of $35.

(b) License plates that indicate status as a hall of fame athlete are renewable upon the payment to the Department of $10.

5. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. As used in this section, "hall of fame athlete" means a current or former athlete who has been inducted into a hall of fame pertaining to the sport in which the athlete participates or participated, including, but not limited to:

(a) The National Baseball Hall of Fame, located in Cooperstown, New York.

(b) The Basketball Hall of Fame, located in Springfield, Massachusetts.

(c) The Pro Football Hall of Fame, located in Canton, Ohio.

(d) The Hockey Hall of Fame, located in Toronto, Ontario, Canada.

(e) The National Soccer Hall of Fame, located in Oneonta, New York.

(f) The International Tennis Hall of Fame, located in Newport, Rhode Island.

(g) The Pro Rodeo Hall of Fame, located in Colorado Springs, Colorado.

(h) Any hall of fame which has been established at a university, state college or community college within the Nevada System of Higher Education.

Sec. 10.5. NRS 482.375 is hereby amended to read as follows:

482.375 1. An owner of a motor vehicle who is a resident of the State of Nevada and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon

application accompanied by proof of ownership of that license, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for plates as prescribed by law, and the payment of an additional fee of $35, must be issued a license plate or plates, upon which in lieu of the numbers as prescribed by law must be inscribed the words "RADIO AMATEUR" and the official amateur radio call letters of the applicant as assigned by the Federal Communications Commission. The annual fee for a renewal sticker is $10 unless waived by the Department pursuant to subsection 2. The plate or plates may be used only on a private passenger car, trailer or travel trailer or on a noncommercial truck ~~[.]~~ ***, except that such plates may not be used on a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.***

2. The Department may waive the annual fee for a renewal sticker if the applicant for renewal:

(a) Submits with the application for renewal a statement under penalty of perjury that the applicant will assist in communications during local, state and federal emergencies; and

(b) Satisfies any other requirements established by the Department by regulation for such a waiver.

3. The cost of the die and modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.

4. The Department may adopt regulations:

(a) To ensure compliance with all state license laws relating to the use and operation of a motor vehicle before issuance of the plates in lieu of the regular Nevada license plate or plates.

(b) Setting forth the requirements and procedure for obtaining a waiver of the annual fee for a renewal sticker.

5. All applications for the plates authorized by this section must be made to the Department.

Sec. 11. NRS 482.3753 is hereby amended to read as follows:

482.3753 1. Except as otherwise provided in this section, the Department, in cooperation with professional full-time salaried firefighters in the State of Nevada, shall design, prepare and issue license plates that recognize current or former employment as a professional full-time salaried firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former employment as a professional full-time salaried firefighter for a

passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former employment as a professional full-time salaried firefighter if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that recognize current or former employment as a professional full-time salaried firefighter.

3. An application for the issuance or renewal of license plates that recognize current or former employment as a professional full-time salaried firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's:

(a) Current employment as a professional full-time salaried firefighter; or

(b) Status as a former professional full-time salaried firefighter who retired from employment after completing at least 10 years of creditable service as a firefighter within this State with:

(1) A fire department; or

(2) A federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

4. Proof of an applicant's current or former employment as a professional full-time salaried firefighter must consist of:

(a) An identification card issued by the Professional Fire Fighters of Nevada or its successor;

(b) An identification card issued by the Nevada Fire Chiefs Association or its successor; or

(c) A letter certifying the applicant's current or former employment as a professional full-time salaried firefighter, which letter must be from:

(1) The Professional Fire Fighters of Nevada or its successor;

(2) The Nevada Fire Chiefs Association or its successor; or

(3) The chief officer of a federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

5. The fee payable to the Department for license plates that recognize current or former employment as a professional full-time salaried firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the

payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

6. In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 5, a person who requests a set of license plates that recognize current or former employment as a professional full-time salaried firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the Professional Fire Fighters of Nevada Benevolent Association.

7. The Department shall deposit the fees collected pursuant to subsection 6 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Professional Fire Fighters of Nevada Benevolent Association.

8. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

9. As used in this section, "professional full-time salaried firefighter" means a person employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public.

Sec. 12. NRS 482.3754 is hereby amended to read as follows:

482.3754 1. Except as otherwise provided in this section, the Department, in cooperation with the Nevada State Firefighters' Association or its successor, shall design, prepare and issue license plates that recognize current or former service as a volunteer firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former service as a volunteer firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former service as a volunteer firefighter if that person pays the fees for the

personalized prestige license plates in addition to the fees for the license plates that recognize current or former service as a volunteer firefighter.

3. An application for the issuance or renewal of license plates that recognize current or former service as a volunteer firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's current service as a volunteer firefighter or status as a former volunteer firefighter who retired from service as a volunteer firefighter within this State after completing at least 10 years of active service. Proof of an applicant's current or former service as a volunteer firefighter must consist of:

(a) An identification card which indicates that the applicant currently serves as a volunteer firefighter; or

(b) A letter from the chief officer of a volunteer or combination fire department certifying the applicant's current or former service as a volunteer firefighter.

4. The fee payable to the Department for license plates that recognize current or former service as a volunteer firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 4, a person who requests a set of license plates that recognize current or former service as a volunteer firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the training of volunteer firefighters.

6. The Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection and reserve such money for expenditure by the State Fire Marshal in accordance with this subsection. The State Fire Marshal may expend the money reserved pursuant to this subsection solely for the support of, and to pay expenses related to, training for volunteer firefighters provided by or as directed by the Board of Directors of the Nevada State Firefighters' Association or its successor.

7. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

8. As used in this section:

(a) "Combination fire department" means a fire department that is:

(1) Served by both volunteer and full-time salaried firefighters; and

(2) Recognized as such by the State Fire Marshal.

(b) "Volunteer fire department" means a fire department recognized as a bona fide volunteer fire department by the State Fire Marshal.

(c) "Volunteer firefighter" means a person who serves actively in an unpaid capacity in a volunteer or combination fire department within this State as a firefighter for the benefit or safety of the public.

Sec. 13. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:

(a) A veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard;

(b) A female veteran; or

(c) The spouse, parent or child of a person described in paragraph (a) or (b).

➥ The plates must be inscribed with the word "VETERAN" and with the seal of the branch of the Armed Forces of the United States, the seal of the National Guard or an image representative of the female veterans, as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates for the support of outreach programs and services for veterans and their families pursuant to subsection 4.

3. If, during a registration ~~[year,]~~ ***period,*** the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the

registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $10.

Sec. 14. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is $10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay $25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, and governmental services taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of $10.

7. If during a registration ~~[year,]~~ ***period,*** the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a replacement license plate or set of replacement license plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the $25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the State Treasurer for credit to the Account for Nevada's 125th Anniversary in the State General Fund;

(b) Deposit $7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit $2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue replacement commemorative license plates after June 30, 1995.

Sec. 15. NRS 482.37903 is hereby amended to read as follows:

482.37903 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Board of Museums and History of the Department of Tourism and Cultural Affairs, shall design, prepare and issue license plates which commemorate the 100th anniversary of the founding of the City of Las Vegas, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the commemorative license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of the commemorative license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees to the City Treasurer of the City of Las Vegas to be used to pay for projects relating to the commemoration of the history of the City of Las Vegas, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings or structures.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of the commemorative license plates disposes of the vehicle to which the commemorative license plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

Sec. 16. NRS 482.37905 is hereby amended to read as follows:

482.37905 1. Except as otherwise provided in this subsection, the Department, in cooperation with the organizations in this State which assist in the donation and procurement of human organs, shall design, prepare and issue license plates that encourage the donation of human organs using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates that encourage the donation of human organs, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that encourage the donation of human organs if that person pays the fees for the personalized prestige license plates in

addition to the fees for the license plates which encourage the donation of human organs pursuant to subsections 3 and 4.

3. The fee for license plates to encourage the donation of human organs is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who, on or after July 1, 2003:

(a) Requests a set of license plates to encourage the donation of human organs must pay for the initial issuance of the plates an additional fee of $25, to be deposited pursuant to subsection 5; and

(b) Renews a set of license plates to encourage the donation of human organs must pay for each renewal of the plates an additional fee of $20, to be deposited pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Anatomical Gift Account created in the State General Fund by NRS 460.150.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 17. NRS 482.37917 is hereby amended to read as follows:

482.37917 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the State Department of Agriculture and the Nevada Future Farmers of America Foundation or its successor, shall design, prepare and issue license plates which indicate support for the promotion of agriculture within this State, including, without limitation, support for the programs and activities of the Future Farmers of America or its successor within this State, using any colors that the Department deems appropriate. The design of the license plates must include the phrase “People Grow Things Here!” and an identifying symbol furnished by the Nevada Future Farmers of America Foundation or its successor. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates which indicate support for the promotion of agriculture within

this State, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates which indicate support for the promotion of agriculture within this State if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates which indicate support for the promotion of agriculture within this State pursuant to subsections 3 and 4.

3. The fee for license plates which indicate support for the promotion of agriculture within this State is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates which indicate support for the promotion of agriculture within this State must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section in the following manner:

(a) Remit one-half of the fees to the Nevada Future Farmers of America Foundation or its successor for the support of programs and activities of the Future Farmers of America or its successor within this State.

(b) Deposit one-half of the fees for credit to the Account for License Plates for the Promotion of Agriculture Within this State created pursuant to NRS 561.411.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 18. NRS 482.379175 is hereby amended to read as follows:

482.379175 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department shall design, prepare and issue license plates for the appreciation of animals, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the appreciation of animals, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the appreciation of animals if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the appreciation of animals pursuant to subsections 3 and 4.

3. The fee for license plates for the appreciation of animals is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the appreciation of animals must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed in the manner prescribed in subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute to each county the fees collected for the preceding quarter for license plates for vehicles registered in that county. The money may be used by the county only:

(a) For programs that are approved by the board of county commissioners for the adoption of animals and for the spaying and neutering of animals.

(b) To make grants to nonprofit organizations to carry out the programs described in paragraph (a).

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 19. NRS 482.37918 is hereby amended to read as follows:

482.37918 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Nevada Test Site Historical Foundation or its successor, shall design, prepare and issue license plates for the support of the preservation of the history of atomic testing in Nevada, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the preservation of the history of atomic testing in Nevada, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation of the history of atomic testing in Nevada if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation of the history of atomic testing in Nevada pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation of the history of atomic testing in Nevada is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation of the history of atomic testing in Nevada must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Nevada Test Site Historical Foundation or its successor for its programs and activities in support of the preservation of the history of atomic testing in Nevada.

6. If, during a registration ~~[~~year,~~]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 20. NRS 482.379185 is hereby amended to read as follows:

482.379185 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with Nevada Ducks Unlimited or its successor, shall design, prepare and issue license plates for the support of the conservation of wetlands, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of the conservation of wetlands, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the conservation of wetlands if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the conservation of wetlands pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the conservation of wetlands is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the conservation of wetlands must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Treasurer of Nevada Ducks Unlimited or its successor for use by Nevada Ducks Unlimited or its successor in carrying out:

(a) Projects for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor; and

(b) Fundraising activities for the conservation of wetlands that are:

(1) Conducted within Nevada; and

(2) Sponsored or participated in by Nevada Ducks Unlimited or its successor.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. As used in this section, "wetland" has the meaning ascribed to it in NRS 244.388.

Sec. 21. NRS 482.37919 is hereby amended to read as follows:

482.37919 1. Except as otherwise provided in this subsection, the Department shall, in cooperation with the Board of Directors of the Las Vegas Valley Water District, design, prepare and issue license plates to support the desert preserve established by the Board of Directors of the Las Vegas Valley Water District. The license plates may include any colors and designs that the Department deems appropriate.

2. The Department may issue license plates specified in subsection 1 for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to the provisions of NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to the provisions of this chapter. A person may request that personalized prestige license plates issued pursuant to the provisions of NRS 482.3667 be combined with license plates specified in subsection 1 if that person pays, in addition to the fees specified in subsections 3 and 4, the fees for the personalized prestige license plates.

3. The fee for license plates specified in subsection 1 is $35. The fee is in addition to any other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to the fees for the license, registration and governmental services taxes, a person who requests the issuance of license plates specified in subsection 1 must pay:

(a) For the initial issuance of the plates, an additional fee of $25; and

(b) For each renewal of the plates, an additional $20 to support the desert preserve specified in subsection 1.

5. The Department shall deposit the fees collected pursuant to the provisions of subsection 4 with the State Treasurer for credit to an Account for the Support of the Desert Preserve established by the Board of Directors of the Las Vegas Valley Water District. On or before January 1, April 1, July 1 and October 1 of each year, the State Controller shall distribute the money deposited in the Account for the preceding quarter to the Board of Directors of the Las Vegas Valley Water District.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix the license plates to another vehicle that meets the requirements of this section if the transfer and registration fees are paid pursuant to the provisions of this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return the plates to the Department.

Sec. 22. NRS 482.3792 is hereby amended to read as follows:

482.3792 1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall, in cooperation with the Nevada Arts Council of the Department of Tourism and Cultural Affairs, design, prepare and issue license plates for the support of the education of children in the arts, using any colors and designs which the Department of Motor Vehicles deems appropriate. The Department of Motor Vehicles shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department of Motor Vehicles may issue license plates for the support of the education of children in the arts for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the education of children in the arts if that person pays the fee for the personalized prestige license plates in addition to the fees for the license plates for the support of the education of children in the arts pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the education of children in the arts is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of the education of children in the arts must pay for the initial issuance of the plates an additional fee of $15 and for each renewal of the plates an additional fee of $10 to finance programs which promote the education of children in the arts.

5. The Department of Motor Vehicles shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of the Education of Children in the Arts created pursuant to NRS 233C.094.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department of Motor Vehicles.

Sec. 23. NRS 482.3793 is hereby amended to read as follows:

482.3793 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Director of the Clearinghouse established pursuant to NRS 432.170, shall design, prepare and issue license plates for the support of missing or exploited children. The license plates must be inscribed with a hand. The Department may designate any appropriate colors for the license plates. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department may issue license plates for the support of missing or exploited children for any passenger car or light commercial vehicle upon application by any person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of missing or exploited children if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of missing or exploited children pursuant to subsections 3 and 4.

3. The fee for license plates for the support of missing or exploited children is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of missing or exploited children must pay for the initial issuance of the plates an additional fee of $15 and for each renewal of the plates an additional fee of $10 to carry out the provisions of NRS 432.150 to 432.220, inclusive.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of Missing or Exploited Children created pursuant to NRS 432.154.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 24. NRS 482.37933 is hereby amended to read as follows:

482.37933 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Division of State Lands of the State Department of Conservation and Natural Resources, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Lake Tahoe and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department may issue license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of the preservation and restoration of the natural environment of the Lake Tahoe Basin must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to finance projects for the preservation and restoration of the natural environment of the Lake Tahoe Basin.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of the Preservation and Restoration of the Natural Environment of the Lake Tahoe Basin created pursuant to NRS 321.5951.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 25. NRS 482.37934 is hereby amended to read as follows:

482.37934 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Outside Las Vegas Foundation or its successor, shall design, prepare and issue license plates to support preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates pursuant to this section, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees prescribed pursuant to subsections 3 and 4 for the license plates issued pursuant to this section.

3. The fee for license plates issued pursuant to this section is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates pursuant to this section must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the Outside Las Vegas Foundation or its successor for its programs and activities in support of preserving the federal lands surrounding Las Vegas, promoting community stewardship of those valuable resources, enriching visitors' experience and enhancing the quality of life of local residents.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 26. NRS 482.37935 is hereby amended to read as follows:

482.37935 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Division of State Lands of the State Department of Conservation and Natural Resources, shall design, prepare and issue license plates for the support of the natural environment of the Mount Charleston area using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Mount Charleston and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the natural environment of the Mount Charleston area, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the natural environment of the Mount Charleston area if that person pays the fees for the personalized prestige license plates in addition to the fees for the license

plates for the support of the natural environment of the Mount Charleston area pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the natural environment of the Mount Charleston area is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the natural environment of the Mount Charleston area must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Board of County Commissioners of Clark County. The fees distributed pursuant to this subsection:

(a) May be used by the Board of County Commissioners, with the advice of the Mount Charleston Town Advisory Board or its successor, only:

(1) For the support of programs for the natural environment of the Mount Charleston area, including, without limitation, programs to improve the wildlife habitat, the ecosystem, the forest, public access to the area and its recreational use.

(2) To make grants to governmental entities and nonprofit organizations to carry out the programs described in subparagraph (1).

(b) Must not be used to replace or supplant money available from other sources.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 27. NRS 482.379355 is hereby amended to read as follows:

482.379355 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Immigrant Workers Citizenship Project or its successor, shall design, prepare and issue license plates for the support of naturalized citizenship, using any colors and designs that the Department deems appropriate. The design of the license plates must

include a depiction of the Aztec Calendar. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of license plates for the support of naturalized citizenship, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of naturalized citizenship if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of naturalized citizenship pursuant to subsections 3 and 4.

3. The fee for license plates for the support of naturalized citizenship is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of naturalized citizenship must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Immigrant Workers Citizenship Project or its successor for its programs and charitable activities in support of naturalized citizenship.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 28. NRS 482.379365 is hereby amended to read as follows:

482.379365 1. Except as otherwise provided in this subsection, the Department, in cooperation with the State Emergency Response

Commission, shall design, prepare and issue "United We Stand" license plates to reflect public solidarity after the acts of terrorism committed on September 11, 2001. The design of the license plates must include the phrase "United We Stand" and incorporate an image of the flag of the United States. The colors red, white and blue must be displayed on the license plates. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.

2. If the Department receives at least 1,000 applications for the issuance of "United We Stand" license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with "United We Stand" license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the "United We Stand" license plates pursuant to subsections 3 and 4.

3. The fee for "United We Stand" license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of "United We Stand" license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Contingency Account for Hazardous Materials created by NRS 459.735 in the State General Fund.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 29. NRS 482.37937 is hereby amended to read as follows:

482.37937 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Pyramid Lake Paiute Tribe, shall design, prepare and issue license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and

Pyramid Lake using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Pyramid Lake and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the preservation and restoration of the natural environment of the Lower Truckee River and Pyramid Lake must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Pyramid Lake Paiute Tribe. The fees deposited pursuant to this subsection may only be used to:

(a) Protect, restore and enhance the water quality and natural resources of or relating to the Lower Truckee River and Pyramid Lake, including, without limitation:

(1) Providing matching money for grants that are available from federal or state agencies for such purposes; and

(2) Paying the costs of the Tribe's portion of joint projects with local, state or federal agencies for such purposes.

(b) Pay for, or match grants for, projects for the enhancement of the economic development of the area surrounding the Lower Truckee River and Pyramid Lake.

(c) Pay for the development and construction of an arena on the Pyramid Lake Indian Reservation for activities pertaining to fairgrounds or rodeos, or both, and to provide financial support for the establishment of a rodeo team or other designated activities at Pyramid Lake High School. Until October 1, 2006, 25 percent of the fees deposited pursuant to this subsection must be used for the purposes described in this paragraph.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 30. NRS 482.379375 is hereby amended to read as follows:

482.379375 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Reno Recreation and Parks Commission or its successor, shall design, prepare and issue license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless:

(a) The Commission on Special License Plates approves the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) The Department receives at least 1,000 applications for the issuance of those plates.

2. If the Commission on Special License Plates approves the design, preparation and issuance of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsection 1, and the Department receives at least 1,000 applications for the issuance of the license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support

and enhancement of parks, recreation facilities and programs in the City of Reno if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsections 3 and 4.

3. The fee for license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the City Treasurer of the City of Reno to be used to pay for the support and enhancement of parks, recreation facilities and programs in the City of Reno.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 31. NRS 482.37938 is hereby amended to read as follows:

482.37938 1. Except as otherwise provided in this subsection and NRS 482.38279, the Department, in cooperation with the Reno Rodeo Foundation and the Nevada High School Rodeo Association or their successors, shall design, prepare and issue license plates for the support of rodeos, including support for the programs and charitable activities of the Reno Rodeo Foundation and the Nevada High School Rodeo Association, or their successors, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of rodeos, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of rodeos if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of rodeos pursuant to subsections 3 and 4.

3. The fee for license plates for the support of rodeos is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of rodeos must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in the following manner:

(a) Remit one-half of the fees to the Reno Rodeo Foundation or its successor for the support of programs and charitable activities of the Reno Rodeo Foundation or its successor.

(b) Remit one-half of the fees to the Nevada High School Rodeo Association or its successor for the support of programs and charitable activities of the Nevada High School Rodeo Association or its successor.

➥ The Nevada High School Rodeo Association or its successor may grant a portion of the proceeds it receives pursuant to this subsection to one or more high school rodeo associations established in this State for the support of those associations.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set forth in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 32. NRS 482.37945 is hereby amended to read as follows:

482.37945 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Northern Nevada Railway Foundation or its successor, shall design, prepare and issue license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad using any colors that the Department deems appropriate. The design of the license plates must include a depiction of a locomotive of the Virginia & Truckee Railroad and the phrase "The Virginia & Truckee Lives." The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall transmit the fees collected pursuant to subsection 4 to the treasurer with whom the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties has entered into an agreement as required by subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, for deposit in the fund created pursuant to that section. The fees transmitted pursuant to

this subsection must be used only for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad.

6. If, during a registration ~~[year,]~~ ***period,*** the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 33. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and three or four consecutive numbers.

3. If, during a registration ~~[year,]~~ ***period,*** the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 34. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and three or four consecutive numbers.

3. If, during a registration ~~[year,]~~ ***period,*** the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 34.1. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, ***and full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483,*** upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive. The term includes the successor, if any, of a charitable organization.

Sec. 34.2. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3 of NRS 482.483, the*** holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. ~~[If]~~ ***Except as otherwise provided in subsection 2 of NRS 371.040 and subsection 7 of NRS 482.260, if*** a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 34.5. NRS 482.483 is hereby amended to read as follows:

482.483 In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department:

1. ~~[For]~~ ***Except as otherwise provided in subsection 3, for*** every trailer or semitrailer having an unladen weight of 1,000 pounds or less, a flat registration fee of $12.

2. ~~[For]~~ ***Except as otherwise provided in subsection 3, for*** every trailer having an unladen weight of more than 1,000 pounds, a flat registration fee of $24.

3. For any full trailer or semitrailer, other than a recreational vehicle or travel trailer, for a nontransferable registration that does not expire until the owner transfers the ownership of the full trailer or semitrailer, a flat nonrefundable registration fee of $24. If, pursuant to NRS 482.399, the owner of a full trailer or semitrailer that is registered pursuant to this section cancels the registration and surrenders the license plates to the Department, no portion of the flat registration fee will be refunded to the owner.

Sec. 35. NRS 482.520 is hereby amended to read as follows:

482.520 Whenever the owner of any motor vehicle, trailer or semitrailer which is stolen or embezzled files an affidavit alleging such fact with the Department, it shall immediately suspend the registration of and refuse to reregister such vehicle until such time as it is notified that the owner has recovered the vehicle, but notices given as herein provided shall be effective only during the current registration ~~[year]~~ ***period*** in which given. If during such ~~[year]~~ ***period*** the vehicle is not recovered a new affidavit may be filed with like effect during the ensuing ~~[year.]~~ ***period.*** Every owner who has filed an affidavit of theft or embezzlement must immediately notify the Department of the recovery of such vehicle.

Sec. 36. NRS 371.040 is hereby amended to read as follows:

371.040 ~~[The]~~

1. Except as otherwise provided in subsection 2, the annual amount of the basic governmental services tax throughout the State is 4 cents on each $1 of valuation of the vehicle as determined by the Department.

2. A full trailer or semitrailer registered pursuant to subsection 3 of NRS 482.483 is subject to the basic governmental services tax in the nonrefundable amount of $86 each time such a full trailer or semitrailer is registered pursuant to subsection 3 of NRS 482.483.

Sec. 37. NRS 371.060 is hereby amended to read as follows:

371.060 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and subsection 2 of NRS 371.040,*** each vehicle must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	95 percent
2 years	85 percent
3 years	75 percent
4 years	65 percent
5 years	55 percent

6 years ..... 45 percent
7 years ..... 35 percent
8 years ..... 25 percent
9 years or more ..... 15 percent

2. ~~[~~Each~~]~~ ***Except as otherwise provided in subsection 2 of NRS 371.040, each*** bus, truck or truck-tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	85 percent
2 years	69 percent
3 years	57 percent
4 years	47 percent
5 years	38 percent
6 years	33 percent
7 years	30 percent
8 years	27 percent
9 years	25 percent
10 years or more	23 percent

3. Notwithstanding any other provision of this section, the minimum amount of the governmental services tax:

(a) On any trailer having an unladen weight of 1,000 pounds or less is $3; and

(b) On any other vehicle is $16.

4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the Department and has never been registered with the appropriate agency of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.

Sec. 38. NRS 371.070 is hereby amended to read as follows:

371.070 ~~[~~Upon~~]~~ ***Except as otherwise provided in subsection 2 of NRS 371.040, upon*** the registration for the first time in this State after the beginning of the period of registration of a vehicle which is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or which has a declared gross weight in excess of 26,000 pounds, the amount of the

governmental services tax must be reduced one-twelfth for each month which has elapsed since the beginning of the period of registration.

Sec. 39. This act becomes effective on January 1, 2015.

Assemblyman Healey moved the adoption of the amendment.

Remarks by Assemblyman Healey.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Horne moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:53 p.m.

ASSEMBLY IN SESSION

At 5:15 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 327, 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 269, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 229, 230, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 177, 312, 314, 383, 425, 427, 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 210, 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 352, 354, 358, 366, 381, 382, 383, 389, 393, 417, 418, 421, 432, 434, 437.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 14, Amendment No. 741; Assembly Bill No. 44, Amendment No. 627; Assembly Bill No. 66, Amendment No. 675; Assembly Bill No. 98, Amendment No. 734; Assembly Bill No. 116, Amendment No. 637; Assembly Bill No. 207, Amendment No. 736; Assembly Bill No. 240, Amendment No. 737; Assembly Bill No. 379, Amendment No. 757; Assembly Bill No. 386, Amendment No. 753; Assembly Bill No. 395, Amendment No. 739, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 8.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 123, 221.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 791 to Senate Bill No. 185.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 123.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 221.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 162 and 424 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 301 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 72 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 131 and 321 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 412; Senate Bills Nos. 177, 210, 229, 230, 269, 302, 312, 314, 316, 327, 329, 364, 383, 384, 399, 425, 427, 468, and 478, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 46 and 435, just reported out of committee, be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 412.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 778.

~~[~~~~ASSEMBLYWOMAN~~~~]~~ASSEMBLYMEN Kirkpatrick **, FLORES, STEWART, OHRENSCHALL, HICKEY; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BENITEZ-THOMPSON, BOBZIEN, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DALY, DIAZ, DONDERO LOOP, DUNCAN, EISEN, ELLISON, FIORE, FRIERSON, GRADY, HAMBRICK, HANSEN, HARDY, HEALEY, HOGAN, HORNE, KIRNER, LIVERMORE, MARTIN, MUNFORD, NEAL, OSCARSON, PIERCE, SPIEGEL, SPRINKLE, SWANK, THOMPSON, WHEELER AND WOODBURY**

AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission **and drafting** of legislative measures; **~~[~~prohibiting certain~~]~~ revising the number of legislative measures that certain persons and entities may request for drafting; restricting** Legislators from requesting the drafting of legislative measures **~~[.]~~ under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires newly elected Legislators to attend certain training before the beginning of their first legislative session. (NRS 218A.285) **Section 1** of this bill requires such training to include discussion of major policy issues that are likely to be considered during the ensuing regular session of the Legislature. **Section 1** also requires the Director of the Legislative Counsel Bureau to communicate in writing the dates for training to candidates for election to the Assembly and the Senate for the ensuing regular session of the Legislature.

Existing law requires the Director to provide an electronic copy of a training session to any Legislator who was unable to attend the training session. (NRS 218A.285) **Section 1** authorizes the Director to provide an alternate means of recording the information provided during certain training sessions and requires a Legislator who was unable to attend a training session to complete that session in the manner prescribed by the Director.

Existing law **~~[~~**~~: (1) allows a Legislator to request a certain number of legislative measures on or before September 1 preceding a regular session and allows him or her to request a certain number of additional legislative measures between that date and December 10 preceding that session; and (2) requires sufficient detail to allow complete drafting of the legislative~~

~~measures to be submitted on or before December 1 preceding a regular session. (NRS 218D.150)~~] **contains provisions governing requests for the drafting of legislative measures for a regular session. (NRS 218D.100-218D.215) This bill revises the number of legislative measures that various persons and entities may request for drafting and also revises the deadlines for making such requests.**

Section ~~[2]~~ **6** of this bill changes ~~[from September 1 to July 1 the deadline for the request of a certain number of legislative measures and provides that a Legislator may submit his or her remaining requests between July 1 and December 10.]~~ **the number of legislative measures that Legislators and the chair of each standing committee may request by certain deadlines.** **Section** ~~[2]~~ **6** also changes ~~[from December 1 to November 1 the deadline]~~ **the deadlines** for providing sufficient detail to allow complete drafting of a legislative measure. **Section** ~~[2]~~ **6** further: (1) prohibits a Legislator who has filed a declaration or an acceptance of candidacy for election to the House in which he or she is not currently sitting from requesting the drafting of legislative measures; and (2) provides that, if the Legislator is elected to the other House, any request that he or she submits before filing a declaration or an acceptance of candidacy for election counts against the applicable limitation for the House to which the Legislator was elected to serve. **(NRS 218D.150)**

Existing law allows each statutory legislative committee **and interim study committee** to request a certain number of legislative measures ~~[on or before September 1]~~ preceding a regular session. (NRS 218D.160) **Section** ~~[3]~~ **7** of this bill ~~[changes that]~~ **reduces the number of legislative measures that may be requested by the Chair of the Legislative Commission and moves up the** deadline ~~[to August 1.]~~ **for statutory legislative committees and interim study committees to provide sufficient detail to allow complete drafting of their legislative measures.**

Section 8 of this bill revises the deadlines by which the Governor or the Governor's designated representative must submit requests for the drafting of legislative measures and increases the number of legislative measures that the Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General may request for drafting. (NRS 218D.175)

Section 9 of this bill reduces the number of legislative measures that may be requested by the city council of a city whose population is 150,000 or more but less than 500,000 (currently the cities of Henderson, North Las Vegas and Reno). (NRS 218D.205)

Existing law authorizes the following entities to submit their own requests for the drafting of legislative measures for each regular session: (1) a mental health consortium established to develop strategic plans for

the provision of mental health services to children with emotional disturbance and their families (NRS 218D.215, 433B.333); and (2) an interagency committee created by the Director of the Department of Health and Human Services to evaluate the child welfare system in this State. (NRS 432B.178) Sections 11 and 12 of this bill eliminate the authority of these entities to submit their own requests, but such entities still would be authorized by existing law to ask Legislators or legislative committees to submit and sponsor requests on behalf of the entities. (NRS 218D.150, 218D.155, 218D.160)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218A.285 is hereby amended to read as follows:

218A.285 1. A Legislator who is elected to the Assembly or the Senate and who has not previously served in either House shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must ~~[be recorded electronically and]~~ include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) ~~[Briefings on]~~ ***Discussion of major*** policy issues ~~[relevant to the State;]~~ ***that are likely to be considered during the ensuing regular session;*** and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session. The dates for the training must be ~~[determined]~~ ***:***

(a) Determined by the Speaker of the Assembly and the Majority Leader of the Senate ~~[and posted]~~ ***;***

(b) Posted on the public website of the Legislature on ~~[an]~~ ***the*** Internet ~~[website]~~ ***; and***

(c) Communicated in writing by the Director to the candidates for election to the Assembly and the Senate for the ensuing regular session,
➥ not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency, employment or other good cause as determined by the Speaker or Majority Leader.

7. ~~[~~The~~]~~ ***Except as otherwise provided in this subsection, the*** Director shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. ***If any training session is conducted in a manner that the Director determines cannot reasonably be recorded in an electronic format, the Director may provide for an alternate means of recording the information provided during that training session.*** To successfully complete the training required pursuant to this section, ~~[~~such~~]~~ a Legislator ~~[~~must view the~~]~~ ***who was unable to attend a*** training session ~~[~~electronically~~]~~ ***shall complete that session in the manner prescribed by the Director*** and submit the attestation to the Director.

8. The Director shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 2. **NRS 218D.050 is hereby amended to read as follows:**

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. **NRS 218D.100 is hereby amended to read as follows:**

218D.100 1. The provisions of NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to ~~[218D.215,]~~ ***218D.210,*** inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to ~~[218D.215,]~~ ***218D.210,*** inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 4. **NRS 218D.105 is hereby amended to read as follows:**

218D.105 1. Upon a finding that exceptional circumstances so warrant, the Legislative Commission when the Legislature is not in a regular session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in a regular session, may grant a waiver to an authorized nonlegislative requester to submit a request for the drafting of a legislative measure after the time limits in NRS 218D.175 to ~~[218D.215,]~~ ***218D.210,*** inclusive.

2. The request for the waiver must be submitted in writing to the Legislative Commission or standing committee, as appropriate, explaining the exceptional circumstances.

Sec. 5. **NRS 218D.115 is hereby amended to read as follows:**

218D.115 1. The Legislative Counsel shall assist authorized nonlegislative requesters in the drafting of the legislative measures which they are authorized to request pursuant to NRS 218D.175 to ~~[218D.215,]~~ ***218D.210,*** inclusive.

2. To ensure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) Requests from each agency or officer of the Executive Department or from a county, school district or city must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Department has requested 10 legislative measures for a regular session, the Legislative

Counsel may request the agency or officer to designate the priority for each succeeding request.

3. The priority designated pursuant to this section must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Department and the counties, school districts and cities to ensure each agency and officer, and each county, school district and city, as nearly as is possible, an equal rank.

~~[Sec. 2.]~~ ***Sec. 6.*** NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** each:

(a) Incumbent member of the Assembly may request the drafting of ~~[not]~~ ***:***

(1) Not more than ~~[6]~~ ***4*** legislative measures submitted to the Legislative Counsel on or before ~~[September]~~ ***July*** ***August*** 1 preceding a regular session ~~[and not]~~ ***;***

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after ~~[September]~~ ***July*** ***August*** 1 but on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of ~~[not]~~ ***:***

(1) Not more than ~~[12]~~ ***8*** legislative measures submitted to the Legislative Counsel on or before ~~[September]~~ ***July*** ***August*** 1 preceding a regular session ~~[and not]~~ ***;***

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after ~~[September]~~ ***July*** ***August*** 1 but on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of ~~[not]~~ ***:***

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of ~~[not]~~ ***:***

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. ***A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently*** ~~***[sitting.]***~~ ***a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.***

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before ~~[September]~~ ~~***[July]***~~ ***August*** 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[December]~~ ***November*** 1 preceding the regular session.

(b) After ~~[September]~~ ~~***[July]***~~ ***August*** 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[4.]~~ ***(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.***

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request

before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~[15]~~ ***18*** legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~[5.]~~ ***6.*** If a request made pursuant to subsection ~~[4]~~ ***5*** is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[6.]~~ ***7.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[Sec. 3.]~~ ***Sec. 7.*** NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than ~~[15]~~ ***10*** legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.

4. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10

legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September ~~***[August]***~~ 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

5. If a request made pursuant to subsection 4 is submitted on or before September ~~***[August]***~~ 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[December]~~ ***November*** 1 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 8. **NRS 218D.175 is hereby amended to read as follows:**

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of ~~[not]~~ **:**

(a) Not more than ~~[100]~~ ***50*** legislative measures ***submitted to the Legislative Counsel on or before July 1 preceding the regular session; and***

(b) Not more than 50 legislative measures submitted to the Legislative Counsel after July 1 but on or before September 1 preceding the regular session.

➥ which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. ~~[The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.]~~

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on

or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	~~[1]~~ ***3***
Secretary of State	~~[5]~~ ***8***
State Treasurer	~~[2]~~ ***5***
State Controller	~~[2]~~ ***5***
Attorney General	~~[15]~~***20***

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Sec. 9. **NRS 218D.205 is hereby amended to read as follows:**

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is ~~[150,000]~~ ***500,000*** or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) ***Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.***

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 10. **NRS 218D.575 is hereby amended to read as follows:**

218D.575 1. A Legislator who will be a member of the next regular session may request the Legislative Counsel to prefile any bill or joint resolution that was requested by that Legislator for introduction in the next regular session.

2. A Legislator designated as a chair of a standing committee for the next regular session may request the Legislative Counsel to prefile on behalf of the committee any bill or joint resolution within the jurisdiction of the committee for introduction in the next regular session.

3. ~~[~~The~~]~~ ***All*** bills and joint resolutions ***requested by authorized nonlegislative requesters and*** submitted for prefiling pursuant to NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, must be ~~[~~:

~~(a) Randomly]~~ ***randomly*** divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.

~~[(b) Prepared]~~

4. The Legislative Counsel shall prepare all bills and joint resolutions submitted for prefiling in final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.]~~ ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A Legislator who is not a candidate for reelection until after the general election immediately preceding the regular session.

(b) A Legislator who is elected or reelected to legislative office at the general election immediately preceding the regular session until the Legislator is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

Sec. 11. **NRS 432B.178 is hereby amended to read as follows:**

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

(a) Each agency which provides child welfare services;

(b) The Department of Education;

(c) The juvenile justice system;

(d) Law enforcement; and

(e) Providers of treatment or services for persons in the child welfare system.

3. ~~[The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.~~

~~4.]~~ The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 12. **NRS 218D.215 is hereby repealed.**

~~[Sec. 4.]~~ ***Sec. 13.*** This act becomes effective ~~[on July 1, 2013.]~~ **upon passage and approval.**

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 131.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 840.

AN ACT relating to personal representatives; authorizing a personal representative to direct the termination of a decedent's account on certain Internet websites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the powers and duties of a personal representative in the administration of the estate of a decedent. (Chapter 143 of NRS) This bill authorizes a personal representative to direct the termination of any account of the decedent on any Internet website providing social networking or web log, microblog, short message or electronic mail service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 143 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, subject to such restrictions as may be prescribed in the will of a decedent or by an order of a court of competent jurisdiction, a personal representative has the power to direct the termination of any account of the decedent, including, without limitation:

(a) An account on any:

(1) Social networking Internet website;

(2) Web log service Internet website;

(3) Microblog service Internet website;

(4) Short message service Internet website; or

(5) Electronic mail service Internet website; or

(b) Any similar electronic or digital asset of the decedent.

2. The provisions of subsection 1 do not authorize a personal representative to direct the termination of any financial account of the decedent, including, without limitation, a bank account or investment account.

3. The act by a personal representative to direct the termination of any account or asset of a decedent pursuant to subsection 1 does not invalidate or abrogate any conditions, terms of service or contractual obligations the holder of such an account or asset has with the provider or administrator of the account, asset or Internet website.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Senate Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 730.

SUMMARY— **[**Prohibits**]** **Authorizes a board of county commissioners to adopt an ordinance prohibiting** a minor from committing certain acts relating to the possession and use of tobacco products. (BDR 5-689)

AN ACT relating to tobacco; **authorizing a board of county commissioners to adopt an ordinance** prohibiting a minor from committing certain acts relating to the possession and use of tobacco products; **revising various provisions relating to tobacco products;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section [10**]** **17** of this bill **authorizes a board of county commissioners to adopt an ordinance which** prohibits a minor from purchasing or attempting to purchase tobacco products, possessing or attempting to possess tobacco products, using tobacco products or falsely representing his or her age to purchase, possess or obtain tobacco products. **Section 4** of this bill provides that a child may be issued a citation for violating the **[**provisions of section 10, while section**]** **ordinance. Under section 4, a citation for a violation of the ordinance may be issued to a child who is the occupant of a vehicle only if the vehicle is halted or its driver arrested for another**

offense. Section 3 of this bill provides that a probation officer may act as a master of the juvenile court if the proceeding involves such a citation. Under **sections 3.3, 3.7 and [10] 17** of this bill, a child who violates **[the provisions of section 10] the ordinance** is a child in need of supervision for the purposes of juvenile court proceedings rather than a delinquent child.

Section 5 of this bill sets forth the possible **[punishment] penalties** if a child is adjudicated to be in need of supervision because the child has committed a violation of **[section 10,] the ordinance.** Under **section 5**, the juvenile court may order a child to pay a $25 fine for a first adjudication, a $50 fine for a second adjudication and a $75 fine for a third or any subsequent adjudication. If the juvenile court orders a child to pay such a fine, **section 5** requires the juvenile court to order the child to pay a $10 administrative assessment in addition to the fine. **Section 5** further provides that: (1) for any adjudication that a child is in need of supervision because the child committed a violation of **[section 10,] the ordinance,** the juvenile court may order a child to attend a tobacco awareness and cessation program; and (2) for a third or any subsequent adjudication or for a willful failure by the child to pay a fine or administrative assessment, the juvenile court may order a suspension or delay in the issuance of the child's driver's license for at least 30 days but not more than 90 days. Under **section 5**, if the juvenile court orders the suspension or delay in the issuance of a child's driver's license, the juvenile court may order the Department of Motor Vehicles to issue to the child a restricted driver's license that authorizes the child to drive to and from school or work or to acquire medicine or food for himself or herself or for an immediate family member.

Existing law prohibits various acts related to tobacco or products made from tobacco. (NRS 202.2485-202.2497) Sections 11-16 of this bill revise these prohibitions to include tobacco or products made or derived from tobacco, and define the term "products made or derived from tobacco."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:

"Offense related to tobacco" means a violation of an ordinance adopted by a board of county commissioners pursuant to section [10] 17 of this act.

Sec. 2. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a master of the juvenile court if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a master of the juvenile court.

2. A probation officer shall not act as a master of the juvenile court unless the proceeding concerns:

(a) A minor traffic offense; ~~[or]~~

(b) ***An offense related to tobacco; or***

(c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a master of the juvenile court, the person shall attend instruction at the National College of Juvenile and Family Law in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.

4. If, for any reason, a master of the juvenile court is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a master of the juvenile court during the period that the master who is regularly appointed is unable to act.

5. The compensation of a master of the juvenile court:

(a) May not be taxed against the parties.

(b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.

Sec. 3.3. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation; ~~[or]~~

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737 ~~[.]~~ ***; or***

(e) Commits an offense related to tobacco.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. As used in this section:

(a) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(b) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 3.7. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance ~~[,]~~ ***other than an offense related to tobacco;***

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada , ~~*[other than an offense related to tobacco.]*~~

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense.

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 4. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a child is stopped or otherwise detained by a peace officer for an offense related to tobacco, the peace officer may prepare and issue a citation in the same manner in which a traffic citation is prepared and issued pursuant to NRS 62C.070.

2. If a child who is issued a citation for an offense related to tobacco executes a written promise to appear in court by signing the citation, the peace officer:

(a) Shall deliver a copy of the citation to the child; and

(b) Shall not take the child into physical custody for the violation.

3. A citation for an offense related to tobacco may be issued to a child who is an occupant of a vehicle pursuant to this section only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

Sec. 5. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of $25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of $50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of $75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the juvenile court orders a child to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program.

3. If the juvenile court orders a child to pay a fine pursuant to this section, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.

4. If the juvenile court orders a child to pay a fine and administrative assessment pursuant to this section and the child willfully fails to pay the fine or administrative assessment, the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➥ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

5. If the juvenile court suspends the driver's license of a child pursuant to this section, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 permitting the child to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both;

(b) To and from school; or

(c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

Sec. 6. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

(a) A delinquent child pursuant to NRS 62E.730;

(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; or

(c) A child in need of supervision, or the parent or guardian of the child, because the child is a habitual truant pursuant to NRS 62E.430,

➥ the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of $10 in addition to the fine.

2. ***If, pursuant to section 5 of this act, the juvenile court imposes a fine against a child who has committed an offense related to tobacco, the juvenile court shall order the child to pay an administrative assessment of $10 in addition to the fine.***

3. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

~~[3.]~~ ***4.*** If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

~~[4.]~~ ***5.*** On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

~~[5.]~~ ***6.*** On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 6.5. NRS 62E.400 is hereby amended to read as follows:

62E.400 1. The provisions of this section and NRS 62E.410, 62E.420 and 62E.430 ***and section 5 of this act*** apply to the disposition of a case involving a child who is found to be within the purview of this title because the child is or is alleged to be in need of supervision.

2. If such a child is found to be within the purview of this title:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.410, 62E.420 and 62E.430 ***and section 5 of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. ~~***[***Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. Except as otherwise provided in this section, a child who is under the age of 18 years shall not:***~~

~~***(a) Purchase or attempt to purchase tobacco products;***~~

~~***(b) Possess or attempt to possess tobacco products;***~~

~~***(c) Use tobacco products; or***~~

~~***(d) Falsely represent that he or she is 18 years of age or older to purchase, possess or obtain tobacco products.***~~

~~***2. A child who is under the age of 18 years and who violates the provisions of this section:***~~

~~***(a) Commits an offense related to tobacco and is subject to the provisions of section 5 of this act.***~~

~~***(b) Is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child.***~~

~~***3. The provisions of this section do not apply to a child who is under the age of 18 years and who is:***~~

~~***(a) Assisting in an inspection pursuant to NRS 202.2496;***~~

~~***(b) Handling or transporting tobacco products in the course of his or her lawful employment; or***~~

~~***(c) Handling or transporting tobacco products in the presence of his or her parent, spouse or legal guardian who is 18 years of age or older.***~~

~~***4. As used in this section, "tobacco products" means cigarettes, cigarette paper, tobacco of any description or products made from tobacco.]***~~ **(Deleted by amendment.)**

Sec. 11. NRS 202.2485 is hereby amended to read as follows:

202.2485 As used in NRS 202.2485 to 202.2497, inclusive ***:*** ~~***[, and section 10 of this act:]***~~

1. "Distribute" includes furnishing, giving away or providing products made ***or derived*** from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.

2. "Health authority" means the district health officer in a district, or his or her designee, or, if none, the State Health Officer, or his or her designee.

3. "Product made or derived from tobacco" does not include any product regulated by the United States Food and Drug Administration pursuant to Chapter V of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. §§ 351 et seq.

Sec. 12. **NRS 202.249 is hereby amended to read as follows:**

202.249 1. It is the public policy of the State of Nevada and the purpose of NRS 202.2491, 202.24915 and 202.2492 to place restrictions on the smoking of tobacco in public places to protect human health and safety.

2. The quality of air is declared to be affected with the public interest and NRS 202.2491, 202.24915 and 202.2492 are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.

3. Health authorities, police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2491, 202.24915 and 202.2492. Police officers of cities or towns, sheriffs and their deputies and other peace officers of this state shall, within their respective jurisdictions, enforce the provisions of NRS 202.2493, 202.24935 and 202.2494.

4. Except as otherwise provided in subsection 5, an agency, board, commission or political subdivision of this state, including, without limitation, any agency, board, commission or governing body of a local government, shall not impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made ***or derived*** from tobacco than are provided by NRS 202.2491, 202.24915, 202.2492, 202.2493, 202.24935 and 202.2494.

5. A school district may, with respect to the property, buildings, facilities and vehicles of the school district, impose more stringent restrictions on the smoking, use, sale, distribution, marketing, display or promotion of tobacco or products made ***or derived*** from tobacco than are provided by NRS 202.2491, 202.24915, 202.2492, 202.2493, 202.24935 and 202.2494.

Sec. 13. **NRS 202.2493 is hereby amended to read as follows:**

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made ***or derived*** from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made ***or derived*** from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made ***or derived*** from tobacco, the person:

(a) Demands that the other person present a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made ***or derived*** from tobacco in the course of the child's lawful employment, provide tobacco or products made ***or derived*** from tobacco to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made ***or derived*** from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes and other tobacco products to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 14. **NRS 202.24935 is hereby amended to read as follows:**

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, tobacco of any description or products made ***or derived*** from tobacco to a child under the age of 18 years through the use of the Internet.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not more than $500 and a civil penalty of not more than $500. Any money recovered pursuant to this section as a civil penalty must be deposited in the same manner as money is deposited pursuant to subsection 8 of NRS 202.2493.

3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of any description or products made ***or derived*** from tobacco through the use of the Internet shall adopt a policy to prevent a child under the age of 18 years from obtaining cigarettes, cigarette paper, tobacco of any description or products made ***or derived*** from tobacco from the person through the use of the Internet. The policy must include, without limitation, a method for ensuring that the person who delivers such items obtains the signature of a person who is over the age of 18 years when delivering the items, that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or the words "tobacco products," and that the person complies with the provisions of 15 U.S.C. § 376. A person who fails to adopt a policy pursuant to this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

Sec. 15. **NRS 202.2494 is hereby amended to read as follows:**

202.2494 1. A cigarette vending machine may be placed in a public area only if persons who are under 21 years of age are prohibited from loitering in that area pursuant to NRS 202.030 or 463.350.

2. A coin-operated vending machine containing cigarettes must not be used to dispense any product not made ***or derived*** from tobacco.

Sec. 16. **NRS 202.2496 is hereby amended to read as follows:**

202.2496 1. As necessary to comply with applicable federal law, the Attorney General shall conduct random, unannounced inspections at

locations where tobacco and products made ***or derived*** from tobacco are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494. For assistance in conducting any such inspection, the Attorney General may contract with:

(a) Any sheriff's department;

(b) Any police department; or

(c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

3. A child assisting in an inspection pursuant to this section shall, if questioned about his or her age, state his or her true age and that he or she is under 18 years of age.

4. If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the child's appearance to make the child appear to be 18 years of age or older.

(b) Photograph the child immediately before the inspection is to occur and retain any photographs taken of the child pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the child attempted to purchase tobacco or products made ***or derived*** from tobacco that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and that person's position;

(2) The age and date of birth of the child who assisted in the inspection;

(3) The name and position of the person from whom the child attempted to purchase tobacco or products made ***or derived*** from tobacco;

(4) The name and address of the establishment at which the child attempted to purchase tobacco or products made ***or derived*** from tobacco;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco or products made ***or derived*** from tobacco to the child.

6. No civil or criminal action based upon an alleged violation of NRS 202.2493 or 202.2494 may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the

inspection has been conducted in accordance with the provisions of this section.

Sec. 17. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A board of county commissioners may adopt an ordinance to establish an offense related to tobacco that may include provisions which prohibit a child who is under the age of 18 years from:

(a) Purchasing or attempting to purchase tobacco products;

(b) Possessing or attempting to possess tobacco products;

(c) Using tobacco products; or

(d) Falsely representing that he or she is 18 years of age or older to purchase, possess or obtain tobacco products.

2. An ordinance adopted pursuant to this section must provide that the provisions of the ordinance do not apply to a child who is under the age of 18 years and who is:

(a) Assisting in an inspection pursuant to NRS 202.2496;

(b) Handling or transporting tobacco products in the course of his or her lawful employment;

(c) Handling or transporting tobacco products in the presence of his or her parent, spouse or legal guardian who is 18 years of age or older; or

(d) Possessing or using tobacco products for an established religious purpose.

3. As used in this section, "tobacco products" means cigarettes, cigarette paper, tobacco of any description or products made or derived from tobacco. As used in this subsection, the term "products made or derived from tobacco" does not include any product regulated by the United States Food and Drug Administration pursuant to Chapter V of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. §§ 351 et seq.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 321.

Bill read third time.

The following amendment was proposed by Assemblyman Duncan:

Amendment No. 822.

AN ACT relating to real property; revising provisions governing the foreclosure of owner-occupied property securing a residential mortgage loan; providing civil remedies for failure to comply with certain provisions governing the foreclosure of owner-occupied property securing a residential

mortgage loan; authorizing a mortgagor in a judicial foreclosure action to elect mediation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Existing law also provides for a judicial foreclosure action under certain circumstances for the recovery of any debt or for the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) **Sections 2-16** of this bill establish additional requirements for the foreclosure of owner-occupied housing securing a residential mortgage loan. Under **section 7.5** of this bill, these additional restrictions do not apply to a financial institution that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer owner-occupied homes located in this State. Under **section 30** of this bill, these additional restrictions apply only to a notice of default and election to sell which is recorded on or after October 1, 2013.

Section 10 of this bill provides that at least 30 calendar days before recording a notice of default and election to sell or commencing a judicial foreclosure action and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust must provide to the borrower certain information concerning the borrower's account, the foreclosure prevention alternatives offered by the mortgage servicer, mortgagee or beneficiary and a statement of the facts supporting the right of the mortgagee or beneficiary to foreclose. **Section 11** of this bill prohibits the recording of a notice of default and election to sell or the commencement of a judicial foreclosure action involving a failure to make payment until the mortgage servicer complies with certain requirements regarding contact with, or attempts to contact, the borrower. **Section 13** of this bill prohibits the practice commonly known as "dual-tracking" by prohibiting a mortgage servicer, trustee, mortgagee or beneficiary of a deed of trust from continuing the foreclosure process while an application for a foreclosure prevention alternative is pending or while the borrower is current on his or her obligation under a foreclosure prevention alternative. **Section 14** of this bill requires a mortgage servicer to provide a single point of contact for a borrower who requests a foreclosure prevention alternative. **Section 15** of this bill requires that under certain circumstances, a mortgage servicer, mortgagee or beneficiary of a deed of trust must dismiss a judicial foreclosure action or rescind a recorded notice of default and election or notice of sale. **Section 16** of this bill provides for certain civil remedies for a material violation of the provisions of **sections 2-16**.

Section 16 also provides that a signatory to the consent judgment entered in the case entitled *United States of America et al. v. Bank of America Corporation et al.*, who complies with the Settlement Term Sheet under that judgment is deemed to be in compliance with sections 2-16 and is not liable for a violation of those provisions. Section 16 further provides that if the consent judgment is modified or amended to permit compliance with the Final Servicing Rules issued by the federal Consumer Financial Protection Bureau to supersede the terms of the Settlement Term Sheet under the consent judgment: (1) a signatory to the consent judgment who complies with the modified or amended Settlement Term Sheet while the consent judgment is in effect is deemed to be in compliance with sections 2-16 and is not liable for a violation of those provisions; and (2) any mortgage servicer, mortgagee or beneficiary of the deed of trust who complies with the Final Servicing Rules is deemed to be in compliance with sections 2-16 and is not liable for a violation of those provisions.

Section 18 of this bill provides that in a judicial foreclosure action concerning owner-occupied property, the mortgagor may elect to participate in the Foreclosure Mediation Program.

WHEREAS, The State of Nevada has been severely affected by the mortgage foreclosure crisis and consistently ranks as one of the top states for underwater home mortgage loans, mortgage defaults and foreclosures; and

WHEREAS, The dramatic increase in foreclosures during the mortgage foreclosure crisis has led to predatory and illegal practices by mortgage servicers and outside firms hired by mortgage servicers; and

WHEREAS, The Nevada Attorney General investigated and sued certain large financial institutions for engaging in illegal practices relating to the servicing of mortgage loans in default and entered into consent agreements and settlements requiring certain large financial institutions to adopt certain practices when servicing a mortgage loan in default; and

WHEREAS, The consent agreements and settlements only apply to the large financial institutions and are not permanent; and

WHEREAS, All homeowners in the State of Nevada deserve better consumer protections and fair and honest treatment in the servicing of mortgage loans in default; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Borrower" means a natural person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan. The term does not include a natural person who:*

1. Has surrendered the secured property as evidenced by a letter confirming the surrender or the delivery of the keys to the property to the mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person.

2. Has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the bankruptcy case, or granting relief from a stay of foreclosure or trustee's sale.

Sec. 4. *"Foreclosure prevention alternative" means a modification of a loan secured by the most senior residential mortgage loan on the property or any other loss mitigation option. The term includes, without limitation, a sale in lieu of a foreclosure sale, as defined in NRS 40.4634.*

Sec. 5. *"Foreclosure sale" means the exercise of the trustee's power of sale pursuant to NRS 107.080 or a sale directed by a court pursuant to NRS 40.430.*

Sec. 6. *"Mortgage servicer" means a person who directly services a residential mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.*

Sec. 7. *"Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS 107.086.*

Sec. 7.5. *The provisions of sections 2 to 16, inclusive, of this act do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS 107.086.*

Sec. 7.7. ***The provisions of sections 2 to 16, inclusive, of this act must not be construed to authorize a mortgage servicer, a mortgagee or a beneficiary of a deed of trust to restrict a borrower from pursuing concurrently more than one foreclosure prevention alternative.***

Sec. 8. ***1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of sections 2 to 16, inclusive, of this act.***

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of sections 2 to 16, inclusive, of this act.

Sec. 9. ***1. Any duty of a mortgage servicer to maximize net present value under a pooling and servicing agreement is owed to all parties in a loan pool, or to all investors under a pooling and servicing agreement, not to any particular party in the loan pool or investor under a pooling and servicing agreement.***

2. A mortgage servicer acts in the best interests of all parties to the loan pool or investors in the pooling and servicing agreement if the mortgage servicer agrees to or implements a foreclosure prevention alternative for which both of the following apply:

(a) The residential mortgage loan is in payment default or payment default is reasonably foreseeable.

(b) Anticipated recovery under the foreclosure prevention alternative exceeds the anticipated recovery through foreclosure on a net present value basis.

Sec. 10. ***1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:***

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the

federal Servicemembers Civil Relief Act, 50 U.S.C. Appx. §§ 501 et seq., regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military

OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee

to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in sections 12 and 13 of this act for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

Sec. 11. *1. A mortgage servicer, mortgagee, trustee, beneficiary of a deed of trust or an authorized agent of such a person may not record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan until:*

(a) The mortgage servicer, mortgagee or beneficiary of the deed of trust has satisfied the requirements of subsection 1 of section 10 of this act;

(b) Thirty calendar days after initial contact is made with the borrower as required by subsection 2 or 30 calendar days after satisfying the requirements of subsection 5; and

(c) The mortgage servicer, mortgagee or beneficiary of the deed of trust complies with sections 12 and 13 of this act, if the borrower submits an application for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary.

2. The mortgage servicer shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options for the borrower to avoid a foreclosure sale. During the initial contact, the mortgage servicer shall advise the borrower that he or she has

the right to request a subsequent meeting and, if requested, the mortgage servicer must schedule the meeting to occur within 14 calendar days after the request. The assessment of the borrower's financial situation and discussion of the options to avoid a foreclosure sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the borrower must be provided the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department. Any meeting pursuant to this subsection may occur by telephone.

3. The loss mitigation personnel of a mortgage servicer may participate by telephone during any contact with a borrower required by this section.

4. A borrower may designate, with consent given in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other adviser to discuss with the mortgage servicer, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid a foreclosure sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A foreclosure prevention alternative offered during any contact with a person or agency designated by a borrower pursuant to this subsection is subject to the approval of the borrower.

5. If a mortgage servicer has not contacted a borrower as required by subsection 2, a notice of default and election to sell may be recorded pursuant to subsection 2 of NRS 107.080 or a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan may be commenced, if the mortgage servicer has taken all the following actions:

(a) The mortgage servicer attempts to contact the borrower by mailing by first-class mail to the borrower a letter informing the borrower of his or her right to discuss foreclosure prevention alternatives and providing the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency approved by that Department.

(b) After mailing the letter required by paragraph (a), the mortgage servicer attempts to contact the borrower by telephone at least 3 times at different hours on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the mortgage servicer. A mortgage servicer may attempt to contact a borrower pursuant to this paragraph by using an automated system to dial borrowers if, when the telephone call is answered, the call is connected to a live representative of the mortgage servicer. A

mortgage servicer satisfies the requirements of this paragraph if it determines, after attempting to contact a borrower pursuant to this paragraph, that the primary telephone number of the borrower which is on file with the mortgage servicer and any secondary telephone numbers on file with the mortgage servicer have been disconnected.

(c) If the borrower does not respond within 14 calendar days after the mortgage servicer satisfies the requirements of paragraph (b), the mortgage servicer sends, by certified mail, return receipt requested, or any other mailing process that requires a signature upon delivery, a letter that includes the information required by paragraph (a).

(d) The mortgage servicer provides a means for the borrower to contact the mortgage servicer in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.

(e) The mortgage servicer posts on the homepage of its Internet website, if any, a prominent link to the following information:

(1) Options that may be available to borrowers who are unable to afford payments under a residential mortgage loan and who wish to avoid a foreclosure sale, and instructions to such borrowers advising them on steps to take to explore those options.

(2) A list of financial documents the borrower should collect and be prepared to present to the mortgage servicer when discussing options to avoid a foreclosure sale.

(3) A toll-free telephone number for borrowers who wish to discuss with the mortgage servicer options for avoiding a foreclosure sale.

(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.

6. If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or a complaint commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must contain a declaration that the mortgage servicer has contacted the borrower as required by subsection 2, has attempted to contact the borrower as required by subsection 5 or that no contact was required.

Sec. 12. *1. Not later than 5 business days after receiving an application for a foreclosure prevention alternative or any document in connection with such an application, a mortgage servicer, mortgagee or beneficiary of the deed of trust shall send to the borrower written acknowledgment of the receipt of the application or document.*

2. The mortgage servicer, mortgagee or beneficiary of the deed of trust shall include in the initial acknowledgment of receipt of an application for a foreclosure prevention alternative:

(a) A description of the process for considering the application, including, without limitation, a statement that:

(1) The mortgage servicer, mortgagee or beneficiary must either deny the application for a foreclosure prevention alternative or submit a written offer for a foreclosure prevention alternative within 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative; and

(2) If the mortgage servicer, mortgagee or beneficiary submits to the borrower a written offer for a foreclosure prevention alternative, the borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer, and the offer is deemed to be rejected if the borrower does not accept or reject the offer within 14 calendar days after the borrower receives the offer;

(b) A statement of any deadlines that affect the processing of an application for a foreclosure prevention alternative, including, without limitation, the deadline for submitting any missing documentation; and

(c) A statement of the expiration dates for any documents submitted by the borrower.

3. If a borrower submits an application for a foreclosure prevention alternative but does not initially submit all the documents or information required to complete the application, the mortgage servicer must:

(a) Include in the initial acknowledgment of receipt of the application required by subsection 2 a statement of any deficiencies in the borrower's application; and

(b) Allow the borrower not less than 30 calendar days to submit any documents or information required to complete the application.

Sec. 13. ***1. If a borrower submits an application for a foreclosure prevention alternative offered by, or through, the borrower's mortgage servicer or mortgagee or the beneficiary of the deed of trust, then the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such a person may not commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan, record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until one of the following has occurred:***

(a) The borrower fails to submit all the documents or information required to complete the application within 30 calendar days after the date

of the initial acknowledgment of receipt of the application sent to the borrower pursuant to section 12 of this act.

(b) The mortgage servicer, mortgagee or beneficiary of the deed of trust makes a written determination that the borrower is not eligible for a foreclosure prevention alternative, and any appeal period pursuant to subsection 5 has expired.

(c) The borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the date on which the offer is received by the borrower.

(d) The borrower accepts a written offer for a foreclosure prevention alternative, but defaults on, or otherwise breaches the borrower's obligations under, the foreclosure prevention alternative.

2. Not later than 30 calendar days after the borrower submits a complete application for a foreclosure prevention alternative, the mortgage servicer shall submit to the borrower a written offer for a foreclosure prevention alternative or the written statement of the denial of the application described in subsection 4. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

3. If a borrower accepts an offer for a foreclosure prevention alternative, the mortgage servicer must provide the borrower with a copy of the complete agreement evidencing the foreclosure prevention alternative, signed by the mortgagee or beneficiary of the deed of trust or an agent or authorized representative of the mortgagee or beneficiary.

4. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer must send to the borrower a written statement of:

(a) The reason or reasons for the denial;

(b) The amount of time the borrower has to request an appeal of the denial, which must be not less than 30 days; and

(c) Instructions regarding how to appeal the denial, including, without limitation, how to provide evidence that the denial was in error.

5. If a borrower submits a complete application for a foreclosure prevention alternative and the borrower's application is denied, the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust, or an authorized agent of such a person may not commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan, record a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or a notice of

sale pursuant to subsection 4 of NRS 107.080, or conduct a foreclosure sale until the later of:

(a) Thirty-one calendar days after the borrower is sent the written statement required by subsection 4; and

(b) If the borrower appeals the denial, the later of:

(1) Fifteen calendar days after the denial of the appeal;

(2) If the appeal is successful, 14 calendar days after a first lien loan modification or another foreclosure prevention alternative offered after appeal is rejected by the borrower; and

(3) If the appeal is successful and a first lien loan modification or another foreclosure prevention alternative is offered and accepted, the date on which the borrower fails to timely submit the first payment or otherwise breaches the terms of the offer.

6. If the borrower appeals the denial of a complete application for a foreclosure prevention alternative, not later than 30 calendar days after the borrower requests the appeal, the mortgage servicer must submit to the borrower a written offer for a foreclosure prevention alternative or a written denial of the appeal. The borrower must accept or reject the offer within 14 calendar days after the borrower receives the offer. If a borrower does not accept a written offer for a foreclosure prevention alternative within 14 calendar days after the borrower receives the written offer for the foreclosure prevention alternative, the offer is deemed to be rejected.

7. A mortgage servicer shall not charge or collect any:

(a) Application, processing or other fee for a foreclosure prevention alternative; or

(b) Late fees for periods during which:

(1) A foreclosure prevention alternative is under consideration or a denial is being appealed;

(2) The borrower is making timely payments under a foreclosure prevention alternative; or

(3) A foreclosure prevention alternative is being evaluated or exercised.

8. A mortgage servicer is not required to evaluate an application from a borrower who has already been evaluated or afforded a fair opportunity to be evaluated for a foreclosure prevention alternative before October 1, 2013, or who has been evaluated or afforded a fair opportunity to be evaluated consistent with the requirements of this section, unless:

(a) There has been a material change in the borrower's financial circumstances since the date of the borrower's previous application; and

(b) That change is documented by the borrower and submitted to the mortgage servicer.

9. For purposes of this section, an application is complete when a borrower has supplied the mortgage servicer with all documents required by the mortgage servicer within the reasonable timeframes specified by the mortgage servicer.

Sec. 14. *1. If a borrower requests a foreclosure prevention alternative, the mortgage servicer must promptly establish a single point of contact and provide to the borrower one or more direct means of communication with the single point of contact.*

2. A single point of contact is responsible for:

(a) Communicating the process by which a borrower may apply for an available foreclosure prevention alternative and the deadline for any required submissions to be considered for the foreclosure prevention alternatives.

(b) Coordinating receipt of all documents associated with the available foreclosure prevention alternatives and notifying the borrower of any missing documents necessary to complete an application for a foreclosure prevention alternative.

(c) Having access to current information and personnel sufficient to timely, accurately and adequately inform the borrower of the current status of the foreclosure prevention alternative.

(d) Ensuring that the borrower is considered for all foreclosure prevention alternatives offered by, or through, the mortgage servicer and for which the borrower is or may be eligible.

(e) Having access to a person or persons with the ability and authority to stop the foreclosure process when necessary.

3. A single point of contact must remain assigned to the borrower's account until the mortgage servicer determines that all foreclosure prevention alternatives offered by, or through, the mortgage servicer have been exhausted or the borrower's account becomes current.

4. The mortgage servicer shall ensure that a single point of contact refers and transfers a borrower to an appropriate supervisor upon request of the borrower, if the single point of contact has a supervisor.

5. If the responsibilities of a single point of contact are performed by a team of personnel, the mortgage servicer must ensure that each member of the team is knowledgeable about the borrower's situation and current status in the process of seeking a foreclosure prevention alternative.

6. As used in this section, "single point of contact" means a natural person or a team of personnel each of whom has the ability and authority to perform the responsibilities described in this section.

Sec. 15. *1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default*

and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;

(c) If mediation pursuant to section 18 of this act is required or if a court orders participation in a settlement program, until the date on which the mediation or participation in a settlement program is terminated; or

(d) If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of section 13 of this act, and any appeal period pursuant to subsection 5 of section 13 of this act has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 16. *1. If a trustee's deed upon sale has not been recorded, a borrower may bring an action for injunctive relief to enjoin a material violation of sections 2 to 16, inclusive, of this act. If a sheriff has not recorded the certificate of the sale of the property, a borrower may obtain an injunction to enjoin a material violation of sections 2 to 16, inclusive, of this act. An injunction issued pursuant to this subsection remains in place and any foreclosure sale must be enjoined until the court determines that the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person has corrected and remedied the violation giving rise to the action for injunctive relief. An enjoined person may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.*

2. After a trustee's deed upon sale has been recorded or after a sheriff has recorded the certificate of the sale of the property, a borrower may bring a civil action in the district court in the county in which the property is located to recover his or her actual economic damages resulting from a material violation of sections 2 to 16, inclusive, of this act by the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, if the material violation was not corrected and remedied before the recording of the trustee's deed upon sale or the recording of the certificate of sale of the property pursuant to NRS 40.430. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, the court may award the borrower the greater of treble actual damages or statutory damages of $50,000.

3. A mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person is not liable for any violation of sections 2 to 16, inclusive, of this act that it has corrected and remedied, or that has been corrected and remedied on its behalf by a third party, before the recording of the trustee's deed upon sale or the recording of the certificate of sale of the property pursuant to NRS 40.430.

4. A violation of sections 2 to 16, inclusive, of this act does not affect the validity of a sale to a bona fide purchaser for value and any of its encumbrancers for value without notice.

5. A signatory to a consent judgment entered in the case entitled ***United States of America et al. v. Bank of America Corporation et al.****, filed in the United States District Court for the District of Columbia, case number 1:12-cv-00361 RMC, that is in compliance with the relevant terms of the Settlement Term Sheet of that consent judgment with respect to the borrower* ~~*[who brought an action pursuant to this section]*~~ *while the consent judgment is in effect is* ***deemed to be in compliance with sections 2***

to 16, inclusive, of this act and is not liable for a violation of sections 2 to 16, inclusive, of this act. If , on or after October 1, 2013, the consent judgment is modified or amended ~~[on or after October 1, 2013,]~~ to permit compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, to supersede some or all of the relevant terms of the Settlement Term Sheet of the consent judgment ~~[, a]~~ :

(a) A signatory who is in compliance with the modified or amended Settlement Term Sheet of the consent judgment while the consent judgment is in effect is deemed to be in compliance with sections 2 to 16, inclusive, of this act and is not liable for a violation of sections 2 to 16, inclusive, of this act.

(b) Any mortgage servicer, mortgagee or beneficiary of the deed of trust or an authorized agent of such a person who complies with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 on February 14, 2013, and any amendments thereto, is deemed to be in compliance with sections 2 to 16, inclusive, of this act and is not liable for a violation of sections 2 to 16, inclusive, of this act.

6. A court may award a prevailing borrower costs and reasonable attorney's fees in an action brought pursuant to this section.

7. The rights, remedies and procedures provided by this section are in addition to and independent of any other rights, remedies or procedures provided by law.

Sec. 16.5. ***1. No provision of the laws of this State may be construed to require a sale in lieu of a foreclosure sale to be an arm's length transaction or to prohibit a sale in lieu of a foreclosure sale that is not an arm's length transaction.***

2. As used in this section, "sale in lieu of a foreclosure sale" has the meaning ascribed to it in NRS 40.4634.

Sec. 17. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to

be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; ~~[and]~~

(b) ***If the property is subject to the requirements of sections 2 to 16, inclusive, of this act, contain the declaration required by subsection 6 of section 11 of this act; and***

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed

under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within ~~[90]~~ ***45*** days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within ~~[30]~~ ***15*** days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within ~~[120]~~ ***60*** days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the

office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 18. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a civil action for a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing is commenced in a court of competent jurisdiction:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the mortgagor may use to comply with the provisions of subsection 2; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

2. The mortgagor shall, not later than the date on which an answer to the complaint is due, complete the form required by subparagraph (4) of paragraph (a) of subsection 1 and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

3. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

4. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 3, the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

5. If the mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had not elected to enter into mediation.

6. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

7. The rules adopted by the Supreme Court pursuant to subsection 8 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

8. Except as otherwise provided in subsection 10, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

9. A noncommercial lender is not excluded from the application of this section.

10. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

11. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 19. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive ~~[.]~~ ***, and section 18 of this act.*** In that action, the judgment must be rendered for the amount found due the plaintiff,

and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Which is exempted from the provisions of this section by specific statute.

(p) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 20. NRS 40.433 is hereby amended to read as follows:

40.433 As used in NRS 40.430 to 40.459, inclusive, ***and section 18 of this act,*** unless the context otherwise requires, a "mortgage or other lien" includes a deed of trust, but does not include a lien which arises pursuant to chapter 108 of NRS, pursuant to an assessment under chapter 116, 117, 119A or 278A of NRS or pursuant to a judgment or decree of any court of competent jurisdiction.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. 1. Sections 2 to 16, inclusive, of this act apply only with respect to trust agreements for which a notice of default is recorded on or

after October 1, 2013, and to a judicial foreclosure action commenced on or after October 1, 2013.

2. The amendatory provisions of section 17 of this act apply only with respect to trust agreements for which a notice of default is recorded on or after October 1, 2013.

3. The amendatory provisions of section 18 of this act apply only to an action commenced on or after October 1, 2013.

Sec. 31. (Deleted by amendment.)

Assemblyman Duncan moved the adoption of the amendment.

Remarks by Assemblyman Duncan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carrillo moved that Senate Bill No. 210 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 680.

SUMMARY—~~[Repeals]~~ **Contingently amends and repeals** the **Tahoe Regional Planning Compact and the** provisions of Senate Bill No. 271 of the 2011 Session. (BDR 22-726)

AN ACT relating to land use planning; **contingently amending and** repealing certain provisions **of the Tahoe Regional Planning Compact and provisions** providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances and various matters relating to that withdrawal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220)

Senate Bill No. 271 of the 2011 Session (SB271) requires the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact on October 1, 2015, unless, by that date, an amendment to the Compact proposed by SB271 has been adopted by the State of California and approved

pursuant to federal law, and the governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan. SB271 authorizes the Governor, under certain circumstances, to postpone that withdrawal date until October 1, 2017. (Chapter 530, Statutes of Nevada 2011, p. 3710)

This bill repeals ~~[the]~~ **certain** provisions of SB271 ~~[in their entirety.]~~ **upon enactment by the State of California of legislation that is effective on or before January 1, 2014, which: (1) adopts amendments to the Compact that are substantially identical to the amendments contained in section 1.5 of SB271, as amended by section 2 of this bill; (2) agrees to cooperate with the State of Nevada in seeking to have those changes to the Compact approved by Congress; (3) adopts amendments to the Compact substantially identical to the amendments contained in section 1 of this bill relating to the duty of the Tahoe Regional Planning Agency to take certain actions in accordance with the Compact and the regional plan and placing the burden of proof on the party challenging the regional plan or an act taken or decision made by the Agency pursuant to the Compact or the regional plan to show that the plan, act or decision is not in conformance with those requirements; (4) finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and (5) acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State.**

Section 2 of this bill revises SB271 to remove the proposed amendments to the Compact regarding the voting structure of the governing body of the Tahoe Regional Planning Agency and the burden of proof.

If the State of California does not enact such legislation on or before January 1, 2014, the provisions of this bill expire and SB271 remains in effect.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 277.200 is hereby amended to read as follows:**

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors,

respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be

reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the

powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where

applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after

making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 252
2. Placer County 278
3. Carson City ..... -0-
4. Douglas County 339
5. Washoe County 739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) ... 64,324
2. Placer County 23,000
3. Carson City .....-0-
4. Douglas County 57,354
5. Washoe County 50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened

to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or

approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted

license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary

support or whether the agency has failed to proceed in a manner required by law.

(6) ***In addition to the provisions of paragraph (5) relating to judicial inquiry:***

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

~~[(7)]~~ ***(8)*** The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the

region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

➥ Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(e) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 2. **Section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, is hereby amended to read as follows:**

Sec. 1.5. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw

poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall

thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in

a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the ***[nine]*** members of each state agreeing with the vote of at least four members of the other state shall be required ***[the governing body must agree]*** to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, ***[at least nine votes in favor of such action are not cast,]*** an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five ***[four]*** members from the state in which the project is located and the affirmative vote of at least nine members of the ***[entire]*** governing body are required. If at least five ***[four]*** members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the

commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before

recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan ~~[.]~~ ***and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce.*** The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals

of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but

not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is

adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection.

Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 252
2. Placer County 278
3. Carson City ..... -0-
4. Douglas County 339
5. Washoe County 739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	64,324
2. Placer County	23,000
3. Carson City	-0-
4. Douglas County	57,354
5. Washoe County	50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is

the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing

gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and

meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope

of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law. ***[In addition, there is a rebuttable presumption that a regional plan adopted, amended, formulated or maintained pursuant to this compact is in conformance with the requirements applicable to this compact, and a party challenging the regional plan has the burden of showing that it is not in conformance with the requirements applicable to this compact.]***

(6) In addition to the provisions of paragraph (5) relating to judicial inquiry:

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(8) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000.

Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the

environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the

agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

➥ Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(e) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any

state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 3. **Section 18 of chapter 530, Statutes of Nevada 2011, at page 3740, is hereby amended to read as follows:**

Sec. 18. ~~[1. NRS 244.153, 266.263, 267.123, 268.099, 269.123, 277.190, 277.200, 277.210, 277.215, 278.025, 278.826, 309.385 and 318.103 are hereby repealed.~~

~~2.]~~ Sections 1 and 2 of chapter 442, Statutes of Nevada 1985, at pages 1257 and 1258, respectively, ***and sections 2 and 3 of chapter 311, Statutes of Nevada 1997, at pages 1147 and 1169, respectively,*** are hereby repealed.

~~[3. NRS 277.220 is repealed effective upon:~~

~~(a) Payment of all of the outstanding obligations of the Account for the Tahoe Regional Planning Agency created by NRS 277.220; and~~

~~(b) Transfer of the remaining balance, if any, in the Account for the Tahoe Regional Planning Agency to the Account for the Nevada Tahoe Regional Planning Agency created by section 3 of this act, as required by section 21 of this act.]~~

Sec. 4. **Section 25 of chapter 530, Statutes of Nevada 2011, at page 3743, is hereby amended to read as follows:**

Sec. 25. 1. This section ***,*** ~~[and]~~ sections ~~[17.3]~~ ~~[,]~~ ***~~[and]~~ 17.3,*** 17.7, ***~~[subsection 2 of section]~~ 18, ~~[and sections]~~*** 22.5 ~~[,]~~ ***and*** 23 ~~[and 23.5]~~ of this act become effective upon passage and approval.

2. Section 22.5 of this act expires by limitation on January 1, 2013.

3. Section 1.5 of this act becomes effective upon proclamation by the Governor of this State of:

(a) The enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act; and

(b) The approval of the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act pursuant to Public Law 96-551.

~~[4. Except as otherwise provided in]~~ [subsection 5,] ~~[subsections 5 and 6,~~ sections 1] [,] ~~[and~~ 2 to ~~17, inclusive, subsections 1 and 3 of section 18, and sections 19 to~~ 22, inclusive, and 24 of this act become effective on October 1, 2015 .] [, unless, by that date, all of the following events have occurred:

~~(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;~~

~~(b) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act have been approved pursuant to Public Law 96-551; and~~

~~(c) The governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan.~~]

~~[5.]~~ [In] ~~[Except as otherwise provided in subsection 6, in~~ the event that the Governor of this State issues a proclamation pursuant to section 23.5 of this act, sections 1] [,] ~~[and~~ 2 to ~~17, inclusive, subsections 1 and 3 of section 18, and sections 19 to~~ 22, inclusive, and 24 of this act become effective on October 1, 2017.

~~6. Sections 1 and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22, inclusive, and 24 of this act do not become effective if:~~

~~(a) All of the following events occur before October 1, 2015:~~

~~(1) The State of California enacts amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;~~

~~(2) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act are approved pursuant to Public Law 96-551; and~~

~~(3) The governing board of the Tahoe Regional Planning Agency adopts an update to the 1987 Regional Plan; or~~

~~(b) The Governor of this State issues a proclamation pursuant to section 23.5 of this act and all of the events described in paragraph (a) occur before October 1, 2017.~~

[Section 1.] ***Sec. 5.*** Sections 1, ~~[1.5,]~~ 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, ~~[17.3, 17.7, 18,]~~ 19, 19.5, 20, 21, 22, ~~[22.5, 23,]~~ 23.5 ~~[,]~~

and 24 ~~[and 25]~~ of chapter 530, Statutes of Nevada 2011, at pages 3711 to 3743, inclusive, are hereby repealed.

~~[Sec. 2.]~~ ***Sec. 6.*** **The State of Nevada hereby:**

1. Agrees to cooperate with the State of California in seeking to have the changes to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act, approved by Congress;

2. Finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and

3. Acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State.

Sec. 7. **If the State of California enacts legislation that is effective on or before January 1, 2014, which:**

1. Adopts amendments to the Tahoe Regional Planning Compact that are substantially identical to the amendments contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act;

2. Agrees to cooperate with the State of Nevada in seeking to have the changes to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act, approved by Congress;

3. Adopts amendments to the Tahoe Regional Planning Compact substantially identical to the amendments contained in NRS 277.200, as amended by section 1 of this act;

4. Finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and

5. Acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State,

➥ the Governor of the State of Nevada shall issue a proclamation to that effect.

Sec. 8. The Secretary of State shall transmit:

1. A certified copy of this act to:

(a) The Governor of the State of California; and

(b) The governing body of the Tahoe Regional Planning Agency.

2. Two certified copies of this act to the Secretary of State of California for delivery to the respective Houses of its Legislature.

~~[Sec. 3.]~~ ***Sec. 9.*** **1.** This **section and sections 2, 6, 7 and 8 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 1, 3, 4 and 5 of this act become effective on January 1, 2014, if the Governor of this State issues the proclamation described in section 7 of this act on or before that date.

3. If the Governor of this State does not issue a proclamation pursuant to section 7 of this act on or before January 1, 2014, this act expires by limitation on January 2, 2014.

~~[TEXT]~~ LEADLINES OF REPEALED SECTIONS OF STATUTES OF NEVADA

Section 2 of chapter 311, Statutes of Nevada 1997.
Section 3 of chapter 311, Statutes of Nevada 1997.
Section 1 of chapter 530, Statutes of Nevada 2011.
Section 2 of chapter 530, Statutes of Nevada 2011.
Section 3 of chapter 530, Statutes of Nevada 2011.
Section 4 of chapter 530, Statutes of Nevada 2011.
Section 5 of chapter 530, Statutes of Nevada 2011.
Section 6 of chapter 530, Statutes of Nevada 2011.
Section 7 of chapter 530, Statutes of Nevada 2011.
Section 8 of chapter 530, Statutes of Nevada 2011.
Section 9 of chapter 530, Statutes of Nevada 2011.
Section 10 of chapter 530, Statutes of Nevada 2011.
Section 11 of chapter 530, Statutes of Nevada 2011.
Section 12 of chapter 530, Statutes of Nevada 2011.
Section 13 of chapter 530, Statutes of Nevada 2011.
Section 14 of chapter 530, Statutes of Nevada 2011.
Section 15 of chapter 530, Statutes of Nevada 2011.
Section 16 of chapter 530, Statutes of Nevada 2011.
Section 17 of chapter 530, Statutes of Nevada 2011.
Section 17.3 of chapter 530, Statutes of Nevada 2011.
Section 17.7 of chapter 530, Statutes of Nevada 2011.
Section 18 of chapter 530, Statutes of Nevada 2011.
Section 19 of chapter 530, Statutes of Nevada 2011.
Section 19.5 of chapter 530, Statutes of Nevada 2011.
Section 20 of chapter 530, Statutes of Nevada 2011.
Section 21 of chapter 530, Statutes of Nevada 2011.
Section 22 of chapter 530, Statutes of Nevada 2011.
Section 22.5 of chapter 530, Statutes of Nevada 2011.
Section 23 of chapter 530, Statutes of Nevada 2011.
Section 23.5 of chapter 530, Statutes of Nevada 2011.

Section 24 of chapter 530, Statutes of Nevada 2011.

Section 25 of chapter 530, Statutes of Nevada 2011.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 72.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 836.

AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing ~~[, conducting]~~ or receiving ~~[any]~~ money ~~[or other compensation]~~ for **the admission of any person to** a charreada or rodeo that includes horse tripping; ~~[authorizing a charreada or rodeo to include a horse roping event under certain circumstances;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) ~~[Section 1 of this bill defines "horse tripping" as the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall. Section 1.5 of this]~~ **This** bill prohibits a person from: (1) **intentionally** engaging in horse tripping for sport, entertainment, competition or practice; or (2) knowingly organizing, sponsoring, promoting, overseeing **,** ~~[, conducting]~~ or receiving money ~~[or any other compensation for parking or]~~ for the admission **of any person** to ~~[or attendance at]~~ a charreada or rodeo that includes horse tripping. ~~[Section 1.5 also prohibits a person from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes a horse roping event in which a horse or other animal of the equine species is caught by the legs and then released unless the person first obtains a permit from the local government where the horse roping event is conducted. Sections 4 and 5 of this bill require each board of county commissioners and city council to enact an ordinance setting forth the~~

~~manner in which a person may apply for the issuance of the permit.]~~ This bill imposes a criminal penalty against a person who is guilty of committing horse tripping**. ~~[, and provides an exception for tripping]~~ Finally, the bill defines the term "horse tripping" to mean the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause** a horse or other animal of the equine species to **fall, and excludes from that definition the tripping of the animal to** provide medical or other health care**~~.]~~ for the animal or catching the animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 574.050 is hereby amended to read as follows:~~

~~574.050 As used in NRS 574.050 to 574.200, inclusive:~~

~~1. "Animal" does not include the human race, but includes every other living creature.~~

~~2. "First responder" means a person who has successfully completed the national standard course for first responders.~~

~~3. *"Horse tripping" means the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall.*~~

~~*4.* "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.~~

~~[4.] *5.* "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.]~~ **(Deleted by amendment.)**

Sec. 1.5. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity

that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. ***A person shall not:***

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee ***[, conduct]*** ***or receive*** ***[any]*** ***money*** ***[or other compensation for parking or]*** ***for the admission*** ***[or attendance]*** ***of any person to a charreada or rodeo that includes*** ***[:***

(1) Horse] ***horse tripping . [; or***

(2) A horse roping event in which a horse or other animal of the equine species is caught by the legs and then released, unless the person first obtains a permit issued pursuant to NRS 244.359 or 266.325.

6. The provisions of subsection 5 do not apply with respect to tripping a horse or other animal of the equine species to provide medical or other health care for the animal.

7.] ***6.*** A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[6.**]** ***[8.]*** ***7.*** Except as otherwise provided in subsection **[**5.**]** ***[7.]*** ***6,*** a person who violates subsection 1, 2 **[**or 3.**]** ***, 3 or 5:***

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[7.] [9.]~~ ***8.*** In addition to any other fine or penalty provided in subsection ~~[5]~~ ~~*[7]*~~ ***6*** or ~~[6,]~~ ~~*[8,]*~~ ***7,*** a court shall order a person convicted of violating subsection 1, 2 ***,*** ~~[or]~~ 3 ***or 5*** to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 ~~[or 3,]~~ ***, 3 or 5*** including, without limitation, money expended for veterinary treatment, feed and housing.

~~[8.] [10.]~~ ***9.*** The court may order the person convicted of violating subsection 1, 2 ***,*** ~~[or]~~ 3 ***or 5*** to surrender ownership or possession of the mistreated animal.

~~[9.] [11.]~~ ***10.*** The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch***.*** ~~*[; or*~~

~~*(c) Carrying out the activities of a charreada which includes a horse roping event specified in subparagraph (2) of paragraph (b) of subsection 5 if a permit has been issued for the horse roping event pursuant to NRS 244.359 or 266.325.]*~~

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Sec. 2. ~~[NRS 244.189 is hereby amended to read as follows:~~

~~244.189 1. Except as otherwise provided in subsection 2 and *NRS 244.359, and* in addition to any other powers authorized by *a* specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other~~

~~laws or regulations of this State, as the board determines are necessary and proper for:~~

~~(a) The development of affordable housing;~~

~~(b) The control and protection of animals;~~

~~(c) The rehabilitation of rental property in residential neighborhoods; and~~

~~(d) The rehabilitation of abandoned residential property.~~

~~2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by *a* specific statute.~~

~~3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 244.335 is hereby amended to read as follows:~~

~~244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:~~

~~(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, ***244.359,*** 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.~~

~~(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.~~

~~2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.~~

~~3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.~~

~~4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.~~

~~5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:~~

~~(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or~~

~~(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.~~

~~6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:~~

~~(a) Presents written evidence that:~~

~~(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or~~

~~(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or~~

~~(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).~~

~~7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:~~

~~(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:~~

~~(1) The amount of tax due and the appropriate year;~~

~~(2) The name of the record owner of the property;~~

~~(3) A description of the property sufficient for identification; and~~

~~(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and~~

~~(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.~~

~~8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.~~**] (Deleted by amendment.)**

Sec. 4. ~~**[**~~~~NRS 244.359 is hereby amended to read as follows:~~

~~244.359 1.~~ ~~**[**~~~~Each~~~~**]**~~ ***Except as otherwise provided in subsection 4, each*** ~~board of county commissioners may enact and enforce an ordinance or ordinances:~~

~~(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.~~

~~(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.~~

~~(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.~~

~~(d) Prohibiting cruelty to animals.~~

~~(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.~~

~~2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.~~

~~3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the~~

~~county in an amount not to exceed $500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this subsection, "horse tripping" does not include tripping a horse to provide medical or other health care for the horse.~~

~~*4. Each board of county commissioners shall enact an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The board of county commissioners may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the county which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the county, the board of county commissioners shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 266.325 is hereby amended to read as follows:~~

~~266.325 [The]~~

~~*1. Except as otherwise provided in subsection 2, the* city council may:~~

~~[1.] *(a)* Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.~~

~~[2.] *(b)* Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.~~

~~[3.] *(c)* Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.~~

~~[4.] *(d)* Prohibit cruelty to animals.~~

~~*2. Each city council shall adopt an ordinance setting forth the manner in which a person may apply for the issuance of a permit specified in subparagraph (2) of paragraph (b) of subsection 5 of NRS 574.100. The city council may impose a fee for issuing the permit in an amount which does not exceed the actual cost of issuing the permit. Notwithstanding any contrary ordinance of the city which regulates or prohibits the catching of a horse or other animal of the equine species by the legs and then releasing it, and if the applicant has otherwise complied with all other applicable ordinances of the city, the city council shall issue the permit to the applicant upon the submission of a completed application and the payment of the fee, if any.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 266.355 is hereby amended to read as follows:~~

~~266.355 1. Except as otherwise provided in subsections 3, 4 and 5, the city council may:~~

~~(a) Except as otherwise provided in NRS *266.325,* 268.0881 to 268.0888, inclusive, 598D.150 and 640C.100, regulate all businesses, trades and professions.~~

~~(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.~~

~~2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.~~

~~3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.~~

~~4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.~~

~~5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.~~**] (Deleted by amendment.)**

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Senate Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 843.

SUMMARY— ~~[Authorizes]~~ **Provides for** the **design,** construction or installation **and maintenance** of a memorial dedicated to Nevada's fallen soldiers. (BDR S-553)

AN ACT relating to public works; requiring the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial dedicated to Nevada's fallen soldiers on the Capitol Complex; **creating the Nevada Fallen Soldier Memorial Gift Account in the State General Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial dedicated to Nevada's fallen soldiers on the Capitol Complex. ~~[This]~~ **Section 1 of this** bill requires the American Legion Department of Nevada, or its successor organization, to **: (1) establish a committee to design the memorial; and (2)** submit a design for the memorial to the Administrator **and the Nevada Veterans Services Commission** for ~~[his or her]~~ **their** approval. ~~[This bill]~~ **Section 1** also requires the ~~[Nevada Veterans Services]~~ Commission to determine the criteria for the placing of names on the memorial **.** ~~[and]~~ **Section 1.5 of this bill: (1) creates the Nevada Fallen Soldier Memorial Gift Account in the State General Fund; (2)** authorizes the ~~[Administrator]~~ **Executive Director and the Deputy Executive Director for Veterans Services** to accept any gift, grant or donation from any source for **deposit with the State Treasurer for credit to the Account; and (3) authorizes money in the Account to be used for** the **design, construction or installation and** maintenance of the memorial. ~~[Finally, this bill prohibits the use of any public money for the design, construction or installation of the memorial.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Administrator of the State Public Works Division of the Department of Administration shall, upon compliance with the provisions of this section, allow the American Legion Department of Nevada, or its successor organization, to construct or install a memorial dedicated to Nevada's fallen soldiers. The memorial must be constructed or installed at an appropriate location on the Capitol Complex as determined by the Administrator.

2. The American Legion Department of Nevada, or its successor organization, shall ~~[submit]~~ **:**

(a) In consultation with such volunteers as it deems desirable and the Nevada Veterans Services Commission, establish a committee to design the memorial; and

(b) Submit to the Administrator **and the Commission** a design for the memorial for approval by the Administrator **.** ~~[.]~~ **and the Commission.**

➥Upon approval of the design, the construction or installation of the memorial may begin.

3. The Nevada Veterans Services Commission shall determine the criteria for the placing of names of Nevada's fallen soldiers on the memorial.

4. ~~[The Administrator may accept any gift, grant or donation from any source. Any money received pursuant to this subsection must be accounted for separately and used only for the maintenance of the memorial.~~

~~5. No public money may be spent for the design, construction or installation of the memorial.]~~ **As used in this section, "fallen soldier" means a person who dies as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.**

Sec. 1.5. **1. The Nevada Fallen Soldier Memorial Gift Account is hereby created in the State General Fund. The Executive Director for Veterans Services and the Deputy Executive Director for Veterans Services may accept donations, gifts and grants of money from any source for deposit with the State Treasurer for credit to the Account.**

2. The Executive Director for Veterans Services shall administer the Account.

3. The money in the Account may only be used for the design, construction or installation and maintenance of the memorial described in section 1 of this act.

4. The interest and any other income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Claims against the Account must be paid as other claims against the State are paid.

6. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, but must be carried over to the next fiscal year.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 834.

AN ACT relating to education; requiring the principal of a public school or a designee of the principal to provide certain pupils with a written statement

verifying that the pupil has complied with certain attendance requirements; authorizing a school police officer or certain other persons to impose administrative sanctions against a pupil who is a habitual truant; revising the actions the principal of a school and an advisory board to review school attendance may implement for a pupil who is declared a habitual truant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a child who has been declared truant three or more times within one school year must be declared a habitual truant. (NRS 392.140) Existing law also authorizes the principal of a school to: (1) report a pupil who is declared a habitual truant to a school police officer or to the local law enforcement agency for investigation and issuance of a citation; or (2) refer a pupil who is declared a habitual truant to the advisory board to review school attendance. (NRS 392.144) Existing law further prescribes the duties of an advisory board to review school attendance upon receipt of a written referral from the principal of a school and sets forth the actions the advisory board may take against the pupil who is the subject of the written referral. (NRS 392.147) **Sections 7 and 8** of this bill revise the actions which the principal of the school and the advisory board to review school attendance may take to include a referral of the pupil for the imposition of administrative sanctions pursuant to **section 5** of this bill. **Section 5** authorizes the school police officer or, if a public school does not have a school police officer, the person designated by the principal of the school to impose administrative sanctions against a pupil who is a habitual truant, which include the delaying of the ability of a pupil to receive a driver's license and the suspension of the pupil's driver's license. **Section 5** also sets forth certain duties of the Department of Motor Vehicles. **Section 5** further authorizes the parent or legal guardian of a pupil against whom administrative sanctions have been imposed to appeal the imposition of those administrative sanctions to the designee of the board of trustees of the school district.

Existing law prescribes the requirements for the issuance of a driver's license to a person who is 16 or 17 years of age and the requirements for the issuance of a restricted driver's license to a person who is between the ages of 14 and 18 years. (NRS 483.2521, 483.267, 483.270) **Sections 11-13** of this bill revise the requirements for the issuance of those driver's licenses to require the applicant to submit to the Department of Motor Vehicles written verification that the person: (1) complies with the minimum attendance requirements in public school; (2) is exempt from compulsory public school attendance; (3) has received a high school diploma or certificate of attendance; or (4) has passed the test of general educational development.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including,

without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants ***reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number*** who are ~~[reported]~~ ***:***

(1) Reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 ~~[and the number of habitual truants who are referred]~~ ***;***

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144 ~~[, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.]~~ ***; and***

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district,

and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the

school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school

sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or

mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants ***reported for each school in the district, and for the district as a whole, including, without limitation, the number*** who are ~~[~~reported~~]~~ ***:***

(1) Reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 ~~[~~and the number of habitual truants who are referred~~]~~ ***;***

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144 ~~[~~, for each school in the district and for the district as a whole.~~]~~ ***; and***

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of

Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. The principal of a public school or a designee of the principal shall, upon written request by a pupil who is between the ages of 14 and 18 years and who is enrolled in the school, provide the pupil a written statement signed by the principal or the designee ~~[verifying]~~ :***

(a) Verifying that the pupil has complied with the minimum attendance requirements established by the board of trustees of the school district pursuant to NRS 392.122 ~~[.]~~ ; or

(b) If the pupil does not satisfy the requirements of paragraph (a), indicating that the principal or the designee has determined that a hardship exists and it would be in the best interests of the pupil or his or her family for the pupil to be allowed to drive if the pupil otherwise satisfies the requirements of NRS 483.2521, 483.267 or 483.270, as applicable.

2. The principal of a public school or a designee of the principal shall not provide a written statement pursuant to subsection 1 unless the pupil satisfies the requirements of ~~[that subsection.]~~ paragraph (a) of subsection 1 or the principal determines a hardship exists pursuant to paragraph (b) of subsection 1.

3. The written statement provided to the pupil pursuant to subsection 1 may be used for the purposes of submitting materials that must accompany an application for a driver's license pursuant to NRS 483.2521 or an application for a restricted license pursuant to NRS 483.267 and 483.270.

4. The board of trustees of each school district shall prescribe a standard form for use by the principals employed by the school district and their designees pursuant to this section.

Sec. 5. ***1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, ~~[if]~~ a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:***

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of

NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Sec. 6. NRS 392.141 is hereby amended to read as follows:

392.141 The provisions of NRS 392.144, 392.146 and 392.147 ***and section 5 of this act*** apply to all pupils who are required to attend school pursuant to NRS 392.040.

Sec. 7. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, ***or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant,*** the principal of the school shall:

(a) Report the pupil to a school police officer or to the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149; ~~[or]~~

(b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146 ~~[.]~~ ***; or***

(c) Refer the pupil for the imposition of administrative sanctions in accordance with section 5 of this act.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall ~~[report]~~ ***:***

(a) Report a pupil to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 ~~[or refer]~~ ***;***

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 ~~[.]~~ ***; or***

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall ~~[report]~~ ***:***

(a) Report the pupil to a school police officer or to a local law enforcement agency pursuant to paragraph (a) of subsection 2 ~~[.]~~ ***; or***

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

Sec. 8. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall ~~[report]~~ ***:***

(a) Report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149 ~~[.]~~ ***; or***

(b) Refer the pupil for the imposition of administrative sanctions in accordance with section 5 of this act.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such

programs and services, the chair of the advisory board shall report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149 ~~[.]~~ ***, or refer the pupil for the imposition of administrative sanctions in accordance with section 5 of this act.*** If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to a school police officer or to the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149 ~~[.]~~ ***, or refer the pupil for the imposition of administrative sanctions in accordance with section 5 of this act.***

➥ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to a school police officer or to the appropriate local law enforcement agency ***or refer the pupil for the imposition of administrative sanctions in accordance with section 5 of this act*** if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes ~~[such]~~ a report to a school police officer or local law enforcement agency ~~[,]~~ ***pursuant to subsection 4,*** the chair shall:

(a) Submit to the school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. ***If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:***

(a) Provide written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

~~[7.]~~ ***8.*** The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 9. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation; or

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. ***The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to section 5 of this act against a child***

who is subject to compulsory school attendance and is a habitual truant from school.

4. As used in this section:

(a) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(b) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 10. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

2. To any person whose license has been revoked until the expiration of the period during which the person is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to the person or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless the person has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS ***or administrative sanctions imposed pursuant to section 5 of this act*** which ~~[~~delays~~]~~ ***delay*** the child's privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which delays the person's privilege to drive until the expiration of the period of delay.

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Sec. 11. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) ***Submits to the Department:***

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to section 4 of this act;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development;

(e) Has not been found to be responsible for a motor vehicle accident during the 6 months before applying for the driver's license;

~~[(e)]~~ ***(f)*** Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

~~[(f)]~~ ***(g)*** Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

Sec. 12. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) ***Include:***

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to section 4 of this act;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 13. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

➥ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) ***Include a written statement signed by the:***

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to section 4 of this act; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of the speed limit set by law for school buses.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 14. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapters 484A to 484E, inclusive, of NRS ***, section 5 of this act*** or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 15. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS ~~[,]~~ ***or section 5 of this act,*** the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 16. NRS 483.580 is hereby amended to read as follows:

483.580 A person shall not cause or knowingly permit his or her child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if the minor's license is revoked or suspended pursuant to title 5 of NRS ~~[.]~~ ***or section 5 of this act.***

Sec. 17. This act becomes effective on January 1, 2015.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 699.

AN ACT relating to taxicabs; requiring taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers information concerning the results of certain tests for the presence of alcohol or a controlled substance under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Transportation Authority regulates taxicabs in a county whose population is less than 700,000 (currently counties other than Clark County) and in any county that has enacted an ordinance to place itself under the jurisdiction of the Taxicab Authority. (NRS 706.166, 706.881) This bill provides that **, subject to certain conditions,** if a taxicab motor carrier regulated by the Authority requires an employee **[**~~, prospective employee,~~**]** **or** lessee **[**~~or prospective lessee~~**]** to submit to a test for the presence of alcohol or a controlled substance in his or her blood, breath or urine and the person tests positive for the presence of alcohol or a controlled substance in his or her blood, breath or urine, the taxicab motor carrier is required to: (1) maintain a record of the results of the test; (2) provide a record of the results of the test to the Authority; and (3) **[**~~subject to certain conditions,~~**]** release a record of the results of the test to another taxicab motor carrier upon request. **The results of such a test must be recorded only as positive or negative, and must not be maintained by a taxicab motor carrier or the Authority for a period of more than 1 year.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [If] Except as otherwise provided in this section, if a taxicab motor carrier requires an employee [, prospective employee,] or lessee [or prospective lessee] to submit to a test for the presence of alcohol or a controlled substance in his or her blood, breath or urine and the employee [, prospective employee,] or lessee [or prospective lessee] tests positive for the presence of alcohol or a controlled substance in his or her blood, breath or urine, the taxicab motor carrier shall:

(a) Maintain a record of the results of the test;

(b) Provide to the Authority a record of the results of the test; and

(c) [Except as otherwise provided in this section, release] Release a record of the results of the test to another taxicab motor carrier upon request.

2. For the purposes of this section, a record of the results of a test administered as described in subsection 1:

(a) Must indicate only that the results of the test were positive or negative; and

(b) Must not be maintained by a taxicab motor carrier or the Authority for a period of more than 1 year.

3. The Authority may adopt regulations to carry out its duties pursuant to this section.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and section 1 of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 4. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 5. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and section 1 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or

if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 6. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and section 1 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 7. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 1 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 1 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be

towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 733.

AN ACT relating to driving under the influence; revising provisions concerning impact panels of victims of crimes involving driving under the influence of intoxicating liquor or a controlled substance **; [**~~in certain counties;~~**]** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a judge who sentences a defendant for a crime involving driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance is required to order the defendant to attend **in person** a live meeting of a panel of victims **, [**~~in person,~~**]** unless such a meeting is not available within 60 miles of the defendant's residence. The judge or judges in each judicial district are responsible for maintaining a list of the panels of persons who have been injured or have had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance and who have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes. (NRS 484C.530)

Sections 2-13 of this bill **[**~~make various changes concerning such~~**]** **establish the requirements for** victim impact panels **[**~~in each judicial district in a county whose population is 100,000 or more (currently Clark and Washoe Counties).~~**]** **to be sponsored and conducted by organizations, in lieu of or in addition to the panels held under the direction and supervision of the judges.** In particular, **sections 2-13** make the Department of Motor Vehicles responsible for regulating the organizations that sponsor and conduct victim impact panels. **Section 6** requires organizations that wish to sponsor victim impact panels to be registered with the Department and

establishes the requirements for such registration. **Section 7** requires that each meeting of **such** a victim impact panel be conducted by a qualified coordinator and specifies the training **[, knowledge and experience]** required to serve as a coordinator. **Section 8** requires victims who wish to make a presentation as a member of **such** a victim impact panel to submit to the sponsor information concerning the events that gave rise to the harms suffered by the victim and provides a criminal penalty for persons who make false statements in connection with such harms. **Section 9** establishes requirements for meetings of **such** victim impact panels and requires that, if such a meeting is conducted in person, **[there]** **security personnel** must be present at the site of the meeting **. [**security personnel who are trained in the detection of a person who is under the influence of a controlled substance or intoxicating liquor.**]** **Section 9** further authorizes a meeting of **such** a victim impact panel to be conducted by means of videoconferencing or other form of electronic communication. **Sections 10-12** establish various procedures for the receipt and disbursement of money generated from fees for attending meetings of panels, administrative fines and civil penalties. **Section 13** requires the Department to adopt regulations to carry out its duties relating to **sections 2-13**. **Section 14** of this bill adds references to the new requirements of **sections 2-13** to the existing requirements for victim impact panels, which remain in effect for **panels held under the direction and supervision of the judge or judges of** each judicial district **. [**in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties).**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Registered sponsor" means an organization in this State that is registered with the Department to sponsor meetings of victim impact panels.***

Sec. 4. ***"Victim" means a person who has been injured or has had a member of his or her family or a close friend injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct.***

Sec. 5. *"Victim impact panel" or "panel" means three or more victims who meet in the presence of persons who have been sentenced for crimes involving driving while under the influence of intoxicating liquor or a controlled substance to discuss collectively the personal effect on the victims of such crimes.*

Sec. 5.5. ~~*[The provisions of sections 2 to 13, inclusive, of this act do not apply to a county whose population is less than 100,000.]*~~ **(Deleted by amendment.)**

Sec. 6. *1. An organization that wishes to sponsor meetings of victim impact panels pursuant to* ~~*[subsections]*~~ *subsection 2* ~~*[and 4]*~~ *of NRS 484C.530 and sections 2 to 13, inclusive, of this act, must be registered with the Department.*

2. An application for registration must be submitted in the form prescribed by the Department. The application must include, without limitation:

(a) Proof that the organization is:

(1) A nonprofit organization that is recognized as exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), as amended, or a corporation for public benefit as defined in NRS 82.021; and

(2) Is registered with the Secretary of State, if registration is required by law.

(b) A list of the names of all victims who at the time of the application have:

(1) Expressed to the organization a willingness to serve as members of a panel; and

(2) Submitted the documentary or other ~~*[evidence]*~~ *information required pursuant to section 8 of this act.*

(c) The name of at least one qualified coordinator who satisfies the requirements of section 7 of this act and who is available to conduct meetings of victim impact panels on behalf of the registered sponsor.

(d) ~~*[A curriculum that describes the material to be covered during each meeting of a victim impact panel.*~~

~~*(e)]*~~ *If the sponsor intends to conduct a meeting of a victim impact panel by videoconference or other electronic means, a description of the facilities for such communication that the sponsor intends to use.*

3. A registered sponsor must renew its registration annually in accordance with procedures established by the Department.

4. The Department may, at reasonable times and without notice, inspect the facilities and records of a registered sponsor.

5. If the Department determines that a person or organization has sponsored a victim impact panel without being registered pursuant to this section, the Department shall:

(a) Impose ~~[a $5,000]~~ an administrative fine of not more than $5,000 on the person or organization; and

(b) Refuse to accept an application for registration from the person or organization for 2 years after the date of the Department's determination.

Sec. 7. *1. Each meeting of a victim impact panel sponsored by a registered sponsor must be conducted by a qualified coordinator. A coordinator must ~~[:~~*

~~(a) Have]~~ have successfully completed specialized training in victim advocacy, including, without limitation, training offered by the National Organization for Victim Assistance or a comparable organization that is nationally recognized . ~~[;~~

~~(b) Have at least 5 years of experience in victim advocacy; and~~

~~(c) Possess significant knowledge and experience in matters relevant to the conduct of a victim impact panel, including, without limitation, sudden violent death, critical and catastrophic injuries, the grieving process, the recovery process, post-traumatic stress disorder, survivor guilt, financial trauma, laws relating to driving under the influence of intoxicating liquor or a controlled substance, the preparation of victim impact statements and sensitivity to individual, gender, racial and cultural diversity.~~

~~The training, experience and knowledge of the coordinator must have been gained with victims of crimes involving driving while under the influence of intoxicating liquor or a controlled substance.~~

~~2. A person may not serve as a coordinator of a victim impact panel if the person has ever been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:~~

~~(a) A felony in this State or under the laws of any state, territory or possession of the United States; or~~

~~(b) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct or a lesser charge, if the person's plea to the lesser charge was in exchange for the dismissal of a charge of a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~3.]~~ 2. If the Department determines that a registered sponsor has violated any provision of this section, the Department shall revoke the registration of the sponsor.

Sec. 8. *1. Before a victim may make a presentation as a member of a victim impact panel in a meeting of the panel conducted pursuant to ~~[section 7]~~ sections 2 to 13, inclusive, of this act, the victim must submit to*

the registered sponsor documentary and other information concerning the events that gave rise to the harms suffered by the victim. ~~[The information may include, without limitation:~~

~~— (a) Reports of peace officers and statements of witnesses;~~

~~— (b) Affidavits signed by the victim or other persons;~~

~~— (c) Published or other media accounts;~~

~~— (d) Photographs, video or film footage; and~~

~~— (e) Medical records.]~~

2. A registered sponsor shall verify the accuracy of the information provided by the victim and certify its accuracy to the Department.

3. A person who knowingly makes a false statement, certifies to an incorrect document or withholds information for the purpose of receiving or assisting another person in receiving victim compensation or some other benefit under ~~[subsections]~~ subsection 2 ~~[and 4]~~ of NRS 484C.530 and sections 2 to 13, inclusive, of this act to which he or she is not entitled is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 and the performance of not more than 100 hours of community service pursuant to the conditions prescribed in NRS 176.087.

Sec. 9. *1. A meeting of a victim impact panel conducted pursuant to ~~[section 7]~~ sections 2 to 13, inclusive, of this act:*

(a) Must include presentations by not fewer than three panel members. ~~[A registered sponsor shall not allow a victim to make a presentation as a member of a panel more than two times during any month;~~

~~— (b) Must not include a presentation by a victim or any other person who:~~

~~— (1) Injured or killed another person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~— (2) Was an adult passenger who was not injured in a vehicle that injured or killed another person while being driven by such a person;~~

~~— (c)~~ (b) May be conducted in person or by videoconference or other electronic means approved by the Department; and

~~[(d)]~~ (c) Must, if conducted in person, have security personnel present during the meeting at the site of the meeting . ~~[security personnel who are trained in the detection of a person who is under the influence of:~~

~~— (1) A controlled substance; and~~

~~— (2) Intoxicating liquor.]~~

2. If the Department determines that a registered sponsor has violated any provision of this section, the Department shall suspend the registration of the sponsor for 1 year and may impose an administrative fine of not more than $1,000.

Sec. 10. ***1. A registered sponsor shall collect the fees established by the court pursuant to subsection 2 of NRS 484C.530 from defendants who attend a meeting of a victim impact panel.***

2. ~~[A registered sponsor shall not generate a profit from his or her sponsorship or conducting any meeting of a victim impact panel.~~

~~3.]~~ Of the money collected by a registered sponsor pursuant to this section:

(a) Not less than 20 percent must:

(1) If the Department adopts regulations providing for the conduct of programs of victim compensation by registered sponsors, be disbursed by the registered sponsor directly to a victim for services, including, without limitation:

(I) Funeral expenses;

(II) Medical expenses, expenses for psychological counseling and nonmedical remedial care and treatment rendered in accordance with a religious method of healing, which are actually and reasonably incurred as a result of the injury or death of a victim;

(III) Temporary assistance with the ordinary expenses of daily life, including, without limitation, housing, utilities and food;

(IV) Travel expenses, including, without limitation, airfare, car rental and hotel accommodations; and

(V) Other reasonable services for the victim; or

(2) Be remitted to the Department for deposit with the State Treasurer for credit to a separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to victims of crimes involving driving while under the influence of intoxicating liquor or a controlled substance. Any money received pursuant to this subparagraph must be accounted for separately in the Fund in the separate account described in section 11 of this act.

(b) Not less than 10 percent must be disbursed by the registered sponsor in the form of grants to law enforcement agencies in this State to support activities relating to crimes involving driving while under the influence of intoxicating liquor or a controlled substance, including, without limitation, purchase of equipment, enforcement, specialized training and community education programs.

~~[4.]~~ 3. A registered sponsor shall, on a quarterly basis, submit a financial statement to the Department and shall submit an annual financial statement in connection with its application for the renewal of its registration. The financial statement must be in a format prescribed by the Department and include, without limitation:

(a) The name and address of each victim and law enforcement agency to which the registered sponsor made a disbursement;

(b) The amount of each disbursement;

(c) The date of each disbursement; and

(d) An itemization of the services or purposes for which the money was disbursed.

➥ Each disbursement must be supported by a receipt or other evidence of the disbursement.

~~[5.]~~ 4. If the Department determines that a registered sponsor has violated any provision:

(a) Of this section, the Department shall suspend the registration of the sponsor for not more than 2 years; and

(b) Of subsection 1, the Department shall impose an administrative fine of not more than $5,000.

Sec. 11. ***All administrative fines collected by the Department pursuant to sections 2 to 11, inclusive, of this act, must be deposited with the State Treasurer for credit to a separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to victims of crimes involving driving while under the influence of intoxicating liquor or a controlled substance.***

Sec. 12. ***1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 is liable to the State for a civil penalty of $5, payable to the Department.***

2. Any money received by the Department pursuant to subsection 1 must be retained by the Department and used to defray the expenses incurred by the Department to administer the provisions of ~~[subsections]~~ subsection 2 ~~[and 4]~~ of NRS 484C.530 and sections 2 to 13, inclusive, of this act.

Sec. 13. ***The Department shall adopt regulations to carry out the provisions of sections 2 to 13, inclusive, of this act.***

Sec. 14. NRS 484C.530 is hereby amended to read as follows:

484C.530 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** judge or judges in each judicial district ***~~[in a county whose population is less than 100,000]~~*** shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes ~~[,]~~ ***at a***

panel held under the direction and supervision of the judge or judges at the courthouse.

➥ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. ~~*[The]*~~ ***In lieu of, or in addition to, a list of panels described in subsection 1, the judge or judges in each judicial district ~~[in a county whose population is 100,000 or more shall]~~ may cause the preparation and maintenance of a list of the registered sponsors of victim impact panels that are registered with the Department pursuant to section 6 of this act. The list must include the name and telephone number of the registered sponsor to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with the Department and representatives of the registered sponsors of the panels, the fees to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fees must be reasonable.***

3. Except as otherwise provided in this subsection, ~~***[in a county whose population is less than 100,000,]***~~ if a defendant pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, any violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend in person, at the defendant's expense, a live meeting of a panel ~~[of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct,]~~ ***listed pursuant to subsection 1 or conducted by a registered sponsor listed pursuant to subsection 2*** in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1 ~~[.]~~ ***or 2.***

➥ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

4. [Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, if a defendant pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, any violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

— (a) Attend in person or by videoconference or other electronic means if a live meeting of a panel is not available within 60 miles of the defendant's residence, at the defendant's own expense, a live meeting of a victim impact panel conducted pursuant to section 7 of this act in order to have the defendant understand the effect such a crime has on other persons; and

— (b) Pay the fees established by the court pursuant to subsection 2.

— 5.] A person ordered to attend a meeting pursuant to subsection ***[***2***]*** ***3 [****or 4****]*** shall, after attending the meeting, present evidence or other documentation satisfactory to the court that the person attended the meeting and remained for its entirety.

5. As used in this section, "judge" means:

(a) A judge of a district court;

(b) A judge of a municipal court; and

(c) A justice of the peace.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 747.

SUMMARY—Provides that the right of parents to make choices regarding the ***[***upbringing, education and***]*** care **, custody and management** of their children is a fundamental right. (BDR 11-880)

AN ACT relating to parentage; providing that the right of a parent to make decisions regarding the ***[***upbringing, education and***]*** care **, custody and management** of his or her child is a fundamental right; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that the ***[***right***]*** **liberty interest** of a parent ***[***to direct***]*** **in** the ***[***upbringing, education and***]*** care **, custody and management** of his or her child is a fundamental right. ***[***Under this bill, in implementing a statute, local ordinance or regulation, the State or any agency, instrumentality or political subdivision of the State is prohibited from violating this right

~~without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order.]~~ **This bill also provides that this fundamental right does not: (1) authorize a parent to engage in unlawful conduct or to abuse or neglect a child; or (2) prohibit courts, law enforcement officers or agencies which provide child welfare services from acting within their official capacity.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 126 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The liberty interest of a parent ~~[to direct the upbringing, education and]~~ in the care , custody and management of the parent's child is a fundamental right. ~~[The State of Nevada or any agency, instrumentality or political subdivision of the State shall not violate this right without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order.]~~

2. Nothing in this section shall be construed to:

(a) Authorize a parent to engage in any unlawful conduct or to abuse or neglect a child in violation of the laws of this State.

(b) Prohibit courts, law enforcement officers or employees of an agency which provides child welfare services from acting in their official capacity within the scope of their authority.

3. Except as otherwise provided by specific statute, the provisions of this section apply to any statute, local ordinance or regulation and the implementation of such statute, local ordinance or regulation regardless of whether such statute, local ordinance or regulation was adopted or effective before, on or after October 1, 2013.

4. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 725.

SUMMARY— ~~[Requires]~~ **Revises** provisions relating to materials recovery facilities. (BDR 54-1067)

AN ACT relating to contractors; requiring contractors to dispose of solid waste at a materials recovery facility under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a contractor to dispose of certain solid waste produced by construction, demolition or similar work at a materials recovery facility that has been approved to operate pursuant to regulations of the State Environmental Commission, if such a facility is located within 30 miles of the site of the work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A contractor who undertakes the construction, alteration, repair, maintenance or demolition of any building, structure or other work of improvement shall dispose of the solid waste resulting from the work at a materials recovery facility, if a materials recovery facility is located within 30 miles of the site of the work.

2. As used in this section, "materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials, and that has been approved to operate in accordance with regulations adopted by the State Environmental Commission pursuant to NRS 444.560. The term does not include:

(a) A facility that receives only recyclable materials that have been separated at the source of waste generation if further processing of the materials generates less than 10 percent waste residue by weight on an annual average;

(b) A salvage yard for the recovery of used motor vehicle parts;

(c) A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; or

(d) A facility that recovers less than 10 percent by weight of the recyclable material from the solid waste received on an annual average.

Sec. 2. **1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $10,000 for the purpose of contracting with a consultant to conduct a study concerning the promotion of the use of materials recovery facilities. The study must include, without limitation, an assessment of the economic and environmental impacts of a program for requiring the disposal of solid**

waste resulting from the work of a contractor who undertakes the construction, alteration, repair, maintenance or demolition of any building, structure or other work of improvement in this State.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 646.

AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; requiring certain persons to maintain electronic mail addresses with the Board of Medical Examiners; revising provisions governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board to adopt certain regulations regarding physician assistants; authorizing the Board to make service of process by electronic mail under certain circumstances; revising provisions governing the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "practice of medicine" to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law requires a person who is licensed under chapter 630 of NRS to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) **Section 2** of this bill requires a licensee who engages in the practice of medicine under certain circumstances to maintain an electronic mail address with the Board.

Existing law requires an inactive registrant to maintain a permanent mailing address with the Board. (NRS 630.255) **Section 3** of this bill requires a licensee who has changed his or her practice of medicine from this State to another state or country, and any inactive registrant, to maintain an electronic mail address with the Board.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) **Section 4** of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State. **Section 4** further provides that such a physician must comply with all applicable requirements of Nevada statutes and regulations of the Board and is subject to the jurisdiction of the courts of this State to the extent that the exercise of jurisdiction is not inconsistent with constitutional limitations.

Section 5 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section 6 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law requires service of process under chapter 630 of NRS to be made on a licensee personally, or by registered or certified mail. (NRS 630.344) **Section 7** of this bill authorizes service of process by electronic mail under certain circumstances.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) **Sections 8 and 9** of this bill authorize an advanced practitioner of nursing to perform those acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section 10 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician. **Section 10** also requires compliance with applicable provisions of Nevada statutes and regulations of the State Board of Osteopathic Medicine and provides for the exercise of jurisdiction over such osteopathic physicians by the courts of this State.

Section 11 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section 12 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section 17 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections 13-16 and 18 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

~~[Section]~~ **Sections 19 , 19.3 and 19.7** of this bill ~~[revises]~~ **revise** provisions relating to the procedure for filling certain prescriptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ~~[.]~~ ***from within or outside this State or the United States.***

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 10 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 3. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed $250.

3. ***In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country and any inactive registrant shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.***

4. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the registrant during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

~~[4.]~~ ***5.*** If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 4. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to ~~[permit the use of]~~ ***perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using*** equipment that transfers information concerning the medical condition of a patient in this State ~~[across state lines]~~ electronically, telephonically or by fiber optics ~~[.]~~ ***from within or outside this State or the United States. A physician who holds a special purpose license issued pursuant to this paragraph:***

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 5. NRS 630.2645 is hereby amended to read as follows:

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license ***to teach, research or practice medicine*** to a person ~~[~~who:

~~(a) Is~~~~]~~ ***if:***

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign medical school ~~[~~;

~~(b) Teaches,~~~~]~~ ***, as provided in NRS 630.195;***

(II) Proof that the person teaches, researches or practices medicine outside the United States ~~[~~;

~~(c) Is a recognized medical expert; and~~

~~(d)~~~~]~~ ***; and***

(III) Any other documentation or proof of qualifications required by the Board; and

(2) Intends to teach, research or practice ~~[~~clinical~~]~~ medicine at a ***medical facility,*** medical research facility or medical school in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine **.** ~~[~~, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.~~]~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~[~~clinical~~]~~ medicine in this State at the ***medical facility,*** medical research facility or medical school where the person is employed:

(a) The ***medical facility,*** medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of licenses.
7. The grounds and procedures respecting disciplinary actions against physician assistants.
8. The supervision of medical services of a physician assistant by a supervising physician ~~[.]~~ ***, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.***

9. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 7. NRS 630.344 is hereby amended to read as follows:

630.344 1. ~~[Service]~~ ***Except as otherwise provided in subsection 2, service*** of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of

the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. ***In lieu of the methods of service of process set forth in subsection 1, service of process under this chapter may be made by electronic mail on a licensee who engages in the practice of medicine as described in subsection 3 of NRS 630.020.***

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

Sec. 8. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices,

➥ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. ***An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.***

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4,]~~ ***5,*** submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. ***An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.***

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~[4.]~~ ***5.*** The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 10. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~[in]~~ ***from within or outside*** this State ***or the United States*** if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. ***An osteopathic physician who engages in telemedicine:***

(a) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(b) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

~~[2.]~~ ***3.*** Except as otherwise provided in subsections ~~[3]~~ ***4*** and ~~[4,]~~ ***5,*** before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~[physical]~~ ***an*** examination or consultation which occurred in person ***or through the use of telemedicine*** and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed ~~[, written]~~ consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall ~~[maintain]~~ ***document*** the consent ~~[form]~~ as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient ***:*** ~~[, both orally and in writing:]~~

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; ***and***

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information ***.*** ~~[; and~~

~~(5) That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.]~~

~~[3.]~~ ***4.*** An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection ~~[2]~~ ***3*** if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

~~[4.]~~ ***5.*** An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection ~~[2]~~ ***3*** in an emergency medical situation.

~~[5.]~~ ***6.*** The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

~~[6.]~~ ***7.*** As used in this section, "telemedicine" means the practice of osteopathic medicine ~~[through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.]~~ ***by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.***

Sec. 11. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ***to teach, research or practice osteopathic medicine*** to a person ~~[who:~~

~~(a) Is]~~ ***if:***

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;

~~[(b) Teaches,]~~

(II) Proof that the person teaches, researches or practices osteopathic medicine outside the United States;

~~[(c) Is a recognized expert in osteopathic medicine;]~~ and

~~[(d)]~~ ***(III) Any other documentation or proof of qualifications required by the Board; and***

(2) Intends to teach, research or practice ~~[clinical]~~ osteopathic medicine at a ***medical facility,*** medical research facility or school of osteopathic medicine in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a special license ***pursuant to this section*** is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine ***.*** ~~[, but the person must satisfy~~

~~the requirements for a special license set forth in regulations adopted by the Board.~~]

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice [~~clinical~~] osteopathic medicine in this State at the ***medical facility,*** medical research facility or school of osteopathic medicine where the person is employed:

(a) The ***medical facility,*** medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

7. A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 633.469 is hereby amended to read as follows:

633.469 1. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his or her physician assistant in person [~~or by telecommunication.~~] ***, electronically, telephonically or by fiber optics.*** When providing supervision [~~by telecommunication,~~] ***electronically, telephonically or by fiber optics,*** a supervising osteopathic physician may be at a different site than the physician assistant [~~.~~] ***, including a site located within or outside this State or the United States.***

3. A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. [~~After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician.~~] The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

(a) The scope of practice of the physician assistant;

(b) The access to the supervising osteopathic physician that the physician assistant will have; and

(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 13. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office ~~[~~:

~~(a) Of]~~ ***of*** a dispensing practitioner ~~[who is employed by a nonprofit entity]~~ that is ~~[designated as a federally qualified health center; and~~

~~(b) That is:~~

~~(1) Staffed]~~ ***staffed*** by a dispensing technician ~~[;]~~ and

~~[(2) Equipped]~~ ***equipped*** to facilitate communicative access to the dispensing practitioner,

➥ ~~[via computer link, video link and audio link]~~ ***electronically, telephonically or by fiber optics*** during regular business hours ~~[.]~~ ***from within or outside this State or the United States.***

Sec. 14. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients ~~[via computer link, video link and audio link during regular business hours;]~~ ***;*** or

2. At an office ~~[~~:

~~(a) Of]~~ ***of*** a dispensing practitioner ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center; and~~

~~(b) Where]~~ ***where*** the dispensing practitioner provides consultation to patients ~~[via computer link, video link and audio link]~~ **,**

➥ ***electronically, telephonically or by fiber optics*** during regular business hours ~~[.]~~ ***from within or outside this State or the United States.***

Sec. 15. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner **,** ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center,]~~ ➥ that is accessible by a remote site or a satellite consultation site ~~[via computer link, video link and audio link.]~~ ***electronically, telephonically or by fiber optics from within or outside this State or the United States.***

Sec. 16. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies; ~~[and]~~

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians ~~[.]~~ ***;***

3. To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and

4. To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 17. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled

substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

5. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 18. NRS 639.23277 is hereby amended to read as follows:

639.23277 1. In addition to the requirements set forth in this chapter and any other specific statute, a remote site or satellite consultation site must be located:

(a) At least 50 miles or more from the nearest pharmacy; and

(b) In a service area with a total population of less than 2,000.

2. A remote site or satellite consultation site may be operated by:

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site; or

(b) A dispensing technician without the physical presence of a dispensing practitioner **,** ~~**[**who is employed by a nonprofit entity that is designated as a federally qualified health center,**]**~~ except that the dispensing practitioner ***of the telepharmacy*** shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

3. The Board shall adopt regulations for the purposes of this section, which establish the manner of determining a "service area." Such a "service area" must be a geographical area of between 5 and 10 miles in radius. In adopting the regulations, the Board may consider, without limitation, the ease or difficulty of access to the nearest pharmacy and the availability of roadways.

Sec. 19. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person

prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was ~~[~~physically~~]~~ examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was ~~[~~physically~~]~~ examined ***in person, electronically, telephonically or by fiber optics within or outside this State or the United States*** by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

Sec. 19.3. **NRS 639.2392 is hereby amended to read as follows:**

639.2392 1. A record of each refill of any prescription for a controlled substance or dangerous drug or any authorization to refill such a prescription must be kept:

(a) On the back of the original prescription; ~~[~~or~~]~~

(b) In a bound book or separate file ~~[.]~~ ***; or***

(c) In an electronic record that is readily retrievable.

2. The record must include:

(a) The date of each refill or authorization;

(b) The number of dosage units; and

(c) The signature or initials of the pharmacist who refilled the prescription or obtained the authorization to refill.

Sec. 19.7. **NRS 639.2396 is hereby amended to read as follows:**

639.2396 ~~[A]~~ ***1. Except as otherwise provided by subsection 2, a*** prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. A pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 20. NRS 639.0072 is hereby repealed.

Sec. 21. 1. This section and sections 1 to 8, inclusive, and 10 to 20, inclusive, of this act become effective upon passage and approval.

2. Section 8 of this act expires by limitation on June 30, 2014.

3. Section 9 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 "Federally qualified health center" defined. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 727.

SUMMARY— ~~[Creates the Account for Clean Energy Loans.]~~ **Revises provisions governing the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans.** (BDR 58-861)

AN ACT relating to energy; ~~[creating the Account for Clean Energy Loans; providing, with limited exceptions, that money in the Account must be distributed to energy improvement programs for the purpose of making below-market rate loans for clean energy improvements to residential real property; setting forth the duties and powers of the Director of the Office of Energy with respect to the Account; setting forth the duties and powers of an energy improvement program that makes loans of money distributed to the energy improvement program from the Account;]~~ **revising provisions governing the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 6 of this bill establishes the Account for Clean Energy Loans administered by the Director of the Office of Energy, money from which is to be used only to distribute money to energy improvement programs that are established and administered by certain local governments, nonprofit corporations and financial institutions to make loans to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers.]~~ **Existing law establishes the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans. (NRS 701.545-701.595) This bill generally authorizes a qualified natural person to receive a loan from the Account for the construction of a clean energy improvement upon his or her residential property. Section 7** of this bill requires the Director **of the Office of Energy** to adopt certain regulations concerning ~~[the]~~ **a loan for a clean** energy improvement**. ~~[~~**~~programs and the use of money in the Account and authorizes the Director to adopt any other regulations necessary to carry out sections 2-8.5 of this bill. Section 8 of this bill provides limitations on the use of the money in the Account and authorizes certain local governments, nonprofit corporations and financial institutions to apply to the Director for a distribution of money from the Account for the purpose of making the loans authorized by section 6. Section 8.5 of this bill requires certain qualified third parties to comply with the Open Meeting Law in establishing and administering energy improvement programs approved by the Director.~~**]** **Section 7.5 of this bill requires the Director to submit an annual report to the Legislature regarding loans from the Account for the construction of clean energy**

improvements. Section 8.75 of this bill creates a subaccount within the Account for the purpose of providing such loans. Section 8.9 of this bill makes an appropriation from the State General Fund to the subaccount.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. ~~[*As used in sections 2 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*]~~ **(Deleted by amendment.)**

Sec. 3. ***"Clean energy improvement" means any repair of or addition or improvement to residential real property which reduces the consumption of energy at the property or which uses energy generated from renewable energy to meet all or a portion of the demand for energy at the property.***

Sec. 4. ~~[*"Construction" means the erection, building, acquisition, alteration, remodeling, improvement or extension of a clean energy improvement and the inspection and supervision of such activities and includes, without limitation:*~~

~~*1. Any preliminary planning to determine the feasibility of a clean energy improvement; and*~~

~~*2. Any other activities reasonably necessary for the completion of a clean energy improvement.*]~~ **(Deleted by amendment.)**

Sec. 4.5. ~~[*"Energy improvement program" means a program established and administered by a qualified third party and designed, intended or used to make below-market rate loans to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers.*]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Qualified borrower" means a person who is the owner of a primary residence and who satisfies the criteria established by the Director pursuant to section 7 of this act.*]~~ **(Deleted by amendment.)**

Sec. 5.5. ~~[*"Qualified third party" means a local government, nonprofit corporation or financial institution that establishes and administers an energy improvement program approved by the Director.*]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*1. The Account for Clean Energy Loans is hereby created in the State General Fund. The Director shall administer the Account.*~~

~~*2. Except as otherwise provided in section 8 of this act, the money in the Account may be used only to provide money to an energy improvement program to make below-market rate loans at a rate not lower than 3*~~

~~*percent to qualified borrowers for clean energy improvements to primary residences owned by those qualified borrowers.*~~

~~*— 3. Any money provided for the purposes of sections 2 to 8.5, inclusive, of this act by gift, grant, donation or legislative appropriation and any money from a source identified by the Director pursuant to subsection 2 of section 7 of this act must be deposited in the State Treasury for credit to the Account. The interest and income earned on money in the Account for Clean Energy Loans must be credited to the Account.*~~

~~*— 4. All money remitted to the State by a qualified third party pursuant to section 8 of this act must be deposited in the State Treasury for credit to the Account.*~~

~~*— 5. All claims against the Account must be paid as other claims against the State are paid.*~~

~~*— 6. The faith of the State is hereby pledged that the money in the Account will not be used for purposes other than those authorized by sections 2 to 8.5, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1.]*~~ *The Director shall , for the purpose of approving a loan from the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans to a qualified applicant for the construction of a clean energy improvement upon the residential property of the qualified applicant, adopt regulations establishing:*

~~*[(a) The criteria for approving one or more qualified third parties to establish and administer energy improvement programs in this State.*~~

~~*— (b) The eligibility requirements for an energy improvement program to apply for and receive distributions of money from the Account for Clean Energy Loans.*~~

~~*— (c) The eligibility requirements for applicants for loans of money distributed to energy improvement programs from the Account .*~~

~~*— (d) One or more maximum annual rates of interest, which must be below-market rates but which must not be lower than 3 percent, applicable to loans of money distributed to energy improvement programs from the Account .*~~

~~*— (e)]*~~ *1. The eligibility requirements or a qualified applicant to apply for and receive a loan from the Account;*

2. One or more maximum annual rates of interest, which must be below-market rates but which must not be lower than 3 percent, applicable to loans of money for the construction of clean energy improvements; and

3. Such other terms and conditions applicable to ~~*[loans of money distributed to energy improvement programs from the Account]*~~ *a loan for the construction of a clean energy improvement as the Director determines are necessary.*

~~[2. In addition to any money available through gift, grant, donation or legislative appropriation to carry out the purposes of sections 2 to 8.5, inclusive, of this act, the Director shall identify any other source of money which may, in the opinion of the Director, be used to fund the Account.~~

~~3. The Director may :~~

~~(a) Prepare and enter into agreements with the Federal Government for the acceptance of grants of money for the purposes of sections 2 to 8.5, inclusive, of this act.~~

~~(b) Enter into agreements or cooperate with third parties to provide for enhanced leveraging of money in the Account, additional financing mechanisms or any other program or combination of programs for the purpose of expanding the scope of financial assistance available from the Account.~~

~~(c) Bind the Office of Energy to terms of any agreements entered into pursuant to paragraphs (a) or (b).~~

~~(d) Accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 2 to 8.5, inclusive, of this act.~~

~~(e) Adopt such other regulations as are necessary to carry out the provisions of sections 2 to 8.5, inclusive, of this act.~~

~~4. The Director shall not distribute any money in the Account or commit such money for expenditure for the purposes set forth in sections 2 to 8.5, inclusive, of this act without first obtaining the approval of the Legislature or the Interim Finance Committee if the Legislature is not in session.]~~

Sec. 7.5. *The Director shall, on or before December 31, 2015, and on or before December 31 of each year thereafter:*

1. Prepare a report:

(a) Describing the activities of the Director with respect to loans from the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans to qualified applicants for the construction of clean energy improvements.

(b) Evaluating the impact of such loans on clean energy improvements in this State.

2. Submit the report prepared pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) If the report is prepared during an even-numbered year, the next session of the Legislature.

(b) If the report is prepared during an odd-numbered year, the Legislative Commission and the Interim Finance Committee.

Sec. 8. ~~[1. Except as otherwise provided in subsection 5, money in the Account for Clean Energy Loans, including repayments of principal and interest on loans, and interest and income earned on money in the~~

~~*Account, may only be distributed, upon application by a qualified third party, to the qualified third party and may be used by the qualified third party only to make loans at a rate established by the Director pursuant to paragraph (d) of subsection 1 of section 7 of this act to a qualified borrower for the construction of a clean energy improvement to the primary residence of the qualified borrower.*~~

~~*2. A qualified third party may:*~~

~~*(a) Apply to the Director for a distribution of money from the Account to make loans to qualified borrowers for the construction of clean energy improvements.*~~

~~*(b) Make a loan to a qualified borrower in accordance with the regulations adopted by the Director pursuant to section 7 of this act.*~~

~~*3. A qualified third party shall, before approving an applicant for a loan of money distributed to the qualified third party from the Account, consider whether the applicant has received or is eligible to receive from any governmental entity any money or other financial incentive, including, without limitation, any grant, loan, tax credit or abatement of any tax for the purpose of financing in whole or in part the clean energy improvement of the applicant.*~~

~~*4. A qualified third party that makes a loan of money distributed to the qualified third party from the Account to a qualified borrower shall remit payments of principal and interest received from the qualified borrower to the Director for deposit in the State Treasury for credit to the Account.*~~

~~*5. The Director may use the interest earned on money in the Account and the interest earned on loans made by a qualified third party of money distributed from the Account to defray, in whole or in part, the costs and expenses of administering the Account and to carry out the purposes of sections 2 to 8.5, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 8.5. ~~*[In establishing and administering an energy improvement program approved by the Director, a qualified third party that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), must comply with the provisions of chapter 241 of NRS.]*~~ **(Deleted by amendment.)**

Sec. 8.55. **NRS 701.545 is hereby amended to read as follows:**

701.545 As used in NRS 701.545 to 701.595, inclusive, ***and sections 3 to 7.5, inclusive, of this act,*** the words and terms defined in NRS 701.550 to 701.570, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 8.6. **NRS 701.555 is hereby amended to read as follows:**

701.555 "Construction" means the erection, building, acquisition, alteration, remodeling, improvement or extension of a project ***or clean***

energy improvement and the inspection and supervision of such activities and includes, without limitation:

1. Any preliminary planning to determine the feasibility of a project;

2. Engineering, architectural, legal, environmental, fiscal or economic investigations or studies, surveys, designs, plans, working drawings, specifications or procedures that comply with the provisions of the American Recovery and Reinvestment Act and any regulations adopted pursuant thereto; and

3. Any other activities reasonably necessary to the completion of a project ~~[.]~~ ***or clean energy improvement.***

Sec. 8.65. **NRS 701.560 is hereby amended to read as follows:**

701.560 "Federal grant" means money authorized by the American Recovery and Reinvestment Act to:

1. Create a revolving loan fund to assist in the financing of the construction of renewable energy projects ~~[,]~~ ***and clean energy improvements;*** or

2. Fund set-aside programs authorized by the American Recovery and Reinvestment Act.

Sec. 8.7. **NRS 701.568 is hereby amended to read as follows:**

701.568 "Qualified applicant" means ~~[a]~~ **:**

1. A person or governmental entity engaged in:

~~[1.]~~ ***(a)*** The construction or operation of an energy conservation project;

~~[2.]~~ ***(b)*** The construction or operation of an energy efficiency project;

~~[3.]~~ ***(c)*** The construction, expansion or operation of a renewable energy system; or

~~[4.]~~ ***(d)*** The manufacturing of components of a renewable energy system.

2. A natural person engaged in the construction of a clean energy improvement upon his or her residential property.

Sec. 8.75. **NRS 701.575 is hereby amended to read as follows:**

701.575 1. The Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans is hereby created in the State General Fund. The Director shall administer the Account.

2. ***A subaccount in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans is hereby created to provide loans for the construction of clean energy improvements upon the residential property of qualified applicants.***

3. The account to fund activities, other than projects, authorized by the American Recovery and Reinvestment Act, to be known as the Account for Set-Aside Programs, is hereby created in the Fund for the Municipal Bond Bank.

~~[3.]~~ ***4.*** The money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside

Programs may be used only for the purposes set forth in the American Recovery and Reinvestment Act.

~~[4.]~~ ***5.*** All claims against the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs must be paid as other claims against the State are paid.

~~[5.]~~ ***6.*** The faith of the State is hereby pledged that the money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs will not be used for purposes other than those authorized by the American Recovery and Reinvestment Act.

Sec. 8.8. **NRS 701.580 is hereby amended to read as follows:**

701.580 1. The interest and income earned on money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs must be credited to the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs, respectively.

2. All payments of principal and interest on all loans made to a qualified applicant and all proceeds from the sale, refunding or prepayment of obligations of a qualified applicant acquired or loans made in carrying out the purposes of the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans must be deposited in the State Treasury for credit to the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans.

3. The Director may accept gifts, contributions, grants and bequests of money from any public or private source. The money so accepted must be deposited in the State Treasury for credit to the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, or the Account for Set-Aside Programs, and can be used to provide money from the State to match the federal grant, as required by the American Recovery and Reinvestment Act.

4. ~~[Only]~~ ***Except for a loan for the construction of a clean energy improvement, only*** federal money deposited in a separate subaccount of the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, including repayments of principal and interest on loans made solely from federal money, and interest and income earned on federal money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, may be used to benefit a qualified applicant who is not a governmental entity.

Sec. 8.85. **NRS 701.590 is hereby amended to read as follows:**

701.590 1. Except as otherwise provided in ~~[subsection 6]~~ ***subsections 2 and 7*** and NRS 701.580, money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, including repayments of

principal and interest on loans, and interest and income earned on money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, may be used only to make loans at a rate of not more than 3 percent to a qualified applicant for:

(a) The construction of an energy conservation project;

(b) The construction of an energy efficiency project;

(c) The construction or expansion of a renewable energy system; ~~[or]~~

(d) The manufacturing of components of a renewable energy system ~~[.]~~ ***; or***

(e) The construction of a clean energy improvement.

2. ***Money in the subaccount created by subsection 2 of NRS 701.575, including interest and income earned on money in the subaccount, may be used only to make below-market rate loans at a rate not lower than 3 percent per annum to a qualified applicant for the construction of a clean energy improvement upon his or her residential property.***

3. Money in the Account for Set-Aside Programs may be used only to fund set-aside programs authorized by the American Recovery and Reinvestment Act. Money in the Account for Set-Aside Programs may be transferred to the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans pursuant to the American Recovery and Reinvestment Act.

~~[3.]~~ ***4.*** A qualified applicant who requests a loan or other financial assistance must demonstrate that the qualified applicant has:

(a) Complied with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto; or

(b) Agreed to take actions that are needed to ensure that the qualified applicant has the capability to comply with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto.

~~[4.]~~ ***5.*** Money from the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans may not be given to a qualified applicant for the expansion of an existing renewable energy system unless the qualified applicant has the technical, managerial and financial capability to ensure compliance with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto. To receive such funding for the construction of a new renewable energy system, a qualified applicant must demonstrate that the qualified applicant has the technical, managerial and financial capability to ensure compliance with the American Recovery and Reinvestment Act and regulations adopted pursuant thereto.

~~[5.]~~ ***6.*** The Director shall, before approving an applicant for financial assistance from the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, consider whether the applicant has received or is eligible to receive from any other governmental entity any money or other

financial incentive, including, without limitation, any grant, loan, tax credit or abatement of any tax for the purpose of financing in whole or in part the energy efficiency or energy conservation project ***or clean energy improvement*** of the applicant.

~~[6.]~~ ***7.*** The Director may use the interest earned on money in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the interest earned on loans made from the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans to defray, in whole or in part, the costs and expenses of administering the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans and to carry out the purposes of NRS 701.545 to 701.595, inclusive.

~~[7.]~~ ***8.*** The Director shall give preference to qualified applicants seeking funding or assistance from the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans for larger energy conservation projects, energy efficiency projects or renewable energy systems. The Director shall, by regulation, define "larger energy conservation projects, energy efficiency projects or renewable energy systems" for purposes of this section.

Sec. 8.9. **There is hereby appropriated from the State General Fund to the subaccount created within the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans by subsection 2 of NRS 701.575, as amended by section 8.75 of this act, the sum of $100,000.**

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On ~~[October]~~ **July** 1, 2013, for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 722.

AN ACT relating to governmental administration; ~~[removing the requirement that each governmental agency ensure that any]~~ **revising provisions governing** personal information contained in certain documents ~~[is either maintained in a confidential manner or removed from the document;]~~ **held by governmental agencies;** removing the requirement that

the board of county commissioners in certain larger counties establish in certain cities a branch office of the county clerk at which marriage licenses may be issued; revising provisions relating to recording and filing certificates of marriage; revising provisions governing certain other documents relating to marriage; prohibiting certain solicitations on county property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007. On or before January 1, 2017, each governmental agency is required to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or removed from the document. (NRS 239B.030) **Section 1** of this bill ~~[authorizes rather than]~~ **removes the January 1, 2017, deadline for complying with such requirements and instead** requires each governmental agency **, as of July 1, 2013,** to ensure that any personal information contained in a document submitted to that agency before January 1, 2007, is either maintained in a confidential manner or **, within the limits of available resources,** removed from the document.

Existing law requires the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued and establish that office in an incorporated city whose population is 220,000 or more but less than 500,000 (currently the City of Henderson). Existing law also authorizes the board to designate, at the request of the county clerk, not more than four additional branch offices of the county clerk at which marriage licenses can be issued. (NRS 122.040) **Section 2** of this bill removes the requirement to establish a branch office at which marriage licenses can be issued in an incorporated city whose population is 220,000 or more but less than 500,000 and allows the board to designate, at the request of the county clerk, not more than five branch offices at which marriage licenses may be issued.

Existing law requires copies of certificates of marriage to be recorded by the county recorder or filed by the county clerk. (NRS 122.130) **Sections 2.5, 5.5 and 8-10** of this bill remove references to "copies" of certificates of marriage so that original certificates of marriage are required to be recorded by the county recorder or filed by the county clerk.

Sections 3-5 of this bill revise provisions governing certain documents relating to the authority to solemnize marriages.

Existing law prohibits any person, while on county courthouse property, from soliciting another person to be married by a marriage commissioner or

justice of the peace or at a commercial wedding chapel. (NRS 122.215) **Section 7** of this bill extends this prohibition to all county property where marriage licenses are issued.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in subsections 2 and 6, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information is maintained in a confidential manner and may only disclose the personal information as required:

(a) To carry out a specific state or federal law; or

(b) For the administration of a public program or an application for a federal or state grant.

➥ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

3. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

4. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

5. ~~[On or before January 1, 2017, each]~~ ***Each*** governmental agency shall ~~*[may]*~~ ensure that any personal information contained in a document that has

been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:

(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or

(b) ~~[Obliterated]~~ ***Within the limits of available resources, obliterated*** or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

➥ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

6. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

➥ The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.

7. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more ~~[~~:

~~(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 220,000 or more but less than 500,000; and~~

~~(2) May, in addition to the branch office described in subparagraph (1)~~~~]~~ ***may***, at the request of the county clerk, designate not more than ~~[four]~~ ***five*** branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

8. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

9. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 2.5. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of $21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of $10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed ~~[copy of the]~~ certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed ~~[copy of the]~~ certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection 2 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $4 for the State of Nevada. The fees collected

for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall remit quarterly all such fees deposited by the county clerk to the State Controller for credit to the State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $25 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

Sec. 3. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers or other persons authorized to solemnize a marriage. The database must:

(a) Serve as the official list of ministers or other persons authorized to solemnize a marriage approved in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister or other person authorized to solemnize a marriage as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister or other person authorized to solemnize a marriage.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister or other person authorized to solemnize a marriage:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.

4. A certificate of permission is valid until the county clerk has received an affidavit of ~~[revocation]~~ ***removal*** of authority to solemnize marriages pursuant to NRS 122.0665 ~~[.]~~ ***or the certificate of permission is revoked pursuant to NRS 122.068.***

5. An affidavit of ~~[revocation]~~ ***removal*** of authority to solemnize marriages that is received pursuant to subsection 4 must be sent to the county clerk within 5 days after the minister or other person authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister or other person authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other person authorized to solemnize a marriage, or that such church or religious organization no longer exists, the county clerk may require satisfactory proof of the good standing of the minister or other person authorized to solemnize a marriage. If such proof is not presented within 15 days, the county clerk shall ~~[revoke]~~ ***remove*** the certificate of permission by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.

7. Except as otherwise provided in subsection 8, if any minister or other person authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of ~~[revocation]~~ ***removal*** of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other person authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she

has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. If any minister or other person authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is ***removed or*** revoked as prescribed by law. The minister or other person authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other person authorized to solemnize a marriage has moved.

9. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers or other persons who are authorized to solemnize a marriage in this State.

Sec. 4. NRS 122.0665 is hereby amended to read as follows:

122.0665 1. If a minister or other person authorized to solemnize a marriage is no longer authorized to solemnize a marriage by the church or religious organization that authorized the minister or other person to solemnize marriages when he or she applied for a certificate of permission to perform marriages pursuant to NRS 122.064, the church or religious organization shall, within 5 days after the authorization is terminated, file an affidavit of ~~[~~revocation~~]~~ ***removal*** of authority to solemnize marriages with the county clerk of the county where the original affidavit of authority to solemnize marriages was filed.

2. The affidavit of ~~[~~revocation~~]~~ ***removal*** of authority to solemnize marriages must be in substantially the following form:

AFFIDAVIT OF ~~[~~REVOCATION~~]~~ ***REMOVAL*** OF AUTHORITY TO SOLEMNIZE MARRIAGES

State of Nevada }
}ss.
County of }

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby ~~[~~revokes~~]~~ ***removes*** the authority of..... (name of minister or other person authorized to solemnize marriages), filed in the County

of....., on the..... day of the month of....., of the year....., to solemnize marriages.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

Notary Public for
..... County, Nevada.

My appointment expires.....

Sec. 5. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued a certificate of permission to perform marriages to a minister or other person authorized to solemnize a marriage pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister or other person authorized to solemnize a marriage is revoked ~~[.]~~ ***or if the county clerk has received an affidavit of removal of authority to solemnize marriages pursuant to NRS 122.0665,*** the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister or other person authorized to solemnize a marriage from the official list contained in the database of ministers or other persons authorized to solemnize a marriage and shall notify each county clerk and county recorder in the State of the revocation ~~[.]~~ ***or removal of authority.***

Sec. 5.5. NRS 122.130 is hereby amended to read as follows:

122.130 1. Each person who solemnizes a marriage shall make a record of it and, within 10 days after the marriage, shall deliver to:

(a) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk of the county where the license was issued ~~[a copy of]~~ the ***original*** certificate of marriage required by NRS 122.120.

(b) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder of the county where the license was issued ~~[a copy of]~~ the ***original*** certificate of marriage required by NRS 122.120.

2. If the ~~[copy of the]~~ ***original*** certificate of marriage that is held by the person who solemnizes the marriage is lost or destroyed before it is delivered pursuant to subsection 1, the county clerk may charge and collect from the person who solemnizes the marriage a fee of not more than $15 for the preparation of an affidavit of loss or destruction and the issuance of a replacement certificate. All fees collected by the county clerk pursuant to this subsection must be deposited in the county general fund.

3. All ~~[copies of]~~ ***original*** certificates must be recorded by the county recorder or filed by the county clerk in a book to be kept by him or her for that purpose. For recording or filing the ~~[copies,]~~ ***original certificates,*** the county recorder or county clerk is entitled to the fees designated in subsection 2 of NRS 122.060 and subsection 3 of NRS 122.135. All such fees must be deposited in the county general fund.

Sec. 6. NRS 122.185 is hereby amended to read as follows:

122.185 The office of the commissioner of civil marriages and each room therein shall prominently display on the wall, or other appropriate place, a sign informing all people who avail themselves of the services of the commissioner of civil marriages of the following facts:

1. That the solemnization of the marriage by the commissioner of civil marriages is not necessary for a valid marriage and that the parties wishing to be married may have a justice of the peace within a township where such justice of the peace is permitted to perform marriages, or any minister or other person authorized to solemnize a marriage of their choice who holds a valid certificate of permission to perform marriages within the State, perform the ceremony;

2. The amount of the fee to be charged for solemnization of a marriage ~~[, including any extra charge to be made for solemnizing a marriage after regular working hours]~~ in the office of the commissioner of civil marriages;

3. That all fees charged are paid into the county general fund of the particular county involved;

4. That other than the statutory fee, the commissioner of civil marriages and the deputy commissioners of civil marriages are precluded by law from receiving any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

5. That if the commissioner of civil marriages, any deputy commissioner of civil marriages, or any other employee in the office of the commissioner or in the office of the county clerk solicits such an extra gratuity fee or other remuneration, the matter should be reported to the district attorney for such county.

Sec. 7. NRS 122.215 is hereby amended to read as follows:

122.215 It is unlawful for any county employee, commercial wedding chapel employee or other person to solicit or otherwise influence, while on county ~~[~~courthouse~]~~ property ~~[,]~~ ***where marriage licenses are issued,*** any person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel.

Sec. 8. NRS 122.230 is hereby amended to read as follows:

122.230 Every person solemnizing a marriage who fails or neglects to make and deliver an originally signed ~~[~~copy of the~]~~ certificate thereof, within the time specified in NRS 122.130, to:

1. If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, the county clerk; or

2. If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, the county recorder,

➥ is guilty of a misdemeanor.

Sec. 9. NRS 122.240 is hereby amended to read as follows:

122.240 Every county recorder or county clerk who fails or neglects to record or file a ~~[~~copy of a~]~~ certificate of marriage as required by this chapter is guilty of a misdemeanor.

Sec. 10. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page, $10.

(b) For each additional page, $1.

(c) For recording each portion of a document which must be separately indexed, after the first indexing, $3.

(d) For copying any record, for each page, $1.

(e) For certifying, including certificate and seal, $4.

(f) For a certified copy of a certificate of marriage, $10.

(g) For a certified abstract of a certificate of marriage, $10.

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording ~~[the]~~ ***an*** originally signed ~~[copy of a]~~ certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording ~~[the]~~ ***an*** originally signed ~~[copy of a]~~ certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording ~~[the]~~ ***an*** originally signed ~~[copy of a]~~ certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month,

the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 11. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 685.

AN ACT relating to time shares; ~~[requiring developers of time shares to disclose certain information]~~ **revising provisions governing the public offering statement provided** to **prospective** purchasers; ~~[requiring developers to provide the Real Estate Division of the Department of Business and Industry with certain information;]~~ revising provisions concerning the renewal of a permit to sell a time share; requiring certain persons to notify the Real Estate Division of certain convictions; authorizing the Real Estate Commission to take certain actions against certain people in certain circumstances; prohibiting certain people from working in certain time-share related professions without a proper license; making various other changes relating to time shares; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a developer from offering to sell a time share without first obtaining a permit. (NRS 119A.270) Existing law requires that the Administrator of the Real Estate Division of the Department of Business and Industry issue a permit and a public offering statement to a developer who submits certain information to the Division. (NRS 119A.300) **Existing law further requires: (1) each developer, through his or her project broker and sales agents, to provide each prospective purchaser with a copy of the developer's public offering statement and a copy of the developer's permit to sell time shares; and (2) the project broker or sales agent to review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement. (NRS 119A.400) Section 4** of this bill requires that a developer submit a ~~[sample]~~ public offering statement to the Division ~~[.]~~ **for approval for use by the developer. Section 4** also sets forth the information that must be included in ~~[a sample]~~ **the** public offering

statement. ~~[Sections 5 and]~~ **Section 6** of this bill ~~[require]~~ **requires** a developer to provide ~~[each purchaser and sales and marketing entity of a time share]~~ **the board of the association for the time-share plan** with a copy of an approved public offering statement and certain other information. **Section 21.5 of this bill revises the provision of existing law requiring the developer to provide the public offering statement to prospective purchasers of a time share.** **Sections 8-13** of this bill revise certain definitions concerning time shares. **Section 14** of this bill revises provisions concerning the applicability of the provisions governing time shares in certain circumstances.

Existing law prohibits a provisional sales agent from conducting sales-related activities unless certain circumstances apply. (NRS 119A.237) **Section 15** of this bill authorizes a provisional licensee to conduct sales-related activities if he or she is under the supervision of certain persons. Existing law provides that the Administrator of the Division is required to issue to a developer a public offering statement and a permit to sell time shares if certain requirements are satisfied. (NRS 119A.300) **Section 16** of this bill adds certain items to the list of requirements such a developer must satisfy. ~~[Section 6.5 of this bill provides certain requirements that apply to a time share plan that is located outside of this State.~~

~~Existing law requires the Division to issue an order within 30 days after receiving an application for a permit to sell a time share. (NRS 119A.320) Section 18 of this bill permits the Division 60 days to issue such an order if it is a time share plan containing only one component site, or 120 days if it contains more than one component site. Section 18 also requires the Division to notify the applicant of its decision to issue a public offering statement and permit to sell time shares.~~

~~Existing law requires that a permit to sell a time share be renewed on an annual basis. (NRS 119A.355) Section 19 of this bill requires the Division to renew the permit of an applicant within 30 days after receiving evidence that any deficiencies in the renewal application have been cured.]~~

Existing law requires certain persons to notify the Division of any criminal convictions or guilty pleas. (NRS 119A.357) **Section 20** of this bill adds ~~[certain other persons]~~ **time-share resale brokers and persons licensed as real estate salespersons, real estate broker-salespersons and real estate brokers** to the list of persons required to notify the Division of such convictions or pleas. ~~[Existing law requires that certain information be included in a reservation to purchase a time share. (NRS 119A.390) Section 21 of this bill provides that a reservation to purchase a time share is required to provide for the placement of a deposit in escrow until the public offering statement is approved and a permit to sell is issued.]~~

Existing law requires a board of an association of time-share owners to conduct a study, through a qualified person, of the reserves required to repair the major components of the time-share plan, and to review the results of the study. (NRS 119A.542) **Section 24** of this bill places this requirement on a developer as well as on the board of an association. Existing law authorizes the Real Estate Commission to take certain action against a project broker who fails to adequately supervise certain persons. (NRS 119A.670) **Section 25** of this bill authorizes the Real Estate Commission to take the same actions against certain other persons. Existing law prohibits any person from working as a project manager without first obtaining the appropriate license from the Division. (NRS 119A.680) **Section 26** of this bill ~~[prohibits any person]~~ **revises the list of persons prohibited** from performing certain work without first obtaining the appropriate license from the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. ***"Component site" means a specific geographic location where units are located. The term includes new units added to a single project in the same specific geographic location and under common management.***

Sec. 3. ***"Sales and marketing entity" means an entity hired by a developer to manage the sale or marketing of a ~~[time share.]~~ time-share plan.***

Sec. 4. ***1. The developer shall file a ~~[sample]~~ public offering statement with the Division for approval for use as prescribed in NRS 119A.300.***

2. ~~[If the Division determines that the sample public offering statement submitted by the developer is deficient, the Division shall issue to the developer by mail or electronic mail a notice of deficiency. The developer may revise and resubmit the sample public offering statement within 30 days after receiving the Division's notice of deficiency. Within 30 days after receipt of the revised sample public offering statement, the Division shall notify the developer by mail or electronic mail whether the Division has approved the revised sample public offering statement. If the developer fails to correct the cited deficiencies within 30 days after receiving the Division's notice of deficiency, the Division may reject the developer's application. Subsequent to such a rejection, a new filing fee pursuant to NRS 119A.360 will apply to any additional filing.~~

~~3. Any material change to an approved public offering statement must be filed with the Division for approval as an amendment before the change becomes effective. Within 45 days after receipt of the developer's~~

~~*amendment, the Division shall notify the developer by mail or electronic mail whether the Division has approved the amendment. If the developer fails to adequately respond to any notice of deficiency within 30 days, the Division may reject the amendment. Subsequent to such a rejection, a new filing fee pursuant to NRS 119A.360 will apply to any refiling or further review of the rejected amendment.*~~

~~*4.]*~~ *The* ~~*[sample]*~~ *public offering statement must include the following disclosures in substantially the following form, in at least 12-point bold type:*

This Public Offering Statement is ~~*[issued]*~~ *prepared by the Developer to provide you with basic and relevant information on a specific time-share offering. The Developer or Owner of the offering that is the subject of this Public Offering Statement has provided certain information and documentation to the Real Estate Division of the Department of Business and Industry (the "Division")* ~~*[that has enabled the Division to issue this Public Offering Statement.]*~~ *as required by law.*

The statements contained in this Public Offering Statement are only summary in nature. A prospective purchaser should review ~~*[all references, accompanying exhibits,]*~~ *the purchase contract , all documents governing the time-share plan or provided or available to the purchaser and the sales materials. You should not rely upon oral representations as being correct. Refer to this* ~~*[document and any accompanying exhibits]*~~ *public offering statement, the purchase contract and the documents governing the time-share plan for correct representations.* ~~*[A prospective purchaser should only rely on the representations contained in the contract and this Public Offering Statement.]*~~

While the Division makes every effort to confirm the information provided and to ensure that the offering will be developed, managed and operated as planned, there is no guarantee this will always be the case. The Division cannot and does not make any promise or guarantee as to the viability or continuance of the offering or the financial future of the offering or any plan, club or association affiliated therewith.

The information included in this Public Offering Statement is applicable as of ~~*[the]*~~ *its effective date .* ~~*[of issuance.]*~~ *Expenses of operation are difficult to predict accurately and even if accurately estimated initially, most expenses increase with the age of facilities and with increases in the cost of living.*

The Division strongly suggests that before executing an agreement or contract, you read all of the documentation and information provided to you and seek additional assistance if necessary to assure that you understand all aspects of the offering and are aware of any potential adverse circumstances that could result from a time-share purchase in this Offering.

The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The right of cancellation may not be waived. Any attempt by the Developer to obtain a waiver results in a contract which is voidable by the purchaser. The notice of cancellation may be delivered personally to the Developer or sent by certified mail, return receipt requested, or by providing notice by express, priority or ~~[standard]~~ recognized overnight ~~[common carrier]~~ delivery service, with proof of service, to the business address of the Developer. The Developer must, within 20 days after receipt of the notice of cancellation, return all payments made by the Purchaser.

~~[5.]~~ 3. The ~~[sample]~~ public offering statement must include, without limitation, the following information in a form prescribed by the Division:

(a) A brief history of the developer's business background, experience in real estate and regulatory history.

(b) A description of any judgment against the developer or sales and marketing entity ~~[,]~~ which has a material adverse effect on the developer or the time-share plan. If no such judgment exists, there must be a statement of such fact.

(c) The status of any pending proceeding to which the developer or sales and marketing entity is a party ~~[,]~~ and which has a material adverse effect on the developer or the time-share plan. If no ~~[judgments or pending]~~ such proceedings exist, there must be a statement of such fact.

(d) The name and address of the developer, ~~[a detailed description of the type of time-share plan being offered,]~~ the name of the time-share plan and the address of ~~[the project.]~~ each component site.

(e) A summary of the current annual budget of the project or the time-share plan, including:

(1) The projected assessments for each type of unit offered in the time-share plan; and

(2) A statement of property taxes assessed against the project and , if not included in the projected assessments, the projected amount of the purchaser's share of responsibility ~~[,]~~ for the property taxes assessed against the project.

(f) A detailed description of the type of time-share plan being offered, a description of the type of interest and use rights the purchaser will receive [.] and a description of the total number of time shares in the time-share plan at the time the permit is issued.

(g) A description of all restrictions, easements, reservations or zoning requirements which may limit the purchaser's use , sale, lease, transfer or conveyance of the time share. The description must include any restrictions to be imposed on time shares concerning the use of any of the accommodations or facilities, and whether there are restrictions upon children or pets. For the purposes of this paragraph:

(1) The description may reference a list of the documents containing the restrictions and state that the copies of the documents are available to the purchaser upon request.

(2) If there are any restrictions upon the sale, lease, transfer or conveyance of a time share, the description must include a statement, in at least 12-point bold type, in substantially the following form:

> *The sale, lease, transfer or conveyance of a time share is restricted or controlled.*
> *(Immediately following this statement, a description of the nature of the restriction, limitation or control on the sale, lease, transfer or conveyance of the time share must be included.)*

(3) If there are no restrictions, there must be a statement of that fact.

(h) A description of the duration, projected phases and operation of the time-share plan.

(i) A representation by the developer ensuring that the time-share plan maintains a one-to-one use night to use right ratio. For the purposes of the ratio calculation in this paragraph, each purchaser must be counted according to the use rights held by that purchaser in any calendar year. For the purposes of this paragraph, "one-to-one use night to use right ratio" has the meaning ascribed to it in NRS 119A.525.

(j) A summary of the organization of the association [,] for the time-share plan, the voting rights of the members, the developer's [position] voting rights in [the] that association, a description of what constitutes a quorum for voting purposes and at what point in the sales program the developer relinquishes his or her control of [the] that association, if applicable, and any other [material] information pertaining to [the] that association [.] which is material to the right of the purchaser to use a time share.

(k) A description of the existing or proposed accommodations, including a description of the type and number of time shares in the accommodations which is expressed in periods of 7-day use availability or other time

increments applicable to the time-share plan and, if the accommodations are proposed or not yet completed or fully functional, an estimated date of completion. [

— (l) Each] For the purposes of this paragraph, the type of accommodation must be described in terms of the number of bedrooms, bathrooms and sleeping capacity, and a statement of whether the accommodation contains a full kitchen. [For the purposes of] As used in this paragraph, "full kitchen" means a kitchen that includes , at a minimum, a dishwasher, range, sink, oven and refrigerator.

[(m)] (l) A description of any existing or proposed amenities of the time-share plan and, if the amenities are proposed or not yet completed or fully functional, the estimated date of completion, including a description of the extent to which financial assurances have been made for the completion of any incomplete but promised [improvements.] amenities.

[(n)] (m) The name and principal address of the manager, if any, of the project or time-share plan, as applicable, and a description of the procedures, if any, for altering the powers and responsibilities of the manager and for removing or replacing the manager.

[(o) A summary of the current annual budget of the project or the time-share plan, as applicable, including the projected assessments for each unit type offered in the time-share plan.

— (p)] (n) A description of any liens, defects or encumbrances on or affecting the title to the time share which materially affects the purchaser's use of the units or facilities within the time-share plan.

[(q)] (o) Any special fee due from the purchaser at closing, other than customary closing costs, together with a description of the purpose of the fee.

[(r)] (p) Any current or expected fees or charges to be paid by purchasers for the use of any amenities [related to] of the time-share plan.

[(s)] (q) A statement of whether or not the amenities of the time-share plan will be used exclusively by purchasers of time-shares in, or authorized under, the time-share plan and, if the amenities are not to be used exclusively by such purchasers or authorized users, a statement of whether or not the purchasers of time shares in the time-share plan are required to pay any portion of the maintenance expenses of such amenities in addition to any fees for the use of such amenities.

(r) A statement indicating that hazard insurance coverage is provided for the project.

[(t) A statement disclosing any right of first refusal or other restraint on the transfer of all or any portion of a time share.

— (u)] (s) A description of the purchaser's right to cancel the purchase contract.

(t) A statement ~~[disclosing that a]~~ of whether or not the purchaser's deposit ~~[made in connection with the purchase of a time share]~~ will be held by an escrow agent until the expiration of any right to cancel the contract ~~[and]~~ or, if the purchaser's deposit will not be held by such an escrow agent, a statement that the purchaser's deposit will be immediately released to the developer and that the developer has posted a surety bond.

(u) A statement that the deposit plus any interest earned must be returned to the purchaser if he or she elects to exercise his or her right of cancellation. ~~[A surety bond may be posted in lieu of a deposit if the designated obligee is acceptable to the Division.~~

~~(v) A statement as to whether the facilities will be used exclusively by purchasers of the time share plan and, if the facilities are not to be used exclusively by purchasers, a statement as to whether the purchasers of the time share plan are required to pay any portion of the maintenance expenses of such facilities.~~

~~(w) A description of the purchaser's right of cancellation of the purchase contract.~~

~~(x) A statement of the total number of time shares in the time share plan at the time a permit has been issued.~~

~~(y)]~~ (v) If the time-share plan provides purchasers with the opportunity to participate in an exchange program, ~~[a description of]~~ the name and address of the exchange company and a description of the method by which a purchaser ~~[can]~~ may choose to participate in the exchange program.

~~[(z)]~~ (w) A description of the reservation system, if applicable, which must include:

(1) The name of the entity responsible for operating the reservation system, its relationship to the developer and the duration of any agreement for operation of the reservation system; and

(2) A summary of the rules and regulations governing access to and use of the reservation system, including, without limitation, the existence of and an explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first-come, first-served basis;

~~[(3)]~~ (x) A description of the points system, if applicable, including, without limitation, whether ~~[the]~~ additional points may be acquired by purchase or otherwise, in the future and the manner in which future purchases of points may be made, and the transferability of points to other persons, other years or other time-share plans. ~~[;~~

~~(4)]~~ The description must include:

(1) A statement that no owner shall be prevented from using a time share as a result of changes in the manner in which point values may be used;

~~[(5)]~~ (2) A statement that in the event point values are changed or adjusted, no owner shall be prevented from using his or her home resort, if any, in the same manner as was provided for under the original purchase contract; and

~~[(6)]~~ (3) A description of any limitations or restrictions upon the use of point values . ~~[; and~~

~~(7)]~~ (y) A statement as to whether any unit within the time-share plan is within a mixed-use project containing ~~[full]~~ whole ownership condominiums.

(z) A statement that documents filed with the Division as part of the statement of record which are not delivered to the purchaser are available from the developer upon request.

(aa) For a time-share plan with more than one component site, ~~[the public offering statement must contain]~~ a description of each component site . ~~[, which]~~ With respect to a component site, the information required by subparagraph (2) and paragraphs (d), (k), (l), (p), (q) and (r) may be disclosed in written, graphic, tabular or any other form approved by the Division. ~~[The]~~ In addition to the information required by paragraphs (a) to (z), inclusive, the description of ~~[each]~~ a time-share plan with more than one component site must include the following information:

(1) ~~[The name and address of each component site.~~

~~(2) A description of amenities available for use by the purchaser at each component site.~~

~~(3)]~~ A general statement as to whether the developer has a right to make additions, substitutions or deletions of any accommodations, amenities or component sites, and a statement of the basis upon which accommodations, amenities or component sites may be added to, substituted for or deleted from the time-share plan.

~~[(4) A description of the purchaser's liability for any user fees or special assessments associated with the time-share plan.~~

~~(5)]~~ (2) The location of each component site of the time-share plan, the historical occupancy of the units in each component site for the previous 12-month period, if the component site was part of the time-share plan during the previous 12-month time period, or any other description acceptable to the Division that reasonably informs a purchaser regarding the relative use demand per component site, as well as a statement of any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual use patterns and changes in use

demand for the accommodations existing at that time within the time-share plan.

~~[(6)]~~ (3) The number of accommodations and time shares, expressed in periods of 7-day use availability or other time increments applicable to the time-share plan, committed to the time-share plan, and available for use by purchasers, and a statement describing how adequate periods of time for maintenance and repair will be provided.

(bb) Any other information that the developer, with the approval of the Administrator, decides to include in the public offering statement.

~~[6.]~~ 4. Copies of the following documents and plans, or proposed documents if the time-share plan has not been declared or created at the time the application for a permit is submitted, to the extent they are applicable, must be provided to the purchaser with the public offering statement:

(a) Copies of the time-share instruments.

(b) The estimated or, if applicable, actual operating budget of the time-share plan.

~~[7.]~~ 5. The ~~[sample]~~ public offering statement must include a list of the following documents, if applicable to the time-share plan, and must state that the documents listed are available to the purchaser upon request:

(a) Any ground lease or other underlying lease of the real property associated with the time-share plan.

(b) The management agreement of the project or time-share plan, as applicable.

(c) The floor plan of each type of accommodation and any existing plot plan showing the location of all accommodations and facilities declared as part of the time-share plan and filed with the Division.

(d) The lease for any facilities that are part of the time-share plan.

(e) Any executed agreement for the escrow of payments made to the developer before closing.

(f) Any letter from the escrow agent confirming that the escrow agent and its officers, directors or other partners are independent.

~~[8.]~~ 6. The Administrator may, upon finding that the subject matter is otherwise adequately covered or the information is unnecessary or inapplicable, waive any requirement set forth in this section.

Sec. 5. ~~[*Before a purchase contract is signed by the parties, the developer shall provide to each purchaser:*~~

~~*1. A copy of the public offering statement as approved by the Division;*~~

~~*2. A receipt, to be signed by the purchaser, for the time share plan documents;*~~

~~*3. A list describing any exhibit submitted to the Division along with the developer's application for a permit and which was not delivered to the purchaser;*~~

~~*4. A statement indicating that any exhibit described in subsection 3 will be made available to the purchaser upon request; and*~~

~~*5. Any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval.]*~~ **(Deleted by amendment.)**

Sec. 6. *The developer shall provide the ~~[manager]~~ board with a copy of the approved public offering statement and any ~~[approved]~~ amendments thereto, to be maintained by the ~~[manager]~~ association as part of the records of the time-share plan.*

Sec. 6.5. ~~*[1. For time-share plans located outside of this State, a public offering statement or public report that has been authorized for use by the situs state regulatory agency and which contains disclosures, as determined by the Administrator upon review, to be substantially equivalent to or greater than the information required to be disclosed pursuant to this section and NRS 119A.300, may be used by the developer to meet the requirements of this section and NRS 119A.300 or any regulations adopted pursuant thereto. A developer may, upon approval by the Administrator, submit a public offering statement or public report that combines, in a manner prescribed by the Administrator, the information required to be disclosed by the applicable provisions of this section and NRS 119A.300 and the information required to be disclosed in a public offering statement or public report issued by a regulatory agency in one or more other states. A developer filing an abbreviated registration application must, in addition to paying the fee provided for in this chapter, provide the following:*~~

~~*(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;*~~

~~*(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;*~~

~~*(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;*~~

~~*(d) The name and principal address of all sales and marketing entities and the manager of the time-share plan;*~~

~~*(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;*~~

~~*— (f) A brief description as to whether the time-share plan contains one or more component sites, and of the types of time shares offered in the time-share plan;*~~

~~*— (g) Disclosure of each jurisdiction in which the developer has applied for registration of the time share plan, and whether the time share plan or its developer was denied registration or was the subject of any disciplinary proceedings;*~~

~~*— (h) Copies of any disclosure documents required to be given to purchasers or to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;*~~

~~*— (i) The disclosures required by subsection 4 of section 4 of this act;*~~

~~*— (j) A copy of the current annual or projected budget for the association, if not otherwise included in the disclosure documents; and*~~

~~*— (k) Any other information regarding the developer, time-share plan, project broker, manager, or sales and marketing entity, as established by the Division by regulation.*~~

~~*— 2. A developer of a time share plan with units located solely in this State may not submit an abbreviated filing.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, ***and sections 2 and 3 of this act,*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 119A.040 is hereby amended to read as follows:

119A.040 "Developer" means any person who ~~[~~offers to dispose of or disposes of his or her interest in a time share.~~]~~ ***:***

1. Creates a time-share plan or is in the business of selling time shares, other than those employees or agents of the developer who sell time shares on the developer's behalf; or

2. [Employs agents to sell time shares on the developer's behalf; or

— 3.] Succeeds to the interest of a developer by sale, lease, assignment, mortgage or other transfer.

➥ The term includes only those persons who offer time shares for disposition in the ordinary course of business.

Sec. 9. NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person ***licensed pursuant to chapter 645 of NRS*** who coordinates the sale of time shares for ~~[~~a~~]~~ ***one or more*** time-share ~~[~~plan~~]~~ ***plans*** and to whom sales agents and representatives are responsible ~~[~~.~~]~~ ***on behalf of one or more developers.***

Sec. 10. NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a ~~[~~report, issued~~]~~ ***disclosure document prepared and signed by the developer and approved***

~~*[for use]*~~ by the ~~[Administrator]~~ ~~[pursuant to the provisions of this chapter, which authorizes a developer to offer to sell or sell time shares in the time-share plan which is the subject of the report.]~~ ***Division for use by the developer which contains information required by this chapter and the regulations adopted pursuant thereto.***

Sec. 11. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~[,]~~ ***and under the direct supervision of a person licensed pursuant to the provisions of chapter 645 of NRS,*** sells or offers to sell a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 12. ~~[NRS 119A.152 is hereby amended to read as follows:~~

~~119A.152 "Time-share plan" means [the rights to time shares and the obligations and interests appurtenant thereto created by a time share instrument.] *any arrangement, plan, scheme or similar device, other than an exchange program, whether by membership agreement, sale, lease, deed, license right to use agreement or by any other means, whereby a purchaser, for consideration, receives ownership rights in or a right to use accommodations for a period of time less than 365 days during any given year, on a recurring basis for more than 1 year, but not necessarily consecutive years.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who is ***licensed pursuant to chapter 645 of NRS and is*** registered as a time-share resale broker pursuant to the provisions of this chapter ~~[.]~~ ***and who, for compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers of previously sold time shares, on behalf of an owner other than a developer.***

Sec. 14. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. The provisions of this chapter, except subsection 4, ***and unless a method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS,*** do not apply to:

(a) The sale of 12 or fewer time shares in a ~~[project]~~ ***time-share plan*** or the sale of 12 or fewer time shares in the same subdivision;

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association ~~[by]~~ ***as a result of nonpayment of association assessments:***

(I) By termination of a contractual right of occupancy;

(II) By deed ***or other transfer*** in lieu of foreclosure or ~~[at]~~ ***termination; or***

(III) At a foreclosure sale ***.*** ~~[;]~~

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years ***.*** ~~[,~~

~~- unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.]~~

2. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

3. The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

4. The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies, and for that purpose the terms "real property" and "real estate" as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

Sec. 15. NRS 119A.237 is hereby amended to read as follows:

119A.237 1. A provisional licensee shall not:

(a) Conduct sales-related activities unless the provisional licensee is:

(1) Under the supervision of:

(I) His or her project broker; or

(II) ***A person licensed pursuant to chapter 645 of NRS*** ***.*** ~~[for a project; or~~

~~(III) A cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto.]~~

(2) At the principal place of business or a branch office of the project broker ~~[.]~~ ***or person licensed pursuant to chapter 645 of NRS*** or at the physical location of a time-share development.

(b) Collect personal information from a prospective purchaser or purchaser of a time share.

2. A project broker ***or person licensed pursuant to chapter 645 of NRS*** shall not grant to a provisional licensee:

(a) Access to a time-share lockbox; or

(b) The ability to enter a private residence or a time-share unit that an unlicensed person otherwise would not have.

3. A project broker ~~[,]~~ ***or a person licensed pursuant to chapter 645 of NRS*** ~~[or a cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto]~~ shall:

(a) Supervise the provisional licensee ***;*** ~~[employed by the project broker;]~~ ~~[***he or she employs;***]~~ and

(b) Review and approve in writing any contract prepared by the provisional licensee that relates to the sale of a time share.

4. A provisional licensee may receive a commission for the sale of a time share in which the provisional licensee is involved.

5. As used in this section:

(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.

(b) "Provisional licensee" means an applicant who receives a provisional sales agent's license from the Division pursuant to NRS 119A.233.

Sec. 16. NRS 119A.300 is hereby amended to read as follows:

119A.300 Except as otherwise provided in NRS 119A.310, the Administrator shall issue ~~[a public offering statement and]~~ a permit to sell time shares to each applicant who:

1. Submits an application, in the manner provided by the Division, which includes:

(a) The name and address of the project broker;

(b) A copy of each time-share instrument that relates to the time-share plan;

(c) A preliminary title report ***issued within 30 days of submittal*** for the project and copies of the documents listed as exceptions in the report;

(d) Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

(e) Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

(f) A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

(g) Documents which show the current assessments for property taxes on the project;

(h) Documents which show compliance with local zoning laws;

(i) If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of

property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

(j) Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

(k) A copy of the budget or a projection of the operating expenses of the association, if applicable;

(l) ***A copy of the current point-value use directory, along with rules and procedures for changes by the developer or the association in the manner in which point values may be used;***

(m) A financial statement of the developer; ~~[and~~

~~(m)]~~ ***(n) The ~~[sample]~~ public offering statement described in section 4 of this act ~~[;]~~ in a form prescribed by the Division; and***

(o) Such other information as the Division, by regulation, requires; ~~[and]~~

2. Pays the fee provided for in this chapter.

3. Cures any deficiency in the application, including, without limitation, any deficiencies in the ~~[sample]~~ public offering statement submitted pursuant to section 4 of this act.

Sec. 17. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 ***, and ~~[sections]~~ section 4 ~~[and 6.5]~~ of this act,*** which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~[additional]~~ ***the*** terms and conditions of the applicant's permit to sell time shares.

Sec. 18. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[Division]~~ ***Administrator*** shall ~~***[,]***~~ issue an order, within 30 ~~***[60]***~~ days after the receipt of an application for a permit to sell time shares , notifying ~~***[in a time-share plan containing only one component site, or within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify]***~~ the applicant of ~~[its]~~ ***his or her*** decision to:

(a) ~~***[Issue a public offering statement and permit to sell time shares;***~~

~~***(b)]***~~ Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

(b) ~~***[(c)]***~~ Deny the application and list the reasons for denial . ~~***[in sufficient detail to allow the developer to cure the deficiencies.]***~~

2. The ~~[Division]~~ ***Administrator*** shall, within 45 days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a ~~***[public offering statement and]***~~

permit to sell time shares or deny the application and list the ~~*[specific]*~~ reasons for denial ; ~~*[pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;]*~~ or

(b) The issuance of a preliminary permit, ~~*[receipt of all information necessary to cure the identified deficiencies and satisfaction of all the requirements for the issuance of a permit to sell time shares,]*~~ issue a ~~*[public offering statement and]*~~ permit to sell time shares.

Sec. 19. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any change that has occurred in the information previously provided to the Administrator or in a ***public offering*** statement ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal ~~*[of a permit with no material changes to the public offering statement]*~~ is effective on the 30th day after the filing of the application unless the Administrator:

(a) Denies ~~*[Issues a written denial of]*~~ the renewal pursuant to NRS 119A.654 ~~*[, describing the reasons for denial pursuant to the provisions of this chapter in sufficient detail to allow the developer to cure such deficiencies;]*~~ or for any other reason; or

(b) Approves the renewal on an earlier date.

~~*[3. The Division shall, within 30 days after the receipt of evidence that the deficiencies in the renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial pursuant to the provisions of this chapter and any regulations adopted pursuant thereto.]*~~

Sec. 20. NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer ***,*** ~~[or]~~ project broker ***, time-share resale broker or person licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter*** shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer ***,*** ~~[or]~~ project broker ***, time-share resale broker or person licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter*** shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 21. NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;

2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;

3. Provide for the placement of any deposit in escrow until ~~***[the public offering statement is approved and]***~~ a permit is issued by the Administrator pursuant to NRS ~~[~~119A.300,~~]~~ ***119A.320;***

4. Guarantee the purchase price for the time share for a certain period after the ~~***[public offering statement is approved and]***~~ issuance of the permit to sell time shares; and

5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

Sec. 21.5. **NRS 119A.400 is hereby amended to read as follows:**

119A.400 1. ~~[~~Each~~]~~ ***Before the execution of any contract for the sale of a time share, the*** developer ~~[~~,~~]~~ ***or, if the developer sells time shares*** through his or her project broker and sales agents, ***the project broker and sales agent,*** shall provide each prospective purchaser with ~~[~~a~~]~~ ***:***

(a) A copy of the developer's public offering statement ***which was approved by the Division pursuant to section 4 of this act and*** which must contain a copy of the developer's permit to sell time shares ~~[~~.~~]~~ ***; and***

(b) An addendum to the public offering statement summarizing any pending amendments to the public offering statement that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval.

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

Sec. 22. NRS 119A.410 is hereby amended to read as follows:

119A.410 1. The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The contract of sale must include a statement of this right.

2. The right of cancellation may not be waived. Any attempt by the developer to obtain a waiver results in a contract which is voidable by the purchaser.

3. The notice of cancellation may be delivered personally to the developer ***,*** ~~[or]~~ sent by certified mail, return receipt requested, ***or sent by*** ~~***[standard]***~~ ***express, priority or recognized overnight*** ~~***[common carrier]***~~ ***delivery service, with proof of service,*** to the business address of the developer.

4. The developer shall, within ~~[15]~~ ***20*** days after receipt of the notice of cancellation, return all payments made by the purchaser.

Sec. 23. NRS 119A.534 is hereby amended to read as follows:

119A.534 1. A manager ***of a project located in this State*** who enters into or renews an agreement that must comply with the provisions of subsection 3 of NRS 119A.530 shall submit to the association and to the Division a disclosure statement that contains a description of any arrangement made by the manager or an affiliate of the manager relating to:

(a) The resale of time shares on behalf of the association or its members;

(b) Actions taken for the collection of assessments and the foreclosure of liens on behalf of the association or its members;

(c) The exchange or rental of time shares owned by the association or its members; and

(d) The use of the names of the members of the association for purposes unrelated to the duties of the association as set forth in the time-share instrument and this chapter.

2. The disclosure statement must be:

(a) Submitted annually at a time designated by the Administrator and at least 120 days before any date on which the agreement is automatically renewed.

(b) Signed by the manager or an authorized representative of the manager under penalty of perjury.

3. The Administrator shall adopt regulations prescribing the form and contents of the disclosure statements required by this section.

Sec. 24. NRS 119A.542 is hereby amended to read as follows:

119A.542 1. The ***developer or*** board of an association shall:

(a) Cause to be conducted at least once every 5 years, a study of the reserves required to repair, replace and restore the major components of the project;

(b) Review the results of that study at least annually to determine if those reserves are sufficient; and

(c) Make any adjustments it deems necessary to maintain the required reserves.

2. The study required by subsection 1 must be conducted by a person qualified by training and experience to conduct such a study, including a member of the board or the manager of the time-share plan or the project, or both, who is so qualified. The study must include, without limitation:

(a) A summary of an inspection of the major components of the project;

(b) An identification of the major components of the project which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be required to cover the cost of repairing, replacing or restoring the major components identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study.

3. The Administrator shall adopt by regulation the qualifications required for conducting a study required by subsection 1.

Sec. 25. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker ***or person who is licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter*** who fails to adequately supervise the conduct of any sales agent or representative with whom the project broker ***or person*** is associated.

Sec. 26. NRS 119A.680 is hereby amended to read as follows:

119A.680 1. It is unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker ***, person who is licensed pursuant to chapter 645 of NRS*** or ~~[~~sales agent~~]~~ ***time-share resale broker*** within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS ***.*** ~~[~~or NRS 119A.210.~~]~~

(b) ***Sales agent for a project broker within the State of Nevada without first obtaining a license from the Division pursuant to NRS 119A.210*** ~~***[;]***~~ ***, unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS; or***

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 856.

SHORT FORM AMENDMENT

Section 8.5 of this act is the only section affected by this amendment.

Section 8.5 of Senate Bill No. 384 First Reprint is hereby amended as follows:

Sec. 8.5. ***Except as otherwise provided in section 9.9 of this act, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:***

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

[4.] 5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of sections 2 to 22, inclusive, of this act on an ongoing basis with respect to the project;

[5.] 6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

[6.] 7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 823.

AN ACT relating to special fuels; prohibiting certain conduct related to the sale of biodiesel **, biomass-based diesel or biomass-based diesel blend** that does not conform to certain specifications; amending the definition of "biodiesel" **and defining "biomass-based diesel" and "biomass-based diesel blend"** for the purpose of provisions relating to taxes imposed on special fuels; **[**~~specifying that the sale or use of certain special fuels is taxed at a certain rate;~~**]** **amending the definition of "special fuel" for the purpose of provisions relating to taxes imposed on special fuels; revising the conversion factor of compressed natural gas for purposes of the taxation of the sale or use of compressed natural gas;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture. (NRS 590.070, 590.150) **Section 1** of this bill provides that it is also a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale biodiesel **, biomass-based diesel or biomass-based diesel blend** that does not conform to certain standards **.** **[**~~of ASTM International.~~**]**

Under existing law, special fuels **,** which include, without limitation, biodiesel, biodiesel blend and an emulsion of water-phased hydrocarbon fuel, are taxed at the rate of 27 cents per gallon. (NRS 366.060, 366.190) **[**~~Section~~**]** **Sections 2.5 and 3** of this bill **[**~~specifies~~**]** **specify** that diesel, **[**~~biodiesel and biodiesel blend~~**]** **, biomass-based diesel, biomass-based diesel blend, liquefied natural gas, kerosene and jet fuel** are **among** the **combustible gases or liquids taxed as special** fuels **[**~~taxed~~**]** at **[**~~that~~**]** **the** rate **[**~~.~~**]** **of 27 cents per gallon, as is any product used in lieu of or blended with the combustible gas or liquid.**

Existing law defines "biodiesel" as any fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle. (NRS 366.022)

Biodiesel fuels are considered "special fuels" for the purpose of taxes imposed on fuels. (NRS 366.060, 366.190) **Section 2** of this bill revises the definition of "biodiesel" ~~[so that fuels other than those]~~ **to provide that a fuel** composed of mono-alkyl esters of long-chain fatty acids ~~[must be]~~ derived from ~~[renewable resources and must be suitable for use in a diesel engine to be considered]~~ **plant or animal matter and conforming to certain standards is** a biodiesel **for the purposes of taxes imposed on special** fuel.

Section 3.5 of this bill amends the factor for conversion of volumetric measurement for purposes of taxing the sale or use of compressed natural gas.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale ~~[, any]~~ ***:***

(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it ~~*[:*~~

~~*(1) Is composed of mono-alkyl esters of long-chain fatty acids and conforms to]*~~ ***meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM*** ~~*[International]*~~ ***Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."*** ~~*[;*~~

~~*(2) Conforms to ASTM International Standard D975, "Standard Specification for Diesel Fuel Oils"; or*~~

~~*(3) Conforms to a current standard of ASTM International for biodiesel.]*~~

(c) Any biomass-based diesel or biomass-based diesel blend unless it meets the registration requirements for fuels and fuel additives established by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. § 7545.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

6. As used in this section ~~*f, "biodiesel" has the meaning ascribed to it in NRS 366.022.]*~~ ***:***

(a) "Biodiesel" means a fuel that is composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter.

(b) "Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

(c) "Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 1.2. **Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.**

Sec. 1.4. "Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources and meets the registration requirements for fuels and fuel additives established by the Administrator of the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7545, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

Sec. 1.6. "Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 1.8. **NRS 366.020 is hereby amended to read as follows:**

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.022 to 366.100, inclusive, ***and***

sections 1.4 and 1.6 of this act have the meanings ascribed to them in those sections.

Sec. 2. NRS 366.022 is hereby amended to read as follows:

366.022 "Biodiesel" means a fuel ***that is*** composed of mono-alkyl esters of long-chain fatty acids ~~[or any other fuel]~~ ~~[sold or labeled as biodiesel]~~ ~~*[derived from renewable resources*~~ which is suitable for use as a fuel in a~~]~~ ~~[motor vehicle.]~~ ~~*[diesel engine.]*~~ ***derived from plant or animal matter and that meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."***

Sec. 2.5. **NRS 366.060 is hereby amended to read as follows:**

366.060 "Special fuel" means any combustible gas or liquid used for the generation of power for the propulsion of motor vehicles, including, without limitation, ***diesel,*** biodiesel, biodiesel blend ~~[and]~~ ***, biomass-based diesel, biomass-based diesel blend, liquefied natural gas,*** an emulsion of water-phased hydrocarbon fuel ~~[.]~~ ***, kerosene or jet fuel or any other product used in lieu of or blended with the combustible gas or liquid.*** The term does not include motor vehicle fuel as defined in chapter 365 of NRS.

Sec. 3. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels ~~[.]~~ ***, including, without limitation:***

(a) Diesel;

(b) Biodiesel;

(c) Biodiesel blend;

(d) Biomass-based diesel;

(e) Biomass-based diesel blend; and

(f) Liquefied natural gas.

2. A tax is hereby imposed at:

(a) ~~*[1.]*~~ The rate of 19 cents per gallon on the sale or use of an emulsion of water-phased hydrocarbon fuel;

(b) ~~*[2.]*~~ The rate of 22 cents per gallon on the sale or use of liquefied petroleum gas; and

(c) ~~*[3.]*~~ The rate of 21 cents per gallon on the sale or use of compressed natural gas ***.*** ~~*[; and*~~

~~*4. The rate of 27 cents per gallon on the sale or use of:*~~

~~*(a) Diesel;*~~

~~*(b) Biodiesel; and*~~

~~*(c) Biodiesel blend.]*~~

Sec. 3.5. **NRS 366.197 is hereby amended to read as follows:**

366.197 For the purpose of taxing the sale or use of ~~[compressed]~~ **:**

1. Compressed natural gas ~~[or liquefied]~~ ***, 126.67 cubic feet of natural gas or 5.660 pounds of natural gas shall be deemed to equal 1 gallon of special fuel.***

2. Liquefied petroleum gas, 125 cubic feet of natural gas or liquefied petroleum gas shall be deemed to equal 1 gallon of special fuel.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 751.

SUMMARY— ~~[Revises certain provisions relating to pari-mutuel wagering.]~~ **Authorizes the Nevada Gaming Commission to establish a study group relating to pari-mutuel wagering.** (BDR 41-1111)

AN ACT relating to gaming; ~~[revising certain provisions]~~ **authorizing the Nevada Gaming Commission to establish a study group** relating to pari-mutuel wagering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is licensed to engage in off-track pari-mutuel wagering from: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or (3) increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager. (NRS 464.075) This bill ~~[instead]~~ authorizes ~~[a person who is licensed to engage in off-track pari-mutuel wagering to accept certain wagers, agree to refunds or rebates, increase payoffs or pay bonuses on off-track pari-mutuel wagers, unless]~~ the Nevada Gaming Commission ~~[otherwise prohibits such conduct by regulation.]~~ **to establish a study group to review issues relating to the offering of rebates or pari-mutuel wagers, including the feasibility of: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; and (3) increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 464.075 is hereby amended to read as follows:

464.075 1. Except as otherwise provided in subsection ~~[subsections]~~ 4 ~~, [and 5,]~~ a person who is licensed to engage in off-track pari-mutuel wagering shall not: ~~[may:]~~

(a) Accept from a patron less than the full face value of an off-track pari-mutuel wager;

(b) Agree to refund or rebate to a patron any portion or percentage of the full face value of an off-track pari-mutuel wager; or

(c) Increase the payoff of, or pay a bonus on, a winning off-track pari-mutuel wager.

2. A person who is licensed to engage in off-track pari-mutuel wagering and who:

(a) Attempts to evade the provisions of subsection 1 ~~[4]~~ by offering to a patron a wager that is not posted and offered to all patrons; or

(b) Otherwise violates the provisions of subsection 1, ~~[4,]~~

➥ is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

3. The Nevada Gaming Commission shall ~~[may]~~ adopt regulations to carry out the provisions of subsections 1 and 2 . ~~[of this section.]~~ ~~[and 4.]~~

4. The Nevada Gaming Commission may, by regulation, exempt ~~[prohibit]~~ certain bets, refunds, rebates, payoffs or bonuses from ~~[under]~~ the provisions of subsection 1 if the Commission determines that such exemptions ~~[prohibitions]~~ are in the best interests of the State of Nevada and licensed gaming in this state. Any

~~[5. A person who is licensed to engage in off-track pari-mutuel wagering may not accept]~~ bets, ~~[agree to]~~ refunds , ~~[or]~~ rebates, ~~[increase]~~ payoffs or ~~[pay]~~ bonuses that would result in the amount of such bets, refunds, rebates, payoffs or bonuses being directly or indirectly deductible from gross revenue ~~[.]~~ may not be exempt.

5. The Commission may establish and appoint a study group to review issues relating to the offering of rebates on pari-mutuel wagers. The study group may:

(a) Be comprised of the members of the Off-Track Pari-Mutuel Wagering Committee established pursuant to NRS 464.020 and any other operators of a race book.

(b) Evaluate the feasibility of:

(1) Accepting less than the full face value of an off-track pari-mutuel wager;

(2) Agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or

(3) Increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager.

6. The Commission may consider any findings by the study group appointed pursuant to subsection 5 in determining whether to adopt regulations to exempt bets, refunds, rebates, payoffs or bonuses from the provisions of subsection 1.

Sec. 4. This act becomes effective ~~[:~~

~~1. Upon~~**]** **upon** passage and approval **.** ~~[for the purpose of adopting regulations; and~~

~~2. On October 1, 2013, for all other purposes.~~**]**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 664.

AN ACT relating to education; **requiring departments of juvenile services to inform juvenile courts and school districts of incidents of unlawful bullying or cyber-bullying;** requiring courts to inform school districts of incidents of unlawful bullying or cyber-bullying; revising the definition of bullying and cyber-bullying; expanding the prohibition against bullying and cyber-bullying to include members of a club or organization which uses the facilities of any public school; repealing certain definitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to provide certain information to a school district if a court determines that a child who is currently enrolled in the school district has unlawfully caused or attempted to cause serious bodily injury to another person. (NRS 62E.030) **Section 1** of this bill likewise requires a **department of juvenile services to inform the juvenile court and the school district if a child who is currently enrolled in the school district has unlawfully engaged in bullying or cyber-bulling. Section 1.5 of this bill requires a** court to inform a school district if a child who is currently enrolled in the school district has unlawfully engaged in bullying or cyber-bullying.

Existing law provides definitions of bullying, cyber-bullying, harassment and intimidation for the purposes of providing a safe and respectful learning environment and prohibiting certain conduct in such a manner that the definition of bullying includes most of the elements of the definitions of harassment and intimidation. (NRS 388.123-388.129) **Section 7** of this bill revises the definition of bullying to include all the elements of the definitions of harassment and intimidation. **Section 7** also effectively revises in the same manner the definition of cyber-bullying, which is bullying through the use of electronic communication. (NRS 388.123) **Section 19** of this bill repeals the existing definitions of harassment and intimidation.

Existing law prohibits a member of the board of trustees of a school district, an employee of the board of trustees or a pupil from engaging in bullying, cyber-bullying, harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on any school bus. (NRS 388.135) **Section 15** of this bill: (1) removes the references to harassment and intimidation, consistent with the removal of these terms by **section 19**; and (2) prohibits a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, from engaging in bullying or cyber-bullying.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a department of juvenile services determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the department shall provide the information specified in subsection 2 to the juvenile court in the judicial district in which the child resides and to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

(a) The name of the child;

(b) The name of the person who was the subject of the bullying or cyber-bullying; and

(c) A description of any bullying or cyber-bullying committed by the child against the other person.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 62E.030 is hereby amended to read as follows:

62E.030 1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

(a) The name of the child;

(b) A description of any injury sustained by the other person;

(c) A description of any weapon used by the child; and

(d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. If a court determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.

4. The information required to be provided pursuant to subsection 3 must include:

(a) The name of the child;

(b) The name of the person who was the subject of the bullying or cyber-bullying; and

(c) A description of any bullying or cyber-bullying committed by the child against the other person.

5. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

Sec. 2. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be "Week of Respect."

2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying ~~[,]~~ ***and*** cyber-bullying, ~~[harassment and intimidation in schools,]~~ including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied ~~[,]~~ ***or*** cyber-bullied ~~[, harassed or intimidated in schools]~~ each year;

(2) The methods to identify and assist pupils who are at risk of bullying ~~[,]~~ ***or*** cyber-bullying ***;*** ~~[, harassment or intimidation;]~~ and

(3) The methods to prevent bullying ~~[,]~~ ***and*** cyber-bullying ***;*** ~~[, harassment and intimidation in schools;]~~ and

(b) School districts to provide instruction on the ways in which pupils can prevent bullying ~~[,]~~ ***and*** cyber-bullying ~~[, harassment and intimidation]~~

during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

~~[(c) "Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.]~~

Sec. 3. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to

NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including,

without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying ~~[,]~~ ***or*** cyber-bullying, ~~[harassment or intimidation,]~~ reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) ~~[~~"Harassment" has the meaning ascribed to it in NRS 388.125.

~~(d)]~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[~~(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

~~(f)]~~ ***(d)*** "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 4. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance;

(5) Possession or use of alcohol; and

(6) Bullying ~~[,]~~ ***or*** cyber-bullying ***;*** ~~[, harassment or intimidation;]~~

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination administered pursuant to NRS 389.015; and

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State

Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

[~~(c) "Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.~~**]**

Sec. 5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total

number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying ~~[,]~~ ***or*** cyber-bullying ~~[, harassment or intimidation,]~~ for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of

Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) ~~[~~"Harassment" has the meaning ascribed to it in NRS 388.125.

~~(d)]~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.~~

~~(f)]~~ ***(d)*** "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 6. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.122 ~~[to 388.129, inclusive,]~~ ***, 388.123 and 388.124*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not ***otherwise*** authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. ***Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;***

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~[3.]~~ ***4.*** Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 8. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of bullying ~~[,]~~ ***or*** cyber-bullying ~~[, harassment or intimidation in public schools]~~ seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing

to tolerate bullying ~~[,]~~ ***and*** cyber-bullying ***;*** ~~[, harassment or intimidation;]~~ and

(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying ~~[,]~~ ***or*** violence ***;*** ~~[, harassment or intimidation;]~~ and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse **.** ~~[and harassment.]~~

Sec. 9. NRS 388.1325 is hereby amended to read as follows:

388.1325 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying ~~[,]~~ ***and*** cyber-bullying ***;*** ~~[, harassment and intimidation;]~~

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive.

Sec. 10. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying ~~[,]~~ ***and*** cyber-bullying **.** ~~[, harassment and intimidation.]~~

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils without the use of bullying ~~[,]~~ ***and*** cyber-bullying ~~[, harassment and intimidation]~~ so that pupils may realize their full academic and personal potential;

(2) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(3) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 11. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in bullying ~~[,]~~ ***and*** cyber-bullying, ~~[harassment and intimidation in public schools,]~~ shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying ~~[,]~~ ***or*** cyber-bullying ***.*** ~~[, harassment or intimidation.]~~ If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.139, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying ~~[,]~~ ***and*** cyber-bullying ***;*** ~~[, harassment or intimidation;]~~ and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 12. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying ~~[,]~~ ***and*** cyber-bullying, ~~[harassment and intimidation in public schools,]~~ shall:

(a) Establish a program of training on methods to prevent, identify and report incidences of bullying ~~[,]~~ ***and*** cyber-bullying ~~[, harassment and intimidation in public schools]~~ for members of the State Board.

(b) Recommend a program of training on methods to prevent, identify and report incidences of bullying ~~[,]~~ ***and*** cyber-bullying ~~[, harassment and intimidation in public schools]~~ for members of the boards of trustees of school districts.

(c) Recommend a program of training for school district personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying ~~[,]~~ ***and*** cyber-bullying ~~[, harassment and intimidation in public schools]~~ established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Each member of a board of trustees of a school district may complete the program of training on bullying ~~[,]~~ ***and*** cyber-bullying ~~[, harassment and intimidation in public schools]~~ recommended pursuant to paragraph (b) of subsection 1 and may undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each program of training established and recommended pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

5. The board of trustees of a school district may allow school district personnel to attend the program recommended pursuant to paragraph (c) of subsection 1 during regular school hours.

6. The Department shall review each program of training established and recommended pursuant to subsection 1 on an annual basis to ensure that the program contains current information concerning the prevention of bullying ~~[,]~~ ***and*** cyber-bullying ***.*** ~~[, harassment and intimidation.]~~

Sec. 13. NRS 388.1343 is hereby amended to read as follows:

388.1343 The principal of each public school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying ~~[,]~~ ***and*** cyber-bullying ***;*** ~~[, harassment and intimidation;]~~

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 14. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the principal or his or her designee and the following persons appointed by the principal:

(a) A school counselor;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; and

(d) Any other persons appointed by the principal.

2. The principal or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying ~~[,]~~ ***or*** cyber-bullying ***;*** ~~[, harassment or intimidation at the school;]~~

(c) Review and strengthen school policies to prevent and address bullying ~~[,]~~ ***or*** cyber-bullying ***;*** ~~[, harassment or intimidation;]~~

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying ~~[,]~~ ***and*** cyber-bullying ***;*** ~~[, harassment and intimidation;]~~ and

(e) To the extent money is available, participate in any training conducted by the school district regarding bullying ~~[,]~~ ***and*** cyber-bullying ***.*** ~~[, harassment and intimidation.]~~

Sec. 15. NRS 388.135 is hereby amended to read as follows:

388.135 A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, ***a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school,*** or any pupil shall not engage in bullying ~~[,]~~ ***or*** cyber-bullying ~~[, harassment or intimidation]~~ on the premises of any public school, at an activity sponsored by a public school or on any school bus .

Sec. 16. NRS 388.1353 is hereby amended to read as follows:

388.1353 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported

during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidences of bullying ~~[,]~~ ***and*** cyber-bullying, ~~[harassment and intimidation,]~~ including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

Sec. 17. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying ~~[,]~~ ***and*** Cyber-Bullying ~~[, Harassment and Intimidation]~~ Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 18. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid ~~[harassment,]~~ cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 19. NRS 388.125 and 388.129 are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.125 "Harassment" defined. "Harassment" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes another person to suffer serious emotional distress;

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

388.129 "Intimidation" defined. "Intimidation" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 468.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 687.

AN ACT relating to offenders; requiring the Director of the Department of Corrections to provide certain information to the Committee on Industrial Programs; requiring private employers who enter into contracts for the employment of offenders to comply with certain requirements; **revising the membership of the Committee;** revising the duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish programs for the employment of offenders who are committed to the custody of the Department. (NRS **209.459,** 209.461) **Section 1** of this bill requires **~~[,]~~ the Director to: (1) provide to the Committee on Industrial Programs certain information concerning the potential impacts the employment of offenders may have on private employers and labor in this State; and (2) submit any contract regarding such employment to the State Board of Examiners for approval. Section 1.3 of this bill additionally requires:** (1) the Director to submit to the Director of the Legislative Counsel Bureau a report every 5 years concerning contracts with private employers for the employment of offenders and the impacts such employment may have on private industry; (2) the Director to appear before the Committee ~~[on Industrial Programs]~~ and submit certain information if a state-sponsored program for the employment of offenders does not operate profitably under certain circumstances; and (3) all private employers who contract for the employment of offenders to comply with certain requirements.

Existing law establishes the Committee on Industrial Programs and directs the Committee to review and report on certain issues relating to programs for the employment of offenders. (NRS 209.4817, 209.4818) **Section 1.7 of this bill adds to the Committee an additional member representing organized labor in this State. Section 2** of this bill: (1) requires the Committee to review and make recommendations on certain information concerning any proposed new contract with a private employer for the employment of

offenders; and (2) revises provisions relating to the review of state-sponsored industrial programs for profitability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 209.459 is hereby amended to read as follows:**

209.459 ***1.*** The Director shall ***:***

(a) Submit a report to the Committee on Industrial Programs identifying the potential impacts of any new program for the employment of offenders on private employers and labor in this State. In preparing such a report, the Director shall include any information required pursuant to paragraph (b) of subsection 7 of NRS 209.461 and must perform due diligence in obtaining such information from:

(1) The Department of Employment, Training and Rehabilitation;

(2) The Department of Business and Industry;

(3) The Office of Economic Development; and

(4) Representatives of organized labor in this State.

(b) Seek and present the recommendations of the Committee on Industrial Programs to the Board of State Prison Commissioners and, with the approval of the Board of State Prison Commissioners, establish and carry out a program for the employment of offenders in services and manufacturing conducted by institutions of the Department or by private employers.

2. Before any new program for the employment of offenders is established pursuant to this section, the Director shall submit any contract related to the employment of such offenders to the State Board of Examiners for approval.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of

space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. ***If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the Committee on Industrial Programs to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.***

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

~~[6.]~~ ***7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:***

(a) A personal guarantee ~~[,]~~ ***to secure an amount fixed by the Director but not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director but not less than*** ~~[50]~~ ***100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract, or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department.***

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

~~***[(c) Proof of the publication of the intent to provide the types of products and services offered in the proposed contract in an industry or trade publication designed to most effectively provide notice to private companies that may be impacted by the contract.***~~

~~***(d) Written assurances that the private employer has performed due diligence in meeting with all labor organizations and local private companies that may be impacted by the contract.]***~~

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 1.7. **NRS 209.4817 is hereby amended to read as follows:**

209.4817 1. The Committee on Industrial Programs is hereby created.

2. The Committee consists of the Director of the Department, the Administrator of the Purchasing Division of the Department of Administration and ~~[eight]~~ ***nine*** regular members appointed by the Interim Finance Committee as follows:

(a) Two members of the Senate.

(b) Two members of the Assembly.

(c) Two persons who represent manufacturing in this State.

(d) One person who represents business in this State.

(e) ~~[One person]~~ ***Two persons*** who ~~[represents]~~ ***represent*** organized labor in this State.

3. The regular members of the Committee shall select a Chair from among their membership.

4. Each regular member of the Committee appointed by the Interim Finance Committee must be appointed to a term of 2 years and may be reappointed.

5. At the first meeting of the Committee following each regular session of the Legislature, the Chair of the Committee may appoint ~~[eight]~~ ***nine*** alternate members to serve in the place of regular members who are unable to attend a meeting or perform their duties, as follows:

(a) Two members of the Senate, each of whom may serve in the place of a member of the Senate appointed pursuant to paragraph (a) of subsection 2.

(b) Two members of the Assembly, each of whom may serve in the place of a regular member of the Assembly appointed pursuant to paragraph (b) of subsection 2.

(c) Two persons who represent manufacturing in this State, each of whom may serve in the place of a person appointed pursuant to paragraph (c) of subsection 2.

(d) One person who represents business in this State, who may serve in the place of the person appointed pursuant to paragraph (d) of subsection 2.

(e) ~~[One person]~~ ***Two persons*** who ~~[represents]~~ ***represent*** organized labor in this State, ~~[who]~~ ***each of whom*** may serve in the place of ~~[the]~~ ***a*** person appointed pursuant to paragraph (e) of subsection 2.

➥ Each alternate member appointed by the Chair must be appointed to a term of 2 years and may be reappointed.

6. Except during a regular or special session of the Legislature, each Legislator who is a regular member or an alternate member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the Legislator attends a meeting of the Committee or is otherwise engaged in the work of the Committee. Each nonlegislative regular member or alternate member appointed by the Interim Finance Committee or the Chair of the Committee on Industrial Programs is entitled to receive compensation for the member's service on the Committee on Industrial Programs in the same amount and manner as the legislative regular members or alternate members whether or not the Legislature is in session. Each nonlegislative regular member or alternate member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Each Legislator who is a regular member or an alternate member of the Committee is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. All compensation, allowances and travel expenses must be paid from the Fund for Prison Industries.

Sec. 2. NRS 209.4818 is hereby amended to read as follows:

209.4818 1. The Committee on Industrial Programs shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;

(c) Report to the Legislature on any other matter relating to industrial programs for correctional institutions that it deems appropriate;

(d) Meet at least quarterly and at the call of the Chair to review the operation of current and proposed industrial programs;

(e) Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

(f) Before any new industrial program is established by the Director ***,*** ~~[in an institution of the Department,]~~ review the proposed program for compliance with the requirements of subsections 2, 3 ***,*** ~~[and]~~ 4 ***and 7*** of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

(g) Review each ***state-sponsored*** industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably***.*** ~~[within 3 years after its establishment.]~~ If the Committee determines that a program ~~[is not operating profitably within 3 years after its establishment,]~~ ***has incurred a net loss in 3 consecutive fiscal years,*** the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. ***If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.***

2. Upon the request of the Committee on Industrial Programs, the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, "state-sponsored industry program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Senate Bills Nos. 316 and 329, upon return from the printer, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 27 and 210 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 846.

AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers to obtain a driver's permit issued by the Nevada Transportation Authority; imposing a fee for such a permit; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791) This bill requires a person who wishes to be employed or enter into a contract or lease as a driver for certain motor carriers to obtain a driver's permit issued by the Authority. This bill also establishes the requirements and procedures to obtain such a permit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. A person shall not drive a charter bus, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.***

2. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and may further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease

agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. The Authority may refuse to issue a driver's permit if:

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(b) After further investigation into the applicant's background, if any, the Authority determines that ~~*:*~~

~~*(1) The applicant is morally unfit; or*~~

~~*(2) The]*~~ *the issuance of the driver's permit would be detrimental to public health, welfare or safety.*

4. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed $50.

(c) For the renewal of a driver's permit, a fee not to exceed $50.

Sec. 3. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a driver's permit pursuant to section 2 of this act shall:*

(a) Include the social security number of the applicant in the application submitted to the Authority.

(b) Submit to the Authority the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Authority shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Authority shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 4. *1. If the Authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Authority shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was

suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 5. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;
2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or
3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 7. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2, 3 and 4 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

Sec. 8. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 9. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 10. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2, 3 and 4 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2, 3 and 4 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2, 3 and 4 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2, 3 and 4 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2, 3 and 4 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 11. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

2. Sections 3 and 4 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 27.

Bill read third time.

The following amendment was proposed by Assemblyman Horne:

Amendment No. 845.

AN ACT relating to legal representation; revising provisions governing the legal representation of certain persons by the Attorney General or the chief legal officer of a political subdivision in civil actions relating to certain public duties or employment; revising provisions concerning the crime of unlawfully soliciting legal business; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Attorney General provides legal counsel to any present or former officer or employee of the State, any immune contractor or any State Legislator in a civil action brought against that person based on any alleged act or omission relating to the person's public duty or employment if: (1) the person submits a written request for such legal counsel; and (2) the Attorney General determines that it appears that the person was acting within the course and scope of his or her public duty or employment and in good faith. In addition, under existing law, the chief legal officer or other authorized legal representative of a political subdivision of this State provides legal counsel to any present or former officer of that political subdivision or a present or former member of a local board or commission if: (1) the person submits a written request for such legal counsel; and (2) the chief legal officer or authorized legal representative determines that it

appears that the person was acting within the scope of his or her public duty or employment and in good faith. (NRS 41.0339)

Sections 2-3 and 3.7-8 of this bill clarify existing law by specifically requiring: (1) the Attorney General to provide legal counsel under these circumstances to any present or former justice of the Supreme Court, senior justice, judge of a district court or senior judge; and (2) the chief legal officer or other authorized legal representative of a political subdivision of this State to provide legal counsel under these circumstances to any present or former justice of the peace, senior justice of the peace, municipal judge or senior municipal judge of that political subdivision. In addition, **sections 2-3 and 3.7-8** require the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision of this State to provide counsel for certain persons who are not employees or officers of the State or political subdivision but who are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the State or political subdivision.

Section 3.3 of this bill clarifies that the statutory provisions relating to legal representation in civil actions relating to the public duties or employment of such persons do not abrogate, alter or affect the immunity of such persons under other law.

Existing law establishes the crime of unlawful solicitation of legal business and provides that a person who commits this crime is guilty of a misdemeanor. (NRS 7.045) **Section 8.3** of this bill revises the acts which constitute the crime of unlawful solicitation of legal business**.** ~~[and provides that a second or subsequent violation of this crime is a gross misdemeanor.]~~

Section 8.5 of this bill provides that for the 78th Session of the Nevada Legislature, the Director of the Department of Administration must include the biennial cost of implementing this bill in the Attorney General's cost allocation plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.3, inclusive, of this act.

Sec. 2. ***As used in NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 41.0338 and sections 2.5 and 3 of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Local judicial officer" means a justice of the peace, senior justice of the peace, municipal judge or senior municipal judge.***

Sec. 3. ***"State judicial officer" means a justice of the Supreme Court, senior justice, judge of a district court or senior judge.***

Sec. 3.3. ***The provisions of NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of this State or a political subdivision of this State, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.***

Sec. 3.7. NRS 41.0337 is hereby amended to read as follows:

41.0337 ***1.*** No tort action arising out of an act or omission within the scope of a person's public duties or employment may be brought against any present or former:

~~[1.]~~ ***(a) Local judicial officer or state judicial officer;***

(b) Officer or employee of the State or of any political subdivision;

~~[2.]~~ ***(c)*** Immune contractor; or

~~[3.]~~ ***(d)*** State Legislator,

➥ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

2. No tort action may be brought against a person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of any present or former:

(a) Local judicial officer or state judicial officer;

(b) Officer or employee of the State or of any political subdivision;

(c) Immune contractor; or

(d) State Legislator,

➥ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

3. As used in this section:

(a) "Local judicial officer" has the meaning ascribed to it in section 2.5 of this act.

(b) "State judicial officer" has the meaning ascribed to it in section 3 of this act.

Sec. 4. NRS 41.0338 is hereby amended to read as follows:

41.0338 ~~[As used in NRS 41.0338 to 41.0347, inclusive, unless the context otherwise requires, "official]~~ ***"Official*** attorney" means:

1. The Attorney General, in an action which involves ~~[a]~~ ***:***

(a) A present or former ***state judicial officer,*** State Legislator, officer or employee of this State, immune contractor or member of a state board or commission ~~[.]~~ ***; or***

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves ~~[~~a~~]~~ ***:***

(a) A present or former ***local judicial officer of that political subdivision, a present or former*** officer or employee of that political subdivision or a present or former member of a local board or commission ~~[~~.~~]~~ ***; or***

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

Sec. 5. NRS 41.0339 is hereby amended to read as follows:

41.0339 ***1.*** The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former ***local judicial officer, state judicial officer,*** officer or employee of the State or a political subdivision, immune contractor or State Legislator in any civil action brought against that person based on any alleged act or omission relating to the person's public duties or employment ***, or any other person who is named as a defendant in a civil action solely because of an alleged act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator,*** if:

~~[~~1.~~]~~ ***(a)*** Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, the person submits a written request for defense:

~~[~~(a)~~]~~ ***(1)*** To the official attorney; or

~~[~~(b)~~]~~ ***(2)*** If the officer, employee or immune contractor has an administrative superior, to the administrator of the person's agency and the official attorney; and

~~[~~2.~~]~~ ***(b)*** The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or employment and appears to have been performed or omitted in good faith.

2. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the official attorney or a deputy of the official attorney, the official attorney must employ special counsel pursuant to NRS 41.03435 or 41.0344, whichever is applicable.

Sec. 6. NRS 41.0341 is hereby amended to read as follows:

41.0341 If the complaint is filed in a court of this state:

1. The ***local judicial officer, state judicial officer,*** officer, employee, board or commission member ***,*** ~~[~~or~~]~~ State Legislator ~~[~~,~~]~~ ***or other person for***

whom the official attorney is required to provide a defense pursuant to NRS 41.0339; and

2. The state or any political subdivision named as a party defendant,

➥ each has 45 days after their respective dates of service to file an answer or other responsive pleading.

Sec. 7. NRS 41.0346 is hereby amended to read as follows:

41.0346 1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a ***local judicial officer, state judicial officer,*** public officer, employee, immune contractor, member of a board or commission, ~~[or]~~ State Legislator ~~[,]~~ ***or any other person defended by the official attorney pursuant to NRS 41.0339,*** the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:

(a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;

(b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;

(c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

(d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or was wanton or malicious;

(e) Failure of the defendant to cooperate in good faith with the defense of the case; or

(f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the State or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the ~~[~~defendant's~~]~~ public ~~[~~duty~~]~~ ***duties*** or employment ~~[.]~~ ***of a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission or State Legislator.***

2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the State or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.

Sec. 8. NRS 41.0347 is hereby amended to read as follows:

41.0347 ***1.*** If the official attorney does not provide for the defense of a present or former ***local judicial officer, state judicial officer,*** officer, employee, immune contractor, member of a board or commission of the State

or any political subdivision or ~~[of a]~~ State Legislator in any civil action in which the State or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course and scope of the person's public duty or employment and that the person's act or omission was not wanton or malicious:

~~[1.]~~ ***(a)*** If the Attorney General was responsible for providing the defense, the State is liable to that person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

~~[2.]~~ ***(b)*** If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

2. If the official attorney does not provide for the defense of a person who is named a defendant in any civil action solely because of an alleged act or omission relating to the public duties or employment of a present or former local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator and the State or political subdivision is also named a defendant, or the civil action was brought in a court other than a court of competent jurisdiction of this State, and if it is judicially determined that the injuries arose out of an act or omission of a local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator during the performance of any duty within the course and scope of such a person's public duty or employment and that the person's act or omission was not wanton or malicious:

(a) If the Attorney General was responsible for providing the defense, the State is liable to the person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

Sec. 8.3. NRS 7.045 is hereby amended to read as follows:

7.045 1. ~~[It]~~ ***Except as otherwise provided in this section, it*** shall be unlawful for ~~[any person or persons within the State of Nevada, unless the person or persons be an attorney at law or attorneys at law, licensed and~~

~~entitled to practice law under and by virtue of the laws of the State of Nevada,~~] ***a person, in exchange for compensation,*** to solicit ~~[, influence or procure, or aid or participate in soliciting, influencing or procuring any person within this state~~] ***a tort victim*** to employ, hire or retain any attorney at law ***:*** ~~[within this state for any legal service whatsoever, when such person or persons first hereinabove mentioned shall have, either before or after so soliciting, influencing or procuring, or aiding or participating therein as aforesaid, accepted or received or have been offered or promised from such attorney last mentioned, either directly or indirectly, any benefit, service, money, commission, property or any other thing of value, as consideration therefor, or compensation therefor, or reward therefor, or remuneration therefor, or in recognition thereof.~~] ~~***[, or to offer, accept or receive any compensation for the solicitation of another person to employ, hire or retain any attorney at law:]***~~

(a) At the scene of a traffic accident that may result in a civil action; or

(b) At a county or city jail or detention facility . ~~[; or~~

~~***(c) At a health care facility.]***~~

2. ***It is unlawful for a person to conspire with another person ~~[,~~ ~~including, without limitation, a health care professional, an employee of a health care professional or health care facility, a body shop licensed pursuant to chapter 487 of NRS, an ambulance service, a tow car operator, an insurance company, or any other person routinely associated with the delivery of legal services,]~~ to commit an act which violates the provisions of subsection 1.***

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of ~~[subsection 1 shall be~~] ***this section ~~[:~~***

~~(a) For the first offense,~~ ***is*** guilty of a misdemeanor.

~~*[(b) For a second or subsequent offense, is guilty of a gross misdemeanor.]*~~

6. As used in this section ~~**[:**~~

~~*(a) "Compensation" means the direct or indirect promise or payment of any fee, salary, wage, commission, bonus, rebate, refund, dividend or discount.*~~

~~*(b) "Solicit" or "solicitation" means directly or indirectly:*~~

~~*(1) Touting, promoting, recommending, suggesting or offering goods or services; or*~~

~~*(2) Selecting, obtaining or procuring goods or services.*~~

~~*(c) "Tort"*~~ ***, "tort victim" means a person:***

~~*[(1)]*~~ ***(a) Whose property has been damaged as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person;***

~~*[(2)]*~~ ***(b) Who has been injured or killed as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person; or***

~~*[(3)]*~~ ***(c) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person.***

Sec. 8.5. For the 78th Session of the Nevada Legislature, in accordance with the provisions of subsection 2 of NRS 228.113, the Director of the Department of Administration shall include the biennial cost of implementing the provisions of this act in the Attorney General's cost allocation plan.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 447. This bill provides for private sponsorship of road rest areas. So in the future, we may see, "Rest area brought to you by" and fill in the blank. But they promised me it would be a good blank.

Roll call on Assembly Bill No. 447:

YEAS—38.

NAYS—Daly.

EXCUSED—Grady, Hogan, Pierce—3.

Assembly Bill No. 447 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 454. This allows for the electronic transmission of information to the Department of Motor Vehicles. The amendment that we heard yesterday added in the wrongful filing penalties. This will allow dealers to talk to the Department of Motor Vehicles electronically and save time and effort.

Roll call on Assembly Bill No. 454:

YEAS—39.

NAYS—None.

EXCUSED—Grady, Hogan, Pierce—3.

Assembly Bill No. 454 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblymen Elliot Anderson and Duncan.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 18 revises provisions governing personal and subject matter jurisdiction under the Nevada Code of Military Justice and modifies provisions governing nonjudicial punishment for servicemen and servicewomen. It also adds several crimes to the list that are triable by court-martial.

Along with my colleague from District 37, we spent a lot of time on this bill to ensure that this would be a good bill for our military members. The reason it is so long is that it has not been updated since about 1967.

ASSEMBLYMAN DUNCAN:

I just want to echo the comments from my colleague from southern Nevada. I was involved in the working group on this, and a lot of hard work was put in to help our Nevada National Guard Reserve members out, and this is a good bill. I would appreciate the body's support.

Roll call on Senate Bill No. 18:

YEAS—39.

NAYS—None.

EXCUSED—Grady, Hogan, Pierce—3.

Senate Bill No. 18 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 76.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 76 authorizes a person to apply for and obtain one permit to carry all handguns owned by the person after demonstrating competence with the handguns. The bill revises the definition of "concealed firearm" to mean a loaded or unloaded handgun carried in a concealed manner, and it deletes the separate definitions of "revolver" and "semiautomatic firearm."

Roll call on Senate Bill No. 76:

YEAS—34.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Neal, Swank—5.

EXCUSED—Grady, Hogan, Pierce—3.

Senate Bill No. 76 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Senate Bill 90 relates to confidential records. Senate Bill 90 requires a state or local governmental entity to keep confidential certain information submitted with certain applications during the same period as it is maintained as confidential by the Division of Minerals, Commission on Mineral Resources. The effective date is July 1, 2013.

Nevada Revised Statutes 534A.031 provides that any exploration and subsurface information obtained as a result of a geothermal project must be filed with the Division of Minerals, Commission on Mineral Resources, within 30 days after it is accumulated, and it is to be kept confidential for five years after the date of filing.

Roll call on Senate Bill No. 90:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 94 authorizes certain loan and check-cashing services to charge a late fee of not more than $15, payable on a one-time basis, for any installment payment that remains unpaid ten days or more after the date of default.

Roll call on Senate Bill No. 94:

YEAS—34.

NAYS—Benitez-Thompson, Carlton, Diaz, Munford, Neal, Swank—6.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 94 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 99 requires a child welfare agency to obtain and examine the credit report of a child placed into its custody who reaches the age of 16 years, or within 90 days after placement of a 16-year-old child, and then at least once annually thereafter to identify any inaccuracies in the credit report. Before obtaining the report, each child must be notified of the agency's requirement to obtain the report, and the agency must inform each child how to resolve inaccuracies on his or her credit and the possible financial impact if an inaccuracy is left unresolved.

Roll call on Senate Bill No. 99:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 99 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 208 expands the definition of "police officer" to include court bailiffs and deputy marshals of a district court or justice court.

I know there has been some concern on this bill about whether it affected some of the smaller counties, but in order for this expanded definition to apply, you have to be a full-time peace officer, court bailiff, or deputy marshal, and you would have to be POST-certified. Essentially, it is limited in scope.

Roll call on Senate Bill No. 208:

YEAS—29.

NAYS—Dondero Loop, Duncan, Ellison, Hambrick, Hardy, Horne, Kirner, Livermore, Stewart, Wheeler, Woodbury—11.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 208 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Senate Bill 235 authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to scrap metal purchases within its jurisdiction. The measure requires that the system be electronically secure and accessible only to a scrap metal processor for the purpose of submitting certain information, an officer of a local law enforcement agency, and an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor.

Roll call on Senate Bill No. 235:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 235 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 236.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 236 requires each state agency, as soon as reasonably practicable but not later than June 30, 2015, to make available on a website maintained by the agency an electronic version of each of the agency's administrative forms in a format allowing the forms to be completed, downloaded, and saved electronically and submitted securely to the agency via the Internet. And other changes to the bill.

Roll call on Senate Bill No. 236:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 236 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 244 requires the Department of Motor Vehicles to place a designation of veteran status on an instruction permit, driver's license, or identification card upon request. The person making the request must prove his or her veteran status by submitting a copy of a "Certificate of Release or Discharge from Active Duty," indicating an honorable discharge from the Armed Forces. The bill also requires the DMV to forward a monthly list of veterans to the Office of Veterans Services for communication purposes. To be included on the list, each veteran must consent to the release or disclosure of certain information.

Roll call on Senate Bill No. 244:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 244 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 246 requires a business or social organization to register with the Secretary of State as a committee for political action if that organization receives contributions or makes expenditures over certain amounts for the purpose of affecting the outcome of any election, including a ballot question. The measure clarifies that a political party and any committees sponsored by a political party do not fall under this definition.

Roll call on Senate Bill No. 246:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 246 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 278 provides criteria for determining if residential property has been abandoned and establishes an expedited procedure for the exercise of a power of sale for such property. I urge your support.

Roll call on Senate Bill No. 278:

YEAS—39.

NAYS—Ohrenschall.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 278 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Senate Bill 313 clarifies the definition of "autonomous technology" by excluding certain driver assistance features unless the combined effect of all such features enables the vehicle to be driven without the active control or monitoring of a human operator.

The bill requires that prior to the testing of a vehicle equipped with autonomous technology, the entity performing the test must submit a $5 million instrument of insurance, surety bond, or proof of self-insurance to the Department of Motor Vehicles.

Other provisions of Senate Bill 313 require that while testing an autonomous vehicle on a highway in this state, a capable human operator must be in the driver's seat monitoring the safe operation of the autonomous vehicle, and the vehicle must be equipped with a means to engage and disengage the autonomous technology and a visual indicator that indicates when the autonomous technology is operating the vehicle.

Finally, the bill provides that a manufacturer of a motor vehicle which has been converted by a third party into an autonomous vehicle cannot be held legally liable for damages caused by the conversion.

Roll call on Senate Bill No. 313:

YEAS—39.

NAYS—Kirkpatrick.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 313 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 356 revises provisions relating to statutory covenants that may be adopted by reference in a deed of trust. Specifically, the measure adds a provision that the parties to a deed of trust in connection with a trustee's sale may pay reasonable counsel fees and costs actually incurred. The measure also provides that an assumption fee for a change in parties to a deed of trust may be set forth as a fixed sum or a percentage of the amount secured by the deed of trust and remaining unpaid at the time of assumption or a combination of the two.

The measure further requires the signature of the banking or other financial institution when an agreement to sell real property secured by the mortgage or deed of trust to a third party is for an amount less than the indebtedness secured. Finally, the measure amends provisions relating to impound trust accounts.

Roll call on Senate Bill No. 356:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 356 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 365.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 365 provides that a person commits the crime of stolen valor and is guilty of a gross misdemeanor if the person knowingly, with the intent to obtain money, property, or another tangible benefit fraudulently represents himself or herself to be a recipient of certain military decorations or medals, and obtains money, property, or another tangible benefit through such fraudulent representation.

Roll call on Senate Bill No. 365:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 365 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 371 prohibits a person from intentionally feeding any big game mammal without written authorization from the Department of Wildlife. This prohibition does not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture. A person found guilty of intentionally feeding a big game mammal must be issued a written warning for a first offense, shall be punished by a fine of not more than $250 for a second offense, and shall be punished by a fine of not more than $500 for a third offense.

Roll call on Senate Bill No. 371:

YEAS—36.

NAYS—Flores, Frierson, Hogan, Horne—4.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 371 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 373.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 373 authorizes a judge to make a written order permitting a judgment debtor to pay a judgment in installments if the court determines the person is unable to pay the full amount. In addition, the measure increases the percent of a judgment debtor's take-home pay that is exempt from garnishment from 75 percent to 85 percent if the gross annual salary or wage of the debtor is less than $40,000. The measure also provides that if an annuity is listed on a loan application or was pledged as payment for a loan, the creditor may seek to recover payment from the annuity.

The measure provides that a judgment debtor who is a Nevada resident may bring a civil action against an out-of-state judgment creditor who inappropriately garnishes the judgment debtor's bank account or any other personal property located in this state. A judgment debtor who prevails in such an action may recover from the judgment creditor damages equal to two times any amount paid to the creditor through the writ of garnishment and reasonable attorney's fees and costs.

Roll call on Senate Bill No. 373:

YEAS—25.

NAYS—Paul Anderson, Duncan, Ellison, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Martin, Neal, Oscarson, Stewart, Wheeler, Woodbury—15.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 373 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 382.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 382 revises provisions concerning the flammability of certain components and materials contained in new school buses. The measure delays compliance with these standards by applying them to new buses purchased after January 1, 2016. This is a measure to keep our kids safe traveling to and from school.

Roll call on Senate Bill No. 382:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 382 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 388.

Bill read third time.

Remarks by Assemblymen Spiegel, Hansen, and Fiore.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 388 repeals the crime of solicitation of a minor to engage in acts constituting the infamous crime against nature. The measure revises the definition of "sexual conduct" and provides that the crime of luring a child includes contacting or communicating with the person believed to be a child with the intent to solicit that person to engage in sexual conduct. The measure also removes reference to the infamous crime against nature and replaces it with a reference to "sexual activity" for provisions relating to certain offenders in Nevada's Department of Corrections. Finally, this measure removes the reference to the infamous crime against nature for provisions relating to the Nevada National Guard.

ASSEMBLYMAN HANSEN:

I rise in opposition to S. B. 388. I would have to say this bill goes in absolutely the wrong direction. We are opening up 16- and 17-year-olds to be sexually solicited by any age group of males. While the argument has been that we can do that currently with females, we should be doing this the exact opposite way. We should be expanding the age of consent. Twelve other states have now adopted the age of 18 for age of consent. Federal age of consent is 18. Thirty-one states also have age gap provisions, which this does not have. We have had a whole series of bills where we define 16- and 17-year-olds as children, including in A.B. 67 and A.B. 146. We have a bill right now that we may be voting on where 16- and 17-year-olds will not be allowed to use a tanning booth. We do not allow smoking for 16- and 17-year-olds. They

cannot vote, but somehow we are going to open them up to any age group of males to go and basically solicit them. If Jerry Sandusky had waited until these kids were 16 that he was dealing with and had been in Nevada if we had passed this law, he would not have committed a crime. I have requested amendments on this, but I think this is absolutely a terrible thing we are doing, and we should be upping the age of consent, not reducing it for boys in the theory that it makes an equality factor. We need to protect our females and our young men from predatory sexual behavior.

ASSEMBLYWOMAN FIORE:

Regarding this bill, Senate Bill 388—and I totally understand and respect the view of my colleague from District 32—but the way I view S.B. 388 is that in Nevada, the legal consent is age 16. So 16-year-olds are allowed to engage in sexual intercourse with the opposite sex. If you have two high school students 16 and 17 that want to experiment with each other, it is against the law, and that is not right. So I rise in support of this bill, and I want you to understand that it is the law today. As much as I agree with my colleague from District 32, we need to up it to 18. It is the law today, and right now we are prohibiting on equal status.

Roll call on Senate Bill No. 388:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—14.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 388 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 389 provides that the owner of a single-family dwelling which is subject to a mortgage or deed of trust may submit a written request to the servicer of the mortgage for a certified copy of the note, the mortgage, or deed of trust and each assignment. If the servicer does not provide the requested documents within 30 days of receipt or if the documents indicate that the mortgagee or beneficiary of the deed of trust does not have a recorded interest in or a lien on the single-family dwelling, the owner may report the servicer and the mortgagee or beneficiary to the Division of Mortgage Lending or the Division of Financial Institutions in the Department of Business and Industry.

Roll call on Senate Bill No. 389:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 389 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 392 requires the State Board of Education and school district boards of trustees to report at their public meetings, and annually to the Legislature, certain gifts or bequests that they accept. Reports must include the value of the gift, the name of the donor, any conditions placed on the use of the gift, and certain business relationships that might exist between the donor and the recipient board.

If a gift or the combined gifts received from a single donor over a 12-month period do not exceed $100,000 in value or if the gift is for a public broadcasting service, the reporting requirements of this bill do not apply.

Roll call on Senate Bill No. 392:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 392 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 393 revises provisions governing the procedure for filling a vacancy in a major political party nomination. Existing procedures for filling a vacancy that occurs after the primary election and before the fourth Friday in June of an election year apply only if the vacancy occurs because the nominee dies or is adjudicated mentally incompetent. If the vacancy occurs for any other reason, the nominee's name must remain on the ballot for the general election. If such a nominee is subsequently elected, a vacancy in office will exist, which will be filled pursuant to law.

Roll call on Senate Bill No. 393:

YEAS—37.

NAYS—Fiore, Hansen, Kirner—3.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 393 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 402.

Bill read third time.

Remarks by Assemblyman Livermore.

ASSEMBLYMAN LIVERMORE:

Senate Bill 402 relates to real estate brokers, broker-salespersons, and salespersons. Senate Bill 402 reduces the late fee a real estate broker, broker-salesperson, or salesperson must pay to renew a license that has expired to $100 within one year of expiration, in addition to the amount otherwise required for renewal. The bill also authorizes a person to renew a permit upon payment of a $20 fee within one year of expiration, in addition to the amount otherwise required for renewal and compliance with any other requirement relating to the renewal of such a permit. The effective date is July 1, 2013.

Roll call on Senate Bill No. 402:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 402 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 404 requires any business that enters into a contract with the state of Nevada to have a state business license. It also prohibits any subcontractor from receiving public money for subcontracts for public works or projects for the construction or maintenance of highways unless the subcontractor holds a state business license.

The bill further provides that certain advertising practices misrepresenting the geographic location of a vendor or provider of floral or ornamental products or services constitute deceptive trade practices and makes similar conforming changes in statute relating to the deceptive trade practices.

Roll call on Senate Bill No. 404:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 404 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 405 eliminates the requirement that state agencies, district or juvenile courts, and local governments submit to the Legislature certain reports that have become obsolete or are redundant.

Roll call on Senate Bill No. 405:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 405 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 409 exempts a person or establishment, under certain circumstances, from current prohibitions on accepting, receiving, or allowing another person to accept or receive a wager from a person physically present in Nevada, and placing, sending, transmitting, or relaying a wager to another person from within or outside Nevada. The exemption is initiated if the wager was made pursuant to an agreement with another state or authorized agency.

Senate Bill 409 was presented by the UNLV Boyd Gaming Law section, and it is a complement to Assembly Bill 114 of this session.

Roll call on Senate Bill No. 409:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 409 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Senate Bill 410 authorizes the establishment of programs for the safe distribution and disposal of hypodermic devices. The bill further provides for the governance and training required of such programs, and the programs must report, at least semiannually, to the Board of Health.

Roll call on Senate Bill No. 410:

YEAS—38.

NAYS—Hansen, Kirner—2.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 410 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 414 prohibits a minor from knowingly and willfully using an electronic communication device to transmit or distribute an image of bullying committed against a minor with the intent to encourage, further, or promote bullying and to cause harm to the minor. Also, for the first violation, the minor shall be identified as a child in need of supervision, not a delinquent child.

Roll call on Senate Bill No. 414:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 414 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 419 authorizes a notary public who has obtained a certificate of permission from a county clerk to perform marriages. In addition, the measure authorizes a minister, other church or religious official, or a notary public to submit to the county clerk an application to perform a specific marriage in the county. In these instances, the measure provides the information to be included in the application and requires a $25 application fee to accompany the application. A person may not obtain more than five authorizations to perform a specific marriage in any calendar year.

Roll call on Senate Bill No. 419:

YEAS—24.

NAYS—Elliot Anderson, Carlton, Duncan, Ellison, Fiore, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—16.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 419 having failed to receive a two-thirds majority, Madam Speaker declared it lost.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 420 authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses to appear before a court for a preliminary hearing. Any subpoena issued by a defendant's attorney for a preliminary hearing must be calendared by filing a motion that includes a notice setting the matter for hearing not less than two full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A properly calendared subpoena may be served on the witness unless the court quashes the subpoena.

Roll call on Senate Bill No. 420:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 420 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 421.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 421 revises the grounds on which challenges for cause may be taken in the jury selection process regarding civil actions. It allows challenges to be taken on grounds of a financial interest, a substantial opinion as to the merits to the case, and bias for or against any party. The measure also requires the court in both civil actions and criminal proceedings to excuse a juror who is more likely than not to be biased.

Roll call on Senate Bill No. 421:

YEAS—31.

NAYS—Ellison, Fiore, Hambrick, Hickey, Kirner, Livermore, Stewart, Wheeler, Woodbury—9.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 421 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 428 requires operators of tow cars to accept a wide variety of payments for any rates, fares, and charges. The measure authorizes a tow car operator to offer a customer a discount for making payment in cash.

Roll call on Senate Bill No. 428:

YEAS—35.

NAYS—Fiore, Hardy, Kirner, Wheeler, Woodbury—5.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 428 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 429 allows a taxicab company to place an advertisement on the exterior of each of its taxicabs as long as its taxicabs are readily distinguishable from taxicabs of other taxicab companies.

Roll call on Senate Bill No. 429:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 429 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 432 requires each operator of a taxicab business to post a sign in each taxicab that it operates notifying passengers of the maximum penalties for committing an assault or battery upon a taxicab driver.

Roll call on Senate Bill No. 432:

YEAS—39.

NAYS—Hansen.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 433 requires the State Board of Agriculture to adopt regulations on or before January 1, 2014, requiring the placement of a label on any motor vehicle fuel pump that draws fuel containing manganese or any manganese compound.

Roll call on Senate Bill No. 433:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 433 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 434 authorizes any peace officer, without a warrant, to seize and take possession of any vessel which is being operated with any improper number or certificate of ownership, which the peace officer has probable cause to believe has been stolen, or which has a hull number or other identifying mark that has been falsely attached, removed, defaced, altered, or obliterated.

Roll call on Senate Bill No. 434:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 434 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 436 creates the Nevada State Parks and Cultural Resources Endowment Fund to be administered by a committee consisting of the Administrator of the Division of State Parks and the Administrator of the Office of Historic Preservation, both of the State Department of Conservation and Natural Resources, and three members appointed by the Governor.

Finally, and importantly, the measure designates the traditional Basque drink known as the Picon Punch as the official state drink of Nevada.

Roll call on Senate Bill No. 436:

YEAS—37.

NAYS—Fiore, Hickey, Kirner—3.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 436 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

Roll call on Senate Bill No. 437:

YEAS—39.

NAYS—Ellison.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 437 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 438 authorizes the Colorado River Commission of Nevada to borrow up to $35 million through the issuance of bonds to prepay the cost of electrical capacity and energy generated at Hoover Dam.

Roll call on Senate Bill No. 438:

YEAS—39.

NAYS—Kirkpatrick.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 438 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 440 revises the Henderson City Charter to delete antiquated provisions and requires, among other things, that the City's ward boundaries must be changed whenever the population of one ward exceeds that of any other by more than 5 percent. The city will establish an ordinance that such changes be made no later than six months before candidates file for office.

Roll call on Senate Bill No. 440:

YEAS—40.

NAYS—None.

EXCUSED—Grady, Pierce—2.

Senate Bill No. 440 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 46, 435; Senate Bills Nos. 220, 262, 267, 301, 315, 441, 442, 443, 448, 449, 450, 453, 456, 457, 458, 493, 496, 497, 503, 505, 506, 507, 509, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Carlton moved that the Assembly reconsider the action whereby Senate Bill No. 419 lost.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 419 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Diaz requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The Nevada Legislature created the Advisory Committee on Participatory Democracy within the Office of the Secretary of State to advocate for civic education, voter registration, and citizen participation; and

WHEREAS, The members of the Advisory Committee represent civic education groups, nonprofit organizations, and community advocacy groups and are leaders whose individual and collective efforts have improved participatory democracy and citizen engagement in our State; and

WHEREAS, The Legislature is committed to working with citizens, election officers, agencies, and the Advisory Committee to develop innovative programs, create partnerships, and explore new strategies to increase participation in the democratic process; and

WHEREAS, Jean Ford, who served in both the Nevada Senate and Assembly, was an outstanding leader and a champion of participatory democracy, and exemplified the ideals that the Advisory Committee strives to encourage; and

WHEREAS, The Advisory Committee established the "Jean Ford Democracy Award" to honor citizens who perform exemplary service in the promotion of participatory democracy in this State; and

WHEREAS, The National Association of Secretaries of State (NASS) established the "NASS Medallion Award" to honor individuals, groups, or organizations with an established record of promoting the goals of NASS in the areas of elections, civic engagement, service to state government, and philanthropic contributions that enhance the quality of life in a community or the entire state; and

WHEREAS, Nearly 81 percent of registered voters in Nevada cast ballots in the 2012 General Election, earning Nevada the distinction of having the highest increase in voter turnout percentage (4.5 percent) nationally compared to the 2008 General Election; now, therefore, be it

PROCLAIMED, That the following individuals are honored as recipients of the "Jean Ford Democracy Award": Deborah Berger, David Byerman, Rozita Lee, Steve Parker, and Shane Piccinini; and the following individuals are honored as recipients of the NASS Medallion Award: Dan Burk; Harvard "Larry" Lomax; Kenneth B. Dalton, Our Story, Inc; Mi Familia Vota; MGM Resorts International Philanthropy Program; and be it further

PROCLAIMED, That May 23, 2013, is named as "Participatory Democracy Day" in the Nevada Legislature.

DATED this 23rd day of May, 2013.

OLIVIA DIAZ
Nevada State Assemblywoman

RUBEN KIHUEN
Nevada State Senator

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 2, 11, 17, 19, 23, 25, 29, 30, 39, 40, 55, 59, 61, 65, 72, 79, 82, 89, 90, 93, 94, 102, 109, 110, 117, 120, 128, 132, 144, 154, 155, 158, 168, 173, 174, 182, 183, 185, 194, 199, 217, 221, 231, 244, 249, 255, 259, 266, 277, 281, 282, 307, 310, 322; Senate Bills Nos. 73, 78, 101, 133, 134, 143, 167, 178, 180, 181, 206, 233; Senate Joint Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Shane Piccinini, Joanne Piccinini, and Jordan Piccinini.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Dalton.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Rozita Lee and Secretary of State Ross Miller.

On request of Assemblyman Duncan, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Parker and Taylor McCadney.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roberta Cartwright Elementary School: Matthew Ancelowitz, Michael Frey, Nicolas Palau, Alex Lingenfelter Gomez, Brandon Kuhn, Joshua Foreman, Eva Lynch, Lyndsay Gilbert, Macie Henault, Kadence Neilson, Kylie Osborn, Khadijah Esmail, Madison Whitfield, Ziah Granger, Puahau Gora , Giselle Allende, Olivia Barquist, Destiny Alday, Heather Lau, Madison Piekarski, Haily Ossias, Nathan Lawson, Ryeant Horacek, Aaron Whitaker, Owen Cox, Angelo Ang, McKay Smith, Aidan Bleuer, Kyle Aquino, Jakob Campbell, Ohlhit Detvongsa, Bailey Church, Tyler Blackbourne, Yasir Woods, Aiyana Evans, Tiana Maxwell, Ethan Garza, Shalom Taylor, Chasen Mitchell, Alissandra Juarez, Cecilia Serwick, Kathryn Parker, Taren Wilson, Zion Aledo, Isaiah Osemwengie, Derek Florez Rivera, Eric Hennes, Arthur Lomeli, Zia Martinez, Alexis Cole, Joanna Bieda, Nolan Mahan, Riley Tewksbury, Ava Braggs, Travis Smith, Edson Garcia, Nolan Castillo, Javier Larrea Ariza, Alan Ramirez, Gray Ebarb, Bryson Baliza, Seth Uejo Larita, Michael Alberro, Alicia Galvez, Daesy Velasco, Ariana Castellon, Alexandria Davis, Morgan Barnett, Reena Pho, Kayla Ezor, Aaliyah Savala, Emma Hoffman, Reagan Clark, Samantha Cullen, Hunter Sagawinit, Cadence Frehner, Geena Donnelly, Quest Salazar, Alex Alberro, and Dylan Simpson.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Murietta.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Denice Miller.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Adrian Matanza.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Burk.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to David Byerman.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Berger.

Assemblyman Horne moved that the Assembly adjourn until Friday, May 24, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:23 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 24, 2013

Assembly called to order at 12:20 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

O' Lord.

In the midst of great activity, today we ask You to remind us often of Your invisible presence that, out of confused issues, may come simplicity of plan; out of fear, may come confidence; out of hurry, may come the willingness to wait; out of frustration, rest and power.

This we ask in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 441; Assembly Joint Resolution No. 1.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 95, Amendments Nos. 766, 819; Assembly Bill No. 126, Amendment No. 692; Assembly Bill No. 212, Amendment No. 674; Assembly Bill No. 218, Amendment No. 761; Assembly Bill No. 225, Amendment No. 785; Assembly Bill No. 284, Amendment No. 768; Assembly Bill No. 286, Amendment No. 695; Assembly Bill No. 363, Amendment No. 759; Assembly Bill No. 391, Amendments Nos. 771, 816; Assembly Bill No. 440, Amendment No. 669, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 113.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 602 to Senate Bill No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all measures reported out of committee be declared emergency measures under the constitution and placed on third reading and final passage.

Remarks by Assemblyman Horne.

Motion carried.

Assemblyman Horne moved that the Assembly suspend section 4 of Assembly Standing Rule No. 57 through May 28, 2013, for the purpose of allowing the committees to take final action on bills and resolutions on the same day they are heard.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 220, 312, 315, 327, 384, and 399 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 55 and 258 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 202 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 46 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 210 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 49 and 311, just reported out of committee, be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 113.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 779.

AN ACT relating to public office; revising provisions relating to the personal use of campaign contributions by candidates ~~[;]~~ **for public office and public officers;** requiring ~~[a candidate]~~ **candidates** to report annually the balance in ~~[his or her]~~ **their** campaign ~~[account;]~~ **accounts;** making various changes regarding the reporting of campaign contributions and campaign expenses; ~~[increasing the amount of a civil penalty that may be imposed for certain violations]~~ **revising provisions governing the enforcement** of laws relating to ~~[campaign finance; authorizing]~~ **campaigns, candidates and public officers administered by** the Secretary of State **;** ~~[to request equitable relief as a remedy for a violation of laws relating to campaign finance;]~~ making various other changes relating to ~~[campaign finance;]~~ **campaigns, candidates and public officers;** prohibiting public officers ~~[,]~~ **and** candidates ~~[and certain persons related to or employed by public officers or candidates]~~ from accepting or soliciting certain ~~[gifts;]~~ **items of value from certain restricted donors;** prohibiting certain ~~[persons]~~ **restricted donors** from giving or offering to give certain ~~[gifts to]~~ **items of value to** public officers ~~[,]~~ **and** candidates ~~[and certain persons related to public officers or candidates or employed by public officers;]~~ **; revising the Nevada Lobbying Disclosure Act;** requiring the Director of the Legislative Counsel Bureau to forward certain reports relating to activities of lobbyists to the Secretary of State; authorizing the Secretary of State to enforce provisions relating to the giving and receiving of ~~[gifts to public officers and~~

~~candidates;~~ **items of value; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a candidate for public office from spending money received as a campaign contribution for the candidate's personal use. (NRS 294A.160) **Section 3** of this bill moves the prohibition to a new section **, clarifies that the prohibition applies to public officers** and ~~[sets forth what constitutes "personal use." The provisions setting forth what constitutes]~~ **adds a definition of** "personal use" ~~[are]~~ **that is** modeled after federal law. (2 U.S.C. § 439a; 11 C.F.R. § ~~[113.2)]~~ **113.1) Sections 7 and 10 of this bill make conforming changes. (NRS 294A.007, 294A.160)**

Existing law requires every candidate for public office to open and maintain a bank account for the deposit of campaign contributions. (NRS 294A.130) **Section 4** of this bill requires a candidate to report annually the balance in his or her account. **Section 36.5** of this bill makes this requirement apply prospectively and provides that the balance of any account opened before January 1, 2014, shall be deemed $0.

Under existing law, every candidate for public office must report to the Secretary of State contributions and campaign expenses greater than $100 by statutorily scheduled dates during an election year. Existing law also requires candidates to file such a report annually during nonelection years. (NRS 294A.120, 294A.200) **Sections 8.5 and 10.5** of this bill **clarify the reporting requirements for contributions and expenses and** require each candidate to include in the required reports the amounts of unspent contributions disposed of pursuant to the provisions of existing law. **Sections 6.3 and 6.7** of this bill require each candidate to report contributions, campaign expenses and unspent contributions disposed of on a quarterly basis during nonelection years.

~~[~~Sections 5 and 6~~]~~ **Existing law provides for a period of early voting before election day for certain primary, general and special elections. (NRS 293.356-293.361, 293C.355-293C.361) Section 5** of this bill ~~[require]~~ **requires** candidates who receive **monetary or in-kind** contributions **~~[~~, incur campaign expenses or make certain expenditures~~]~~** greater than $2,000 during the period ~~[for]~~ **of** early voting to report those contributions **~~[~~, campaign expenses or expenditures~~]~~** to the Secretary of State not later than ~~[72 hours]~~ **11:59 p.m. on the third calendar day** after ~~[receiving]~~ **the day on which** the **monetary** contribution **~~[~~, incurring the expense or making the expenditure.~~]~~ is deposited in the candidate's account or the candidate knows or reasonably should know that the in-kind contribution has been made. (Chapter 294A of NRS)**

Existing law defines campaign expenditures that are required to be reported by candidates, committees and other entities as expenditures made

to advocate expressly for or against a candidate, group of candidates or ballot question. The advocacy can be on television, radio, billboards or posters or in newspapers. (NRS 294A.0075) **Section 8** of this bill expands the definition of "expenditures" to include expenditures made for campaign advocacy on an Internet website or in periodicals other than newspapers or by mail.

~~[Existing law requires certain persons who make expenditures that are not solicited or approved by a candidate or group of candidates to file contribution and expenditure reports and prohibits contributions from foreign nationals to such persons. (NRS 294A.140, 294A.210, 294A.325) Sections 7, 9 and 11 of this bill require contribution and expenditure reports from persons who make campaign expenditures that are not coordinated with a candidate or group of candidates, and section 12 of this bill prohibits contributions from foreign nationals to such persons.]~~ **Sections 11.5, 12.5 and 13-16 of this bill make conforming changes relating to campaign contributions and expenditures, campaign accounts and campaign reporting. (NRS 294A.286, 294A.360, 294A.365, 294A.373, 294A.390, 294A.400)**

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty of not more than $5,000 against a person, committee or entity that does not file a campaign contribution or expense report or fails to register with the Secretary of State as required pursuant to chapter 294A of NRS. (NRS 294A.420) **Section 17** of this bill authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions of chapter 294A of NRS. **Section 17** also provides that the maximum amount of civil penalty that may be imposed for those violations is the greater of $5,000 or three times the amount at issue in the civil action.

Existing law requires certain public officers and candidates to report gifts received in excess of an aggregate value of $200 from a donor during a calendar year on a statement of financial disclosure that such public officers and candidates must file with the Secretary of State. (NRS ~~[~~281.559, 281.561, 281.571) Existing law also prohibits a member of the Legislature or his or her staff or immediate family from accepting gifts that exceed an aggregate value of $100 from a lobbyist during a calendar year and prohibits a lobbyist from giving more than $100 worth of gifts to a member of the Legislature or his or her staff or immediate family during a calendar year. (NRS 218H.930) Section 29 of this bill prohibits public officers, candidates and persons related to public officers or candidates within the third degree of consanguinity or affinity~~]~~ **281.558-281.581) Sections 23-36 and 36.7 of this bill create a new chapter of NRS which is administered by the Secretary of State and which contains the existing provisions governing statements**

of financial disclosure and new provisions that prohibit, with certain exceptions: (1) a public officer or candidate from **willfully soliciting or** accepting ~~[or soliciting gifts]~~ **, directly or indirectly, any item of value** from a restricted donor ~~[.]~~ **; and (2) a restricted donor from willfully giving or offering to give, directly or indirectly, any item of value to a public officer or candidate.**

Section 26 defines the type of items that are classified as an "item of value," and section 28 ~~[of this bill provides that]~~ **defines the type of person who is classified as** a **"** restricted donor **."** ~~[is a person who: (1) is, or is seeking to be, a party to a contract with a body of which the public officer is a member or to which a candidate is seeking election; (2) is or may be, or is the agent of a person who is or may be, materially or financially affected by the performance or nonperformance of an official duty of the public officer or of the office to which a candidate is seeking election; (3) is, or is the agent of a person who is, the subject of or a party to a matter pending before the body of which the public officer is a member or to which a candidate is seeking election; or (4) is a lobbyist or client of a lobbyist. Section 29 also prohibits such a person from making or offering to make a gift to a public officer, candidate or person related to a public officer or candidate.]~~ **Section 29 contains the general prohibitions, and section 30** ~~[of this bill]~~ sets forth ~~[certain exclusions from the prohibition on giving or accepting gifts.]~~ **specific exceptions to those general prohibitions. Section 35 identifies which items of value accepted by a public officer or candidate must be disclosed on each statement of financial disclosure. (NRS 281.571) Sections 7 ~~[, 19, 20, 22, 25-28, 32 and 34]~~ and 24- 36** ~~[of this bill]~~ **also enact and revise various provisions to implement the new chapter and to** make conforming changes.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty against a public officer or candidate for public office who willfully fails to file a statement of financial disclosure or willfully files the statement late. (NRS 281.581) ~~[Section]~~ **Sections 28.9 and 36** ~~[of this bill]~~ **provide that the Secretary of State must bring such an action in the district court for the county where the defendant resides or maintains a place of business or, if the defendant does not reside or maintain a place of business in the State of Nevada, the First Judicial District Court. In addition, section 36** authorizes the Secretary of State to bring **such** an action seeking a civil penalty against ~~[: (1) a candidate for public office or public officer who willfully includes inaccurate information or fails to include information in the statement of financial disclosure; (2)]~~ a public officer ~~[or]~~ **,** candidate **or restricted donor** who ~~[accepts or solicits certain gifts; and (3) a restricted donor.]~~ **willfully violates the provisions of the new chapter relating to items of value.**

Section 36 also authorizes the ~~[First Judicial District Court,]~~ **district court,** on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions ~~[relating to statements of financial disclosure and gifts to public officers and candidates. Section 31 of this bill authorizes the Secretary of State to conduct investigations for the purpose of bringing actions authorized pursuant to section 36.]~~ **of the new chapter.**

Finally, the Nevada Lobbying Disclosure Act requires lobbyists to register with the Director of the Legislative Counsel Bureau and file certain reports regarding their lobbying activities before the Legislature. (Chapter 218H of NRS) The Lobbying Act also prohibits a lobbyist from giving a State Legislator or a member of his or her staff or immediate family any gifts that exceed $100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930)

Sections 17.2-22 of this bill amend the Lobbying Act to conform its provisions with the provisions of the new chapter relating to items of value. Section 20 requires the Director ~~[of the Legislative Counsel Bureau]~~ to forward to the Secretary of State **the** reports that registered lobbyists are required to file ~~[with the Director]~~ regarding their lobbying activities. (NRS 218H.400) **Section 21** ~~[of this bill]~~ requires the Director to report suspected violations of **section 29** to the Secretary of State. **Section 21** also authorizes the Director to suspend the registration of a lobbyist ~~[at the Nevada Legislature]~~ against whom a civil penalty has been imposed for a violation of **section 29**. (NRS 218H.530) **Section 22 prohibits a lobbyist from willfully giving or offering to give, directly or indirectly, any item of value to a State Legislator in violation of section 29 and prohibits a State Legislator from willfully soliciting or accepting, directly or indirectly, any such item of value from a lobbyist. (NRS 218H.930)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[~~on campaign contributions and expenditures~~]~~ submitted to the Secretary of State pursuant to the provisions of ***chapter 294A of*** NRS **.** ~~[~~294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.~~]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6.7, inclusive, of this act.

Sec. 3. ***1. It is unlawful for a candidate or public officer to spend money received as a campaign contribution for*** ~~*[the candidate's]*~~ ***his or her personal use*** ~~*[.]*~~ ***or for a purpose prohibited by NRS 294A.160.***

2. As used in this section, "personal use" means any use that fulfills a commitment, obligation or expense that would exist irrespective of the candidate's campaign or the public officer's duties as a public officer . ~~*[, including, without limitation, use for:*~~

~~*(a) Household items or supplies;*~~

~~*(b) Mortgage, rent or utility payments related to:*~~

~~*(1) Except as otherwise provided in subparagraph (2), any real or personal property that is owned by the candidate or a member of the candidate's family; or*~~

~~*(2) Real or personal property that is owned by the candidate or a member of the candidate's family and used for campaign purposes to the extent the payment exceeds the fair market value of the usage of that real or personal property;*~~

~~*(c) Admission to a sporting event, concert, theater event or any other form of entertainment unless the event is part of the candidate's campaign or related to his or her public office;*~~

~~*(d) Dues, fees or gratuities at a social club, country club, health club or recreational facility unless the dues, fees or gratuities are part of a fundraising event that takes place on the organization's premises;*~~

~~*(e) The payment of a salary or other economic benefit to a relative of the candidate within the third degree of consanguinity or affinity, unless the relative is providing bona fide services to the candidate's campaign;*~~

~~*(f) Clothing, except for items of clothing that are used in the candidate's campaign or, if the candidate is a public officer, in the ordinary and necessary execution of the duties of the public office; or*~~

~~*(g) Funeral, cremation or burial expenses.*~~

~~*3.]*~~ ***The term does not include:***

(a) Campaign expenses; ~~*[or]*~~

(b) The ordinary and necessary expenses incurred in connection with holding the public office ~~*[.]*~~ ***; or***

(c) Any use or disposition of campaign contributions authorized or required by NRS 294A.160.

Sec. 4. ***1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, every candidate shall report the balance in the account opened and maintained by the candidate pursuant to NRS 294A.130, as of the last calendar day of the reporting period for the report.***

2. A report required pursuant to this section must be filed not later than the date on which the candidate must file his or her first report in a calendar year pursuant to NRS 294A.120, 294A.200 or 294A.360.

3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

5. A report shall be deemed filed on the date that it is received by the Secretary of State.

Sec. 5. ***1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate whose name appears on the ballot at a primary election, primary city election, general election, general city election or special election shall report:***

(a) Each contribution received during the period for early voting that is in excess of $2,000; and

(b) Contributions received during the period for early voting from a contributor which cumulatively exceed $2,000.

2. The candidate shall report each contribution described in subsection 1 not later than ~~*[72 hours]*~~ ***11:59 p.m. on the third calendar day after:***

(a) If the contribution is a contribution of money, the ~~[time]~~ day on which the contribution is deposited in the account opened and maintained by the candidate pursuant to NRS 294A.130; and

(b) If the contribution is a contribution of goods or services provided in kind for which money would have otherwise been paid, the ~~[time]~~ day on which the candidate knows or ~~[should]~~ reasonably should know that the contribution has been made.

3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. The name and address of the contributor and the date on which the contribution was received must be included on the report.

5. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

6. A report shall be deemed filed at the time that it is received by the Secretary of State.

Sec. 6. ***~~[1. In addition to complying with the requirements set forth in NRS 294A.200, 294A.286 and 294A.360:~~***

~~(a) A candidate whose name appears on the ballot at a primary election, primary city election, general election, general city election or special election shall report:~~

~~(1) Each campaign expense incurred during the period for early voting that is in excess of $2,000; and~~

~~(2) Campaign expenses incurred during the period for early voting which are payments to one recipient and cumulatively exceed $2,000; and~~

~~(b) A candidate whose name does not appear on the ballot at a primary election, primary city election, general election or general city election shall report:~~

~~(1) Each expenditure made during the period for early voting on behalf of or against a candidate or group of candidates on the ballot at the election or question or group of questions on the ballot at the election which is in excess of $2,000; and~~

~~(2) Expenditures made during the period for early voting on behalf of or against a candidate or group of candidates for office at the election or question or group of questions on the ballot at the election which are made to one recipient and cumulatively exceed $2,000.~~

~~*2. The candidate shall report expenses and expenditures described in subsection 1 not later than 72 hours after incurring the campaign expense or making the expenditure.*~~

~~*3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.*~~

~~*4. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.*~~

~~*5. A report shall be deemed filed at the time that it is received by the Secretary of State.*~~ **(Deleted by amendment.)**

Sec. 6.3. ***1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate for state, district, county, city or township office at a primary election, general election, primary city election, general city election or special election who is elected to that office shall, for the calendar year immediately following the general election, general city election or special election through the calendar year immediately preceding the next general or general city election for that office, not later than:***

(a) April 15, for the period from January 1 through March 31;

(b) July 15, for the period from April 1 through June 30;

(c) October 15, for the period from July 1 through September 30; and

(d) January 15 of the next calendar year, for the period from October 1 through December 31,

↳ report each campaign contribution described in subsection 1 of NRS 294A.120 received during the period.

2. A report required by this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, a report required by this section must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date that it is received by the Secretary of State.

Sec. 6.7. ***1. In addition to complying with the requirements set forth in NRS 294A.200, 294A.286 and 294A.360, a candidate for state, district, county, city or township office at a primary election, general election,***

primary city election, general city election or special election who is elected to the office shall, for the calendar year immediately following the general election, general city election or special election through the calendar year immediately preceding the next general or general city election for that office, not later than:

(a) April 15, for the period from January 1 through March 31;

(b) July 15, for the period from April 1 through June 30;

(c) October 15, for the period from July 1 through September 30; and

(d) January 15 of the next calendar year, for the period from October 1 through December 31,

➥ report each of the campaign expenses described in subsection 1 of NRS 294A.200 incurred during the period, and the amounts disposed of as described in subsection 1 of NRS 294A.200 during the period.

2. A report required by this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, a report required by this section must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date that it is received by the Secretary of State.

Sec. 7. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a ~~[gift,]~~ loan, conveyance, deposit, payment, transfer or distribution of money ***, services*** or ~~[of]~~ anything of value , other than the services of a volunteer ***. [, and]***

2. The term includes ~~[:]~~ ***, without limitation:***

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not ~~*[coordinated with or]*~~ solicited or approved by the candidate or group; or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail,

paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

~~[2.]~~ ***3. For the purposes of section 3 of this act and NRS 294A.160, the term also includes, without limitation, any interest or other income earned from a contribution.***

4. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 8. NRS 294A.0075 is hereby amended to read as follows:

294A.0075 "Expenditures" means:

1. ~~[~~Those expenditures made~~]~~ ***Money paid*** for advertising ***or communication*** on television, radio, billboards, posters ~~[~~and~~]~~ ***or an Internet website,*** in newspapers ~~[~~:~~]~~ ***or other periodicals or by mail;*** and

2. All other ~~[~~expenditures made,~~]~~ ***money paid,***

➥ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

Sec. 8.5. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary ***,*** ~~[~~or~~]~~ general ***or special*** election shall, ~~[~~not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year,~~]~~ ***for each period described in subsections 2 to 5, inclusive,*** report ~~[~~:~~]~~ ***the following contributions pursuant to the provisions of this section:***

(a) Each campaign contribution in excess of $100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed $100; and

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

~~[~~➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~]~~

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~[and]~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~[.]~~ ***; and***

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election,

➥ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~[and]~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~[.]~~ ***; and***

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election,

➥ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

6. Except as otherwise provided in NRS 294A.3733, reports of campaign contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 9. ~~[NRS 294A.140 is hereby amended to read as follows:~~

~~294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not~~ ***coordinated with or*** ~~solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $100 or makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or~~

~~primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.~~

~~4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which~~

~~cumulatively exceed $100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~7. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.~~

~~8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~9. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.~~**] (Deleted by amendment.)**

Sec. 10. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. ~~[~~It is unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use.

~~2.~~**]** Notwithstanding the provisions of NRS 294A.286, ***or section 3 of this act,*** a candidate or public officer may use campaign contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of campaign contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360 ~~[.]~~ ***or section 6.7 of this act.***

2. A candidate or public officer shall not use campaign contributions to satisfy a civil or criminal penalty imposed by law.

3. ~~[2.]~~ Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. ~~[3.]~~ Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office and who received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. ~~[4.]~~ Every candidate for a state, district, county, city or township office who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office at a primary or primary city election and received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the election, return any money in excess of $5,000 to the contributor.

6. ~~[5.]~~ Except as otherwise provided in subsection 7, ~~[6,]~~ every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 3.

7. ~~[6.]~~ A public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent campaign contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360 and 294A.362 ***and sections 4 to 6.7, inclusive, of this act*** for as long as the public officer is a candidate for any office.

8. ~~*[7.]*~~ In addition to the methods for disposing the unspent money set forth in subsections ~~*[2,]*~~ 3, 4, 5 and 7, ~~*[6,]*~~ a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

9. ~~*[8.]*~~ Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

10. ~~*[9.]*~~ The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~**[**11.**]** **[***10. As used in this section, "contributions" include any interest and other income earned thereon.***]**~~

Sec. 10.5. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary **,** ~~**[**or**]**~~ general ***or special*** election shall, ~~**[**not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year,**]**~~ ***for each period described in subsections 2 to 5, inclusive,*** report ~~**[**:**]**~~ ***the following expenses, and amounts disposed of, pursuant to the provisions of this section:***

(a) Each of the campaign expenses in excess of $100 incurred during the period;

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are $100 or less **.** ~~**[**,~~

~~➥ on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~2. The provisions of subsection 1 apply to the candidate:~~

~~(a) Beginning the year of the general election for that office, through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~3.~~ ***2.*** Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~[and]~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~[,]~~ ***; and***

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period ***, and the amounts disposed of as described in subsection 1 during the period,*** on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~4.~~ ***3.*** Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~[and]~~

(d) Four days before the general election for that office, for the period from 24 days before the general election ~~[.]~~ ***; and***

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period ***, and the amounts disposed of as described in subsection 1 during the period,*** on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~[5.]~~ ***4.*** Except as otherwise provided in subsection ~~[6,]~~ ***5,*** every candidate for a district office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period ***, and the amounts disposed of as described in subsection 1 during the period,*** on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~[6.]~~ ***5.*** Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses described in subsection 1 incurred ***, and the amounts disposed of as described in subsection 1,*** on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~[7.]~~ ***6.*** Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~[8.]~~ ***7.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 11. ~~[NRS 294A.210 is hereby amended to read as follows:~~

~~294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not~~ ***coordinated with or*** ~~solicited or approved by the candidate or group, and every committee for political action, political party or committee sponsored by a political party which receives contributions in excess of $100 or makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the~~

~~primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~" report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~→ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~7. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.~~

~~8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate.~~

~~9. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.~~**]** **(Deleted by amendment.)**

Sec. 11.5. **NRS 294A.286 is hereby amended to read as follows:**

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, ***or section 6.3 or 6.7 of this act,*** report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360 ~~[.]~~ ***or section 6.3 or 6.7 of this act.***

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or

public officer shall dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

(b) Donate the money to any tax-exempt nonprofit entity.

Sec. 12. ~~[NRS 294A.325 is hereby amended to read as follows:~~

~~294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:~~

~~(a) A candidate;~~

~~(b) A committee for political action;~~

~~(c) A committee for the recall of a public officer;~~

~~(d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not ***coordinated with or*** solicited or approved by the candidate or group;~~

~~(e) A political party or committee sponsored by a political party that makes an expenditure on behalf of a candidate or group of candidates;~~

~~(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;~~

~~(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or~~

~~(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.~~

~~2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.~~

~~3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.~~

~~4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:~~

~~(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.~~

~~(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.~~

~~(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.~~

~~5. A violation of any provision of this section is a gross misdemeanor.~~

~~6. As used in this section:~~

~~(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.~~

~~(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:~~

~~(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;~~

~~(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or~~

~~(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.~~**] (Deleted by amendment.)**

Sec. 12.5. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. **[**~~Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.~~

~~2.~~] Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; ~~[and]~~

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election ~~[~~.

~~3.~~] ***; and***

(e) January 15 of the following calendar year, for the period from 4 days before the general city election through the December 31 immediately following the general city election.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; ~~[and]~~

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election ~~[~~.

~~4.]~~ ***; and***

(e) January 15 of the following calendar year, for the period from 4 days before the general city election through the December 31 immediately following the general city election.

3. Except as otherwise provided in subsection ~~[5.]~~ ***4,*** every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

~~[5.]~~ ***4.*** Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 13. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. ~~*[Each report of campaign expenses required pursuant to section 6 of this act must consist of a list of each campaign expense in excess of $2,000 and a list of all campaign expenses incurred during a reporting period which are payments to one recipient and cumulatively exceed $2,000. The list in each report must state the category and amount of the campaign expense and the date on which the campaign expense was incurred.*~~

~~3.]~~ The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;
(c) Expenses related to travel;
(d) Expenses related to advertising;
(e) Expenses related to paid staff;
(f) Expenses related to consultants;
(g) Expenses related to polling;
(h) Expenses related to special events;
(i) Expenses related to a legal defense fund;
(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; ~~[and]~~
(l) ***Amounts disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286; and***
(m) Other miscellaneous expenses.

3. ~~*[4.]*~~ Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 3 ~~*[2]*~~ of NRS 294A.160 or subsection 4 of NRS 294A.286.

Sec. 14. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ ***this chapter.***

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee or political party that is required to file a report described in subsection 1:

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 15. NRS 294A.390 is hereby amended to read as follows:

294A.390 ***1.*** The officer from whom a candidate or entity requests a form for:

~~[1.]~~ ***(a)*** A declaration of candidacy;

~~[2.]~~ ***(b)*** An acceptance of candidacy;

~~[3.]~~ ***(c)*** The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

~~[4.]~~ ***(d)*** The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter.

2. An explanation of the applicable provisions of ***:***

(a) Section 4 of this act relating to the reporting of the balance in the separate account required by NRS 294A.130 and the penalties for a violation of those provisions as set forth in NRS 294A.420;

(b) NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ***and sections 5 to 6.7, inclusive, of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 ***;*** ~~[,]~~ and ~~[an explanation of]~~

(c) NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420,

➥ must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 16. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286,

294A.360 and 294A.362, ***and sections 6.3 and 6.7 of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not ~~*[coordinated with or]*~~ solicited or approved by the candidate or group.

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 17. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280, 294A.286 or 294A.360 ***or section 4, 5,*** ~~*[6,]*~~ ***6.3 or 6.7 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court. ***On application by the Secretary of State, the First Judicial District Court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, the provisions of this chapter.***

2. Except as otherwise provided in this section, a person, committee or entity that violates an applicable provision of this chapter is subject ***, for each***

violation, to a civil penalty of not more than ~~[$5,000 for each violation]~~ ***an amount equal to the greater of:***

(a) Five thousand dollars; or

(b) Three times the amount at issue in the civil action,

➥ and payment of court costs and attorney's fees.

3. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

~~[3. If]~~

4. Except as otherwise provided in this section, if a civil penalty is imposed because a person, committee or entity has reported its contributions, expenses or expenditures after the date the report is due, ~~[except as otherwise provided in this subsection,]~~ the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

~~[4.]~~ ***5.*** For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 17.1. **Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 17.2 to 17.9, inclusive, of this act.**

Sec. 17.2. ***"Domestic partner" has the meaning ascribed to it in section 25.2 of this act.***

Sec. 17.3. ***"Domestic partnership" has the meaning ascribed to it in section 25.4 of this act.***

Sec. 17.4. ***"FItem of value" has the meaning ascribed to it in section 26 of this act.***

Sec. 17.5. ***"Knowingly" has the meaning ascribed to it in section 26.5 of this act.***

Sec. 17.6. ***"Member of a Legislator's household" means a spouse, domestic partner, relative or person who is a member of the Legislator's household for the purposes of section 27.4 of this act.***

Sec. 17.7. ***"Relative" has the meaning ascribed to it in section 27.8 of this act.***

Sec. 17.8. ***"Willfully" has the meaning ascribed to it in section 28.8 of this act.***

Sec. 17.9. ***1. To the extent possible, the provisions of this chapter must be interpreted so as to impose duties and restrictions on Legislators and lobbyists that are consistent with the duties and restrictions imposed by the provisions of sections 24 to 33, inclusive, of this act and NRS 281.558 to 281.581, inclusive.***

2. If there is a conflict between the provisions of this chapter and the provisions of sections 24 to 33, inclusive, of this act and NRS 281.558 to 281.581, inclusive, the provisions of sections 24 to 33, inclusive, of this act and NRS 281.558 to 281.581, inclusive, control.

Sec. 17.95. **NRS 218H.030 is hereby amended to read as follows:**

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, ***and sections 17.2 to 17.8, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 18. NRS 218H.050 is hereby amended to read as follows:

218H.050 "Expenditure" means ~~[any]~~ **:**

1. Providing or making any advance, conveyance, ~~*[gift,]*~~ deposit, distribution, transfer **,** ~~[of funds,]~~ loan, payment, pledge or subscription of money **,** ***services*** or anything ***else*** of value, including **,** ***without limitation, the*** cost of entertainment, ~~[except]~~ ***food or beverages, but excluding*** the payment of ~~[a]~~ membership ~~[fee]~~ ***dues*** otherwise exempted pursuant to NRS 218H.400 ~~[, and any]~~ **;**

2. Providing or giving any item of value pursuant to section 30 of this act; and

3. Providing or making any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure while the Legislature is in a regular or special session.

Sec. 19. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means ~~[a]~~ ***anything of value, including, without limitation, any*** payment, subscription, advance, forbearance, rendering or deposit of money, services or anything ***else*** of value **,** unless consideration of equal or greater value is ***given or*** received.

2. ~~["Gift"]~~ ***The term includes, without limitation, any item of value provided or given to a Legislator pursuant to section 30 of this act.***

3. The term does not include:

(a) A political contribution of money or services related to a political campaign;

(b) A commercially reasonable loan made in the ordinary course of business;

(c) The cost of entertainment, ~~[including the cost of]~~ food or beverages ~~[;]~~ ***, unless it is an item of value provided or given to a Legislator pursuant to section 30 of this act;*** or

(d) Anything of value received from:

(1) A member of the recipient's ~~[immediate family;]~~ ***household*** or ***a relative of the recipient within the third degree of consanguinity or affinity;***

(2) A relative of the ~~[recipient or relative of the]~~ recipient's spouse ***or domestic partner*** within the third degree of consanguinity or ~~[from the]~~ ***affinity; or***

(3) The spouse ***or domestic partner*** of any such relative ~~[.]~~ ~~*[has the meaning ascribed to it in section 26 of this act.]*~~ ***,***

↪ unless it is an item of value provided or given to a Legislator pursuant to section 30 of this act.

Sec. 20. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. ***The Director shall forward to the Secretary of State each report filed with the Director pursuant to subsection 1 not later than 7 days after receiving the report.***

3. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

~~[4.]~~ ***5.*** If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission, in the following categories:

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans, including ***, without limitation,*** ~~*[gifts authorized]*~~ ***any items of value provided or given to a Legislator pursuant to section 30 of this act and any other*** money, services and anything ***else*** of value provided ***or given*** to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and

(d) Other expenditures directly associated with legislative action, ***but*** not including ***the registrant's*** personal expenditures for food, lodging and travel expenses or membership dues.

~~[5.]~~ ***6.*** The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

~~[6.]~~ ***7.*** A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a function to which every Legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 21. NRS 218H.530 is hereby amended to read as follows:

218H.530 1. The Director shall:

(a) Make investigations on the Director's own initiative with respect to any irregularities which the Director discovers in the statements and reports filed and with respect to the failure of any person to file a required statement or report and shall make an investigation upon the written complaint of any person alleging a violation of any provision of this chapter.

(b) Report suspected violations of ~~[law]~~ ***:***

(1) Section 29 of this act to the Secretary of State; and

(2) Any other provision of law to the:

~~[(1)]~~ ***(I)*** Legislative Commission; and

~~[(2)]~~ ***(II)*** Attorney General, who shall investigate and take any action necessary to carry out the provisions of this chapter.

2. If an investigation by the Director reveals a violation of any provision of this chapter by a lobbyist, ***or if the Director is notified by the Secretary of State pursuant to subsection 5 of NRS 281.581 that a civil penalty has been imposed against a lobbyist pursuant to subsection 2 of NRS 281.581,*** the Director may suspend the lobbyist's registration for a specified period or revoke the lobbyist's registration. The Director shall cause notice of such action to be given to each person who employs or uses the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Director may:

(a) Request a hearing on the matter before the Director;

(b) Appeal to the Legislative Commission from any adverse decision of the Director; and

(c) If the lobbyist's registration is suspended, renew the lobbyist's registration if the Legislature is still in a regular or special session following the period of suspension.

4. A lobbyist whose registration is revoked may, with the consent of the Director, renew the lobbyist's registration if the lobbyist:

(a) Files a registration statement in the form required by NRS 218H.200;

(b) Pays any fee for late filing owed pursuant to NRS 218H.410, plus the fee for registration prescribed by the Legislative Commission; and

(c) If the revocation occurred because of the lobbyist's failure to file an activity report, files that report.

Sec. 22. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not ***willfully*** give ***or offer to give, directly or indirectly,*** to ~~[a]~~ ***:***

(a) A Legislator any item of value in violation of section 29 of this act, and a Legislator shall not willfully solicit or accept, directly or indirectly, any item of value from a lobbyist in violation of section 29 of this act.

(b) Any other member of the Legislative Branch ~~*[Legislature]*~~ or a member of ~~[~~his or her staff or immediate family~~]~~ ~~*[person related to the member within the third degree of consanguinity or affinity any gift in violation of section 29 of this act. A member of the Legislature or a person related to the member within the third degree of consanguinity or affinity shall not solicit or accept any such gift.*~~

~~*3. A lobbyist shall not give to any member of the Legislative Branch, other than a member of the Legislature,]*~~ ***a Legislator's household any*** gifts that exceed $100 in value in the aggregate in any calendar year ~~[.]~~

~~[3.]~~ ~~[A]~~ ***, and such a*** member of the Legislative Branch or a member of ~~[~~his or her staff or immediate family~~]~~ ***a Legislator's household*** shall not ***willfully*** solicit ~~[~~anything of value from a registrant~~]~~ or accept ~~[~~any gift that exceeds $100 in aggregate value in any calendar year.~~]~~ ~~*[, other than a member of the Legislature, shall not solicit or accept gifts]*~~ ***, directly or indirectly, any such gifts from a lobbyist .*** ~~*[that exceed $100 in value in the aggregate in any calendar year.]*~~

~~[4.]~~ ***3.*** A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

~~[5.]~~ ***4.*** Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

~~[6.]~~ ***5.*** Except as otherwise provided in subsection ~~[7,]~~ ***6,*** a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

~~[7.]~~ ***6.*** An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

~~[8.]~~ ***7.*** A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

~~[9.]~~ ***8.*** A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session and ending 15 days after the final adjournment of a special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

Sec. 23. ~~[Chapter 281]~~ **Title 23** of NRS is hereby amended by adding thereto **a new chapter to consist of** the provisions set forth as sections 24 to 33, inclusive, of this act ~~[.]~~ **and the provisions of NRS 281.558 to 281.581, inclusive, as amended by sections 34 to 36, inclusive, of this act and moved and renumbered pursuant to section 36.7 of this act.**

Sec. 24. ***As used in ~~[NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act,]~~ this chapter, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections ~~[25 to 28,]~~ 24.5 to 28.8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 24.5. "Business entity" means any form of business or social organization or enterprise or any other nongovernmental legal entity, including, without limitation, any proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.

Sec. 25. ***~~["Contribution"]~~ "Campaign contribution" has the meaning ascribed to ~~[it]~~ "contribution" in NRS 294A.007.***

Sec. 25.2. "Domestic partner" means a person in a domestic partnership.

Sec. 25.4. "Domestic partnership" means:

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 25.6. "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

Sec. 25.7. 1. "Informational or educational meeting" means any meeting of two or more persons for the purpose of providing or receiving information or education on matters of public policy relating to the official

duties or functions which are performed by a public officer or will be performed by a candidate if elected.

2. The term includes, without limitation, any meal, reception, social gathering, caucus, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar event, function or program with an informational or educational component.

3. The term does not include an informational or educational meeting attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the informational or educational meeting.

Sec. 25.8. "Intentionally" means voluntarily or deliberatively, rather than accidentally or inadvertently. The term does not require proof of bad faith, ill will, evil intent or malice.

Sec. 26. ***1. [~~"Gift"~~] "Item of value" or "item" means [~~a~~] anything of value, including, without limitation, any payment, subscription, advance, forbearance, rendering or deposit of money, services or anything else of value , unless consideration of equal or greater value is given or received.***

2. [~~"Gift"~~] The term does not include:

(a) A campaign contribution . [~~;~~]

(b) A commercially reasonable loan made to a public officer or candidate in the ordinary course of business . [~~; or~~]

(c) [~~Anything~~] If a public officer is authorized to engage in any business or employment other than his or her public office or if a candidate engages in any business or employment, any salary, wages, income, compensation or benefits earned by the public officer or candidate or any payment or reimbursement of expenses incurred by the public officer or candidate in the ordinary course of that business or employment and paid by or received from any:

(1) Employer, client, customer or patient; or

(2) Business entity for which the public officer or candidate is an owner, director, officer, partner or member.

(d) Except as otherwise provided in subsection 1 of section 30 of this act, anything of value received from:

(1) A member of the [~~recipient's immediate family~~] public officer's or candidate's household or a relative of the public officer or candidate within the third degree of consanguinity or affinity;

(2) A relative of the [~~recipient or relative of the recipient's~~] public officer's or candidate's spouse or domestic partner within the third degree of consanguinity or affinity ; or [~~from the~~]

(3) The spouse or domestic partner of any such relative.

Sec. 26.5. ***"Knowingly" imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.***

Sec. 27. ***1. "Lobbyist" means a person who , for any compensation or other consideration, communicates directly with a public officer or candidate on behalf of someone other than himself or herself to influence legislative or executive action . [, whether or not any compensation is received for the communication.]***

2. The term includes, without limitation, a person who is required to file a registration statement with the Director of the Legislative Counsel Bureau pursuant to NRS 218H.200 [.] in the classification of a lobbyist who receives any compensation or other consideration for his or her lobbying activities.

Sec. 27.2. ***"Local body or agency" means any local governing body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.***

Sec. 27.4. ***"Member of a public officer's or candidate's household" means:***

1. The spouse or domestic partner of the public officer or candidate;

2. A relative who lives in the household of the public officer or candidate; or

3. A person, whether or not a relative, who:

(a) Lives in the household of the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(b) Does not live in the household of the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

(c) Lived in the household of the public officer or candidate for 6 months or more in the year immediately preceding the year in which the public officer or candidate files a statement of financial disclosure and who was dependent on and receiving substantial support from the public officer or candidate during that period.

Sec. 27.6. ***1. "Public officer" has the meaning ascribed to it in NRS 281.005.***

2. The term does not include a judicial officer who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 27.8. ***"Relative" means a person who is related by blood, adoption, marriage or domestic partnership.***

Sec. 28. *[“Restricted donor” means any person who:]* ***A person is a “restricted donor” to a public officer or candidate if the person:***

1. Is, or is seeking to be, a party to a contract with [a] any state or local body or agency of which [a] the public officer is a member or [to which a] the candidate [is seeking election;] will be a member if elected.

2. Is or may be, or is the agent of a person who is or may be, materially or financially affected by the performance or nonperformance of [:

— (a) An] ***an official duty [of a] or function by the public officer [; or***

— (b) An official duty of a public office for which a] ***or by the candidate [is seeking election,***

”] , if elected, in a manner that is distinguishable from the effect on the general public of the performance or nonperformance of the official duty [;] or function.

3. Is, or is the agent of a person who is, a party to or the subject of [or a party to] a matter pending before [a] any state or local body or agency of which [a] the public officer is a member or [to which a] the candidate [is seeking election; or] will be a member if elected.

4. Is a lobbyist who lobbies any state or local body or agency of which the public officer is a member or the candidate will be a member if elected, or is a client of [a] the lobbyist [.] who employs or contracts with the lobbyist to lobby any state or local body or agency of which the public officer is a member or the candidate will be a member if elected.

Sec. 28.2. “State body or agency” means any body, agency, bureau, board, commission, department, division, office or other unit of the Legislative or Executive Department of the State Government.

Sec. 28.4. “State Legislator” or “Legislator” means a member of the Senate or Assembly of the State of Nevada.

Sec. 28.5. “State or local body or agency of which the public officer is a member” means any state body or agency or local body or agency on which the public officer serves as an elected or appointed member or for which the public officer serves in an elected or appointed position, whether or not the public officer receives any compensation for serving in the public office.

Sec. 28.6. “Tax-exempt nonprofit entity” means any charitable, fraternal or other nonprofit organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3) or is a corporation for public benefit, as defined in NRS 82.021.

Sec. 28.8. “Willfully” means intentionally and knowingly.

Sec. 28.9. For the purposes of any civil action brought against a defendant pursuant to this chapter, a court of competent jurisdiction is:

1. The district court for the county where the defendant resides or maintains a place of business; or

2. If the defendant does not reside or maintain a place of business in the State of Nevada, the First Judicial District Court.

Sec. 29. *1. Except as otherwise provided in subsection 2 and section 30 of this act:*

(a) A public officer [, a] or candidate [or a person related to a public officer or candidate within the third degree of consanguinity or affinity] shall not willfully solicit or accept [or solicit a gift,] , directly or indirectly, any item of value from a restricted donor.

(b) A restricted donor shall not willfully give or offer to give [a gift,] , directly or indirectly, any item of value to a public officer [, a] or candidate . [or a person related to a public officer or candidate within the third degree of consanguinity or affinity.]

2. [A public officer, a candidate or a person related to a] If a restricted donor gives or offers to give to a public officer or candidate any item of value that does not qualify for an exception in section 30 of this act, the public officer or candidate [within the third degree of consanguinity or affinity] may accept [a gift other than a gift described in section 30 of this act] the item from [a] the restricted donor and the actions of the public officer or candidate and the restricted donor do not violate this section if the public officer [,] or candidate [or person related to the public officer or candidate, not] :

(a) Not later than 30 days after [receiving] the [gift,] date on which the item is accepted, donates the [gift] item or, if the nature of the [gift] item is such that it cannot be donated after it has been accepted, donates an amount equal to the value of the [gift:

[(a) To any tax] item to any:

(1) Tax-exempt nonprofit entity; or

[(b) To any governmental]

(2) Governmental entity or fund of this State or a political subdivision of this State [.] ; and

(b) Reports the item and donation on his or her statement of financial disclosure if required by NRS 281.571.

Sec. 30. *The offering, giving , soliciting or [receiving] accepting of any [of the following items or services] item of value listed in this section does not violate the provisions of section 29 of this act [:] , but the item of value must be reported by the public officer or candidate on his or her statement of financial disclosure if required by NRS 281.571 and, if the restricted donor is subject to chapter 218H of NRS, it must be reported by the restricted donor on his or her lobbying report if required by NRS 218H.400:*

1. Any [gift] item provided or given to the public officer or candidate from a restricted donor who is [related to a] a relative of the public officer

~~[, a]~~ or candidate ~~[or a person related to a public officer or candidate]~~ within the third degree of consanguinity or affinity, unless the restricted donor is acting as an agent or intermediary for another restricted donor who is not ~~[related to the recipient]~~ a relative of the public officer or candidate within the third degree of consanguinity or affinity.

2. ~~[Materials]~~ Any item provided or given to the public officer or candidate in any written, audio, visual or digital format that ~~[provide]~~ provides information or education relating to the official duties or functions of the state or local body or agency of which the public officer ~~[.]~~ is a member or the candidate will be a member if elected.

3. Any item provided or given to the public officer or candidate that is available or distributed free of charge to members of the general public.

4. Any item provided or given to the public officer or candidate from a bona fide charitable, professional, educational or business organization if:

(a) The public officer ~~[, the]~~ or candidate ~~[or a person related to the public officer or candidate within the third degree of consanguinity or affinity, as applicable,]~~ pays dues to be a member of the organization;

(b) The amount of the dues paid by the public officer ~~[, the]~~ or candidate ~~[or a person related to the public officer or candidate]~~ is not inconsequential compared with the value of the item received; and

(c) The ~~[items are]~~ item is provided or given to all members of the organization without regard to the status of or position held by any member outside of the organization.

5. ~~[Provision of]~~ Any actual expenses for food, beverages, registration fees, travel ~~[and]~~ or lodging provided or given to or paid for the benefit of the public officer ~~[, the]~~ or candidate , ~~[or a person related to the public officer or candidate within the third degree of consanguinity or affinity,]~~ or reimbursement for any actual expenses for food, beverages, registration fees, travel ~~[and]~~ or lodging paid by the public officer ~~[, the]~~ or candidate , ~~[or a person related to the public officer or candidate within the third degree of consanguinity or affinity,]~~ for attendance or participation at ~~[a meeting , panel discussion or other speaking engagement, including, without limitation, a meeting, panel discussion or speaking engagement with an educational component,]~~ any informational or educational meeting if the expenses are incurred on a day during which the public officer or candidate attends or participates at the meeting ~~[, panel discussion or speaking engagement]~~ or during which the public officer or candidate travels to or from the meeting . ~~[, panel discussion or speaking engagement.]~~

6. ~~[A]~~ Any plaque or other similar commemorative item of de minimis resale value ~~[which is]~~ provided or given to the public officer or candidate as recognition for public service.

7. ~~[Food or beverages provided at a meal or reception that is part of]~~ Any amount paid, on an individualized or apportioned basis, for the public officer or candidate to attend or participate at an event , function or program:

(a) To raise money for or otherwise support ~~[an organization that is recognized as]~~ a tax-exempt ~~[pursuant to 26 U.S.C. § 501(c)(3);]~~ nonprofit entity; or

(b) At which the public officer ~~[, the]~~ or candidate ~~[or a person related to the public officer or candidate within the third degree of consanguinity or affinity]~~ is being recognized for public service, if the primary purpose of the event , function or program is to recognize persons for public service.

8. ~~[A]~~ Any nonmonetary item ~~[or service]~~ with a value of $8 or less ~~[than $3,]~~ provided or given to the public officer or candidate if the public officer ~~[, the]~~ or candidate ~~[or a person related to the public officer or candidate within the third degree of consanguinity or affinity]~~ does not accept more than one such item ~~[or service]~~ per calendar day from a restricted donor. For the purposes of this subsection ~~[, the]~~ :

(a) The value of ~~[an]~~ a nonmonetary item ~~[or service]~~ is ~~[the]~~ its retail, resale or market value ~~[of the item or service provided,]~~ , whichever is greater, excluding any fees, duties, imposts or taxes, regardless of the number of restricted donors who contribute to the cost of the item . ~~[or service.]~~

(b) A nonmonetary item does not include any item of value that may be provided or given to the public officer or candidate pursuant to any other provision of this section.

9. If the state or local body or agency of which the public officer is a member belongs to a state, regional or national organization of governmental bodies or agencies, ~~[an]~~ any item ~~[or service accepted or]~~ solicited or accepted by:

(a) The organization as part of ~~[a conference, seminar or other meeting held for business or]~~ an informational or educational ~~[purposes;]~~ meeting; or

(b) The public officer at a scheduled event , function or program that is organized or sponsored by the organization ~~[,]~~ if the item ~~[or service]~~ is offered to every person who attends the event ~~[.]~~ , function or program.

10. If the public officer belongs to a state, regional or national organization of public officers, ~~[an]~~ any item ~~[or service accepted or]~~ solicited or accepted by:

(a) The organization as part of ~~[a conference, seminar or other meeting held for business or]~~ an informational or educational ~~[purposes;]~~ meeting; or

(b) The public officer at a scheduled event , function or program that is organized or sponsored by the organization [,] if the item [or service] is offered to every person who attends the event [.] , function or program.

11. [Funeral] Any funeral flowers or memorials [.] , or donations to any tax-exempt nonprofit entity in lieu of funeral flowers or memorials, provided or given because of the death of a relative or friend of the public officer or candidate.

12. Any ceremonial gift provided or given to the public officer or candidate for [a wedding, or] any birthday, wedding , anniversary [.] , holiday or other ceremonial occasion.

13. [Salary or reimbursement of expenses, paid by the employer of the public officer or the candidate, or by any firm, partnership, association or corporation of which the public officer or candidate is a member or partner, for any actual expenses for food, beverages, travel and lodging paid by the public officer or candidate to attend a meeting or conference, if the public officer or candidate is not entitled to receive a salary or the per diem allowance and travel expenses provided for state officers and employees generally for attending the meeting.] Any amount paid, on an individualized or apportioned basis, for the public officer or candidate to attend or participate at an event, function or program involving any form of sports, recreation or entertainment, including, without limitation, any actual expenses for food or beverages provided or given to or paid for the benefit of the public officer or candidate at the event, function or program.

14. [Gifts of,] Any actual expenses for food, beverages, travel or lodging provided or given to or paid for the benefit of the public officer, or reimbursement [of] for any actual expenses for [,] food, beverages, travel [and] or lodging paid by the public officer, if:

(a) The public officer is representing the state or local body or agency of which the public officer is a member in a delegation whose sole purpose is to:

(1) Attract a specific business entity to this State;

(2) Encourage a business entity already existing in this State to expand or retain operations in this State; or

(3) Develop markets for [businesses] business entities based in this State or services or goods produced in this State;

(b) The public officer plays a significant role in a presentation to a business entity being contacted by the delegation; and

(c) The restricted donor [providing the gift or reimbursement] is not an employee, agent or owner of a business entity being contacted by the delegation, except that a restricted donor who is an employee, agent or owner of a business entity being contacted by the delegation may provide [a gift of] or give food or beverages to the public officer or pay for the actual

expenses of food or ~~[beverage to]~~ beverages provided or given to the public officer.

15. ~~[An]~~ Any item of de minimis resale value provided or given to the public officer or candidate by a resident of a country other than the United States if the item is provided or given as part of a ceremonial presentation or the act of providing or giving ~~[of]~~ the item is customary in that country.

16. ~~[Reimbursement for registration fees for registration fees for a conference or meeting, the purpose of which is to provide information that assists the public officer in the performance of his or her public duties. As used in this subsection, "conference or meeting" does not include a conference or meeting attended by the public officer for personal reasons or for reasons relating to any professional license held by the public officer.~~

~~17. A gift~~ Any item which the public officer is required to receive on behalf of the state or local body or agency of which the public officer is a member as ~~[a]~~ an official duty or function of the office held by the public officer.

~~[18.]~~ 17. If the public officer is a ~~[member of the Legislature,]~~ State Legislator or a guest of a State Legislator, any actual expenses for food ~~[,]~~ or beverages ~~[and entertainment]~~ provided or given to or paid for the benefit of the public officer at an event , function or program ~~[:~~

~~(a) Which]~~ which takes place during a regular or special session of the Legislature ~~[; and~~

~~(b) To which every]~~ if:

(a) Every member of the Legislature has been invited ~~[.]~~ to the event, function or program; and

(b) The food or beverages are offered to every person who attends the event, function or program.

18. Any actual expenses for food or beverages provided or given to or paid for the benefit of the public officer or candidate at an event, function or program to raise money for or otherwise support:

(a) The candidacy of another person; or

(b) A political organization, including, without limitation, a political party, committee sponsored by a political party, political caucus or committee for political action.

Sec. 31. ~~*[1. If it appears that the provisions of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act have been violated as described in subsection 2, the Secretary of State may:*~~

~~*(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court pursuant to NRS 281.581; or*~~

~~*(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute*~~

~~*the appropriate proceedings in the First Judicial District Court without delay.*~~

~~*2. The Secretary of State may take action as described in subsection 1 if it appears that:*~~

~~*(a) A candidate for public office or a public officer:*~~

~~*(1) Has willfully failed to file a statement of financial disclosure;*~~

~~*(2) Has willfully failed to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572; or*~~

~~*(3) Has willfully included inaccurate information or failed to include complete information in a statement of financial disclosure;*~~

~~*(b) A public officer, a candidate or a person related to a public officer or candidate within the third degree of consanguinity or affinity has accepted or solicited a gift in violation of section 29 of this act; or*~~

~~*(c) A restricted donor has given or offered a gift in violation of section 29 of this act.*~~

~~*3. A person who believes that a violation as described in subsection 2 has occurred may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:*~~

~~*(a) The full name and address of the person alleging the violation;*~~

~~*(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;*~~

~~*(c) Any evidence substantiating the alleged violation;*~~

~~*(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and*~~

~~*(e) Any other information in support of the alleged violation.*~~

~~*4. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 3, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.*~~

~~*5. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 3, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.*~~

~~*6. If a notice of an alleged violation is received pursuant to subsection 3 not later than 180 days after the date the violation is alleged to have taken place, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 5, may subpoena witnesses and*~~

~~*require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:*~~

~~*(a) Any person alleged in the notice to have committed the violation; or*~~

~~*(b) If the notice does not include the name of a person alleged to have committed the violation, any person whom the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.*~~

~~*7. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 6, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:*~~

~~*(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or*~~

~~*(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.]~~ **(Deleted by amendment.)**

Sec. 32. ~~*[Nothing in the]*~~ ***The provisions of*** ~~*[NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act shall be construed to authorize]*~~ ***this chapter do not:***

1. Authorize a public officer to solicit or accept ~~*[or solicit a gift]*~~ ***any item of value in violation of the*** ~~*[provisions of]*~~ ***code of ethical standards in NRS 281A.400*** ~~*[.]*~~ ***or the restrictions on the acceptance or receipt of an honorarium in NRS 281A.510;***

2. Relieve a public officer of any duty to disclose the acceptance of any item of value if required by NRS 281A.420 or, because of that acceptance, abstain from voting upon or advocating the passage or failure of a matter if required by NRS 281A.420; or

3. Abrogate, alter or affect the application of any other provision of the Nevada Ethics in Government Law in chapter 281A of NRS.

Sec. 33. ***The Secretary of State may adopt regulations necessary to carry out the provisions of*** ~~*[NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act.]*~~ ***this chapter.***

Sec. 34. NRS 281.558 is hereby amended to read as follows:

281.558 ~~[~~As used in NRS 281.558 to 281.581, inclusive, "candidate"~~]~~

1. "Candidate" means any person ~~[~~:

~~1.~~~~]~~ ***who seeks to be elected to a public office and:***

(a) Who files a declaration of candidacy;

~~[2.]~~ ***(b)*** Who files an acceptance of candidacy; or

~~[3.]~~ ***(c)*** Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 34.3. **NRS 281.559 is hereby amended to read as follows:**

281.559 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements ~~[of Canon 4I]~~ of the Nevada Code of Judicial Conduct. ~~[Such]~~ ***To the extent practicable, such*** a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.

5. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial

disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

~~[6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

Sec. 34.5. **NRS 281.561 is hereby amended to read as follows:**

281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, each candidate ~~[for public office]~~ who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and ~~[,~~ ~~except as otherwise provided in subsection 3,]~~ each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure ~~[no]~~ ***not*** later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate ~~[for public office]~~ is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the

year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements ~~[of Canon 4I]~~ of the Nevada Code of Judicial Conduct. ~~[Such]~~ ***To the extent practicable, such*** a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.

6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

~~[7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

Sec. 35. NRS 281.571 is hereby amended to read as follows:

281.571 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such electronic form as the Secretary of State otherwise prescribes, must contain the following information concerning the candidate ~~[for public office]~~ or public officer:

(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate ~~[for public office]~~ or public officer is registered to vote.

(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which the candidate ~~[for public office]~~ or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;

(2) Whose fair market value is $2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom the candidate ~~[for public office]~~ or public officer or a member of the candidate's or public officer's household owes $5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) ***If the candidate or public officer has accepted any items of value involving any form of sports, recreation or entertainment pursuant to subsection 13 of section 30 of this act in excess of an aggregate value of $50 from a restricted donor during the preceding taxable year, a list of all such items, including the identity of the restricted donor and value of each such item.***

(f) If the candidate ~~[for public office]~~ or public officer has ~~[received gifts]~~ ***accepted any other items of value pursuant to section 30 of this act*** in excess of an aggregate value of $200 from a ***restricted*** donor during the preceding taxable year, a list of all such ~~[gifts,]~~ ***items,*** including the identity of the ***restricted*** donor and value of each ~~[gift.]~~ ~~[~~, except:

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of~~] ***such item, except that*** the candidate ~~[for public office]~~ or public officer ~~[~~.

~~(f)~~] ***is not required to list:***

(1) Any items accepted from a restricted donor pursuant to subsections 1, 9, 10, 17 or 18 of section 30 of this act; or

(2) Any items accepted from a restricted donor that consist of expenses for food or beverages provided or given to or paid for the benefit of the candidate or public officer who attends or participates at any informational or educational meeting pursuant to subsection 5 of section 30 of this act if:

(I) The items are offered to every person who attends the informational or educational meeting; and

(II) There is no reasonable or practicable means by which the candidate or public officer can determine the individualized or itemized value of the items.

(g) A list of each business entity with which the candidate ~~[for public office]~~ or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

~~[(g)]~~ ***(h)*** A list of all public offices presently held by the candidate ~~[for public office]~~ or public officer for which this statement of financial disclosure is required.

2. The ~~[Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~3.]~~ ~~[As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the]~~ statement of financial disclosure ~~[.]~~ ***must contain boxes for the candidate or public officer to check to indicate that an item of value was:***

(a) Donated by the candidate or public officer pursuant to subsection 2 of section 29 of this act to a tax-exempt nonprofit entity or a governmental entity or fund of this State or a political subdivision of this State; or

(b) Accepted by the candidate or public officer pursuant to paragraph (a) of subsection 7 of section 30 of this act to attend or participate at an event, function or program to raise money for or otherwise support a tax-exempt nonprofit entity.

Sec. 35.3. **NRS 281.572 is hereby amended to read as follows:**

281.572 1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the candidate or public officer has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and

(b) The candidate or public officer does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the statement of financial disclosure.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate or public officer who signs the affidavit under an oath to God is subject to the same penalties as if the candidate or public officer had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the statement of financial disclosure is required to be filed.

3. A candidate or public officer who is not required to file the statement of financial disclosure electronically may file the statement of financial disclosure by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A statement of financial disclosure transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a ~~[report]~~ ***statement of financial disclosure*** electronically.

Sec. 35.5. **NRS 281.573 is hereby amended to read as follows:**

281.573 1. Except as otherwise provided in subsection 2, ~~[statements]~~ ***each statement*** of financial disclosure required by the provisions of NRS 281.558 to 281.572, inclusive, must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Sec. 35.7. **NRS 281.574 is hereby amended to read as follows:**

281.574 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate ~~[for public office]~~ who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 36. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a candidate **, [**for public office or**]** public officer ***or restricted donor may have*** willfully **[**~~fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572,~~**]** ~~*[violation of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act has occurred,]*~~ ***violated the provisions of this chapter,*** the Secretary of State may, after giving notice to **[**~~that~~**]** **[**~~*the* person or entity~~**]** **[**~~,~~**]** ~~*[alleged to have committed the violation,]*~~ ***the candidate, public officer or restricted donor,*** cause the appropriate proceedings to be instituted in **[**~~the First Judicial District Court.~~**]** ***a court of competent jurisdiction. On application by the Secretary of State, the*** ~~*[First Judicial District Court]*~~ ***court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, any applicable provision of*** ~~*[NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act.]*~~ ***this chapter.***

2. Except as otherwise provided in this section, a candidate **,** **[**~~for public office,~~**]** **[**~~or~~**]** public officer ***or restricted donor*** who willfully **[**~~fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572~~**]** ***commits a violation described in section 29 of this act*** is subject, ***for each violation,*** to a civil penalty **[**~~and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.~~**]** ***of not more than an amount equal to the greater of:***

(a) Five thousand dollars; or

(b) Three times the amount at issue in the civil action.

3. ~~*[A]*~~ ***Except as otherwise provided in this section, a candidate*** ~~*[for public office or a]*~~ ***or public officer who willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty as provided in this subsection.*** The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. ***A civil penalty imposed pursuant to this section must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in*** ~~***[the First Judicial District Court]***~~ ***a court of competent jurisdiction and must be deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.*** ~~***[A person who is subject to a civil penalty pursuant to this section is also subject to the payment of court costs and attorney's fees.]***

5. If a civil penalty is imposed pursuant to subsection 2 against a lobbyist who is required to file a registration statement with the Director of the Legislative Counsel Bureau pursuant to NRS 218H.200, the Secretary of State shall immediately notify the Director of the Legislative Counsel Bureau.

6. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

~~**[**5.**]** **[7. As used in this section, "willfully" means intentionally and knowingly.]**~~

Sec. 36.5. 1. The provisions of section 4 of this act apply only prospectively.

2. Notwithstanding the provisions of subsection 1 of section 4 of this act, for the purpose of the report required by section 4 of this act, the balance in an account opened before January 1, 2014, by a candidate pursuant to NRS 294A.130 shall be deemed to be $0 on January 1, 2014.

Sec. 36.6. **The provisions of sections 24 to 33, inclusive, of this act and NRS 281.558 to 281.581, inclusive, as amended by sections 34 to 36, inclusive, of this act, do not apply to:**

1. Any act, event or circumstance that occurs before January 1, 2014; or

2. Any statement of financial disclosure that is filed for calendar year 2013 or for any preceding calendar year, regardless of whether the statement of financial disclosure is filed before, on or after January 1, 2014.

Sec. 36.7. **The Legislative Counsel shall:**

1. In preparing the reprint and supplements to the Nevada Revised Statutes, move the provisions of NRS 281.558 to 281.581, inclusive, as amended by sections 34 to 36, inclusive, of this act, to the new chapter added to title 23 of NRS by section 23 of this act and appropriately change any internal references to reflect the change in location and numbering of those provisions.

2. In preparing the supplements to the Nevada Administrative Code, appropriately change any references to the provisions of NRS 281.558 to 281.581, inclusive, as amended by sections 34 to 36, inclusive, of this act, to reflect the change in the location and numbering of those provisions.

Sec. 37. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 786.

AN ACT relating to education; authorizing the parents and legal guardians of pupils enrolled in an underperforming public school, under certain circumstances, to submit a petition for the conversion of the school to an empowerment school or the conversion of an empowerment school to a charter school; establishing the requirements for such a petition and the procedure for acting upon it; authorizing parents and legal guardians to file a petition reversing such a conversion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation and operation of charter schools and establishes the Program of Empowerment Schools for public schools in this State. Generally, charter schools and empowerment schools operate with more flexibility and autonomy than other public schools. (NRS 386.490-386.610, 386.720, 386.740)

This bill provides for the conversion of ~~[certain]~~ underperforming public schools to operate as empowerment schools and for the conversion of ~~[certain]~~ underperforming empowerment schools to operate as charter schools. **Section 1.5 of this bill defines an underperforming public school as a public school that receives an annual rating which is established as the lowest rating possible indicating underperformance pursuant to the statewide system of accountability for public schools, as determined by the Department of Education.** **Section 2** of this bill requires the board of trustees of each school district annually to identify the schools in the district that are eligible for conversion from among those which have been rated as underperforming by the Department**.** ~~[of Education.]~~ After these schools have been identified, **section 2** requires the board of trustees to post a list of the schools on the school district's Internet website.

Section 2.5 of this bill provides that the parents and legal guardians of the pupils enrolled in an underperforming school may submit a petition to the board of trustees of the school district for the creation of a school advisory team for the school. **Section 4** of this bill establishes the procedure for determining the sufficiency of the petition and acting upon it. If the petition is found to contain the requisite number of signatures and is otherwise sufficient, **section 2.5** requires the board of trustees to create a school advisory team for the school, which must meet at least six times during the ensuing 12 months, after which it must submit a report to the board of trustees.

Section 3 of this bill provides that 55 percent or more of the parents and legal guardians of the pupils enrolled in an underperforming school for which a school advisory board was created may submit a petition to the board of trustees of the school district for the conversion of the school to an empowerment school. The sufficiency of the petition must be determined in the same manner as a petition to create a school advisory team. If the petition is found to contain the requisite number of signatures and is otherwise sufficient, **section 4** requires the board of trustees to begin the statutory process of converting the school to an empowerment school, effective at the beginning of the next succeeding school year.

Under existing law, participation in the Program of Empowerment Schools is discretionary for boards of trustees of school districts in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) and, accordingly, such a district may elect not to participate in the Program. (NRS 386.720) However, if a petition for conversion is submitted pursuant to **section 3** and determined to be sufficient pursuant to **section 4, section 5** of this bill provides that the provisions of statute which otherwise apply only to school districts participating in the Program become applicable to the school district if the petition is submitted

and found to be sufficient, regardless of whether the district otherwise participates in the Program.

If an underperforming public school is converted to an empowerment school through the petition process, **section 6** of this bill provides that the parents and legal guardians of pupils enrolled in the school may ~~[thereafter]~~ **, at any time after the conversion,** petition to reverse the conversion. Any such petition is subject to the same requirements as a petition for conversion and is processed in the same manner.

If an underperforming public school that is converted to an empowerment school through the petition process is subsequently identified as underperforming for 3 consecutive years, **section 6.5** of this bill provides that the parents and guardians of pupils enrolled in the school may petition for the conversion of the school to a charter school. With certain exceptions, any such petition is subject to the same requirements as a petition for conversion to an empowerment school and is processed in the same manner. **Section 6.5** also provides requirements for the operation of a school that converts to a charter school pursuant to the provisions of this bill.

Section 6.7 of this bill provides that the parents and legal guardians of certain pupils enrolled in the school which is converted to a charter school may ~~[thereafter]~~ **, at any time after the conversion,** petition to reverse the conversion. Any such petition is subject to the same requirements as a petition for conversion to an empowerment school and is processed in the same manner. If the petition is sufficient, the school reverts to a public school that is not an empowerment school or a charter school.

Section 6.7 also requires that, if a school that converts to a charter school pursuant to the provisions of this bill and is subsequently identified as underperforming for 3 consecutive years, the board of trustees must revoke the charter and the school reverts to a public school that is not an empowerment school or a charter school.

Sections 7-22 of this bill make conforming changes to existing provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 6.7, inclusive, of this act.

Sec. 1.5. As used in sections 1.5 to 6.7, inclusive, of this act, "underperforming public school" means a public school that receives an annual rating which is established as the lowest rating possible indicating underperformance pursuant to the statewide system of accountability for public schools, as determined by the Department.

Sec. 2. ***1. On or before September 15 of each year, the board of trustees of each school district shall identify each underperforming public***

school in the school district . ~~*[which is rated as underperforming by the Department pursuant to the statewide system of accountability for public schools.]*~~ ***Unless the board of trustees determines on or before that date that any such public school should be excluded or is required by law to be excluded from eligibility for conversion, any public school which is not so excluded is an underperforming public school and may become the subject of a petition for:***

(a) The creation of a school advisory team submitted pursuant to section 2.5 of this act; and

(b) Subsequent conversion to an empowerment school submitted pursuant to section 3 of this act.

2. On or before October 1 of each year, the board of trustees of each school district shall cause a list of the underperforming public schools in the school district to be posted conspicuously on the Internet website of the school district, with a statement that:

(a) Each school on the list that is not an empowerment school or a charter school is eligible for:

(1) The creation of a school advisory team by the submission of a petition to the board of trustees pursuant to section 2.5 of this act; and

(2) Subject to the provisions of subsection 1 of section 3 of this act, conversion to an empowerment school by the submission of a petition to the board of trustees pursuant to section 3 of this act; and

(b) Each school on the list which is an empowerment school and which has been on the list for 3 consecutive years is eligible for conversion to a charter school by the submission of a petition to the board of trustees pursuant to section 6.5 of this act.

3. The statement required by subsection 2 must also set forth the deadline established by section 2.5, 3 or 6.5 of this act for the submission of a petition pursuant to section 2.5, 3 or 6.5, respectively, of this act.

4. For each underperforming public school in the school district, the board of trustees shall include with the statement required by subsection 2 a statement of the minimum number of valid signatures required pursuant to section 2.5, 3 or 6.5 of this act for a petition for the creation of a school advisory team or the conversion of the school, respectively.

Sec. 2.5. ***1. The parents or legal guardians of pupils enrolled in an underperforming public school may submit a written petition to the board of trustees of the school district for the creation of a school advisory team for the underperforming public school.***

2. A petition submitted pursuant to this section must be:

(a) Made on a form prescribed by regulation of the State Board;

(b) Signed by not less than 10 percent of the parents and legal guardians of pupils enrolled at the school, as stated for that school year in the posting required by section 2 of this act; and

(c) Submitted to the board of trustees on or before November 1, unless November 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before November 1 that is not a Saturday, Sunday or legal holiday.

3. The petition must comply with and is subject to the provisions of section 3.5 of this act and subsections 1, 2 and 3 of section 4 of this act.

4. If the board of trustees determines that the petition is sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution on or before December 1 creating a school advisory team consisting of:

(a) One administrator of the public school;

(b) Five parents or legal guardians of pupils enrolled in the public school;

(c) Two teachers employed at the public school; and

(d) One person employed at the public school who is not a teacher or administrator.

5. A school advisory team created pursuant to this section shall meet at least six times during the 12-month period following its creation and shall:

(a) Review data relating to the academic and other achievement of pupils enrolled in the public school;

(b) Review support programs in place at the public school;

(c) Review the level of parental involvement and family engagement in the activities of the public school and the effect of that level of parental involvement and family engagement on the academic achievement of pupils;

(d) Develop recommendations concerning ways to make the school more inviting to parents and legal guardians and to increase parental involvement [; and] and family engagement;

(e) Develop recommendations concerning new strategies to increase the academic achievement of pupils [.] ; and

(f) In carrying out its duties, consult with the Advisory Council on Parental Involvement and Family Engagement established pursuant to NRS 385.610 concerning effective practices and strategies for involving parents and engaging families in the education of their children.

6. On or before December 1 of the year immediately following the year during which the school advisory team is created, the school advisory team shall submit to the board of trustees a report describing its findings and recommendations pursuant to subsection 5 and any relevant changes that have occurred at the public school. The board of trustees shall cause each

report submitted pursuant to this subsection to be posted conspicuously on the Internet website of the school district.

Sec. 3. ***1. If a school advisory team for an underperforming public school is created pursuant to section 2.5 of this act, the parents or legal guardians of pupils enrolled in an underperforming public school may , not less than 1 year after the creation of the school advisory team, submit a written petition to the board of trustees of the school district for the conversion of the school to an empowerment school. Regardless of any recommendations made by the school advisory team, the parents and legal guardians of pupils enrolled in an underperforming public school do not have an obligation to submit such a written petition.***

2. A petition submitted pursuant to this section must be:

(a) Made on a form prescribed by regulation of the State Board;

(b) Signed by not less than 55 percent of the parents and legal guardians of pupils enrolled in the school, as stated for that school year in the posting required by section 2 of this act; and

(c) Submitted to the board of trustees on or before December 1 of the year immediately following the year during which the school advisory team is created, unless December 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before December 1 that is not a Saturday, Sunday or legal holiday.

Sec. 3.5. ***1. A petition submitted pursuant to section 2.5 or 3 of this act must include:***

(a) A conspicuous designation of one petitioner as the representative of the petitioners, to whom the determination and summary required by section 4 of this act may be mailed; and

(b) For each petitioner:

(1) His or her printed name and address;

(2) The printed name of each child of the petitioner who is enrolled as a pupil in the school; and

(3) The signature of the petitioner and the date the signature is affixed to the petition.

2. Each parent or legal guardian of a pupil enrolled in the school may sign the petition. Each such signature must be counted in computing the number of signatures on the petition. No person may sign the petition on behalf of another person.

Sec. 4. ***1. Upon receipt of a petition submitted pursuant to section 2.5 or 3 of this act, the board of trustees of the school district shall:***

(a) Notify the Superintendent of Public Instruction and the State Board in writing of the receipt of the petition;

(b) Not later than 15 calendar days after receiving the petition, verify the signatures or cause the signatures to be verified in accordance with procedures prescribed by regulation of the State Board; and

(c) Prepare or cause to be prepared a written summary of the results of the verification, stating the number of signatures on the petition that have been verified as valid.

2. The board of trustees shall make a written determination concerning the sufficiency of the petition and cause a copy of the determination, with the written summary of the results of the verification required by subsection 1, to be mailed to the petitioner designated as the representative of the petitioners. A petition that contains the required number of verified signatures and otherwise complies with the requirements of section 2.5 or 3 of this act, as applicable, must be determined to be sufficient and must be approved as provided in subsection 4.

3. If the board of trustees determines that the petition is not sufficient, the petition shall be deemed withdrawn unless the petitioners, not later than 20 calendar days after the date of the determination, collect the required number of valid signatures or otherwise correct any deficiencies in the petition and resubmit the petition to the board of trustees. The board of trustees shall review the resubmitted petition and give notice of its determination as required by subsections 1 and 2, except that the determination must be made and notice must be given within 10 calendar days after the resubmitted petition is received. If, after receipt of the resubmitted petition, the board of trustees determines that the petition is still not sufficient and gives notice of its determination, no further action may be taken with respect to the petition. The board of trustees shall also notify the Superintendent of Public Instruction and the State Board in writing of the disposition of the petition.

4. If the board of trustees determines that the petition is sufficient, the board of trustees shall:

(a) Adopt a resolution approving the petition at a public hearing held not later than 15 calendar days after the date of the determination, and in any case on or before February 1;

(b) Notwithstanding the provisions of NRS 386.720 and notwithstanding whether the school district otherwise participates in the Program of Empowerment Schools, immediately begin the process of converting the underperforming public school to an empowerment school in accordance with the provisions of NRS 386.700 to 386.780, inclusive, and sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act so that the school may begin to operate as an empowerment school at the beginning of the next succeeding school year; and

(c) Notify the Superintendent of Public Instruction and the State Board in writing of the actions taken by the board of trustees.

Sec. 5. ***Any provision of NRS 386.700 to 386.780, inclusive, and sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act which is otherwise applicable only if a school district participates in the Program of Empowerment Schools is applicable to the school district, its board of trustees and employees with respect to any underperforming public school in the school district if a petition for conversion of the school is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act.***

Sec. 6. ***1. The parents or legal guardians of pupils enrolled in a public school which is converted to an empowerment school pursuant to a petition submitted pursuant to section 3 of this act may ~~[thereafter]~~ , at any time after the conversion, submit a written petition to the board of trustees of the school district to reverse the conversion. Any such petition must comply with and is subject to all the provisions of sections 3 and 4 of this act applicable to a petition for conversion.***

2. If the petition is determined to be sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution revoking the empowerment plan previously approved for the public school pursuant to NRS 386.745, effective at the beginning of the next succeeding school year.

Sec. 6.5. ***1. If a public school that converts to an empowerment school is rated as underperforming ~~[by the Department pursuant to the statewide system of accountability for public schools]~~ in 3 consecutive years after completing 1 school year as an empowerment school, the parents or legal guardians of the pupils enrolled in the empowerment school may submit a written petition to the board of trustees of the school district for the conversion of the school to a charter school. Any such petition must comply with and is subject to the provisions of sections 3, 3.5 and 4 of this act applicable to a petition for conversion to an empowerment school, except that:***

(a) The petition must be submitted to the board of trustees on or before December 1 of the third year during which the school is rated as underperforming after completing 1 school year as an empowerment school, unless December 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before December 1 that is not a Saturday, Sunday or legal holiday; and

(b) The board of trustees shall immediately begin the process of converting the underperforming empowerment school to a charter school so that the school may begin to operate as a charter school at the beginning of the next succeeding school year.

2. A school that converts to a charter school must be sponsored by the board of trustees of the school district pursuant to the provisions of this section and NRS 386.490 to 386.610, inclusive.

3. The written charter for a school that converts to a charter school must include all conditions of operation set forth in subsection 4 of NRS 386.520 and provide that the charter school will be the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the school that converts to the charter school.

4. Subject to the provision of NRS 386.549, the initial membership of the governing body of the charter school must be appointed pursuant to regulations adopted by the State Board.

5. A pupil who lives in the attendance zone established pursuant to NRS 388.040 for the school before its conversion to a charter school may be suspended or expelled from or otherwise disciplined by the charter school only pursuant to the provisions of NRS 392.461 to 392.4675, inclusive.

Sec. 6.7. *1. The parents or legal guardians of pupils enrolled in an empowerment school which is converted to a charter school pursuant to a petition submitted pursuant to section 6.5 of this act may ~~[thereafter]~~ , at any time after the conversion, submit a written petition to the board of trustees of the school district to reverse the conversion. Any such petition must comply with and is subject to the provisions of subsection 2 and the provisions of sections 3, 3.5 and 4 of this act applicable to a petition for conversion to an empowerment school.*

2. Only the parents or legal guardians of pupils who live in the attendance zone established pursuant to NRS 388.040 for the school before its conversion to a charter school pursuant to section 6.5 of this act may sign the petition.

3. If the petition submitted pursuant to subsection 1 is determined to be sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution revoking the charter of the school, effective at the beginning of the next succeeding school year.

4. If an empowerment school that is converted to a charter school pursuant to a petition submitted pursuant to section 6.5 of this act is rated as underperforming ~~[by the Department pursuant to the statewide system of accountability for public schools]~~ in 3 consecutive years after beginning to operate as a charter school, the board of trustees shall adopt a resolution revoking the charter of the school, effective at the beginning of the next succeeding school year.

5. A charter school that has its charter revoked pursuant to subsection 3 must begin operating as a public school that is not an empowerment school or a charter school at the beginning of the next succeeding school

year. The conversion of a school from a charter school to a public school that is not a charter school or an empowerment school must be done pursuant to regulations adopted by the State Board and to the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the charter school.

6. Nothing in the provisions of sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act shall be construed to prohibit the revocation, pursuant to the provisions of NRS 386.490 to 386.610, inclusive, of the charter of a school that converts to a charter school pursuant to the provisions of sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act. If the charter of such a charter school is revoked pursuant to the provisions of NRS 386.490 to 386.610, inclusive, the school must be converted pursuant to regulations adopted by the State Board:

(a) To a public school that is not an empowerment school or charter school; and

(b) To the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the charter school.

Sec. 7. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~[~~The~~]~~ ***Except as otherwise provided in sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act, the*** conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.610, inclusive.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection ~~[~~5~~]~~ ***6*** of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 8. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. ~~[~~An~~]~~ ***Except as otherwise provided in sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act, an*** application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing written charters pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, and in accordance with the terms and conditions of the applicable written charter, the performance and compliance of each charter school sponsored by the entity; and

(f) ~~[~~Determining~~]~~ ***Subject to the provisions of sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act, determining*** whether each written charter of a charter school that the entity sponsors merits renewal or whether the renewal of the written charter should be denied or the written charter should be revoked in accordance with NRS 386.530 or 386.535, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve ~~[.]~~ ***or sponsor pursuant to the provisions of sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act;***

(b) The procedure for evaluating charter school applications in accordance with NRS 386.525;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 9. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Public Charter School Authority, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant.

2. A board of trustees of a school district required to sponsor a charter school pursuant to subsection 2 of section 6.5 of this act shall grant a written charter to the school not later than a date determined by the State Board which provides sufficient time for the school to prepare to begin operating as a charter school as provided in subsection 4 of section 4 of this act.

3. The State Public Charter School Authority, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

~~[2.]~~ ***4.*** If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~[3.]~~ ***5.*** If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~[4.]~~ ***6.*** The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

~~[5.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***9, and except for a written charter that is revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of section 6.7 of this act,*** a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 4 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Public Charter School Authority or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

~~[6.]~~ ***8.*** The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

~~[7.]~~ ***9.*** The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

~~[8.]~~ ***10.*** The holder of a written charter that is issued pursuant to subsection ~~[7]~~ ***9*** shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection ~~[7]~~ ***9*** have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 10. NRS 386.530 is hereby amended to read as follows:

386.530 1. Except as otherwise provided in subsection 2, an application for renewal of a written charter may be submitted to the sponsor of the charter school not less than 120 days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

➥ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.

2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

➥ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.

3. Nothing in this section shall be construed to authorize or require a sponsor to renew a charter that has been revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of section 6.7 of this act.

Sec. 11. NRS 386.536 is hereby amended to read as follows:

386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

5. The provisions of this section do not apply to a charter school that has its charter revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of section 6.7 of this act.

Sec. 12. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person employed in a full-time position by the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. ***Except as otherwise provided in subsection 5, an empowerment school that is converted to a charter school pursuant to section 6.5 of this act:***

(a) Shall enroll all pupils who live in the attendance zone established pursuant to NRS 388.040 for the school before it converted to a charter school; and

(b) May enroll pupils who do not live in the attendance zone described in paragraph (a) only if spaces are available for such pupils after the enrollment of all pupils who live in the attendance zone.

4. Except as otherwise provided in subsection ~~[8,]~~ ***9,*** a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

~~[4.]~~ ***5.*** If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~[5.]~~ ***6.*** Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a

homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

~~[6.]~~ ***7.*** The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection ~~[5]~~ ***6*** if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

~~[7.]~~ ***8.*** The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection ~~[5,]~~ ***6,*** require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

~~[8.]~~ ***9.*** This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 13. NRS 386.585 is hereby amended to read as follows:

386.585 ***Except as otherwise provided in subsection 5 of section 6.5 of this act:***

1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.

4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules

governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 14. NRS 386.588 is hereby amended to read as follows:

386.588 1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the

position with the charter school for which the applicant has applied, the governing body of the charter school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

6. The provisions of this section do not apply to a person employed at an empowerment school that is converted to a charter school pursuant to section 6.5 of this act if the person is employed at the school before the adoption of the resolution approving the petition for the conversion of the school to a charter school.

Sec. 15. NRS 386.700 is hereby amended to read as follows:

386.700 As used in NRS 386.700 to 386.780, inclusive, ***and sections ~~[2]~~ 1.5 to 6.7, inclusive, of this act,*** unless the context otherwise requires ~~[~~, "empowerment~~]~~ ***:***

1. "Empowerment school" means a public school operating under an empowerment plan developed pursuant to NRS 386.740 and approved pursuant to NRS 386.745 or 386.750, as applicable.

2. "Underperforming public school" ~~[means a public school which has been rated as underperforming by the Department pursuant to the statewide system of accountability for public schools. The term does not include any public school which is excluded from eligibility for conversion pursuant to]~~ has the meaning ascribed to it in section ~~[2]~~ 1.5 of this act.

Sec. 16. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils.

2. ~~[~~The~~]~~ ***Except as otherwise required pursuant to a petition submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, the*** board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 17. NRS 386.725 is hereby amended to read as follows:

386.725 1. The board of trustees of a school district that participates in the Program of Empowerment Schools may establish policies and procedures for public schools within the school district that wish to ***or are required to*** convert to empowerment schools **,** which may provide for:

(a) The process by which a public school may convert ***or be converted*** to an empowerment school, including, without limitation, the development of an empowerment plan for the school in accordance with NRS 386.740;

(b) Autonomy for the principal of each empowerment school to decide issues relating to the operation of the school, including, without limitation, the school schedule, governance, incentives for employees, staffing, budgeting and the provision of instruction;

(c) The opportunity for empowerment schools within the school district to offer an alternative schedule, including, without limitation, a longer school day or a longer school year, or both, and to offer school during the summer; and

(d) Other matters as deemed necessary by the board of trustees.

2. The board of trustees of a school district that participates in the Program of Empowerment Schools shall adopt policies and procedures which provide for:

(a) Accountability measures designed to ensure that pupils enrolled in an empowerment school are achieving certain goals and standards relating to academic achievement;

(b) The process for the selection of empowerment schools and the approval of empowerment plans for those schools;

(c) The process for renewal of empowerment plans;

(d) The criteria for revocation of an empowerment plan for a school and the procedure for revocation; and

(e) The time period for which empowerment plans will be approved.

3. ***Any policies and procedures adopted by the board of trustees of a school district pursuant to subsection 1 or 2 must not be inconsistent with NRS 386.700 to 386.780, inclusive, and sections ~~[2.]~~ 1.5 to 6.7, inclusive, of this act.***

4. A school district that participates in the Program of Empowerment Schools shall provide a process for a pupil who resides in the school district to attend:

(a) An empowerment school regardless of the school which the pupil is otherwise zoned to attend.

(b) A school that is not an empowerment school if the pupil is zoned to attend a school that converts to an empowerment school.

➥ The board of trustees of a school district must comply with the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., when establishing provisions relating to school choice pursuant to this subsection.

~~[4.]~~ ***5.*** An empowerment school shall:

(a) Enroll first the pupils who are zoned to attend that school.

(b) After the enrollment of pupils pursuant to paragraph (a), if the school has space available, enroll pupils who are not otherwise zoned to attend the school on the basis of a lottery system.

~~[5.]~~ ***6.*** A school district is not required to provide transportation to a pupil who attends a public school which the pupil is not otherwise zoned to attend.

~~[6.]~~ ***7.*** A school district that participates in the Program of Empowerment Schools shall provide a procedure for an empowerment school to obtain a waiver from the requirements and regulations of the board of trustees of the school district. The board of trustees may not waive:

(a) The requirements of a state or federal law or regulation.

(b) A policy or requirement relating to safety, including, without limitation, hiring security personnel and following procedures designed to

ensure the safety of the school, the personnel employed at the school and the pupils.

Sec. 18. NRS 386.730 is hereby amended to read as follows:

386.730 1. Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the Program of Empowerment Schools who wishes to convert to an empowerment school ***, or who is the principal of an underperforming public school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act,*** shall:

(a) Establish an empowerment team for the school; and

(b) Develop an empowerment plan for the school in consultation with:

(1) The empowerment team; and

(2) The school support team, if a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361.

2. The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan for the school without establishing or consulting with an empowerment team. If a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support team. If an empowerment team has not been established pursuant to the exception provided in this subsection, the principal of the school shall carry out the responsibilities and duties otherwise assigned to an empowerment team pursuant to NRS 386.700 to 386.780, inclusive ~~[.]~~ ***, and sections*** ~~[2]~~ ***1.5 to 6.7, inclusive, of this act.***

3. An empowerment team for a school must consist of the following persons:

(a) The principal of the school;

(b) At least two but not more than four teachers and other licensed educational personnel who are employed at the school, selected by a recognized employee organization that represents licensed educational personnel within the school district;

(c) At least two but not more than four employees, other than teachers and other licensed educational personnel, who are employed at the school, selected by an organization that represents those employees;

(d) At least two but not more than four parents and legal guardians of pupils enrolled in the school, selected by an association of parents established for the school;

(e) At least two but not more than four representatives of the community or businesses within the community;

(f) The facilitator of the school support team, if a school support team has been established for the school pursuant to regulations adopted by the State Board pursuant to NRS 385.361; and

(g) Such other persons as may be necessary to meet the requirements set forth in subsection 4.

➥ ***For an underperforming public school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, the parents and legal guardians selected pursuant to paragraph (d) must have signed the petition.***

4. Of the total number of members on an empowerment team for a school:

(a) At least one member must have 5 years or more of experience in school finance;

(b) At least one member must have 5 years or more of experience in school administration or human resources;

(c) At least one member must have 5 years or more of experience in overseeing the academic programs and curriculum for a public school; and

(d) At least one member must have 5 years or more of experience in the collection and analysis of data.

➥ The provisions of this subsection do not require the appointment of four persons if one, two or three such persons satisfy the qualifications.

5. A charter school that wishes to participate in the Program of Empowerment Schools shall comply with the provisions of NRS 386.700 to 386.780, inclusive ~~[.]~~ ***, and sections*** ~~[2]~~ ***1.5 to 6.7, inclusive, of this act.*** If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

Sec. 19. NRS 386.745 is hereby amended to read as follows:

386.745 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, that develops an empowerment plan pursuant to NRS 386.740 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 386.740.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless ~~[~~the~~]~~ ***:***

(a) The empowerment team determines that the school will no longer operate under the plan ~~[~~or the~~]~~ ***;***

(b) The board of trustees of the school district revokes the plan ~~[~~.~~]~~ ***; or***

(c) A petition for reversal of a conversion is filed with respect to the school pursuant to section 6 of this act and determined to be sufficient pursuant to section 4 of this act.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. ~~[~~An~~]~~ ***Except for an empowerment plan relating to a school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, an*** empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. ~~[A]~~ ***Except for a request for a waiver relating to a school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, a*** request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 386.730, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 20. NRS 386.780 is hereby amended to read as follows:

386.780 The State Board ~~[may]~~ ***:***

1. Shall adopt regulations governing the form of a petition filed pursuant to section 2.5, 3, 6 or 6.5 of this act and the verification of the signatures on such a petition.

2. May adopt ***any other*** regulations to carry out the provisions of NRS 386.700 to 386.780, inclusive ~~[.]~~ ***, and sections*** ~~*[2]*~~ ***1.5 to 6.7, inclusive, of this act.***

Sec. 21. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~[5]~~ ***6*** of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those

classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 22. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection ~~[5]~~ ***6*** of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State

Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 23. The provisions of this act do not apply during the current term of:

1. Any contract negotiated pursuant to chapter 288 of NRS which is effective before July 1, 2013, to the extent of any conflict between the contract and the provisions of this act, but do apply to any extension or renewal of such a contract or to any contract entered into on or after July 1, 2013.

2. Any written contract or notice of reemployment accepted and signed pursuant to NRS 391.120 before July 1, 2013, to the extent of any conflict between the contract or notice of reemployment and the provisions of this act, but do apply to any extension or renewal of such a contract or notice of reemployment or to any contract or notice entered into on or after July 1, 2013.

Sec. 24. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 202.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 865.

AN ACT relating to governmental administration; creating the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee; setting forth the membership and advisory duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Advisory Committee on Intergovernmental Relations, a statutory committee whose duties include: (1) fostering effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State; (2) serving as a forum for the discussion and resolution of intergovernmental problems; and (3) conducting certain studies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, "Committee" means the Nevada Advisory Committee on Intergovernmental Relations created by section 3 of this act.***

Sec. 3. ***The Nevada Advisory Committee on Intergovernmental Relations is hereby created.***

Sec. 4. ***The Committee consists of ~~[13]~~ nine members as follows:***

1. ~~[Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate.~~

~~2. Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.~~

~~3.]~~ Three members appointed by the Executive Director of the Nevada Association of Counties, each of whom must be a member of the board of county commissioners of a different county of this State.

~~[4.]~~ 2. Three members appointed by the Executive Director of the Nevada League of Cities, each of whom must be a member of the governing body of a different city of this State.

~~[5.]~~ 3. Three members appointed by the Governor, each of whom must be an employee or authorized representative of a different agency of the Executive Branch of the State Government.

Sec. 5. *1. The term of office of each member of the Committee is 2 years, commencing on July 1 of an odd-numbered year.*

2. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. A member may be reappointed to the Committee.

Sec. 6. *1. Except as otherwise provided in ~~[subsections 2 and 3:]~~ subsection 2:*

(a) The members of the Committee shall elect a Chair and a Vice Chair from among their number by majority vote.

(b) After the initial election, the Chair and the Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year.

2. If the position of Chair or Vice Chair becomes vacant, the members of the Committee shall elect a Chair or a Vice Chair, as appropriate, from among their number by majority vote for the remainder of the unexpired term.

~~[3. A Legislator may not serve as the Chair of the Committee.]~~

Sec. 7. *~~[1. For each day or portion of a day during which a member of the Committee who is a Legislator attends a meeting of the Committee or is otherwise engaged in the business of the Committee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:~~*

~~(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~The compensation, per diem allowances and travel expenses of the members of the Committee who are Legislators must be paid from the Legislative Fund.~~

~~2. While engaged in the business of the Committee, to the extent of legislative appropriation, the members of the Committee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~3. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Committee and perform any work necessary~~

~~*to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:*~~

~~*— (a) Make up the time the member is absent from work to carry out his or her duties as a member of the Committee; or*~~

~~*— (b) Take annual leave or compensatory time for the absence.]*~~ **(Deleted by amendment.)**

Sec. 8. *The Nevada Association of Counties or the Nevada League of Cities, or both, shall provide the Committee with administrative support.*

Sec. 9. *The Committee may, to assist in the completion of its duties and on such occasions as it deems necessary, create an advisory board consisting of:*

1. Members of the Executive Branch of the State Government;

2. Persons involved in the management of a county, city or other municipality;

3. Such other personnel as the Committee determines are needed; or

4. Any combination of the persons described in subsections 1, 2 and 3.

Sec. 10. *1. The Committee shall meet at least once every 3 months and at such other times as the Chair may designate.*

2. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

3. The Committee shall comply with the provisions of chapter 241 of NRS, and all meetings of the Committee must be conducted in accordance with that chapter.

Sec. 11. *1. The Committee shall:*

(a) Foster effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State.

(b) Serve as a forum for the discussion and resolution of intergovernmental problems among the State Government and local governments.

(c) Engage in activities and conduct studies relating to, without limitation:

(1) The structure of local governments;

(2) The functions and powers, including, without limitation, fiscal powers, of local governments;

(3) Relationships among the State Government and local governments;

(4) The allocation of state and local resources; and

(5) Any appropriate legislation to be recommended pursuant to section 12 of this act.

(d) Between legislative sessions, conduct such studies pertaining to particular areas of policy as the Legislature may direct.

2. As used in this section, "local government" has the meaning ascribed to it in NRS 354.474.

Sec. 12. ***On or before July 1 of each even-numbered year, the Committee may submit not more than five recommendations for legislation to:***

1. The person who was the Chair of the Senate Standing Committee on Government Affairs during the immediately preceding session of the Legislature; and

2. The person who was the Chair of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.

Sec. 13. ***On or before July 1 of each year, the Committee shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature, or for transmission to the Legislative Commission if the Legislature is not in session, a report setting forth the activities and findings of the Committee during the previous year. The report submitted on or before July 1, 2016, must include, without limitation, the opinion of the Committee as to whether the Committee should continue to exist.***

Sec. 14. 1. This section and section 4 of this act become effective upon passage and approval for the purpose of appointing members to the Nevada Advisory Committee on Intergovernmental Relations.

2. Sections 1, 2, 3 and 5 to 13, inclusive, of this act become effective on July 1, 2013.

3. This act expires by limitation on June 30, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblymen Dondero Loop and Stewart.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 287 authorizes a court-ordered admission of certain persons with mental illness to a community-based program for outpatient services under certain circumstances. Among other conditions, the person must be at least 18 years old, have a history of noncompliance with treatment for mental illness, and be capable of surviving safely in the community with available supervision. If the person who is involuntarily admitted to such a program fails to participate or carry out the treatment plan, the professional responsible for providing the program may seek a court order requiring a peace officer to take into custody and

deliver the person to the appropriate location for an evaluation from the Division of Mental Health and Developmental Services of the Department of Health and Human Services. Additionally, the bill requires the person or responsible relative to pay costs relating to an involuntary admission to a program of community-based or outpatient services.

I would just like to note that this policy, if passed out today, is fully funded, and this is a very important piece to our court program for our mentally ill.

ASSEMBLYMAN STEWART:

I rise in support of Assembly Bill 287. Assembly Bill 287 has been a long time in coming. This is the third time we have brought it before this group, and I would especially like to thank the chair of Health and Human Services and the chair of Ways and Means and my colleague from Assembly District 21 for their support in this. This bill will aid a group of individuals who very badly need additional support. I urge your support and thank all those who have contributed to the passage of this bill.

Roll call on Assembly Bill No. 287:

YEAS—34.

NAYS—Carrillo, Cohen, Diaz, Flores, Neal, Spiegel, Swank—7.

EXCUSED—Pierce.

Assembly Bill No. 287 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 336.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 336, allows an owner of a recreational trailer the option of registering their trailer for a three year period as well as allowing semitrailers to make a one-time flat registration fee.

Roll call on Assembly Bill No. 336:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 336 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 412 modifies the pre-session training for new legislators to address upcoming policy issues. It requires written notification of the training to candidates, and allows for alternate means of recording and completing training sessions. With respect to bill draft requests [BDR], the measure reduces the number that may be requested by legislators and moves the first deadline for submitting BDRs from September 1 to August 1 of an even-numbered year. Deadlines for submittal of details for drafting are also moved to be consistent with these changes

in the request deadlines, and in the case of interim committees and studies, the detail deadline is moved to November 1 prior to a session year. The formula for distributing BDRs to standing committee chairs is modified to reduce the number of BDRs, and the allocation of BDRs to the Legislative Commission is reduced from 15 to 10. Fifty of the 100 BDRs allocated to the Governor and Executive Branch must be submitted by July 1 in an even-numbered year, and the allocations to the constitutional officers are increased. A new category is created for cities with a population between 150,000 and 500,000, and these cities are allocated two BDRs. Finally, the allocations to mental health consortia and interagency child welfare committees are eliminated.

I think a lot of praise needs to be sung for this bill, both to the vice chair of Legislative Operations and Elections and to yourself, Madam Speaker. I think this bill will lead to increased efficiency. I think it is considerate of all of the hard working staff in our Legal Division and there will be fewer bill draft requests. But I think we will have a much more efficient process, and we are going to have quality instead of quantity. I do urge this body's support.

Roll call on Assembly Bill No. 412:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 412 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise I support of Assembly Bill 435. This bill makes changes to the assessment to fund the Special Investigative Account and revises requirements related to assuming reinsurance. The bill allows the Commissioner of Insurance to exempt certain domestic insurers and prepaid limited health service organizations from risk-based capital reports. It also makes changes to the Nevada Life and Health Insurance Guaranty Association by specifying that the Association is not required to cover certain policies and contracts related to Medicare and to revise the amounts of certain benefits. It does go on to address other modernization issues in the Department of Health Insurance. I am happy to answer any other questions.

Roll call on Assembly Bill No. 435:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 435 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 466. Assembly Bill 466, as amended requires the Executive Director of the Department of Taxation to prepare and send a report of tax

expenditures to the Governor and Legislature on or before November 10th of even numbered years. The report must include certain information regarding each tax expenditure including a description of the tax expenditure, the year the tax expenditure was enacted, the purpose of the tax expenditure, any subsequent amendments to the tax expenditure and, to the extent that the pertinent information is available, estimates of the following. The fiscal impact of the tax expenditure on both state and local government, the number of taxpayers benefiting from the tax expenditure, and the revenue that would result from the repeal of the tax expenditure.

Assembly Bill 466 is effective upon passage and approval.

Roll call on Assembly Bill No. 466:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 466 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 27 requires the Attorney General to provide for the defense of a present or former state judicial officer or any other person named as a defendant in a civil action solely because of an alleged act relating to the public duties of a state judicial officer, employee, immune contractor, or legislator. The bill imposes a similar duty on the legal representative of a local government concerning the defense of local judicial officers, present or former employees, and others named as defendants.

Senate Bill 27 also prohibits the following tort actions, unless the state or local government is named as a party: (1) an action against a local or state judicial officer arising from an act within the scope of the person's public duties; and (2) an action against a defendant arising solely from an act relating to the public duties of a local or state judicial officer, local, or state employee, immune contractor, or legislator.

This measure also provides that it is unlawful, in exchange for compensation, to solicit a tort victim to employ an attorney at the scene of a traffic accident or a city or county jail or detention facility or to conspire with another person to solicit a tort victim in these places.

Roll call on Senate Bill No. 27:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 27 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblymen Daly, Hansen, Carlton, Flores, and Ellison.

ASSEMBLYMAN DALY:

Senate Bill 72 prohibits a person from intentionally engaging in horse tripping for sport, entertainment, competition, or practice. In addition, a person shall not knowingly organize, sponsor, promote, oversee, or receive money for the admission to a charreada or rodeo that includes horse tripping. The bill defines horse tripping and provides that the term does not include tripping a horse or other equine animal in order to provide medical or other health care. The term also does not include catching an equine animal by the leg and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is held.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Bill 72. This bill deals with an obscure event that, in fact, almost none of us have even seen. It is a safe target calling it horse tripping when, in fact, anyone who has observed it—this is actually an art form practiced by Mexican cowboys as part of their livestock culture. In fact, what they do does not harm horses intentionally and will not. Horses are very valuable animals worth thousands of dollars, and they know that as well as we do. I know from observing the websites of the organizations that have been so active in the opposition to this, that they in fact want to outlaw all rodeos. They have lots of things on their website attacking American rodeos as well. However, I would point out that the National Finals Rodeo [NFR] brings in approximately $350 million for Clark County, about $50 million comes to Washoe County from the Reno Rodeo, and I suspect for the Mexican community this is also equally important to them. We should not be passing laws based on extremely biased observations from people talking about something that we, in fact, know nothing about. I think we should support the Mexican cowboy culture, recognizing that they, in fact, know what they are doing. They are not visibly harming horses, and we should recognize that the people that are in opposition to this are, in fact, consistently opposed to all forms of rodeo, not just this. I would urge this body to support the Mexican rodeo people and vote no on S.B. 72.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 72. Despite what my colleague from Reno may think—I am not just doing this to counter his argument—but the statement that no one has seen this, I can say that I have seen it many times in my district, when I was in the Senate. We have a number of rancheros up the hills off of Sunrise Mountain. In the middle of the night, there would be these rodeos. We would call code enforcement; we would call the county, the city, whoever we could get to come out. They were loud, they were noisy, and yes, they were illegal being there, but because they were there, I did see them. I do support rodeos. I have been to the NFR and I have enjoyed it, but there is a line between professional and amateur. When we allow something like this to go too far, not only do the horses get hurt, but people get hurt. And I have seen that. That is the reason I'm supporting S.B. 72.

ASSEMBLYWOMAN FLORES:

Senate Bill 72, in addition to the facts that my colleague has pointed out, only deals with intentional horse tripping. It deals with the act of intending to fell the animal. It also requires, where a county has a permitting process, to also have a permit. So this actually strengthens the current local ordinances that are in place, and it also deals only with, again, the intentional act. This does not hurt tradition, it does not hurt rodeoing, it does not hurt a very important practice for our state and our Western culture. I am, as everyone knows, a very active voice for the Hispanic community, and while I appreciate my colleague's concern for the Mexican-American community, I have worked for the last four months on this measure, and I can assure you that we very much have taken into account the cultural and traditional practices of roping horses, both in Western culture and, of course, in the Hispanic culture, and I do very much appreciate the support for this bill.

ASSEMBLYMAN ELLISON:

I stand in opposition. I have grown up on a ranch most of my life and been around most Spanish rodeos and rodeos. As we move cows, we are always roping each other—not to hurt a horse, never to trip a horse, but just part of our goofing around. Other people have seen this and might have thought we went too far. I am happy that my colleagues worked on this and cleaned this bill up. They did a lot of work, but still it is a threat.

Roll call on Senate Bill No. 72:

YEAS—33.

NAYS—Ellison, Fiore, Hambrick, Hansen, Hardy, Hickey, Oscarson, Wheeler—8.

EXCUSED—Pierce.

Senate Bill No. 72 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 131 authorizes the personal representative of a decedent to direct the termination of any account on any website providing social networking or web log, microblog, short message, electronic mail service, or other similar electronic or digital assets of the decedent. A personal representative is not authorized through this measure to direct the termination of any financial account of the decedent, including, without limitation, a bank account or investment account.

Roll call on Senate Bill No. 131:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 131 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 177 authorizes a board of county commissioners to adopt an ordinance prohibiting a child who is under the age of 18 from purchasing or attempting to purchase tobacco products, possessing or attempting to possess tobacco products, using tobacco products, or falsely representing his or her age to purchase, possess, or obtain tobacco products. A peace officer may detain a child for a violation of such an ordinance and issue a citation, but the officer must not take the child into physical custody. A citation may be issued to a child who is an occupant of a vehicle, but only if the violation is discovered when the vehicle is halted for another alleged violation or offense.

Roll call on Senate Bill No. 177:

YEAS—40.

NAYS—Hansen.

EXCUSED—Pierce.

Senate Bill No. 177 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblyman Bobzien and Madam Speaker.

ASSEMBLYMAN BOBZIEN:

Senate Bill 229 repeals most of the provisions of S.B. 271 of the 2011 Legislative Session, including the change in vote requirements for the Tahoe Regional Planning Agency's (TRPA's) Governing Board and Nevada's certain withdrawal from the Tahoe Regional Planning Compact (Compact) dependent on certain actions by the state of California and the United States Congress. This repeal occurs upon enactment of legislation by the state of California that is effective on or before January 1, 2014

Two years ago, I spoke against S.B. 271, the bill that set a timetable for Nevada's withdrawal from four decades of bi state cooperation to protect one of our nation's most treasured places, Lake Tahoe. At the time of passage, proponents told us about the need to update the regional plan to restart environmentally sustainable economic development and to spur greater cooperation among all the interests at the lake. While I agreed with those goals, I believed, as did so many others that voted against it, that setting a timetable for withdrawal from the Compact—the very form for cooperation—was a horrible way to bring people together. During the interim, interests including myself, you Madam Speaker, businesses, environmental advocates, and many others in this room forged new relationships and lines of communication necessary to work for the Lake. A compromise regional plan update, where all sides had to give a little, was achieved. Despite this progress, many of the other remaining provisions of S.B. 271 remained unmet and therefore, it continued us down the wrong path for withdrawal from the Compact.

I do want to note something for the record. There is some existing state law that allows for the Governor to withdraw from the Compact upon a conclusive finding that the Tahoe Regional Planning Agency has become unable, for lack of money or for any other reason, to perform its duties or to exercise its powers as provided in the compact. This was a statute enacted in 1979 and would still be in place upon a conclusive—and I would add challengeable—finding on the part of the Governor. But Madam Speaker and members of the body, what you see before you is a compromise solution that moves us forward into the next chapter of cooperation at the Lake. We have found new ways to cooperate, and S.B. 229's repeal of the timetable for withdrawal sends a strong message that Nevada supports working together with California to protect the Lake. Passage of S.B. 229 recommits us to the Compact and will make sure that for future generations of Nevadans, we will keep Tahoe blue.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I will tell you, it was interesting working across state lines, party lines, and house lines to do something that was good for Nevada for the long term. Tahoe is a natural beauty that we have to be proud of in our state, and I am glad that everybody could come together to work together. What I would tell you is that we are pretty far advanced technology wise. I have learned that in this whole process because when I knew about Face Time and Skype and videoconferencing, the

other state said "What?" I felt like I knew something, and the chairman of Commerce and Labor would be proud of me. It was great to have to work with them and have good old fashioned phone conferences to do what is right for both states. So I am glad that Tahoe will stay blue, we have good compromise, and I appreciate the governors working together as well.

Roll call on Senate Bill No. 229:

YEAS—40.

NAYS—Wheeler.

EXCUSED—Pierce.

Senate Bill No. 229 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 230 requires the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial located on the Capitol Complex that is dedicated to Nevada's fallen soldiers. The bill requires the American Legion Department of Nevada, or its successor organization, to establish a committee, in consultation with volunteers and the Nevada Veterans Services Commission, to design the memorial. The design must be submitted to the Administrator and the Commission for approval, and the Commission shall determine the criteria for the placement of names on the memorial.

This also creates the Nevada Fallen Soldier Memorial Gift Account in the State General Fund to be administered by the Executive Director for Veterans Services and to be used for the design, construction, installation, and maintenance of the memorial. It also authorizes the Executive Director and the Deputy Executive Director for Veterans Services to accept donations, gifts, or grants of money from any source for deposit to the Account.

Roll call on Senate Bill No. 230:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 230 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 262 prohibits the operation of a vehicle upon a state highway if the vehicle is equipped with a dynamic display unless the vehicle is equipped with technology that prevents the screen content from changing when the vehicle is in motion, in a turnout, or in any other location where changing the content may cause an undue distraction to other drivers. This bill also prohibits the use of such displays to project or otherwise show moving images, information, or other content.

Roll call on Senate Bill No. 262:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 262 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 267 prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment. The measure requires an owner or operator to ensure that a qualified person be present at the establishment during operating hours and that each user be aware of and use certain safety equipment. Also, a person is prohibited from using the equipment unless he or she signs a statement of acknowledgment and uses protective eyewear while tanning. An owner or operator must conspicuously post a warning sign informing users of certain safety procedures that must be followed while using the equipment. The measure establishes civil penalties for failing to post such signs.

A physician who prescribes the use of a phototherapy device, as well as any person prescribed the use of such a device by a physician, is exempt from these provisions. This bill becomes effective on July 1, 2013

We have heard concerns expressed about a customer presenting a fake ID. I would like to put on the record that we do have laws on the books that address this as far as people underage trying to purchase cigarettes or alcohol, and I would have assumed that it would be addressed the same in Ways and Means. I hope that, being an employee for many years who sometimes did get fake IDs and ended up getting in a little trouble, we would never punish the employee for such a thing—that we would look at it in the global picture of how the laws are set up now, because some of these fake IDs are very good. We would want to make sure that we would not be punishing the wrong person.

Roll call on Senate Bill No. 267:

YEAS—25.

NAYS—Paul Anderson, Benitez-Thompson, Duncan, Ellison, Fiore, Grady, Hansen, Hardy, Hickey, Kirkpatrick, Kirner, Livermore, Neal, Oscarson, Wheeler, Woodbury—16.

EXCUSED—Pierce.

Senate Bill No. 267 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 269.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 269 requires students to attend school in order to obtain and keep a driver's license. The measure sets forth reporting requirements for tracking habitual truants and provides that school principals or their designee supply a written statement verifying pupil attendance or indicating that a student has a hardship cause for driving, despite being habitually truant.

I really like this bill, personally, as a mom. Both of my daughters' driving privileges were dictated upon their GPAs, so I urge the passage of this bill.

Roll call on Senate Bill No. 269:

YEAS—26.

NAYS—Bustamante Adams, Carlton, Ellison, Flores, Grady, Hambrick, Hansen, Hardy, Hickey, Horne, Kirner, Livermore, Ohrenschall, Oscarson, Wheeler—15.

EXCUSED—Pierce.

Senate Bill No. 269 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 301 requires a county treasurer to assign a tax lien against a parcel of real property upon which taxes have become delinquent if the property owner enters into a written agreement with the assignee of the lien. The assignee of the lien must pay to the county treasurer an amount equal to the delinquent taxes assessed against the property, as well as any accrued penalties, interest, fees, and costs.

This just allows a person who has gotten behind on his finances an additional way to pay their property taxes without incurring additional fines and fees.

Roll call on Senate Bill No. 301:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 301 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 302 provides that if a taxicab company regulated by the Nevada Transportation Authority requires an employee to submit to a drug test and if they are tested pre-employment and fail, those tests will not be reported to the agency. Failed test results will only stay with the agency up to a year.

Roll call on Senate Bill No. 302:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 302 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that Senate Bill No. 314 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 319.

Bill read third time.

Remarks by Assemblyman Grady.

ASSEMBLYMAN GRADY:

Senate Bill 319, in its third reprint, authorizes a physician to substitute not more than two hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

The State Board of Osteopathic Medicine is required to have its licensees, as part of the continuing education requirements approved by the Board, complete at least two hours of credit in pain management and addiction care biennially.

Roll call on Senate Bill No. 319:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 319 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 321.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 321 requires the lender of a residential mortgage loan to notify the borrower about foreclosure prevention alternatives at least 30 days before recording a notice of default [NOD]. The lender must also contact the borrower or make a good faith effort to do so before recording an NOD to explore options to avoid a foreclosure sale and must provide the borrower with information on foreclosure prevention alternatives not later than five business days after recording the NOD.

Senate Bill 321 requires a lender to acknowledge an application for a foreclosure prevention alternative within 5 business days of receipt, allow a borrower 30 days to correct an incomplete application, and provide a single point of contact for the borrower. If the borrower submits an application for a foreclosure prevention alternative, the bill prohibits the lender from recording an NOD during the period in which the application is being processed—the practice known as "dual-tracking"—and this bill requires the servicer to submit an offer or a denial to the borrower within 30 days.

There is a lot more I can say about this bill, but I definitely want to praise the Assemblyman from southwest Las Vegas and the freshman Senator from southwest Las Vegas. I think they both worked hard to try to keep people in their homes where there is still a chance that people could save their homes. I urge your support.

Roll call on Senate Bill No. 321:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 321 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Senate Bill 364 removes the January 1, 2017, deadline by which governmental agencies are required to ensure that personal information contained in documents submitted to an agency prior to 2007 is either kept confidential or removed from the documents. In regards to removing personal information from documents, governmental agencies are required to do so within the limits of the available resources.

The bill also revises provisions concerning branch offices where marriage licenses may be obtained in a county with a population of 700,000 or more, currently Clark County, such that the county commission may, at the clerk's request, designate up to five branch offices where marriage licenses may be issued.

Finally, S.B. 364 revises a prohibition against soliciting marriage ceremonies while on county courthouse property to apply to any county property where marriage licenses are issued, and technical revisions are made changing the word "revoked" to "removed" and the word "copies" to "original" in several places.

Roll call on Senate Bill No. 364:

YEAS—40.

NAYS—Hickey.

EXCUSED—Pierce.

Senate Bill No. 364 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 383.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Senate Bill 383 revises provisions governing time shares. The measure requires a developer of a time share to file a public offering statement with the Real Estate Division of the Department of Business and Industry as part of the permit application process. The measure specifies the disclosures and other information that must be included in the public offering statement. The measure also provides that before a contract for a time share is signed by the parties, the developer or his or her agents must provide a copy of the approved public offering

statement and an addendum covering any amendments submitted for approval to the prospective purchaser.

In my professional practice, I deal with a lot of people who are trying to buy and sell timeshares. This is a wonderful bill. It takes in a lot concerns of anti-fraud provisions, and I certainly urge its passage.

Roll call on Senate Bill No. 383:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 383 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 425.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 425 authorizes the Nevada Gaming Commission to establish a study group to review issues related to offering rebates on pari-mutuel wagers. The Commission is authorized to consider any findings of the study group in determining whether to adopt regulations to exempt refunds, rebates, payoffs, or bonuses from the existing statute prohibiting them.

Roll call on Senate Bill No. 425:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 425 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 427 revises the definition of bullying and cyber-bullying to include harassment and intimidation, and it removes the separate references to harassment and intimidation throughout the statutes concerning a safe and respectful learning environment in public schools.

Roll call on Senate Bill No. 427:

YEAS—40.

NAYS—Hickey.

EXCUSED—Pierce.

Senate Bill No. 427 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:40 p.m.

ASSEMBLY IN SESSION

At 2:11 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 210, 220, 280, and 327 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 862.

AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers to obtain a driver's permit issued by the Nevada Transportation Authority; imposing a fee for such a permit; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791) This bill requires a person who wishes to be employed or enter into a contract or lease as a driver for certain motor carriers to obtain a driver's permit issued by the Authority. This bill also establishes the requirements and procedures to obtain such a permit.

Under existing law, the provision of "charter service by bus" is regulated by the Nevada Transportation Authority and a person wishing to provide intrastate charter service by bus is required to obtain a certificate of public convenience and necessity from the Authority, and is

prohibited from engaging in certain acts. (NAC 706.034, 706.1377, 706.352, 706.355) The regulation of charter service by bus in the Nevada Administrative Code is not affected by the provisions of this bill requiring certain drivers to obtain a driver's permit issued by the Authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. A person shall not drive a charter bus*** ~~*[,]*~~ ***for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.***

2. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and may further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. The Authority may refuse to issue a driver's permit if:

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(b) After further investigation into the applicant's background, if any, the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed $50.

(c) For the renewal of a driver's permit, a fee not to exceed $50.

6. As used in this section, "charter bus transportation" means transportation by bus of a group of persons who, pursuant to a common purpose and under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. The term does not include:

(a) The transportation of passengers and their baggage in the same vehicle for a per capita charge between airports or between an airport and points and places in this State;

(b) The transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sight-seeing or visiting those points of interest where a narrated tour is presented to the passengers; or

(c) The transportation of persons who have acquired the use of a vehicle for a special event between definite points of origin and destination, at a per capita rate.

Sec. 3. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a driver's permit pursuant to section 2 of this act shall:*

(a) Include the social security number of the applicant in the application submitted to the Authority.

(b) Submit to the Authority the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human

Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Authority shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Authority shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 4. ***1. If the Authority receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Authority shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 5. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;
2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or
3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 7. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2, 3 and 4 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

Sec. 8. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 9. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2, 3 and 4 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 10. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2, 3 and 4 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2, 3 and 4 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2, 3 and 4 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2, 3 and 4 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2, 3 and 4 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 11. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

2. Sections 3 and 4 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 220.

Bill read third time.

The following amendment was proposed by Assemblyman Eisen:

Amendment No. 861.

AN ACT relating to professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain licensing boards to law enforcement agencies; requiring, to the extent feasible, certain licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; revising provisions relating to schools of cosmetology; providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine,

dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, 62, 69, 76, 86, 91.5 and 106 of this bill authorize a member or any agent of the various licensing boards to [~~: (1)~~] enter any premises in this State where a person who holds a license, certificate or permit issued by that board practices his or her profession pursuant to the license, certificate or permit and inspect the premises to determine whether any violation of existing law governing the profession has occurred[~~; and (2) enter, with the cooperation of the appropriate law enforcement agency, any other premises in this State where there is probable cause to believe that a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit without having done so to determine whether the person holds the appropriate license, certificate or permit issued by that board.~~]

Sections 9, 15, 21, 31, 37, 42, 51, 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 20.3, 20.7, 22, 26, 29, 36, 41, 47, 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards, unless the board determines that extenuating circumstances exist, to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. **Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, 60.7, 65, 72, 80, 87, 94, 101 and 108** of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, 22, 28, 33, 39, 45, 50, 66, 73, 79, 81-84, 89 and 95 of this bill revise existing criminal penalties for the unlicensed practice of certain professions and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. **Section 110** of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) **Section 1** of this bill extends this protection from disclosure to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such information to be kept confidential by the licensing board in whose possession the information is held.

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

Section 60.3 of this bill authorizes the Board of Dispensing Opticians to investigate the actions of any licensee of the Board that may constitute grounds for certain disciplinary actions.

Section 98.5 of this bill requires the State Board of Cosmetology to take such actions as it determines are reasonable to enable schools of cosmetology to receive certain federal money. **Section 100.5** of this bill revises provisions governing the licensing of schools of cosmetology.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 622.310 is hereby amended to read as follows:

622.310 ***1.*** If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~[to]~~ ***:***

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 1.5. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***Any member or agent of the Board may*** ~~*[:*~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter*** ***.*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that medicine, perfusion or respiratory care is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 3. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 3.5. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[may]~~ ***:***

1. May adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:

(a) The qualifications and training required for administration; and

(b) The manner and place of administration.

Sec. 4. ~~[NRS 630.307 is hereby amended to read as follows:~~

~~630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against [a physician, perfusionist, physician assistant or practitioner of respiratory care] *any person who is within the jurisdiction of the Board or any other licensing board* on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of~~

~~the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.~~ ***~~If the Board determines that the person who is the subject of the complaint does not hold a license issued by the Board or any other licensing board, the Board shall determine whether the person who is the subject of the complaint has engaged in the practice of medicine, perfusion or respiratory care. If the Board determines that the person:~~***

~~***(a) Has engaged in the practice of medicine, perfusion or respiratory care, the Board may proceed with any investigation of, or action or disciplinary proceeding against, the person; or***~~

~~***(b) Has not engaged in the practice of medicine, perfusion or respiratory care, the Board shall refer the complaint to the licensing board that the Board determines is appropriate to consider the complaint.***~~

~~2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.~~

~~3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.~~

~~4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:~~

~~(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or~~

~~(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.~~

~~5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society~~

~~failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.~~

~~6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:~~

~~(a) Is mentally ill;~~

~~(b) Is mentally incompetent;~~

~~(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;~~

~~(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or~~

~~(e) Is liable for damages for malpractice or negligence,~~

~~within 45 days after such a finding, judgment or determination is made.~~

~~7. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.~~

~~8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.~~

~~*9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. ~~[This section does not prevent or prohibit the]~~ ***The*** Board ~~[from communicating or cooperating with]~~ ***shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to*** any other licensing board or agency or any agency which is investigating a ~~[licensee,]~~ ***person,*** including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 ~~[A]~~

1. It is unlawful for any person ~~[who:]~~ ***to:***

~~[1. Presents]~~

(a) Present to the Board as his or her own the diploma, license or credentials of another;

~~[2. Gives]~~

(b) Give either false or forged evidence of any kind to the Board;

~~[3. Practices]~~

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely ~~[personates]~~ ***personate*** another licensee;

~~[4.]~~ ***(d)*** Except as otherwise provided by a specific statute, ~~[practices]~~ ***practice*** medicine, perfusion or respiratory care without being licensed under this chapter;

~~[5. Holds]~~

(e) Hold himself or herself out as a perfusionist or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~[7. Holds]~~

(g) Hold himself or herself out as a practitioner of respiratory care or ~~[uses]~~ ***use*** any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board ***.*** ~~[,~~

~~➥]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ***; or***

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board*** ***.*** ~~[; and~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[:~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices homeopathic medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter .*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that homeopathic medicine is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 8. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ***Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.***

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 10. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 630A.600 is hereby amended to read as follows:

630A.600 ***1.*** Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include*** ***a telephone number with which the person may contact the Board*** ***.*** ~~*[; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***Any member or agent of the Board may*** ~~[:~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter*** ***.*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that dentistry or dental hygiene is being practiced without the*~~

~~*appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 14. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.***

Sec. 15. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for ~~[refusal, suspension or revocation of a license or certificate under this chapter,]~~ ***initiating disciplinary action,*** investigate the actions of any person ~~[holding a certificate.]~~ ***who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Board shall, before ~~[refusing to issue, or before suspending or revoking any certificate,]~~ ***initiating disciplinary action,*** at least 10 days before the date set for the hearing, notify ***the accused person*** in writing ~~[the applicant or the holder of the certificate]~~ of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board **[**~~may~~**]** ***shall, to the extent feasible, communicate or cooperate with or*** provide any record or information described in subsection 1 to any other licensing board or **[**~~agency or~~**]** any ***other*** agency **[**~~which~~**]** ***that*** is investigating a person **, [**~~licensed pursuant to this chapter,~~**]** including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or

other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must [:

~~(1) Include]~~ ***include a telephone number with which the person may contact the Board . [; and***

~~(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1, 2 or 3.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may [:

~~1. Enter]~~ ***enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices nursing or as a nursing assistant or medication aide - certified and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter . [;***

~~2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to~~

~~*believe that nursing is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. NRS 632.285 is hereby amended to read as follows:

632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. ~~[The]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 20.7. NRS 632.291 is hereby amended to read as follows:

632.291 1. Any person who practices or offers to practice as a medication aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide - certified as provided in this chapter.

2. It is unlawful for any person to practice or to offer to practice as a medication aide - certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide - certified in this State unless the person is certified as a medication aide - certified pursuant to the provisions of this chapter.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

4. ~~[The]~~ ***Unless the Executive Director of the Board determines that extenuating circumstances exist, the*** Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

Sec. 21. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, nursing assistant or medication aide - certified against whom the complaint is filed, and the Board is unable to identify the licensee, nursing assistant or medication aide - certified, the Board shall request that the employer of the licensee, nursing assistant or medication aide - certified provide to the Board the complete name of the licensee, nursing assistant or medication aide - certified. The employer shall provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, nursing assistant or medication aide - certified shall provide to the Board, upon its request, the record of the work assignments of any licensee, nursing assistant or medication aide - certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. ~~[Any]~~ ***It is unlawful for any*** person ~~[who:]~~ ***:***

(a) ~~[Practices]~~ ***To practice*** or ~~[offers]~~ ***offer*** to practice nursing in this State or ~~[uses]~~ ***use*** any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) ~~[Does]~~ ***Who does*** not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter ~~[who practices]~~ ***to practice*** or ~~[offers]~~ ***offer*** to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing **.** ~~[,~~
~~➥ is guilty of a misdemeanor.]~~

3. ***A person who violates any provision of subsection 2:***

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,
➥ and shall be punished as provided in NRS 193.130.

4. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

~~[4. The]~~

5. Unless the Executive Director of the Board determines that extenuating circumstances exist, the Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 23. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the

Board when determining whether to impose disciplinary action are public records.

3. ~~[This section does not prevent or prohibit the]~~ ***The*** Board ~~[from communicating or cooperating with]~~ ***shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to*** another licensing board or any agency that is investigating a ~~[licensee,]~~ ***person,*** including a law enforcement agency.

Sec. 24. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. ***Any member or agent of the Board may*** ~~*[:*~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter*** ***.*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that osteopathic medicine is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 26. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 27. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate

disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 28. NRS 633.741 is hereby amended to read as follows:

633.741 ~~[A]~~

1. It is unlawful for any person ~~[who:~~

~~1.]~~ ***to:***

(a) Except as otherwise provided in NRS 629.091, ~~[practices:~~

~~(a)]~~ ***practice:***

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

~~[(b)]~~ ***(2)*** As a physician assistant without a valid license under this chapter; or

~~[(c)]~~ ***(3)*** Beyond the limitations ordered upon his or her practice by the Board or the court;

~~[2. Presents]~~

(b) Present as his or her own the diploma, license or credentials of another;

~~[3. Gives]~~

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

~~[4. Files]~~

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

~~[5. Practices]~~

(e) Practice osteopathic medicine or ~~[practices]~~ ***practice*** as a physician assistant under a false or assumed name or falsely ~~[personates]~~ ***personate*** another licensee of a like or different name;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[who uses]~~ ***use*** any other term indicating or implying that he or she is a physician assistant,

unless the person has been licensed by the Board as provided in this chapter; or

~~[7. Supervises]~~

(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter ***.*** ~~[.~~

~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ***; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board*** ***.*** ~~[; and~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 29. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice chiropractic or as a chiropractor's assistant

without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 30. NRS 634.043 is hereby amended to read as follows:

634.043 1. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

2. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

~~[(c) Enter]~~

3. The Board or any agent of the Board may ~~*[:*~~

~~*(a) Enter]*~~ ***enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices chiropractic or as a chiropractor's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter .*** ~~*[; and*~~

~~*(b) With the cooperation of the appropriate law enforcement agency, enter]*~~ ~~[and inspect]~~ ~~[any]~~ ~~[chiropractic office]~~ ~~*[other premises in this State where there is probable cause to believe that chiropractic is being practiced]*~~ ~~[in order to enforce the provisions of this chapter.]~~ ~~*[without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 31. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed ***or who performs any act for which a license or certificate is required*** pursuant to the provisions of this chapter.

2. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.***

3. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 33. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise

demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must [:

~~(1) Include]~~ ***include a telephone number with which the person may contact the Board .*** *~~[; and~~*

~~(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***Any member or agent of the Board may [:***

~~1. Enter]~~ ***enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter .*** *~~[; and~~*

~~2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that Oriental medicine is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.]~~

Sec. 36. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.***

Sec. 37. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[doctor of]~~ ***person who practices*** Oriental medicine is filed with the Board, the Board shall review the complaint. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*** If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 38. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 39. NRS 634A.230 is hereby amended to read as follows:

634A.230 ***1.*** Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board*** ***.*** ~~[; and~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 634A.250.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice podiatry or as a podiatry hygienist***

without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 42. ***Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 43. NRS 635.035 is hereby amended to read as follows:

635.035 ***1.*** The Board may:

~~[1.]~~ ***(a)*** Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[2.]~~ ***(b)*** Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may ~~[:~~

~~(a) Enter]~~ ***enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices podiatry or as a podiatry hygienist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter .*** ~~[; and~~

~~(b) With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that podiatry is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.]~~

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 ***1.*** Any person who:

~~[1.]~~ ***(a)*** Presents to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ ***(b)*** Gives either false or forged evidence of any kind to the Board;

~~[3.]~~ ***(c)*** Practices podiatry under a false or assumed name or falsely personates another licensee;

~~[4.]~~ ***(d)*** Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~[5.]~~ ***(e)*** Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board*** ~~*. [; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person

must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of NRS 635.130.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 46. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 47, 48 and 49 of this act.

Sec. 47. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to the provisions of this chapter.***

Sec. 48. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.***

Sec. 49. ***A member or any agent of the Board may*** ~~*[:*~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices optometry and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing optometry without a license issued pursuant to the provisions of this chapter .*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that optometry is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.]*~~

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[No]~~

1. A person shall ***not*** engage in the practice of optometry in this State unless:

~~[1.]~~ ***(a)*** The person has obtained a license pursuant to the provisions of this chapter; and

~~[2.]~~ ***(b)*** Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board .*** ~~[; and~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing **.** ~~[and signed and verified by the person making it.]~~ The original complaint and two copies must be filed with the Executive Director. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 52. NRS 636.325 is hereby amended to read as follows:

636.325 1. Upon conclusion of the hearing, or waiver thereof by the ~~[licensee]~~ ***person*** against whom the charge is filed, the Board shall make and announce its decision. If the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee;

(b) Place the licensee on probation for a specified or unspecified period;

(c) Suspend the licensee from practice for a specified or unspecified period;

(d) Revoke the licensee's license; or

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.

➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.

2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.

3. The Board shall not ~~[~~privately~~]~~ ***issue a private*** reprimand ***.*** ~~[~~a licensee.~~]~~

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.3. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available for that purpose, the Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.

2. The Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 60.7. NRS 637.085 is hereby amended to read as follows:

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section and NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. Chapter 637A of NRS is hereby amended by adding thereto the provisions set forth as sections 62 and 63 of this act.

Sec. 62. ***A member or any agent of the Board may*** ~~[:~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter*** ~~*. [; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 63. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 64. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the Board. The Board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.

2. A complaint made against any licensee charging one or more of the causes for which his or her license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

3. The complaint must be made in writing and ***may*** be ~~[signed and verified by]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to*** the person ~~[making it.]~~ ***who is the subject of the complaint.***

4. The Board, on its own motion, may investigate the activities of an applicant for or a holder of a license issued pursuant to this chapter at any time.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 65. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 66. NRS 637A.352 is hereby amended to read as follows:

637A.352 ***1.*** A person shall not engage in the business of a hearing aid specialist unless the person:

~~[1.]~~ ***(a)*** Holds a license issued by the Board; or

~~[2.]~~ ***(b)*** Is exempted from the provisions of this chapter by NRS 637A.025.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~(1) Include]~~ ***include a telephone number with which the person may contact the Board*** ~~[; and~~

~~(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. ***A member or any agent of the Board may*** ~~[:~~

~~1. Enter]~~ ***enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices audiology or speech pathology and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter*** ~~[; and~~

~~*— 2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 70. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and ***may*** be ~~[signed and verified by]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to*** the person ~~[making it.]~~ ***who is the subject of the complaint.***

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 73. NRS 637B.290 is hereby amended to read as follows:

637B.290 ***1.*** A person shall not engage in the practice of audiology or speech pathology in this State without holding a valid license ~~[to do so as provided in]~~ ***issued pursuant to the provisions of*** this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology or speech pathology in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board*** ~~*. [; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 74. (Deleted by amendment.)

Sec. 75. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 79, inclusive, of this act.

Sec. 76. ***A member or any agent of the Board may*** ~~[:~~

~~*1. Enter]*~~ ***enter any premises in this State where a person who holds a license, certificate or permit issued pursuant to the provisions of this chapter practices pharmacy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter*** ~~*. [; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to*~~

~~*believe that a person practices pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.]*~~

Sec. 77. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.***

Sec. 78. ***Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 79. ***In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:***

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must ~~*[:*~~

~~*(a) Include]*~~ ***include*** ***a telephone number with which the person may contact the Board*** ***.*** ~~*[; and*~~

~~*(b) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of this section.]*~~

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 80. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. ***The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.***

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3.*** Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~[3.]~~ ***4.*** Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or

offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~[4.]~~ ***5.*** Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. ***A person who violates the provisions of this subsection:***

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

Sec. 83. NRS 639.284 is hereby amended to read as follows:

639.284 Except as otherwise provided in NRS 639.23277, any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

2. Is not a registered pharmacist and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter ~~[,]~~ ***:***

(a) If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ ***category D felony; or***

(b) If substantial bodily harm results, is guilty of a category C felony, and shall be punished as provided in NRS 193.130.

Sec. 84. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to

prescription only or by a registered pharmacist or under his or her direct and immediate supervision ~~[.]~~ ***:***

1. If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ ***category D felony; or***

2. If substantial bodily harm results, is guilty of a category C felony,
➥ and shall be punished as provided in NRS 193.130.

Sec. 85. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 86. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may ~~[:~~

~~*(a) Enter]*~~ ***enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter .*** ~~[*, and*~~

~~*(b) With the cooperation of the appropriate law enforcement agency,* enter]~~ ~~[~~an office, clinic or hospital~~]~~ ~~[*any other premises in this State* where *there is probable cause to believe that* physical therapy is *being* practiced *without the appropriate license issued pursuant to the provisions of this chapter* and inspect it to determine~~]~~ ~~[~~if the~~]~~ ~~[*whether any person at the premises is practicing* physical~~]~~ ~~[~~therapists are licensed.~~]~~ ~~[*therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.]~~

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[~~provisions of this section do not prohibit the~~]~~ Board ~~[~~from communicating or cooperating~~]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[~~providing~~]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 88. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and ***may*** be ~~[signed and verified by the person filing it.]~~ ***filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*** The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 89. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter. ***A person who violates the provisions of this subsection is guilty of a gross misdemeanor.***

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may ~~[issue]~~ ***:***

(a) Issue an order against any person who has violated subsection 1 imposing ~~[a civil]~~ ***an administrative*** penalty of not more than $5,000 for each violation. Any ~~[civil]~~ ***administrative*** penalty collected pursuant to this ~~[subsection]~~ ***paragraph*** must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~(1) Include]~~ ***include a telephone number with which the person may contact the Board.*** ~~[; and~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 90. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 91, 91.5 and 92 of this act.

Sec. 91. ***Any person who becomes aware that a person practicing occupational therapy or as an occupational therapy assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 640A.200 may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

Sec. 91.5. ***A member or any agent of the Board may*** ~~*[:*~~

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices occupational therapy or as an occupational therapy assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter*** ***.*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 92. ***Whenever any person has engaged in or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.***

Sec. 93. NRS 640A.110 is hereby amended to read as follows:

640A.110 The Board shall:

1. Enforce the provisions of this chapter;

2. ***Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter;***

3. Maintain a record of its proceedings;

~~[3.]~~ ***4.*** Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~[4.]~~ ***5.*** Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~[5.]~~ ***6.*** Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to

any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. ***A person who violates the provisions of this subsection is guilty of a gross misdemeanor.***

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~[3.]~~ A person who violates ~~[any provision]~~ ***the provisions*** of this ~~[section]~~ ***subsection*** is guilty of a misdemeanor.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ ***include a telephone number with which the person may contact the Board*** ~~*[; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 96. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 97, 98 and 98.5 of this act.

Sec. 97. ***Any person who becomes aware that a person practicing cosmetology in this State has, is or is about to become engaged in conduct***

which constitutes grounds for initiating disciplinary action pursuant to NRS 644.430 may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

Sec. 98. ***1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.***

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 98.5. ***The Board shall take such action as it determines is reasonable to enable schools of cosmetology to receive money from the Federal Government for student financial assistance to the greatest extent practicable under federal law.***

Sec. 99. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting ~~[officers all violations]~~ ***officer or law enforcement agency each violation*** of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 100. (Deleted by amendment.)

Sec. 100.5. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) ***Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.***

(e) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. ***If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:***

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

~~[5.]~~ ***6.*** After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 101. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 102. (Deleted by amendment.)

Sec. 103. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 107, inclusive, of this act.

Sec. 104. ***Whenever any person has engaged or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.***

Sec. 105. ***Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.***

Sec. 106. ***A member or any agent of the Board may*** ***[****~~:~~*

~~*1. Enter]*~~ ***enter*** ***any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter*** ***.*** ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 107. ***1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.***

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person ~~[licensed as a nursing facility administrator or an administrator of a residential facility for groups]~~ has failed to comply with the requirements of the standards. ~~[The]~~ ***Except as otherwise provided in this paragraph, the*** Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. ***A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.***

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ ***shall, to the extent feasible, communicate or cooperate*** with or ~~[providing]~~ ***provide*** any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 **,** ~~[or]~~ 465.070 to 465.085, inclusive ~~[.]~~ ***, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.***

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 111. 1. Any person who is admitted to a school of cosmetology on or before the effective date of section 100.5 of this act shall be deemed to be admitted in compliance with the amendatory provisions of section 100.5 of this act.

2. The State Board of Cosmetology shall, as soon as practicable after the effective date of section 100.5 of this act and at no cost to the school of

cosmetology, issue to each school of cosmetology that meets the requirements of NRS 644.380, as amended by section 100.5 of this act a license that complies with the amendatory provisions of that section.

Sec. 112. 1. This section and sections 98.5, 100.5 and 111 of this act become effective upon passage and approval.

2. Sections 1 to 98, inclusive, 99, 100 and 101 to 110, inclusive, of this act become effective on October 1, 2013.

Assemblyman Eisen moved the adoption of the amendment.

Remarks by Assemblyman Eisen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 327.

Bill read third time.

The following amendment was proposed by Assemblywoman Cohen:

Amendment No. 873.

AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; requiring certain persons to maintain electronic mail addresses with the Board of Medical Examiners; revising provisions governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board to adopt certain regulations regarding physician assistants; authorizing the Board to make service of process by electronic mail under certain circumstances; revising provisions governing the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "practice of medicine" to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law requires a person who is licensed under chapter 630 of NRS to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) **Section 2** of this bill requires a licensee who engages in the practice of medicine under certain circumstances to maintain an electronic mail address with the Board.

Existing law requires an inactive registrant to maintain a permanent mailing address with the Board. (NRS 630.255) **Section 3** of this bill requires a licensee who has changed his or her practice of medicine from this State to another state or country, and any inactive registrant, to maintain an electronic mail address with the Board.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) **Section 4** of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State. **Section 4** further provides that such a physician must comply with all applicable requirements of Nevada statutes and regulations of the Board and is subject to the jurisdiction of the courts of this State to the extent that the exercise of jurisdiction is not inconsistent with constitutional limitations.

Section 5 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section 6 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law requires service of process under chapter 630 of NRS to be made on a licensee personally, or by registered or certified mail. (NRS 630.344) **Section 7** of this bill authorizes service of process by electronic mail under certain circumstances.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) **Sections 8 and 9** of this bill authorize an advanced practitioner of nursing to perform those acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section 10 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician. **Section 10** also requires compliance with applicable provisions of Nevada statutes and regulations of the State Board of Osteopathic Medicine and provides for the exercise of jurisdiction over such osteopathic physicians by the courts of this State.

Section 11 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section 12 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section 17 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections 13-16 and 18 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

Sections 19, 19.3 and 19.7 of this bill revise provisions relating to the procedure for filling certain prescriptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ~~[.]~~ ***from within or outside this State or the United States.***

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 10 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail

address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 3. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed $250.

3. ***In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country and any inactive registrant shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.***

4. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the registrant during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

~~[4.]~~ ***5.*** If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 4. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is

licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to ~~[permit the use of]~~ ***perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using*** equipment that transfers information concerning the medical condition of a patient in this State ~~[across state lines]~~ electronically, telephonically or by fiber optics ~~[.]~~ ***from within or outside this State or the United States. A physician who holds a special purpose license issued pursuant to this paragraph:***

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 5. NRS 630.2645 is hereby amended to read as follows:

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license ***to teach, research or practice medicine*** to a person ~~[who:~~

~~(a) Is~~~~]~~ ***if:***

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign medical school ~~[;~~

~~(b) Teaches,~~~~]~~ ***, as provided in NRS 630.195;***

(II) Proof that the person teaches, researches or practices medicine outside the United States ~~[;~~

~~(c) Is a recognized medical expert; and~~

~~(d)~~~~]~~ ***; and***

(III) Any other documentation or proof of qualifications required by the Board; and

(2) Intends to teach, research or practice ~~[clinical]~~ medicine at a ***medical facility,*** medical research facility or medical school in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine ***.*** ~~[, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.]~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~[clinical]~~ medicine in this State at the ***medical facility,*** medical research facility or medical school where the person is employed:

(a) The ***medical facility,*** medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its

meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of licenses.
7. The grounds and procedures respecting disciplinary actions against physician assistants.
8. The supervision of medical services of a physician assistant by a supervising physician ~~[.]~~ ***, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.***
9. ***A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.***

Sec. 7. NRS 630.344 is hereby amended to read as follows:

630.344 1. ~~[Service]~~ ***Except as otherwise provided in subsection 2, service*** of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. ***In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the licensee, service of process under this chapter may be made by electronic mail on a licensee who engages in the practice of medicine as described in subsection 3 of NRS 630.020.***

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

Sec. 8. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices,

➥ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. ***An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.***

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4,]~~ ***5,*** submits proof that he or she is certified as an advanced practitioner of nursing by the American

Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. ***An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.***

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~[4.]~~ ***5.*** The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 10. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~[in]~~ ***from within or outside*** this State ***or the United States*** if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. ***An osteopathic physician who engages in telemedicine:***

(a) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(b) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient,

take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

~~[2.]~~ ***3.*** Except as otherwise provided in subsections ~~[3]~~ ***4*** and ~~[4.]~~ ***5,*** before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~[physical]~~ ***an*** examination or consultation which occurred in person ***or through the use of telemedicine*** and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed ~~[, written]~~ consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall ~~[maintain]~~ ***document*** the consent ~~[form]~~ as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient ***:*** ~~[, both orally and in writing:]~~

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; ***and***

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information ***.*** ~~[; and~~

~~(5) That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.]~~

~~[3.]~~ ***4.*** An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection ~~[2]~~ ***3*** if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

~~[4.]~~ ***5.*** An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection ~~[2]~~ ***3*** in an emergency medical situation.

~~[5.]~~ ***6.*** The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

~~[6.]~~ ***7.*** As used in this section, "telemedicine" means the practice of osteopathic medicine ~~[through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.]~~ ***by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.***

Sec. 11. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ***to teach, research or practice osteopathic medicine*** to a person ~~[who:~~

~~(a) Is]~~ ***if:***

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;

~~[(b) Teaches,]~~

(II) Proof that the person teaches, researches or practices osteopathic medicine outside the United States;

~~[(c) Is a recognized expert in osteopathic medicine;]~~ and

~~[(d)]~~ ***(III) Any other documentation or proof of qualifications required by the Board; and***

(2) Intends to teach, research or practice ~~[clinical]~~ osteopathic medicine at a ***medical facility,*** medical research facility or school of osteopathic medicine in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a special license ***pursuant to this section*** is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine ***.*** ~~[, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.]~~

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice ~~[clinical]~~ osteopathic medicine in this

State at the ***medical facility,*** medical research facility or school of osteopathic medicine where the person is employed:

(a) The ***medical facility,*** medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

7. A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 633.469 is hereby amended to read as follows:

633.469 1. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his or her physician assistant in person ~~[or by telecommunication.]~~ ***, electronically, telephonically or by fiber optics.*** When providing supervision ~~[by telecommunication,]~~ ***electronically, telephonically or by fiber optics,*** a supervising osteopathic physician may be at a different site than the physician assistant ~~[.]~~ ***, including a site located within or outside this State or the United States.***

3. A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. ~~[After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician.]~~ The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

(a) The scope of practice of the physician assistant;

(b) The access to the supervising osteopathic physician that the physician assistant will have; and

(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 13. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office ~~[~~:

~~(a) Of]~~ ***of*** a dispensing practitioner ~~[who is employed by a nonprofit entity]~~ that is ~~[designated as a federally qualified health center; and~~

~~(b) That is:~~

~~(1) Staffed]~~ ***staffed*** by a dispensing technician ~~[;]~~ and

~~[(2) Equipped]~~ ***equipped*** to facilitate communicative access to the dispensing practitioner,

➥ ~~[via computer link, video link and audio link]~~ ***electronically, telephonically or by fiber optics*** during regular business hours ~~[.]~~ ***from within or outside this State or the United States.***

Sec. 14. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients ~~[via computer link, video link and audio link during regular business hours;]~~ ***;*** or

2. At an office ~~[~~:

~~(a) Of]~~ ***of*** a dispensing practitioner ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center; and~~

~~(b) Where]~~ ***where*** the dispensing practitioner provides consultation to patients ~~[via computer link, video link and audio link]~~ **,**

➥ ***electronically, telephonically or by fiber optics*** during regular business hours ~~[.]~~ ***from within or outside this State or the United States.***

Sec. 15. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner **,** ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center,]~~

➥ that is accessible by a remote site or a satellite consultation site ~~[via computer link, video link and audio link.]~~ ***electronically, telephonically or by fiber optics from within or outside this State or the United States.***

Sec. 16. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies; ~~[and]~~

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians ~~[.]~~ ***;***

3. To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and

4. To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 17. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall

issue a license to the applicant. Each license must be issued to a specific person for a specific location.

5. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 18. NRS 639.23277 is hereby amended to read as follows:

639.23277 1. In addition to the requirements set forth in this chapter and any other specific statute, a remote site or satellite consultation site must be located:

(a) At least 50 miles or more from the nearest pharmacy; and

(b) In a service area with a total population of less than 2,000.

2. A remote site or satellite consultation site may be operated by:

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site; or

(b) A dispensing technician without the physical presence of a dispensing practitioner **, [**~~who is employed by a nonprofit entity that is designated as a federally qualified health center,~~**]** except that the dispensing practitioner ***of the telepharmacy*** shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

3. The Board shall adopt regulations for the purposes of this section, which establish the manner of determining a "service area." Such a "service area" must be a geographical area of between 5 and 10 miles in radius. In adopting the regulations, the Board may consider, without limitation, the ease or difficulty of access to the nearest pharmacy and the availability of roadways.

Sec. 19. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona

fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was ~~[~~physically~~]~~ examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was ~~[~~physically~~]~~ examined ***in person, electronically, telephonically or by fiber optics within or outside this State or the United States*** by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

Sec. 19.3. NRS 639.2392 is hereby amended to read as follows:

639.2392 1. A record of each refill of any prescription for a controlled substance or dangerous drug or any authorization to refill such a prescription must be kept:

(a) On the back of the original prescription; ~~[~~or~~]~~

(b) In a bound book or separate file ~~[~~.~~]~~ ***; or***

(c) In an electronic record that is readily retrievable.

2. The record must include:

(a) The date of each refill or authorization;

(b) The number of dosage units; and

(c) The signature or initials of the pharmacist who refilled the prescription or obtained the authorization to refill.

Sec. 19.7. NRS 639.2396 is hereby amended to read as follows:

639.2396 ~~[~~A~~]~~ ***1. Except as otherwise provided by subsection 2, a*** prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of

times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. A pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial amount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

Sec. 20. NRS 639.0072 is hereby repealed.

Sec. 21. 1. This section and sections 1 to 8, inclusive, and 10 to 20, inclusive, of this act become effective upon passage and approval.

2. Section 8 of this act expires by limitation on June 30, 2014.

3. Section 9 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 "Federally qualified health center" defined. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 280.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 777.

AN ACT relating to common-interest communities; revising provisions governing ~~[the collection of past due financial obligations owed to an association;]~~ **an association's lien on a unit;** revising provisions governing

~~[payments received by]~~ **the payment of financial obligations to** an association **~~;~~** ~~[from a unit's owner;]~~ revising provisions governing the foreclosure of an association's lien by sale; **requiring an association to provide a statement concerning certain amounts due to the association under certain circumstances; authorizing an association to charge a fee for such a statement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a homeowners' association has a lien on a unit for certain amounts due to the association. ~~[(NRS 116.3116) Existing law authorizes the association to foreclose its lien by sale of the unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) This bill revises provisions governing: (1) the collection of past due financial obligations owed to a homeowners' association; and (2) foreclosures by a homeowners' association.~~

~~Section 1 of this bill establishes procedures which a homeowners' association must follow before initiating the process of foreclosing on a unit or commencing any other debt collection activity. Under section 1, before initiating the foreclosure process or commencing any other debt collection activity: (1) a homeowners' association must mail to the unit's owner a statement and two letters that provide certain information concerning the past due obligation; and (2) the executive board of the homeowners' association must conduct a hearing to verify the past due obligation. Sections 1 and 7 of this bill require: (1) the executive board to meet in executive session to conduct a hearing to verify a past due obligation; (2) the unit's owner to be allowed to attend and present evidence at the hearing; and (3) that the total number of votes for and against a determination of the executive board at the hearing to verify the past due obligation and the assessor's parcel number of the unit be recorded in the minutes of the meeting. Under section 1, a homeowners' association is required to offer a repayment plan to a unit's owner who owes a past due obligation to the association and a unit's owner may accept such a repayment plan at any time before the foreclosure sale of the unit or the commencement of a civil action to collect the past due obligation. Finally, section 1 authorizes an association to charge the unit's owner: (1) a fee of not more than $50 for a repayment plan; and (2) a fee of not more than $50 for any costs incurred by the association in complying with the requirements of section 1.~~

~~Section 8 of this bill requires the collection policy of a homeowner's association to provide an administrative process by which a unit's owner may contest a past due obligation.~~

~~Sections 9-11 of this bill revise provisions governing foreclosures by homeowner's associations. Section 9 prohibits the association from foreclosing a unit for a failure to pay when due assessments for common~~

~~expenses unless the amount of such delinquent assessments, excluding acceleration and any interest, charges for late payment, fines or costs of collecting the assessment, is $1,000 or more or exceeds 12 months of assessments, whichever is less. Section 11 also provides that if a unit constitutes owner-occupied housing, a foreclosure of the unit by a homeowner's association is subject to a right of redemption for the unit's owner. Under section 11, the redemption amount must include assessment and property taxes paid after the foreclosure sale and the redemption period is 120 days. Under section 10, the notice of a foreclosure sale provided by a homeowner's association or a person conducting the foreclosure sale must provide notice of the right of redemption.~~

~~Section 5 of this bill prohibits an association from refusing to accept any payment from a unit's owner. Section 5 further requires an association to apply any payment received from a unit's owner to any past due assessments, including late charges, costs of collecting and interest, owed by the unit's owner before the payment is applied to any other financial obligation owed by the unit's owner, unless the unit's owner directs a different application of the payment.~~**]** **Generally, the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien." (NRS 116.3116) Existing law authorizes the association to foreclose its lien by sale and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168)**

This bill revises provisions governing the association's lien on a unit and the foreclosure of the association's lien. Section 10 of this bill provides that the association does not have a priority lien over the first security interest when the association forecloses its lien and, thus, the foreclosure of the association's lien does not extinguish the first security interest on the unit. However, under section 7 of this bill, if the holder of the first security interest forecloses on a unit, the association has a lien on the unit which is prior to the first security interest. This priority lien consists of the amounts included in the "super-priority lien" under existing law and the costs of collecting the assessments included in the "super-priority lien," unless the federal regulations adopted by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Department of Veterans Affairs require a shorter period of priority or prohibit the inclusion of collection costs in

the "super-priority lien." Section 7 also limits the amount of the costs of collecting included in the lien upon the foreclosure of the first security interest.

Under section 8 of this bill, the association may not foreclose its lien by sale based on unpaid collection costs. Section 9 of this bill requires that certain notice of the foreclosure of the association's lien be provided by certified or registered mail, return receipt requested, rather than by first-class mail.

Section 3 of this bill: (1) sets forth the order in which an association must apply a payment made by a unit's owner who is delinquent in the payment of assessments, unless a contract between the association and the unit's owner provides otherwise; and (2) prohibits the association or its agent from refusing to accept a partial payment from a unit's owner or any holder of a first security interest encumbering the interest of the unit's owner because the amount tendered is less than the amount owed.

Section 11 of this bill authorizes a unit's owner or the authorized agent of a unit's owner to request from the association a statement concerning certain amounts owed to the association. Under section 11, the association may charge certain fees for such a statement. Section 11 also revises provisions governing the resale package provided to a prospective purchaser of a unit and authorizes the association to charge a fee for providing in electronic format certain documents related to the resale package.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 through 11:

Section 1. **Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***As used in this section and NRS 116.3116 to 116.31168, inclusive, and section 3 of this act, unless the context otherwise requires, "first security interest" means a first security interest described in paragraph (b) of subsection 2 of NRS 116.3116.***

Sec. 3. ***1. Unless the parties agree otherwise, the association shall apply any sums paid by a unit's owner who is delinquent in paying assessments in the following order:***

(a) Unpaid assessments;

(b) Charges for late payment of assessments;

(c) Costs of collecting past due assessments charged to the unit's owner pursuant to NRS 116.310313; and

(d) All other unpaid fees, charges, fines, penalties, costs of collecting charged to a unit's owner pursuant to NRS 116.310313, interest and late charges.

2. The association or its agent shall not refuse to accept a partial payment from a unit's owner or any holder of a first security interest encumbering the interest of the unit's owner because the amount tendered is less than the amount owed.

Sec. 4. **NRS 116.1203 is hereby amended to read as follows:**

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and sections 2 and 3 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 5. **NRS 116.12075 is hereby amended to read as follows:**

116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:

(a) This entire chapter applies to the condominium;

(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive, ***and sections 2 and 3 of this act*** apply to the condominium; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, ***and sections 2 and 3 of this act*** apply to the condominium.

2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar

devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 6. **NRS 116.31068 is hereby amended to read as follows:**

116.31068 1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;

(c) Electronic means, if the unit's owner has given the association an electronic mail address; or

(d) Any other method reasonably calculated to provide notice to the unit's owner.

2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

3. The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive **~~[,]~~** ***, and sections 2 and 3 of this act;*** or

(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.

Sec. 7. **NRS 116.3116 is hereby amended to read as follows:**

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and

perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

~~[.]~~

3. The ***association has a*** lien ***which*** is ~~[also]~~ prior to ~~[all security interests described in paragraph (b)]~~ ***the first security interest*** to the extent of ~~[any]~~ **:**

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312 **;** and ~~[to the extent of]~~

(b) Except as otherwise provided in this paragraph, the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding ~~[institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien.]~~ ***a trustee's sale or foreclosure sale of the unit to enforce the first security interest and the costs of collecting those assessments which are charged to a unit's owner pursuant to NRS 116.310313.*** If federal regulations adopted by the Federal Home Loan Mortgage Corporation **,** ~~[or]~~ the Federal National Mortgage Association ***or the Department of Veterans Affairs*** require a shorter period of priority for the lien ~~[,]~~ ***or prohibit the inclusion of costs of collecting in the lien,*** the ~~[period during which]~~ ***amount of*** the lien ***which*** is prior to ~~[all security interests described in paragraph (b)]~~ ***the first security interest pursuant to this paragraph*** must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding ~~[institution of an action to enforce the lien.~~

~~This subsection does]~~ ***a trustee's sale or foreclosure sale of the unit to enforce the first security interest. The amount of the costs of collecting included in the lien pursuant to this paragraph must not exceed the amounts set forth in the regulations adopted by the Commission pursuant to NRS 116.310313, except that the amount included in the lien to recover the actual costs charged to the association or a person acting on behalf of the association to collect a past due obligation by a person who is not an officer, director, agent or affiliate of the community manager of the association or of an agent of the association, including, without limitation, the cost of a trustee's sale guarantee and other title costs, recording costs, posting and publishing costs, sale costs, mailing costs, express delivery costs and skip trace fees, must not exceed $500.***

4. The provisions of subsections 2 and 3 do not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

~~[3.]~~ ***5. The holder of the first security interest or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of the first security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.***

6. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[4.]~~ ***7.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[5.]~~ ***8.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[6.]~~ ***9.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[7.]~~ ***10.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[8.]~~ ***11.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[9.]~~ ***12.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~[10.]~~ ***13.*** In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 8. **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on ~~[a]~~ **:**

(a) The costs of collecting charged to a unit's owner pursuant to NRS 116.310313.

(b) A fine or penalty for a violation of the governing documents of the association unless:

~~[(a)]~~ ***(1)*** The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

~~[(b)]~~ ***(2)*** The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

Sec. 9. **NRS 116.311635 is hereby amended to read as follows:**

116.311635 1. The association or other person conducting the sale shall also, after the expiration of the 90 days and before selling the unit:

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit's owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by ~~[first-class mail]~~ ***certified or registered mail, return receipt requested,*** to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under NRS 116.31163;

(2) The holder of a recorded security interest or the purchaser of the unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

> WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

Sec. 10. **NRS 116.31164 is hereby amended to read as follows:**

116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.

2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

3. After the sale, the person conducting the sale shall:

(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and

(c) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

4. The foreclosure by sale of the association's lien does not extinguish the rights of the holder of the first security interest.

Sec. 11. **NRS 116.4109 is hereby amended to read as follows:**

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner. ~~[The statement remains effective for the period specified in the statement, which must not be less than 15 working days from the date of delivery by the association to the unit's owner or his or her agent. If the association becomes aware of an error in the statement during the period in which the statement is effective but before the consummation of the resale, the association must deliver a replacement statement to the unit's owner or his or her agent and obtain an acknowledgment in writing by the unit's owner or his or her agent before that consummation. Unless the unit's owner or his or her agent receives a replacement statement, the unit's owner or his or her agent may rely upon the accuracy of the information set forth in a statement provided by the association for the resale.]~~

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format ~~[at no charge]~~ to the unit's owner ***.*** ~~[or, if]~~ ***The association may charge the unit's owner a fee, not to exceed $20, to provide such documents in electronic format. If*** the association is unable to provide such documents in electronic format, the association may charge the unit's

owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the purchaser is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner or the authorized agent of the unit's owner may request a statement of demand from the association. Not later than 10 days after receipt of a written request from a unit's owner or the authorized agent of the unit's owner for a statement of demand, the association shall furnish a statement of demand to the unit's owner or the authorized agent. The association may charge a fee of not more than $150 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than $100 to furnish a statement of demand within 3 days after receipt of a written request for a statement of demand. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner or authorized agent of the unit's owner.

8. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale

for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the unit's owner or the authorized agent of the unit's owner who requested the statement of demand. Unless the unit's owner or the authorized agent of the unit's owner who requested the statement of demand receives a replacement statement of demand, the unit's owner or authorized agent may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 441 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 442 repeals various reporting requirements relating to school districts and public schools that are duplicative of other reports or are otherwise unnecessary.

Roll call on Senate Bill No. 442:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 442 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 443 clarifies the duties of the Department of Education and the Charter School Authority with regard to the application and authorization process for sponsors of charter schools. The measure adds applications submitted for schools sponsored by a college or university within the Nevada System of Higher Education to existing provisions governing the

submission of applications to the Department by other sponsors. The Department is required to adopt regulations concerning the application and approval process for sponsorship, as well as the procedures it would follow to continue or revoke sponsorship. The regulations also must specify the process the Department must use to conduct a review every three years of the sponsors it has approved.

Further, the measure revises provisions governing the duties of charter school governing bodies. Training duties for charter school governing board members is transferred from the Department to the sponsors of charter schools. Finally, the date by which the annual evaluation report a sponsor must submit to the Department is changed from August 15 to October 1 of each year.

Roll call on Senate Bill No. 443:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 443 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Remarks by Assemblymen Duncan, Carlton, Dondero Loop, Spiegel, Bustamante Adams, and Madam Speaker.

ASSEMBLYMAN DUNCAN:

Senate Bill 448 authorizes a county or district hospital to establish federally qualified health centers or rural health clinics as provided under federal law. It also instructs the Legislative Committee on Health Care to consider and evaluate methods to promote federally qualified health centers [FQHC] and rural health clinics as part of its review of health care during the upcoming legislative interim and to report its findings to the Legislature.

ASSEMBLYWOMAN CARLTON:

If I may inquire on S.B. 448 what the discussion was with the role of the Primary Care Association of the state and the Primary Care Office within the state of Nevada—if there was any discussion with those two entities? This is what I used to do for a living.

ASSEMBLYMAN DUNCAN:

I think I will defer to the Chairman, my esteemed colleague to my left.

ASSEMBLYWOMAN DONDERO LOOP:

I would really like to tell you that I know the answer to this, but unfortunately, I am not even sure I see the floor statement in my book.

ASSEMBLYWOMAN SPIEGEL:

I would appreciate it if my esteemed colleague and roommate could repeat the question because I think I have the answer.

ASSEMBLYWOMAN CARLTON:

Madam Speaker, I apologize, I did not mean it to turn into this. My question was—within the discussions about having our committee work on this issue, were the main players in the state involved—the Primary Care Association of the state and the Primary Care Office, which does a lot of the data collection, deals with the Health Professional Shortage Areas [HPSA], and a number of the technical issues that are involved in establishing an FQHC under Title 330?

ASSEMBLYWOMAN SPIEGEL:

During the hearing—if I recall correctly—we did have a number of folks from the rurals and from all over the state come in and testify and be supportive of doing this study. What this is really doing is authorizing the county or district hospital to establish the FQHCs or rural health clinics, and then the interim committee will be considering and evaluating the various models. Does that answer the question? At least to your satisfaction for now?

ASSEMBLYWOMAN CARLTON:

Thank you, Madam Speaker for recognizing me for the third time. I do have concerns, but I do not want to slow this vote down. I will work on it after the thing leaves the Chamber.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

This is enabling legislation, and I want to give some direction to the interim committees. We probably do look at those and make sure that all the stakeholders are involved, or next session we might be in the same boat and not have some real answers. I think that is what I am hearing, and I think that the Chair of Health and Human Services would make sure that would happen.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Just wanted to remind some of my colleagues that this was one of those issues that we had talked about in the interim when they came to meet with us about the federally qualified health care centers and it being a barrier for some of our constituents that did not have the opportunity to have those in their communities. For those of you who were in that discussion, this allows them to be able to study it so that we can eliminate those barriers.

Roll call on Senate Bill No. 448:

YEAS—40.

NAYS—Carlton.

EXCUSED—Pierce.

Senate Bill No. 448 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 449 is a potentially smelly bill. It increases from two years to four years the period within which a person remains subject to additional penalties for committing a third or subsequent offense involving the illegal disposal of cesspool or septic tank effluent or solid waste.

Roll call on Senate Bill No. 449:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 449 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Senate Bill 450 revises the qualifications of the district health officer. The district health officer must be licensed or become licensed within 12 months of hire to practice medicine within the state of Nevada. It also outlines other requirements for education or prior experience.

Roll call on Senate Bill No. 450:

YEAS—40.

NAYS—Fiore.

EXCUSED—Pierce.

Senate Bill No. 450 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 453 allows a physician to issue an order for auto-injectable epinephrine to a public or private school for the treatment of anaphylaxis experienced by any student at the school during school hours.

This measure also requires each public or private school, to the extent feasible, to provide training concerning food allergies to certain employees and to develop a comprehensive action plan for anaphylaxis.

Roll call on Senate Bill No. 453:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 453 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 456 authorizes an insurance company to designate certain vehicle storage lots to which vehicles insured by the insurance company must be towed under certain circumstances. A vehicle storage lot must maintain adequate, accessible, and secure storage and comply with all standards a law enforcement agency may adopt pursuant to state law to protect the health, safety, and welfare of the public. A tow car operator who tows a vehicle to a vehicle storage lot is entitled to payment at the time the vehicle is delivered. Additional provisions require law enforcement officers to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort

to communicate that information to the operator of the tow car before the vehicle is towed. The provisions of this bill only apply to a county whose population is 700,000 or more, currently Clark County.

This bill also expresses the sense of the Legislature that certain provisions of this bill constitute an exercise of the safety regulatory authority of this state with respect to motor vehicles.

The bill will result in substantial safety benefits. By allowing insurers to designate vehicle storage lots, cars will be towed to the most convenient lot, not to the tow car operator's own lot, however far away. This will result in real and substantial safety benefits, as tow cars will travel shorter distances with their towed vehicles. Insurance companies will be able to ensure that their customers' cars are taken to safe, secure storage lots instead of being at the mercy of the operator of the tow car and the operator's own storage lot. This will result in safer access to towed vehicles and enhance security for the vehicle and its contents. This bill, therefore, constitutes an exercise of the safety regulatory authority of the state with respect to motor vehicles within the meaning of federal law.

Roll call on Senate Bill No. 456:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 456 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblymen Flores, Hickey, Bobzien, and Wheeler.

ASSEMBLYWOMAN FLORES:

Senate Bill 457 proposes revisions to the charters of Carson City, Henderson, Reno, and Sparks. The bill provides that a candidate be voted upon in a primary or general election only by the voters of the ward.

In Reno, the office of the at-large council member is eliminated. The Reno City Council is required to reestablish ward boundaries to create a sixth ward. At the effective date, the bill provides that those elected from wards shall continue to represent those wards for the remainder of the term of office. The at-large council member shall be deemed to represent the sixth ward for the remainder of the term. This bill essentially, in very simple terms, requires that if you are elected in your ward, you represent that ward—that, for example, all of us who run in our districts do not have to then be elected by an entire city, when in reality, we just represent those folks who are living in our districts. It clarifies and it supports the idea that if you are going to vote for someone, that person should be accountable to you because you represent them in that district. My district is very different from a district that is across the city, and in that way, it provides more accountability because I can be more connected to those folks in my neighborhood, as opposed to trying to represent an entire city which is not actually what you do. This bill makes sense and creates more accountability and a bigger responsibility in connection and relationship to those people who actually live in your district.

ASSEMBLYMAN HICKEY:

As a resident of Reno, I rise in strong opposition to Senate Bill 457. The previous sponsor of the bill mentioned this is a ward only, or that it has been characterized as a ward only voting bill. In Reno, where I live, nominees for the City Council are, in fact, nominated and elected in a primary election by voting members of their ward. They then go on to be elected by citizens of

the entire city. When you have a city, decisions that are made by your elected person certainly affect the entire city. I think the biggest reason to oppose this bill is that it is the state superimposing itself over a local community—in the case of Reno and the others as well—and especially because in the most recent election in 2012, voters in Reno overwhelmingly voted against this measure, preferring by a vote of 76 percent to favor the existing system as it is.

One of the other goals of proponents of imposing this system upon residents of my city was the hope that it would create more diversity on the City Council. The fact of the matter is in Reno, there are now six members of the City Council, four of which are women. One is a Hispanic American and the other fellow is an Anglo American. I think we have achieved that goal, but more importantly, it goes against the will of the people. I think the state has no business superimposing itself over a decision that was made by voters, and I urge its disapproval. By the way, this same bill was vetoed by the Governor in the last legislative session.

ASSEMBLYMAN BOBZIEN:

I rise in strong support of Senate Bill 457, also as a Reno resident. I think it is important to note the language of the ballot question read as follows: "Shall the five (5) City Council members representing wards continue to be voted upon by all registered voters of the City in the General Election?" Of course many said yes. Think for a moment if the ballot language had read the following: "Shall the five (5) City Council members representing wards continue to be voted upon by all registered voters of the City in the General Election in a manner that could subject the city to a voting rights challenge?" I think the outcome would have been different.

Madam Speaker, there is a long history on this issue, and I want to thank former Assemblywoman and former State Senator Sheila Leslie for her work on this. Yes, there are ward votes for primaries and there are clear examples of those primary losers that go on and win victoriously once it goes citywide. We have to ask ourselves, would it be—as Assembly members—proper for us to be elected by the entire state? Would we then be representative of our constituents in our district? I think not.

I also take offense to the idea that we have made progress when it comes to diversity on our City Council. We absolutely have, but I would remind the body that Councilman Oscar Delgado—who I believe many would claim to be a symbol for why this change is not needed—is in strong support of this issue of representatives being elected by their wards. I urge passage.

ASSEMBLYMAN WHEELER:

I, too, rise in opposition of Senate Bill 457. While my colleague from District 24 read the question itself verbatim, the one thing that he may have forgotten was the explanation that came with the question. I do not believe the citizens of Reno were bamboozled in any way. The explanation says, "A 'yes' vote would preserve the existing provisions of the City Charter allowing each voter to vote for all Council members in the General Election. A 'no' vote would recommend amendment to the existing provisions of the City Charter to allow each voter to vote for the Council members only in their respective wards in the General Election." To me that is completely clear. I do not believe it is the duty of this body to overturn the will of the voters.

Assemblymen Kirner, Fiore, and Hansen moved the previous question.

The question being the passage of Senate Bill No. 457.

Roll call on Senate Bill No. 457:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Munford, Oscarson, Stewart, Wheeler, Woodbury—15.

EXCUSED—Pierce.

Senate Bill No. 457 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 458 enacts the Uniform Faithful Presidential Electors Act. Electors who represent Nevada in the Electoral College must pledge to cast their votes for the President and Vice President of the United States according to the results of the popular vote in this state at the general election. Nevada's Secretary of State is authorized to enforce the pledge of an elector. In the event that an elector returns a ballot that does not conform to the pledge, the Secretary shall refuse to accept the ballot, declare the position of elector vacant, and appoint an alternate, who will also be bound by the pledge.

Roll call on Senate Bill No. 458:

YEAS—40.

NAYS—Neal.

EXCUSED—Pierce.

Senate Bill No. 458 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 468, as amended, increases fees for certain applications and permits in the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, and establishes fees for several new categories concerning certain permits and applications relating to wells, maps, and flood control detention basins. The bill also amends existing law that requires fees collected by the State Engineer to be deposited in the State General Fund and instead directs fee revenue be placed in the Water Distribution Revolving Account to fund salaries and operating expenses related to the distribution of water. The passage of Senate Bill 468 is required to implement the Water Resources budget as closed by the money committees. This bill makes these offices self-sufficient and hopefully take care of themselves and gain more resources.

This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 468:

YEAS—36.

NAYS—Duncan, Ellison, Fiore, Oscarson, Wheeler—5.

EXCUSED—Pierce.

Senate Bill No. 468 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 478 requires the Director of the Department of Corrections to obtain a personal guarantee or surety bond and a detailed written analysis from a private employer before entering into any contract with the employer for the employment of offenders. The analysis must cover the estimated impact of the contract on private industry in Nevada.

The measure also provides that if any state-sponsored program for vocational training or employment of offenders which does not include a contract with a private employer incurs a net loss for two consecutive fiscal years, the Director must appear before the Committee on Industrial Programs, explain the reasons for the loss, provide a plan for the generation of profit in the next fiscal year, and if the program does not generate a profit in the third fiscal year, take appropriate steps to resolve the issue.

Senate Bill 478 requires the Director to submit a report to the Committee on Industrial Programs identifying the impacts of any new program for the employment of offenders on private employers and labor, submit any contract related to the employment of offenders to the State Board of Examiners for approval, submit a report every five years to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs including an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in Nevada, and submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable from a program for the employment of offenders.

Finally, this bill adds a second member representing organized labor to the Committee on Industrial Programs.

Roll call on Senate Bill No. 478:

YEAS—38.

NAYS—Hambrick, Kirner, Wheeler—3.

EXCUSED—Pierce.

Senate Bill No. 478 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 493 revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interests. The bill also revises provisions governing the re-conveyance of a deed of trust.

Roll call on Senate Bill No. 493:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 493 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 496 requires that an insurer file a portable electronics insurance policy form, including any certificate of coverage, with the Commissioner of Insurance before the insurer uses the form. The bill allows an insurer who issues a portable electronics insurance policy to change a term or condition of the policy more than once in a six-month period. The measure also provides that an insurer who provides portable electronics insurance is deemed to have received the payment of a premium when an enrolled customer makes a payment to the vendor. Additionally, S.B. 496 reduces from 15 days to 10 days the period within which an insurer must notify a vendor and an enrolled customer of its intent to terminate coverage after discovering fraud or material misrepresentation by the customer. Finally, the bill allows an insurer to immediately terminate coverage if the customer fails to pay a premium.

Roll call on Senate Bill No. 496:

YEAS—33.

NAYS—Bustamante Adams, Carlton, Flores, Frierson, Hambrick, Horne, Neal, Thompson—8.

EXCUSED—Pierce.

Senate Bill No. 496 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 497 prohibits a dental care plan from requiring a dentist to accept a fee set by the plan for any services other than services covered in the plan. In addition, a dental care organization or third-party administrator is prohibited from making available any dentists in its network to a dental care plan that sets fees for any dental care except covered services. The measure also requires a dentist to charge a patient the same fee for a covered service when reimbursement is not available as the dentist would have charged the patient pursuant to the terms of the policy if the benefit provided for the calendar year under the terms of the policy had not been exceeded.

Roll call on Senate Bill No. 497:

YEAS—40.

NAYS—Carlton.

EXCUSED—Pierce.

Senate Bill No. 497 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 503 authorizes the DMV to issue licenses and identification cards that expire on the eighth anniversary of the person's birthday.

Roll call on Senate Bill No. 503:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 503 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 505.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 505 repeals provisions in the *Nevada Revised Statutes* that establish the Columbia Basin Interstate Compact Commission of the state of Nevada.

Roll call on Senate Bill No. 505:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 505 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 506.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 506 repeals an obsolete provision of *Nevada Revised Statutes* that excludes from the definition of "unlawful employment practice" any action or measure taken by an employer or certain other entities against a person who is a member of the Communist Party or any other organization required to register as a Communist organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

There were a lot of comments on this and a good presentation by my colleague from Washoe. This bill kind of reminds me of "Tear Down This Wall," which was a challenge United States President Ronald Reagan gave the Soviet Union Leader, Mikhail Gorbachev, to destroy the Berlin Wall. The speech was given at Brandenburg Gate on June 12, 1987.

Roll call on Senate Bill No. 506:

YEAS—40.

NAYS—Hickey.

EXCUSED—Pierce.

Senate Bill No. 506 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 507.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 507 repeals obsolete provisions in the *Nevada Revised Statutes* relating to development corporations and corporations for revitalization and diversification. The bill deletes various statutory references to such corporations including all of Chapters 670 and 670A of NRS.

Roll call on Senate Bill No. 507:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 507 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 509 removes the requirement that the 2.5 percent room tax rate imposed within the City of Sparks pursuant to Assembly Bill 205 of the 2003 Session must expire upon the repayment of certain general or special obligation bonds. The bill also provides that the imposition and collection of this 2.5 percent rate after the repayment of certain general or special obligation bonds, as prohibited by A.B. 205, is authorized, ratified, approved, and confirmed in all respects pursuant to this bill.

Roll call on Senate Bill No. 509:

YEAS—38.

NAYS—Fiore, Hambrick, Wheeler—3.

EXCUSED—Pierce.

Senate Bill No. 509 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 55 and 258 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 202 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 55.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 55 reorganizes 19 separate plans and other items that may be included in a master plan under current statutes into eight different elements that a plan may include. The elements are as follows: conservation, historic preservation, housing, land used, public facilities and services, recreation and open space, safety, and transportation. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, then it shall include a conservation plan with conservation elements, a housing element, and a population plan of the public facilities and services element.

Roll call on Senate Bill No. 55:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 55 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 258 creates the Task Force on the Prevention of Sexual Abuse of Children, which will meet no more than six times from July 1, 2013, through July 1, 2014. The bill provides procedures for governing the Task Force, and it requires the Task Force to make certain recommendations to the Governor and Legislature.

Roll call on Senate Bill No. 258:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 258 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 3:14 p.m.

ASSEMBLY IN SESSION

At 6:26 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 107 and 112 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 399 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 179 and 237 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 384 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 384.

Bill read third time.

The following amendment was proposed by Assemblyman Paul Anderson:

Amendment No. 886.

AN ACT relating to charter schools; authorizing the Director of the Department of Business and Industry to issue bonds, notes and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools; establishing the procedure for the issuance of such obligations; providing for the payment of the obligations; revising provisions relating to the closure of a charter school and the payment of its debts; authorizing a charter school to incorporate as a nonprofit corporation, borrow money and encumber its assets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools. **Sections 1-22** of this bill enact the Charter School Financing Law and provide for the issuance of such obligations by the Director.

Section 29 of this bill revises provisions governing the closure of a charter school to provide, among other things, for notice of the closure, the development of a plan for closure, an audit and the winding up of the financial affairs of the charter school. **Section 30** of this bill authorizes a charter school to incorporate as a nonprofit corporation. **Section 31** of this bill authorizes a charter school to borrow money and encumber its property and other assets, and to use public money to purchase property with the approval of the charter school's sponsor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***Sections 2 to 22, inclusive, of this act may be cited as the Charter School Financing Law.***

Sec. 3. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Bond" or "revenue bond" means any bond, note, security or other evidence of indebtedness issued pursuant to sections 2 to 22, inclusive, of this act.***

Sec. 4.3. ***"Cost of the project" means all or a designated part of the cost of any project, including any incidental cost pertaining to the project. The cost of a project may include, without limitation, the costs of:***

1. Surveys, audits, preliminary plans, other plans, specifications, estimates and other costs of preparations;

2. Appraising, printing, estimating, advice and services of engineers, architects, financial consultants, attorneys, clerical personnel and other agents and employees;

3. Publishing, posting, mailing and otherwise giving notice, filing or recording instruments, taking options and fees to banks;

4. Establishment of a reserve for contingencies;

5. Interest on bonds for any time which does not exceed the estimated period of construction plus 1 year, discounts on bonds, reserves for the payment of the principal of and interest on bonds, replacement expenses and other costs of issuing bonds;

6. Amending any resolution or other instrument authorizing the issuance of, or otherwise relating to, bonds for the project; and

7. Short-term financing and the expense of operation and maintenance of the project.

Sec. 4.5. ***"Director of the Department of Business and Industry" means the Director of the Department of Business and Industry or any***

person within the Department of Business and Industry designated by the Director to perform duties in connection with a project or the issuance of bonds pursuant to sections 2 to 22, inclusive, of this act.

Sec. 4.7. *"Expense of operation and maintenance" means any reasonable and necessary expense of the State for the operation, maintenance and administration of a project or of the collection and administration of revenues from a project and includes, without limitation:*

1. Expenses for engineering, auditing, reporting, legal services and other expenses of the Director of the Department of Business and Industry which are directly related to the administration of projects.

2. Premiums for fidelity bonds and policies of property and liability insurance pertaining to projects, and shares of the premiums of blanket bonds and policies which may be reasonably allocated to the State.

3. Payments to pension, retirement, health insurance and other insurance funds.

4. Reasonable charges made by any paying agent, commercial bank, credit union, trust company or other depository bank pertaining to bonds issued pursuant to sections 2 to 22, inclusive, of this act.

5. Services rendered under the terms of a contract, services of professionally qualified persons, salaries, administrative expenses and the cost of materials, supplies and labor pertaining to the issuance of any bonds pursuant to sections 2 to 22, inclusive, of this act, including the expenses of any trustee, receiver or other fiduciary.

6. Costs incurred in the collection and any refund of revenues from a project, including the amount of the refund.

7. Fees and costs incurred by the Director of the Department of Business and Industry for ensuring compliance with the provisions of sections 2 to 22, inclusive, of this act.

Sec. 5. *"Finance" or "financing" includes, without limitation, the issuance of bonds by the Director of the Department of Business and Industry for the purpose of using all or any part of the proceeds to pay for or to reimburse a user or the designee of a user for the cost of acquiring, improving or equipping the facilities of a project, or to provide money for the project itself, where appropriate, whether these costs are incurred by the obligor or a designee of the obligor.*

Sec. 5.5. *"Financing agreement" means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to sections 2 to 22, inclusive, of this act to finance one or more projects and the obligor agrees to:*

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director or his or her designee or assignee, including

a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;

2. Pay other amounts required by sections 2 to 22, inclusive, of this act; and

3. Comply with all the applicable provisions of sections 2 to 22, inclusive, of this act.

Sec. 6. ***"Mortgage" means a mortgage, trust deed or other security device.***

Sec. 6.5. ***"Obligor" means a charter school, natural person, partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, agent or assigns, who agrees to make the payments required by a financing agreement.***

Sec. 7. ***"Project" means:***

1. Any building, structure or real property owned, to be acquired or used by a charter school for any of its educational purposes and all related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping and parking facilities, together with all the personal property necessary, convenient or appurtenant thereto; or

2. Any capital equipment owned, to be acquired or used by a charter school for any of its educational purposes.

Sec. 7.5. ***"Revenues" includes, with respect to a project, payments under a lease, agreement of sale or financing agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of an obligor executed and delivered by the obligor to the Director of the Department of Business and Industry or his or her designee or assignee, including a trustee, pursuant to a lease, agreement of sale or financing agreement, or under any guarantee of or insurance with respect to any such lease, agreement of sale or financing agreement.***

Sec. 8. (Deleted by amendment.)

Sec. 8.1. ***1. It is the intent of the Legislature to authorize the Director of the Department of Business and Industry to finance facilities or other improvements to be owned, acquired and used by a charter school for any of its educational purposes.***

2. The Director of the Department of Business and Industry has all the powers necessary to accomplish the purposes set forth in sections 2 to 22, inclusive, of this act, but these powers must be exercised for the health, safety, convenience, prosperity and welfare of the inhabitants of this State.

3. Sections 2 to 22, inclusive, of this act must be liberally construed in conformity with the purposes set forth in this section.

Sec. 8.3. ***When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees,***

purchasers or other obligors, the Director may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor's designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.

Sec. 8.5. *Except as otherwise provided in section 9.9 of this act, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:*

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of sections 2 to 22, inclusive, of this act on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 8.7. *1. Except as otherwise provided in section 9.9 of this act, before financing a project pursuant to section 8.5 of this act, the Director of the Department of Business and Industry and the State Board of Finance must:*

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least $100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director and the State Board of Finance before financing a project pursuant to section 8.5 of this act.

Sec. 8.9. *1. The Director of the Department of Business and Industry may provide financing for a project pursuant to sections 2 to 22, inclusive, of this act if:*

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and

(2) The cost of the project;

(b) The Director makes the findings required by section 8.5 of this act; and

(c) The Director complies with the guidelines established by the Director pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to sections 2 to 22, inclusive, of this act.

Sec. 9. (Deleted by amendment.)

Sec. 9.1. *1. All bonds issued by the Director of the Department of Business and Industry pursuant to sections 2 to 22, inclusive, of this act are special, limited obligations of the State. The principal of and interest on such bonds are payable, subject to the security provisions of sections 2 to 22, inclusive, of this act, solely out of the revenues derived from the financing, leasing or sale of the project or projects to be financed by the bonds.*

2. The bonds and interest coupons, if any, which are part of those bonds do not constitute the debt or indebtedness of the State or any city or county within the meaning of any provision or limitation of the Constitution of the State of Nevada or statutes, and do not constitute or give rise to a pecuniary liability of the State or a charge against its general credit or taxing powers. This limitation must be plainly stated on the face of each bond.

Sec. 9.3. *1. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act must be authorized by an order of the Director of the Department of Business and Industry and must:*

(a) Be in denominations;

(b) Bear the date or dates;

(c) Mature at the time or times, not exceeding 40 years after their respective dates;

(d) Bear interest at a rate or rates;

(e) Be in the form;

(f) Carry the registration privileges;

(g) Be executed in the manner;

(h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,

↪ as provided by the order authorizing their issuance.

2. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

Sec. 9.5. ***The principal of, the interest on and any prior redemption premiums due in connection with the bonds issued pursuant to sections 2 to 22, inclusive, of this act are payable from, secured by a pledge of, and constitute a lien on the revenues out of which the bonds have been made payable. In addition, they may, in the discretion of the Director of the Department of Business and Industry, be secured by:***

1. A mortgage or mortgages covering all or part of any project financed with the proceeds of the bonds, or upon any other property of the lessees, purchasers or obligors of those projects, or by a pledge of the lease, the agreement of sale or the financing agreement with respect to one or more of the projects, or both.

2. A pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor of one or more of the projects.

3. The proceeds of the bonds and income from investment of the proceeds and of revenues.

Sec. 9.7. ***The Director of the Department of Business and Industry shall adopt regulations to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, regulations for:***

1. Investment and reinvestment of the proceeds from the sale of the bonds, including, without limitation:

(a) Bonds or other obligations of the United States of America.

(b) Bonds or other obligations, the payment of the principal and interest of which is unconditionally guaranteed by the United States of America.

(c) Obligations issued or guaranteed as to principal and interest by any agency or person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(d) Obligations issued or guaranteed by any state of the United States of America, or any political subdivision of any state.

(e) Prime commercial paper.

(f) Prime finance company paper.

(g) Bankers' acceptances drawn on and accepted by commercial banks.

(h) Repurchase agreements fully secured by obligations issued or guaranteed as to principal and interest by the United States of America or by any person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(i) Certificates of deposit issued by credit unions or commercial banks, including banks domiciled outside of the United States of America.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

2. Receiving, holding and disbursing of proceeds of the sale of bonds by one or more banks, credit unions or trust companies located within or without this State.

Sec. 9.9. *1. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be refunded by the Director of the Department of Business and Industry by the issuance of refunding bonds in an amount which the Director determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.*

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by section 8.5 of this act are not required with respect to refunding bonds issued pursuant to this section.

Sec. 10. (Deleted by amendment.)

Sec. 10.1. *1. Except as otherwise provided in subsection 2, bonds and other securities issued pursuant to sections 2 to 22, inclusive, of this act, their transfer and the income produced by the bonds and other securities is and must forever be and remain free and exempt from taxation by this State or any political subdivision of this State.*

2. The provisions of subsection 1 do not apply to the tax on the transfers of taxable estates imposed by chapter 375A of NRS or the tax on generation-skipping transfers imposed by chapter 375B of NRS.

Sec. 10.3. *No action may be brought questioning the legality of any contract, lease, agreement, indenture, mortgage, order or bonds executed, adopted or taken in connection with any project or improvements authorized by sections 2 to 22, inclusive, of this act more than 30 days after the effective date of the order of the Director of the Department of Business and Industry authorizing the issuance of those bonds.*

Sec. 10.5. *The faith of the State is hereby pledged that sections 2 to 22, inclusive, of this act will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.*

Sec. 10.7. *1. Sections 2 to 22, inclusive, of this act, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.*

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by sections 2 to 22, inclusive, of this act, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in sections 2 to 22, inclusive, of this act, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not

applicable to any action taken pursuant to sections 2 to 22, inclusive, of this act, except that the provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to sections 2 to 22, inclusive, of this act without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by sections 2 to 22, inclusive, of this act are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of sections 2 to 22, inclusive, of this act repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of sections 2 to 22, inclusive, of this act without the assistance or intervention of any other officer.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.610, inclusive, ***and sections 2 to 22, inclusive, of this act,*** the words and terms defined in NRS 386.495, 386.500 and 386.503 have the meanings ascribed to them in those sections.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 386.5125 is hereby amended to read as follows:

386.5125 The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive ~~[.]~~ ***, and sections 2 to 22, inclusive, of this act.*** The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools in accordance with the provisions of NRS 386.490 to 386.610, inclusive ~~[.]~~ ***, and sections 2 to 22, inclusive, of this act.***

Sec. 29. NRS 386.536 is hereby amended to read as follows:

386.536 1. ~~[Except as otherwise provided in subsections 2 and 3, if]~~ ***If*** a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall ~~[appoint]~~ ***:***

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure ~~[.]~~ ***;***

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator ***appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exists or is otherwise unable to perform those duties and*** shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

~~[2.]~~ ***4.*** If an administrator for the charter school is no longer available to carry out the duties set forth in subsection ~~[1.]~~ ***3,*** the governing body of the charter school shall appoint a qualified person to assume those duties.

~~[3.]~~ ***5.*** If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection ~~[2.]~~ ***4,*** the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection ~~[1.]~~ ***3.***

~~[4.]~~ ***6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:***

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause

a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 30. NRS 386.553 is hereby amended to read as follows:

386.553 A charter school ~~[shall]~~ ***:***

1. Shall not operate for profit.

2. May be incorporated as a nonprofit corporation pursuant to the provisions of chapter 82 of NRS.

Sec. 31. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. ***A charter school may:***

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances,

easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

~~[5.]~~ ***6.*** Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

~~[6.]~~ ***7.*** The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections ~~[4 and]~~ 5 ***and 6*** if the board of trustees or the public school determines that the pupil has failed to comply with

applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 32. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; or

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school.

2. As used in this section, ***"contractor" or*** "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 33. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for

the public schools provided through the Department, including local funds pursuant to NRS 387.1235.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the Superintendent of Public Instruction shall pay to the sponsor of a charter school one-quarter of the yearly sponsorship fee for the administrative costs associated with sponsorship for that school quarter, which must be deducted from the quarterly apportionment to the charter school made pursuant to NRS 387.124. Except as otherwise provided in subsection 4, the yearly sponsorship fee for the sponsor of a charter school must be in an amount of money not to exceed 2 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124.

4. If the governing body of a charter school satisfies the requirements of this subsection, the governing body may submit a request to the sponsor of the charter school for approval of a sponsorship fee in an amount that is less than 2 percent but at least 1 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124. The sponsor of the charter school shall approve such a request if the sponsor of the charter school determines that the charter school satisfies the requirements of this subsection. If the sponsor of the charter school approves such a request, the sponsor shall provide notice of the decision to the governing body of the charter school and the Superintendent of Public Instruction. If the sponsor of the charter school denies such a request, the governing body of the charter school may appeal the decision of the sponsor to the Superintendent of Public Instruction. Upon appeal, the sponsor of the charter school and the governing body of the charter school are entitled to present evidence. The decision of the Superintendent of Public Instruction on the appeal is final and is not subject to judicial review. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this subsection if:

(a) The charter school satisfies the requirements of subsection 1 of NRS 386.5515; and

(b) There has been a decrease in the duties of the sponsor of the charter school that justifies a decrease in the sponsorship fee.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of

the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

~~[8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.]~~

Sec. 34. NRS 386.575 is hereby amended to read as follows:

386.575 1. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, ~~[the governing body of the charter school shall make an assignment of all]~~ ***any*** real property ~~[and]~~ ***or*** other property ~~[of the charter school to the State of Nevada for the repayment of all money received]~~ ***held*** by the charter school ~~[from this state for the operation of the charter school during that year. The governing body shall make full settlement with this state for such repayment, and the State may take any lawful action necessary to recover the money.]~~ ***must be disposed of as provided in NRS 386.536.***

2. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, neither the State of Nevada nor the

sponsor of the charter school may be held liable for any claims resulting from the bankruptcy.

Sec. 35. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection ~~[4]~~ ***5*** of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 36. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that

school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection ~~[4]~~ ***5*** of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 37. (Deleted by amendment.)

Sec. 38. This act becomes effective on July 1, 2013.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 179.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 871.

SUMMARY—Makes various changes to provisions governing public safety. (BDR ~~[43-79)]~~ **35-79)**

AN ACT relating to public safety; ~~[enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones;]~~ revising provisions relating to pedestrians and ~~[crosswalks; providing a penalty;]~~ **traffic safety;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[a driver who is convicted of a violation of a speed limit or of certain other traffic violations is subject to a doubling of the penalty if the violation occurs in a highway construction zone when workers are present. (NRS 484B.130) Existing law also provides that certain maximum speeds are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) Sections 2 and 24 of this bill provide that a driver is subject to a doubling of the penalty for a violation of a speed limit or of certain other traffic violations if the violation occurs in a school zone or a school crossing zone at a time when the statutory speed limits for such zones are in effect. Section 24 also makes it unlawful for a driver to make a U-turn or pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect. Finally, section 24 requires that the sign posted to mark the beginning of each school zone and school crossing zone newly include a designation that fines may be higher when the speed limit is in effect.]~~ **the Department of Transportation is required to develop an educational program concerning bicycle and pedestrian safety. The program must be designed to inform bicyclists and pedestrians of applicable traffic laws and encourage observance of those laws, and to promote bicycle and pedestrian safety. (NRS 408.571)**

Section 1 of this bill ~~[authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. Section 1 also provides that a person who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian~~

~~safety zone. Sections 3-13, 17, 18, 20-22, 25-28 and 30-32 of this bill make conforming changes to indicate the possibility of the enhanced penalty.~~

~~— Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian in a crosswalk under certain circumstances when the pedestrian is on the half of the highway upon which the vehicle is traveling, and when a pedestrian is lawfully in a crosswalk or intersection that is controlled by traffic lights. (NRS 484B.283, 484B.307) Section 15 of this bill requires a driver to stop for such a pedestrian, specifies that the requirement applies to both marked and unmarked crosswalks, expands the requirement to when a pedestrian is within one lane of the half of the highway upon which the vehicle is traveling and defines the term "half of the highway" to mean the entire width of all the traffic lanes which convey traffic in the same direction, including any paved shoulder. Section 19 of this bill requires a driver to stop for a pedestrian who is lawfully in a crosswalk or an intersection that is controlled by traffic lights.~~

~~— Existing law requires a pedestrian to yield the right of way to vehicles when the pedestrian is crossing a highway outside of a marked or unmarked crosswalk, and when crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Existing law also prohibits a pedestrian from crossing a highway outside of a marked crosswalk when the pedestrian is between adjacent intersections at which traffic control devices are in operation. (NRS 484B.287) Section 16 of this bill eliminates the requirement for a pedestrian to yield the right-of-way to vehicles when crossing where a pedestrian tunnel or overhead pedestrian crossing has been provided. Section 16 also requires a pedestrian to cross a highway at a right angle to the edge of the highway or, when a right angle is not possible or practicable, by the shortest route to the opposite side.~~ **requires any such program to also inform the traveling public of applicable traffic laws and encourage observance of those laws, and to promote traffic safety in school zones.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 32 of this bill and replace with the following new section:

Section 1. **NRS 408.571 is hereby amended to read as follows:**

408.571 1. The Department shall develop an educational program concerning bicycle and pedestrian safety which must be:

(a) Suitable for children and adults; and

(b) Developed by a person who is trained in the techniques of bicycle and pedestrian safety.

2. The program must be designed to:

(a) Aid bicyclists in improving their riding skills;

(b) Inform bicyclists**, [**and**]** pedestrians ***and the traveling public*** of applicable traffic laws and encourage observance of those laws; **[**and**]**

(c) Promote bicycle and pedestrian safety **[**.**]** ***; and***

(d) Promote traffic safety in school zones.

3. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484A.025 and includes an electric bicycle as defined in NRS 482.0287.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 237.

Bill read third time.

The following amendment was proposed by Assemblywoman Diaz:

Amendment No. 880.

AN ACT relating to crimes; **changing the penalty for certain graffiti offenses committed on any protected site in this State;** revising the definition of "protected site" as it relates to **[**certain**]** **such** graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who places graffiti on or otherwise defaces the real or personal public or private property of another without the permission of the owner is guilty of a category C felony if the offense is committed on any protected site in this State. (NRS 206.330) This bill **changes the penalty for such an offense to a category D felony. This bill also** revises the definition of "protected site" to include any site, building, structure, object or district: (1) listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources; (2) listed in the State Register of Historic Places or the National Register of Historic Places; or (3) that is more than 50 years old and is located in a municipal or state park.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than $250, is guilty of a misdemeanor.

(b) Where the value of the loss is $250 or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category ~~[C]~~ ***D*** felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is $500 or more.

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than $400 but not more than $1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than $750 but not more than $1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense:

(1) Pay a fine of $1,000; and

(2) Perform up to 300 hours of community service for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.

5. The parent or legal guardian of a person under 18 years of age who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties

resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

6. If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

7. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

8. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to this section or another statute for the same conduct.

9. As used in this section:

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Protected site" means:

(1) ~~[A]~~ ***Any*** site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) ***Any site, building, structure, object or district listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources;***

(3) Any site, building, structure, object or district listed in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places;

(4) Any site, building, structure, object or district that is more than 50 years old and is located in a municipal or state park;

(5) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

~~[(3)]~~ ***(6)*** Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Assemblywoman Diaz moved the adoption of the amendment.

Remarks by Assemblywoman Diaz.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 399.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 875.

AN ACT relating to special fuels; prohibiting certain conduct related to the sale of biodiesel, biomass-based diesel or biomass-based diesel blend that does not conform to certain specifications; amending the definition of "biodiesel" and defining "biomass-based diesel" and "biomass-based diesel blend" for the purpose of provisions relating to taxes imposed on special fuels; amending the definition of "special fuel" for the purpose of provisions relating to taxes imposed on special fuels; revising the conversion factor of compressed natural gas for purposes of the taxation of the sale or use of compressed natural gas; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture. (NRS 590.070, 590.150) **Section 1** of this bill provides that it is also a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale biodiesel, biomass-based diesel or biomass-based diesel blend that does not conform to certain standards.

Under existing law, special fuels, which include, without limitation, biodiesel, biodiesel blend and an emulsion of water-phased hydrocarbon fuel, are taxed at the rate of 27 cents per gallon. (NRS 366.060, 366.190) **Sections 2.5 and 3** of this bill specify that diesel, biomass-based diesel, biomass-based diesel blend, liquefied natural gas ~~[,]~~ **and** kerosene ~~[and jet fuel]~~ are among the combustible gases or liquids taxed as special fuels at the rate of 27 cents

per gallon, as is any product used in lieu of or blended with the combustible gas or liquid.

Existing law defines "biodiesel" as any fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle. (NRS 366.022) Biodiesel fuels are considered "special fuels" for the purpose of taxes imposed on fuels. (NRS 366.060, 366.190) **Section 2** of this bill revises the definition of "biodiesel" to provide that a fuel composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter and conforming to certain standards is a biodiesel for the purposes of taxes imposed on special fuel.

Section 3.5 of this bill amends the factor for conversion of volumetric measurement for purposes of taxing the sale or use of compressed natural gas.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale ~~[, any]~~ ***:***

(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM

Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(c) Any biomass-based diesel or biomass-based diesel blend unless it meets the registration requirements for fuels and fuel additives established by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. § 7545.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

6. As used in this section:

(a) "Biodiesel" means a fuel that is composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter.

(b) "Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

(c) "Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 1.2. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. ***"Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources and meets the registration requirements for fuels and fuel additives established by the Administrator of the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7545, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.***

Sec. 1.6. ***"Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.***

Sec. 1.8. NRS 366.020 is hereby amended to read as follows:

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.022 to 366.100, inclusive, ***and sections 1.4 and 1.6 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 366.022 is hereby amended to read as follows:

366.022 "Biodiesel" means a fuel ***that is*** composed of mono-alkyl esters of long-chain fatty acids ~~[or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle.]~~ ***derived from plant or animal matter and that meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."***

Sec. 2.5. NRS 366.060 is hereby amended to read as follows:

366.060 "Special fuel" means any combustible gas or liquid used for the generation of power for the propulsion of motor vehicles, including, without limitation, ***diesel,*** biodiesel, biodiesel blend ~~[and]~~ ***, biomass-based diesel, biomass-based diesel blend, liquefied natural gas,*** an emulsion of water-phased hydrocarbon fuel ~~[.]~~ ~~[,]~~ ***or kerosene*** ~~[or jet fuel]~~ ***or any other product used in lieu of or blended with the combustible gas or liquid.*** The term does not include motor vehicle fuel as defined in chapter 365 of NRS.

Sec. 3. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels ~~[.]~~ ***, including, without limitation:***

(a) Diesel;

(b) Biodiesel;

(c) Biodiesel blend;

(d) Biomass-based diesel;

(e) Biomass-based diesel blend; and

(f) Liquefied natural gas.

2. A tax is hereby imposed at:

(a) The rate of 19 cents per gallon on the sale or use of an emulsion of water-phased hydrocarbon fuel;

(b) The rate of 22 cents per gallon on the sale or use of liquefied petroleum gas; and

(c) The rate of 21 cents per gallon on the sale or use of compressed natural gas.

Sec. 3.5. NRS 366.197 is hereby amended to read as follows:

366.197 For the purpose of taxing the sale or use of ~~[compressed]~~ ***:***

1. Compressed natural gas ~~[or liquefied]~~ ***, 126.67 cubic feet of natural gas or 5.660 pounds of natural gas shall be deemed to equal 1 gallon of special fuel.***

2. Liquefied petroleum gas, 125 cubic feet of natural gas or liquefied petroleum gas shall be deemed to equal 1 gallon of special fuel.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory

administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 508.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 697.

SUMMARY—~~[Repeals]~~ **Revises** provisions relating to trains. (BDR 58-576)

AN ACT relating to trains; revising provisions relating to the California-Nevada Super Speed Ground Transportation System **to provide for the Nevada High-Speed Rail System**; repealing provisions relating to the employment of certain employees of railroad companies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a California-Nevada Super Speed Ground Transportation Commission, charged with pursuing the development of a Super Speed Ground Transportation System connecting southern California with southern Nevada. (NRS 705.4291, 705.4293) **Sections ~~[1-3,]~~ 1-3.8, 5 and 6** of this bill ~~[eliminate obsolete provisions regarding the System by removing]~~ **remove** references to California's participation on the Commission and ~~[reorganizing]~~ **reorganize** the System under the State of Nevada. **Section 3 creates the Nevada High-Speed Rail Authority, and requires that the members of the Authority be appointed by the Governor, the Majority Leader of the Senate and the Speaker of the**

Assembly. Section 3.1 charges the Authority with pursuing the development of the Nevada High-Speed Rail System connecting southern California with southern Nevada. Section 3.2 gives the Authority the authority to perform various tasks related to the planning and development of the System. Section 3.3 allows the Authority to incorporate, and section 3.4 authorizes the Authority to issue bonds, notes, obligations or other evidences of borrowing to finance construction of the System. Section 3.5 requires the Governor to issue a proclamation declaring the completion of the System. Sections 3.6-3.8 and 6 provide that the provisions of law relating to the System and the Authority expire by limitation upon the proclamation of the Governor that the System has been completed. Section 5 provides staggered initial terms for the members of the Authority, and provides for the transfer to the Authority of any rights, obligations and property of the California-Nevada Super Speed Ground Transportation Commission.

Existing law requires the Legislative Counsel and the Research Director of the Legislative Counsel Bureau to work collaboratively to develop recommendations for the elimination of obsolete or antiquated provisions of the Nevada Revised Statutes. (NRS 220.085) **Section 4** of this bill repeals certain obsolete provisions of existing law which prohibit the employment of certain engineers or engine drivers to run a locomotive or train and the discharging from employment of certain flaggers and trainmen. (NRS 705.240, 705.390, 705.420)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 705.4291 is hereby amended to read as follows:

705.4291 The Legislature finds and declares that:

1. Passage of NRS 705.4291 to 705.4296, inclusive, is a declaration of legislative intent that the ~~[States of California and Nevada jointly]~~ ***State of Nevada*** ~~[consider and, if justified, pursue the development]~~ ***pursue the implementation*** of a ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System connecting southern California with southern Nevada.

2. The System will:

(a) Provide economic benefits to both southern California and southern Nevada.

(b) Reduce reliance on gasoline- and diesel-fueled engines and encourage the use of alternative energy sources.

(c) Reduce congestion on Interstate Highway No. 15 between southern California and Las Vegas.

(d) Provide a working example for a transportation system that could play an essential role in the development of future commuter ***and high-speed rail*** service in the Los Angeles Basin and the Las Vegas Valley.

(e) Provide quick and convenient transportation service for residents and visitors in southern California and southern Nevada.

Sec. 2. NRS 705.4292 is hereby amended to read as follows:

705.4292 As used in NRS 705.4291 to 705.4296, inclusive, unless the context otherwise requires:

1. ~~[~~"Commission" means the~~]~~ ~~[~~California Nevada~~]~~ ~~[~~*Nevada* Super Speed Ground Transportation Commission.~~]~~ ***"Authority" means the Nevada High-Speed Rail Authority created by NRS 705.4293.***

2. ***"High-Speed Rail System" means a system that:***

(a) Is capable of sustained speeds of at least 150 miles per hour, or the speed established by the United States Department of Transportation and the Federal Railroad Administration's plans and policies for high-speed rail express service;

(b) Carries primarily passengers;

(c) Operates on dedicated and exclusive standard gauge tracks for the purpose of high-speed rail service;

(d) Allows for interoperability with existing and planned rail systems; and

(e) Is certified by the Surface Transportation Board of the United States Department of Transportation as an interstate passenger railroad to construct and operate.

3. "Southern California" means the counties of Los Angeles, Orange, Riverside and San Bernardino.

~~[~~3. "Super Speed Ground Transportation System" means a system that:

(a) Is capable of sustained speeds of at least 240 miles per hour;

(b) Uses magnetic levitation technology;

(c) Carries primarily passengers; and

(d) Operates on a grade separated, dedicated guideway.~~]~~

Sec. 3. NRS 705.4293 is hereby amended to read as follows:

705.4293 1. There is hereby created the ~~[~~California Nevada~~]~~ ~~[~~*Nevada* Super Speed Ground Transportation Commission~~]~~ ***Nevada High-Speed Rail Authority*** as a separate legal entity. The governing body of the ~~[~~Commission~~]~~ ***Authority*** consists of ~~[~~:

(a) The members from California appointed pursuant to the law of California and the bylaws of the Commission.

(b) The same number of members from Nevada as are from California,~~]~~ ~~[~~*eight*~~]~~ ***five members*** appointed ~~[~~by the Governor.~~]~~ ~~[~~of Nevada.~~]~~ ***as follows:***

(a) The Governor shall appoint one member;

(b) The Majority Leader of the Senate shall appoint two members; and

(c) The Speaker of the Assembly shall appoint two members.

➥ The members must be residents of the State of Nevada and must be appointed based upon their knowledge, expertise or experience in the areas of rail transportation and high-speed rail service.

2. ~~[The]~~ ***After their initial terms, the*** members ~~[from Nevada]~~ serve for terms of 4 years and may be reappointed ***.*** ~~[at the pleasure of the Governor.]~~

3. The ~~[Commission]~~ ***Authority*** shall elect one of its members as Chair.

Sec. 3.1. **NRS 705.42935 is hereby amended to read as follows:**

705.42935 The ~~[Commission]~~ ***Authority*** is hereby designated as an agency of the State of Nevada for the purposes of carrying out the provisions of NRS 705.4291 to 705.4296, inclusive.

Sec. 3.2. **NRS 705.4294 is hereby amended to read as follows:**

705.4294 ~~[1. The Commission may:~~

~~(a) Subject to the provisions of subsection 2, secure]~~ ***The Authority may:***

1. Secure a right-of-way and award a franchise for the construction and operation of a ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System principally following the route of Interstate Highway No. 15 between Las Vegas, Nevada, and a point in southern California.

~~[(b)]~~ ***2.*** Acquire or gain control or use of land for rights-of-way, stations and ancillary uses through purchase, gift, lease, use permit or easement.

~~[(c)]~~ ***3.*** Conduct engineering and other studies related to the selection and acquisition of rights-of-way and the selection of a franchisee, including, but not limited to, environmental impact studies, socioeconomic impact studies and financial feasibility studies. All local, state and federal environmental requirements must be met by the ~~[Commission.~~

~~(d) Evaluate alternative technologies, systems and operators for a Super Speed Ground Transportation System, and select]~~ ***Authority.***

4. Select a franchisee to construct and operate the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System between southern California and Las Vegas.

~~[(e)]~~ ***5.*** Establish criteria for the award of the franchise ~~[.~~

~~(f)]~~ ***, which must include, without limitation:***

(a) The extent to which environmental studies have been completed;

(b) The level of private investment that has been made or committed;

(c) Construction readiness; and

(d) Pending or completed permit applications to implement a High-Speed Rail System.

6. Accept grants, gifts, fees and allocations from Nevada or its political subdivisions, the Federal Government, foreign governments and any private source.

~~[(g)]~~ ***7.*** Issue debt, but this debt does not constitute an obligation of the ~~[State of California or the]~~ State of Nevada, or any of ~~[their]~~ ***its*** political subdivisions.

~~[(h)]~~ ***8.*** Hire an Executive Officer, other staff and any consultants deemed appropriate.

~~[(i) Select the exact route and terminal sites.~~

~~(j)]~~ ***9.*** Obtain, or assist the selected franchisee in obtaining, all necessary permits and certificates from governmental entities in California and Nevada ~~[.~~

~~2. Before the:~~

~~(a) Commission or a franchisee begins construction in Nevada; and~~

~~(b) Receipt of any final certificates and permits necessary for the construction or use of a public right-of-way,~~

~~→ the route and terminals selected by the Commission must be approved by the appropriate local, regional and state governmental entities in Nevada which have jurisdiction over the route and terminals located in this state. As a condition of awarding a franchise, the Commission shall require the franchisee to comply with this subsection.~~

~~3. Before the:~~

~~(a) Commission or a franchisee begins construction in California; and~~

~~(b) Receipt of any final certificates and permits necessary for the construction or use of a public right-of-way,~~

~~→ the route and terminals selected by the Commission must be approved by the appropriate local, regional and state governmental entities in California which have jurisdiction over the route and terminals located in that state. As a condition of awarding a franchise, the Commission shall require the franchisee to comply with this subsection.~~**]** ***, recognizing the preemptive federal authority of the Surface Transportation Board of the United States Department of Transportation over interstate passenger railroads.***

10. Negotiate, enter into and execute all necessary local, regional and state governmental agreements to allow for the construction and implementation of the High-Speed Rail System.

Sec. 3.3. **NRS 705.4295 is hereby amended to read as follows:**

705.4295 1. The ~~[Commission]~~ ***Authority*** may incorporate under the general incorporation laws of either this state or the State of California, whichever the ~~[Commission]~~ ***Authority*** determines to be in its best interests. Copies of its proceedings, records and acts, when authenticated, are admissible in evidence in all courts of either State and are prima facie evidence of the truth of all statements therein.

2. The members of the ~~[Commission]~~ ***Authority*** and its agents and employees are not liable for any damages that result from any act or omission

in the performance of their duties or the exercise of their powers pursuant to NRS 705.4291 to 705.4296, inclusive.

*Sec. **3.4.*** **NRS 705.42955 is hereby amended to read as follows:**

705.42955 1. The ~~[Commission,]~~ ***Authority,*** or a corporation formed by the ~~[Commission]~~ ***Authority*** pursuant to the laws of this state or the State of California, as the ~~[Commission]~~ ***Authority*** deems appropriate, may issue bonds, notes, obligations or other evidences of borrowing to finance all or a part of the construction of all or a part of the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System. For purposes of issuing bonds, notes, obligations or other evidences of borrowing pursuant to this section, the ~~[Commission]~~ ***Authority*** and any corporation formed by the ~~[Commission]~~ ***Authority*** are constituted authorities for the purposes of regulations enacted by the Internal Revenue Service pursuant to 26 U.S.C. §§ 103 and 141 to 150, inclusive.

2. Bonds, notes, obligations or other evidences of borrowing issued by the ~~[Commission]~~ ***Authority*** or any corporation formed by the ~~[Commission]~~ ***Authority*** which are issued to finance all or any part of the construction of all or a part of the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System may be payable from and secured by:

(a) A pledge of property of the ~~[Commission]~~ ***Authority*** or a corporation formed by the ~~[Commission]~~ ***Authority*** pursuant to this section;

(b) A pledge of any revenue of the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System, including revenue from fares, revenue from advertising and all other revenue of the System; and

(c) A pledge of any other money made available to the ~~[Commission]~~ ***Authority*** or a corporation formed by the ~~[Commission]~~ ***Authority*** pursuant to this section by:

(1) Grants from the Federal Government or any other federal funds as may be available to pay costs of the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System or debt service on any borrowing;

(2) Any company, public or private; or

(3) Any local government or governmental entity in this state or in the State of California pursuant to an intergovernmental agreement or otherwise.

3. The ~~[Commission]~~ ***Authority*** may enter into agreements with any person, local government or governmental entity for the provision of resources or assistance to the ~~[Commission]~~ ***Authority*** or a corporation formed by the ~~[Commission]~~ ***Authority*** concerning the financing of the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System.

4. The ~~[Commission]~~ ***Authority*** or any corporation formed by the ~~[Commission]~~ ***Authority*** pursuant to this section may issue obligations to refund any obligations issued pursuant to the provisions of this section and

NRS 705.4291 to 705.4296, inclusive, for any purpose the ~~[Commission]~~ ***Authority*** determines to be sufficient.

5. Nothing in this section authorizes the ~~[Commission]~~ ***Authority*** or any corporation formed by the ~~[Commission]~~ ***Authority*** to obligate this state or the State of California or any political subdivision thereof unless such State or political subdivision has obligated itself to the ~~[Commission]~~ ***Authority*** or a corporation created by the ~~[Commission]~~ ***Authority*** through an intergovernmental agreement.

6. ~~[Unless a specific statute of this state or the State of California requires otherwise, upon dissolution of the Commission, all property of the Commission must be distributed between this state and the State of California in an equitable manner as agreed upon by the States.~~

~~7.]~~ The creation, perfection, priority and enforcement of any lien on pledged revenue or other money established to secure any bond, note, obligation or other evidence of borrowing issued pursuant to this section, must be as specified in this section and in the instruments approved by the ~~[Commission]~~ ***Authority*** pertaining to that bond, note, obligation or other evidence of borrowing. It is the purpose of this section to provide expressly for the creation, perfection, priority and enforcement of a security interest created by the ~~[Commission]~~ ***Authority*** in pledged revenues or other money in connection with bonds, notes, obligations or other evidences of borrowing issued pursuant to this section, as provided for in paragraph (n) of subsection 4 of NRS 104.9109. Any lien on pledged revenue or other money created to secure any bond, note, obligation or other evidence of borrowing issued pursuant to this section has priority over any lien thereon created pursuant to the provisions of chapter 104 of NRS unless otherwise provided in the instrument creating the lien to secure such bond, note, obligation or other evidence of borrowing issued pursuant to the provisions of this section.

Sec. 3.5. **NRS 705.4296 is hereby amended to read as follows:**

705.4296 The Governor shall declare, by public proclamation on the date of completion of the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System connecting southern California with Southern Nevada, that the System has been completed.

Sec. 3.53. **NRS 709.050 is hereby amended to read as follows:**

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county,

when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a ~~[super-speed ground transportation system]~~ ***High-Speed Rail System*** as defined in NRS 705.4292.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 3.57. **NRS 709.290 is hereby amended to read as follows:**

709.290 1. The county commissioners, town trustees, supervisors or other governing body directly entrusted with the management of affairs of any town or city in this State are authorized to sell to the highest responsible bidder any franchise for a street railway through and over any street or streets of such town, according to the provisions of NRS 709.310.

2. As used in NRS 709.290 to 709.360, inclusive, "street railway" means:

(a) A system of public transportation operating over fixed rails on the surface of the ground; or

(b) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a ~~[Super-Speed Ground Transportation]~~ ***High-Speed Rail*** System as defined in NRS 705.4292.

3. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 3.6. **Section 3.5 of chapter 88, Statutes of Nevada 2001, as added by section 7 of chapter 2, Statutes of Nevada 2003, at page 6, is hereby amended to read as follows:**

Sec. 3.5. NRS 705.4291, 705.4292, 705.4293, 705.4294, 705.4295 and 705.4296 expire by limitation:

1. One year after the date on which the governor declares by public proclamation that the ~~[super-speed-ground-transportation system]~~ ***High-Speed Rail System*** connecting southern California with southern Nevada has been completed; or

2. On the date all borrowing made pursuant to section 1 of this act is retired,

whichever is later.

Sec. 3.7. **Section 4 of chapter 88, Statutes of Nevada 2001, at page 560, is hereby amended to read as follows:**

Sec. 4. 1. This act becomes effective on July 1, 2001.

2. Sections 1 and 2 of this act expire by limitation:

(a) One year after the date on which the governor declares by public proclamation that the ~~[super-speed-ground-transportation system]~~ ***High-Speed Rail System*** connecting southern California with southern Nevada has been completed; or

(b) On the date all borrowing made pursuant to section 1 of this act is retired,

whichever is later.

Sec. 3.8. **Section 5 of chapter 209, Statutes of Nevada 2003, at page 1173, is hereby amended to read as follows:**

Sec. 5. 1. This act becomes effective on July 1, 2003.

2. Sections 1 to 4, inclusive, of this act expire by limitation:

(a) One year after the date on which the Governor declares by public proclamation that the ~~[Super Speed Ground Transportation]~~ ***High-Speed Rail*** System connecting southern California with southern Nevada has been completed; or

(b) On the date all borrowing made pursuant to NRS 705.42955 is retired,

whichever is later.

Sec. 4. NRS 705.240, 705.390 and 705.420 are hereby repealed.

Sec. 5. On the effective date of this act:

1. The rights, obligations and property of the State of Nevada in the California-Nevada Super Speed Ground Transportation Commission, if any, become the rights, obligations and property of the Nevada ~~[Super Speed Ground Transportation Commission.]~~ **High-Speed Rail Authority.**

2. The **terms of the** Nevada members of the California-Nevada Super Speed Ground Transportation Commission ~~[become the members of the Nevada Super Speed Ground Transportation Commission and shall be deemed to have been appointed to the Nevada Super Speed Ground Transportation Commission on the dates that they were appointed to the California Nevada Super Speed Ground Transportation Commission.]~~ **expire. The initial appointments to the Nevada High-Speed Rail Authority must be made as follows:**

(a) The Governor shall appoint one member to a term beginning on October 1, 2013, and ending on September 30, 2015; and

(b) The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint:

(1) One member to a term beginning on October 1, 2013, and ending on September 30, 2016; and

(2) One member to a term beginning on October 1, 2013, and ending on September 30, 2017.

3. Any agreements entered into by the California-Nevada Super Speed Ground Transportation Commission terminate.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. Sections 1 ~~[, 2 and 3]~~ **to 3.5, inclusive,** of this act expire by limitation:

(a) One year after the date on which the Governor declares by public proclamation that the ~~[Super Speed Ground Transportation]~~ **High-Speed Rail** System connecting southern California with southern Nevada has been completed; or

(b) On the date all borrowing made pursuant to NRS 705.42955 is retired,

➥ whichever is later.

TEXT OF REPEALED SECTIONS

705.240 Engineer required to be able to read timetables and ordinary handwriting; penalty.

1. It shall be unlawful for any person, as an officer of a corporation or otherwise, knowingly to employ an engineer or engine driver to run a locomotive or train on any railway if such engineer or engine driver cannot read timetables and ordinary handwriting.

2. It shall be unlawful for any person who cannot read timetables and ordinary handwriting to act as an engineer or run a locomotive or train on any railway.

3. Any person who violates any provision of this section shall be guilty of a gross misdemeanor.

705.390 Protection of flagger and trainman employed on certain dates from discharge or loss of employment. No person employed as a flagger on any railroad in this State on April 1, 1963, may be discharged or

lose such employment by reason of the provisions of chapter 176, Statutes of Nevada 1963. No person holding seniority as a trainman on any railroad in this State on July 1, 1985, may be discharged or lose such employment by reason of the provisions of chapter 358, Statutes of Nevada 1985. But if a flagger or a trainman retires, terminates or voluntarily leaves such employment, the railroad company need not replace the position so vacated.

705.420 Penalty. Any railroad company or receiver of any railroad company, and any person engaged in the business of common carrier doing business in the State of Nevada, which violates any of the provisions of NRS 705.390 is liable to the Public Utilities Commission of Nevada for a penalty of $500 for each violation.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 419 increases the number of members on the Public Employees' Benefits Program Board from nine to ten members by adding an additional member who is retired from public employment and appointed by the Governor.

Roll call on Assembly Bill No. 419:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 419 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 312.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 312 makes the Department of Motor Vehicles responsible for regulating and registering organizations that wish to sponsor and conduct victim impact panels. Senate Bill 312 requires victim impact panels to be held at the courthouse under the direction and supervision of a justice of the peace, municipal court judge, or district court judge or to be conducted by a registered sponsor in a judicial district that has prepared and maintains a list of registered sponsors.

Roll call on Senate Bill No. 312:

YEAS—24.

NAYS—Paul Anderson, Daly, Duncan, Ellison, Fiore, Flores, Grady, Hambrick, Hardy, Hickey, Horne, Kirner, Livermore, Neal, Stewart, Wheeler, Woodbury—17.

EXCUSED—Pierce.

Senate Bill No. 312 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 315 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 419 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 314 provides that the liberty interest of a parent in the care, custody, and management of the parent's child is a fundamental right. This measure must not be interpreted as authorizing a parent to engage in unlawful conduct or to abuse or neglect a child, or as prohibiting courts, law enforcement officers, or child welfare agencies from acting in their official capacity within the scope of their authority.

Roll call on Senate Bill No. 314:

YEAS—27.

NAYS—Carlton, Carrillo, Cohen, Eisen, Ellison, Flores, Grady, Hambrick, Hansen, Horne, Livermore, Munford, Neal, Swank—14.

EXCUSED—Pierce.

Senate Bill No. 314 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Senate Bill 441 provides that a director, officer, manager, managing member, general partner, or trustee of certain business entities consents to personal jurisdiction

The measure provides that unless otherwise restricted by the articles of incorporation or bylaws, members of a corporation may participate in a meeting through available technology if

the corporation has implemented reasonable measure. The measure also authorizes an insurance company to organize as a nonprofit corporation. Additionally, the measure adds exceptions to the general rule for the dissolution of a limited-liability company.

Roll call on Senate Bill No. 441:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 441 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 49 makes major changes to reporting requirements for candidates and clarifies and improves financial disclosure laws for public officers and those candidates. The bill adds new reporting requirements including ending fund balances, filing five new reports, one report covering the period after a general election through the end of the year and four new reports in non-election years. It adds new reports for contributions over $2,000 during early voting. The bill adds detailed definitions for what is a restricted donor and item of value, and clarifies other definitions related to financial disclosure reports. The bill prohibits the public officer or candidate from accepting items of value from a restricted donor, and it spells out the limited list of items of value that may be accepted, almost all of which must be reported when that value exceeds $200. If a candidate or public officer accepts tickets to a sporting event or other type of entertainment, anything of a value greater than $50 must be reported. The items exempt from reporting are ones involving items from restricted donors who are family members, providing food and beverage in a very limited circumstance, and items provided to everyone by a restricted donor at an event such as a conference.

The Secretary of State is authorized to seek injunctive relief, and, in addition to civil penalties, must file financial disclosure actions in the county in which the defendant resides. Finally, S.B. 49 makes changes to the legislative lobbying laws to conform them to the new financial disclosure provisions.

I just want to briefly talk about some of the very positive aspects of this law in terms of new and greater transparency. As I mentioned earlier, the bill does add five new reports for candidates plus additional reporting during early voting for large contributions. This is in addition to the reports that this Legislature added during the 2011 Session. Under current law, food, beverages, and entertainment given to legislators are not considered gifts or items of value, and the bill's exemptions from reporting these are very narrow. The current lack of definitions in our statutes for "donor or gift" has led to inconsistent and spotty reporting. The specificity in S.B. 49 will go a long way towards standardizing, and improving financial disclosure at all levels of government. Last but not least Madam Speaker, I direct your attention to section 32 of S.B. 49, which makes it very clear that the financial disclosure laws do not allow unfettered gift giving. Public officers and candidates are still prohibited from accepting items of value that would tend to improperly influence their action.

In summary, this bill is a big step in the right direction and will result in more reporting and transparency than we have today. I urge this body's support.

Roll call on Senate Bill No. 49:

YEAS—36.

NAYS—Carlton, Daly, Ellison, Fiore, Hardy—5.

EXCUSED—Pierce.

Senate Bill No. 49 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblymen Fiore and Kirner.

ASSEMBLYWOMAN FIORE:

Senate Bill 311 requires school districts to identify schools rated as underperforming that are eligible for conversion into empowerment schools. Underperforming empowerment schools may later be converted into charter schools. The measure defines an "underperforming school" as one that has received the lowest possible rating by the state Department of Education under its accountability provisions.

Parents or legal guardians of pupils at an underperforming school must petition the school board to form an advisory team to review achievement data and other factors and make recommendations.

Following certain procedures required of the advisory team, the measure provides that the school may be converted into an empowerment school if 55 percent or more of the parents or guardians of pupils enrolled in the school submit a petition for conversion.

Should parents later wish to convert an empowerment school into a charter school, the same petition, notification, and procedural requirements apply. If a school continues to be rated as underperforming for three consecutive years following its conversion to a charter school, the school's charter may be revoked by its sponsor. Such schools would become public schools the year following revocation.

Finally, parents and guardians are authorized to petition for a reversal of any conversion using the same signature threshold and process requirements of the original petition to convert.

ASSEMBLYMAN KIRNER:

I rise in opposition to this. As I look at this bill, I think it presents a conflict for us. While generally I support the idea of a parent trigger, I am concerned with the fact that after the empowerment part of it, it moves to a charter school. We have in legislation systematically excluded public school property from being part of a charter school. So I see a conflict here, and for that reason I am going to be opposing the bill.

Roll call on Senate Bill No. 311:

YEAS—17.

NAYS—Paul Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Daly, Diaz, Eisen, Ellison, Flores, Frierson, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Martin, Neal, Ohrenschall, Spiegel, Sprinkle, Stewart, Swank, Wheeler—24.

EXCUSED—Pierce.

Senate Bill No. 311 having failed to receive a constitutional majority, Madam Speaker declared it lost.

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 107 authorizes a state, local, or regional facility for the detention of children to subject a child to corrective room restriction only if other less restrictive options have been exhausted and only for specific purposes. The facility must conduct a safety check on a child subjected to corrective room restriction at least once every ten minutes, and may not place a child on corrective room restriction for more than 72 consecutive hours.

There was much testimony at the hearing in your Judiciary Committee about the effect that solitary confinement in a detention facility can have on a child, and I think this bill is a big step forward in trying to make sure that when children are in these facilities, we are looking out for their long-term future. I urge your support.

Roll call on Senate Bill No. 107:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 107 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 112 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 419 authorizes a notary public who has obtained a certificate of permission from a county clerk to perform marriages. In addition, the measure authorizes a minister, other church or religious official, or a notary public to submit to the county clerk an application to perform a specific marriage in the county. In these instances, the measure provides the information to be included in the application and requires a $25 application fee to accompany the application . A person may not obtain more than five authorizations to perform a specific marriage in any calendar year.

Roll call on Senate Bill No. 419:

YEAS—32.

NAYS—Duncan, Ellison, Fiore, Hambrick, Kirner, Livermore, Stewart, Wheeler, Woodbury—9.

EXCUSED—Pierce.

Senate Bill No. 419 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly dispense with the reprinting of Senate Bills Nos. 210 and 220.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

Senate Bill 210 directs the Nevada Transportation Authority [NTA] to issue permits to drivers operating in industries under its authority. Provisions of the bill require a driver to submit fingerprints for the purpose of a criminal background check. To qualify for the permit, a driver is required to hold a valid commercial driver's license and provide proof of employment or a letter of intent by a certificated carrier. Additional provisions authorize the NTA to refuse a driver's permit if the applicant has been convicted of a felony in the previous five years, or a felony involving a sexual offense at any time before the date of the application. The NTA may also deny an application if a driver has been convicted of driving under the influence in the immediate three-year period. The NTA will establish a fingerprint processing fee, which is to be paid by the applicant.

Roll call on Senate Bill No. 210:

YEAS—40.

NAYS—Fiore.

EXCUSED—Pierce.

Senate Bill No. 210 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 220.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 220 revises provisions relating to the disclosure of certain information by certain licensing boards. It provides for the filling of anonymous complaints concerning certain professions with the appropriate board; requires each of the various licensing boards to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning unlicensed activity; revises existing criminal penalties for physicians, osteopathic physicians, nurses, and pharmacists; and authorizes various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions.

The bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of Botox by a medical assistant or any other person. In addition, the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators are required to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards. Senate Bill 220 also requires that the Board of Cosmetology take reasonable actions to enable schools of cosmetology to receive

federal financial assistance for their students. Before issuing a license to a school of cosmetology, the Board must determine whether the proposed school admits as regular students only persons who have received a certificate of graduation from high school or the recognized equivalent of such a certificate or who are beyond the age of compulsory school attendance. Finally, the bill specifies certain information that must be contained on the license issued by the Board.

Provisions requiring the Board of Cosmetology to take reasonable actions to enable schools of cosmetology to receive federal financial assistance for their students and provisions concerning the issuance of licenses for schools of cosmetology are effective upon passage and approval. Other provisions of this bill are effective on October 1, 2013.

In working on this bill, a number of things have been addressed, and I congratulate my colleagues that have done a lot of work on this. But unfortunately, I cannot stand here in support of this bill. There is a component within this bill that would let unlicensed personnel give injections. I have concerns about that, and I apologize for not being more clear about that earlier. But this bill does have important components, so I look forward to this bill being further discussed between the two houses one day very soon.

Roll call on Senate Bill No. 220:

YEAS—28.

NAYS—Carlton, Ellison, Fiore, Grady, Hambrick, Hickey, Hogan, Kirkpatrick, Kirner, Livermore, Stewart, Wheeler, Woodbury—13.

EXCUSED—Pierce.

Senate Bill No. 220 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 327 revises provisions authorizing the practice of medicine in Nevada by health care professionals regardless of whether the professionals are physically located in this state. A licensee of the Board of Medical Examiners who engages in telemedicine must maintain an electronic mail address with the Board. The measure authorizes service of process be made on a licensee who practices telemedicine by electronic mail.

A physician who is issued a special purpose license by the Board of Medical Examiners and a registered nurse who is certified as an advanced practitioner of nursing to perform telemedicine may practice medicine without regard to whether they are located in this State. Senate Bill 327 revises provisions governing the practice of telemedicine.

The measure provides that a physician who is licensed in another state and is issued a special purpose license must comply with all applicable State laws and regulations of the Board of Medical Examiners and is subject to the jurisdiction of the courts of Nevada. In addition, the bill requires an osteopathic physician who practices telemedicine to comply with the applicable state laws and regulations of the State Board of Osteopathic Medicine and is subject to the jurisdiction of the courts of Nevada.

Roll call on Senate Bill No. 327:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 327 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 280 establishes a priority order for the application of payments from a homeowner who is delinquent. It prohibits an Home Owners Association [HOA] from refusing to accept a partial payment.

Senate Bill 280 includes the costs of collecting delinquent assessments in the super-priority lien. The bill prohibits an HOA from foreclosing on its lien based on the costs of collecting, and it provides that foreclosure on an HOA's lien does not extinguish the rights of the holder of the first security interest.

Lastly, This measure also authorizes the holder of the first security interest to establish an escrow account for payment of HOA assessments.

Roll call on Senate Bill No. 280:

YEAS—35.

NAYS—Fiore, Kirner, Munford, Ohrenschall, Stewart, Wheeler—6.

EXCUSED—Pierce.

Senate Bill No. 280 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly dispense with the reprinting of Senate Bills Nos. 179, 237, 384, 399, and 508.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 179.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 179 requires the Nevada Department of Transportation's existing bicycle and pedestrian safety program to inform the traveling public of applicable traffic laws, to encourage observance of those laws, and to promote traffic safety in school zones.

Roll call on Senate Bill No. 179:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 179 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 237 revises the definition of a "protected site" in Nevada to include any site, building, structure, object, or district listed in the register of historic resources of a community; the State Register of Historic Places pursuant to NRS 383.085; or the National Register of Historic Places. In addition, a protected site includes any such resource over 50 years in age located in a state or municipal park. Senate Bill 237 also changes the penalty for a graffiti offense on a protected site from a category C felony to a category D felony.

Roll call on Senate Bill No. 237:

YEAS—34.

NAYS—Benitez-Thompson, Carlton, Flores, Horne, Neal, Ohrenschall, Stewart—7.

EXCUSED—Pierce.

Senate Bill No. 237 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

Remarks by Assemblyman Duncan.

ASSEMBLYMAN DUNCAN:

Senate Bill 384 enacts the Charter School Financing Law, and it authorizes the Director of the Department of Business and Industry to issue tax-exempt bonds and other obligations to fund the buildings and facilities necessary to operate a charter school. A charter school is thereby authorized to borrow money and encumber its property and assets, and to use public money to purchase property with the approval of its sponsor. In addition to other requirements, in order to qualify for bond financing, a charter school must receive one of the two highest ratings in the Department of Education's statewide school performance system for three consecutive years, or have an equivalent rating in another state as determined by the Department of Education.

Roll call on Senate Bill No. 384:

YEAS—32.

NAYS—Benitez-Thompson, Carlton, Carrillo, Eisen, Flores, Frierson, Horne, Neal, Swank—9.

EXCUSED—Pierce.

Senate Bill No. 384 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 399 revises the definition of "biodiesel" and defines "biomass-based diesel" and "biomass-based diesel blend." The measure clarifies that it is unlawful to sell or deliver such fuels unless they meet certain requirements.

The bill also revises the definition of "special fuel" and specifies that the existing tax rate which is applicable to special fuels applies to certain fuel products. Finally, the bill provides volume conversion standards for compressed natural gas, for tax purposes.

Roll call on Senate Bill No. 399:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 399 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 508 replaces the California-Nevada Super Speed Ground Transportation Commission with a five-member Nevada High-Speed Rail Authority. The bill provides that members of the Authority shall be Nevada residents with knowledge, expertise, or experience in rail transportation and high-speed rail service. The bill also repeals obsolete provisions of existing law related to the employment of certain railroad employees.

Roll call on Senate Bill No. 508:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 508 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Senate Bill No. 224 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 224.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 879.

AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a court to impose a fee of ~~[$500,]~~ **$100,** in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor. If the fee of ~~[$500]~~ **$100** is not within a defendant's present ability to pay, the justice or judge may require the equivalent community service to be performed. Under this bill, the money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs. **This bill allows the Office of Court Administrator to accept money from gifts, grants and other sources to apportion to courts that provide specialty court programs for those same purposes. This bill also requires a court that provides a specialty court program to submit reports concerning the program to the Office of Court Administrator.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a defendant who is charged with a violation of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, that charge, the justice or judge shall include in the sentence, in addition to any other penalty or administrative assessment provided by law, a fee of ~~[$500]~~ $100 for the provision of specialty court programs and render a judgment against the defendant for the fee. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the fee required pursuant to this subsection.

2. If the fee pursuant to subsection 1:

(a) Is not within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, community service for a reasonable number of hours, the value of which would be commensurate with the fee.

(b) Is not entirely within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, a reduced fee and

community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the fee.

3. The money collected for the specialty courts fee must not be deducted from any fine imposed by the justice or judge but must be collected from the defendant in addition to the fine. The money collected for such a fee must be stated separately on the court's docket. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the specialty courts fee remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

4. A justice or judge shall, if requested by a defendant, allow a specialty courts fee to be paid in installments under terms established by the justice or judge.

5. Any payments made by a defendant must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of the specialty courts fee pursuant to this section; and

(e) To pay the fine.

6. The money collected for a specialty courts fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for a specialty courts fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for district attorney and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

9. The Office of Court Administrator may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source for the provision of specialty court programs pursuant to this section.

10. A court that provides a specialty court program shall, as required by the Office of Court Administrator, submit a report to the Office of Court Administrator concerning the program. The report must include:

(a) Demographic and statistical information concerning the participants in the program, including, without limitation, the age, gender, race and ethnicity of the participants;

(b) Statistical information concerning the operation of the program, including, without limitation, the number of participants in the program, the nature of the criminal charges that were filed against participants, the number of participants who have completed the program and the rate of recidivism among participants; and

(c) Any other information required by the Office of Court Administrator.

➥ On or before January 1 of each odd-numbered year, the Office of Court Administrator shall submit a copy of the report to the Director of the Legislative Counsel Bureau.

11. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the

fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court

facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without

limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 4. This act becomes effective on July 1, 2013 ~~[.]~~ **, and expires by limitation on June 30, 2015.**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:35 p.m.

ASSEMBLY IN SESSION

At 8:22 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 347 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that the Assembly dispense with the reprinting of Senate Bills Nos. 224 and 347.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 347.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 887.

SUMMARY—Requires the ~~[Advisory]~~ **Legislative** Commission ~~[on the Administration of Justice]~~ to ~~[consider certain matters]~~ **conduct an interim study** relating to ~~[parole.]~~ **the supervision of offenders.** (BDR S-1050)

AN ACT relating to **the** criminal **justice** ~~[procedure; directing]~~ **system; requiring** the ~~[Advisory]~~ **Legislative** Commission ~~[on the Administration of Justice]~~ to ~~[consider certain matters]~~ **conduct an interim study** relating to ~~[parole;]~~ **the supervision of offenders;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125)]~~ This bill requires the ~~[Advisory]~~ **Legislative** Commission to ~~[include, as an item on an agenda, consideration of certain matters]~~ **conduct an interim study** relating to ~~[parole.]~~ **the supervision of offenders.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The ~~[Advisory]~~ **Legislative** Commission ~~[on the Administration of Justice shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following matters]~~ **is hereby directed to conduct an interim study** relating to ~~[parole:~~

~~1.]~~ **the supervision of offenders.**

2. The study must include, without limitation, the following matters:

(a) A survey of the parole systems of this State and other states and territories of the United States.

~~[2.]~~ **(b)** A review of states that replaced discretionary parole systems with mandatory parole systems.

~~[3.]~~ **(c) A review of whether the Division of Parole and Probation of the Department of Public Safety or any of its function or duties should be reorganized or transferred to the Department of Corrections.**

(d) A review of any other matter **relating to the supervision of offenders** that the ~~[Advisory Commission]~~ **committee** determines is relevant to the ~~[discussion.]~~ **study.**

3. As soon as practicable after July 1, 2013, the Legislative Committee shall appoint a committee composed of:

(a) Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

(b) Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate.

4. The Legislative Commission shall designate one of the members of the committee to serve as Chair of the committee.

5. The Legislative Commission may require the study to be completed not less than 45 days before the first day of the 78th Session of the Legislature.

6. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the Committee.

7. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 224.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Senate Bill 224 imposes a fee of $100, in addition to any other penalty, if a person is convicted of driving under the influence. This bill also authorizes the Office of the Court Administrator to accept money from gifts, grants, and other sources to provide for specialty courts. The bill is effective July 1, 2013, and expires by limitation on June 30, 2015.

Roll call on Senate Bill No. 224:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 224 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The amendment to this bill addresses an interim study relating to the supervision of offenders through looking at how Probation and Parole should be organized in the future and whether any of their functions or duties should be transferred to the Department of Corrections. It sets the criteria for the formation of the interim study committee through the Legislative Commission with three members appointed by the Assembly—two who are appointed by the Speaker, one by the Minority Leader—and three members by the Senate—two appointed by the Majority Leader, one by the Minority Leader. The Legislative Commission shall designate one of the members as the Chair and also lay out the time frames for the committee's work. The bill states that recommendations from the proposed committee must be approved by a majority of the Senate and a majority of the Assembly and reported back to the Legislative Commission no less than 45 days before the first day of the 78th Session of the Legislature.

Roll call on Senate Bill No. 347:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 347 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 20, 31, 60, 106, 125, 155, 198, 243.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Marisa Diaz and Mary Cruz Gonzalez Alejandre.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Fremont Elementary School: David Bradt, Alicia Contreras, Hannah Dobney, Samantha Dominguez Hernandez, Jayden Dunlap, Tyler Germain, Vladimir Gonzalez, Joshua Holmes, Ivan Iza, Vivian Lathrop, Lydicia Mancillas, Olivia Martin, Anthony Meyer, Cali Moore, Kaleb Nix, Sutter Reynolds, Anay Romero Estupinan, Yanelly Salgado, Samantha Silva, Brooklyn Wall, Christopher Zierten, Steven Arraiz, Owen Carlson, Deanina Dunn, Chloe Empeno, Isaac Harrison, Edgar Iza, Amberlee Ketten, Daniel Logan, Monique Martin, Christopher McCorkle, Adan Nunez-Soto, Nicole Orio, Lance Pabst, Isarai Partida Lopez, Zander Plunkett, Brigette Quintero, Nathan Reynolds, Michael Rhodes, Zephyn Sellars, Dylan Wygant, Makenzee Valentine, Elysia Teruya, Mya Wilson, Ricardo Andrade, Christian Apodaca, Nicholas Arraiz, Abbie Cherpeski, George Cox Jr., Cassandra Dominguez, Bryce Fettic, Michael Garrett Jr., Jacqueline Guitron, Haley Illig, Kristopher Jovel, Philip Maita, Jacob Nichols, Guillermo Perez, Emma Pitman, Ryan Pitman, Kaleb Schumacher, Bella Settle, Todd Smith, Haylee Solorio, Savannah Souza, Tiger Zenner, Sarah Laney, Angelina Amaya, Kaleb Berryman, Kenny Brus, Mira Caraway, Laura Carrillo, Josh Castaneda, Lucia Chavez, Shawn DeLaBruere, Ashley Fitzpatrick, Alexis Fox, Morgan Golden, Anthony Gomez-Salas, Miguel Herrera- Munoz, Michael Hogan, Alyssa Jordan, David Kimball, Silas Littlewolf, Taylor Matthews, Robbie Munoz, Cameron North, James Schultz, and Stephanie Munoz, and Janice Fitzpatrick.

Assemblyman Horne moved that the Assembly adjourn until Saturday, May 25, 2013, at 11 a.m.

Motion carried.

Assembly adjourned at 8:31 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 25, 2013

Assembly called to order at 11:30 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson and Pierce, who were excused.

Prayer by Assemblywoman Irene Bustamante Adams.

Dear Heavenly Creator,

We come before You as vessels, thanking You and praising You for our state and our great nation. We thank You for the plan You gave to our forefathers by which to govern our nation and for the division of powers so that our destiny does not rest in the hands of one person.

In praying for those in authority, we therefore lift up the Assembly members and our Senators to you. We pray that by Your Holy Power, our legislative bodies would make laws that are just.

Father, I ask You to give them wisdom to make decisions that would strengthen and prosper Nevada. I desire that they would make right decisions concerning the politics, the social welfare, and the economics of our state.

I pray that they will be motivated by Your Hand and not their own personal concerns.

I also lift up our Assemblywoman in District 3. We pray that You would comfort her in her time of need and restore her health.

It is in Your Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 461, 464, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 256, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 74, 106, 186, 213, 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 464, 480; Senate Bill No. 303, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 74, 106, 186, 213, 242, 256, and 370, just reported out of committee, be placed on the General File.

Motion carried.

Assembly Concurrent Resolution No. 7.

Assemblyman Thompson moved the adoption of the resolution.

Remarks by Assemblyman Thompson.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 798.

AN ACT relating to the tax on special fuel; authorizing the Department of Motor Vehicles to establish by regulation and collect a fee from certain licensed special fuel users for the issuance of the identifying device required by the International Fuel Tax Agreement; **revising provisions relating to the rate of interest to be paid by a special fuel user who fails timely to file a tax return or pay any excise tax;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) Under the Agreement, the state in which such vehicles are based for the purposes of vehicle registration is required annually to issue certain decals for display on each such vehicle. While the vehicle is being operated in Nevada, a licensed special fuel user is required to

display the decals, termed an "identifying device" by the Nevada statute, on the exterior of the vehicle. (NRS 366.265)

~~[This]~~ **Section 1 of this** bill authorizes the Department to establish by regulation a fee for the issuance of such an identifying device, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user whose vehicles are based in Nevada, this bill requires the Department to charge and collect the fee from the special fuel user.

Section 1.5 of this bill revises the rate of interest to be paid by a special fuel user who fails to file a tax return or pay any excise tax by the date due from 1 percent per month to the rate established by the Department in accordance with the provisions of the International Fuel Tax Agreement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 366.265 is hereby amended to read as follows:

366.265 ***1.*** A special fuel user who is required to hold a special fuel user's license pursuant to the provisions of this chapter shall:

~~[1.]~~ ***(a)*** If the special fuel user uses special fuel in a motor vehicle that is operated or intended to operate interstate:

~~[(a)]~~ ***(1)*** Obtain an identifying device issued pursuant to a cooperative agreement entered into pursuant to NRS 366.175; and

~~[(b)]~~ ***(2)*** Conspicuously display that identifying device on the exterior of the motor vehicle in such location as is required pursuant to the cooperative agreement.

~~[2.]~~ ***(b)*** At any time the special fuel user is using special fuel in this State, ensure that his or her license, or a reproduction of the license that is authorized by the Department, is located in the motor vehicle.

2. The Department may establish by regulation a fee for the issuance of the identifying device described in subsection 1, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user, it shall charge and collect the fee from the special fuel user.

Sec. 1.5. **NRS 366.395 is hereby amended to read as follows:**

366.395 1. Any special fuel user who fails to file a tax return or pay any excise tax by the date due shall pay, in addition to any tax that may be due, a delinquent filing fee of $50 and a penalty of 10 percent of the amount of tax owed, plus interest on the amount of any tax that may be due at ~~[the]~~ ***a*** rate ~~[of 1 percent per month or fraction thereof,]~~ ***established by the Department in accordance with the provisions of a cooperative agreement***

entered into pursuant to NRS 366.175, from the date the tax was due until the date of payment.

2. A tax return, statement or payment is considered delinquent if it is not received by the Department on or before the date the tax return, statement or payment is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 799.

AN ACT relating to the Tahoe Regional Planning Agency; requiring the Agency ~~[annually]~~ **periodically** to submit certain **financial** information to the ~~[Governor and the Director of the Legislative Counsel Bureau;]~~ **Executive and Legislative Departments of the State Government;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill requires the Tahoe Regional Planning Agency annually to provide the Governor and the Director of the Legislative Counsel Bureau with a copy of the Agency's most recent independent audit report and certain information about the Agency's expenditures and its progress in achieving certain performance measures and benchmarks. **Sections 2 and 3 of this bill require the Agency to submit biennially its proposed budget to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 277.220 is hereby amended to read as follows:

277.220 ***1.*** The Account for the Tahoe Regional Planning Agency is hereby established in the State General Fund and consists of any money provided by direct legislative appropriation. Money in this Account must be expended for the support of, or paid over directly to, the Tahoe Regional

Planning Agency in whatever amount and manner is directed by each appropriation or provided by law.

2. On or before January 31 of each year, the Tahoe Regional Planning Agency shall submit to the Governor and the Director of the Legislative Counsel Bureau:

(a) A copy of the report of the independent audit most recently prepared for the Tahoe Regional Planning Agency; and

(b) A written report detailing:

(1) The nature and purpose of the expenditures made by the Tahoe Regional Planning Agency during the immediately preceding calendar year from money appropriated to it by the Legislature; and

(2) The progress of the Tahoe Regional Planning Agency in achieving the performance measures and benchmarks included in its current biennial budget.

3. The Director of the Legislative Counsel Bureau shall cause copies of the materials submitted pursuant to subsection 2 to be transmitted to the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System created by NRS 218E.555 and:

(a) In odd-numbered years, the Legislature.

(b) In even-numbered years, the Interim Finance Committee.

Sec. 2. **NRS 353.210 is hereby amended to read as follows:**

353.210 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ~~[,]~~ ***and 7,*** on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a

proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. ***On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:***

(a) The Chief for his or her information in preparing the proposed executive budget.

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

~~[8.]~~ ***9.*** As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 3. **NRS 353.246 is hereby amended to read as follows:**

353.246 1. Except as otherwise provided in subsection 2 of this section and ~~[~~subsection~~]~~ ***subsections*** 6 ***and 7*** of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System, ~~[~~and~~]~~ the Judicial Department of the State Government ~~[.]~~ ***and the Tahoe Regional Planning Agency.***

2. The Legislative Department, the Public Employees' Retirement System, ~~[~~and~~]~~ the Judicial Department of the State Government ***and the Tahoe Regional Planning Agency*** shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 303.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 74.
Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.
Madam Speaker presiding.
Quorum present.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 802.

AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; ~~[establishing fees;]~~ providing civil and criminal penalties; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State from engaging in the practice of law. (NRS 7.285) However, so long as he or she does not engage in the practice of law, there is currently no statutory provision governing a person who provides assistance in a legal matter, for compensation, to another person who is acting without the assistance of an attorney. This bill generally provides that any person engaged in the business of providing such assistance (a "document preparation service") must register with the Secretary of State and comply with various additional requirements set forth in this bill.

Section 4 of this bill defines a "document preparation service" as any person who, for compensation and at the direction of a client, provides

assistance to the client in a legal matter, including, without limitation, preparing or completing a pleading or other document for the client or securing supporting documents. **Section 4** excludes from this definition, among others: (1) an attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment; (2) a governmental entity or an employee of such an entity; (3) a nonprofit, tax-exempt organization which provides legal services to persons free of charge; (4) certain legal aid offices and lawyer referral services; (5) a person who provides certain services regulated by federal law; (6) a corporation or other entity representing or acting for itself through an officer or employee, or any such officer or employee; (7) a commercial wedding chapel; ~~[and]~~ (8) a person who provides legal forms or computer programs that enable another person to create legal documents ~~[.]~~ **; and (9) a commercial registered agent.**

Section 5 of this bill broadly defines "legal matter" to mean the preparation of any will or trust, any immigration or citizenship proceeding, or any other proceeding, filing or action affecting the legal rights, duties, obligations or liabilities of a person.

Sections 7 and 8 of this bill provide that any person wishing to engage in the business of a document preparation service must register with the Secretary of State and renew that registration annually. **Section 7** establishes certain qualifications for registration ~~[,]~~ **and** provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct **.** ~~[, and requires that an applicant for registration undergo a check of his or her criminal history.]~~

Section 9 of this bill requires a document preparation service to file and maintain with the Secretary of State a cash bond or surety bond, to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or providing payment to the Secretary of State for any civil penalty or award of attorney's fees or costs made against the document preparation service.

Sections 12-15 of this bill impose various requirements relating to advertising and the establishment of the relationship between a document preparation service and a client. **Section 13.5** requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the registrant's place of business a copy of any state and local business license issued to the registrant or the registrant's employer. **Section 15** provides that: (1) there must be a written contract between the client and the document

preparation service; and (2) the contract must contain certain terms and disclosures.

Sections 16-20 of this bill set forth various required and prohibited practices applicable to a document preparation service. **Section 17** provides for the return to the client of any original documents provided by the client. **Section 18** requires the release of a client's file to any law enforcement agency on demand, with the authorization of the client. **Section 19** imposes certain requirements relating to payments made by a client for services rendered by a document preparation service.

Section 21 of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a document preparation service.

Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of the bill. If a violation is found, the Secretary of State may: (1) issue a cease-and-desist order; (2) initiate disciplinary proceedings; (3) refer the matter to the Attorney General or a district attorney for the commencement of a civil action or criminal prosecution; or (4) take any combination of these actions. Pursuant to **section 25** of this bill, a willful violation of any of the provisions of this bill, or of a regulation or order of the Secretary of State, is a misdemeanor except that a second or subsequent offense occurring within 5 years is a gross misdemeanor. In addition, **section 26** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of a violation.

Section 28 of this bill makes an appropriation to the Office of the Secretary of State for certain purposes relating to carrying out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Client" means a person who:***

1. Represents or otherwise acts for himself or herself in a legal matter without the services of an attorney authorized to practice law in this State; and

2. Receives the services of a document preparation service in that legal matter or enters into a contract with a document preparation service to receive such services.

Sec. 4. ***1. "Document preparation service" means a person who:***

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization which qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) A person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer

as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent.

3. As used in this section [, "commercial] **:**

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. *"Legal matter" means:*

1. The preparation of any will or trust;

2. Any proceeding, filing or action affecting the immigration or citizenship status of a person and arising under:

(a) Immigration and naturalization law;

(b) An executive order or presidential proclamation; or

(c) An action of the United States Citizenship and Immigration Services of the Department of Homeland Security, the United States Department of State or the United States Department of Labor; or

3. Any proceeding, filing or action otherwise affecting the legal rights, duties, obligations or liabilities of a person.

Sec. 6. *"Registrant" means a document preparation service registered pursuant to this chapter.*

Sec. 7. *1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.*

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of a gross misdemeanor pursuant to paragraph (b) of subsection 1 of section 25 of this act; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of a crime involving theft, fraud or dishonesty;

(2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~[:~~

~~*(a) A complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the document preparation service, and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*~~

~~*(b) An application fee of $300;*~~

~~*(c) An additional fee, established by regulation of the Secretary of State, equal to the sum charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the applicant's fingerprints; and*~~

~~*(d) A]*~~ ***a cash bond or surety bond meeting the requirements of section 9 of this act.***

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

Sec. 8. ***1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by*** ~~[:~~

~~*(a) A renewal fee of $100; and*~~

~~*(b) A]*~~ ***a cash bond or surety bond meeting the requirements of section 9 of this act, unless the bond previously filed by the registrant remains on file and in effect.***

2. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report . ~~*[, in which case the Secretary of State shall require the registrant to pay the additional fee established pursuant to paragraph (c) of subsection 3 of section 7 of this act.]*~~

3. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 23 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 9. *1. A registrant shall file with the Secretary of State a cash bond or surety bond in the penal sum of $50,000 which is approved as to form by the Attorney General and conditioned to provide:*

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to section 15 of this act;

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

4. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

5. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

6. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant ~~*[:*~~

~~*(a) Files]*~~ ***files*** ***with the Secretary of State a new bond meeting the requirements of this section*** ***.*** ~~*[; and*~~

~~*(b) Pays to the Secretary of State a fee for reinstatement in the amount of $300.]*~~

7. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 10. *1. In addition to any other requirements set forth in this chapter:*

(a) A natural person who applies for registration or the renewal of registration as a document preparation service pursuant to section 7 or 8 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as a document preparation service may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. *1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as a document preparation service, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Secretary of State shall reinstate a registration as a document preparation service that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 12. ***1. Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a clear and conspicuous statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.***

2. The statement required by subsection 1 to be included in an advertisement must:

(a) Be in the same language as the rest of the advertisement; and

(b) Be in the form prescribed by regulation of the Secretary of State.

3. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.

Sec. 13. ***1. Each registrant shall display conspicuously in his or her place of business a copy of his or her certificate of registration and a written notice meeting the requirements of this section.***

2. The notice must:

(a) Be not less than 12 by 20 inches in size, and each character of text in the notice must be not less than 1 inch in height and 1 inch in width.

(b) Be written in English and in each other language in which the registrant transacts business with the registrant's clients.

(c) Contain a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Contain the full name of the registrant or, if more than one registrant is providing services at that place of business, the full name of each such registrant.

(e) Contain a list of the services provided by the registrant and the fee charged for each such service.

(f) Contain a statement that the registrant has filed with the Secretary of State a cash bond or surety bond, stating the amount and any identifying number of the bond.

Sec. 13.5. ***1. A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:***

(a) Obtain a state business license before offering a document preparation service; and

(b) Maintain a state business license during the period of the registrant's registration as a document preparation service.

2. Each registrant shall display conspicuously in the registrant's place of business a copy of:

(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 14. *1. Before providing any services to a client or presenting a client with the contract required by section 15 of this act, a registrant must:*

(a) Furnish the client with a written form of disclosure meeting the requirements of this section, with a copy for the client to retain; and

(b) Require the client to read and sign the disclosure, acknowledging that the client has read and understands it.

2. The disclosure must be written in English and, if different, the language in which the registrant transacts business with the client and must include:

(a) The full name, business address and telephone number and registration number of the registrant.

(b) The name and business address of the registrant's agent for service of process, if any, in this State.

(c) A statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Unless the registrant is an attorney licensed to practice in another state or other jurisdiction, a statement that any communication between the client and the registrant is not protected from disclosure by any privilege.

(e) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.

(f) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. *1. Before a registrant provides any services to a client, the registrant and the client must enter into a written contract meeting the*

requirements of this section. The registrant shall provide the client with a copy of the contract.

2. The contract must:

(a) Be written in English and, if different, in the language in which the registrant transacts business with the client, and be printed or typewritten in not less than 12-point type.

(b) Explain the services to be performed by the registrant and state the total price to be paid by the client for all such services.

(c) With respect to any document to be prepared by the registrant:

(1) State the estimated date by which the document is to be completed;

(2) Identify the court or agency with which the document is to be filed or submitted; and

(3) If applicable, identify any associated deadlines or hearing dates of the court or agency with which the document is to be filed or submitted.

(d) Include on the first page of the contract a statement in boldface type that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(e) Include a statement that any complaint concerning the registrant may be directed to:

(1) If the complaint involves an alleged violation of this chapter, the Secretary of State; or

(2) If the complaint involves an allegation that the registrant is engaged in the unauthorized practice of law, the office of Bar Counsel of the State Bar of Nevada,

➥ with the toll-free telephone number and Internet address for making the complaint.

(f) State the date of the client's signature on the contract, if the client agrees to the terms of the contract.

3. A contract between a registrant and a client that does not comply with any requirement of this section is voidable by the client.

Sec. 16. ***Any document prepared for a client by a registrant must include, below any required signature of the client, the name, business address and telephone number and registration number of the registrant.***

Sec. 17. ***1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a client in connection with services rendered by the registrant.***

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a client any original document provided by the client:

(a) Upon the request of the client;

(b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or

(c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a client is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to the client.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the client over the registrant's fees or costs.

Sec. 18. *1. Upon the presentation to a registrant of a written form of authorization signed by a client, the registrant shall provide a complete copy of the client's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.*

2. A registrant shall retain a copy of any document prepared for a client for not less than 3 years after the date of the last service performed for the client. At the end of that period, unless the client requests that the document be given to the client, the document may be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.

Sec. 19. *A registrant shall provide a signed receipt to a client for each payment made to the registrant by the client. The receipt must be printed or typewritten on the letterhead of the registrant and must include the name, business address and telephone number, registration number and taxpayer identification number of the registrant.*

Sec. 20. *A registrant shall not:*

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of

the registrant, use the term "legal aid," "legal services," "law office," "notary public," "notary," "licensed," "attorney," "lawyer" or any similar term, in English or in any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; or

(b) Is an attorney authorized to practice law in this State.

4. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

5. Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

6. Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

7. Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 21. ***1. In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.***

2. The Secretary of State shall:

(a) Establish a toll-free telephone number which may be used by any person to make a complaint about a registrant or an alleged violation of this chapter.

(b) Post on the Internet website of the Secretary of State information concerning making such a complaint, which must include the telephone number established pursuant to paragraph (a).

Sec. 22. ***1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.***

2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to section 25 of this act.

(b) If a registrant has committed the violation, begin proceedings pursuant to section 23 of this act to revoke or suspend the registration of the registrant.

(c) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to section 24 of this act.

(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 25 of this act.

(e) Take any combination of the actions described in this subsection.

Sec. 23. *1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.*

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↳ that would disqualify the registrant from registration pursuant to subsection 2 of section 7 of this act.

Sec. 24. *1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:*

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than $100 or more than $5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 25. *1. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:*

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. In addition to the penalties prescribed by subsection 1, the court may order a person described in that subsection to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

3. For the purposes of subsections 1 and 2, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Sec. 26. ***Notwithstanding the provisions of sections 22 to 25, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of $500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.***

Sec. 27. ***The provisions of this chapter do not:***

1. Authorize the practice of law by any person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State; or

2. Prohibit a person from representing or otherwise acting for himself or herself in a legal matter without the services of an attorney.

Sec. 28. **1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of $150,000 for the development of internal and external applications on the Internet website of the Office of the Secretary of State to carry out the provisions of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the Office of the Secretary of State or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the Office of the Secretary of State or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

~~[Sec. 28.]~~ ***Sec. 29.*** 1. This **section and section 28 of this act become effective upon passage and approval.**

2. Sections 1 to 27, inclusive, of this act ~~[becomes]~~ **become** effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~[2.]~~ **3.** Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Assemblyman Horne requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 74. This is quite a long floor statement; I'm going to hit the big parts. Assembly Bill 74, as amended, requires individuals engaged in the business of providing document preparation services to register with the Secretary of State. It also, as amended, defines a document preparation service as any person who, for compensation, provides assistance in a legal matter, including, but not limited to, the preparation or completion of a pleading, application, or other document for a client; translating an answer to a question posed in such a document; securing supporting documentation required in connection with a legal matter; or the submission of a completed document on behalf of a client to a court or administrative agency. The bill specifically excludes secretarial or receptionist services; a licensed Nevada attorney or his employees; a law student certified by the State Bar of Nevada for training in the practice of law; a government entity or its employees; a nonprofit corporation that provides legal services free of charge; a legal aid office or lawyer sponsored by an accredited law school, government agency, or a bar association; a military legal assistance office; or a person registered with an agency or entity of the United States government; a person who provides legal forms or computer programs that enable another person to create legal documents; or a commercial wedding chapel. It establishes ages, criteria, a bond, and other matters properly relating thereto.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 106.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 805.

AN ACT relating to occupational safety; providing for the award of certain costs, fees and expenses to prevailing parties in actions before the Occupational Safety and Health Review Board under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Industrial Relations of the Department of Business and Industry to prosecute, defend and maintain actions in the name of the Division for the enforcement of provisions relating to occupational safety and health. (NRS 618.525) **Sections 6-8** of this bill provide, under certain circumstances, for certain costs, fees and expenses to be awarded to the prevailing party in actions or proceedings before the Occupational Safety and Health Review Board that are brought by or against the Division or in an action for judicial review before a court. **Section 9** of this bill provides that if the Division appeals an award of costs, fees or expenses made to a prevailing party and the award is affirmed in whole or in part, the Division must pay interest on the amount that is affirmed. **Section 10** of this bill **generally** requires ~~[an]~~ **a final** award of costs, fees and expenses made to a prevailing party to be paid from ~~[money provided by appropriation by the Legislature for the funding of the Division.]~~ **the Fund for Insurance Premiums. Section 10 further provides that payment of such an award must be approved by the Attorney General if the amount of the award is less than the amount specified by regulation or policy of the State Board of Examiners; for larger awards, payment must be approved by the State Board of Examiners. Section 10.3 of this bill provides that the provisions in the bill must not be construed to prohibit the Division from agreeing to settle a claim for costs, fees and expenses.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[10,]~~ **10.3,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[10,]~~ 10.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Expenses" means the reasonable cost of any study, analysis, engineering report, test or project which is determined by the Board or a court to have been necessary for the preparation of a party's case.***

Sec. 4. ***"Fees" means the reasonable fees of attorneys, persons representing a party before the Board and expert witnesses.***

Sec. 5. *"Party" means:*

1. A natural person, other than an employee or official of the Division, who, at the time an action or proceeding by or against the Division was filed, did not have a net worth in excess of $2,000,000; or

2. An owner of any business entity, corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership or other organization who, at the time an action or proceeding by or against the Division was filed, did not have a net worth in excess of $7,000,000 and did not have more than 500 employees.

Sec. 6. *In any action or proceeding before the Board brought by or against the Division or an employee or official of the Division acting in his or her official capacity, or in any action for judicial review before a court, the prevailing party must be awarded costs, which must be limited to reimbursing, in whole or in part, the costs incurred by the prevailing party in prosecuting or defending the action or proceeding.*

Sec. 7. *1. Except as otherwise provided in subsection 2 and only upon application by the prevailing party pursuant to subsection 3, in any action or proceeding before the Board brought by or against the Division or an employee or official of the Division acting in his or her official capacity, or in any action for judicial review before a court, the prevailing party must be awarded fees and expenses incurred by the prevailing party in prosecuting or defending the action or proceeding.*

2. An award of fees and expenses must not be made to a prevailing party if the Board or the court, as applicable, determines that the position of the Division was substantially justified or that the existence of special circumstances would make the award unjust.

3. A party seeking an award of fees and expenses must, within 30 days after the decision of the Board or the court, as applicable, submit to the Board or the court an application for such fees and expenses indicating:

(a) That the party is a prevailing party, along with a statement verifying the net worth of the party and, if applicable, the number of employees it has;

(b) That the position of the Division was not substantially justified; and

(c) The amount sought, including an itemized statement provided by an attorney, the person who represented the party before the Board or the court or any expert witness who represented or appeared on behalf of the party that shows the actual time expended and the rate at which the requested fees and expenses were computed.

4. Any fees awarded pursuant to this section must be based upon the prevailing market rate for the type and quality of the service provided, except that:

(a) No expert witness may be compensated at a rate higher than the highest rate of compensation paid by the Division for an expert witness; and

(b) No attorney or person representing the party before the Board or the court may be compensated at a rate higher than $200 per hour unless the Board or the court, as applicable, determines that an increase in the cost of living or other special factor, including, without limitation, the availability of qualified attorneys or representatives, justifies a higher fee.

5. Whether or not the position of the Division was substantially justified must be determined on the basis of the record of the action or proceeding as a whole, including any administrative record concerning the action or inaction by the Division upon which the matter in controversy was based.

6. The Board or the court, as applicable, may in its discretion reduce or deny any amount to be awarded pursuant to this section if a determination is made that the prevailing party engaged in conduct during the course of the action or proceeding which unduly and unreasonably protracted the final resolution of the matter in controversy.

7. As used in this section:

(a) "Decision" means a final disposition or order issued by the Board or the court, including an order of settlement, whether or not appealable.

(b) "Position" includes:

(1) The alleged action or inaction of the Division which gave rise to the matter in controversy; and

(2) The legal or factual theory asserted by the Division upon which the Division prosecuted or defended the matter in controversy.

Sec. 8. *1. If, in any action or in any proceeding for judicial review of an adjudication brought by the Division, the demand by the Division is substantially in excess of the judgment ultimately obtained by the Division and is unreasonable when compared with such judgment under the facts and circumstances of the case, the party who prosecuted or defended the action or proceeding against the Division shall be deemed to be the prevailing party and the Board or the court, as applicable, shall award to that prevailing party the costs, fees and expenses incurred in defending against the excessive demand made by the Division unless:*

(a) The prevailing party has committed a willful violation of law;

(b) The prevailing party has acted in bad faith; or

(c) Special circumstances make an award unjust.

2. A prevailing party seeking an award pursuant to this section must submit to the Board or the court, as applicable, an application for such an award in the same time and manner as an application filed pursuant to section 7 of this act.

Sec. 9. ***If the Division appeals an award of costs, fees or expenses made to a prevailing party and the award is affirmed in whole or in part, the Division must pay interest, computed at the rate established pursuant to NRS 99.040, on the amount of the award as affirmed from the date of the initial award to the date of the final decree of affirmance.***

Sec. 10. ~~*[An]*~~

1. Within 10 business days after:

(a) An award of costs, fees and expenses made pursuant to ~~*[sections]*~~ ***section 6, 7 or 8 of this act*** ~~*[must be paid by the Division from money provided by appropriation by the Legislature for the funding of the Division.]*~~ ***is upheld by a reviewing court, in whole or in part, and further review is not timely sought or is not available under applicable law; or***

(b) When any time allowed by applicable law for seeking such a review expires without review having been timely sought,

➥ the Division shall give written notice of the award, and the name and address of the party entitled to payment of the award, to the Attorney General.

2. The State Board of Examiners shall prescribe by regulation or policy:

(a) The maximum amount of an award that may be approved for payment by the Attorney General; and

(b) The procedure to be used by the Attorney General to approve payment of an award.

3. If the Attorney General is authorized pursuant to subsection 2 to approve payment of an award, the Attorney General shall approve payment of the award.

4. If the Attorney General is not authorized pursuant to subsection 2 to approve payment of an award, the Attorney General shall investigate the award and submit a report of findings to the State Board of Examiners concerning the award.

5. Upon receiving a report of findings pursuant to subsection 4, the State Board of Examiners shall approve payment of the award.

6. Upon approval of payment of an award pursuant to this section, the State Controller shall draw a warrant for payment of the award. Except as otherwise provided in NRS 353.264, the State Treasurer shall pay the award from the Fund for Insurance Premiums.

Sec. 10.3. The provisions of sections 2 to 10.3, inclusive, of this act must not be construed to prohibit the Division from agreeing at any time to settle the claim of a party for costs, fees and expenses incurred in any action or proceeding governed by those sections. Any claim that is so resolved must be paid by the Division.

Sec. 10.5. **NRS 331.187 is hereby amended to read as follows:**

331.187 1. There is created in the State Treasury the Fund for Insurance Premiums as an internal service fund to be maintained for use by the Risk Management Division of the Department of Administration and the Attorney General.

2. Each state agency shall deposit in the Fund:

(a) An amount equal to its insurance premium and other charges for potential liability, self-insured claims, other than self-insured tort claims, and administrative expenses, as determined by the Risk Management Division; and

(b) An amount for self-insured tort claims and expenses related to those claims, as determined by the Attorney General.

3. Each county shall deposit in the Fund an assessment for the employees of the district court of that county, excluding district judges, unless the county enters into a written agreement with the Attorney General to:

(a) Hold the State of Nevada harmless and assume liability and costs of defense for the employees of the district court;

(b) Reimburse the State of Nevada for any liability and costs of defense that the State of Nevada incurs for the employees of the district court; or

(c) Include the employees of the district court under the county's own insurance or other coverage.

4. Expenditures from the Fund must be made by the Risk Management Division or the Attorney General to an insurer for premiums of state agencies as they become due or for deductibles, self-insured property and tort claims or claims pursuant to NRS 41.0349 ~~[.]~~ ***or to a party for an award pursuant to section 10 of this act.*** If the money in the Fund is insufficient to pay a tort claim ~~[.]~~ ***or award,*** it must be paid from the Reserve for Statutory Contingency Account.

5. As used in this section, "assessment" means an amount determined by the Risk Management Division and the Attorney General to be equal to the share of a county for:

(a) Applicable insurance premiums;

(b) Other charges for potential liability and tort claims; and

(c) Expenses related to tort claims.

Sec. 10.7. **NRS 353.264 is hereby amended to read as follows:**

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050,

212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 **, ~~[and]~~** 41.037 **~~[,]~~** ***and section 10 of this act,*** but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 11. The amendatory provisions of this act apply to actions or proceedings which are pending or which have not yet been commenced as of the effective date of this act.

Sec. 12. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 806.

AN ACT relating to labor; creating the Wage Claim Restitution Account; requiring an employer to provide to his or her employees at the time of hire certain employment-related information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer in this State to conspicuously post on the premises where any person is employed a printed abstract of chapter 608 of NRS, which governs compensation, wages and hours. (NRS 608.013) **Section 5** of this bill requires an employer to provide to his or her employees at the time of hire certain employment-related information.

Section 4 of this bill creates the Wage Claim Restitution Account into which must be deposited 25 percent of the amount of certain ~~[~~administrative~~]~~ penalties collected by the Labor Commissioner. The money in the Account must be used only to provide restitution to certain employees who are underpaid by their employers in violation of certain provisions of existing law when no other source of restitution is available.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 607.160 is hereby amended to read as follows:

607.160 1. The Labor Commissioner:

(a) Shall enforce all labor laws of the State of Nevada:

(1) Without regard to whether an employee or worker is lawfully or unlawfully employed; and

(2) The enforcement of which is not specifically and exclusively vested in any other officer, board or commission.

(b) May adopt regulations to carry out the provisions of paragraph (a).

2. If the Labor Commissioner has reason to believe that a person is violating or has violated a labor law or regulation, the Labor Commissioner may take any appropriate action against the person to enforce the labor law or regulation whether or not a claim or complaint has been made to the Labor Commissioner concerning the violation.

3. Before the Labor Commissioner may enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

4. In determining the amount of any administrative penalty to be imposed against a person who violates a labor law or regulation, the Labor Commissioner shall consider the person's previous record of compliance with the labor laws and regulations and the severity of the violation.

5. ~~[~~All~~]~~ ***Except as otherwise provided in section 4 of this act, all*** money collected by the Labor Commissioner as an administrative penalty must be deposited in the State General Fund.

6. The actions and remedies authorized by the labor laws are cumulative. If a person violates a labor law or regulation, the Labor Commissioner may seek a civil remedy, impose an administrative penalty or take other

administrative action against the person whether or not the person is prosecuted, convicted or punished for the violation in a criminal proceeding. The imposition of a civil remedy, an administrative penalty or other administrative action against the person does not operate as a defense in any criminal proceeding brought against the person.

7. If, after due inquiry, the Labor Commissioner believes that a person who is financially unable to employ counsel has a valid and enforceable claim for wages, commissions or other demands, the Labor Commissioner may present the facts to the Attorney General. The Attorney General shall prosecute the claim if the Attorney General determines that the claim is valid and enforceable.

Sec. 2. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. The Wage Claim Restitution Account is hereby created in the State General Fund. The Labor Commissioner shall administer the Account. Twenty-five percent of the amount of each*** ~~*[administrative]*~~ ***penalty collected by the Labor Commissioner*** ~~*[pursuant to NRS 608.195]*~~ ***for a violation of NRS 608.040 must be delivered to the custody of the State Treasurer for deposit to the credit of the Account.***

2. The money in the Account must be used only to provide restitution to an employee who is underpaid by an employer in violation of the provisions of NRS ~~*[608.017, 608.100 or 608.250]*~~ ***608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, when no other source of restitution is available. An employee who is underpaid by an employer in violation of the provisions of NRS*** ~~*[608.017, 608.100 or 608.250]*~~ ***608.005 to 608.195, inclusive, or any regulation adopted pursuant thereto, may make a claim against the Account, and the Labor Commissioner may approve such a claim in accordance with regulations adopted by the Labor Commissioner.***

3. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

4. Any interest earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of any fiscal year does not revert to the State General Fund.

Sec. 5. NRS 608.013 is hereby amended to read as follows:

608.013 Every employer shall ~~[conspicuously]~~ ***:***

1. Conspicuously post and keep so posted on the premises where any person is employed a printed abstract of this chapter to be furnished by the Labor Commissioner.

2. At the time of hire, provide to each employee, the following information:

(a) The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission or otherwise, that are applicable to the employee at the time of hire;

(b) The provisions concerning overtime compensation set forth in NRS 608.018, if applicable;

(c) Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances;

(d) The regular paydays established by the employer in accordance with the provisions of NRS 608.080;

(e) The name of the employer;

(f) The physical address of the employer's main office or principal place of business;

(g) If different from the address described in paragraph (f), a mailing address of the employer;

(h) The telephone number of the employer; and

(i) The name, address and telephone number of the workers' compensation insurance carrier of the employer.

Sec. 6. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section 4 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on October 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 213.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 807.

AN ACT relating to service contracts; ~~[allowing a provider to qualify for]~~ **revising provisions governing** the issuance of a certificate of registration ~~[by maintaining a reserve account and depositing certain security with the Commissioner of Insurance;]~~ **to a provider of a service contract;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in order to be issued a certificate of registration, a provider who wishes to issue, sell or offer for sale any service contracts in this State must: (1) purchase a contractual liability insurance policy which insures the obligations of each service contract that the provider issues, sells or offers for sale ~~[,]~~ **and which is issued by an insurer that is not an affiliate of the provider and is authorized to transact insurance in this State;** or (2) maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. (NRS 690C.170) ~~[Without revising those provisions of existing law, this bill reenacts provisions, repealed in the 2011 Legislative Session, that allow]~~ **This bill removes the limitation on the issuance of a contractual liability insurance policy to a provider by an insured who is an affiliate of the provider by authorizing the contractual liability insurance policy to be issued by any insurer who is licensed, registered or otherwise authorized to transact insurance in this State. This bill also authorizes** a provider to qualify for the issuance of a certificate of registration by: (1) maintaining a reserve account that contains at all times at least 40 percent of the **unearned** gross consideration received by the provider for any unexpired contracts **; ~~[~~** ~~, less any claims paid on those contracts;]~~ and (2) depositing security with the Commissioner of Insurance in the amount of ~~[$50,000]~~ **$25,000** or 10 percent of the **unearned** gross consideration received by the provider for any unexpired service contracts, ~~[less any claims paid on those contracts,]~~ whichever is greater.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 690C.170 is hereby amended to read as follows:

690C.170 To be issued a certificate of registration, a provider must comply with one of the following:

1. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must be issued by an insurer which is ~~[not an affiliate of the provider and which is]~~ ***licensed, registered or otherwise*** authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS **.** ~~[; or]~~

2. ***Maintain a reserve account and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the unearned gross consideration received by the provider for any unexpired service contracts. [, less any claims paid on those unexpired service contracts.] The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to [$50,000] $25,000 or 10 percent of the unearned gross consideration received by the provider for any unexpired service contracts, [less any claims paid on the unexpired service contracts,] whichever is greater. The security must be:***

(a) A surety bond issued by a surety company authorized to do business in this State;

(b) Securities of the type eligible for deposit pursuant to NRS 682B.030;

(c) Cash;

(d) An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

(e) In any other form prescribed by the Commissioner.

3. Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

Sec. 2. This act becomes effective on January 1, 2014.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 242.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 825.

AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; requiring the Department of Motor Vehicles, on a monthly basis, to submit to the Office of Veterans Services a list of persons who have declared that they are veterans of the Armed Forces; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to place a designation on the instruction permit, driver's license or identification card of certain persons, including persons with a disability which impairs or limits the ability to walk. (NRS 483.349, 483.865) Existing law also requires the Department to inquire whether a person wishes to declare that he or she is a veteran when applying for an instruction permit, driver's license or identification card. (NRS 483.292, 483.852)

Sections ~~[~~5 and~~]~~ 6 and 9 of this bill require that a person who: (1) applies to the Department for the initial issuance or renewal of an instruction permit, driver's license or identification card; and (2) requests to have imprinted on that permit, license or card a designation that he or she is a veteran of the Armed Forces of the United States ~~[~~provide evidence satisfactory to the Department~~]~~ **, submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty,"** indicating that he or she was honorably discharged from the Armed Forces. If such a person fulfills the requirements of **section ~~[~~5 or~~]~~ 6 ~~[~~,~~]~~ or 9,** as applicable, **sections 2 and 3** of this bill require the Department to place a designation that the person is a veteran on the person's instruction permit, driver's license or identification card, as appropriate. **Sections ~~[~~5 and~~]~~ 6 and 9** also require the Department to compile and submit to the Office of Veterans Services each month a list of persons who have declared that they are veterans of the Armed Forces.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Upon the application of a person who requests that his or her instruction permit or driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.292, and who satisfies the requirements of that subsection, the Department shall place on any instruction permit or driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.***

2. The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any instruction permit or driver's license to which this section applies.

Sec. 3. ***1. Upon the application of a person who requests that his or her identification card indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 3 of NRS 483.852, and who satisfies the requirements of that subsection, the Department shall place on any identification card issued to the person pursuant to this section and NRS 483.810 to 483.890, inclusive, a designation that the person is a veteran.***

2. The Director shall determine the design and placement of the designation of veteran status required by subsection 1 on any identification card to which this section applies.

Sec. 4. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 5. **NRS 483.020 is hereby amended to read as follows:**

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for ***the initial issuance of*** an instruction permit or driver's license pursuant to NRS 483.290 ~~[,]~~ ***or the renewal of an instruction permit or driver's license,*** the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ ***:***

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ ***; and***

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]~~ ***In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United***

States ~~[may request that]~~ and who wishes to have placed on his or her instruction permit or driver's license ~~[have imprinted the]~~ a designation that he or she is a veteran, as described in section 2 of this act , ~~[. A person who submits a request pursuant to this subsection]~~ must ~~[provide evidence satisfactory to the Department that he or she]~~ :

(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States. ~~[The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.~~

~~4.~~] (b) If applying for the renewal of an instruction permit or driver's license upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the instruction permit or driver's license to continue to designate that the person is a veteran.

4. ~~[5.]~~ The Department shall, at least once each ~~[quarter:]~~ ***month:***

(a) Compile ~~[the aggregate number]~~ ***a list*** of persons who have, during the immediately preceding ~~[quarter,]~~ ***month,*** declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ ***list*** to the Office of Veterans Services to be used for statistical ***and communication*** purposes.

Sec. 7. **NRS 483.530 is hereby amended to read as follows:**

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive ~~[.]~~ ***, and section 2 of this act;*** or

(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 8. **NRS 483.620 is hereby amended to read as follows:**

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** unless such violation is, by NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** or other law of this State, declared to be a felony.

~~[Sec. 6.]~~ ***Sec. 9.*** NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for ***the initial issuance of*** an identification card pursuant to NRS 483.850 ~~[.]~~ ***or the renewal of an identification card pursuant to NRS 483.875,*** the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide ~~[evidence]~~ ***:***

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States ~~[.]~~ ***; and***

(b) A written release authorizing the Department to provide to the Office of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. ~~[If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.]~~ ***In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States*** ~~*[may request that]*~~ ***and who wishes to have placed on his or her identification card*** ~~*[have imprinted the]*~~ ***a designation that he or she is a veteran, as described in section 3 of this act*** ***,*** ~~*[. A person who submits a request pursuant to this subsection]*~~ ***must*** ~~*[provide evidence satisfactory to the Department that he or she]*~~ ***:***

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States. ~~*[The evidence described in this subsection may, at the discretion of the Department, be the same evidence used to satisfy the requirement in paragraph (a) of subsection 2.*~~

~~*4.]*~~ ***(b) If applying for the renewal of an identification card upon which a designation that the person is a veteran:***

(1) Is not placed, submit by mail or in person a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the identification card to continue to designate that the person is a veteran.

4. ~~*[5.]*~~ The Department shall, at least once each ~~[quarter:]~~ ***month:***

(a) Compile ~~[the aggregate number]~~ ***a list*** of persons who have, during the immediately preceding ~~[quarter,]~~ ***month,*** declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that ~~[number]~~ ***list*** to the Office of Veterans Services to be used for statistical ***and communication*** purposes.

Sec. 10. **This act becomes effective on January 1, 2014.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 256.

Bill read third time.

Remarks by Assemblywomen Spiegel and Carlton.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 256 makes various changes to provisions concerning motorcycles and related vehicles. It revises some definitions and changes some requirements, fees, and other provisions. It also removes a provision that currently allows the Nevada Legislature to use money in the account for the Program for the Education of Motorcycle Riders for any other purpose authorized by the Legislature.

ASSEMBLYWOMAN CARLTON:

As this bill was released from Ways and Means, the fee cap was adjusted and language was trued up with other bills that are in the same pipeline so that there will not be a conflict amendment needed at a later time. This has been addressed in the budget and was part of the budget closings a week ago today.

Roll call on Assembly Bill No. 256:

YEAS—39.

NAYS—Fiore.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 256 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Duncan.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 370 revises the procedures for resolving disputes over the application, enforcement, or interpretation of the governing documents of a common-interest community. The bill requires disputes to be submitted to mediation prior to commencement of civil action in court or, if the parties agree, to a referee program that may be established by the Real Estate Division, Department of Business and Industry. Assembly Bill 370 requires the parties in a mediation to file written statements setting forth the issues in dispute, requires mediation to be completed within three hours unless the parties agree to extend the time, and establishes maximum fees that may be charged for mediation. The measure also authorizes the parties to enter into binding or nonbinding arbitration if the parties do not reach an agreement through mediation or a referee program.

I did work very closely on A.B. 370 with representatives from legal aid and representatives of the common-interest community association industry. The goal of A.B. 370 is to try to reduce the amount of cases that go to very costly arbitration and costly courtrooms, so we are hoping that things can be resolved at the mediation level with A.B. 370. I urge this body's support.

ASSEMBLYMAN DUNCAN:

I rise in support of A.B. 370. I want to echo my colleague's comments, that there were a lot of late nights in the HOA subcommittee, and a lot of hard work went into this bill. I think it is a great bill in the sense that hopefully it will allow homeowners to use the mediation process before going to arbitration or doing those other things. It will help disputes, and I think it is good for the homeowner and good for the parties, so I urge this body's support.

Roll call on Assembly Bill No. 370:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 370 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Benitez-Thompson.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Sierra Nichole Heddy.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Nathaniel Frierson.

Assemblyman Horne moved that the Assembly adjourn until Monday, May 27, 2013, at 11:30 a.m., and that it do so with thoughts and prayers with Assemblyman Paul Anderson.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 27, 2013

Assembly called to order at 12:22 p.m.
Madam Speaker presiding.

Assemblyman Horne moved that the Assembly recess until 5 p.m.
Motion carried.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 6:36 p.m.
Madam Speaker presiding.
Quorum present.

Roll called.
All present except Assemblymen Paul Anderson, Duncan, and Pierce, who were excused.

Prayer by Joanna Fuchs, read by Assemblyman Elliot Anderson.

Good evening and happy Memorial Day.

Dear Lord,

Today we honor our fallen, worthy men and women, who gave their best when they were called upon to serve and protect their country.

We pray that You will bless them, Lord, for their unselfish service in the continual struggle to preserve our freedoms, our safety, and our country's heritage, for all of us.

Bless them abundantly for the hardships they faced, for the sacrifices they made, for their many different contributions to America's victories over tyranny and oppression.

We respect them, we thank them, we honor them, we are proud of them, we remember them, and we pray that You will watch over these special people, our heroes, and bless them and their families with peace and happiness.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 58, 446, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 423, 463; Senate Joint Resolution No. 14 of the 76th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 466, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 58, 125, 145, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 189, 209, 227, 303, 364, 365, 442, 448, 449, 455, 459, 460, 471, 478, 483; Assembly Joint Resolution No. 3.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 18, Amendment No. 755; Assembly Bill No. 35, Amendments Nos. 668, 830; Assembly Bill No. 48, Amendment No. 854; Assembly Bill No. 50, Amendments Nos. 762, 884; Assembly Bill No. 54, Amendment No. 735; Assembly Bill No. 147, Amendment No. 868; Assembly Bill No. 170, Amendment No. 838; Assembly Bill No. 176, Amendment No. 860; Assembly Bill No. 202, Amendments Nos. 673, 829, 867; Assembly Bill No. 223, Amendment No. 764; Assembly Bill No. 246, Amendment No. 890; Assembly Bill No. 264, Amendment No. 707; Assembly Bill No. 283, Amendment No. 866; Assembly Bill No. 300, Amendment No. 812; Assembly Bill No. 312, Amendment No. 801; Assembly Bill No. 313, Amendments Nos. 740, 888; Assembly Bill No. 345, Amendment No. 882; Assembly Bill No. 346, Amendment No. 883; Assembly Bill No. 348, Amendments Nos. 694, 839; Assembly Bill No. 349, Amendment No. 831; Assembly Bill No. 374, Amendment No. 872; Assembly Bill No. 377, Amendment No. 828; Assembly Bill No. 378, Amendment No. 754; Assembly Bill No. 415, Amendment No. 706; Assembly Bill No. 445, Amendment No. 599; Assembly Bill No. 453, Amendment No. 765; Assembly Bill No. 456, Amendment No. 772; Assembly Bill No. 486, Amendment No. 654; Assembly Bill No. 487,

Amendment No. 863; Assembly Bill No. 494, Amendment No. 655; Assembly Bill No. 496, Amendment No. 676, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 479.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 395, 430, 454.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 635 to Senate Bill No. 22; Assembly Amendment No. 678 to Senate Bill No. 25; Assembly Amendment No. 679 to Senate Bill No. 39; Assembly Amendment No. 607 to Senate Bill No. 54; Assembly Amendment No. 715 to Senate Bill No. 66; Assembly Amendment No. 689 to Senate Bill No. 82; Assembly Amendment No. 606 to Senate Bill No. 100; Assembly Amendment No. 618 to Senate Bill No. 135; Assembly Amendment No. 729 to Senate Bill No. 141; Assembly Amendment No. 713 to Senate Bill No. 152; Assembly Amendment No. 623 to Senate Bill No. 169; Assembly Amendment No. 660 to Senate Bill No. 199; Assembly Amendment No. 690 to Senate Bill No. 213; Assembly Amendment No. 720 to Senate Bill No. 273; Assembly Amendment No. 609 to Senate Bill No. 305; Assembly Amendment No. 610 to Senate Bill No. 345.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 27, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 20.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 484.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 716 to Senate Bill No. 18; Assembly Amendment No. 683 to Senate Bill No. 76; Assembly Amendment No. 719 to Senate Bill No. 90; Assembly Amendment No. 712 to Senate Bill No. 209; Assembly Amendment No. 721 to Senate Bill No. 236; Assembly Amendment No. 781 to Senate Bill No. 246; Assembly Amendment No. 748 to Senate Bill No. 373; Assembly Amendment No. 611 to Senate Bill No. 392; Assembly Amendment No. 686 to Senate Bill No. 421; Assembly Amendment No. 617 to Senate Bill No. 440.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 682 to Senate Bill No. 38; Assembly Amendment No. 665 to Senate Bill No. 176; Assembly Amendment No. 780 to Senate Bill No. 228; Assembly Amendment No. 775 to Senate Bill No. 410; Assembly Amendment No. 788 to Senate Bill No. 436; Assembly Amendment No. 691 to Senate Joint Resolution No. 9.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 395.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 430.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 454.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 479.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 484.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 46 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 491; Senate Bills Nos. 58, 423, 446, 447, 463, 466, 469, 498; Senate Joint Resolution No. 14 of the 76th Session, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 58, 125, 145, and 404, just reported out of committee, be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 894.

AN ACT relating to management of land; authorizing the Division of State Lands of the State Department of Conservation and Natural Resources to establish and carry out programs to conserve certain sagebrush ecosystems;

requiring the Division to coordinate the establishment of a program to improve certain sagebrush ecosystems; establishing the Account to Restore the Sagebrush Ecosystem in the State General Fund; establishing the Sagebrush Ecosystem Council within the Department; prescribing the duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of State Lands of the State Department of Conservation and Natural Resources to acquire and hold all lands and interests in land owned or required by the State, with certain exceptions. (NRS 321.001) **Section 2** of this bill authorizes the Division to establish and carry out programs to preserve, restore and enhance sagebrush ecosystems on public land in this State or on private land with the consent of the owner of the land. **Section 3** of this bill requires the Division to coordinate the establishment and carrying out of a program of projects to improve sagebrush ecosystems in this State. **Section 3** requires the Division, when carrying out the program, to: (1) oversee a program ~~[allowing the award and banking of]~~ **to mitigate damage to sagebrush ecosystems through a system that awards** credits **to persons and governmental entities** for taking measures to protect, enhance or restore sagebrush ecosystems; (2) identify and prioritize projects to improve sagebrush ecosystems or the scientific knowledge thereof; (3) ~~[cooperate]~~ **coordinate activities** with federal ~~[and state]~~ agencies; (4) suggest measures to avoid, minimize and mitigate the impact of activities conducted in areas which include sage grouse habitats to persons conducting those activities who make a request; and (5) submit an annual progress report to the Sagebrush Ecosystem Council created in **section 6** of this bill. **Section 3** further authorizes the Division to enter into agreements, to acquire, hold, sell or lease land, to award grants and to adopt regulations to carry out the program.

Section 5 of this bill creates the Account to Restore the Sagebrush Ecosystem within the State General Fund. **Section 6** ~~[of this bill]~~ creates the Sagebrush Ecosystem Council within the Department. **Section 6** requires the Council to: (1) **consider the best science available in its determinations regarding and conservation of the greater sage grouse and sagebrush ecosystems in this State; (2)** formulate and carry out certain strategies and programs for the conservation of sage grouse and for managing land which holds sagebrush ecosystems; ~~[(2)]~~ **(3)** coordinate discussion among and provide advice to certain persons and governmental entities concerning the management of sagebrush ecosystems; and ~~[(3)]~~ **(4)** submit a biannual report concerning its activities to the Governor.

WHEREAS, Nevada is known as the Sagebrush State; and

WHEREAS, Restoration and maintenance of the sagebrush ecosystem is essential to wildlife, watersheds, biodiversity and productivity in this State; and

WHEREAS, The greater sage grouse is an important species of bird that inhabits much of the sagebrush habitat in Nevada; and

WHEREAS, The United States Fish and Wildlife Service has determined that the greater sage grouse faces challenges that warrant listing it as threatened or endangered pursuant to the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., but that the need to list higher priority species precludes the listing of the greater sage grouse; and

WHEREAS, The United States District Court for the District of Idaho ruled on February 2, 2012, that the United States Fish and Wildlife Service is required to reevaluate the status of the greater sage grouse by September 30, 2015 (*W. Watersheds Project v. U.S. Fish & Wildlife Serv.*, 42 Envtl. L. Rep. 20036 (D. Idaho 2012)); and

WHEREAS, The Secretary of the United States Department of the Interior has invited 11 states that may be impacted by the listing of the greater sage grouse as endangered or threatened, including Nevada, to develop state-specific regulatory mechanisms to conserve the species and make such a listing unnecessary; and

WHEREAS, The development and implementation of a state-specific strategy to conserve the greater sage grouse in Nevada is critical to demonstrate to the United States Fish and Wildlife Service that the species does not require protection pursuant to the Endangered Species Act; and

WHEREAS, The State of Nevada, under the leadership of Governor Kenny Guinn's Sage-Grouse Conservation Team, developed the first edition of the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California* in 2004; and

WHEREAS, On July 31, 2012, the Greater Sage-grouse Advisory Committee, created by Executive Order 2012-09, presented further recommendations for developing a state-specific strategy to conserve the greater sage grouse; and

WHEREAS, The State of Nevada has authority to manage all wildlife belonging to this State that is not listed pursuant to the Endangered Species Act; and

WHEREAS, It is in the interest of this State to bring stakeholders and relevant agency experts together on an ongoing basis to guide the implementation of conservation measures sufficient to preclude the need to list the greater sage grouse, the bi-state sage grouse and other species that inhabit sagebrush ecosystems pursuant to the Endangered Species Act and provide continual coordination on matters related to the sagebrush ecosystem within this State; and

WHEREAS, The listing of the greater sage grouse or any other species that inhabits sagebrush ecosystems pursuant to the Endangered Species Act will have a significant adverse effect on the customs, culture and economy of the State of Nevada; and

WHEREAS, Executive Order 2012-19 established the Sagebrush Ecosystem Council to, among other duties, implement a conservation strategy for the greater sage grouse and sagebrush ecosystems and oversee the work of the Sagebrush Ecosystem Technical Team; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***Except as otherwise provided in section 3 of this act, the Division may establish and carry out programs to preserve, restore and enhance sagebrush ecosystems on public land in this State, and on privately owned land in this State with the consent of the owner of the land.***

Sec. 3. ***1. The Administrator of the Division shall coordinate the establishment and carrying out of a program of projects to improve sagebrush ecosystems in this State. The Division shall cooperate, without limitation, with:***

(a) The Department of Wildlife;

(b) The State Department of Agriculture; and

(c) The Division of Forestry of the State Department of Conservation and Natural Resources.

2. In carrying out the program described in subsection 1, the Division, on behalf of the Director of the State Department of Conservation and Natural Resources, shall:

(a) Oversee and administer a program to mitigate damage to sagebrush ecosystems ~~*[by authorizing the award and banking of]*~~ ***through a system that awards credits to persons , federal and state agencies, local governments and nonprofit organizations who take measures to protect, enhance or restore sagebrush ecosystems established by the Sagebrush Ecosystem Council created by section 6 of this act;***

(b) Identify and, if necessary, prioritize any projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of any nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;

(c) Coordinate activities with federal agencies;

(d) If requested, consult with persons proposing to conduct activities in any area which includes any habitat of the greater sage grouse

(Centrocercus urophasianus) to suggest measures to avoid, minimize or mitigate the effect of the activities on any sagebrush ecosystem;

(e) Solicit grants and private contributions for projects to improve sagebrush ecosystems; and

(f) On or before August 1 of each year, submit a report to the Sagebrush Ecosystem Council created by section 6 of this act. The report must include, without limitation:

(1) A description of each project conducted or planned to be conducted pursuant to the program described in subsection 1, including the cost, source of funding and, for projects that have been carried out, the results of the project;

(2) A description of any agreement between the Division and any person, federal or state agency, local government or nonprofit organization, including the purpose and provisions of the agreement;

(3) A list of all grants and private contributions solicited and all grants awarded to further the purposes of the program;

(4) A description of any significant activities conducted in any area which includes habitat of the greater sage grouse and all measures adopted to avoid, minimize or mitigate the effect of the activities on any sagebrush ecosystem; and

(5) Any other information specified by the Division or requested by the Council.

3. The Division may:

(a) Enter into any agreement with a person, federal or state agency, local government or nonprofit organization to further the preservation, restoration and enhancement of sagebrush ecosystems on public land or on privately owned land with the consent of the owner of the land;

(b) In accordance with subsection 3 of NRS 321.001, acquire and hold land and any interest in land or water required to carry out the program described in subsection 1;

(c) Sell or lease land and any interest in land or water that the Division determines is no longer necessary to carry out the program described in subsection 1;

(d) Within the limits of available money, award grants of money to other state agencies, local governments and nonprofit organizations to carry out the program described in subsection 1;

(e) Adopt any regulations to carry out the provisions of this section; and

(f) Conduct any other activities specified by the Division to carry out the program described in subsection 1.

4. The proceeds from the sale or lease of land or of any interest in land or water pursuant to paragraph (c) of subsection 3 must be deposited in the

Account to Restore the Sagebrush Ecosystem created by section 5 of this act.

Sec. 4. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. The Account to Restore the Sagebrush Ecosystem is hereby created in the State General Fund. The Director shall administer the Account in a manner consistent with policies and priorities established by the Sagebrush Ecosystem Council created by section 6 of this act.***

2. The Director may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The money in the Account may only be used to establish and carry out programs to preserve, restore and enhance sagebrush ecosystems pursuant to sections 2 and 3 of this act and is hereby authorized for expenditure as a continuing appropriation for this purpose.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 6. ***1. The Sagebrush Ecosystem Council is hereby created in the Department. The Council consists of:***

(a) The following nine voting members appointed by the Governor:

(1) One member who represents agricultural interests;

(2) One member who represents the energy industry;

(3) One member who represents the general public;

(4) One member who represents conservation and environmental interests;

(5) One member who represents mining interests;

(6) One member who represents ranching interests;

(7) One member who represents [hunting and fishing interests; (8) One member who represents] local government; [and (9)] (8) One member who acts as a liaison for Native American tribes [.] ; and

(9) One member of the Board of Wildlife Commissioners or his or her designee.

(b) In addition to the members appointed pursuant to paragraph (a), [any] the following nonvoting members:

(1) The Director of the State Department of Conservation and Natural Resources;

(2) The Director of the Department of Wildlife;

(3) The Director of the State Department of Agriculture;

(4) The State Director of the Nevada State Office of the Bureau of Land Management;

(5) The State Supervisor of the Nevada State Office of the United States Fish and Wildlife Service;

(6) The Forest Supervisor for the Humboldt-Toiyabe National Forest; and

(7) Any other members appointed by the Governor as nonvoting [numbers.] members.

2. The provisions of subsection 6 of NRS 232A.020 do not apply to the appointment by the Governor of the members of the Council.

3. After the initial terms, each member of the Council appointed pursuant to subparagraphs (1) to (8), inclusive, of paragraph (a) of subsection 1 and subparagraph (7) of paragraph (b) of subsection 1 serves a term of 4 years, commencing on July 1.

4. A vacancy in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed.

[3.] 5. While engaged in the business of the Council, each voting member is entitled to receive a salary of not more than $80 per day, as established by the Council, and the per diem allowance and travel expenses provided for state officers and employees generally.

[4.] 6. The Council may:

(a) Adopt regulations to govern the management and operation of the Council; [and]

(b) Establish subcommittees consisting of members of the Council to assist the Council in the performance of its duties [.
— 5.] ; and

(c) Consider and require the recovery of costs related to activities prescribed by paragraph (d) of subsection 2 of section 3 of this act pursuant to NRS 701.600 to 701.640, inclusive, or any other authorized method of recovering those costs.

7. The Council shall:

(a) Consider the best science available in its determinations regarding and conservation of the greater sage grouse (Centrocercus urophasianus) and sagebrush ecosystems in this State;

(b) Establish and carry out strategies for:

(1) The conservation of the greater sage grouse [(Centrocercus urophasianus)] and sagebrush ecosystems in this State; and

(2) Managing land which includes those sagebrush ecosystems, taking into consideration the importance of those sagebrush ecosystems and the interests of the State;

~~[(b)]~~ (c) Establish and carry out a long-term system for carrying out strategies to manage sagebrush ecosystems ~~[that allows the strategies to be adapted to changing circumstances and provides]~~ in this State using an adaptive management framework and providing for input from interested persons ~~[, groups of persons]~~ and ~~[local]~~ governmental entities;

~~[(c)]~~ (d) Oversee any team within the Division of State Lands of the Department which provides technical services concerning sagebrush ecosystems;

~~[(d)]~~ (e) Establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing ~~[the award and banking of credits to persons who take measures]~~ a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems;

~~[(e)]~~ (f) Solicit suggestions and information and, if necessary, prioritize projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;

~~[(f)]~~ (g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem ~~[;~~

~~(g)~~ in this State;

(h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;

~~[(h)]~~ (i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or section 2 or 3 of this act; and

~~[(i)]~~ (j) Provide direction to state agencies concerning any strategy, system, program or project carried out pursuant to this section or section 2 or 3 of this act ~~[.~~

~~6.]~~ and resolve any conflict with any direction given by another state board, commission or department jointly with that board, commission or department, as applicable.

8. On or before June 30 and December 31 of each year, the Council shall submit a written report to the Governor. The report must include, without limitation:

(a) Information concerning the overall health and population of the greater sage grouse within this State and in the United States and the overall health of sagebrush ecosystems within this State, including, without limitation, information concerning any threats to the population of sage grouse and any sagebrush ecosystems within this State;

(b) Information concerning all strategies, systems, programs and projects carried out pursuant to this section and sections 2 and 3 of this act, including, without limitation, information concerning the costs, sources of funding and results of those strategies, systems, programs and projects; and

(c) Any other information specified by the Council.

Sec. 7. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.150, inclusive ~~[:]~~ ***, and sections 5 and 6 of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 8. NRS 232.020 is hereby amended to read as follows:

232.020 There is hereby created the State Department of Conservation and Natural Resources, in which is vested the administration of the provisions of NRS 232.010 to 232.150, inclusive ~~[.]~~ ***, and sections 5 and 6 of this act.***

Sec. 9. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission ***,*** ~~[or]~~ the State Conservation Commission ~~[.]~~ ***or the Sagebrush Ecosystem Council.***

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission ***,*** ~~[or]~~ the State Conservation Commission ~~[,]~~ ***or the Sagebrush Ecosystem Council,*** but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions ~~[.]~~ ***and the Council.***

5. ~~[All]~~ ***Except as otherwise provided in section 5 of this act, all*** gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 10. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Conservation Districts Program, the Nevada Natural Heritage Program ***, the Sagebrush Ecosystem Council*** and the Board to Review Claims are within the Department.

Sec. 11. NRS 232.140 is hereby amended to read as follows:

232.140 1. ~~[~~Money~~]~~ ***Except as otherwise provided in section 5 of this act, money*** to carry out the provisions of NRS 232.010 to 232.150, inclusive, and ***sections 5 and 6 of this act*** to support the Department and its various divisions and other units must be provided by direct legislative appropriation from the State General Fund.

2. All money so appropriated must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.

Sec. 12. **NRS 232A.020 is hereby amended to read as follows:**

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. ~~[~~The~~]~~ ***Except as otherwise provided in section 6 of this act, the*** Governor shall not appoint a person to a board, commission or similar body if the person is a member of any other board, commission or similar body.

7. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

~~[Sec. 12.]~~ ***Sec. 13.*** As soon as practicable after the effective date of this act, the Governor shall appoint the members of the Sagebrush Ecosystem Council described in paragraph (a) of subsection 1 of section 6 of this act as follows:

1. Three members to terms that expire on July 1, 2015;
2. Three members to terms that expire on July 1, 2016; and
3. Three members to terms that expire on July 1, 2017.

~~[Sec. 13.]~~ ***Sec. 14.*** This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 853.

AN ACT relating to state financial administration; temporarily extending the allocation of a portion of the proceeds of the basic governmental services tax to the State General Fund; transferring certain commissions collected and penalties retained by the Department of Motor Vehicles with respect to the governmental services tax during Fiscal Year 2014-2015; temporarily increasing for Fiscal Year 2014-2015 the limitation on the percentage of the proceeds of certain fees and charges collected by the Department of Motor Vehicles that are authorized for the Department's costs of administration associated with the collection of those fees and charges; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each $1 of valuation of the vehicle, as determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth

depreciation schedules for determining the amount of the basic governmental services tax due each year for used vehicles and establishes a minimum tax. (NRS 371.060) In 2009, the amount of the basic governmental services tax due annually was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue from these increases in the basic governmental services tax were allocated to the State General Fund until June 30, 2013, and then were required to be deposited in the State Highway Fund thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188) **Section 1** of this bill extends for an additional 2 years the period during which the increases in the basic governmental services tax are allocated to the State General Fund. Therefore, those increases will be deposited in the State Highway Fund commencing on July 1, 2015.

Under existing law, the Department of Motor Vehicles is authorized to retain a commission of 1 percent of the revenue of the governmental services tax collected by the county assessors and 6 percent of all other revenue from the governmental services tax received by the Department. (NRS 482.180) The Department is also authorized under existing law to retain any penalties collected for delinquent payment of the governmental services tax. (NRS 371.140) **Section 2** of this bill transfers those commissions collected and penalties retained by the Department during Fiscal Year 2014-2015 to the State General Fund for unrestricted use.

Under existing law, all the proceeds from the imposition of any license or registration fee and other charge regarding the operation of a motor vehicle on any public highway, road or street in Nevada, except costs of administering the collection thereof, is required to be used exclusively for the construction, maintenance and repair of the State's public highways, roads and streets. (Nev. Const. Art. 9, § 5; NRS 408.235) Existing law limits the amount of such proceeds that are authorized to be used as costs of administration to 22 percent of the proceeds collected. (NRS 408.235) **Section 3** of this bill temporarily increases this limitation on costs of administration to 32 percent during Fiscal Year 2014-2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 20 of chapter 395, Statutes of Nevada 2009, as amended by chapter 476, Statutes of Nevada 2011, at page 2897, is hereby amended to read as follows:

Sec. 10.7. Section 20 of chapter 395, Statutes of Nevada 2009, at page 2199, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.

3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009, and expire by limitation on June 30, 2013.

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, ~~[2013.]~~ ***2015.***

7. Section 18 of this act expires by limitation on June 30, ~~[2013.]~~ ***2015.***

Sec. 2. The State Controller shall, as soon as practicable in Fiscal Year 2014-2015:

1. Notwithstanding the provisions of NRS 482.180, transfer the commissions collected by the Department of Motor Vehicles pursuant to subsection 6 of NRS 482.180 in an amount not to exceed ~~[$20,680,534]~~ **$20,813,716** in Fiscal Year 2014-2015 to the State General Fund for unrestricted State General Fund use.

2. Notwithstanding the provisions of NRS 371.140, transfer the penalties retained by the Department of Motor Vehicles pursuant to subsection 1 of NRS 371.140 in an amount not to exceed ~~[$4,074,856]~~ **$4,097,964** in Fiscal Year 2014-2015 to the State General Fund for unrestricted State General Fund use.

Sec. 3. Notwithstanding the provisions of NRS 408.235, the costs of administration of the Department of Motor Vehicles for Fiscal Year 2014-2015 for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 32 percent of the total proceeds so collected.

Sec. 4. 1. This section and section 1 of this act become effective upon passage and approval.

2. Sections 2 and 3 of this act become effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 423.
Bill read second time and ordered to third reading.

Senate Bill No. 446.
Bill read second time and ordered to third reading.

Senate Bill No. 447.
Bill read second time and ordered to third reading.

Senate Bill No. 463.
Bill read second time and ordered to third reading.

Senate Bill No. 466.
Bill read second time and ordered to third reading.

Senate Bill No. 469.
Bill read second time and ordered to third reading.

Senate Bill No. 498.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14 of the 76th Session.
Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 46.
Bill read third time.
The following amendment was proposed by Assemblyman Bobzien:
Amendment No. 881.

AN ACT relating to the funding of capital projects of school districts; ~~[providing for]~~ **authorizing** the imposition and **providing for the** administration of a new sales and use tax and ad valorem tax in certain counties for the capital projects of the school districts in those counties; exempting that ad valorem tax from **certain partial tax abatements and** the statutory limitation on the total ad valorem tax levy; authorizing those school districts to use the proceeds of those taxes and certain proceeds from the governmental services tax to finance capital projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The board of trustees of each school district is required to establish a fund for capital projects. (NRS 387.328) **Sections 2 and 10** of this bill ~~[require]~~ **authorize** the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to impose **, by a two-thirds vote,** additional taxes for deposit in the county school district's fund for capital projects. In particular, **section 2**

~~[requires]~~ **authorizes** the imposition in the county of a new sales and use tax at the rate of one-quarter of 1 percent of the gross receipts of retailers and **section 10** ~~[requires]~~ **authorizes** the imposition in the county of a new property tax at the rate of 5 cents on each $100 of assessed valuation.

Sections 2-8 of this bill require the administration of ~~[the]~~ **any** new sales and use tax in the same manner as the sales and use tax imposed by the Local School Support Tax Law, as set forth in chapter 374 of NRS.

Existing law generally limits the total amount of property taxes which may be imposed to $3.64 on each $100 of assessed valuation. (NRS 361.453) **Sections 9 and 10** of this bill exempt the new property tax ~~[required]~~ **authorized** by **section 10** from this limitation. ~~[Although existing]~~

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings**.** ~~[, this partial abatement does not apply to any new property taxes which the Legislature first requires a taxing entity to impose after April 6, 2005.]~~ (NRS 361.4722, 361.4723, 361.4724**)** ~~[, 361.4726) The new property tax required by section 10 is therefore not subject to this partial abatement.]~~ **Section 9.5 of this bill exempts the new property tax authorized by section 10 of this bill from those partial tax abatements.**

Section 11 of this bill authorizes the school district in each county where these new taxes are imposed to pledge the proceeds of these taxes, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issues for capital projects.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. ~~[The]~~ On or before January 1, 2014, the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 ~~[shall]~~ may enact an ordinance imposing a tax at the rate of one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county. An ordinance adopted pursuant to this section must be approved by a two-thirds majority of the members of the board.***

2. ~~[The]~~ Any tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. An ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.

(d) A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in the county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,

➥ if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.

(e) A provision that specifies the date on which the tax must first be imposed, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

Sec. 3. *1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid pursuant to this chapter must be paid to the Department in the form of remittances payable to the Department.*

2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.

(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined for each county to the Intergovernmental Fund and remit the money to the county treasurer for deposit in the county school district's fund for capital projects established

pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

Sec. 4. ***The Department may redistribute any proceeds from ~~[the]~~ any tax, interest or penalty collected pursuant to this chapter which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.***

Sec. 5. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377 or 377A of NRS, ***or sections 2, 3 and 4 of this act,*** any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 6. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS ***or sections 2, 3 and 4 of this act,*** as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 7. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, ***or sections 2, 3 and 4 of this act,*** or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 8. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any

debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, ~~[or]~~ chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313,

or chapter 585 or 680B of NRS ***or sections 2, 3 and 4 of this act*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 9. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723 and 450.760, ***and section 10 of this act,*** the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this

subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 9.5. **NRS 361.4726 is hereby amended to read as follows:**

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. ***The amount of any tax imposed pursuant to section 10 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.***

3. For the purposes of this section, "taxing entity" does not include the State.

Sec. 10. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [The] On or before January 1, 2014, the board of county commissioners of each county whose population is 100,000 or more but less than 700,000 [shall,] may, in addition to any other taxes levied in accordance with this chapter, levy an ad valorem tax of 5 cents on each $100 of assessed valuation of taxable property within the county for the capital projects of the school district. Any such levy must be approved by a two-thirds majority of the members of the board.

2. Any money collected pursuant to this section must be deposited in the county treasury to the credit of the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

3. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

Sec. 11. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962 and 375.070 ***and sections 3 and 10 of this act and, in a county whose population is 100,000 or more but less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service*** may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 12. This act becomes effective upon passage and approval.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 74 requires a person who wishes to conduct business as a document preparation service to register and post a bond with the Secretary of State. The bill requires a registrant to include a clear and conspicuous statement in any advertisement that the registrant is not an attorney authorized to practice in Nevada and may not provide legal advice or representation. Before a registrant provides any services to a client, the registrant and client must enter into a written contract that meets the requirements in this bill. Assembly Bill 74 authorizes the Secretary of State to adopt necessary regulations; investigate alleged violations; issue cease and desist orders; deny, suspend, revoke, or refuse to renew a registration; or refer a matter for civil action in court to enforce the provisions of the bill. The Secretary of State must also establish a toll-free phone number for complaints and post information about making complaints on the Internet. This measure makes a willful violation of its provisions a misdemeanor for the first offense in a five-year period and a gross misdemeanor for a second or subsequent violation in a five-year period. It also authorizes a person who suffers a pecuniary loss to bring a civil action against the registrant. Assembly Bill 74 also includes a $150,000

appropriation to allow the Secretary of State to develop necessary website applications to implement the bill.

I rise in support of Assembly Bill 74. I know this bill will help many of my constituents in Las Vegas. Just as we don't want people who don't have a medical license to practice on folks and do surgeries or any kind of medical procedures, we don't want my constituents receiving any type of legal advice that doesn't come from a qualified, bar-approved attorney. So I urge your support.

Roll call on Assembly Bill No. 74:

YEAS—37.

NAYS—Fiore, Wheeler—2.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 74 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 106 provides for the award of costs, fees, and expenses to a prevailing party in an action or proceeding against the Division of Industrial Relations, Department of Business and Industry before the Occupational Safety and Health Board or a court of judicial review under certain circumstances. The bill specifies that an award of fees and expenses may only be made if the court determines the Division's position was not substantially justified and that no special circumstances would make the award unjust. Further, A.B. 106 provides if the Division appeals an award and the award is affirmed in whole or in part, the Division must pay interest on the amount affirmed. An award made to a prevailing party must be paid from the Fund for Insurance Premiums and approved by the Attorney General or the State Board of Examiners under certain circumstances. Finally, the bill defines "party" as an individual with a net worth of no more than $2 million or a company with a net worth of no more than $7 million and no more than 500 employees.

Roll call on Assembly Bill No. 106:

YEAS—38.

NAYS—Daly.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 186 requires an employer to provide notice to employees at the time of hire regarding certain employment-related information. The bill also creates the Wage Claim Restitution Account, funded by a percentage of certain penalties collected by the Labor

Commissioner, to provide restitution to employees who are underpaid by their employer when no other form of restitution is available.

Roll call on Assembly Bill No. 186:

YEAS—28.

NAYS—Ellison, Fiore, Grady, Hambrick, Hansen, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—11.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 213 allows a service contract provider to qualify for the issuance of a certificate of registration by maintaining a reserve account that meets minimum requirements and by depositing a security with the Commissioner of Insurance.

Roll call on Assembly Bill No. 213:

YEAS—39.

NAYS—None.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 213 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 242 requires the Department of Motor Vehicles to place a designation of veteran status on an instruction permit, driver's license, or identification card upon request.

Roll call on Assembly Bill No. 242:

YEAS—39.

NAYS—None.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 242 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 464. This is our fuel tax bill that has been spoken about numerous times and that Madam Speaker and the Assistant Minority Floor Leader worked on so hard. We had a thorough vetting of it when we did the amendment last week, so if you need to look at it as far as the dollars go, the new fee will offset Highway Fund appropriations in the Department of Motor Carrier account in the amount of $44,556 for Fiscal Year 2014 and $45,312 for Fiscal Year 2015. The new fee of $6 per International Fuel Taxation Agreement decal is included in the Executive Budget and was approved by the money committees. If you have any questions, I'll be happy to defer them to the Assistant Minority Leader.

Roll call on Assembly Bill No. 464:

YEAS—36.

NAYS—Fiore, Livermore, Wheeler—3.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 464 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 480. This bill, as amended, requires the Tahoe Regional Planning Agency to annually provide the Governor and the Director of the Legislative Counsel Bureau with: (1) a copy of the agency's most recent independent audit report; (2) a report detailing the nature and purpose of expenditures made by the agency during the previous calendar year from money appropriated by the Legislature; and (3) a report detailing the progress of the agency in achieving the performance measures and benchmarks included in its current biennial budget. The bill also requires the TRPA to submit its proposed budget to the Director of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau by September 1 of even-numbered years. Lastly, this bill implements recommendations included in the Executive Budget, and the act becomes effective on July 1, 2013.

Roll call on Assembly Bill No. 480:

YEAS—39.

NAYS—None.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Assembly Bill No. 480 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblymen Bobzien and Bustamante Adams.

ASSEMBLYMAN BOBZIEN:

Senate Bill 303 provides for the issuance of driver authorization cards by the Department of Motor Vehicles. The bill allows an applicant to present various documents including, without limitation, a birth certificate or passport issued by a foreign government as proof of his or her name and age. The applicant must also provide certain documents to prove residency in this

state. The driver authorization card must be of the same design as a driver's license and contain only the minimum changes from that design as necessary to comply with the federal Real ID Act. A driver authorization card expires one year after it is issued or renewed.

This bill prohibits the Director of DMV from releasing any information relating to an individual's legal presence to any person or federal, state, or local governmental entity for any purpose relating to the enforcement of immigration laws. Additionally, the driver's authorization card shall not be used to determine eligibility for any benefits, licenses, or services issued or provided by this state or its political subdivisions. Finally, S.B. 303 appropriates from the State Highway Fund to the DMV approximately $1.6 million over the 2013-2015 biennium for the costs of developing and issuing driver authorization cards.

I just wanted to clarify that in addition to the driver authorization card not being used to determine any benefits, licenses, or services, we are talking about voter registration, as well. We want to make it perfectly clear, on the record, that is not the purpose of these cards. I congratulate the sponsors of this bill for tackling, in a very practical way, this issue that is making sure that we keep track of the drivers on our roads and they are following our laws. This bill is a wonderful step in the direction of dealing with this problem.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

I rise in support of S.B. 303. Thank you for the comments from my colleague in the north. We heard a lot of testimony on this, and one of the things I do want to say is I appreciate the leaders that came from Utah, not only to help us craft legislation but to also answer a lot of questions that we had to see if this would actually work in Nevada. And they have proven in Utah that it has worked, and very successfully. I know that some of my colleagues had questions on whether this could be used for voter I.D. Like my colleague from the north said, that is not the intent, and it cannot be used for that purpose. This is not an identification card. This is about public safety for Nevada; I think it is very progressive for our state, and I urge your support.

Roll call on Senate Bill No. 303:

YEAS—30.

NAYS—Ellison, Fiore, Grady, Hambrick, Hansen, Kirner, Livermore, Oscarson, Wheeler—9.

EXCUSED—Paul Anderson, Duncan, Pierce—3.

Senate Bill No. 303 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 826.

AN ACT relating to veterans; making the Office of Veterans Services the Department of Veterans Services; ~~[creating the Office of Veterans Policy and Coordination in the Office of the Governor;]~~ creating the Interagency Council on Veterans Affairs; revising provisions relating to donations for veterans homes; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue annual permits for the free use of state parks and other recreational areas to certain veterans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Office of Veterans Services has various duties and powers relating to veterans and servicemen and servicewomen and their dependents in Nevada, including assisting them with obtaining benefits to which they are entitled and any services that they require and providing administrative oversight of veterans homes and veterans cemeteries in Nevada. (Chapter 417 of NRS) **Section 14** of this bill changes the Office to the Department of Veterans Services, a state department. Accordingly, the Executive Director and Deputy Executive Director of the Office become the Director and Deputy Director of the Department, respectively. The Nevada Veterans Services Commission will now advise the Department instead of the Office. (NRS 417.190) **Sections 1-7, 13, 15-33, 45 and 48-50** of this bill make conforming changes.

~~[Sections 8 and 9 of this bill create the Office of Veterans Policy and Coordination in the Office of the Governor. This Office is headed by an Executive Director who is in the nonclassified service. The Office of Veterans Policy and Coordination is charged with developing policies, initiatives and strategies concerning services provided to veterans and servicemen and servicewomen and their families and coordinating those services.]~~

In 2012, the Governor established by executive order the Interagency Council on Veterans Affairs. (Executive Order 2012-15 (7-3-2012)) The Council was charged with identifying and prioritizing the needs of Nevada's veterans, working toward increasing the coordination of the efforts of public and private agencies to meet those needs and preparing a report of its findings and recommendations by December 31, 2013, for submission to the Governor. **Section 10** of this bill creates the Council in statute and prescribes its membership, which includes ex officio members and members appointed by the Governor. **Section 11** of this bill ~~[provides that the Executive Director of the Office of Veterans Policy and Coordination serves as the Chair of the Council. Section 11 also]~~ requires the Council to hold meetings at least once every 3 months. **Section 12** of this bill prescribes issues for the Council to study and requires the Council to submit a report of its findings and recommendations to each regular session of the Legislature.

The Gift Account for Veterans Homes is established under existing law to receive gifts of money or personal property which a donor has restricted to one or more uses at a veterans home. (NRS 417.145) As a result of the authorization of the creation of a veterans home in northern Nevada in **section 55** of this bill, **section 23** of this bill changes the existing Gift Account for Veterans Homes to the Gift Account for the Veterans Home in Southern Nevada to be used for the deposit of gifts which donors have restricted to use at that home. **Section 23** also creates the Gift Account for

the Veterans Home in Northern Nevada to be used for the deposit of gifts which donors have restricted to use at this new veterans home. **Sections 37-44 and 47** of this bill make conforming changes.

Under existing law, the Division of State Parks of the State Department of Conservation and Natural Resources is required to issue an annual permit for the free use of all state parks and recreational areas in this State to persons who are 65 years of age or older and who meet certain residency requirements. (NRS 407.065) **Section 46** of this bill extends this same benefit to a veteran with a permanent service-connected disability of 10 percent or more who received an other than dishonorable discharge from the Armed Forces of the United States and who is a resident of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 417.010 and sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the Department of Veterans Services created by NRS 417.020.***

Sec. 4. ***"Deputy Director" means the Deputy Director of the Department.***

Sec. 5. ***"Director" means the Director of the Department.***

Sec. 6. ~~***[***"Executive Director" means the Executive Director of the Office of Veterans Policy and Coordination created by section 8 of this act.***]***~~ **(Deleted by amendment.)**

Sec. 7. ***The Director may adopt such regulations as are necessary to carry out the provisions of this chapter.***

Sec. 8. ~~***[1. There is hereby created within the Office of the Governor the Office of Veterans Policy and Coordination.***~~

~~***2. The Governor shall propose a budget for the Office of Veterans Policy and Coordination.***~~

~~***3. The Governor shall appoint the Executive Director of the Office of Veterans Policy and Coordination. To be eligible for appointment as the Executive Director, a person must:***~~

~~***(a) Be an actual and bona fide resident of the State of Nevada; and***~~

~~***(b) Possess an honorable discharge from a branch of the military and naval service of the United States.***~~

~~***4. The Executive Director is not in the classified or unclassified service of this State and serves at the pleasure of the Governor. The Executive***~~

~~*Director shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.*~~

~~*5. The Office of Veterans Policy and Coordination shall consist of the Executive Director and not more than 10 employees.*~~

~~*6. Employees of the Office of Veterans Policy and Coordination are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[The Executive Director:*~~

~~*1. Shall direct and supervise the administrative and technical activities of the Office of Veterans Policy and Coordination.*~~

~~*2. As directed by the Governor, shall identify, recommend and carry out policies, initiatives and strategies relating to the provision of services to veterans and servicemen and servicewomen and their families in Nevada, including, without limitation, the funding, delivery and coordination of those services.*~~

~~*3. Shall work in coordination with the Department and the Interagency Council on Veterans Affairs to carry out the policies, initiatives and strategies described in subsection 2 and to communicate those policies, strategies and initiatives to veterans and servicemen and servicewomen and their families.*~~

~~*4. Shall work to increase collaboration and coordination between the State of Nevada and veterans and veterans organizations.*~~

~~*5. Shall collaborate and coordinate with the Federal Government and the appropriate officials of other states to develop best practices for the provision of services to veterans and servicemen and servicewomen and their families.*~~

~~*6. Shall develop recommendations for proposed legislation regarding veterans and servicemen and servicewomen and their families.*~~

~~*7. On or before February 15 of each year, shall submit a report concerning the activities of the Office of Veterans Policy and Coordination during the preceding calendar year to the Nevada Veterans Services Commission, the Governor and the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction over the subject matter; or*~~

~~*(b) If the Legislature is not in session, the Legislative Commission.*~~

~~*8. May apply for and accept any gift, donation, bequest, grant or other source of money to assist the Executive Director in carrying out his or her duties.*~~

~~*9. May adopt such regulations as may be necessary to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 10. *1. The Interagency Council on Veterans Affairs is hereby created. The Council consists of:*

(a) ~~[The Executive Director of the Office of Veterans Policy and Coordination;~~

~~(b)]~~ The Director of the Department of Business and Industry;

~~[(c)]~~ (b) The Director of the Department of Corrections;

~~[(d)]~~ (c) The Director of the Department of Employment, Training and Rehabilitation;

~~[(e)]~~ (d) The Director of the Department of Health and Human Services;

~~[(f)]~~ (e) The Director of the Department of Public Safety;

~~[(g)]~~ (f) The Director of the Department of Veterans Services;

~~[(h)]~~ (g) The Adjutant General;

~~[(i)]~~ (h) The Chancellor of the Nevada System of Higher Education;

~~[(j)]~~ (i) The Executive Director of the Office of Economic Development;

~~[(k)]~~ (j) The Executive Director of the Nevada Indian Commission; and

~~[(l)]~~ (k) Any other persons appointed by the Governor, including, without limitation, representatives of federal and local governmental agencies and private entities that provide services to veterans. Members appointed pursuant to this paragraph serve at the pleasure of the Governor.

2. A member of the Council ~~[set forth in paragraphs (b) to (l), inclusive,]~~ may designate a person to represent him or her at any meeting of the Council. The person designated may exercise all the duties, rights and privileges of the member that he or she represents.

Sec. 11. *1. ~~[The Executive Director shall serve as the Chair of the Interagency Council on Veterans Affairs.]~~ The members of the Council shall elect a Chair and a Vice Chair ~~[, who]~~ The Vice Chair presides in the absence of the Chair.*

2. The Council shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the members of the Council.

3. Members of the Council serve without compensation, except that each member of the Council is entitled, while engaged in the business of the Council, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Council who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him or her.

4. Each member of the Council who is an officer or employee of the State of Nevada or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the

member may prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to make up the time that he or she is absent from work to carry out his or her duties as a member of the Council or to use annual vacation or compensatory time for the absence.

5. A majority of the members of the Council constitutes a quorum, and a quorum may exercise all the powers conferred on the Council.

Sec. 12. ***The Interagency Council on Veterans Affairs shall:***

1. Identify and prioritize the needs of veterans and servicemen and servicewomen and their families in this State.

2. Study ~~[and make recommendations to the Office of Veterans Policy and Coordination regarding]~~ the coordination of the efforts of the Federal Government, State Government, local governments and private entities to meet the needs of veterans and servicemen and servicewomen and their families in this State.

3. On or before February 15 of each year, submit a report concerning the activities of the Council during the preceding calendar year and any recommendations of the Council to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(b) If the Legislature is not in session, the Legislative Commission.

Sec. 13. NRS 417.010 is hereby amended to read as follows:

417.010 ~~[~~As used in this chapter, unless the context otherwise requires:

~~1.]~~ "Administrator" means the administrator of a veterans home in this State.

~~[2. "Deputy Executive Director" means the Deputy Executive Director for Veterans Services.~~

~~3. "Executive Director" means the Executive Director for Veterans Services.]~~

Sec. 14. NRS 417.020 is hereby amended to read as follows:

417.020 1. The ~~[Office]~~ ***Department*** of Veterans Services is hereby created.

2. ~~[The Office consists of the offices of the Executive Director for Veterans Services and the Deputy Executive Director for Veterans Services.~~

~~3. The Executive Director shall serve as the Director of the Office of Veterans Services and is responsible for the performance of the duties imposed upon the Office, and for such other duties as may be prescribed by this chapter.~~

~~4. The Executive Director may adopt such regulations as are necessary to carry out the provisions of this chapter.~~ ***The Department is vested with the powers and authority provided in this chapter and shall carry out the purposes of this chapter.***

Sec. 15. NRS 417.030 is hereby amended to read as follows:

417.030 1. ***The office of Director of the Department of Veterans Services is hereby created.***

2. The ~~[~~Executive~~]~~ Director ~~[~~and Deputy Executive Director~~]~~ must be appointed by ***and serves at the pleasure of*** the Governor.

~~[~~2.~~]~~ ***3. The Director shall appoint one Deputy Director of the Department, who shall assist the Director in performing the duties prescribed in this chapter.***

4. Any person to be eligible for appointment as the ~~[~~Executive~~]~~ Director or the Deputy ~~[~~Executive~~]~~ Director must:

(a) Be an actual and bona fide resident of the State of Nevada;

(b) Possess an honorable discharge from some branch of the military and naval service of the United States; and

(c) Have at least 4 years of experience in management or administration.

Sec. 16. NRS 417.035 is hereby amended to read as follows:

417.035 The ~~[~~Executive~~]~~ Director shall execute and deliver to the Secretary of State his or her official bond in the penal sum of $500,000 with a corporate surety licensed to do business in this State, conditioned to ensure his or her faithful discharge of responsibilities as guardian of the estates of those veterans and dependents for whom he or she acts. A separate bond for each estate is not required.

Sec. 17. NRS 417.060 is hereby amended to read as follows:

417.060 The ~~[~~Executive~~]~~ Director and the Deputy ~~[~~Executive~~]~~ Director are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, each shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 18. NRS 417.070 is hereby amended to read as follows:

417.070 1. The office of the ~~[~~Executive~~]~~ Director must be located in the same city where the state regional office of the United States Department of Veterans Affairs maintains its state administrative bureau, and if that office is discontinued in the State of Nevada, then at such place as the Governor may designate.

2. The office of the Deputy ~~[~~Executive~~]~~ Director must be maintained at Las Vegas, Nevada.

~~[~~3. The Deputy Executive Director shall report to the Executive Director and shall assist the Executive Director in performing the duties prescribed in this chapter.~~]~~

Sec. 19. NRS 417.080 is hereby amended to read as follows:

417.080 1. The ~~[~~Executive~~]~~ Director:

(a) May employ such clerical and stenographic assistance as necessary.

(b) May purchase necessary office equipment and supplies.

(c) Is entitled to receive necessary travel and miscellaneous administrative expenses in the administration of this chapter.

2. All clerical and stenographic services, office equipment and supplies, travel expenses at the same rate as other state officers and miscellaneous administrative expenses and salaries must be paid at the time and in the manner that similar claims and expenses of other state departments and officers are paid, but:

(a) All expenses must be within the limits of the appropriation made for the purposes of this chapter; and

(b) The salaries and compensation of clerks and stenographers must be at the same rate as that provided by law for clerks and stenographers in other state departments.

Sec. 20. NRS 417.090 is hereby amended to read as follows:

417.090 The ~~[~~Executive~~]~~ Director and the Deputy ~~[~~Executive~~]~~ Director shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their wives, widows, widowers, husbands, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation,

vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the ~~[Executive]~~ Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The ~~[Executive]~~ Director or Deputy ~~[Executive]~~ Director may transfer such property to a veterans or military museum.

~~*[10. Provide administrative support to the Interagency Council on Veterans Affairs.]*~~

Sec. 21. NRS 417.100 is hereby amended to read as follows:

417.100 The ~~[Executive]~~ Director and the Deputy ~~[Executive]~~ Director may:

1. Administer oaths to any person whose acknowledgment may become necessary in the prosecution of any claim for compensation, hospitalization, insurance or other aid or benefits.

2. Certify to the correctness of any document or documents which may be submitted in connection with any such application.

Sec. 22. NRS 417.105 is hereby amended to read as follows:

417.105 1. Each year on or before October 1, the ~~[Office of Veterans Services]~~ ***Department*** shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the ~~[Office of Veterans Services]~~ ***Department*** shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board of the State Public Works Division of the Department of Administration.

(c) The Office of Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the ~~[Office of Veterans Services]~~ ***Department*** shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for local businesses owned by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 23. NRS 417.145 is hereby amended to read as follows:

417.145 1. The Veterans Home Account is hereby established in the State General Fund.

2. Money received from:

(a) Payments made by the United States Department of Veterans Affairs for veterans who receive care in a veterans home;

(b) Other payments for medical care and services;

(c) Appropriations made by the Legislature for veterans homes;

(d) Federal grants and other money received pursuant to paragraph (c) of subsection 1 of NRS 417.147;

(e) Money collected pursuant to the schedule of rates established pursuant to subsection 2 of NRS 417.147 for occupancy of rooms at veterans homes; and

(f) Except as otherwise provided in **[**~~subsection 7,~~**]** ***subsections 7 and 8,*** gifts of money and proceeds derived from the sale of gifts of personal property for the use of veterans homes, if the use of those gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Veterans Home Account.

3. Interest and income must not be computed on the money in the Veterans Home Account.

4. The Veterans Home Account must be administered by the **[**~~Executive~~**]** Director, with the advice of the administrators, and except as otherwise provided in paragraph (c) of subsection 1 of NRS 417.147, the money deposited in the Veterans Home Account may only be expended for:

(a) The establishment, management, maintenance and operation of veterans homes;

(b) A program or service related to a veterans home;

(c) The solicitation of other sources of money to fund a veterans home; and

(d) The purpose of informing the public about issues concerning the establishment and uses of a veterans home.

5. Except as otherwise provided in **[**~~subsection 7,~~**]** ***subsections 7 and 8,*** gifts of personal property for the use of veterans homes:

(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the Veterans Home Account must be paid out on claims approved by the ~~[~~Executive~~]~~ Director as other claims against the State are paid.

7. The Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada*** is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at ~~[~~a~~]~~ ***the*** veterans home ***in southern Nevada*** must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at ~~[~~a~~]~~ ***this*** veterans home must be deposited with the State Treasurer for credit to the Gift Account for ***the*** Veterans ~~[~~Homes.~~]~~ ***Home in Southern Nevada.*** The interest and income earned on the money in the Gift Account for ***the*** Veterans ~~[~~Homes,~~]~~ ***Home in Southern Nevada,*** after deducting any applicable charges, must be credited to the Gift Account for ***the*** Veterans ~~[~~Homes.~~]~~ ***Home in Southern Nevada.*** Any money remaining in the Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada*** at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

8. ***The Gift Account for the Veterans Home in Northern Nevada is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at the veterans home in northern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Northern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Northern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Northern Nevada. Any money remaining in the Gift Account for the Veterans Home in Northern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.***

9. The Gift Account for Veterans is hereby created in the State General Fund. The ~~[~~Executive~~]~~ Director shall administer the Gift Account for Veterans. The money deposited in the Gift Account for Veterans pursuant to NRS 482.3764 may only be used for the support of outreach programs or services for veterans and their families, or both, as determined by the ~~[~~Executive~~]~~ Director. The interest and income earned on the money in the Gift Account for Veterans, after deducting any applicable charges, must be credited to the Gift Account for Veterans. All money in the Gift Account for Veterans must be paid out on claims approved by the ~~[~~Executive~~]~~ Director as

other claims against the State are paid. Any money remaining in the Gift Account for Veterans at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

~~[9.]~~ ***10.*** The ~~[Executive]~~ Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada, the Gift Account for the Veterans Home in Northern Nevada*** and the Gift Account for Veterans.

Sec. 24. NRS 417.147 is hereby amended to read as follows:

417.147 1. The ~~[Executive]~~ Director shall:

(a) Appoint an administrator for each veterans home in this State. Each administrator must be licensed as a nursing facility administrator pursuant to NRS 654.170.

(b) Take such other actions as are necessary for the management, maintenance and operation of veterans homes in this State, including, without limitation, establishing and implementing rules, policies and procedures for such management, maintenance and operation.

(c) Apply for federal grants and other sources of money available for establishing veterans homes. A federal grant must be used only as permitted by the terms of the grant.

2. With the advice of the Nevada Veterans Services Commission, the ~~[Executive]~~ Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each veterans home in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the ~~[Executive]~~ Director, but is not bound to follow the recommendations of the ~~[Executive]~~ Director.

3. The first veterans home that is established in this State must be established at a location in southern Nevada determined to be appropriate by the Interim Finance Committee. The Interim Finance Committee shall give preference to a site that is zoned appropriately for the establishment of a veterans home, that affords minimum costs of maintenance and that is located in an area where the members of the families of the veterans can easily visit the veterans home. The site for the construction of the veterans home in southern Nevada must be:

(a) Located in reasonable proximity to:

(1) A public transportation system;

(2) Shopping centers; and

(3) A major hospital that has a center for the treatment of trauma which is designated as a level II center by the Administrator of the Health Division of the Department of Health and Human Services.

(b) Not less than 5 acres in area.

4. If an additional veterans home is authorized, it must be established in northern Nevada.

Sec. 25. NRS 417.148 is hereby amended to read as follows:

417.148 1. A revolving account up to the amount of $2,000 is hereby created for each veterans home, and may be used for the payment of bills of the veterans home requiring immediate payment and for no other purpose. The administrator of a veterans home shall deposit the money for the revolving account for the veterans home in a bank, credit union or savings and loan association qualified to receive deposits of public money. The revolving account must be under the control of the administrator of the veterans home for which the account was created.

2. The ~~[~~Executive~~]~~ Director may transfer such amounts of money from the Veterans Home Account to a revolving account as the ~~[~~Executive~~]~~ Director determines necessary provided that the balance in the revolving account does not exceed $2,000.

Sec. 26. NRS 417.150 is hereby amended to read as follows:

417.150 1. The Nevada Veterans Services Commission, consisting of nine members, is hereby created.

2. The Governor shall appoint:

(a) Three members who are representatives of nationally recognized veterans organizations and who possess honorable discharges from some branch of the military and naval service of the United States.

(b) Two members who are representatives of the general public.

3. The Chair of the Advisory Committee for a Veterans Cemetery in Northern Nevada and the Chair of the Advisory Committee for a Veterans Cemetery in Southern Nevada shall each appoint one member from their respective committees to serve as a member of the Commission. Each member so appointed must be a representative of a nationally recognized veterans organization and possess an honorable discharge from some branch of the military and naval service of the United States.

4. The Majority Leader of the Senate shall appoint one member of the Senate to serve as a member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly to serve as a member of the Commission.

6. The Governor may remove a member of the Commission at any time for failure to perform his or her duties, malfeasance or other good cause.

7. The term of office of each member is 2 years.

8. If a vacancy occurs in the membership of those members appointed pursuant to paragraph (a) of subsection 2, the Governor shall fill the vacancy from among the names of qualified nominees provided to the Governor in writing by the ~~[~~Executive~~]~~ Director.

Sec. 27. NRS 417.160 is hereby amended to read as follows:

417.160 1. The Nevada Veterans Services Commission shall annually choose one of its members to serve as Chair and one of its members to serve as Vice Chair.

2. The ~~[Executive]~~ Director shall provide for the preparation and maintenance of written minutes for and audio recordings or transcripts of each meeting of the ~~[Veterans Services]~~ Commission.

3. Members of the ~~[Veterans Services]~~ Commission are entitled to receive:

(a) A salary of not more than $80 per day, as fixed by the ~~[Executive]~~ Director, while engaged in the business of the Commission.

(b) A subsistence allowance of not more than $56 per day, as fixed by the ~~[Executive]~~ Director, and actual expenses for transportation, while traveling on business of the Commission.

Sec. 28. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the ~~[Executive]~~ Director and Deputy ~~[Executive]~~ Director.

2. Make recommendations to the Governor, the Legislature, the ~~[Executive]~~ Director and the Deputy ~~[Executive]~~ Director regarding aid or benefits to veterans.

Sec. 29. NRS 417.200 is hereby amended to read as follows:

417.200 1. The ~~[Executive]~~ Director shall establish, operate and maintain a veterans cemetery in northern Nevada and a veterans cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries. The ~~[Executive]~~ Director shall employ a cemetery superintendent to operate and maintain each cemetery.

2. The cemetery superintendent shall ensure that the area immediately above and surrounding the interred remains in each veterans cemetery is landscaped with natural grass.

3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.

Sec. 30. NRS 417.210 is hereby amended to read as follows:

417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans organization recognized by the ~~[Executive]~~ Director may apply for a

plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The cemetery superintendent shall assign available plots in the order in which applications are received. A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The ~~[Executive]~~ Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

5. As used in this section, "immediate family" means the spouse, minor child or, when the ~~[Executive]~~ Director deems appropriate, the unmarried adult child of an eligible veteran.

Sec. 31. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the ~~[Executive]~~ Director or the Deputy ~~[Executive]~~ Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the ***United States*** Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the ~~[Executive]~~ Director or the Deputy ~~[Executive]~~ Director for the support of veterans cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans cemetery in northern Nevada or a veterans cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant

to NRS 417.200, the ~~[Executive]~~ Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the ~~[Executive]~~ Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the ~~[Executive]~~ Director or the Deputy ~~[Executive]~~ Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the ~~[Executive]~~ Director or the Deputy ~~[Executive]~~ Director is authorized to accept and which the donor has restricted to one or more uses at a veterans cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans cemetery in northern Nevada or a veterans cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The ~~[Executive]~~ Director or the Deputy ~~[Executive]~~ Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans cemetery in northern Nevada or the veterans cemetery in southern Nevada, as appropriate.

Sec. 32. NRS 417.230 is hereby amended to read as follows:

417.230 1. There are hereby created the Advisory Committee for a Veterans Cemetery in Northern Nevada and the Advisory Committee for a Veterans Cemetery in Southern Nevada, each consisting of seven members as follows:

(a) One member of the Senate, appointed by the Majority Leader of the Senate.

(b) One member of the Assembly, appointed by the Speaker of the Assembly.

(c) Five members of veterans organizations in this State, appointed by the Governor.

2. The members of the Committees shall serve terms of 2 years.

3. Each Committee shall annually elect a Chair and a Vice Chair from among its members.

4. Each Committee shall meet at least 4 times a year.

5. Any legislative member of a Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

6. While engaged in the work of the Committee, each member of each Committee is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. The ~~[Executive]~~ Director shall consult with each Committee regarding the establishment, maintenance and operation of the veterans cemetery for which the Committee was created.

Sec. 33. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the ~~[~~Office~~]~~ ***Department*** of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature for educational purposes.

Sec. 34. NRS 244.406 is hereby amended to read as follows:

244.406 1. Except as otherwise provided in this section, the office of coordinator of services for veterans must be supported from money in the county general fund and from any gifts or grants received by the county for the support of the office.

2. The board of county commissioners of a county that creates the office of coordinator of services for veterans is authorized to accept funds from the ~~[~~Executive~~]~~ Director ~~[~~for~~]~~ ***of the Department of*** Veterans Services pursuant to subsection 8 of NRS 417.090 for the support of the office.

3. The board of county commissioners of a county that creates the office of coordinator of services for veterans may enter into an agreement with the

Health Division of the Department of Health and Human Services for the purpose of obtaining federal matching funds to contribute to the salaries and expenses of the office of coordinator of services for veterans for its activities which are reasonably related to the programs of the Health Division of the Department of Health and Human Services and which benefit or result in cost avoidance for the Health Division.

4. The board of county commissioners of a county that creates the office of coordinator of services for veterans shall, on or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature describing the efficiency and effectiveness of the office. The report must include, without limitation, the number, total value and average value of the benefits received by the office on behalf of veterans, their spouses and their dependents.

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in

the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 38. NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 may, in lieu of claiming the exemption:

(a) Pay to the county ~~[assessor]~~ ***tax receiver*** all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the county ~~[assessor]~~ ***tax receiver*** to deposit that amount for credit to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to ~~[the]~~ ***a Gift*** Account on a form provided by the Nevada Tax Commission.

3. The county ~~[assessor]~~ ***tax receiver*** shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to ~~[the]~~ ***a Gift*** Account pursuant to this section and NRS 371.1035 during any fiscal year.

Sec. 39. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to

NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the ***United States*** Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 40. NRS 361.155 is hereby amended to read as follows:

361.155 1. Except as otherwise provided in this section:

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis, and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which the taxpayer is entitled during any fiscal year.

3. Except as otherwise provided in this section, each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

Sec. 41. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first $2,000 determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong to that person.

4. Except as otherwise provided in subsection 5, a person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145,

➥ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 42. NRS 371.1035 is hereby amended to read as follows:

371.1035 1. Any person who qualifies for an exemption pursuant to NRS 371.103 or 371.104 may, in lieu of claiming the exemption:

(a) Pay to the Department all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the Department to deposit that amount for credit to the Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to ~~[~~the~~]~~ ***a Gift*** Account on a form provided by the Department.

3. The Department shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to ~~[~~the~~]~~ ***a Gift*** Account pursuant to this section and NRS 361.0905 during any fiscal year.

Sec. 43. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would

otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong entirely to that person.

4. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for ***the*** Veterans ~~[~~Homes~~]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** established pursuant to NRS 417.145,

➥ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

6. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2, would have been eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

7. If a tax exemption is allowed under this section, the veteran and his or her current spouse are not entitled to an exemption under NRS 371.103.

8. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

9. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 44. NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 for tax exemption on the governmental services tax and designations of any amount to be credited to the Gift Account for ***the*** Veterans ~~[Homes]~~ ***Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada*** pursuant to NRS 371.1035 must be filed annually at any time on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total

exemption greater than that to which the taxpayer is entitled during any fiscal year.

Sec. 45. NRS 389.810 is hereby amended to read as follows:

389.810 1. Notwithstanding any provision of this title to the contrary, a person who:

(a) Left high school before graduating to serve in the Armed Forces of the United States during:

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;

(b) Was discharged from the Armed Forces of the United States under honorable conditions; and

(c) As a result of his or her service in the Armed Forces of the United States, did not receive a high school diploma,

➥ shall be deemed to have earned sufficient credits to receive a standard high school diploma.

2. A school district may, upon request, issue a standard high school diploma to any person who meets the requirements set forth in subsection 1. A school district may issue a standard high school diploma to such a person even if the person:

(a) Holds a general educational development credential or its equivalent; or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the ~~[Office]~~ ***Department*** of Veterans Services shall work cooperatively to establish guidelines for identifying and issuing standard high school diplomas to persons pursuant to this section.

4. A person to whom a standard high school diploma is issued pursuant to this section shall not be deemed to be a pupil for the purposes of this title.

Sec. 46. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas.

The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) ~~[Shall]~~ ***Except as otherwise provided in this paragraph, shall*** impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue ~~[, upon application therefor and proof of residency and age,]~~ an annual permit for entering, camping and boating in all state parks and recreational areas in this State ***:***

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made

available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Fund for State Park Interpretative and Educational Programs and Operation of Concessions.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 47. NRS 482.3764 is hereby amended to read as follows:

482.3764 1. Before the Department issues to any person, pursuant to NRS 482.3763:

(a) An initial set of special license plates, it shall:

(1) Collect a special fee for the support of outreach programs and services for veterans and their families in the amount of $25; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

(b) An annual renewal sticker, it shall:

(1) Collect a special fee for the support of outreach programs and services for veterans and their families in the amount of $20; and

(2) Affix a decal to each plate if requested by an applicant who meets the requirements set forth in NRS 482.37635.

2. The Department shall deposit all money collected pursuant to this section with the State Treasurer for credit to the Gift Account for Veterans created by subsection ~~[8]~~ ***9*** of NRS 417.145.

Sec. 48. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for an instruction permit or driver's license pursuant to NRS 483.290, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:

(a) Compile the aggregate number of persons who have, during the immediately preceding quarter, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that number to the ~~[Office]~~ ***Department*** of Veterans Services to be used for statistical purposes.

Sec. 49. NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for an identification card pursuant to NRS 483.850, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:

(a) Compile the aggregate number of persons who have, during the immediately preceding quarter, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that number to the ~~[Office]~~ ***Department*** of Veterans Services to be used for statistical purposes.

Sec. 50. NRS 642.0197 is hereby amended to read as follows:

642.0197 1. A funeral director who obtains custody of the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran shall report the name of

the deceased person to the ~~[~~Office~~]~~ ***Department*** of Veterans Services not later than 1 year after obtaining custody of the unclaimed human remains of the deceased person.

2. Upon receipt of a report made pursuant to subsection 1, the ~~[~~Office~~]~~ ***Department*** of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans cemetery pursuant to NRS 417.210. The ~~[~~Office~~]~~ ***Department*** of Veterans Services shall provide notice of the determination to the funeral director.

3. If the ~~[~~Office~~]~~ ***Department*** of Veterans Services provides notice to a funeral director of a determination that a deceased person is a veteran who is eligible for interment at a national cemetery or a veterans cemetery, the funeral director shall arrange for the proper disposition of the veteran's remains with:

(a) A national cemetery or veterans cemetery; or

(b) The ~~[~~Office~~]~~ ***Department*** of Veterans Services.

4. A funeral director is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 51. NRS 417.040 and 417.050 are hereby repealed.

Sec. 52. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 53. If the name of a fund or account is changed pursuant to the provisions of this act, the State Controller shall change the designation of the name of the fund or account without making any transfer of the money in the fund or account. The assets and liabilities of such a fund or account are unaffected by the change of the name.

Sec. 54. Any regulations adopted by the Executive Director of the Office of Veterans Services before October 1, 2013, pursuant to NRS 417.020 remain in effect and may be enforced by the Director of the Department of Veterans Services until the Director of the Department of Veterans Services adopts regulations to repeal or replace those regulations.

Sec. 55. The Legislature hereby authorizes the Department of Veterans Services to purchase, construct, lease, renovate or acquire by lease-purchase a veterans home in northern Nevada.

Sec. 56. On or before October 1, 2013, the Governor shall appoint the members of the Interagency Council on Veterans Affairs pursuant to paragraph ~~[(d)]~~ **(k)** of subsection 1 of section 10 of this act.

TEXT OF REPEALED SECTIONS

417.040 Executive Director and Deputy Executive Director: Terms of office. The term of office of the Executive Director or Deputy Executive Director is 4 years, terminating on July 1 of the first year of the Governor's term of office.

417.050 Executive Director and Deputy Executive Director: Vacancies; removal from office; absence from office.

1. Upon a vacancy occurring in the office of Executive Director or Deputy Executive Director, the Governor shall appoint a successor to that office within 30 days after the vacancy.

2. The Executive Director or Deputy Executive Director may be removed from office at any time on failure to perform the duties required by this chapter.

3. The Deputy Executive Director shall assume the duties of the Executive Director in the Executive Director's absence.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 125.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 841.

AN ACT relating to governmental administration; exempting the lease of certain state lands from appraisal and certain procedural requirements; authorizing the discounted lease of state lands and buildings to certain businesses seeking to locate or expand in this State; revising provisions relating to the annual inventory of real property owned by or leased to the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Land Registrar to lease state land for certain purposes. (Chapter 321 of NRS) **Section 3** of this bill authorizes the lease of state land to certain businesses seeking to locate or expand in this State for less than fair market value for the first year of the lease. **Section 3** requires the State Land Registrar, the Administrator of the State Public Works Division of the Department of Administration and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease.

With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 1.5, 2, 4 and 5** of this bill except from these requirements the lease of state land if the lease is for less than 25,000 square feet of land or the lease is approved pursuant to **section 3**.

Existing law requires: (1) each state officer, department, agency, board and commission to maintain an inventory of all real property leased to the State; and (2) the Division of State Lands of the State Department of Conservation and Natural Resources, the Department of Transportation and the State Public Works Division to maintain an inventory of all real property owned by the State. (NRS 331.110) **Section 8** of this bill provides that each inventory must be provided to the Administrator on or after April 1 but not later than June 30 of each year. **Section 8** also sets forth certain requirements relating to those inventories. ~~**[**Section 6 of this bill requires the Administrator of the State Public Works Division to provide the inventory of real property owned by the State to the Executive Director of the Office of Economic Development and authorizes the Administrator to enter into a lease or agreement with certain businesses seeking to locate or expand in this State for the lease of certain state-owned buildings to the business for less than the fair market value during the first year of the lease.**]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Land Registrar may offer any state land for lease without complying with the provisions of NRS 321.007 or 321.335 if the area of the state land is less than 25,000 square feet.

Sec. 1.5. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, ***or section 1 or 3 of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, ***or section 1 or 3 of this act,*** except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for

land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land

Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of

consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3. Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if, except as otherwise provided in subsection 5, the business meets the requirements of subsection 4.

2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:

(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;

(b) The Administrator of the State Public Works Division of the Department of Administration; and

(c) The Executive Director of the Office of Economic Development.

3. Any lease entered into pursuant to this section must be for a term of at least 10 years.

4. Except as otherwise provided in subsection 5, the lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.

Sec. 4. NRS 322.007 is hereby amended to read as follows:

322.007 Any lease of state land, except a lease for residential purposes **,** ~~[or]~~ a lease for farming or grazing ~~[.]~~ ***or a lease authorized pursuant to***

section 1 or 3 of this act, whose term extends or is renewable beyond 1 year must be approved by the State Board of Examiners and the Interim Finance Committee.

Sec. 5. NRS 322.060 is hereby amended to read as follows:

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, ***and section 3 of this act,*** for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 6. ~~[Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Based upon the inventories submitted pursuant to subsection 3 of NRS 331.110 and any other information available to him or her, the Administrator shall provide a list of all real property owned by the State to the Executive Director of the Office of Economic Development.~~

~~2. The Administrator may enter into agreements to lease state-owned buildings which are not being actively used or for which no future use is reasonably anticipated to businesses seeking to locate or expand in this State.~~

~~3. Any lease or agreement into which the Administrator enters pursuant to subsection 2:~~

~~(a) Must be for a term of at least 5 years;~~

~~(b) Must be approved by the Executive Director of the Office of Economic Development; and~~

~~(c) Subject to the provisions of subsection 4, may be for less than fair market value for the first year of the lease, including, without limitation, an offer to lease the state-owned building without the payment of rent for the first year of the lease.~~

~~4. The lease or agreement may not include a discount to the business for the first year unless:~~

~~(a) The business is consistent with:~~

~~*(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and*~~

~~*(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.*~~

~~*(b) The business is registered pursuant to the laws of this State or the person who intends to locate or expand the business in this State commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.*~~

~~*(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:*~~

~~*(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.*~~

~~*(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.*~~

~~*(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:*~~

~~*(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and*~~

~~*(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.*~~

~~*(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:*~~

~~*(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.*~~

~~*(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.*~~

~~*(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:*~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.~~

~~(c) If the business is an existing business, the business meets at least two of the following requirements:~~

~~(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.~~

~~(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:~~

~~(I) County assessor of the county in which the business will expand, if the business is locally assessed; or~~

~~(II) The Department of Taxation, if the business is centrally assessed.~~

~~(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.~~

~~(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.~~

~~*(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:*~~

~~*(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and*~~

~~*(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 331.090 is hereby amended to read as follows:~~

~~331.090 The Administrator may accept rent money from various~~ departments and agencies ~~*and from nongovernmental entities or businesses*~~ that are occupying space in the various state-owned buildings. ~~The rent money must be deposited in the Buildings and Grounds Operating Fund in the State Treasury.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided by law, the Administrator may lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission, the Administrator shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

3. Each state officer, department, agency, board and commission shall maintain and ***, on or after April 1 but not later than June 30 of each year,*** provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of

Transportation and State Public Works Division of the Department of Administration shall maintain and ***, on or after April 1 but not later than June 30 of each year,*** provide to the Administrator an inventory of all real property owned by the State. ***Each inventory must identify:***

(a) Real property that is being actively used by a state officer, department, agency, board or commission.

(b) Real property that is not being actively used by a state officer, department, agency, board or commission.

(c) Real property that is not being used by a state officer, department, agency, board or commission but which is reasonably anticipated to be actively used by a state officer, department, agency, board or commission in the future.

(d) Real property that is being actively used as a park or wildlife area.

4. Except as otherwise provided in subsection 6, the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property ~~[.]~~ ***, including, without limitation, whether the real property is actively used;*** and

(b) The terms of the lease, including, without limitation, the cost to the State.

5. Before submitting the inventory to the Administrator pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.

7. An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

➥ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

8. As used in this section, "program" means the program established pursuant to NRS 701.218.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 145.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 800.

AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle **at a kiosk or via the Internet** to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of county highway commissioners is authorized to construct, repair and maintain public highways and roads within the county. (NRS 403.090) Existing law also provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) **Section 5** of this bill allows a regional transportation commission to adopt a policy for a Complete Streets program, which means a program for the retrofitting of streets or highways under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities that provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. **Section 4.8** of this bill allows the board of

county commissioners, in a county whose population is 100,000 or more **(currently Clark and Washoe Counties)** and in which a regional transportation commission does not exist, to adopt a Complete Streets program. **Section 9** of this bill allows the board of county highway commissioners, in a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to adopt a Complete Streets program.

Sections 2 and 3 of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration **that is completed at a kiosk or via the Internet** notice of a voluntary $2 contribution to be made to the Complete Streets program in the county where the vehicle is to be registered unless the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt out of making the contribution. **Section 1** of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties.

Sections 4.8, 5 and 9 require that a board of county commissioners, regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

Section 16.5 of this bill requires the Director of the Department of Motor Vehicles to determine when sufficient resources are available for the Department to carry out the provisions of this bill, and to provide notice of that fact. Section 17 of this bill provides that this bill becomes effective: (1) upon passage and approval, for the purpose of adopting regulations and performing other preparatory administrative tasks; and (2) for all other purposes, upon the earlier of October 1, 2015, or the date on which the Director provides notice that sufficient resources are available for the Department to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:

(a) In a county in which a regional transportation commission exists, to the regional transportation commission.

(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.

(c) In a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.

2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its agents during the preceding month, and that the money has been distributed as provided in this section.

3. As used in this section, "regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 2. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and

Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) ~~[A]~~ If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a monetary contribution of $2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 3. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that , if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a monetary contribution of $2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration . [.]

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a monetary contribution of $2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets program, if any, created pursuant to subsection 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

~~[4.]~~ ***5.*** An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 4. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered

to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

11. For each vehicle for which the registered owner has not indicated his or her intention to opt out of making a contribution pursuant to

paragraph (h) of subsection 3 of NRS 482.215 or [~~paragraph (d) of~~] subsection [~~3~~] 4 of NRS 482.280, a contribution of $2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.

Sec. 4.2. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.

Sec. 4.4. ***As used in this section and sections 4.6 and 4.8 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.***

Sec. 4.6. ***1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:***

(a) Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county commissioners shall administer the Complete Streets fund.

Sec. 4.8. ***1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.***

2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete

Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.

2. Any money received by a commission pursuant to paragraph (a) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 6. NRS 277A.240 is hereby amended to read as follows:

277A.240 The commission ***:***

1. Except as otherwise provided in subsection 2, may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

2. Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:

(a) Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.5, 8 and 9 of this act.

Sec. 7.5. ***As used in this section and sections 8 and 9 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.***

Sec. 8. ***1. The board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:***

(a) Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county highway commissioners shall administer the Complete Streets fund.

Sec. 9. ***1. A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.***

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 10. NRS 403.160 is hereby amended to read as follows:

403.160 1. If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

2. The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

3. Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

4. A board of road commissioners shall:

(a) Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but ***, except as otherwise provided in section 9 of this act,*** no board of road commissioners shall contract for any amount of work in excess of the funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

Sec. 11. NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing ***,*** ~~[or]~~ graveling ~~[,]~~ ***or retrofitting pursuant to section 9 of this act,*** and shall have been declared by the board of county highway commissioners to be standard county roads, then they shall be termed and designated as standard county roads.

2. When the board of county highway commissioners shall have declared and designated any road to be a standard county road, then ***, except as otherwise provided in section 9 of this act,*** the cost of maintaining such road shall be paid out of the county general fund in the same manner as provided in NRS 403.460.

Sec. 12. NRS 403.435 is hereby amended to read as follows:

403.435 The board of county commissioners of any county is hereby authorized to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than state highways. The share of any county in the cost of such cooperative road project shall be paid ***:***

1. For a project that is a part of a Complete Streets program pursuant to section 9 of this act, from the Complete Streets fund created pursuant to section 8 of this act; or

2. For any other project, from county road funds; but donations may be accepted in lieu of appropriations from county road funds.

Sec. 13. NRS 403.460 is hereby amended to read as follows:

403.460 1. If, at a primary, general or special election, a majority of the voters of the county vote against the issuance of the bonds for roads and bridges, and no special county road and bridge fund is thereby created, or if for any other reason the fund is not created, ***except as otherwise provided in section 9 of this act,*** the cost of all county road and bridge work performed

must be paid out of the county general fund by order of the board, if that work was performed by the order of and under the direction of the board of county highway commissioners or the county road supervisor, and according to the provisions of this chapter.

2. All claims presented to the board of county highway commissioners must be sworn and subscribed to and attested by the county road supervisor.

Sec. 14. NRS 403.470 is hereby amended to read as follows:

403.470 All money appropriated or expended by the board of county highway commissioners, whether it be appropriated or expended out of the county road and bridge fund which may be created by this chapter, ***the Complete Streets fund created pursuant to section 8 of this act,*** or out of the county general fund as provided in NRS 403.460, must be expended by the board of county highway commissioners for the purposes hereinafter named and for no other purposes:

1. For laying out, grading, draining, graveling or macadamizing, maintaining, and, when deemed necessary, sprinkling or oiling roads.

2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

5. The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.

Sec. 15. NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~[~~The~~]~~ ***Except as otherwise provided in section 8 of this act, the*** county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road

purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.

Sec. 16. NRS 403.590 is hereby amended to read as follows:

403.590 ***1.*** Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~[1. Cause]~~

(a) Except as otherwise provided in subsection 2, cause all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~[2.]~~ ***(b)*** Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.

2. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 8 of this act to be used for a purpose other than those set forth in section 9 of this act.

Sec. 16.5. **As soon as practicable after January 1, 2014, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

Sec. 17. This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. ~~[On January 1, 2014, for]~~ **For** all other purposes ~~[.]~~ **, on:**

(a) October 1, 2015; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 16.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act,

➥ whichever occurs first.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 808.

AN ACT relating to time shares; amending provisions relating to licensing and registration of sales agents, representatives, managers, developers, project brokers and time-share resale brokers; revising provisions relating to permits to sell time shares; amending provisions relating to time-share instruments; revising provisions governing public offering statements; amending provisions governing the sale and resale of time shares; revising provisions governing the management and development of time-share plans and time-share projects; **revising provisions governing certain fees relating to time shares;** prohibiting certain acts; amending various other provisions relating to time shares; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain exemptions from the requirements governing time shares. (NRS 119A.170) **Section 11** of this bill revises these exemptions.

Existing law governs the qualifications and licensing of sales agents and requires a sales agent to be associated with a project broker. (NRS 119A.210-119A.237) **Section 14** of this bill maintains the existing law requiring that a sales agent obtain a license from the Real Estate Division of the Department of Business and Industry, but provides that a sales agent is not required to be licensed pursuant to existing law governing real estate salespersons.

Existing law provides for the registration and regulation of a representative, defined as a person who, on behalf of a developer **,** induces other persons to attend a sales presentation. (NRS 119A.120, 119A.240, 119A.260) **Section 18** of this bill maintains the existing law requiring **[**~~that~~**]** a representative **[**~~must~~**]** **to** register with the Division, but provides that a representative is not required to be licensed pursuant to existing law governing real estate salespersons. **Section 19** of this bill amends provisions setting forth the prohibited acts of representatives.

Existing law requires a developer of a time-share plan to obtain certain permits from the Administrator of the Division before selling or offering for sale any time shares in this State. Existing law requires an applicant for a public offering statement and permit to sell time shares to submit an application containing certain information. (NRS 119A.300) **Section 23** of this bill: (1) requires the applicant to include with the application a public offering statement; and (2) provides that in lieu of the information required to be included with the application, a developer of a time-share plan in which

some or all of the units are located outside of this State may file an abbreviated registration. **Section 3** of this bill requires a developer to file an amended statement of record with the Division under certain circumstances. **Section 25** of this bill amends the grounds for denial of an application for a permit to sell time shares. **Section 26** of this bill amends provisions relating to the procedure for approving or denying an application for a permit to sell time shares. **Section 27** of this bill provides for a hearing on the denial of an amendment to the statement of record or a renewal of a permit to sell time shares. **Section 28** of this bill revises the information to be provided in a public offering statement if a time-share project is not completed before the issuance of a permit to sell time shares.

Section 29 of this bill authorizes instead of requires the Division to complete an investigation before issuing any permit or license issued pursuant to the provisions of existing law governing time shares.

Section 30 of this bill provides that a renewal of a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.

~~**[** Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and section 13 of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.**]**~~

Existing law governs the fees that the Division is required to collect relating to time shares. (NRS 119A.360) Section 32 of this bill increases certain fees and revises the fee based on the number of time shares sold by a developer to provide for a fee based on the number of time shares in a time-share plan. Section 32 also establishes a fee for an amendment to a statement of record, the initial registration of a time-share resale broker and the renewal of the registration of a time-share resale broker.

Existing law governs the contents of a time-share instrument. (NRS 119A.380) **Section 33** of this bill enacts provisions relating to the governing instrument of a time-share plan or units governed by the laws of another state or jurisdiction.

Existing law requires a developer to provide each prospective purchaser with a copy of the developer's public offering statement. (NRS 119A.400) **Section 35** of this bill provides that, upon the request of a prospective purchaser for an electronic copy of the public offering statement, the developer must provide an electronic copy of the public offering statement.

Existing law requires money, negotiable instruments or other deposits pertaining to the sale of a time share to be placed in escrow. (NRS 119A.420) **Section 36** of this bill requires money, negotiable instruments or other deposits pertaining to the sale of a time share received from a purchaser to be

placed in an escrow account or requires the developer to establish a surety bond.

Existing law provides for the licensing and regulation of a time-share resale broker. (NRS 119A.4771) **Section 41** of this bill amends provisions relating to the registration of a time-share resale broker. **Sections 42 and 43** of this bill provide for a right to cancel certain contracts or agreements relating to the resale of a time share.

Existing law governs the charging or collection of an advance fee by a time-share resale broker. (NRS 119A.4779) **Section 44** of this bill requires a contract for an advance fee listing to include certain information. **Section 44** also prohibits a time-share resale broker from engaging in certain acts with respect to an advance fee and provides penalties for engaging in those acts.

Section 48 of this bill removes the authority of the Administrator to require an association or developer to provide an opinion of an independent professional consultant regarding the budget.

Existing law prohibits certain unfair methods of competition or deceptive or unfair acts in the offer to sell or sale of a time share. (NRS 119A.710) **Section 4** of this bill prohibits a person from knowingly participating in a plan or scheme to transfer a time share to a person who does not pay the assessments or taxes for that time share and provides a penalty for a violation of this provision.

Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and section 13 of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 4, inclusive, of this act.

Sec. 1.2. ***"Branch office" means an office operated by a real estate broker who is licensed pursuant to chapter 645 of NRS, separate from the principal location of the real estate broker, for the purpose of engaging in the business of selling or reselling time shares.***

Sec. 1.4. ***"Component site" means the specific geographic location where units that are part of a time-share plan are located, including, without limitation, new units added to a single project in the same geographic location and under common management.***

Sec. 2. ***"Statement of record" means the information provided to the Administrator pursuant to paragraph (a) of subsection 1 of NRS 119A.300 or subsection 2 of NRS 119A.300, as applicable.***

Sec. 2.5. *1. Every branch office must be operated under the supervision of a real estate broker or real estate broker-salesperson who is licensed pursuant to chapter 645 of NRS and who has had at least 2 years of experience as an active real estate broker, real estate broker-salesperson or real estate salesperson in the United States.*

2. The project broker or time-share resale broker is responsible for each branch office which he or she operates.

3. If the location of the branch office does not permit a project broker or a time-share resale broker to exercise direct supervision of a branch office, a real estate broker-salesperson shall directly supervise the branch office.

4. A supervisor of a branch office may not supervise more than one branch office.

Sec. 3. *1. If there is a material change to the time-share plan which is not caused by or under the control of the developer, the developer shall file with the Division an amended statement of record not later than 10 days before the material change occurs or within 10 days after the developer knows or reasonably should have known of the material change. For any material change to the time-share plan, the developer shall file an amended statement of record, and such an amended statement of record is effective on the 60th day after the filing or, in the event that additional units are added to the time-share plan which are in a component site previously registered with the Division, on the 120th day after the filing, unless the Administrator:*

(a) Issues a denial of the amended statement of record pursuant to NRS 119A.654 describing the reasons for the denial in sufficient detail to allow the developer to correct the deficiencies in the amended statement of record; or

(b) Approves the amended statement of record on an earlier date.

2. The Administrator shall, within 30 days after receiving evidence that the deficiencies in the amended statement of record are cured, approve or deny the amended statement of record and list the specific reasons for denial. If the Division fails to take any of the actions described in this subsection within the 30-day period, the amended statement of record shall be deemed approved by the Division.

3. Any amendment proposed by the developer to the provisions of a time-share instrument must be filed with the Division. Unless the Division notifies the developer of its disapproval within 15 days after the developer files the proposed amendment to the time-share instrument, the amendment shall be deemed to be approved by the Division.

Sec. 4. *1. Except as otherwise provided in subsection 3, a person who knowingly participates, for consideration or with the expectation of*

consideration, in any plan or scheme, a purpose of which is to transfer a previously sold time share to a transferee who does not pay or provide payment for all assessments for that time share commits a false, misleading or deceptive act or practice for the purposes of NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.

2. The failure of a transferee to pay assessments or taxes that come due after the acquisition of a previously sold time share by a person who acquires the time share for commercial purposes is prima facie evidence of a violation of this section.

3. An association or manager does not violate the provisions of this section by performing such acts and collecting such fees or expenses as are customary during the transfer.

Sec. 5. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, ***and sections 1.2, 1.4 and 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person who coordinates the sale of time shares for ~~[~~a~~]~~ ***one or more*** time-share ~~[~~plan and to whom sales agents and representatives are responsible.~~]~~ ***plans on behalf of one or more developers and who is licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS.***

Sec. 8. NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a ~~[~~report, issued by the Administrator~~]~~ ***disclosure document prepared and signed by the developer and approved for use by the Division*** pursuant to the provisions of this chapter, which ~~[~~authorizes a developer to offer to sell or sell time shares in the time share plan which is the subject of the report.~~]~~ ***contains the information required by this chapter and any regulations adopted pursuant thereto.***

Sec. 9. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~[,]~~ ***and under the supervision of a real estate broker licensed pursuant to the provisions of chapter 645 of NRS,*** sells or offers to sell a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 10. NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who ~~[~~is registered as a time share resale broker pursuant to the provisions of this chapter.~~]~~ ***, for***

compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers for previously sold time shares on behalf of an owner other than a developer.

Sec. 11. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. ~~[The]~~ ***Unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS, the*** provisions of this chapter, except subsection ~~[4,]~~ ***5,*** do not apply to:

(a) The sale ***or resale*** of 12 or fewer time shares in a ***time-share*** ~~[project]~~ ***plan;*** ~~[or the sale of 12 or fewer time shares in the same subdivision;]~~

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association ~~[by]~~ ***as a result of nonpayment of association assessments:***

(I) By termination of a contractual right of occupancy;

(II) By deed ***or other transfer*** in lieu of foreclosure ***or termination;*** or ~~[at]~~

(III) At a foreclosure sale ~~[;]~~ ***,***

➥ provided that the association or its agent delivers the disclosures required by NRS 119A.4775 to the purchaser;

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years ***.*** ~~[,~~

~~➥ unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.]~~

2. ***The provisions of NRS 119A.290 to 119A.470, inclusive, and sections 3 and 4 of this act and 119A.480 do not apply to the offer or disposition in this State of a time share in a time-share plan that includes units which are located outside of this State, which are not registered under this chapter and which are offered or sold to an existing owner of a time share in a time-share plan offered by the same developer or an affiliate of the same developer who has a valid permit under this chapter, if the developer or its affiliate:***

(a) Authorizes the purchaser to cancel the purchase contract until midnight of the fifth calendar day after the date of execution of the contract; and

(b) Provides the purchaser with all the time-share disclosure documents required by law in the jurisdiction where the unit is located.

3. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

~~[3.]~~ ***4.*** The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

~~[4.]~~ ***5.*** The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies ~~[,]~~ ***and except any provisions of this chapter expressly excluding the applicability of the provisions of chapter 645 of NRS,*** and for that purpose the terms "real property" and "real estate" as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

6. The provisions of NRS 119A.520 to 119A.580, inclusive, only apply to the management of time-share projects located in this State.

Sec. 12. NRS 119A.172 is hereby amended to read as follows:

119A.172 The provisions of this chapter and chapter 645 of NRS relating to real estate brokers and sales agents do not apply to an owner, other than a developer, who, for compensation, refers prospective purchasers to a developer ***or an association*** or an employee or agent of the developer ~~[,]~~ ***or association,*** if the owner:

1. Refers to ~~[the]~~ ***a*** developer ***or an association*** or an employee or agent of the developer ~~[,]~~ ***or association,*** or any combination thereof, not more than 20 prospective purchasers within any 1 calendar year; and

2. Does not ~~[show a unit to the prospective purchaser,]~~ discuss with the prospective purchaser the terms and conditions of the purchase or otherwise participate in negotiations relating to the sale of the time share.

Sec. 13. NRS 119A.190 is hereby amended to read as follows:

119A.190 The Division may:

1. Adopt regulations ~~[which]~~ ***:***

(a) Which are necessary to carry out the provisions of this chapter.

(b) Regarding the content of advertisements relating to time shares.

2. ***Publish on its official Internet website, or otherwise make public for at least 30 days before the adoption by the Division, any form proposed to be used by the Division under this chapter. The Division shall consider comments on any such proposed form before its adoption.***

3. Employ such legal counsel, investigators and other professional consultants as are necessary to carry out the provisions of this chapter ~~[.]~~ ***, including, without limitation, for the review of a statement of record filed pursuant to NRS 119A.300.***

Sec. 14. NRS 119A.210 is hereby amended to read as follows:

119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker or another acceptable source, that the applicant has completed 14 hours of instruction in:

(1) Ethics.

(2) The applicable laws and regulations relating to time shares.

(3) Principles and practices of selling time shares.

(b) Satisfactory evidence that the applicant has a reputation for honesty, trustworthiness and competence.

(c) A designation of the ~~[developer for whom the applicant proposes to sell time shares.]~~ ***project broker who will supervise the sales agent.***

(d) The social security number of the applicant.

(e) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must submit the statement required pursuant to NRS 119A.263 and pay the fees provided for in this chapter.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a real estate salesperson pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. ***A sales agent is not required to be licensed pursuant to the provisions of chapter 645 of NRS.***

8. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal may renew his or her license upon the payment of the renewal fee before his or her license expires.

~~[8.]~~ ***9.*** If a licensee fails to renew his or her license before it expires, the license may be reinstated if the licensee submits the statement and pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

~~[9.]~~ ***10.*** The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

Sec. 15. NRS 119A.220 is hereby amended to read as follows:

119A.220 1. A sales agent may work for only one project broker at any one time at the location designated in the license.

2. A project broker shall give written notice to the Division of a change of association of any sales agent associated with the project broker within 10 days after that change.

3. The project broker , upon the termination of the employment of any sales agent associated with the project broker , shall submit that agent's license to the Division.

4. If a sales agent changes his or her association with any project broker or changes his or her location ~~[with the same project broker,]~~ ***designated in the license,*** the sales agent must apply to the Division for the reissuance of his or her license for its unexpired term. The application must be accompanied by a fee of $10.

5. A sales agent may only become associated with a project broker who certifies to the sales agent's honesty, trustworthiness and good reputation.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 119A.240 is hereby amended to read as follows:

119A.240 1. The Administrator shall register as a representative each applicant who:

(a) Submits proof satisfactory to the Division that the applicant has a reputation for honesty, trustworthiness and competence;

(b) Applies for registration in the manner provided by the Division;

(c) Submits the statement required pursuant to NRS 119A.263; and

(d) Pays the fees provided for in this chapter.

2. An application for registration as a representative must include the social security number of the applicant.

3. A representative is not required to be licensed pursuant to the provisions of chapter 645 of NRS.

Sec. 19. NRS 119A.260 is hereby amended to read as follows:

119A.260 1. A representative shall not negotiate ~~[or make representations concerning the merits or value of a time share plan or a project.]~~ ***the sale of, or discuss prices of, a time share.*** A representative may only induce and solicit persons to attend promotional meetings for the sale of time shares and distribute information on behalf of a developer.

2. The representative's activities must strictly conform to the methods for the procurement of prospective purchasers which have been approved by the Division.

3. The representative shall comply with the same standards for conducting business as are applied to real estate brokers and salespersons pursuant to chapter 645 of NRS and the regulations adopted pursuant thereto.

4. A representative shall not make targeted solicitations of purchasers or prospective purchasers of time shares in another project ~~[.]~~ ***with which the representative is not associated.*** A developer or project broker shall not pay or offer to pay a representative a bonus or other type of special compensation to engage in such activity.

Sec. 20. NRS 119A.270 is hereby amended to read as follows:

119A.270 A developer shall not:

1. Offer to sell any time shares in this state unless the developer holds either a preliminary permit to sell time shares or a permit to sell time shares issued by the Administrator ~~[.]~~ ***pursuant to the provisions of this chapter.***

2. Sell any time shares in this state unless the developer holds a permit to sell time shares issued by the Administrator ~~[.]~~ ***pursuant to the provisions of this chapter.***

3. Offer to sell or sell a time share in this state unless the developer has named a person to act as a project broker.

4. Offer to sell or sell a time share in this state except through a project broker.

Sec. 21. NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received ***or been deemed to have received*** a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must ~~[state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner.]~~ ***describe the violation in sufficient detail to inform the developer of the aspect in which it has failed to comply with the provisions of this chapter.*** The developer shall not engage in any activity regulated by this chapter after the developer receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, the person may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which the person conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

(a) Discontinue the activities that are not in compliance with this chapter;

(b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and

(c) Return to the purchasers any money or property which the developer acquired through such violations.

➥ Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.

Sec. 22. NRS 119A.290 is hereby amended to read as follows:

119A.290 1. The Administrator shall issue a preliminary permit to sell time shares to each applicant who:

(a) Submits proof satisfactory to the ~~[Division]~~ ***Administrator*** that all of the requirements for a permit to sell time shares will be met;

(b) Applies for the preliminary permit in the manner provided by the Division; and

(c) Pays the fee provided for in this chapter.

2. A preliminary permit entitles the developer to solicit and accept reservations to purchase time shares.

Sec. 23. NRS 119A.300 is hereby amended to read as follows:

119A.300 ***1.*** Except as otherwise provided in NRS 119A.310, the Administrator shall issue a ~~[public offering statement and a]~~ permit to sell time shares to each applicant who:

~~[1. Submits an application,]~~

(a) Files by electronic means or in ~~[the]~~ ***any other*** manner ~~[provided]~~ ***prescribed*** by the ~~[Division, which includes:]~~

~~[(a)]~~ ***Administrator, a statement of record which includes:***

(1) The name and address of the project broker;

~~[(b)]~~ ***(2)*** A copy of each time-share instrument that relates to the time-share plan;

~~[(c)]~~ ***(3)*** A preliminary title report for the project and copies of the documents listed as exceptions in the report;

~~[(d)]~~ ***(4)*** Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

~~[(e)]~~ ***(5)*** Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

~~[(f)]~~ ***(6)*** A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

~~[(g)]~~ ***(7)*** Documents which show the current assessments for property taxes on the project;

~~[(h)]~~ ***(8)*** Documents which show compliance with local zoning laws;

~~[(i)]~~ ***(9)*** If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

~~[(j)]~~ ***(10)*** Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

~~[(k)]~~ ***(11)*** A copy of the budget or a projection of the operating expenses of the association, if applicable;

~~[(l)]~~ ***(12)*** A financial statement of the developer; and

~~[(m) Such other information as the Division,]~~

(13) A public offering statement in a form prescribed by regulation ~~[, requires;]~~ ***of the Division;*** and

~~[2.]~~ ***(b)*** Pays the fee provided for in this chapter.

2. In lieu of the statement of record required pursuant to subsection 1, the Division may accept an abbreviated registration from a developer of a time-share plan in which some or all the units are located outside of this State if:

(a) The developer provides evidence that the time-share plan is registered with the applicable regulatory agency in the state or jurisdiction where the time-share plan is offered or sold or that the time-share plan is in compliance with the laws and regulations of the state or jurisdiction in which some or all of the units are located; and

(b) The disclosure requirements of the other state or jurisdiction are substantially equivalent to or greater than the information required to be disclosed to purchasers in this State pursuant to paragraph (a) of subsection 1.

3. A developer who files an abbreviated registration pursuant to subsection 2 shall, in addition to paying the fee required by paragraph (b) of subsection 1, provide:

(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;

(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;

(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;

(d) The name and principal address of all entities who act as the manager of the time-share plan;

(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;

(f) A brief description as to whether the time-share plan is a single-site time-share plan or a time-share plan with more than one location and a brief description of the types of time shares offered in the time-share plan;

(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceeding;

(h) Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;

(i) A copy of the current annual or projected budget for the association if not otherwise included in the disclosure documents; and

(j) Any other information regarding the developer, time-share plan, project broker or managing entities as established by the Division by regulation;

4. A developer of a time-share plan with units located solely in this State may not file an abbreviated application.

Sec. 24. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~[additional]~~ ***the*** terms and conditions of the applicant's permit to sell time shares.

Sec. 25. NRS 119A.310 is hereby amended to read as follows:

119A.310 1. The Administrator shall deny an application for a permit to sell time shares if the Administrator finds that:

(a) The developer failed to comply with any of the provisions of this chapter or the regulations adopted by the Division; or

(b) The developer, any affiliate of the developer or any officer of the developer or an affiliate of the developer, has:

(1) Been convicted of or pleaded nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other crime involving moral turpitude;

(2) Been the subject of a judgment in any civil or administrative action, including a proceeding to revoke or suspend a license, involving fraud or dishonesty;

(3) Been permanently enjoined by a court of competent jurisdiction from selling real estate, time shares or securities in an unlawful manner;

(4) Had a registration as a broker-dealer in securities or a license to act as a real estate broker or salesperson, project broker or sales agent revoked;

(5) Been convicted of or pleaded nolo contendere to selling time shares without a license; or

(6) Had a permit to sell time shares, securities or real estate revoked.

2. The Administrator may deny an application for a permit to sell time shares if the Administrator finds that the developer ~~[, or any affiliate of the developer,]~~ has failed to offer satisfactory proof that it has a good reputation for honesty, trustworthiness, integrity and competence ***and the developer is***

competent to transact the business of a developer in a manner which safeguards the interests of the public.

3. The burden of proof is on the developer to establish to the satisfaction of the ~~[~~Division~~]~~ ***Administrator*** that the developer is ~~[~~qualified to receive a license.~~]~~ ***competent to transact the business of the developer in a manner which safeguards the interests of the public.***

4. If a developer has substantially complied with the provisions of this chapter in good faith, a nonmaterial error or omission is not sufficient grounds to deny a permit.

Sec. 26. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[~~Division~~]~~ ***Administrator*** shall ***,*** ~~[~~issue an order,~~]~~ within ~~[~~30~~]~~ ***60*** days after the receipt of an ***initial*** application for a permit to sell time shares ~~[~~, notifying~~]~~ ***in a time-share plan containing only one component site, regardless of whether additional component sites may be added later by an amendment to the filing, notify*** the applicant of its decision to:

(a) ***Issue a permit to sell time shares;***

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

~~[~~(b)~~]~~ ***(c)*** Deny the application and list ***all*** the reasons for denial ~~[~~.~~]~~ ***in sufficient detail to allow the developer to cure the deficiencies.***

2. ***The Administrator shall, within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify the applicant of its decision to:***

(a) Issue a permit to sell time shares;

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

(c) Deny the application and list all the reasons for denial in sufficient detail to allow the developer to cure the deficiencies.

3. The ~~[~~Division~~]~~ ***Administrator*** shall, within ~~[~~45~~]~~ ***30*** days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a permit to sell time shares or deny the application and list the ***specific*** reasons for denial; or

(b) The issuance of a preliminary permit ~~[~~,~~]~~ ***and receipt of evidence that all the requirements for the issuance of a permit to sell time shares have been met,*** issue ~~[~~a~~]~~ ***the*** permit to sell time shares.

4. If it is in the public interest that the Administrator issue a second notice regarding the inadequate cure of any deficiencies in the application for a permit to sell time shares, then the Administrator shall issue such a second notice within 15 business days after the developer submits evidence

to cure the deficiencies identified pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2, as applicable.

5. If the developer fails to cure all the deficiencies after a second notice is issued pursuant to subsection 3, the Administrator may deny the application and require the developer to pay a new filing fee pursuant to NRS 119A.360.

Sec. 27. NRS 119A.330 is hereby amended to read as follows:

119A.330 1. If the Administrator denies an application for a permit to sell time shares, ***an amendment to the statement of record or the renewal of a permit to sell time shares,*** the applicant may, within 30 days, file a written request for a hearing. The Administrator shall set the matter for hearing to be conducted within 90 days after receipt of the applicant's request, unless the applicant requests a postponement of the hearing at least 3 working days before the date set for hearing. If such a request is made by the applicant, the date of the hearing must be agreed upon between the Division and the applicant.

2. If the Division fails to:

(a) Hold the hearing within 90 days or within the extended time if a postponement is requested;

(b) Render its decision within 60 days after the hearing; or

(c) Notify the applicant in writing, by its order, within 15 days after its decision was made,

➥ the order of denial expires and the Division shall issue, within 15 days, a permit to sell time shares to the developer.

Sec. 28. NRS 119A.340 is hereby amended to read as follows:

119A.340 If a project has not been completed before the issuance of a permit to sell time shares, the ~~[~~permit~~]~~ ***public offering statement*** must state the estimated date of completion and:

1. The developer shall ~~[~~deliver to the agency~~]~~ ***establish to the satisfaction of the Administrator that*** a bond ***has been issued*** in an amount ~~[~~and upon terms approved by the division~~]~~ ***necessary*** to assure completion of the project free of any liens, ~~[~~which is payable to the Division for the benefit of the purchasers of the time share property and~~]~~ which remains in effect until the project is completed free of all liens;

2. A cash deposit to cover the estimated costs of completing the project must be deposited with an escrow agent under an agreement which is approved by the ~~[~~Division;~~]~~ ***Administrator;*** or

3. The developer shall make any other arrangement which is approved by the ~~[~~Division.~~]~~ ***Administrator and necessary to safeguard the interests of the public.***

Sec. 29. NRS 119A.350 is hereby amended to read as follows:

119A.350 1. The Division ~~[shall,]~~ ***may,*** before issuing any permit or license pursuant to the provisions of this chapter, fully investigate all information submitted to it as required by this chapter and ***,*** ~~[may,]~~ if necessary, inspect the property which is the subject of any application. All reasonable expenses incurred by the Division in carrying out the investigation or inspection must be paid by the applicant and no license or permit may be issued until those expenses have been paid.

2. Payments received by the Division pursuant to this section must be deposited in the State Treasury for credit to the Real Estate Investigative Account. The Administrator shall use the money in the Account to pay the expenses of agents and employees of the Division making the investigations pursuant to this section. The Administrator may advance money to them for those expenses when appropriate.

Sec. 30. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any ***material*** change that has occurred in the information previously provided to the Administrator or in a ***public offering*** statement ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal is effective on the 30th day after the filing of the application unless the Administrator:

(a) ~~[Denies]~~ ***Issues a written denial of*** the renewal pursuant to NRS 119A.654 ~~[or for any other reason;]~~ ***describing the reasons for denial in sufficient detail to allow the developer to cure the deficiencies;*** or

(b) Approves the renewal on an earlier date.

3. The Division shall, within 30 days after the receipt of evidence that the deficiencies in the application for renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial.

4. If the Administrator fails to take any action described in subsection 3, the renewal of the permit to sell time shares shall be deemed issued by the Division.

Sec. 31. NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer ***,*** ~~[or]~~ project broker ***or time-share resale broker*** shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer **,** ~~[or]~~ project broker ***or time-share resale broker*** shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 32. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at ~~[such times and upon such conditions as it]~~ ~~[may]~~ ~~*[shall* provide by regulation:]~~ ***the time of filing:***

For each application for the registration of a Representative ..... ~~[$85]~~ ***$100***

For each renewal of the registration of a representative ..... ~~[85]~~ ***100***

For each transfer of the registration of a representative to a different developer ..... ~~[20]~~ ***25***

For each penalty for a late renewal of the registration of a representative..... ..... ~~[40]~~ ***75***

For each preliminary permit to sell time shares ..... ~~[275]~~ ***400***

For each ***initial*** permit to sell time shares ~~[, per subdivision .....]~~ ***1,500***

For each amendment to a ~~[public offering]~~ statement ***of record*** after the issuance of the ~~[report]~~ ***permit to sell time shares, where no new component sites are added*** ..... ~~[150]~~ ***200***

For each amendment to a statement of record after the issuance of the permit to sell time shares, where one or more new component sites are added, not including the addition of units to a component site previously permitted ***500***

For each annual renewal of a permit to sell time shares with only one component site ***750***

For each ***annual*** renewal of a permit to sell time shares ***with more than one component site*** ..... ~~500]~~ ***1,500***

For each initial registration of a time-share resale broker ***300***

For each renewal of the registration of a time-share resale broker ***150***

For each original and annual registration of a manager ..... ~~[75]~~ ***100***

For each application for an original license as a sales agent. .... ~~[175]~~ ***200***

For each renewal of a license as a sales agent ..... ~~[175]~~ ***200***

For each penalty for a late renewal of a license as a sales

Agent ..... ~~[75]~~ ***100***

For each change of name or address of a licensee or status of a license ..... ~~[20]~~ ***25***

For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof ..... ~~[20]~~ ***25***

For each annual approval of a course of instruction offered In preparation for an original license or permit ..... ~~[$100]~~ ***150***

For each original accreditation of a course of continuing education ..... ~~[100]~~ ***150***

For each renewal of accreditation of a course of continuing education ..... ~~[50]~~ ***75***

2. ~~[Each developer shall pay an additional fee for each time share the developer sells in a time-share plan over 50 pursuant to the following schedule:~~

~~Number of time shares~~	~~Amount to be paid per time share~~
~~51 - 250~~	~~$5.00~~
~~251 - 500~~	~~4.00~~
~~501 - 750~~	~~3.00~~
~~751 - 1500~~	~~2.50~~
~~over 1500~~	~~1.00~~

Within 10 days after receipt of written notification from the Administrator of the approval of the application for a permit to sell time shares and before the issuance of the permit to sell time shares, or within 10 days after an amendment that adds time shares to the time-share plan is approved or deemed approved, each developer shall, for each time share that the developer includes in the initial time-share plan or adds to the time-share plan by amendment, pay a one-time fee of:

(a) For each such time share up to and including 1,499 time shares, $3.

(b) For each such time share over 1,499 time shares, $1.50.

➥ For the purposes of calculating the amount of the fee payable under this subsection, "time share" means the right to use and occupy a unit for 7 days or more per calendar year.

3. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

4. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 33. NRS 119A.380 is hereby amended to read as follows:

119A.380 1. Each time-share plan must be created by one or more time-share instruments.

2. A time-share instrument must provide:

(a) A legal description and the physical address of the project;

(b) The name of the time-share plan;

(c) A system for establishing the permanent identifying numbers of the time shares;

(d) For assessment of the expenses of the time-share plan and an allocation of those expenses among the time shares;

(e) The voting rights which are assigned to each time share;

(f) If applicable, the procedure to add units and other real estate to, and to withdraw units and other real estate from, the time-share plan, and the method of reallocating expenses among the time shares after any such addition or withdrawal;

(g) The maximum number of time shares that may be created under the time-share plan;

(h) For selection of the trustee for insurance which is required to be maintained by the association or the developer;

(i) For maintenance of the units;

(j) For management of the time-share plan;

(k) A procedure to amend the time-share instrument; and

(l) The rights of the purchaser relating to the occupancy of the unit.

3. A time-share instrument may provide for:

(a) The developer's reserved rights;

(b) Cumulative voting, but only for the purpose of electing the members of the board; and

(c) The establishment of:

(1) Separate voting classes based on the size or type of unit to which the votes are allocated; and

(2) A separate voting class for the developer during the period in which the developer is in control.

4. The provisions of a time-share instrument are severable.

5. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provisions of a time-share instrument.

6. With respect to time-share plans governed by the law of another state or units located outside of this State, the instrument creating and governing the time-share plans or units must be in compliance with the applicable laws of the state or jurisdiction under which the time-share plan

is formed or in which the units are located. If the standards set forth in the law of the state or jurisdiction under which the time-share plan is formed or in which the units are located conflict with the requirements of this chapter, the laws of the other state or jurisdiction control. If the association and the time-share instrument comply with subsections 1 and 2, the association and the developer shall be deemed to be in compliance with the requirements of this section and are not required to revise a time-share instrument to comply with this chapter.

Sec. 34. NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;

2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;

3. Provide for the placement of any deposit in escrow until ***the statement of record is approved and*** a permit is issued by the Administrator pursuant to NRS 119A.300;

4. Guarantee the purchase price for the time share for a certain period after the ~~[~~issuance of~~]~~ ***statement of record is approved and*** the permit to sell time shares ~~[.]~~ ***is issued by the Administrator;*** and

5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

Sec. 35. NRS 119A.400 is hereby amended to read as follows:

119A.400 1. Each developer, through his or her project broker and sales agents, shall provide each prospective purchaser with a copy of the developer's public offering statement ~~[~~which must contain a copy of the developer's permit to sell time shares.~~]~~ ***and any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval. The public offering statement must contain the date the permit was originally issued and its annual expiration date. A prospective purchaser may request to receive the public offering statement in electronic format or paper format. If the prospective purchaser requests the public offering statement in electronic format, the developer shall provide to the purchaser the statement of the right of cancellation pursuant to NRS 119A.410 in a single separate document.***

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years

and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

Sec. 36. NRS 119A.420 is hereby amended to read as follows:

119A.420 All money, negotiable instruments or other deposits pertaining to the sale of a time share ***which are received from a purchaser*** must be placed in ***an*** escrow ~~[, pursuant to an agreement approved by the Division, with an escrow agent or a trustee.]~~ ***account established to the satisfaction of the Division and held until such time as the right to cancel the contract of sale pursuant to NRS 119A.410 has expired and the purchaser has failed to cancel the contract of sale. In lieu of placing such deposits in an escrow account, the developer or project broker may establish to the satisfaction of the Division that a surety bond has been posted for the benefit of purchasers in the project in the amount of:***

1. Twenty-five thousand dollars; or

2. The highest monthly total amount of deposits received by a project broker,

↳ whichever is greater.

Sec. 37. NRS 119A.430 is hereby amended to read as follows:

119A.430 ~~[Escrow]~~ ***The sale of a time share to a purchaser*** may not be closed unless the developer has provided satisfactory evidence to the Administrator that:

1. The project is free and clear of any blanket encumbrance;

2. Each person who holds an interest in the blanket encumbrance has executed an agreement, approved by the Administrator, to subordinate his or her rights to the rights of the purchaser;

3. Title to the project has been conveyed to a trustee;

4. All holders of a lien recorded against the project have recorded an instrument providing for the release and reconveyance of each time share from the lien upon the payment of a specified sum or the performance of a specified act;

5. The developer has obtained and recorded one or more binding nondisturbance agreements acceptable to the Administrator, that:

(a) Are executed by the developer, all holders of a lien recorded against the project and any other person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale; and

(b) Provide that any person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale takes title to the project subject to the rights of the purchasers; or

6. Alternative arrangements have been made which are adequate to protect the rights of the purchasers of the time shares and approved by the Administrator.

Sec. 38. NRS 119A.460 is hereby amended to read as follows:

119A.460 If a trust is created pursuant to ~~[~~a requirement of this chapter,~~]~~ ***subsection 3 of NRS 119A.430,*** the:

1. Trustee must be approved by the Administrator.

2. Trust must be irrevocable, unless otherwise provided by the ~~[~~Division.~~]~~ ***Administrator.***

3. Trustee must not be permitted to encumber the property unless permission to do so has been given by the ~~[~~Division.~~]~~ ***Administrator.***

4. Association or each owner must be made a third-party beneficiary.

5. Trustee must be required to give at least 30 days' notice in writing of his or her intention to resign to the association, if it has been formed, and to the ~~[~~Division,~~]~~ ***Administrator,*** and the ~~[~~Division~~]~~ ***Administrator*** must approve a substitute trustee before the resignation of the trustee may be accepted.

Sec. 39. NRS 119A.470 is hereby amended to read as follows:

119A.470 1. If title to a project is conveyed to a trustee pursuant to subsection 3 of NRS 119A.430, before escrow closes for the sale of the first time share, the developer must provide the ~~[~~Division~~]~~ ***Administrator*** with satisfactory evidence that:

(a) Title to the project has been conveyed to the trustee.

(b) All proceeds received by the developer from the sales of time shares are being delivered to the trustee and deposited in a fund which has been established to provide for the payment of any taxes, costs of insurance or the discharge of any lien recorded against the project.

2. The trustee shall pay the charges against the trust in the following order:

(a) Trustee's fees and costs.

(b) Payment of taxes.

(c) Payments due any holder of a lien recorded against the project.

(d) Any other payments authorized by the document creating the trust.

3. The Administrator may inspect the records relating to the trust at any reasonable time.

Sec. 40. NRS 119A.475 is hereby amended to read as follows:

119A.475 1. Where any part of the statement of record, when that part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, the Administrator or any person acquiring a time share from the developer or his or her agent during the period the public offering statement remained uncorrected (unless it is proved that at the time of the acquisition the Administrator or purchaser

knew of the untruth or omission) may sue the developer in any court of competent jurisdiction.

2. Any developer or agent who sells a time share:

(a) In violation of this chapter; or

(b) By means of a public offering statement which contained an untrue statement of a material fact required to be stated therein,

➥ may be sued by the Administrator or purchaser of the time share.

3. If a suit authorized under subsection 1 or 2 is brought by the purchaser, the purchaser is entitled to recover such damages as represent the difference between the amount paid for the time share and the reasonable cost of any permanent improvements thereto, and the lesser of:

(a) The value thereof as of the time the suit was brought;

(b) The price at which the time share has been disposed of in a bona fide market transaction before suit; or

(c) The price at which the time share has been disposed of after suit in a bona fide market transaction but before judgment,

➥ or to rescission of the contract of sale and the refund of any consideration paid by the purchaser.

4. If a suit authorized under subsection 1 or 2 is brought by the Administrator, the Administrator may seek a declaration of the court that any person entitled to sue the developer or his or her agent under this section is entitled to the right of rescission and the refund of any consideration paid by him or her.

5. Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

6. Reasonable attorney's fees may be awarded to the prevailing party in any action brought under this section. Any action to rescind a contract of sale under this section must be brought within 1 year after the date of purchase or within 1 year after the date of the discovery of the misrepresentation giving rise to the action for rescission.

7. The provisions of this section are in addition to and not a substitute for any other right of a person to bring an action in any court for any act involved in the offering or sale of time shares or the right of the state to punish any person for any violation of any law.

[~~8. For the purposes of this section, "statement of record" means the information submitted to the Administrator by the developer in its application for a permit to offer to sell or sell time shares.~~**]**

Sec. 41. NRS 119A.4771 is hereby amended to read as follows:

119A.4771 1. A person who, on behalf of an owner other than a developer **[**~~, wishes~~**]** ***and for compensation, undertakes*** to list, advertise **,** ***transfer, assist in transferring*** or promote for resale, or solicit prospective

purchasers of, ***more than*** 12 ~~[or more]~~ time shares ***in any 12-month period*** that were previously sold must:

(a) Be licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS; ~~[and]~~

(b) Register as a time-share resale broker with the Division by completing a form for registration provided by the Division ~~[.]~~ ***; and***

(c) Pay any applicable fees.

2. A time-share resale broker shall renew his or her registration with the Division annually on a form provided by the Division ~~[.]~~ ***and pay any applicable fees.***

3. Unless the method of resales of time shares is made to evade the provisions of this chapter, a person is not required to register ***pursuant to this section or to be licensed under chapter 645 of NRS*** as a time-share resale broker if the person:

(a) ~~[Has acquired fewer than 12 time shares and]~~ ***Is a purchaser who acquires time shares for his or her own use and occupancy and who*** later ~~[resells or]~~ offers to resell ~~[one or more]~~ ***12 or less*** of those time shares ~~[; or]~~ ***in any one calendar year;***

(b) Is a project broker who resells or offers to resell a time share in a project as an agent for a developer who holds a permit for the project ~~[.]~~ ***; or***

(c) Is an owner, operator or publisher of a newspaper, periodical or Internet website, unless the owner, operator or publisher, alone or in combination with its affiliate, parent, subsidiary or agent, derives more than 10 percent of its gross revenue from providing advance fee listings. For the purposes of this paragraph, the calculation of gross revenue derived from providing advance fee listings includes the revenue of any affiliate, parent, agent and subsidiary of the owner, operator or publisher of the newspaper, periodical or Internet website. As used in this paragraph, "advance fee listings" has the meaning ascribed to it in NRS 645.004.

Sec. 42. NRS 119A.4775 is hereby amended to read as follows:

119A.4775 1. ~~[Before]~~ ***If the purchaser of a previously sold time share purchases the time share through a time-share resale broker, the contract of sale must provide, in not less than 12-point boldface type, that the purchaser may cancel, by written notice, the contract of sale until midnight of the fifth calendar day after the date of execution of the contract.***

2. Regardless of whether a time-share resale broker charges or collects an advance fee, before a purchaser signs any contract to purchase a time share that is offered for resale ~~[,]~~ ***through a time-share resale broker,*** the ~~[person who is reselling the time share,]~~ ***time-share resale broker,*** other than a developer, shall disclose ~~[by a written document separate from]~~ ***in*** the contract to purchase ~~[a]~~ ***the*** time share:

(a) The period during which the purchaser may use the time share;

(b) A legal description of the interest in the time share;

(c) The earliest date that the prospective purchaser may use the time share;

(d) The name, address and telephone number of the agent managing the time-share plan and the project;

(e) The place where the documents of formation of the association and documents governing the time-share plan and the project may be obtained;

(f) The amount of the annual assessment of the association of the time share for the current fiscal year, if any;

(g) Whether all assessments against the time share are paid in full, and the consequences of failure to pay any assessment;

(h) Whether participation in any program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans is mandatory; ~~[and]~~

(i) Any other information required to be disclosed pursuant to the regulations adopted by the Administrator pursuant to subsection ~~[2.~~ ~~2.]~~ ***4; and***

(j) The right to cancel the contract in subsection 1.

3. If the time-share plan includes more than one component site, the purchaser must be provided, in either paper or electronic form, copies of the time-share instrument governing the time-share plan.

4. The Administrator shall adopt regulations prescribing the form and contents of the ~~[disclosure statement]~~ ***disclosures*** described in this section.

Sec. 43. NRS 119A.4777 is hereby amended to read as follows:

119A.4777 1. An agreement for ~~[a time share]~~ ***the*** resale ***of a time share*** entered into by an owner ***of that time share*** and a ~~[person]~~ ***time-share resale broker*** who ~~[resells a]~~ ***lists or offers to resell that*** time share must:

(a) Be in writing; ~~[and]~~

(b) ***Contain a provision in not less than 12-point boldface type that the owner may cancel, by written notice, the agreement with the time-share resale broker until midnight of the fifth calendar day after the date of execution of the agreement; and***

(c) Contain a ***written*** disclosure that sets forth:

(1) Whether any person other than the purchaser may use the time share during the period before the time share is resold;

(2) Whether any person other than the purchaser may rent the use of the time share during the period before the time share is resold;

(3) The name of any person who will receive any rents or profits generated from the use of the time share during the period before the time share is resold; ~~[and]~~

(4) A detailed description of any relationship between the person who resells the time share and any other person who receives any benefit from the use of the time share ~~[.]~~ ***; and***

(5) The right to cancel the agreement provided pursuant to paragraph (b).

2. ~~[A person]~~ ***The time-share resale broker*** who resells a time share shall provide a fully executed copy of the written agreement described in subsection 1 to the owner on the date that the owner signs the agreement.

3. ~~[A person]~~ ***The time-share resale broker*** who resells a time share shall make the disclosures required pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 1 before accepting anything of value from the owner.

Sec. 44. NRS 119A.4779 is hereby amended to read as follows:

119A.4779 ***1.*** In addition to the provisions of NRS 645.322, 645.323 and 645.324, a time-share resale broker who charges or collects an advance fee shall place 80 percent of that fee into his or her trust account. If the time-share resale broker closes escrow on the time-share resale, the time-share resale broker shall be deemed to have earned the advance fee. If the listing of the time share expires before the time-share resale broker closes escrow on the time-share resale, the time-share resale broker must return the money held in the trust account to the owner of the time share within 10 days after the date of the expiration of the listing.

2. The contract for an advance fee listing must include the following disclosures to the owner of any previously sold time share:

(a) A description of any fees or costs related to the services that the owner or any other person is required to pay to the time-share resale broker or to any third party;

(b) A description of when any fees or costs are due; and

(c) The disclosures required by NRS 119A.4777.

3. A time-share resale broker who charges or collects an advance fee shall not:

(a) State or imply to an owner that the time-share resale broker has identified a person interested in buying or renting the time share without providing the name, address and telephone number of such person;

(b) State or imply to an owner that the time share has a specific resale value;

(c) Fail to honor any cancellation notice sent by the owner by midnight of the fifth day after the date of execution of the contract; or

(d) Fail to provide a full refund of all money paid by an owner within 20 days after receipt of a notice of cancellation.

4. If a time-share resale broker executes a contract that fails to comply with the provisions of subsection 2, such contract is voidable at the option of the owner for a period of 1 year after the date of execution.

5. Notwithstanding the obligations placed upon any other person by this section, the time-share resale broker shall supervise, manage and control all aspects of the resale offering. Any violation of the provisions of this section that occurs during such offering shall be deemed a violation by the time-share resale broker and by the person who actually committed the violation.

6. The use of any unfair or deceptive act or practice by any person in connection with the offering of a time share for resale is a violation of this section.

7. A violation of this section is an unfair or deceptive act or practice pursuant to NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.

8. Notwithstanding any other penalty provided for in this chapter or chapter 645 of NRS, a person who violates any provision of NRS 119A.4771 to 119A.4779, inclusive, is subject to a civil penalty of not more than $1,000 for each violation.

Sec. 45. NRS 119A.480 is hereby amended to read as follows:

119A.480 1. If the interest of the developer is a leasehold interest, the lease, unless otherwise determined by the ~~[~~Division,~~]~~ ***Administrator,*** must provide that:

(a) The lessee must give notice of termination of the lease for any default by the lessor to the association.

(b) The lessor, upon any default of the lessee including bankruptcy of the lessee, shall enter into a new lease with the association upon the same terms and conditions as the lease with the developer.

2. The ~~[~~Division~~]~~ ***Administrator*** may require the developer to execute a bond or other type of security for the payment of the rental obligation.

Sec. 46. NRS 119A.530 is hereby amended to read as follows:

119A.530 1. ~~[~~A~~]~~ ***During any period in which the developer holds a valid permit and the developer or an affiliate of the developer is the manager, the*** developer or an affiliate of the developer shall provide for the management of the time-share plan and the project, by a written agreement with the association or, if there is no association, with the owners. The initial term of the agreement must expire upon the first annual meeting of the members of the association or at the end of 5 years, whichever comes first. All succeeding terms of the agreement must be renewed annually unless the manager refuses to renew the agreement or a majority of the members of the association who are entitled to vote, excluding the developer, notifies the manager of its refusal to renew the agreement.

2. The agreement must provide that:

(a) The manager or a majority of the owners may terminate the agreement for cause.

(b) The resignation of the manager will not be accepted until 90 days after receipt by the association, or if there is no association, by the owners, of the written resignation.

(c) A fidelity bond must be delivered by the manager to the association.

3. An agreement entered into or renewed on or after October 1, 2001, must contain a detailed, itemized schedule of all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived from the manager's affiliation with the time-share plan or the project, or both, unless the manager is the developer or an affiliate of the developer. Upon the request of the association, the manager shall disclose to the association annual revenue received by the manager from the manager's affiliation with the time-share plan or the project, or both.

4. Except as otherwise provided in this subsection, if the developer retains a property interest in the project, the parties to such an agreement must include the developer, the manager and the association. In addition to the provisions required in subsections 1 and 2, the agreement must provide:

(a) That the project will be maintained in good condition. Except as otherwise provided in this paragraph, any defect which is not cured within 10 days after notification by the developer may be cured by the developer. In an emergency situation, notice is not required. The association must repay the developer for any cost of the repairs plus the legal rate of interest. Each owner must be assessed for his or her share of the cost of repairs.

(b) That, if any dispute arises between the developer and the manager or association, either party may request from the American Arbitration Association or the Nevada Arbitration Association a list of seven potential fact finders from which one must be chosen to settle the dispute. The agreement must provide for the method of selecting one fact finder from this list.

(c) For the collection of assessments from the owners to pay obligations which may be due to the developer for breach of the covenant to maintain the premises in good condition and repair.

➥ If the developer is not made a party to this agreement, the developer shall be considered to be a third-party beneficiary of such an agreement.

5. The provisions of this section do not apply to the management of a project located outside of this State.

Sec. 47. NRS 119A.532 is hereby amended to read as follows:

119A.532 1. A person who wishes to engage in the business of, act in the capacity of, advertise or assume to act as a manager ***of a project located in this State*** shall register with the Division on a form prescribed by the Division.

2. The form for registration must include, without limitation:

(a) The registered name of ~~[the]~~ ***each*** time-share plan or ~~[the]~~ project, or both, that the manager will manage;

(b) The address and telephone number of the manager's principal place of business;

(c) The social security number of the manager; and

(d) The name of the manager's responsible managing employee.

3. The form for registration must be accompanied by:

(a) Satisfactory evidence, acceptable to the Division, that the manager and his or her employees have obtained fidelity bonds in accordance with regulations adopted by the Division; and

(b) The statement required pursuant to NRS 119A.263.

4. The Division shall collect the fee specified in NRS 119A.360 upon registering the manager and annually thereafter to maintain the registration.

5. As used in this section, "responsible managing employee" means the person designated by the manager to:

(a) Make technical and administrative decisions in connection with the manager's business; and

(b) Hire, superintend, promote, transfer, lay off, discipline or discharge other employees or recommend such action on behalf of the manager.

Sec. 48. NRS 119A.540 is hereby amended to read as follows:

119A.540 1. The association or, if there is no association, the developer shall adopt an annual budget for revenues, expenditures and reserves and collect assessments for the expenses of the time-share plan and the project from the owners. The annual budgets of ~~[the]~~ ***an*** association ***governing a project within this State*** must be submitted to ~~[and approved by]~~ the Division until such time as the association is controlled by members other than the developer.

2. ~~[The Administrator may require that the association or, if there is no association, the developer provide, at the association's or the developer's expense, an opinion from an independent professional consultant as to the sufficiency of the budget to sustain the time-share plan offered by the association or the developer.]~~ The association or the developer shall place any money collected for assessments and any other revenues received by or on behalf of the association in an account established by the association.

3. The developer shall pay assessments for any time shares which are unsold or enter into an agreement with the association, in a form approved by the Division, to pay the difference between the actual expenses incurred by the association and the sum of the amounts payable to the association as assessments by owners, other than the developer, and other revenues received by the association. The Division may require the developer to provide a surety bond or other form of security which is satisfactory to the Division, to guarantee payment of the developer's obligation.

Sec. 49. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker ***or time-share resale broker*** who fails to adequately supervise the conduct of any sales agent or representative ***, as applicable,*** with whom the project broker ***or time-share resale broker*** is associated.

Sec. 50. NRS 119A.680 is hereby amended to read as follows:

119A.680 1. It is unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker or ~~[sales agent]~~ ***time-share resale broker*** within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS ***.*** ~~[or NRS 119A.210.]~~

(b) ***Sales agent within this State without first obtaining a license from the Division pursuant to NRS 119A.210, unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS.***

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Sec. 51. (Deleted by amendment.)

Sec. 52. NRS 119A.370, 119A.4773 and 119A.490 are hereby repealed.

TEXT OF REPEALED SECTIONS

119A.370 Filing of advertisement or offering.

1. A time share must not be advertised or offered for sale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must:

(a) Include the form and content of advertising to be used;

(b) Include the nature of the offer of gifts or other free benefits to be extended;

(c) Include the nature of promotional meetings involving any person or act described in NRS 119A.300; and

(d) Be accompanied by a filing fee of not more than $200, to be established by the Division.

119A.4773 Filing of advertisement or offering required.

1. A time share must not be advertised or offered for resale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must include:

(a) The form and content of advertising to be used;

(b) The nature of the offer of gifts or other free benefits to be extended; and

(c) The nature of promotional meetings involving any person or act described in NRS 119A.300.

119A.490 Filing of amendment of time-share instrument required.

1. Any proposed amendment by the developer of the provisions of a time-share instrument must be filed with the Division.

2. Unless the Division notifies the developer of its disapproval within 15 days, the amendments shall be deemed to be approved by the Division.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:34 p.m.

ASSEMBLY IN SESSION

At 7:37 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 8.

The following Senate amendment was read:

Amendment No. 634.

AN ACT relating to public welfare; revising provisions governing the duties of the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services of the Department of Health and Human Services; repealing certain programs relating to Medicaid and public assistance; abolishing the State Board of Welfare and Supportive Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 4-11, 15, 16 and 30 of this bill make various changes to remove some of the overlap between the chapters governing the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Welfare and Supportive Services of the Department to reflect more clearly the duties of each division. (Chapters 422 and 422A of NRS) With these changes, chapter 422 of NRS, which concerns health care financing and policy, concentrates on the duties of the Division of Health Care Financing and Policy with respect to Medicaid and the

Children's Health Insurance Program **,** and chapter 422A of NRS, which concerns welfare and supportive services, concentrates on the duties of the Division of Welfare and Supportive Services with respect to all programs that provide public assistance.

Section 30 ~~**[**of this bill**]**~~ repeals various provisions of existing law relating to Medicaid, the Children's Health Insurance Program and other programs which provide public assistance to accomplish that separation. **Sections 1 , ~~[**and**]~~ 15 and 16.5** of this bill reenact some of those repealed provisions in the appropriate chapter based upon which Division is responsible. (NRS 232.354, 422.29308 ~~**(**~~**)**~~**]**~~ **, 422.3045)** In addition, **sections 4-9 and 11** ~~**[**of this bill**]**~~ limit certain provisions which are within the duties of the Division of Health Care Financing and Policy so that they apply only to Medicaid and the Children's Health Insurance Program. **Section 16** ~~**[**of this bill**]**~~ adds a section to the chapter concerning welfare and supportive services that duplicates a similar provision which, as amended in **section 11**, applies only to Medicaid and the Children's Health Insurance Program to continue to allow the Division of Welfare and Supportive Services to recover from recipients of public assistance or their estates certain amounts which were incorrectly paid to the recipients. (NRS 422.29304)

Sections 3, 20 and 24 of this bill replace the term "alien" with "person who is not a citizen or national of the United States" in provisions concerning the eligibility of persons who are not citizens or nationals of the United States for Medicaid and welfare programs. (NRS 422.065, 422A.085, 422A.265)

Sections 18, 19 and 23 of this bill replace references to the federal Food Stamp Program with references to the Supplemental Nutrition Assistance Program for consistency with current federal law. (7 U.S.C. §§ 2011 et seq.)

Section 21 of this bill removes the requirement that the Administrator of the Division of Welfare and Support Services be a college graduate with a degree in a field of social science, public administration, business administration or a related field and instead requires the Director to give preference to a person who has such a degree when appointing the Administrator. (NRS 422A.155)

Section 30 ~~**[**of this bill**]**~~ abolishes the State Board of Welfare and Supportive Services, which, under existing law, makes recommendations concerning the administration of public assistance. (NRS 422A.010, 422A.110-422A.135, 422A.165) **Section 30** also repeals provisions of chapter 422A of NRS concerning certain family planning and prenatal care programs that are duplicated in chapter 422 of NRS. (NRS 422A.310, 422A.315)

Section 29 of this bill makes permanent the authorization in existing law for the Department to contract with certain motor carriers to transport

recipients of services pursuant to the Children's Health Insurance Program who travel to and from providers of services. (NRS 422.2705; Section 2 of Chapter 392, Statutes of Nevada 2011, at p. 2470)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, with respect to the State Plan for Medicaid and the Children's Health Insurance Program, shall report every rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians.

2. The Director shall post on an Internet website maintained by the Department a schedule of such rates of reimbursement.

3. The Director shall, on or before February 1 of each year, submit a report concerning the schedule of such rates of reimbursement to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 2. NRS 422.050 is hereby amended to read as follows:

422.050 ~~[1.]~~ "Public assistance" ~~[includes:~~

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development; and~~

~~(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.~~

~~2. The term does not include the Children's Health Insurance Program.]~~ ***has the meaning ascribed to it in NRS 422A.065.***

Sec. 3. NRS 422.065 is hereby amended to read as follows:

422.065 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~[an alien]~~ ***a person who is not a citizen or national of the United States*** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~[an alien]~~ ***a person who is***

not a citizen or national of the United States who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 4. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of this chapter, including, without limitation, any federal money allotted to the State of Nevada pursuant to the ~~[~~program to provide Temporary Assistance for Needy Families and the Program for Child Care and Development,~~]~~ ***State Plan for Medicaid, the Children's Health Insurance Program or any other program for which the Division is responsible*** must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be provided by appropriation by the Legislature from the State General Fund.

2. Disbursements for the purposes of this chapter must, except as otherwise provided in NRS 422.3755 to 422.379, inclusive, and 439.630, be made upon claims duly filed and allowed in the same manner as other money in the State Treasury is disbursed.

Sec. 5. NRS 422.265 is hereby amended to read as follows:

422.265 If Congress passes any law increasing the participation of the Federal Government in ~~[~~a Nevada program for public assistance,~~]~~ ***any program for which the Division is responsible,*** whether relating to eligibility for assistance or otherwise:

1. The Director may accept, with the approval of the Governor, the increased benefits of such congressional legislation; and

2. The Administrator may adopt any regulations required by the Federal Government as a condition of acceptance.

Sec. 6. NRS 422.270 is hereby amended to read as follows:

422.270 The Department shall:

1. Administer ~~[~~all public welfare programs of this State:, including:

~~(a) State Supplementary Assistance;~~

~~(b) Temporary Assistance for Needy Families;~~

~~(c) Medicaid;~~

~~(d) Food Stamp Assistance;~~

~~(e) Low Income Home Energy Assistance;~~

~~(f) The Program for Child Care and Development;~~

~~(g) The Program for the Enforcement of Child Support;~~

~~(h) The Children's Health Insurance Program; and~~

~~(i) Other welfare activities and services provided for by the laws of this State.~~~~]~~ ***Medicaid and the Children's Health Insurance Program.***

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of ~~[any of the services and activities set forth in subsection 1.]~~ ***Medicaid and the Children's Health Insurance Program.***

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of ~~[welfare programs,]~~ ***Medicaid and the Children's Health Insurance Program*** and in increasing the efficiency of ~~[welfare programs]~~ ***Medicaid and the Children's Health Insurance Program*** by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of ~~[welfare]~~ needs ***for Medicaid and the Children's Health Insurance Program*** and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to ~~[public assistance, welfare services]~~ ***Medicaid*** and institutional care, when deemed necessary or convenient by the Director.

~~[6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.~~

~~7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.]~~

Sec. 7. NRS 422.276 is hereby amended to read as follows:

422.276 1. Subject to the provisions of subsection 2, if an application for ~~[public assistance]~~ ***Medicaid or the Children's Health Insurance Program*** or ***a*** claim for ~~[services]~~ ***benefits from either program*** is not acted upon by the ~~[Department]~~ ***Division*** within a reasonable time after the filing of the application or claim for ~~[services,]~~ ***benefits,*** or is denied in whole or in part, or if any ~~[grant of public assistance or]~~ claim for ~~[services]~~ ***benefits*** is reduced, suspended or terminated, the applicant ~~[for]~~ or recipient ~~[of public assistance or services]~~ may appeal to the ~~[Department]~~ ***Division*** and may be represented in the appeal by counsel or other representative chosen by the applicant or recipient.

2. Upon the initial decision to deny, reduce, suspend or terminate ~~[public assistance or services,]~~ ***benefits,*** the ~~[Department]~~ ***Division*** shall notify that

applicant or recipient of its decision, the regulations involved and the right to request a hearing within a certain period. If a request for a hearing is received within that period, the ~~[~~Department~~]~~ ***Division*** shall notify that person of the time, place and nature of the hearing. The ~~[~~Department~~]~~ ***Division*** shall provide an opportunity for a hearing of that appeal and shall review the case regarding all matters alleged in that appeal.

3. The ~~[~~Department~~]~~ ***Division*** is not required to grant a hearing pursuant to this section if the request for the hearing is based solely upon the provisions of a federal law or a law of this State that requires an automatic adjustment to the ~~[~~amount of public assistance or services~~]~~ ***benefits*** that may be received by an applicant or recipient.

Sec. 8. NRS 422.277 is hereby amended to read as follows:

422.277 1. At any hearing held pursuant to the provisions of subsection 2 of NRS 422.276, opportunity must be afforded all parties to respond and present evidence and argument on all issues involved.

2. Unless precluded by law, informal disposition may be made of any hearing by stipulation, agreed settlement, consent order or default.

3. The record of a hearing must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Questions and offers of proof and objections, and rulings thereon.

(d) Any decision, opinion or report by the hearing officer presiding at the hearing.

4. Oral proceedings, or any part thereof, must be transcribed on request of any party seeking judicial review of the decision.

5. Findings of fact must be based exclusively on substantial evidence.

6. Any employee or other representative of the ~~[~~Department~~]~~ ***Division*** who investigated or made the initial decision to deny, modify or cancel ~~[~~a grant of public assistance or services~~]~~ ***benefits provided pursuant to Medicaid or the Children's Health Insurance Program*** shall not participate in the making of any decision made pursuant to the hearing.

Sec. 9. NRS 422.2785 is hereby amended to read as follows:

422.2785 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to the attorney or other representative of each party.

2. The ~~[~~Department~~]~~ ***Division*** or an applicant for or recipient of ~~[~~public assistance or services~~]~~ ***benefits provided pursuant to Medicaid or the Children's Health Insurance Program*** may, at any time within 90 days after

the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of ~~[public assistance or services]~~ ***benefits provided pursuant to Medicaid or the Children's Health Insurance Program*** resides to review the decision. The district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the ~~[Department.]~~ ***Division.***

Sec. 10. NRS 422.29301 is hereby amended to read as follows:

422.29301 The Director:

1. Shall administer the provisions of NRS 422.29302 ~~[to 422.29308, inclusive;]~~ ***, 422.29304 and 422.29306;***

2. May adopt such regulations as are necessary for the administration of those provisions; and

3. May invoke any legal, equitable or special procedures for the enforcement of those provisions.

Sec. 11. NRS 422.29304 is hereby amended to read as follows:

422.29304 1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of ~~[public assistance, the estate of the recipient,]~~ ***Medicaid*** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public assistance]~~ ***Medicaid*** or ***for*** admission to a nursing facility on behalf of the recipient an amount not to exceed the amount ~~[of public assistance]~~ incorrectly paid ~~[to]~~ ***on behalf of*** the recipient, if the person who signed the application:

(a) Failed to report any required information to the Department or the nursing facility that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for ~~[public assistance;]~~ ***Medicaid;***

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of ~~[incorrectly paid public assistance,]~~ ***Medicaid,*** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public benefits]~~

Medicaid or ***for*** admission to a nursing facility on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the ***amount*** incorrectly paid ~~[public assistance.]~~ ***on behalf of the recipient.***

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of ~~[public assistance, the estate of the recipient,]~~ ***Medicaid,*** the undivided estate of a recipient of Medicaid or a person who signed the application for ~~[public assistance]~~ ***Medicaid*** or ***for*** admission to a nursing facility on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of ~~[public assistance]~~ ***amounts*** incorrectly paid ~~[to a recipient]~~ ***on behalf of a recipient of Medicaid*** if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

Sec. 12. NRS 422.410 is hereby amended to read as follows:

422.410 1. Unless a different penalty is provided pursuant to NRS 422.361 to 422.369, inclusive, or 422.450 to 422.590, inclusive, a person who knowingly and designedly, by any false pretense, false or misleading statement, impersonation, misrepresentation, or concealment, transfer, disposal or assignment of money or property obtains or attempts to obtain monetary or any other public assistance, or money, property, medical or remedial care or any other service provided pursuant to the Children's Health Insurance Program, having a value of $100 or more, whether by one act or a series of acts, with the intent to cheat, defraud or defeat the purposes of this chapter or to enable a person to meet or appear to meet any requirements of eligibility prescribed by state law or by rule or regulation adopted by the Department for a grant or an increase in a grant of any type of public assistance is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. For the purposes of subsection 1, whenever a recipient of Temporary Assistance for Needy Families pursuant to the provisions of ~~[this chapter and]~~ chapter 422A of NRS receives an overpayment of benefits for the third time and the overpayments have resulted from a false statement or representation by the recipient or from the failure of the recipient to notify the Division of Welfare and Supportive Services of the Department of a change in circumstances which would affect the amount of assistance the recipient receives, a rebuttable presumption arises that the payment was fraudulently received.

3. For the purposes of ~~[subsection 1, "public]~~ ***this section:***

(a) "Public assistance" includes any money, property, medical or remedial care or any other service provided pursuant to a state plan.

(b) "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

Sec. 13. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 14 ~~[, 15 and 16]~~ **to 16.5, inclusive,** of this act.

Sec. 14. ***"Health Division" means the Health Division of the Department of Health and Human Services.***

Sec. 15. ***Each application for Medicaid must include a statement that:***

1. Any assistance paid on behalf of a recipient may be recovered in an action filed against the estate of the recipient or the spouse of the recipient; and

2. Any person who signs an application for Medicaid and fails to report to the Department:

(a) Any required information which the recipient knew at the time the recipient signed the application; or

(b) Within the period allowed by the Department, any required information which the recipient obtained after the recipient filed the application,

↪ may be personally liable for any money incorrectly paid to the recipient.

Sec. 16. ***1. Except as otherwise provided in this section, the Department shall, to the extent that it is not prohibited by federal law, recover from a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient an amount not to exceed the amount of public assistance incorrectly paid to the recipient, if the person who signed the application:***

(a) Failed to report any required information to the Department that the person knew at the time the person signed the application;

(b) Refused to provide financial information regarding the recipient's income and assets, including, without limitation, information regarding any transfers or assignments of income or assets;

(c) Concealed information regarding the existence, transfer or disposition of the recipient's income and assets with the intent of enabling a recipient to meet any eligibility requirement for public assistance;

(d) Made any false representation regarding the recipient's income and assets, including, without limitation, any information regarding any transfers or assignments of income or assets; or

(e) Failed to report to the Department or the nursing facility within the period allowed by the Department any required information that the person obtained after the person filed the application.

2. Except as otherwise provided in this section, a recipient of incorrectly paid public assistance or a person who signed the application for public benefits on behalf of the recipient shall reimburse the Department or appropriate state agency for the value of the incorrectly paid public assistance.

3. The Director or a person designated by the Director may, to the extent that it is not prohibited by federal law, determine the amount of, and settle, adjust, compromise or deny a claim against a recipient of public assistance, the estate of the recipient or a person who signed the application for public assistance on behalf of the recipient.

4. The Director may, to the extent that it is not prohibited by federal law, waive the repayment of public assistance incorrectly paid to a recipient if the incorrect payment was not the result of an intentional misrepresentation or omission by the recipient and if repayment would cause an undue hardship to the recipient. The Director shall, by regulation, establish the terms and conditions of such a waiver, including, without limitation, the circumstances that constitute undue hardship.

5. As used in this section, "public assistance" does not include Medicaid.

Sec. 16.5. 1. If the Division denies an application for the Children's Health Insurance Program, the Division shall provide written notice of the decision to the applicant. An applicant who disagrees with the denial of the application may request a review of the case and a hearing before an impartial hearing officer by filing a written request within 30 days after the date of the notice of the decision at the address specified in the notice.

2. The Division shall adopt regulations regarding the review and hearing before an impartial hearing officer. The decision of the hearing officer must be in writing.

3. The applicant may, at any time within 30 days after the date on which the written decision is mailed, petition the district court of the judicial district in which the applicant resides to review the decision. The district court shall review the decision on the record. The decision and record must be certified as correct and filed with the court by the Administrator.

4. The review by the court must be in accordance with NRS 422.279.

Sec. 17. NRS 422A.001 is hereby amended to read as follows:

422A.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422A.005 to 422A.080, inclusive, ***and section 14 of this act*** have the meanings ascribed to them in those sections.

Sec. 18. NRS 422A.040 is hereby amended to read as follows:

422A.040 ~~[~~"Food Stamp~~]~~ ***"Supplemental Nutrition*** Assistance" means the program established to provide persons of low income with an

opportunity to ~~[obtain]~~ ***purchase*** a more nutritious diet ~~[through the issuance of coupons]~~ pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

Sec. 19. NRS 422A.065 is hereby amended to read as follows:

422A.065 1. "Public assistance" includes:

(a) State ~~[Supplemental]~~ ***Supplementary*** Assistance;

(b) Temporary Assistance for Needy Families;

(c) Medicaid;

(d) ~~[Food Stamp Assistance;]~~ ***Supplemental Nutrition Assistance;***

(e) Low-Income Home Energy Assistance;

(f) The Program for Child Care and Development;

(g) Benefits provided pursuant to any other public welfare program administered by the Division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter; and

(h) Benefits provided pursuant to any other public welfare program administered by the Division of Health Care Financing and Policy pursuant to chapter 422 of NRS.

2. The term does not include the Children's Health Insurance Program.

Sec. 20. NRS 422A.085 is hereby amended to read as follows:

422A.085 1. Notwithstanding any other provision of state or local law, a person or governmental entity that provides a state or local public benefit:

(a) Shall comply with the provisions of 8 U.S.C. § 1621 regarding the eligibility of ~~[an alien]~~ ***a person who is not a citizen or national of the United States*** for such a benefit.

(b) Is not required to pay any costs or other expenses relating to the provision of such a benefit after July 1, 1997, to ~~[an alien]~~ ***a person who is not a citizen or national of the United States*** who, pursuant to 8 U.S.C. § 1621, is not eligible for the benefit.

2. Compliance with the provisions of 8 U.S.C. § 1621 must not be construed to constitute any form of discrimination, distinction or restriction made, or any other action taken, on the basis of national origin.

3. As used in this section, "state or local public benefit" has the meaning ascribed to it in 8 U.S.C. § 1621.

Sec. 21. NRS 422A.155 is hereby amended to read as follows:

422A.155 ***1.*** The Administrator must:

~~[1.]~~ ***(a)*** Be selected on the basis of his or her training, experience, capacity and interest in public welfare services.

~~[2. Be a graduate from an accredited college or university. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.~~

~~3.~~] *(b)* Have not less than 3 years of demonstrated successful experience in the administration of a public agency, with responsibility for general direction of programs of the public agency and determination of policies for the implementation of programs of the public agency, or any equivalent combination of training and experience.

~~[4.~~] *(c)* Possess qualities of leadership.

2. In appointing the Administrator, the Director shall, to the extent practicable, give preference to a person who has a degree in a field of social science, public administration, business administration or a related field.

Sec. 22. NRS 422A.165 is hereby amended to read as follows:

422A.165 The Administrator shall make:

1. Such reports, subject to approval by the Director, as will comply with the requirements of federal legislation and this chapter.

2. ~~[Reports to the Board.~~

~~3.~~] A biennial report to the Director on the condition, operation and functioning of the Division.

Sec. 23. NRS 422A.255 is hereby amended to read as follows:

422A.255 The Department shall:

1. Administer all public welfare programs of this State, including:

(a) State Supplementary Assistance;

(b) Temporary Assistance for Needy Families;

(c) Medicaid;

(d) ~~[Food Stamp]~~ ***Supplemental Nutrition*** Assistance;

(e) Low-Income Home Energy Assistance;

(f) The Program for Child Care and Development;

(g) The Program for the Enforcement of Child Support;

(h) The Children's Health Insurance Program; and

(i) Other welfare activities and services provided for by the laws of this State.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the State of Nevada to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the Department in carrying out the provisions of this chapter.

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting

those needs and employ or contract for personnel and services supported by legislative appropriations from the State General Fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the Director.

6. Make such agreements with the Federal Government as may be necessary to carry out the Supplemental Security Income Program.

7. As used in this section, "Program for the Enforcement of Child Support" means the program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any other provisions of that act relating to the enforcement of child support.

Sec. 24. NRS 422A.265 is hereby amended to read as follows:

422A.265 1. The Department shall provide public assistance pursuant to:

(a) The program established to provide Temporary Assistance for Needy Families;

(b) Medicaid; or

(c) Any program for which a grant has been provided to this State pursuant to 42 U.S.C. §§ 1397 et seq.,

➥ to a qualified ~~[alien]~~ ***person who is not a citizen or national of the United States*** who complies with the requirements established by the Department pursuant to federal law and this chapter for the receipt of benefits pursuant to that program.

2. ~~[As used in this section, "qualified alien" has the meaning ascribed to it in]~~ ***A person who is not a citizen or national of the United States is considered "qualified" for the purposes of subsection 1 if the person meets the requirements of*** 8 U.S.C. § ~~[1641.]~~ ***1641(b).***

Sec. 24.5. NRS 422A.360 is hereby amended to read as follows:

422A.360 1. ~~[As a condition to the receipt of public assistance, a]~~ ***A*** recipient who has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than 7 years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or

charge of a child who is not less than 7 years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and

(t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 **[**,**]** ***and 422A.325.***

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 27. NRS 115.090 is hereby amended to read as follows:

115.090 Nothing in this chapter exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid through the imposition or foreclosure of a lien against the property of a recipient of Medicaid in the manner set forth in NRS 422.29302 **[**~~to 422.29308, inclusive.~~**]** ***, 422.29304 and 422.29306.***

Sec. 28. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS ~~[422.050 and]~~ 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 29. Section 2 of chapter 392, Statutes of Nevada 2011, at page 2470, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval **.** ~~[and expires by limitation on June 30, 2013.]~~

Sec. 30. NRS 232.354, 422.042, 422.045, 422.048, 422.0525, 422.053, 422.0535, 422.245, 422.2716, ~~[422.291,]~~ 422.29308, **422.3045,** 422A.010, 422A.110, 422A.115, 422A.120, 422A.125, 422A.130, 422A.135, 422A.310 and 422A.315 are hereby repealed.

Sec. 31. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

232.354 State Plan for Medicaid and Children's Health Insurance Program: Department to report certain rates of reimbursement for physicians; duties of Director.

422.042 "Food Stamp Assistance" defined.

422.045 "Low-Income Home Energy Assistance" defined.

422.048 "Program for Child Care and Development" defined.

422.0525 "State Supplementary Assistance" defined.

422.053 "Supplemental Security Income Program" defined.

422.0535 "Temporary Assistance for Needy Families" defined.

422.245 Deposit of money received for certain programs in appropriate accounts of Division in State General Fund.

422.2716 Provision of public assistance to qualified aliens.

~~[422.291 Assistance not assignable or subject to process or bankruptcy law.]~~

422.29308 Application for Medicaid: Statements regarding action for recovery and civil liability of recipient.

422.3045 Denial of application for Children's Health Insurance Program: Notice; review of case and hearing; regulations; review by court.

422A.010 "Board" defined.

422A.110 Creation; appointment of members.

422A.115 Qualifications and removal of members.

422A.120 Meetings; quorum; notice of meetings; minutes; audio recordings or transcripts.

422A.125 Officers.

422A.130 Compensation of members and employees.

422A.135 Powers and duties.

422A.310 Family planning service; birth control.

422A.315 Provision of prenatal care to pregnant women who are indigent; provision of information concerning availability of prenatal care; regulations.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate amendment No. 634 to Assembly Bill No. 8.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Amendment No. 634 to Assembly Bill 8 reenacts the provision of the Children's Health Insurance Program regarding the timeline for notifying an applicant that their application was denied, and the process for appealing the decision.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 868.

SUMMARY—Requires the notification of patients regarding breast density **.** ~~[and supplementary mammographic screening tests.]~~ (BDR 40-172)

AN ACT relating to mammography; requiring a **statement of the density of the patient's breasts and a** notice **prescribed by the State Board of Health** regarding breast density to be included in a report provided to a patient; authorizing an administrative fine for failure to ~~[provide]~~ **comply with** such ~~[notice;]~~ **requirements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, a facility that performs a mammogram must provide directly to each patient a summary report describing the results of the mammogram written in terms that are easily understood by a lay person. (42 U.S.C. § 263b) Existing state law imposes certain requirements on the operation of a machine used to perform mammography and further provides for the imposition of an administrative fine for operation in violation of those requirements. (NRS 457.182-457.187) This bill requires the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform a mammogram to ensure that the summary report required by federal law includes a statement of the density of the patient's breasts and a notice ~~[encouraging the patient to discuss the notice with his or her physician or other provider of health care.]~~ **prescribed by the State Board of Health that includes certain information relating to breast density, breast cancer and the impact of breast density on the effectiveness of mammography.** In addition, this bill authorizes the Health Division of the Department of Health and Human Services to impose an administrative fine for failure to provide such notice. (NRS 457.187)

~~[WHEREAS, Forty percent of women have dense breast tissue; and~~

~~WHEREAS, Breast density is one of the strongest predictors of the failure of mammography to detect cancer; and~~

~~WHEREAS, Breast density is a greater risk factor for breast cancer than having two first-degree relatives with breast cancer; and~~

~~WHEREAS, The vast majority of women are unaware of the density of their breasts; and~~

~~WHEREAS, Less than 1 in 10 women with dense breast tissue learn about their dense breast tissue from their doctors; and~~

~~WHEREAS, Several states, including Connecticut, Texas, Virginia, New York and California, have enacted legislation relating to notification of breast density; now, therefore,]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Database System or ~~[subsequent]~~ such other guidelines ~~[established by the American College of Radiology, or its successor organization,]~~ as required by the State Board of Health by regulation, and ~~[the following]~~ the notice ~~:~~

~~"The information about the results of your mammography report in relation to the density of your breast tissue is provided to you to raise your awareness. Dense breast tissue is common and not abnormal. As breast density increases, the ability of a mammogram to identify cancer or suspicious abnormalities decreases, which may increase the risk of breast cancer not being detected until a later stage. Density may change over time and generally diminishes with age, but varies by person. Many factors affect a person's risk of developing breast cancer, including family history, personal medical history, smoking and, according to some studies, increased breast density. Use this letter when you speak with your physician or other provider of health care about your own individual risk factors for breast cancer. At that time, ask your physician or other provider of health care if further testing might be useful.~~

~~]~~ prescribed by the State Board of Health pursuant to subsection 2.

2. The State Board of Health shall prescribe by regulation the notice to be included in a report pursuant to subsection 1. The notice must include:

(a) A statement regarding the benefits, risks and limitations of mammograms;

(b) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;

(c) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and

(d) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her

schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.

3. The notice prescribed by regulation pursuant to subsection 2 may include, without limitation:

(a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and

(b) A description of the factors that affect the risk of developing breast cancer.

4. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

Sec. 3. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Health Division may impose an administrative fine, not to exceed $5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, ***and section 1 of this act,*** or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Sec. 4. **On or before January 1, 2014, the State Board of Health shall adopt the regulations required by section 1 of this act.**

Sec. 5. **This act becomes effective upon passage and approval for the purpose of adopting regulations and any other preparatory administrative tasks and on January 1, 2014, for all other purposes.**

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 868 to Assembly Bill No. 147.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:
The amendment to Assembly Bill 147 puts the notification back in regulation.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 374.
The following Senate amendment was read:
Amendment No. 872.

SUMMARY—Revises provisions relating to ~~[the authority of a board of county commissioners to regulate certain assemblies, events or activities.]~~ **counties.** (BDR 20-520)

AN ACT relating to counties; ~~[prohibiting, with certain exceptions,]~~ **authorizing** a board of county commissioners ~~[from regulating or licensing, or requiring a permit or fee relating to,]~~ **to enter into agreements exempting certain persons, organizations and** assemblies **~~[, events or activities]~~** occurring on federal lands **~~[; providing, under certain circumstances, that]~~ from** certain requirements and prohibitions relating to assemblies ~~[do not apply to assemblies that occur on federal lands;]~~ **; requiring such agreements to include certain provisions; prohibiting certain actions regarding such agreements and the application of certain requirements and prohibitions relating to certain assemblies occurring on federal lands;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

~~[Sections]~~ **Section 1** ~~[and 2]~~ of this bill ~~[prohibit, with certain exceptions,]~~ **authorizes** a board of county commissioners ~~[from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.~~

~~Sections 3 and 4 of this bill provide, under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.]~~ **to enter into an agreement with a person or organization that organizes an outdoor assembly occurring on federal land for which a federal agency issues a license or permit or otherwise authorizes the assembly. The**

agreement may exempt the assembly, and the person or organization that organizes the assembly, from the provisions of the ordinance adopted by the board regulating and licensing outdoor assemblies and also from the statutory provisions regulating outdoor assemblies. The agreement may be rescinded only by mutual agreement of the parties. For the duration of the agreement, a future board of county commissioners may not require the application of the statutory provisions regulating outdoor assemblies or make any changes to the terms of the agreement. The agreement must contain certain provisions relating to the services of a coroner if a death occurs at the assembly. Also, the parties may enter into a separate agreement for the county to provide reasonable and necessary services for the assembly and to receive compensation for those services.

Existing law prohibits a board of county commissioners from entering into certain contracts and other transactions beyond the term of office of any member of the board unless the board appropriates money to pay for the duration of the contract. Sections 1 and 1.5 of this bill provide that any agreement entered into pursuant to section 1 is not subject to such limitations.

Section 1 provides that the provisions thereof shall not be construed to prohibit, prevent or limit the power of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a]~~ A board of county commissioners ~~[shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any]~~ may enter into an agreement with any person or organization described in paragraph (b) to exempt from the provisions of any ordinance adopted by that board of county commissioners pursuant to NRS 244.354 and the provisions of NRS 244.354 to 244.3548, inclusive:

(a) Any assembly ~~[, event or activity]~~ occurring on federal land ~~[if]~~ for which a federal agency ~~[has issued]~~ issues a license or permit ~~[for the assembly, event or activity]~~ or ~~[has]~~ otherwise ~~[authorized]~~ authorizes the assembly ~~[, event or activity.~~

~~***2. A board of county commissioners may:***~~

~~***(a) Enter into an agreement, with a person or organization which has been issued a license or permit by a federal agency for an assembly, event or activity occurring on federal land, for]***~~ ***; and***

(b) The person or organization that permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to any such assembly.

2. In determining whether to enter into an agreement pursuant to subsection 1, a board of county commissioners may consider, without limitation, whether a person or organization described in paragraph (b) of subsection 1 has demonstrated to the satisfaction of the board that:

(a) The federal agency that issues a license or permit for or otherwise authorizes an assembly described in paragraph (a) of subsection 1 has ensured that conditions which otherwise may be imposed by the board pursuant to NRS 244.3545 are addressed during the process of issuing the license or permit for or otherwise authorizing the assembly; and

(b) The assembly will not present an unreasonable danger to the health or safety of any resident of the county.

3. Except as otherwise provided in subsection 6, an agreement entered into pursuant to subsection 1 may be rescinded only by mutual agreement of the parties to the agreement. For the duration of the agreement, no future board of county commissioners of that county may adopt an ordinance requiring, or in any other way require:

(a) The application of the provisions of NRS 244.354 to 244.3548, inclusive, to the assembly that is the subject of the agreement, the person or organization with whom the board enters into the agreement, or any other person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to the assembly; or

(b) Any changes to the terms of the agreement.

4. If a board of county commissioners enters into an agreement pursuant to subsection 1:

(a) The agreement must require the person or organization described in paragraph (b) of subsection 1 to call upon the services of the office of the county coroner if a death of a person occurs at the assembly;

(b) The agreement must provide for the office of the county coroner to receive compensation for such services, including, without limitation, compensation:

(1) For the expenses of any travel and subsistence incurred in the provisions of such services;

(2) For the expenses relating to an autopsy and the transportation and storage of the body of the deceased; and

(3) For any other reasonable expenses relating to the provision of such services; and

(c) The board of county commissioners or any board of county commissioners that takes office after the effective date of the agreement

may enter into a separate agreement with the person or organization described in paragraph (b) of subsection 1 which provides for the county to provide reasonable and necessary ~~[law enforcement]~~ services for the assembly ~~[, event or activity]~~ and to receive compensation for the provision of such services . ~~[; and~~

~~(b) Regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of a:~~

~~(1) Lease between the Federal Government and the county; or~~

~~(2) License for recreational or other public purposes from the Federal Government to the county.]~~

5. Notwithstanding the provisions of NRS 244.320, any agreement entered into pursuant to this section may extend beyond the terms of the county commissioners in office and voting on the agreement regardless of whether the board appropriates money for the agreement beyond the terms of office.

6. Nothing contained in this section shall be construed to prohibit, prevent or limit the power of the Legislature.

Sec. 1.5. **NRS 244.320 is hereby amended to read as follows:**

244.320 1. A board of county commissioners may enter into any ***agreement,*** contract, lease, franchise, exchange of property or other transaction which extends beyond the terms of the county commissioners then in office and voting on the matter, but except as otherwise provided by law, the ***agreement,*** contract, lease, franchise, exchange or other transaction is binding beyond those terms of office only to the extent that money is appropriated therefor, or for a like item or service.

2. This section does not affect any ***agreement,*** contract, lease, franchise, exchange of property or other transaction which does not extend beyond the term of office of any member of the board who is part of the quorum voting thereon.

Sec. 2. **[**NRS 244.354 is hereby amended to read as follows:

244.354 ~~[~~The~~]~~ ***~~Except as otherwise provided in section 1 of this act, the~~*** board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, ***~~and section 1 of this act~~*** may be incorporated in such ordinance.**] (Deleted by amendment.)**

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~[~~Every~~]~~

~~[~~ ~~1.~~] ***Except as otherwise provided in ~~[subsection 2,]~~ section 1 of this act, every*** person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall

obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive . ~~*[, and section 1 of this act.*~~

~~*— 2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if:*~~

~~*— (a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and*~~

~~*— (b) The federal land is not the subject of a:*~~

~~*— (1) Lease for recreational or other public purposes between the Federal Government and the county; or*~~

~~*— (2) License for recreational or other public purposes from the Federal Government to the county.]*~~

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~[It]~~

~~*[1.]*~~ ***Except as otherwise provided in*** ~~*[subsection 2,]*~~ ***section 1 of this act, it*** is unlawful for any licensee or any employee, agent or associate of a licensee to:

1. ~~*[(a)]*~~ Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

2. ~~*[(b)]*~~ Sell tickets to such an assembly without a license first having been obtained.

3. ~~*[(c)]*~~ Hold such an assembly in such a manner as to create a public or private nuisance.

4. ~~*[(d)]*~~ Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

5. ~~*[(e)]*~~ Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

6. ~~*[(f)]*~~ Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

7. ~~*[(g)]*~~ Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.

~~*[2. The provisions of this section do not apply to an assembly, or conduct or activity at or during an assembly, that is held on federal land if:*~~

~~*— (a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and*~~

~~*(b) The federal land is not the subject of a:*~~

~~*(1) Lease for recreational or other public purposes between the Federal Government and the county; or*~~

~~*(2) License for recreational or other public purposes from the Federal Government to the county.]*~~

Sec. 5. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 872 to Assembly Bill No. 374.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

After much conversation and much work, this language represents agreements by representatives from Pershing County, Blackrock LLC, and others to allow our festivals to move forward. It authorizes a board of county commissioners to enter into agreements, and exempts certain persons and organizations from requirements. Great language.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 83.

The following Senate amendment was read:

Amendment No. 594.

AN ACT relating to escrow accounts; revising provisions governing certain disbursements of money from escrow accounts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an escrow agent, title insurer, title agent or escrow officer from disbursing money from an escrow account on the same business day as the money is deposited unless the deposit is made in certain forms of payment which allow for the conversion of the deposit to cash on the same day as the deposit is made, including a certified check which is payable in this State and which is drawn from a financial institution located in this State. (NRS 645A.171, 692A.255) This bill instead requires that, to be eligible for same-day disbursement, deposits made by certified check must be drawn from a financial institution authorized to do business in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645A.171 is hereby amended to read as follows:

645A.171 1. An escrow agent shall not disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. An escrow agent shall not disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition and payable in United States currency;

(c) Negotiable order of withdrawal, money order, cashier's check or certified check ~~[which is payable in this State and]~~ which is drawn from a financial institution ~~[located]~~ ***authorized to do business*** in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. An escrow agent who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.

Sec. 2. NRS 692A.255 is hereby amended to read as follows:

692A.255 1. A title insurer, title agent or escrow officer shall not disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. A title insurer, title agent or escrow officer shall not disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition and payable in United States currency;

(c) Negotiable order of withdrawal, money order, cashier's check or certified check ~~[which is payable in this State and]~~ which is drawn from a financial institution ~~[located]~~ ***authorized to do business*** in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. A title insurer, title agent or escrow officer who disburses money from an escrow account pursuant to this section on the next business day after the

day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.

Sec. 3. **This act becomes effective on July 1, 2013.**

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 594 to Assembly Bill No. 83.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:
This fixes the effective date, moves it up to July.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 86.

The following Senate amendment was read:

Amendment No. 650.

SUMMARY—Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to **satisfy certain judgments concerning unemployment compensation or to** comply with certain provisions governing ~~[unemployment compensation,]~~ industrial insurance and insurance for occupational diseases. (BDR 54-276)

AN ACT relating to contractors; requiring the State Contractors' Board to notify a licensed contractor **against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or** who is not in compliance with certain provisions governing ~~[unemployment compensation,]~~ industrial insurance and insurance for occupational diseases; requiring the Board to suspend or revoke the license of a contractor who fails to demonstrate **that such a judgment has been satisfied or that he or she is in** compliance with such provisions; restricting the actions of a contractor whose license has been suspended for failure to **satisfy such a judgment or to** demonstrate compliance with such provisions; requiring the Board to further suspend or revoke the license of a contractor who engages in prohibited activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, each employer, including each contractor, is required to contribute to the Unemployment Compensation Fund. (NRS 612.535) Each contractor who has employees, is a subcontractor for a principal contractor, or submits a bid on a job for a principal contractor or subcontractor is also required to: (1) maintain industrial insurance and insurance for occupational diseases; (2) obtain a certificate of qualification as a self-insured employer from the Commissioner of Insurance; or (3) maintain membership in an association of self-insured employers. (Chapters 616A-617

of NRS, NRS 624.256) Existing law requires: (1) the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide timely notice to the State Contractors' Board if a contractor's industrial insurance coverage has lapsed; and (2) the Commissioner of Insurance to provide timely notice to both the Administrator and the Board if a contractor's certificate of qualification as a self-insured employer is cancelled or withdrawn, or the contractor is no longer a member of an association of self-insured public or private employers. (NRS 616B.630)

Section 8 of this bill requires the Board, if applicable, to notify each licensed contractor **against whom a judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund or** who fails to meet the requirements to ~~[contribute to the Unemployment Compensation Fund and to]~~ provide and maintain industrial insurance and insurance for occupational diseases that the contractor's license will be suspended if the contractor fails to furnish proof by a certain date that he or she is in compliance with these requirements. **Section 8** also requires that the Board suspend the license of any contractor who fails to furnish proof by a certain date **that the contractor has satisfied a judgment for failure to pay contributions to the Unemployment Compensation Fund or** that the contractor is in compliance with ~~[these]~~ **the** requirements **to provide and maintain industrial insurance and insurance for occupational diseases** until the contractor whose license has been suspended **satisfies the judgment or** demonstrates compliance with those requirements. **Section 8** further provides that if a contractor's license is suspended for failure **to satisfy a judgment for failure to pay contributions to the Unemployment Compensation Fund or** to meet ~~[these]~~ **the** requirements ~~[:]~~ **to provide and maintain industrial insurance and insurance for occupational diseases:** (1) the contractor is required to submit to the Board a list of all the projects for which a contract was entered into before the date of the notice of the suspension; (2) the contractor is prohibited from submitting any bids for any new work or beginning work on a project not described on the list; and (3) the contractor's name is removed from certain lists of contractors eligible to bid on public works projects until the suspension is lifted. **Section 8** provides for the extended suspension or revocation of the license of a contractor who fails to submit a complete list of projects, submits an unauthorized bid or begins work on an unauthorized project. Finally, **section 8** provides for the suspension and revocation of the license of a contractor who fails to ~~[meet the requirements]~~ **satisfy a judgment for failure** to contribute to the Unemployment Compensation Fund ~~[and]~~ **or** to provide and maintain industrial insurance and insurance for occupational diseases twice within a 5-year period.

Section 8.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation ~~[to provide quarterly]~~ to **notify** the Board ~~[a list]~~ of ~~[contractors who have failed to make the required contribution]~~ **any contractor against whom a duly filed judgment has been obtained for failure to pay contributions** to the Unemployment Compensation Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 624.256 is hereby amended to read as follows:

624.256 1. Before granting an original or renewal of a contractor's license to any applicant, the Board shall require that the applicant submit to the Board:

(a) Proof of industrial insurance and insurance for occupational diseases which covers the applicant's employees;

(b) A copy of the applicant's certificate of qualification as a self-insured employer which was issued by the Commissioner of Insurance;

(c) If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the Commissioner of Insurance; or

(d) An affidavit signed by the applicant affirming that he or she is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS because the applicant:

(1) Has no employees;

(2) Is not or does not intend to be a subcontractor for a principal contractor; and

(3) Has not or does not intend to submit a bid on a job for a principal contractor or subcontractor.

2. The Board shall notify the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 whenever the Board learns that an applicant or holder of a contractor's license has engaged in business as or acted in the capacity of a contractor within this State without having obtained ***or maintained*** industrial insurance or insurance for occupational diseases in violation of the provisions of chapters 616A to 617, inclusive, of NRS.

3. Failure by an applicant or holder of a contractor's license to file or maintain in full force the required industrial insurance and insurance for occupational diseases constitutes cause for the Board to deny, revoke, suspend, refuse to renew or otherwise discipline the person, unless the person has complied with the provisions set forth in paragraph (d) of subsection 1.

4. ~~[Within 30]~~ As soon as practicable, but not more than 3 business days after receiving notice from the Department of Employment, Training and Rehabilitation pursuant to section 8.5 of this act that a judgment has been obtained against a contractor for failure to pay contributions to the Unemployment Compensation Fund or from the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616B.630 that a contractor is not in full compliance with the requirements of chapters ~~[612 and]~~ 616A to 617, inclusive, of NRS, the Board shall ~~[immediately]~~ notify the contractor by mail at the last known address of the contractor, as it appears in the records of the Board, that the Board will suspend the license of the contractor if the contractor does not furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~[612 and]~~ 616A to 617, inclusive, of NRS.

5. If the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board pursuant to subsection 4, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~[612 and]~~ 616A to 617, inclusive, of NRS, the Board shall, as soon as practicable, but not more than 3 business days after the expiration of the 30-day period, for a first offense:

(a) ~~[Immediately summarily]~~ Summarily suspend the license of the contractor without further notice pursuant to subsection 4 of NRS 624.291; and

(b) ~~[Immediately require]~~ Require the contractor to submit to the Board a list of all projects for which the contractor has unfulfilled contractual obligations where the contract was entered into on or before the date of the notice sent by the Board pursuant to subsection 4.

6. If a contractor's license is suspended pursuant to paragraph (a) of subsection 5:

(a) The suspension must continue until the contractor furnishes proof that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~[612 and]~~ 616A to 617, inclusive, of NRS;

(b) During the term of the suspension, the contractor shall not submit any bids for any new work or begin work on any project not described in

the list submitted to the Board pursuant to paragraph (b) of subsection 5; and

(c) The Board shall notify:

(1) The Office of the Labor Commissioner, which shall, ~~[immediately upon]~~ as soon as practicable, but not more than 3 business days after receipt of the notice, add the name of the contractor to the list of contractors who are disqualified to bid on public works; and

(2) The State Public Works Board, which shall, ~~[immediately upon]~~ as soon as practicable, but not more than 3 business days after receipt of the notice, add the name of the contractor to the list of contractors who are not prequalified to bid on public works.

7. If the name of a contractor is added to a list pursuant to paragraph (c) of subsection 6, the Office of the Labor Commissioner or the State Public Works Board, as applicable, shall remove the name from the list when notified by the Board that the suspension has been lifted pursuant to paragraph (a) of subsection 6.

8. If the Board finds that a contractor has failed to provide a complete list of projects in accordance with paragraph (b) of subsection 5 or has violated paragraph (b) of subsection 6, the Board shall:

(a) For a first offense, suspend the contractor's license for an additional 12 months after the contractor furnishes the proof described in paragraph (a) of subsection 6; and

(b) For a second or subsequent offense, conduct a hearing pursuant to NRS 624.291, and, if it is determined at the hearing that a second or subsequent offense has been committed, revoke the contractor's license.

9. If a contractor for whom the suspension of a contractor's license has been lifted after providing the proof required pursuant to paragraph (a) of subsection 6 receives notice from the Board pursuant to subsection 4 within 5 years after the date of reinstatement and the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor has satisfied the judgment reported to the Board pursuant to section 8.5 of this act or is in full compliance with the requirements of chapters ~~[612 and]~~ 616A to 617, inclusive, of NRS, the Board shall conduct a hearing pursuant to NRS 624.291 and, if it is determined at the hearing that a second or subsequent offense has been committed within a 5-year period, revoke the contractor's license.

Sec. 8.5. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

The Administrator shall ~~[, at least once each calendar quarter, provide to the State Contractors' Board a list setting forth each contractor who is not in compliance with the provisions of this chapter regarding contributions or payments in lieu of contributions to the Fund. The list must include, to~~

~~*the extent available, the name, address, telephone number, resident agent, principal owner and contractor's license number of the contractor.]*~~ ***notify the State Contractors' Board of any licensed contractor against whom a judgment is obtained for failure to pay contributions to the Unemployment Compensation Fund pursuant to this chapter.***

Sec. 8.6. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, ***and section 8.5 of this act,*** information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as

otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed

pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks; and

2. On January 1, 2014, for all other purposes.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 650 to Assembly Bill No. 86.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment requires the State Contractor's Board to notify a contractor who fails to meet certain requirements as soon as practicable, requires a contractor to provide proof within 30 days after the date of notice sent by the board that the contractor has satisfied the judgment reported to the board, and requires the Office of the Labor Commissioner and the State Public Works Board to add the name of a contractor on the list of contractors who are disqualified or not prequalified to bid on public works as soon as practicable, but not more than three business days. Finally, it requires the Administrator of the Employment Security Division to notify the board of any contractor against whom a duly, viable judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 95.

The following Senate amendment was read:

Amendment No. 766.

AN ACT relating to pharmacy; ~~[requiring, with limited exceptions,]~~ **revising provisions authorizing** a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication ~~[in every circumstance where a]~~ **the first time that the** generic drug is substituted for a drug prescribed by brand name unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner ~~[:~~

~~1. Shall note]~~ ***shall:***

1. ***Note*** the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~[Unless prohibited by the practitioner, may indicate]~~ ***Indicate*** the substitution by writing or typing on the label the words "substituted for ~~[."]~~ **,"**

or substantially similar language, following the generic name and preceding the brand name of the drug ~~[.]~~ ***unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label. The provisions of this subsection apply only to the initial substitution of the generic drug for a drug prescribed by brand name.***

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 766 to Assembly Bill No. 95.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment provides that a pharmacist or practitioner must indicate that a generic drug is being substituted for a drug prescribed by brand name, only for the initial filing of the prescription.

Motion carried.

The following Senate amendment was read:

Amendment No. 819.

AN ACT relating to pharmacy; revising provisions authorizing a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires **a pharmacist or practitioner to make** such an indication ~~[the first time that the generic drug is substituted for a drug prescribed by brand name]~~ unless **, at the time the initial substitution of the generic drug is made,** the person for whom the drug is dispensed elects not to have such an indication written or typed on the label. **This bill further provides that an election by the person to indicate or not indicate a substitution on the label applies both to the fill and each refill of the same prescription.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner ~~[:~~

~~1. Shall note]~~ ***shall:***

1. Note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~[Unless prohibited by the practitioner, may indicate]~~ ***Indicate*** the substitution by writing or typing on the label the words "substituted for ~~[."]~~ ***," or substantially similar language,*** following the generic name and preceding the brand name of the drug ~~[.]~~ ***unless , at the time the initial substitution of the generic drug for a drug prescribed by brand name is made, the person for whom the drug is dispensed elects not to have such an indication written or typed on the label. ~~[The provisions of this subsection apply only to the initial substitution of the generic drug for a drug prescribed by brand name.]~~ An election to indicate or not to indicate a substitution on the label pursuant to this subsection applies to both the fill and each refill of the same prescription.***

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 819 to Assembly Bill No. 95.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment provides that an election by the person to indicate or not indicate a substitution on the label applies both to the fill and refill of the same prescription.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 838.

AN ACT relating to the advanced practice of nursing; replacing the term "advanced practitioner of nursing" with "advanced practice registered nurse"; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses.

Section 1.5 of this bill authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Existing law authorizes, under certain circumstances, an advanced practice registered nurse to prescribe controlled substances. (NRS 632.237, 639.235) Sections 6, 7 and 13 of this bill prohibit an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless: (1) the nurse has at least 2 years or

2,000 hours of clinical experience; or (2) the controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

Section 39 of this bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, certified registered nurse anesthetist or an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 1.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Sec. 2. NRS 632.012 is hereby amended to read as follows:

632.012 "Advanced ~~[~~practitioner of nursing"~~]~~ ***practice registered nurse"*** means a registered nurse who:

1. Has specialized skills, knowledge and experience; and

2. Is ~~[~~authorized~~]~~ ***licensed*** by the Board to provide services in addition to those that other registered nurses are authorized to provide.

Sec. 3. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced ~~[~~practitioner of nursing,~~]~~ ***practice registered nurse,*** a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 4. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced ~~[~~practitioner of nursing,~~]~~ ***practice registered nurse,*** a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 5. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~[~~practitioner of nursing;~~]~~ ***practice registered nurse;*** or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~[~~practitioner of nursing.~~]~~ ***practice registered nurse.***

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~[grant a certificate of recognition]~~ ***issue a license to practice*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices,

➥ and who meets the other requirements established by the Board for such ~~[certification.]~~ ***licensure.***

2. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ***~~[,]~~ and subject to the limitations set forth in subsection 3,*** prescribe controlled substances, poisons, dangerous drugs and devices ***.*** ~~[.]~~

~~pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.]~~

3. ***An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:***

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for ~~[certification]~~ ***licensure*** as an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

(b) Delineating the authorized scope of practice of an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

(c) Establishing the procedure for application for ~~[certification]~~ ***licensure*** as an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

Sec. 7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~[grant a certificate of recognition]~~ ***issue a license to practice*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4,]~~ ***5,*** submits proof that he or she is certified as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such ~~[certification.]~~ ***licensure.***

2. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ~~[,]~~ ***and subject to the limitations set forth in subsection 3,*** prescribe controlled substances, poisons, dangerous drugs and devices ***.*** ~~[,]~~

➥ ~~[pursuant to a protocol approved by a collaborating physician. A protocol must not include and an]~~ ***An*** advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** shall not engage in any diagnosis, treatment or other conduct which the advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** is not qualified to perform.

3. ***An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:***

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for ~~[certification]~~ ***licensure*** as an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

(b) Delineating the authorized scope of practice of an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

(c) Establishing the procedure for application for ~~[certification]~~ ***licensure*** as an advanced ~~[practitioner of nursing.]~~ ***practice registered nurse.***

~~[4.]~~ ***5.*** The provisions of paragraph (b) of subsection 1 do not apply to an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who obtains a ~~[certificate of recognition]~~ ***license*** before July 1, 2014.

Sec. 8. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

(a) Orally;

(b) Topically;

(c) By the use of drops in the eye, ear or nose;

(d) Vaginally;

(e) Rectally;

(f) Transdermally; and

(g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:

(a) Receive, have access to or administer any controlled substance;

(b) Administer parenteral or enteral medications;

(c) Administer any substances by nasogastric or gastronomy tubes;

(d) Calculate drug dosages;

(e) Destroy medication;

(f) Receive orders, either in writing or verbally, for new or changed medication;

(g) Transcribe orders from medical records;

(h) Order or administer initial medications;

(i) Evaluate reports of medication errors;

(j) Perform treatments;

(k) Conduct patient assessments or evaluations;

(l) Engage in teaching activities for patients; or

(m) Engage in any activity prohibited pursuant to subsection 4.

4. The Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified.

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	$45	$100
Application for license to practice practical nursing	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100

Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for ~~[~~recognition~~]~~ ***a license to practice*** as an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse***	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of ~~[~~recognition~~]~~ ***a license to practice*** as an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 10. NRS 637A.243 is hereby amended to read as follows:

637A.243 1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** licensed pursuant to ~~[~~chapter 632 of NRS,~~]~~ ***NRS 632.237,*** an audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an otoscopic examination

of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) The hearing aid specialist has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

Sec. 11. NRS 639.0015 is hereby amended to read as follows:

639.0015 Advanced ~~[practitioner of nursing"]~~ ***practice registered nurse"*** means a registered nurse who holds a valid ~~[certificate of recognition]~~ ***license*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** issued by the State Board of Nursing ~~[.]~~ ***pursuant to NRS 632.237.***

Sec. 12. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 13. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. ~~[An]~~ ***Subject to the limitations set forth in NRS 632.237, an*** advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** may dispense controlled substances, poisons, dangerous drugs and devices if the advanced ~~[practitioner of nursing:]~~ ***practice registered nurse:***

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a ~~[certificate]~~ ***license*** issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced ~~[practitioners of nursing]~~ ***practice registered nurses*** in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced ~~[practitioners of nursing.]~~ ***practice registered nurses.***

2. The State Board of Pharmacy shall consider each application from an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** to dispense; and

(4) The practice of the advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** which involves controlled substances, poisons, dangerous

drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the ~~[~~certificate~~]~~ ***license*** issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[~~certificate~~]~~ ***license*** issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the ***advanced practice registered*** nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) ***Whether the advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II pursuant to a protocol approved by a collaborating physician;***

(e) Effects on the health, safety and welfare of the public; and

~~[(e)]~~ ***(f)*** Other factors which the Board considers important to the regulation of the practice of advanced ~~[~~practitioners of nursing~~]~~ ***practice registered nurses*** who hold certificates from the Board.

Sec. 14. NRS 639.2351 is hereby amended to read as follows:

639.2351 1. An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if the advanced ~~[~~practitioner of nursing:~~]~~ ***practice registered nurse:***

(a) Is authorized to do so by the State Board of Nursing in a ~~[~~certificate~~]~~ ***license*** issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[certificate]~~ ***license*** issued by the State Board of Nursing.

Sec. 15. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

Sec. 16. NRS 640E.260 is hereby amended to read as follows:

640E.260 1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

Sec. 17. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~[practitioner of nursing]~~ ***practice registered nurse licensed pursuant to NRS 632.237*** at any location where such a physician, physician assistant or advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician ~~[or]~~ physician assistant

~~[licensed pursuant to chapter 630 or 633 of NRS or an]~~ ***or*** advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced ~~[practitioners of nursing]~~ ***practice registered nurses*** or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 18. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced ~~[practitioner of nursing]~~ ***practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and*** who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

Sec. 19. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~[practitioner of nursing]~~ ***practice registered nurse licensed pursuant to NRS 632.237 who is*** under the supervision of a licensed physician.

Sec. 20. NRS 453.023 is hereby amended to read as follows:

453.023 "Advanced ~~[practitioner of nursing"]~~ ***practice registered nurse"*** means a registered nurse who holds a valid ~~[certificate of recognition]~~ ***license***

as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** issued by the State Board of Nursing ~~[.]~~ ***pursuant to NRS 632.237.***

Sec. 21. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 22. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 23. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching

or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 24. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 25. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those

substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 26. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 27. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. ~~[~~"Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

~~2.]~~ "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~[3.]~~ ***2.*** "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~[4.]~~ ***3.*** "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~[5.]~~ ***4.*** "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a license issued pursuant to NRS 633.433.

Sec. 28. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced ~~[~~practitioner of nursing,~~]~~ ***practice registered nurse,*** or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 29. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be

administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 30. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 31. NRS 454.0015 is hereby amended to read as follows:

454.0015 "Advanced ~~[practitioner of nursing"]~~ ***practice registered nurse"*** means a registered nurse who holds a valid ~~[certificate of recognition]~~ ***license*** as an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** issued by the State Board of Nursing ~~[.]~~ ***pursuant to NRS 632.237.***

Sec. 32. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

Sec. 33. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced ~~[practitioner of nursing,]~~ ***practice registered nurse,*** or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. A medication aide - certified at a designated facility under the supervision of an advanced ~~[practitioner of nursing]~~ ***practice registered***

nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, "designated facility" has the meaning ascribed to it in NRS 632.0145.

6. Except as otherwise provided in subsection 7, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

7. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

Sec. 34. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 35. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or the State Health Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 36. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced ~~[practitioner of nursing]~~ ***practice registered nurse*** who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:

(a) For use in the treatment of persons having asthma or diabetes.

(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.

(c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.

(d) For the injection of drugs in animals or poultry.

(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.

(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

Sec. 37. NRS 454.695 is hereby amended to read as follows:

454.695 ~~[1.]~~ An advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~[~~:

~~(a) The certificates~~] ***the certificate*** ~~he or she holds from the Board and the~~ ***license issued by the*** State Board of Nursing ~~. [; and~~

~~(b) The protocol which is approved by the State Board of Nursing.~~

~~2. For the purposes of this section, "protocol" means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:~~

~~(a) Patients which the advanced practitioner of nursing may serve;~~

~~(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and~~

~~(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.~~]

Sec. 38. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2, a physician or advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. A physician or advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced ~~[~~practitioner of nursing~~]~~ ***practice registered nurse*** determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 39. A person who, on July 1, 2013, possesses a valid certificate of recognition as an advanced practitioner of nursing that was granted on or before June 30, 2013, by the State Board of Nursing pursuant to NRS 632.237 shall be deemed to hold a license as an advanced practice registered nurse issued by the Board pursuant to NRS 632.237, as amended by section 6 of this act.

Sec. 39.5. The provisions of this act are not intended to expand the scope of practice of an advanced practice registered nurse beyond the scope of practice delineated by the State Board of Nursing in regulations adopted pursuant to NRS 632.237 or otherwise authorized by specific statute.

Sec. 40. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that

references to "advanced practitioner of nursing" are replaced with "advanced practice registered nurse."

Sec. 41. 1. This section and sections 1 to 6, inclusive, and 8 to 40, inclusive, of this act become effective on July 1, 2013.

2. Section 7 of this act becomes effective on July 1, 2014.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 838 to Assembly Bill No. 170.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment prohibits an advanced practice registered nurse from prescribing a controlled substance listed in Schedule 2 unless the nurse has at least two years or 2,000 hours of clinical experience with a controlled substance as prescribed pursuant to a protocol approved by a collaborating physician.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 181.

The following Senate amendment was read:

Amendment No. 651.

AN ACT relating to employment; prohibiting employers from conditioning employment on access to an employee's social media account; prohibiting a person from requesting or considering a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze; providing civil remedies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS) This bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. This bill also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to disclose such information. This bill further provides, however, that it is not unlawful for an employer to require an employee to disclose his or her user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.

Under existing law, a person who complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and chapter 598C of NRS is allowed to obtain a consumer report for purposes relating to the

employment of the consumer. **Sections 3 and 4** of this bill prohibit a person from requesting or considering a consumer report for purposes of evaluating a consumer for employment, promotion, reassignment or retention as an employee unless: (1) the use of the report is required or authorized by state or federal law; (2) the person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law and is likely to be reflected in the report; or (3) the information in the report is reasonably related to the position for which the consumer is being evaluated.

Existing law provides that if a consumer places a security freeze on his or her file maintained by a credit reporting agency, the agency is not allowed to release the consumer report without the consumer's consent except for certain purposes, which include certain purposes relating to employment of the consumer. (NRS 598C.350, 598C.380) **Section 5** of this bill revises the scope of that exception to conform with **section 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. It is unlawful for any employer in this State to:***

(a) Directly or indirectly, require, request, suggest or cause any employee or prospective employee to disclose the user name, password or any other information that provides access to his or her personal social media account.

(b) Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who refuses, declines or fails to disclose the user name, password or any other information that provides access to his or her personal social media account.

2. It is not unlawful for an employer in this State to require an employee to disclose the user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.

3. Nothing in this section shall be construed to prevent an employer from complying with any state or federal law or regulation or with any rule of a self-regulatory organization, as defined in NRS 90.300.

4. As used in this section, "social media account" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text

messages, electronic mail programs or services, online services or Internet website profiles.

Sec. 3. ***1. Except as otherwise provided in section 4 of this act, a person shall not request or consider a consumer report for the purpose of evaluating any other person for employment, promotion, reassignment or retention as an employee.***

2. As used in this section, "consumer report" has the meaning ascribed to it in NRS 598C.060.

Sec. 4. Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:

A person may request or consider a consumer report for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee if:

1. The person is required or authorized, pursuant to state or federal law, to use a consumer report for that purpose;

2. The person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law; or

3. The information contained in the consumer report is reasonably related to the position for which the consumer is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer report shall be deemed to be reasonably related to such an evaluation if the duties of the position involve:

(a) The care, custody and handling of or responsibility for money, financial accounts, corporate credit or debit cards, or other assets;

(b) Access to trade secrets or other proprietary or confidential information;

(c) Managerial or supervisory responsibility;

(d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;

(e) The care, custody and handling of or responsibility for the personal information, as defined in NRS 603A.040, of another person;

(f) Access to the personal financial information of another person;

(g) Employment with a financial institution that is chartered under federal or state law; or

(h) Employment with a licensed gaming establishment, as defined in NRS 463.0169.

Sec. 5. NRS 598C.380 is hereby amended to read as follows:

598C.380 Notwithstanding that a security freeze has been placed in the file of a consumer, a reporting agency may release the consumer report of the consumer to:

1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.

2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.

3. A person with whom the consumer has an account or contract or to whom the consumer has issued a negotiable instrument, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to that account, contract or negotiable instrument.

4. A person seeking to use information in the file of the consumer for the purposes of prescreening pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.

5. A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted pursuant to NRS 598C.350 for the purposes of facilitating the extension of credit.

6. A person seeking to provide the consumer with a copy of the consumer report or the credit score of the consumer upon the request of the consumer.

7. A person administering a credit file monitoring subscription service to which the consumer has subscribed.

8. A person requesting the consumer report pursuant to a court order, warrant or subpoena.

9. A federal, state or local governmental entity, agency or instrumentality that is acting within the scope of its authority, including, without limitation, an agency which is seeking to collect child support payments pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.

10. A person holding a license issued by the Nevada Gaming Commission pursuant to title 41 of NRS, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to any activities conducted pursuant to the license.

11. ~~[An]~~ ***If authorized pursuant to section 4 of this act, an*** employer, or the subsidiary, affiliate, agent, assignee or prospective assignee of that employer, for purposes of:

(a) Preemployment screenings relating to the consumer; or

(b) Decisions or investigations relating to the consumer's current or former employment with the employer.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 651 to Assembly Bill No. 181.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

The following Senate amendment was read:

Amendment No. 768.

AN ACT relating to residential leasing; providing for the early termination of certain rental agreements by victims of domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides, under certain circumstances, for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. **Section ~~[1]~~ 1.3** of this bill: (1) establishes provisions concerning notice requirements for such an early termination; (2) establishes provisions concerning liability of unpaid amounts relating to the termination of a rental agreement; ~~[and]~~ (3) requires a landlord to install a new lock onto the dwelling of certain persons who are victims of domestic violence~~.]~~ **; and (4) establishes certain limitations concerning the disclosure to a prospective landlord of an early termination pursuant to this bill.**

Section 1.7 of this bill establishes the form in which an affidavit submitted by a tenant or cotenant in support of a notice to terminate a rental agreement pursuant to this bill must be made.

Existing law prohibits a landlord from taking certain retaliatory actions against a tenant. (NRS 118A.510) **Section 2** of this bill prohibits a landlord from taking certain retaliatory actions against a tenant, cotenant or household member who is a victim of domestic violence or who terminates a rental agreement because he or she is a victim of domestic violence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.

2. The written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:

(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;

(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or

(c) A copy of a written affidavit in the form prescribed pursuant to section 1.7 of this act and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence [.] and identifying the adverse party.

3. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence occurred within the 90 days immediately preceding the written notice of termination to the landlord.

4. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. If the tenant or cotenant has prepaid rent that would apply for the rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.

5. A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.

6. A landlord shall not provide to an adverse party any information concerning the whereabouts of a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.

7. If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:

(a) Rekeying the lock if the lock is in good working condition; or

(b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.

8. A landlord who installs a new lock pursuant to subsection 7 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:

(a) Refuse to provide a key which unlocks the new lock to an adverse party.

(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.

9. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence.

10. Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:

(a) Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and

(b) Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.

11. As used in this section:

(a) "Adverse party" means a person who is named in an order for protection against domestic violence, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.

(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.

(c) "Domestic violence" means the commission of any act described in NRS 33.018.

(d) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.

(e) "Qualified third party" means:

(1) A physician licensed to practice in this State.

(2) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

~~[(2)]~~ (3) A psychologist licensed to practice in this State;

~~[(3)]~~ (4) A social worker licensed to practice in this State;

~~[(4)]~~ (5) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

~~[(5)]~~ *(6) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;*

~~[(6)]~~ *(7) Any person employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met;*

~~[(7) A person who serves as a volunteer on the board of directors, or as a volunteer executive director, of an agency or service which is staffed, directed and managed entirely by volunteers and which has no paid employees and who advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met;]~~ *or*

(8) Any member of the clergy ~~[,]~~ *of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination.*

Sec. 1.7. An affidavit submitted by a tenant or cotenant pursuant to section 1.3 of this act must be in substantially the following form:

……
(Name of the qualified third party, as defined in section 1.3 of this act, including, if applicable, the name of the organization with which the qualified third party is affiliated)

I and/or)…….....
(name of cotenant or household member)
am a victim of domestic violence as defined in section 1.3 of this act.

Brief description of incident(s) constituting domestic violence:
……
……
……..

The incident(s) that I described above occurred on the following date(s) and time(s), and in the following locations:
……
……
……..

The incident(s) that I described above were committed by the following person(s):

……
……
……..

I state under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ..... day of ....., 20....., at ..... (city), Nevada,

……
(Signature of tenant, cotenant or household member)

I verify that the person whose signature appears above was a victim of domestic violence and that the person informed me of the name of the adverse party as defined in section 1.3 of this act.

Dated this ..... day of ....., 20....., at ..... (city), Nevada,

……
(Signature of qualified third party)

Sec. 2. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of

compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant; ~~[or]~~

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws ~~[.]~~ ***; or***

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence or terminates a rental agreement pursuant to section ~~[1]~~ 1.3 of this act.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

➥ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in section ~~[1]~~ 1.3 of this act.

(b) "Domestic violence" has the meaning ascribed to it in section ~~[1]~~ 1.3 of this act.

(c) "Household member" has the meaning ascribed to it in section ~~[1]~~ 1.3 of this act.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 768 to Assembly Bill No. 284.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment does the following six things: it includes identifying the adverse party in an affidavit signed by the qualified third party; it adds physicians and clinical professional counselors to the list of a qualified third party; it expands the term "clergy" as used under the list of a qualified third party; it deletes from the list of a qualified third party a volunteer who advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met; it prohibits a landlord from characterizing the termination of a rental agreement pursuant to the act as an early termination and provides that the tenant or co-tenant is not required to disclose the termination to a prospective landlord and finally; it requires that an affidavit be made in specific form.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 306.

The following Senate amendment was read:

Amendment No. 652.

AN ACT relating to certain regulated professions; revising the definition of "private investigator"; exempting certain activities from the applicability of provisions of existing law governing private investigators and related professions; revising provisions governing employees of certain licensees; requiring certain licensees to maintain a principal place of business in this State; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of the term "private investigator" to include certain activities relating to investigations into computerized data not available to the public and certain crimes and torts. **Section 2** of this bill revises the applicability of provisions governing private investigators and related professions to exempt from the requirements for licensure certain persons who perform maintenance or repair of computers under certain circumstances.

Section 6 of this bill requires a person licensed to engage in the business of a private investigator, private patrol officer, process server, repossessor, dog handler, security consultant, or polygraphic examiner or intern to maintain a principal place of business in this State. **Section 5** of this bill requires that a licensee post his or her license in a conspicuous place in the licensee's principal place of business in this State. **Section 4** of this bill requires a licensee to: (1) ensure that every registered person employed in this State by the licensee is supervised by a licensee who is physically located in this

State; and (2) maintain at a location in this State records relating to employment, compensation, licensure and registration of employees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 648.012 is hereby amended to read as follows:

648.012 "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, ***including, without limitation, through the review, analysis and investigation of computerized data not available to the public,*** information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

4. ***A crime or tort that has been committed, attempted, threatened or suspected*** ~~[.]~~ ***, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;***

5. Securing evidence to be used before any court, board, officer or investigating committee; or

~~[5.]~~ ***6.*** The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

Sec. 2. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

Sec. 3. NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. ~~[A specific description of the location]~~ ***The complete address*** of the principal place of business of the applicant ~~[, the]~~ ***in this State and of each branch office or other place of business of the applicant in this State.***

4. The business ***or businesses*** in which the applicant intends to engage and the category ***or categories*** of license he or she desires.

~~[4.]~~ ***5.*** A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[5.]~~ ***6.*** A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

~~[6.]~~ ***7.*** Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

~~[7.]~~ ***8.*** If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

~~[8.]~~ ***9.*** Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 4. NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many persons registered pursuant to this chapter as may be necessary, but at all times every licensee ~~[is]~~ ***:***

(a) Shall ensure that each registered person employed in this State by the licensee is supervised by a licensee who is physically present in this State; and

(b) Is accountable for the good conduct of every person employed by the licensee in connection with his or her business.

3. Each licensee shall ~~[furnish]~~ ***:***

(a) Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;

(b) Furnish the Board with the information requested by it concerning all employees registered pursuant to this chapter, except clerical personnel ***;*** ~~[,]~~ and ~~[shall notify]~~

(c) Notify the Board within 3 days after such employees begin their employment.

Sec. 5. NRS 648.142 is hereby amended to read as follows:

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the ***licensee's*** principal place of business ~~[of the licensee.]~~ ***in this State.***

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

Sec. 6. NRS 648.148 is hereby amended to read as follows:

648.148 1. Each licensee shall ~~[file]~~ ***:***

(a) Maintain a principal place of business in this State; and

(b) File with the Board the complete address of his or her principal place of business ***in this State,*** including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and ~~[address]~~ ***the number of the licensee's license*** as they appear in the records of the Board.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 652 to Assembly Bill No. 306.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment clarifies that an expert witness or consultant retained by an attorney for litigation or a trial, or in anticipation of litigation or a trial, is not required to be licensed as a private investigator when performing duties and tasks within his or her field of expertise that are necessary to form his or her opinion.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 21, 60, 73, 129, 165, 198, 210, 263, 305, 321, 326, 327, 333, 334, 337, 341, 352, 354, 358, 366, 381, 382, 383, 389, 393, 417, 418, 421, 432, 434, 437; Assembly Concurrent Resolution No. 8; Senate Bills Nos. 4, 22, 25, 39, 54, 66, 80, 82, 100, 135, 141, 152, 169, 199, 213, 273, 284, 285, 286, 287, 288, 304, 305, 309, 310, 317, 318, 325, 335, 338, 342, 343, 344, 345, 350, 351, 356, 365, 371, 382, 388, 393, 402, 404, 409, 420, 432, 433, 434, 437, 438, 459, 460, 476, 488, 489; Senate Joint Resolutions Nos. 1, 12, 13; Senate Joint Resolution No. 15 of the 76th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Fuentes.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Hernandez and Julissa Ruiz.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Franzen.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Mariscal.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Cordes and Cady Cordes.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to John Scire.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Elvira Diaz and Marvin Otzoy.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, May 28, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 8:02 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

BEGUN ON MONDAY, THE FOURTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE THIRD DAY OF JUNE

VOLUME 5

**THE ONE HUNDRED AND FOURTEENTH DAY—
THE ONE HUNDRED AND NINETEENTH DAY**

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SEE VOLUME 6 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 5

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ASSEMBLY PROCEEDINGS 4759

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 28, 2013

Assembly called to order at 12:36 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson and Pierce, who were excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Heavenly Father,

Yesterday we celebrated and honored the memories of those who have given their lives for our country. As we approach the final days of this legislative session, I pray that You give these elected officials the wisdom to be making decisions that will stand as worthwhile, positive, and lasting memorials. Lord, defeat us in what is wrong and uphold us in that which is right.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 224, 260, 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 501; Senate Bills Nos. 92, 362, 416, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 138, just reported out of committee, be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 501.

Bill read second time and ordered to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 898.

AN ACT relating to public health; requiring that infants born in certain institutions be examined for critical congenital heart disease; providing an exception for written parental objection; requiring certain hospitals to submit certain information to the Health Division of the Department of Health and Human Services; authorizing the Division to provide this information to an entity to conduct a study of the effectiveness of pulse oximetry screening; requiring the Division to submit a report under certain circumstances to the Director of the Legislative Counsel Bureau for submittal to the Legislative Committee on Health Care and the Legislative Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Any]~~ **Under existing law, a** physician, midwife, nurse, obstetric center or hospital attending or assisting any infant, or the mother of any infant, at childbirth is required to examine and test the infant for certain preventable and inheritable disorders. If the tests reveal such a disorder, the physician, midwife, nurse, obstetric center or hospital is required to: (1) report the condition to the State Health Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local

health officer of the county or city in which the child is born; and (2) discuss the condition and treatment of the condition with the parents or other persons responsible for the care of the infant. (NRS 442.008) **Section 1** of this bill requires any physician, midwife or nurse attending or assisting any infant at childbirth at an obstetric center or a hospital which regularly offers obstetric services in the normal course of business to examine the infant for critical congenital heart disease, including conducting pulse oximetry screening, and to report any results indicating the infant may suffer from critical congenital heart disease to the attending physician of the infant. **Section 1** also requires the attending physician of an infant whose test results have indicated that the infant may suffer from critical congenital heart disease to conduct an examination to determine if the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician is required to report the condition to the State Health Officer and discuss such results with the parent of or other person responsible for the infant. **Section 1** provides an exception to the requirement for examination in the event of written parental objection. **Section 3 of this bill makes the provisions of section 1 become effective on July 1, 2015.**

Section 2 of this bill requires, during the period between July 1, 2013, and March 1, 2014, a hospital that conducts pulse oximetry screening to submit the positive results of such screening and certain information concerning these results to the Health Division of the Department of Health and Human Services. **Section 2** also authorizes the Division to provide the information to an entity to study this information. If a study is conducted, the study must: (1) evaluate the effectiveness of the pulse oximetry screening; and (2) formulate recommendations concerning the implementation of the requirements prescribed by **section 1**. **Section 2** further requires the Division, if a study is conducted, to submit a report containing the results of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Commission. Finally, **Section 2** requires the Legislative Committee on Health Care, if a study is conducted, to use the report to formulate recommendations concerning the implementation of these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, any physician, midwife or nurse attending or assisting in any way any infant at childbirth at an obstetric center or a hospital which regularly offers obstetric services in the

normal course of business and not only on an emergency basis shall make or cause to be made an examination of the infant, to determine whether the infant may suffer from critical congenital heart disease, including, without limitation, conducting pulse oximetry screening. If the physician, midwife or nurse who conducts the examination is not the attending physician of the infant, the physician, midwife or nurse shall submit the results of the examination to the attending physician of the infant.

2. If the examination reveals that an infant may suffer from critical congenital heart disease, the attending physician of the infant shall conduct an examination to confirm whether the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician must:

(a) Report the condition to the State Health Officer or a representative of the State Health Officer; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

3. An examination of an infant is not required pursuant to this section if either parent files a written objection with the person responsible for conducting the examination or with the obstetric center or hospital at which the infant is born.

4. The State Board of Health may adopt such regulations as necessary to carry out the provisions of this section.

Sec. 2. 1. During the period beginning on July 1, 2013, and ending on March 1, 2014, if a hospital conducts pulse oximetry screening to determine whether an infant suffers from critical congenital heart disease and the results of such screening are positive, the hospital shall submit to the Health Division of the Department of Health and Human Services:

(a) The positive results;

(b) Information concerning whether critical congenital heart disease was detected in the infant before the pulse oximetry screening; and

(c) Information concerning measures taken by the hospital because of the positive result, including, without limitation, measures taken to verify the positive result and to provide follow-up care and treatment to the infant.

2. The Division may make the information submitted pursuant to subsection 1 available to an entity to study. If a study is conducted pursuant to this subsection, the entity must, without limitation:

(a) Evaluate, based on the information, the effectiveness of the pulse oximetry screening; and

(b) Formulate recommendations concerning the implementation of section 1 of this act.

3. Except as otherwise provided in subsection 2, the Division shall keep confidential all personal identifying information contained in the information submitted pursuant to subsection 1. Any entity to which information is made available pursuant to subsection 2 shall keep confidential all personal identifying information contained within the information made available to the entity pursuant to subsection 2.

4. If a study is conducted pursuant to subsection 2, on or before April 1, 2014, the Division shall submit a report of the results of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Commission. The report must include, without limitation, recommendations concerning the implementation of section 1 of this act.

5. If a study is conducted pursuant to subsection 2, the Legislative Committee on Health Care shall study the report submitted pursuant to subsection 4 and provide to the Legislature, as a result of its consideration of the report, any recommendations for legislation concerning the implementation of section 1 of this act.

6. As used in this section, "personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2013.

2. Section 1 of this act becomes effective on ~~[October 1, 2014.]~~ **July 1, 2015.**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 362.

Bill read second time and ordered to third reading.

Senate Bill No. 416.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 138.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 891.

AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who intends to locate or expand a business in Nevada may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 (property tax), 363B (business tax) or 374 (local school support tax) of NRS. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357) This bill provides that a business which makes a capital investment of at least $1,000,000 in a program at the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research, development or training related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of personal property taxes. In addition, this bill provides that a business which makes a capital investment of at least $500,000 in the Nevada State College or another smaller institution within the Nevada System of Higher Education in support of college certification or research or training related to the field of endeavor of the business and which meets certain other requirements is also eligible to apply for a partial abatement of personal property taxes. The abatements afforded by this bill expire by limitation on June 30, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section

for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(c) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(5) Bind the successors in interest of the business for the specified period.

(d) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(e) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(f) The business meets the following requirements:

(1) The business makes a capital investment of at least $1,000,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis during years 2 through 5, inclusive, of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the institution in which the capital investment is made, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(g) In lieu of meeting the requirements of paragraph (f), the business meets the following requirements:

(1) The business makes a capital investment of at least $500,000 in the Nevada State College or an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph (f), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all full-time employees that includes an option for health insurance coverage for dependents of those employees, or will abide by all applicable provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, or both; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the college or institution in which the capital investment is made, which is signed by the chief administrative officer of the college or institution and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the college or institution will provide to the Office periodic reports, at such times and containing such information as the Office may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college or institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

(b) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of

the request for the abatement from any affected county, school district, city or town.

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within 30 days after the board of county commissioners receives a copy of the application, the application shall be deemed ~~[denied.]~~ approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business,

↳ whichever amount is less;

(b) The duration of the abatement must be for 5 years; and

(c) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in

subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

12. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or

personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; ~~[or]~~

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357 ~~[.]~~ ***; or***

(e) A partial abatement of taxes pursuant to section 2 of this act,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 4. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development ***pursuant to this section*** for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement ***pursuant to this section*** if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement ***pursuant to this section*** unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement ***pursuant to this section*** by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement ~~[.]~~ ***pursuant to this section.***

4. If the Office of Economic Development approves an application for a partial abatement ~~[,]~~ ***pursuant to this section,*** the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the

requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement ~~[.]~~ ***pursuant to this section;*** and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for ~~[an]~~ ***a partial*** abatement ***pursuant to this section*** who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 5. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750 ~~[.]~~ ***or section 2 of this act,*** the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 6. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel

Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[.]~~ ***or section 2 of this act.*** The report must set forth, for each abatement from taxation that the Office approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
4. Whether the business for which the abatement was approved is a new business or an existing business; and
5. Any other information that the Office determines to be useful.

Sec. 7. Notwithstanding the provisions of section 2 of this act, no person is entitled to any partial abatement of taxes pursuant to those provisions:

1. After June 30, 2023; or
2. For capital investments made in an institution of higher education in this State before July 1, 2013.

Sec. 8. 1. This act becomes effective on July 1, 2013.

2. Sections 2, 3, 5 and 6 of this act expire by limitation on June 30, 2023.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblymen Bobzien, Kirner, and Sprinkle.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 46 authorizes the board of county commissioners in a county whose population is 100,000 or more, but less than 700,000 to impose, by a two thirds vote, an additional sales and use tax rate of one-quarter percent for deposit in a school district's fund for capital projects. The bill also requires the board of county commissioners to impose an additional property tax of 5 cents per $100 of assessed value for deposit to this fund.

The bill authorizes the proceeds from these taxes, as well as any portion of governmental services tax revenue received based on the amount of its property tax rate attributable to debt service, for the payment of bonds or other obligations used by the school district for capital projects.

I rise in reluctant support of this measure today. Here is some background on the challenges that the Washoe County School District is facing. Currently there is an unmet need for capital funding of $511 million in the school district. In November of 2012, the school district's 2002 rollover bond expired. Because of our situation with valuations and bonding capacity, the school district finds itself without some of the tools for capital needs that other districts have. For instance, in Clark County, available to that school district is the real property transfer tax and the room tax, both levies that many, many years ago the Legislature denied to Washoe County. In an attempt to remedy the situation, the elected school board came to this Legislature, joined in

arms with parents, teachers, and the business community, to ask that we act to give them the tools they need to close this gap.

The bill that you have before you is a compromise to move things forward very reluctantly. For weeks, we were told that we could not vote for this bill because we did not have the votes. We are reluctantly moving forward with this and are now asking the county commission to help us because this Legislature wasn't able to act. Madam Speaker, it is a severe disappointment for me and for the people I represent—t he kids who go to school in the schools that need help in my district—but I am here asking for this body's support for this legislation so that we can keep this issue alive so that the parents, the teachers, the businesses, and the residents of Washoe County can now take this issue to the county commission to see if they can also help with this. I urge your support.

ASSEMBLYMAN KIRNER:

I rise in support of this bill. Like my colleague, I think this is an important bill. I think it is important for our kids in Washoe County and their schools, but I also think it is an issue that needs to be addressed locally as opposed to this entire body. I am very supportive of the idea that we take this to our county commissioners and that they vet it with their constituents, and I would ask the body to support this bill as amended.

ASSEMBLYMAN SPRINKLE:

I also rise in reluctant support of Assembly Bill 46. Long before I was even elected to my first term here, a bipartisan group got together recognizing a severe need in Washoe County to take care of the children that go to school every day. They came together, came up with what I believe was an excellent plan and a bill—the original bill, A.B. 46 that was presented here. I feel frustrated that we, as a body, were not able to do what we were elected to do. We are now putting it at the feet of local jurisdiction that really should not be making these decisions. Our schools need this, our children in Washoe County need this, and so if this is the only way it can move forward, then so be it. We will work strongly with our local representatives in Washoe County, and I hope that includes everybody to see that we get the funding necessary for our schools. So once again, I hope that this body will pass this bill and will move it forward.

Roll call on Assembly Bill No. 46:

YEAS—32.

NAYS—Duncan, Ellison, Fiore, Hambrick, Hansen, Livermore, Oscarson, Wheeler—8.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 46 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 58 makes the Office of Veterans Services the Department of Veterans Services and makes corresponding changes to facilitate that restructuring. Additionally, it creates an Interagency Council on Veterans Affairs, which must meet once every three months. Additionally, it authorizes the Department of Veterans Services to purchase, construct, lease, renovate, or acquire by lease or purchase a veterans' home in northern Nevada.

Roll call on Assembly Bill No. 58:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 58 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 125. Assembly Bill 125, as amended, authorizes the Administrator of the Division of State Lands of the Department of Conservation and Natural Resources to lease state land for less than the fair market value of the land for the first year of a ten-year minimum lease to a person who intends to locate or expand a business in the state if the business meets the certain requirements as follows: employs 75 or more full-time employees by the fourth quarter the business is in operation; makes a capital investment of at least $1 million in the state; and pays the average statewide hourly wage as established by the state and provides a health insurance plan for all employees that includes an option for dependent coverage.

If the business is a new business in a county whose population is less than 100,000 or in a city whose population is less than 60,000, the business must meet at least two of the following requirements: employs 15 or more full-time employees by the fourth quarter the business is in operation; makes a capital investment of at least $250,000 in the state; and pays an average hourly wage that is at least 100 percent of the average statewide average hourly wage or the average countywide hourly wage, whichever is less, as established by the state and provide a health insurance plan for all employees that includes an option for dependent coverage.

The bill goes on to enumerate all of the different schemes and plans in which this bill can be related. It is a three-page floor statement. Madam Speaker, you put together a very comprehensive bill. I will be happy to stand for any questions.

Roll call on Assembly Bill No. 125:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 125 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 145 authorizes the establishment of a Complete Streets program by a regional transportation commission or a board of county commissioners in each county. A Complete Streets program is defined as one in which streets or highways are retrofitted for the primary purpose of adding or significantly repairing facilities that provide street or highway access, considering all users including, without limitation, pedestrians, bicycle riders, persons with disabilities, persons who use public transportation, and motorists.

Madam Speaker and members of the Chamber, I was asked to bring this forth on behalf of the Complete Streets program. The bill explanation outlines how it would really help Nevada become a healthier state. I urge this body's support so we can all try to become healthier Nevadans.

Roll call on Assembly Bill No. 145:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 145 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Assembly Bill 404 creates certain exemptions from the requirements governing time shares and the regulation of time-share sales agents. The bill also makes changes to provisions governing the public offering of a time-share project and amendments to a time-share development plan. It makes additional revisions to the issuance of licenses or permits required to sell time shares, including raising certain fees, and to the regulation of advertising.

Roll call on Assembly Bill No. 404:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 404 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 461, as amended, authorizes the Division of State Lands of the State Department of Conservation and Natural Resources to establish and carry out programs to preserve, restore, and enhance sagebrush ecosystems on public and private land, with the consent of the landowner. Specifically, the bill requires the Division of State Lands to oversee a program that awards credits for taking measures to protect, enhance, or restore sagebrush ecosystems; identify and prioritize projects to improve sagebrush ecosystems; suggest measures to avoid, minimize, and mitigate the impact of activities conducted in areas which include sage grouse habitats; and submit an annual progress report to the newly created Sagebrush Ecosystem Council within the Department of Conservation and Natural Resources.

The measure further clarifies that the nine appointees of the Governor are voting members of the Sagebrush Ecosystem Council and identifies six nonvoting members in addition to any other nonvoting members appointed by the Governor. Additionally, the bill requires the Sagebrush Ecosystem Council to establish and carry out certain strategies and programs for the conservation of sage grouse and for managing land which holds sagebrush ecosystems;

coordinate discussion among and provide advice to certain persons and governmental entities concerning the management of sagebrush ecosystems; and submit a biannual report concerning its activities to the Governor. Lastly, the bill creates the Account to Restore the Sagebrush Ecosystem within the State General Fund, the funding in which may only be used to establish and carry out programs to preserve, restore, and enhance sagebrush ecosystems.

This is a solid step forward for the state of Nevada. We have 5been working on this all session long, putting the funding together for this, and now this is the policy bill for the Sagebrush Ecosystem Council. I appreciated working with the Governor on some possible changes to this to make sure that we've got the right balance on the council and that it is as open as possible. The effort for everyone is to work together on the mitigation bank on projects that will help the sagebrush ecosystem. This bill is not perfect, but we do want to keep it moving so that we can get this done as a priority for Nevada, and I look forward to what the Senate may want to do with this bill once they get their hands on it.

Roll call on Assembly Bill No. 461:

YEAS—39.

NAYS—Fiore.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 461 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 491, as amended, redirects $20.8 million of governmental services tax commissions and $4.1 million of GST penalties in the Department of Motor Vehicles' Field Services and Motor Carrier budget accounts to the State General Fund for unrestricted use in Fiscal Year 2015 only, offset by an increase in Highway Fund authorization in a like amount, and increases the administrative cap on Highway Funds for the department from 22 percent to 32 percent for the 2015 Fiscal Year only.

This bill also extends the deposit of the GST to the General Fund resulting from the increase in the amount of the basic governmental services tax due annually that was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax, which was approved by the 2009 Legislature in Senate Bill 429. The revenue from these increases in the basic governmental services tax is allocated to the State General Fund until June 30, 2015. The most recent projection is $64.22 million in 2014 and $65.13 million in 2015.

Assembly Bill 491, as amended, is effective on July 1, 2013. Madam Speaker, this takes care of one small hole in the budget.

Roll call on Assembly Bill No. 491:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Assembly Bill No. 491 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 58 eliminates or modifies limits on pupil enrollment in distance education programs. Pupils may enroll in such programs unless prohibited by statute or if the pupil fails to meet the qualifications and conditions established by the State Board of Education. If a pupil is otherwise qualified to enroll in a distance education program, the school district board of trustees must grant the requested permission to enroll. Additionally, the measure provides that the Superintendent of Public Instruction may grant permission for unlicensed personnel to supervise pupils attending a course of distance education while receiving instruction from a licensed educator remotely, through electronic means.

I would just add that this is an incredibly responsible decision for our students moving forward. This is about accessibility and flexibility for our students. They all learn differently, and they need to learn differently. We have a lot of rural areas right here in our state, and there are a lot of students who can't get to certain specific classes or the school district cannot supply a teacher for that class, and this allows those students to take those classes.

Roll call on Senate Bill No. 58:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 58 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 423 requires the Director of the Nevada Department of Corrections to provide an offender, upon release and request, with a photo identification card issued by the NDOC. The photo ID card must include the name, date of birth, and a color picture of the offender. The measure further provides that an offender who is eligible to apply for a driver's license or ID card through the Nevada Department of Motor Vehicles may submit the photo ID card received from the NDOC as proof of the offender's full legal name and age.

I would like to ask my colleagues to vote for this. This is a great bill. This helps those who are exiting the Nevada Department of Corrections to reintegrate into the community, because identification is the key to access all services they would need in the community.

Roll call on Senate Bill No. 423:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 423 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 446 authorizes Nevada's three State Commissioners for the Western Interstate Commission for Higher Education to enter into reciprocity agreements for the purpose of authorizing certain postsecondary institutions located in other states to provide distance education to Nevada residents.

Roll call on Senate Bill No. 446:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 446 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Senate Bill 447 amends the statutory budget submission process for the regional training programs and requires the inclusion in the Department of Education's budget.

The measure also requires the regional training programs to provide developmental training for those professionals who conduct teacher or administrator evaluations in consultation with the Teachers and Leaders Council of Nevada based upon the results of teacher and administrator evaluations.

Senate Bill 447 further authorizes a teacher's aide or paraprofessional to monitor computer laboratories in place of a licensed teacher, unless prohibited by federal law. This measure authorizes district attendance officers to issue citations for habitual truancy. Finally, the bill increases from eight to nine the number of members of the Statewide Council and provides for the expiration of the terms of current members as of June 30, 2013, and appointment of new members.

Roll call on Senate Bill No. 447:

YEAS—37.

NAYS—Ellison, Fiore, Wheeler—3.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 447 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 463 provides for the implementation of the Court of Appeals pursuant to the provisions of Senate Joint Resolution No. 14 of the 2011 Legislative Session.

I rise in support of S.B. 463. We heard in committee that there is a need for a court of appeals, and this would go into effect if our voters so decide in the 2014 election.

Roll call on Senate Bill No. 463:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 466. This transfers the authority over certain food and nutrition education and assistance programs from the Department of Education to the Director of the State Department of Agriculture. It implements a budget decision approved by the joint full money committees and is in the budget.

Roll call on Senate Bill No. 466:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 466 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:

I rise in support of S.B. 498. Senate Bill 498 authorizes certain telecommunication providers to access the databases created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying customers who are eligible for Lifeline service. Such access is prohibited after an independent administrator is selected and able to inform these providers of their customers' eligibility to receive Lifeline service. An independent administrator may access the DHHS databases to the extent authorized by state and federal law and any other database created and maintained by a state agency for the purpose of determining or verifying the status of an eligible customer.

Roll call on Senate Bill No. 498:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 498 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 469 makes the transfers of the State Dairy Commission from the Department of Business and Industry to the Department of Agriculture. It implements a budget decision approved by the joint full money committees.

Roll call on Senate Bill No. 469:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Bill No. 469 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 14 of the 76th Session.

Resolution read third time.

Remarks by Assemblymen Ohrenschall and Duncan.

ASSEMBLYMAN OHRENSCHALL:

Senate Joint Resolution No. 14 proposes an amendment to the *Nevada Constitution* to create an intermediate appellate court, known as the Court of Appeals, composed of three judges initially appointed to two-year terms by the Governor from nominees chosen by the Commission on Judicial Selection. Following initial appointment, the judges will be elected at the general election to serve a term of six years.

The Court of Appeals will have appellate jurisdiction in civil cases arising from the district courts and in criminal cases within the original jurisdiction of the district courts. The Nevada Supreme Court will fix the appellate court's jurisdiction and provide for the review of appeals decided by the Court of Appeals. Finally, Nevada's Supreme Court must provide for the assignment of one or more judges of the Court of Appeals to devote part of their time to serve as supplemental district judges where needed.

Madam Speaker, in your Judiciary Committee there was quite a bit of testimony about how our Supreme Court is very overworked, how their caseload is very heavy, and how that is costly, not just to the judges and attorneys in the state, but to the litigants, to the businessmen and women, and to the families who are awaiting having these decisions rendered. So hopefully if the voters see fit to enact this constitutional amendment and to provide this additional level of appellate review, justice will a be a little more timely in the state. I urge its passage.

ASSEMBLYMAN DUNCAN:

Just as my colleague from District 12 spoke about, we did hear some compelling testimony in the Judiciary Committee about this subject. I think looking down the line if we want to be a competitive business state and compete with Delaware and different states, one of the most important things is to be able to have an appellate body of law where our Supreme Court Justices are able to take time to write precedential opinions that will make us certain and a stable business environment. We certainly heard a lot of compelling testimony that they are overworked and that slows down the entire justice system for normal Nevadans who are

appealing their cases from the district court all the way up to the Supreme Court. If they have the ability to appeal those to the appellate courts this would actually increase their ability to have their cases adjudicated in a quicker fashion. So I urge this body's support of this measure.

Roll call on Senate Joint Resolution No. 14 of the 76th Session:

YEAS—40.

NAYS—None.

EXCUSED—Paul Anderson, Pierce—2.

Senate Joint Resolution No. 14 of the 76th Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 10.

The following Senate amendment was read:

Amendment No. 628.

AN ACT relating to gaming; revising provisions relating to the unlawful use or possession of certain devices in a game; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to use or possess with the intent to use, or to assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment. (NRS 465.075) **Section 1** of this bill: (1) ~~[provides that the prohibition applies to individuals and those acting in conjunction with others; (2)]~~ adds software or hardware, or any combination thereof, to the list of prohibited devices; ~~[(3)]~~ **(2)** provides that the prohibition applies to any game that is offered by a licensee or affiliate; and ~~[(4)]~~ **(3)** removes the definition of the term "advantage."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 465.075 is hereby amended to read as follows:

465.075 ~~[1.]~~ It is unlawful for any person ~~*[, either solely or in conjunction with others,]*~~ to use, possess with the intent to use or assist another person in using or possessing with the intent to use any computerized, electronic, electrical or mechanical device ***, or any software or hardware, or any combination thereof,*** which is designed, constructed, altered or programmed to obtain an advantage at playing any game in a licensed gaming establishment ~~[,]~~ ***or any game that is offered by a licensee or affiliate,*** including, without limitation, a device that:

~~[(a)]~~ ***1.*** Projects the outcome of the game;

~~[(b)]~~ ***2.*** Keeps track of cards played or cards prepared for play ~~[;~~

~~(c)~~ ***in the game;***

3. Analyzes the probability of the occurrence of an event relating to ~~[a]~~ ***the*** game; or

~~[(d)]~~ ***4.*** Analyzes the strategy for playing or betting to be used in the game,

➥ except as may be made available as part of an approved game or otherwise permitted by the Commission.

~~[2. As used in this section, "advantage" means a benefit obtained by one or more participants in a game through information or knowledge that is not made available as part of the game as approved by the Board or Commission.]~~

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 628 to Assembly Bill No. 10.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 628 removes the words "either solely or in conjunction with others" to clarify that it is unlawful for any person to use, possess with the intent to use, or assist another person in using or possessing with the intent to use, certain devices to obtain an advantage in playing any game in a licensed gaming establishment.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 44.

The following Senate amendment was read:

Amendment No. 627.

AN ACT relating to common-interest communities; revising provisions governing the storage of trash and recycling containers in certain planned communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill restricts the authority of an association of a planned community to regulate the storage of trash and recycling containers on the premises of attached or detached residential units with curbside trash and recycling collection. Under **section 1** of this bill, the rules of an association governing the storage of trash and recycling containers must: (1) comply with all applicable codes and regulations; and (2) allow the unit's owner, or a tenant of the unit's owner, to store the containers outside any building or garage on the premises of the unit. The rules may: (1) provide that the containers must be stored **in the rear or side yard of the unit, if such locations exist, and** in such a manner that the containers are screened from view from the street, a sidewalk or any adjacent property; and (2) prescribe the size, location, color and material of any device, structure or item that may be used by a unit's

owner or tenant to screen the view. Finally, **section 1** allows an association to adopt rules that reasonably restrict the conditions under which trash and recycling containers are placed for collection, including, without limitation, the area in which the containers may be placed and the length of time for which the containers may be kept in that area.

Section 2 of this bill provides that the restrictions on the authority of an association of a planned community to regulate trash and recycling containers are applicable only to associations containing more than six units.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an association of a planned community may not regulate or restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service.

2. An association of a planned community may adopt rules , in accordance with the procedures set forth in the governing documents, as defined in subsections 1 and 2 of NRS 116.049, or the bylaws of the association, that reasonably restrict the manner in which containers for the collection of solid waste or recyclable materials are stored on the premises of a residential unit with curbside service during the time the containers are not within the collection area, including, without limitation, rules prescribing the location at which the containers are stored during that time. The rules adopted by the association:

(a) Must:

(1) Comply with all applicable codes and regulations; and

(2) Allow the unit's owner, or a tenant of the unit's owner, to store containers for the collection of solid waste or recyclable materials outside any building or garage on the premises of the unit during the time the containers are not within the collection area.

(b) May:

(1) Provide that the containers for the collection of solid waste or recyclable materials must be stored in the rear or side yard of the unit, if such locations exist, and in such a manner that the containers are screened from view from the street, a sidewalk or any adjacent property; and

(2) Include, without limitation, rules prescribing the size, location, color and material of any device, structure or item used to screen containers for the collection of solid waste or recyclable materials from view from the street, a sidewalk or any adjacent property and the manner

of attachment of the device, structure or item to the structure on the premises where the containers are stored.

3. An association of a planned community may adopt rules that reasonably restrict the conditions under which containers for the collection of solid waste or recyclable materials are placed in the collection area, including, without limitation:

(a) The boundaries of the collection area;

(b) The time at which the containers may be placed in the collection area; and

(c) The length of time for which the containers may be kept in the collection area.

4. As used in this section:

(a) "Collection area" means the area designated for the collection of the contents of containers for the collection of solid waste or recyclable materials.

(b) "Curbside service" means the collection of solid waste or recyclable materials on an individual basis for each residential unit by an entity that is authorized to collect solid waste or recyclable materials.

(c) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(d) "Residential unit" means an attached or detached unit intended or designed to be occupied by one family.

(e) "Solid waste" has the meaning ascribed to it in NRS 444.490.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 627 to Assembly Bill No. 44.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 627 authorizes a planned community to adopt rules in accordance with the procedure set forth in the governing documents that concern the manner in which trash and recyclable containers may be stored. It also provides for trash and recyclable containers to be stored in the rear or side yard of a unit if such location exists.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 735.

AN ACT relating to courts; authorizing a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court to offset the costs of operating a law library established in the county; requiring the county treasurer to deposit the filing fees received into a special account to be used to support the operation of such a law library; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of such fees received from justice courts into a special account to be used for certain purposes; requiring the county treasurer to reduce annually the amount deposited into the special account in certain circumstances; requiring each justice court that collects fees to submit an annual report to the board of county commissioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of any county to establish by ordinance a law library to be governed and managed by a board of law library trustees. (NRS 380.010) **Section 1** of this bill authorizes a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court, in an amount not to exceed $8, to offset a portion of the costs of operating such a law library. **Section 1** also provides that in a county in which such a fee has been imposed, the justice of the peace shall, on a monthly basis, pay to the county treasurer any such fees collected during the preceding month. The county treasurer is required to deposit the fees received into a special account administered by the county and maintained for the benefit of such a law library.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace is required to pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060) **Section 1.5** of this bill increases the amount of certain fees charged and collected by the justice court and revises the tiers upon which certain fees are based.

Section 1.5 also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in the account must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for a justice court or a multi-use facility that includes a justice court; (2) to acquire advanced technology for the use of a justice court; (3) to acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts; (4) to pay for the training of staff or the hiring of additional staff to support the operation of a justice court; and (5) to pay for one-time projects for the improvement of a justice court. **Section 1.5** also requires: (1) the county treasurer to reduce on an annual basis, if necessary, the amount deposited into the special account in certain circumstances; and (2) each justice court that collects fees to submit to the board of county commissioners of the county in which the justice court is located an annual report that contains certain information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other fee required by law, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of operating a law library established in that county by the board of county commissioners pursuant to NRS 380.010, in an amount not to exceed $8, to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the fifth day of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall deposit the fees received into a special account administered by the county and maintained for the benefit of a law library established pursuant to NRS 380.010. The money in the account must be used only to support the operation of such a law library.

Sec. 1.5. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed ~~[$1,000 ..... $28.00~~
~~If the sum claimed exceeds $1,000 but does not exceed]~~ $2,500 ..... ***$*** 50.00
If the sum claimed exceeds $2,500 but does not exceed ~~[$4,500]~~ ***$5,000*** 100.00
~~[If the sum claimed exceeds $4,500 but does not exceed $6,500 ..... 125.00~~
~~If the sum claimed exceeds $6,500 but does not exceed $7,500 ..... 150.00]~~
If the sum claimed exceeds ~~[$7,500]~~ ***$5,000*** but does not exceed $10,000 ..... $175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255 ..... 225.00
In all other civil actions ..... ~~28.00]~~ ***50.00***

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 ..... ~~[$25.00]~~ ***$45.00***
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... ~~[45.00]~~ ***65.00***
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... ~~[65.00]~~ ***85.00***
If the sum claimed exceeds $5,000 but does not exceed $7,500 ..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions ..... ~~[$12.00]~~ ***$50.00***
For every additional defendant, appearing separately ..... ~~[6.00]~~ ***25.00***

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention..... ~~[$6.00]~~ ***$25.00***

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed

to enforce any judgment of the court ***, other than a writ of restitution***.....~~[~~$6.00~~]~~ ***$25.00***

(g) ***For the issuance of any writ of restitution***.....***$75.00***

(h) For filing a notice of appeal, and appeal bonds.....~~[~~$12.00~~]~~ ***$25.00***

One charge only may be made if both papers are filed at the same time.

~~[~~(h)~~]~~ ***(i)*** For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....~~[~~$12.00~~]~~ ***$25.00***

~~[~~(i)~~]~~ ***(j)*** For preparation and transmittal of transcript and papers on appeal.....~~[~~$12.00~~]~~ ***$25.00***

~~[~~(j)~~]~~ ***(k)*** For celebrating a marriage and returning the certificate to the county recorder or county clerk.....$50.00

~~[~~(k)~~]~~ ***(l)*** For entering judgment by confession.....~~[~~$6.00~~]~~ ***$50.00***

~~[~~(l)~~]~~ ***(m)*** For preparing any copy of any record, proceeding or paper, for each page.....~~[~~$.30~~]~~ ~~***[$1.00]***~~ ***$.50***

~~[~~(m)~~]~~ ***(n)*** For each certificate of the clerk, under the seal of the court.....$3.00

~~[~~(n)~~]~~ ***(o)*** For searching records or files in his or her office, for each year.....$1.00

~~[~~(o)~~]~~ ***(p)*** For filing and acting upon each bail or property bond.....~~[~~$40.00~~]~~ ***$50.00***

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[~~(j)~~]~~ ***(k)*** of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected ***pursuant to subsection 1*** during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph ~~[~~(j)~~]~~ ***(k)*** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph ~~[(o)]~~ ***(p)*** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 735 to Assembly Bill No. 54.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 735 revises the fee for preparing any copy of any preceding, from $1 to 50 cents for each page.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 64.

The following Senate amendment was read:

Amendment No. 636.

AN ACT relating to criminal justice; revising provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court is required to cause a copy of any report of a presentence investigation to be delivered to the Director of the Department of Corrections when the judgment of imprisonment is delivered by the sheriff to an authorized person designated by the Director to receive the prisoner from the county where the prisoner is held for commitment. (NRS 176.159, 176.335) **Section 1** of this bill revises this requirement and specifies that such a report must be delivered not later than when the judgment of imprisonment is delivered. **Section 1** further specifies that, at the court's discretion, the report may also be delivered by electronic transmission or by affording the Department the required electronic access to retrieve the report.

Existing law also provides that when a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court,

must be furnished to the officers whose duty it is to execute the judgment. (NRS 176.325) **Section 2** of this bill specifies that such certified copies of the judgment of conviction may be in paper or electronic form.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.159 is hereby amended to read as follows:

176.159 1. Except as otherwise provided in subsection 2, when a court imposes a sentence of imprisonment in the state prison or revokes a program of probation and orders a sentence of imprisonment to the state prison to be executed, the court shall cause a copy of the report of the presentence investigation to be delivered to the Director of the Department of Corrections, if such a report was made. The report must be delivered ***not later than*** when the judgment of imprisonment is delivered pursuant to NRS 176.335. ***Delivery of the report may, at the court's discretion, also be accomplished by electronic transmission or by affording the Department of Corrections the required electronic access necessary to retrieve the report.***

2. If a presentence investigation and report were not required pursuant to paragraph (b) of subsection 3 of NRS 176.135 or pursuant to subsection 1 of NRS 176.151, the court shall cause a copy of the previous report of the presentence investigation or a copy of the report of the general investigation, as appropriate, to be delivered to the Director of the Department of Corrections in the manner provided pursuant to subsection 1.

Sec. 2. NRS 176.325 is hereby amended to read as follows:

176.325 When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified ***paper or electronic*** copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

Sec. 3. NRS 176.335 is hereby amended to read as follows:

176.335 1. If a judgment is for imprisonment in the state prison, the sheriff of the county shall, on receipt of the triplicate certified ***paper or electronic*** copies of the judgment of conviction, immediately notify the Director of the Department of Corrections and the Director shall, without delay, send some authorized person to the county where the prisoner is held for commitment to receive the prisoner.

2. When such an authorized person presents to the sheriff holding the prisoner an order for the delivery of the prisoner, the sheriff shall deliver to the authorized person two of the certified copies of the judgment of conviction ~~[and a copy of the report of the presentence investigation or~~

~~general investigation, as appropriate, if required pursuant to NRS 176.159,~~] and take from the person a receipt for the prisoner, and the sheriff shall make return upon the certified copy of the judgment of conviction, showing the sheriff's proceedings thereunder, and both that copy with the return affixed thereto and the receipt from the authorized person must be filed with the county clerk.

3. The term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.

Sec. 4. **This act becomes effective upon passage and approval.**

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 636 to Assembly Bill No. 64.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 636 revises the effective date of the measure to be upon passage and approval, instead of October 1, 2013.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 625.

AN ACT relating to crimes; revising provisions relating to the time for filing a count alleging that a person is a habitual criminal, habitual felon or habitually fraudulent felon; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a prosecuting attorney to prosecute a person as a habitual criminal, a habitual felon or a habitually fraudulent felon if certain conditions exist; and (2) prescribes the punishment for a habitual criminal, a habitual felon or a habitually fraudulent felon. (NRS 207.010, 207.012, 207.014) Under existing law, a prosecuting attorney may: (1) include in the information charging the primary offense a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon; or (2) file such a count after the person's conviction for the primary offense but, in such a case, the sentence must not be imposed or a certain hearing held until 15 days after the filing. (NRS 207.016) This bill requires a count alleging that a person is a habitual criminal, a habitual felon or a habitually fraudulent felon to be filed not less than 2 days before the trial on the primary offense, unless ~~[the prosecution and the defendant stipulate]~~ **an agreement of the parties provides** otherwise or for good cause shown the court extends such time. This bill also authorizes the prosecution to supplement or amend such a count at any time before sentence is imposed, but, if such a supplement or

amendment is filed, the sentence must not be imposed or a certain hearing must not occur until 15 days after the filing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 207.016 is hereby amended to read as follows:

207.016 1. A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count pursuant to NRS 207.010, 207.012 or 207.014 is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but no such conviction may be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count pursuant to NRS 207.010, 207.012 or 207.014 may be ~~[separately]~~ filed ~~[after conviction of]~~ ***separately from the indictment or information charging*** the primary offense, but if it is so filed, ***the count pursuant to NRS 207.010, 207.012 or 207.014 must be filed not less than 2 days before the start of the trial on the primary offense*** ***,*** ***unless*** ~~***[the prosecution and the defendant stipulate]***~~ ***an agreement of the parties provides otherwise or the court for good cause shown makes an order extending the time. For good cause shown, the prosecution may supplement or amend a count pursuant to NRS 207.010, 207.012 or 207.014 at any time before the sentence is imposed, but if such a supplement or amendment is filed, the*** sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged pursuant to NRS 207.010, 207.012 or 207.014 pleads guilty or guilty but mentally ill to, or is found guilty or guilty but mentally ill of, the primary offense but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Pursuant to NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality;

(b) Pursuant to NRS 207.012 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual felon; or

(c) Pursuant to NRS 207.014 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 limits the prosecution in introducing evidence of prior convictions for purposes of impeachment.

5. For the purposes of NRS 207.010, 207.012 and 207.014, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

6. Nothing in the provisions of this section, NRS 207.010, 207.012 or 207.014 prohibits a court from imposing an adjudication of habitual criminality, adjudication of habitual felon or adjudication of habitually fraudulent felon based upon ~~[a stipulation]~~ ***an agreement*** of the parties.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 625 to Assembly Bill No. 97.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 625 clarifies that unless an agreement of the parties provides otherwise, a count must not be filed less than two days before the start of a trial on the primary offense.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 98.

The following Senate amendment was read:

Amendment No. 734.

~~[ASSEMBLYMEN~~ **ASSEMBLYMAN** Aizley ~~, AND SPIEGEL]~~

SUMMARY—Revises various provisions relating to common-interest communities. (BDR 10-488)

AN ACT relating to common-interest communities; **revising provisions governing the collection of past due financial obligations owed to an association; revising provisions governing payments received by an association from a unit's owner;** requiring a person nominated as a candidate for membership on the executive board of an association to be a member of the association in good standing; authorizing an association to reject a person's nomination as a candidate for membership on the executive board in certain circumstances; authorizing an association to distribute the disclosure of a potential conflict of interest on behalf of a candidate **[**~~;~~ ~~requiring an association that solicits bids for an association project to review and compare initial bids; authorizing such an association to request revised bids; revising the definition of "association project"; revising the process by which financial statements of certain associations are reviewed or audited;~~**]** **with the candidate's consent;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a homeowners' association has a lien on a unit for certain amounts due to the association. (NRS 116.3116) Existing law authorizes the association to foreclose its lien by sale of the unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) This bill revises provisions governing the collection of past due financial obligations owed to a homeowners' association.

Section 1 of this bill establishes procedures which a homeowners' association must follow before initiating the process of foreclosing on a unit or commencing any other debt collection activity. Under section 1, before initiating the foreclosure process or commencing any other debt collection activity: (1) a homeowners' association must mail to the unit's owner a statement and two letters that provide certain information concerning the past due obligation; and (2) the executive board of the homeowners' association must, if the unit's owner so requests, conduct a hearing to verify the past due obligation. Sections 1 and 1.8 of this bill require: (1) the executive board to meet in executive session to conduct a hearing to verify a past due obligation; (2) the unit's owner to be allowed to attend and present evidence at the hearing; and (3) that the total number of votes for and against a determination of the executive board at the hearing to verify the past due obligation and the assessor's parcel number of the unit be recorded in the minutes of the meeting. Under section 1, a homeowners' association is required to offer a repayment plan to a unit's owner who owes a past due obligation to the association and a unit's owner may accept such a repayment plan at any time before the foreclosure sale of the unit or the commencement of a civil action to collect the past due obligation. Finally, section 1 authorizes an association to charge the unit's owner: (1) a fee of not more than $50 for a repayment plan; and (2) a fee of not more than $50 for any costs incurred by the association in complying with the requirements of section 1.

Section 4 of this bill requires the collection policy of a homeowner's association to provide an administrative process by which a unit's owner may contest a past due obligation.

Section 1.5 of this bill prohibits an association from refusing to accept any payment from a unit's owner. Section 1.5 further requires an association to apply any payment received from a unit's owner to any past due assessments, including late charges, costs of collecting and interest, owed by the unit's owner before the payment is applied to any other financial obligation owed by the unit's owner, unless the unit's owner directs a different application of the payment. Section 5 of this bill prohibits a community manager from refusing to accept from a unit's

owner, or any other party, payment of any assessment, fine, fee or other charge that is due because there is an outstanding payment due.

Existing law requires each person who is nominated as a candidate for membership on the executive board of an association to disclose potential conflicts of interest and whether he or she is a member of the association in good standing. A person is deemed not to be in good standing if he or she owes certain assessments or penalties to the association. (NRS 116.31034) **Section ~~[1]~~ 1.6** of this bill removes the disclosure requirement relating to being a member in good standing and instead requires a person who is nominated as a candidate for membership on the executive board to be a member in good standing. **Section ~~[1]~~ 1.6** also provides that if a candidate fails to disclose any potential conflict of interest before the closing period prescribed for nominations for membership on the executive board, the association may: (1) reject the person's nomination; or (2) if the association has reason to believe that a potential conflict of interest exists, distribute the disclosure **~~[,]~~** on behalf of the candidate, **if the candidate consents to the distribution of the disclosure,** to each member of the association with the ballot or in the next regular mailing of the association.

~~[Existing law provides that if an association solicits bids for an association project, the bids must be opened during a meeting of the executive board. (NRS 116.31086) Section 2 of this bill requires an association to review and compare the initial bids for the association project and authorizes the association to request any of the bidders to submit a revised bid. Section 2 also revises the definition of "association project" to specify that such a project costs $2,500 or more or 10 percent or more of the total annual assessment made by the association.~~

~~Existing law sets forth the process for the review or audit of the financial statement of an association by an independent certified public accountant. For an association with an annual budget that is less than $150,000, the frequency with which a review occurs depends on the specific annual budget of the association. The financial statement of such an association must be audited only if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit. (NRS 116.31144) Section 3 of this bill revises this process and requires that the financial statement of an association with an annual budget that is less than $150,000 be reviewed every fiscal year. For any fiscal year, the financial statement must be audited if, within 180 days before the end of the fiscal year, 51 percent of the total number of voting members of the association submit a written request for such an audit.~~**~~]~~**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1 of NRS 116.31162, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless the association has satisfied the requirements of subsections 2 to 5, inclusive.

2. If a unit's owner owes a past due obligation that is 30 days or more past due, the association must mail to the address on file for the unit's owner a full statement of account showing the transaction history for the immediately preceding 24 months, a schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation and a proposed repayment plan. If the past due obligation is not paid within 15 days after the mailing of the statement of account, schedule of fees and proposed repayment plan, the association must mail, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, at least two letters, not less than 10 days apart, that state the following information:

(a) The current account balance information;

(b) A transaction history for the immediately preceding 24 months;

(c) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(d) A proposed repayment plan; and

(e) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing.

3. Not earlier than 30 days after mailing the last of the letters required by subsection 2, the executive board must, if the unit's owner so requests, conduct a hearing to verify the past due obligation in accordance with this subsection and subsection 5 of NRS 116.31085. The executive board shall schedule the date, time and location for the hearing to verify the past due obligation so that the unit's owner or his or her successor in interest is provided with a reasonable opportunity to prepare for and be present at the hearing. The unit's owner or his or her successor in interest:

(a) Is entitled to attend all portions of the hearing to verify the past due obligation.

(b) Is entitled to be represented by another person at the hearing.

(c) Is entitled to present evidence of timely payment of the past due obligation, which may be presented in writing if the unit's owner is unable

to be present at the hearing at the date and time scheduled for the hearing. Any written evidence submitted pursuant to this paragraph must be included in the minutes of the hearing.

(d) Is not entitled to attend the deliberations of the executive board.

4. Not later than 30 days after the hearing to verify the past due obligation held pursuant to subsection 3, the association shall mail the determination of the executive board to the unit's owner or his or her successor in interest. If the executive board determines that the unit's owner or his or her successor in interest owes a past due obligation to the association and that the association has satisfied the applicable requirements of this section and if the executive board has approved the foreclosure of the association's lien pursuant to NRS 116.31162 to 116.31168, inclusive, or the taking of any other action to collect the past due obligation, the association may, after mailing the determination of the executive board pursuant to this subsection, take action as authorized by the executive board to collect the past due obligation by filing a notice of delinquent assessment pursuant to paragraph (a) of subsection 1 of NRS 116.31162 or by taking any other action to collect the past due obligation which is authorized by the laws of this State.

5. An association must offer a unit's owner who owes a past due obligation to the association a repayment plan providing for the payment of the amount of the past due obligation in equal monthly installments over a period of:

(a) Six months, if the amount of the past due obligation is $1,000 or less.

(b) Twelve months, if the amount of the past due obligation is more than $1,000 but less than $2,000.

(c) Twenty-four months, if the amount of the past due obligation is $2,000 or more.

6. The association may charge a fee of not more than $50 for a repayment plan. The association shall not charge any interest or late fees on a past due obligation for which a unit's owner or his or her successor in interest has entered into a repayment plan. A unit's owner or his or her successor in interest may accept a payment plan at any time before the date of the sale of the unit pursuant to NRS 116.31164 or the commencement of a civil action against the unit's owner or his or her successor in interest to obtain a judgment for the amount of the past due obligation. A unit's owner or his or her successor in interest may accept the repayment plan offered by the association pursuant to this subsection by tendering the first monthly payment. If a unit's owner or his or her successor in interest defaults on any repayment plan, the association may resume its efforts to collect the past due obligation from the time at which the unit's owner or his or her successor in interest accepted the repayment plan.

7. The failure of a unit's owner to pay when due an installment payment under a repayment plan is deemed to be a breach of the repayment plan and the repayment plan terminates upon such a failure.

8. The association may charge the unit's owner or his or her successor in interest a fee of not more than $50 to cover the costs incurred by an association in satisfying the requirements of this section.

9. As used in this section, "obligation" has the meaning ascribed to it in NRS 116.310313.

Sec. 1.2. **NRS 116.1203 is hereby amended to read as follows:**

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act,*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 1.3. **NRS 116.12075 is hereby amended to read as follows:**

116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:

(a) This entire chapter applies to the condominium;

(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive, ***and section 1 of this act*** apply to the condominium; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, ***and section 1 of this act*** apply to the condominium.

2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar

devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 1.4. **NRS 116.310313 is hereby amended to read as follows:**

116.310313 1. An association may charge a unit's owner reasonable fees to cover the costs of collecting any past due obligation. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.

2. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

3. As used in this section:

(a) **"**Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation **, ~~[or]~~** any costs awarded by a court **~~[.]~~** ***or any costs incurred by an association in complying with the requirements of section 1 of this act.***

(b) **"**Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

Sec. 1.5. **NRS 116.310315 is hereby amended to read as follows:**

116.310315 ***1. An association:***

(a) Shall not refuse to accept any payment from a unit's owner.

(b) Unless a unit's owner directs a different application of a payment, shall apply a payment received from a unit's owner to any past due assessment for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115, including any late fees, costs of collection and interest on the past due assessment, before any portion of the payment is applied to any other assessment or any fine, penalty, fee, charge or interest which has been levied or imposed against the unit's owner pursuant to this chapter or the governing documents.

2. If an association has imposed a fine against a unit's owner or a tenant or an invitee of a unit's owner or a tenant pursuant to NRS 116.31031 for violations of the governing documents of the association, the association shall establish a compliance account to account for the fine, which must be separate from any account established for assessments.

~~[Section 1.]~~ ***Sec. 1.6.*** NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) ~~[Disclose whether the candidate is]~~ ***Be*** a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in

"good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

~~[~~ ~~The]~~ ***If a candidate who is not deemed to be in good standing pursuant to this paragraph satisfies all such unpaid and past due assessments or construction penalties before the closing of the prescribed period for nominations for membership on the executive board, he or she shall be deemed to be in good standing and may proceed as a candidate for membership on the executive board.***

9. A candidate must make all disclosures required pursuant to ~~[this]~~ ***paragraph (a) of*** subsection ***8*** in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

~~[9.]~~ ***10. If a candidate fails to make all disclosures required pursuant to paragraph (a) of subsection 8 before the closing of the prescribed period for nominations for membership on the executive board, the association may:***

(a) Reject his or her nomination as a candidate for membership on the executive board; or

(b) If the association has reason to believe that a potential conflict of interest exists, distribute the disclosure ~~[,]~~ ***on behalf of the candidate, if the candidate consents to the distribution of the disclosure, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association.***

11. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

~~[10.]~~ ***12.*** An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~[11.]~~ ***13.*** Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~[12.]~~ ***14.*** An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~[13. A]~~

15. ***An eligible*** candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~[11]~~ ***13*** or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the

candidate will not use the information for any other purpose, the association or its agent may refuse the request.

~~[14.]~~ ***16.*** An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection ~~[13.]~~ ***15.***

~~[15.]~~ ***17.*** Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 1.7. **NRS 116.31068 is hereby amended to read as follows:**

116.31068 1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;

(c) Electronic means, if the unit's owner has given the association an electronic mail address; or

(d) Any other method reasonably calculated to provide notice to the unit's owner.

2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

3. The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive ~~[,]~~ ***, and section 1 of this act;*** or

(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.

Sec. 1.8. **NRS 116.31085 is hereby amended to read as follows:**

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

5. ***Except as otherwise provided in subsection 3 of section 1 of this act, an executive board shall meet in executive session to hold a hearing to verify a past due obligation pursuant to subsection 3 of section 1 of this act.***

6. The provisions of ~~[subsection]~~ ***subsections*** 4 ***and 5*** establish the minimum protections that the executive board must provide before it may make a decision. The provisions of ~~[subsection]~~ ***subsections*** 4 ***and 5*** do not preempt any provisions of the governing documents that provide greater protections.

~~[6.]~~ ***7.*** Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. ***The minutes of a hearing to verify a past due obligation held pursuant to subsection 3 of section 1 of this act must state the number of votes for and against any determination of the executive board and the assessor's parcel number of the unit.*** The executive board shall maintain minutes of ~~[any]~~ ***:***

(a) Any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

~~[7.]~~ ***(b) Any determination made pursuant to subsection 5 and subsection 3 of section 1 of this act concerning a verification of a past due obligation and, upon request, provide a copy of the determination to the person who was alleged to owe the past due obligation or to the person's designated representative.***

8. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[,]~~ ***and 5,*** a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

9. As used in this section, "obligation" has the meaning ascribed to it in NRS 116.310313.

Sec. 2. ~~[NRS 116.31086 is hereby amended to read as follows:~~

~~"116.31086 1. If an association solicits bids for an association project, the *association shall review and compare the initial bids for the association project and, after such a review and comparison, may request any of the bidders to submit a revised bid to ensure that the bids received are consistent with respect to the specified services or goods being purchased by the association.*~~

~~*2. If an association requests a revised bid from a bidder pursuant to subsection 1, the association shall explain to the bidder the way in which the bid needs to be revised, including, without limitation, any specifications needed in the revised bid. Any revised* bids *received by the association* must *not* be *sealed and must be* opened during a meeting of the executive board.~~

~~[2.]~~ ***3.*** ~~As used in this section, "association project" [includes, without limitation,] *means* a project that [involves]~~ ***:***

~~***(a) Involves*** the maintenance, repair, replacement or restoration of any part of the common elements ***;*** or [which involves]~~

~~***(b) Involves*** the provision of services to the association [.]~~ ***, and costs $2,500 or more or 10 percent or more of the total annual assessment made by the association.]*** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 116.31144 is hereby amended to read as follows:~~

~~116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:~~

~~(a) If the annual budget of the association is [$45,000 or more but] less than [$75,000,] *$150,000,* cause the financial statement of the association to be reviewed [by an independent certified public accountant during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.~~

~~(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be reviewed] by an independent certified public accountant every fiscal year.~~

~~[(c)] *(b)* If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.~~

~~2. [Except as otherwise provided in this subsection, for] *For* any fiscal year, the executive board of an association shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, [15] *51* percent of the total number of voting members of the association submit a written request for such an audit. [The provisions of this subsection do not apply to an association described in paragraph (c) of subsection 1.]~~

~~3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:~~

~~(a) The qualifications necessary for a person to audit or review financial statements of an association; and~~

~~(b) The standards and format to be followed in auditing or reviewing financial statements of an association [.] *in accordance with generally accepted accounting principles in the United States.]*~~ **(Deleted by amendment.)**

Sec. 4. **NRS 116.31151 is hereby amended to read as follows:**

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties but not to exceed 60 miles from the physical location of the common-interest community; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner

pursuant to this section, make available to each unit's owner the policy established for the association concerning the collection of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The policy must include, without limitation:

(a) The responsibility of the unit's owner to pay any such fees, fines, assessments or costs in a timely manner; ~~[and]~~

(b) The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs in a timely manner ~~[.]~~ ***; and***

(c) An administrative process by which a unit's owner may contest an allegation that the unit's owner is delinquent in the payment of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The administrative process must include, without limitation, a reasonable opportunity for a hearing before the executive board.

Sec. 5. **NRS 116A.640 is hereby amended to read as follows:**

116A.640 In addition to the standards of practice for community managers set forth in NRS 116A.630 and any additional standards of practice adopted by the Commission by regulation pursuant to NRS 116A.400, a community manager shall not:

1. Except as otherwise required by law or court order, disclose confidential information relating to a client, which includes, without limitation, the business affairs and financial records of the client, unless the client agrees to the disclosure in writing.

2. Impede or otherwise interfere with an investigation of the Division by:

(a) Failing to comply with a request of the Division to provide documents;

(b) Supplying false or misleading information to an investigator, auditor or any other officer or agent of the Division; or

(c) Concealing any facts or documents relating to the business of a client.

3. Commingle money or other property of a client with the money or other property of another client, another association, the community manager or the employer of the community manager.

4. Use money or other property of a client for his or her own personal use.

5. Be a signer on a withdrawal from a reserve account of a client.

6. Except as otherwise permitted by the provisions of the court rules governing the legal profession, establish an attorney-client relationship with an attorney or law firm which represents a client that employs the community manager or with whom the community manager has a management agreement.

7. Provide or attempt to provide to a client a service concerning a type of property or service:

(a) That is outside the community manager's field of experience or competence without the assistance of a qualified authority unless the fact of his or her inexperience or incompetence is disclosed fully to the client and is not otherwise prohibited by law; or

(b) For which the community manager is not properly licensed.

8. Intentionally apply a payment of an assessment from a unit's owner towards any fine, fee or other charge that is due.

9. Refuse to accept from a unit's owner **, *or any other party,*** payment of any assessment, fine, fee or other charge that is due because there is an outstanding payment due.

10. Collect any fees or other charges from a client not specified in the management agreement.

11. Accept any compensation, gift or any other item of material value as payment or consideration for a referral or in the furtherance or performance of his or her normal duties unless:

(a) Acceptance of the compensation, gift or other item of material value complies with the provisions of NRS 116.31185 or 116B.695 and all other applicable federal, state and local laws, regulations and ordinances; and

(b) Before acceptance of the compensation, gift or other item of material value, the community manager provides full disclosure to the client and the client consents, in writing, to the acceptance of the compensation, gift or other item of material value by the community manager.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 734 to Assembly Bill No. 98.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

The following Senate amendment was read:

Amendment No. 637.

AN ACT relating to crimes; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that anyone who is not the husband or wife, brother or sister, parent or grandparent, child or grandchild of an offender and who harbors, conceals or aids the offender after the commission of a crime is an accessory to the crime. (NRS 195.030) **Section 1** of this bill removes every person other than the ~~[husband and wife]~~ **spouse** or ~~[a]~~ domestic partner from that exception if the crime is a felony. **Section 1** also revises the acts which constitute being an accessory to a ~~[crime]~~ **felony** after the commission of the ~~[crime]~~ **felony** by specifically stating that a person acts as ~~[such]~~ an

accessory **to a felony** if he or she destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals the offender.

Existing law provides that an accessory to a felony is guilty of a category C felony. (NRS 195.040) **Section 2** of this bill revises this penalty to provide that a person who harbors, conceals or aids the offender after the commission of a felony and who is the brother or sister, parent or grandparent, child or grandchild of the offender is guilty of a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 195.030 is hereby amended to read as follows:

195.030 ***1.*** Every person ***who is*** not ~~[standing in the relation of husband or wife]~~ ~~[, brother or sister, parent or grandparent, child or grandchild,]~~ ***the spouse or domestic partner*** ~~[to]~~ ***of*** the offender ~~[,]~~ ***and*** who ~~[:~~

~~1. After]~~ ***, after*** the commission of a felony ***, destroys or conceals, or aids in the destruction or concealment of, material evidence, or*** harbors ~~[,]~~ ***or*** conceals ~~[or aids]~~ such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

2. ~~[~~After~~]~~ ***Every person who is not*** ~~***[standing in the relation of husband or wife,]***~~ ***the spouse, domestic partner, brother or sister, parent or grandparent, child or grandchild*** ~~***[to]***~~ ***of the offender, who, after*** the commission of a gross misdemeanor ***,*** ~~***[destroys or conceals, or aids in the destruction or concealment of, material evidence, or]***~~ harbors , ~~***[or]***~~ conceals or aids such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a gross misdemeanor or is liable to arrest, is an accessory to the gross misdemeanor.

3. As used in this section, "domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.

Sec. 2. NRS 195.040 is hereby amended to read as follows:

195.040 1. An accessory to a felony may be indicted, tried and convicted either in the county where he or she became an accessory, or where the principal felony was committed, whether the principal offender has or has not been convicted, or is or is not amenable to justice, or has been pardoned or otherwise discharged after conviction. Except ***as otherwise provided in this subsection and except*** where a different punishment is specially provided by law, the accessory is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***An accessory to a felony who is***

~~[standing in the relation of]~~ the brother or sister, parent or grandparent, child or grandchild ~~[to]~~ of the principal offender and who is an accessory to a felony pursuant to subsection 1 of NRS 195.030 is guilty of a gross misdemeanor.

2. An accessory to a gross misdemeanor may be indicted, tried and convicted in the manner provided for an accessory to a felony and, except where a different punishment is specially provided by law, shall be punished by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by a fine of not less than $100 nor more than $500, or by both fine and imprisonment.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 637 to Assembly Bill No. 116.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 637 deletes concealing or aiding in the destruction or concealment of material evidence to the acts that make a person an accessory to a gross misdemeanor.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 638.

AN ACT relating to records; revising provisions governing the sealing of certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to certain convictions. (NRS 179.245) **Section 1** of this bill prohibits a person from petitioning the court to seal records relating to certain offenses related to driving, operating or controlling a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance.

Existing law authorizes a person arrested for alleged criminal conduct to petition for the sealing of all records relating to the arrest if the charges were dismissed or the person was acquitted of the charges. (NRS 179.255) **Section 2** of this bill authorizes such a person to petition for the sealing of all records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of ~~[~~a~~]~~ ***:***

(a) A crime against a child ~~[~~or a~~]~~ ***;***

(b) A sexual offense ~~[~~.~~]~~ ***;***

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) **"**Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) **"**Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 2. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed ***, the prosecuting attorney having jurisdiction declined prosecution of the charges*** or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; ~~[or]~~

(b) ***The court having jurisdiction in which the charges were declined for prosecution*** ~~*[, at any]*~~ ***:***

(1) Any time after the applicable statute of limitations has run ;

(2) Any time 10 years after the arrest; or ~~*[pursuant]*~~

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal **,** ***declination*** or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court;

(b) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal **,** ***declination*** or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed **,** ***declined for prosecution*** or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed **,** ***declined for prosecution*** or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

6. If, after the hearing on a petition submitted pursuant to subsection 1, the court finds that there has been an acquittal **,** ***that the prosecution was declined*** or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal **,** ***declination*** or dismissal which are in the custody of the court, of another

court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

7. If, after the hearing on a petition submitted pursuant to subsection 2, the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

8. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 6, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 3. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section ***, subsection 8 of NRS 179.255*** and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 638 to Assembly Bill No. 156.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 638 provides for a person to petition a court for the sealing of all records anytime ten years after the arrest if the prosecuting attorney declined to prosecute the charges.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 233.

The following Senate amendment was read:

Amendment No. 605.

AN ACT relating to genetic marker analysis; **authorizing a person convicted of any felony to file a petition requesting genetic marker analysis;** authorizing the appeal of an order **granting or** dismissing a petition for genetic marker analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who has been convicted of a category A or B felony, and who is currently under imprisonment for that conviction, to file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State. (NRS 176.0918) This bill authorizes ~~[such]~~ a person **convicted of any felony, regardless of whether the person is under such imprisonment,** to **: (1) file a petition requesting genetic marker analysis of certain evidence within the possession or custody of the State; and (2)** file an appeal of an order dismissing such a petition for genetic marker analysis. **This bill further authorizes the State to appeal an order granting such a petition.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.0918 is hereby amended to read as follows:

176.0918 1. A person convicted of a ~~[category A or B]~~ felony ~~[who is under sentence of imprisonment for that conviction and]~~ who otherwise meets the requirements of this section may file a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the judgment of conviction. If the case involves a sentence of death, the petition must include, without limitation, the date scheduled for the execution, if it has been scheduled.

2. Such a petition must be filed with the clerk of the district court for the county in which the petitioner was convicted on a form prescribed by the Department of Corrections. A copy of the petition must be served by registered mail upon:

(a) The Attorney General; and

(b) The district attorney in the county in which the petitioner was convicted.

3. A petition filed pursuant to this section must be accompanied by a declaration under penalty of perjury attesting that the information contained in the petition does not contain any material misrepresentation of fact and that the petitioner has a good faith basis relying on particular facts for the request. The petition must include, without limitation:

(a) Information identifying specific evidence either known or believed to be in the possession or custody of the State that can be subject to genetic marker analysis;

(b) The rationale for why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in paragraph (a);

(c) An identification of the type of genetic marker analysis the petitioner is requesting to be conducted on the evidence identified in paragraph (a);

(d) If applicable, the results of all prior genetic marker analysis performed on evidence in the trial which resulted in the petitioner's conviction; and

(e) A statement that the type of genetic marker analysis the petitioner is requesting was not available at the time of trial or, if it was available, that the failure to request genetic marker analysis before the petitioner was convicted was not a result of a strategic or tactical decision as part of the representation of the petitioner at the trial.

4. If a petition is filed pursuant to this section, the court may:

(a) ~~[~~Dismiss~~]~~ ***Enter an order dismissing*** the petition without a hearing if the court determines, based on the information contained in the petition, that the petitioner does not meet the requirements set forth in this section;

(b) After determining whether the petitioner is indigent pursuant to NRS 171.188 and whether counsel was appointed in the case which resulted in the conviction, appoint counsel for the limited purpose of reviewing, supplementing and presenting the petition to the court; or

(c) Schedule a hearing on the petition. If the court schedules a hearing on the petition, the court shall determine which person or agency has possession or custody of the evidence and shall immediately issue an order requiring, during the pendency of the proceeding, each person or agency in possession or custody of the evidence to:

(1) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;

(2) Within 90 days, prepare an inventory of all evidence relevant to the claims in the petition within the possession or custody of the person or

agency that may be subjected to genetic marker analysis pursuant to this section; and

(3) Within 90 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.

5. Within 90 days after the inventory of all evidence is prepared pursuant to subsection 4, the prosecuting attorney may file a written response to the petition with the court.

6. If the court holds a hearing on a petition filed pursuant to this section, the hearing must be presided over by the judge who conducted the trial that resulted in the conviction of the petitioner, unless that judge is unavailable. Any evidence presented at the hearing by affidavit must be served on the opposing party at least 15 days before the hearing.

7. The court shall order a genetic marker analysis, after considering the information contained in the petition pursuant to subsection 3 and any other evidence, if the court finds that:

(a) A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;

(b) The evidence to be analyzed exists; and

(c) Except as otherwise provided in subsection 8, the evidence was not previously subjected to a genetic marker analysis.

8. If the evidence was previously subjected to a genetic marker analysis, the court shall order a genetic marker analysis pursuant to subsection 7 if the court finds that:

(a) The result of the previous analysis was inconclusive;

(b) The evidence was not subjected to the type of analysis that is now requested and the requested analysis may resolve an issue not resolved by the previous analysis; or

(c) The requested analysis would provide results that are significantly more accurate and probative of the identity of the perpetrator than the previous analysis.

9. If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the court shall:

(a) Order the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.

(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:

(1) Be operated by this state or one of its political subdivisions, when possible; and

(2) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.

(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:

(1) Be specified in the order; and

(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.

(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.

(e) Order the preservation of evidence used in a genetic marker analysis performed pursuant to this section for purposes of a subsequent proceeding or analysis, if any.

(f) Order the results of the genetic marker analysis performed pursuant to this section to be sent to the State Board of Parole Commissioners if the results of the genetic marker analysis are not favorable to the petitioner.

10. ***If the court orders a genetic marker analysis pursuant to subsection 7 or 8, the State may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.***

11. If the results of a genetic marker analysis performed pursuant to this section are favorable to the petitioner:

(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and

(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.

~~[11.]~~ ***12.*** The court shall ~~[dismiss]~~ ***enter an order dismissing*** a petition filed pursuant to this section if:

(a) The requirements for ordering a genetic marker analysis pursuant to this section are not satisfied; or

(b) The results of a genetic marker analysis performed pursuant to this section are not favorable to the petitioner.

~~[12.]~~ ***13. If the court enters an order dismissing a petition pursuant to this section, the person aggrieved by the order may appeal to the Supreme Court within 30 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the district court.***

~~*[13.]*~~ ***14.*** For the purposes of a genetic marker analysis pursuant to this section, a person who files a petition pursuant to this section shall be deemed to consent to the:

(a) Submission of a biological specimen by the petitioner to determine genetic marker information; and

(b) Release and use of genetic marker information concerning the petitioner.

~~[~~13.~~]~~ ~~*[14.]*~~ ***15.*** The petitioner shall pay the cost of a genetic marker analysis performed pursuant to this section, unless the petitioner is incarcerated at the time the petitioner files the petition, found to be indigent pursuant to NRS 171.188 and the results of the genetic marker analysis are favorable to the petitioner. If the petitioner is not required to pay the cost of the analysis pursuant to this subsection, the expense of an analysis ordered pursuant to this section is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.

~~[~~14.~~]~~ ~~*[15.]*~~ ***16.*** The remedy provided by this section is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of a crime.

~~[~~15.~~]~~ ~~*[16.]*~~ ***17.*** If a petitioner files a petition pursuant to this section, the court schedules a hearing on the petition and a victim of the crime for which the petitioner was convicted has requested notice pursuant to NRS 178.5698, the district attorney in the county in which the petitioner was convicted shall provide to the victim notice of:

(a) The fact that the petitioner filed a petition pursuant to this section;

(b) The time and place of the hearing scheduled by the court as a result of the petition; and

(c) The outcome of any hearing on the petition.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 605 to Assembly Bill No. 233.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 605 expands the provisions of the bill to apply to persons convicted of any felony, not only A and B felonies. It deletes the requirement for a person to be under sentence for a conviction to file a petition requesting a genetic marker analysis, and it provides that if a court orders the analysis, the state may appeal the order to the Supreme Court.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 300.

The following Senate amendment was read:

Amendment No. 812.

AN ACT relating to real property; revising provisions governing the affidavit of authority to exercise the power of sale under a deed of trust which must be included with a notice of default and election to sell; **revising provisions governing the exercise of the power of sale under a deed of trust;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a notice of default and election to sell real property subject to a deed of trust to include an affidavit based on the personal knowledge of the affiant setting forth certain information concerning the deed of trust, the amounts due, the possession of the note secured by the deed of trust and the authority to foreclose. (NRS 107.080) **Section 1** of this bill provides that certain information provided in the affidavit may be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State. **Section 1** also revises the information required to be stated in the affidavit. **Section 1 further provides that the power of sale may not be exercised until the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale.** Under **sections 2 and 3** of this bill, the amendatory provisions of this bill become effective upon passage and approval and apply to a notice of default and election to sell recorded on or after the effective date of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale **.** ~~[~~stating, based on personal knowledge and~~]~~ ***Except as otherwise provided in subparagraph*** ~~***[(6),]***~~ ***(5), the affidavit required by this paragraph must state*** under the penalty of perjury ~~[:]~~ ***the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:***

(1) The full name and business address of the ***current*** trustee or the ***current*** trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the ~~[~~servicers~~]~~ ***current servicer*** of the obligation or debt secured by the deed of trust **.** ~~[;]~~

(2) ~~[~~The full name and last known business address of every prior known beneficiary of the deed of trust;

~~(3)]~~ That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust ~~[;~~

~~(4) That]~~ ***or that*** the ***beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the*** ~~***[obligation or debt secured by the deed of trust]***~~ ***instrument if the beneficiary or its successor in interest or the trustee is:***

(I) The holder of the instrument **;** ~~***[constituting the obligation or debt;]***~~

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) ~~[That the beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the~~ trustee~~]~~ ~~[~~has the authority~~]~~ ~~[~~to exercise the power of sale with respect to the property .~~]~~ ~~[~~pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

~~(5) The~~**]**

~~[(4)]~~ That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee , or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, ~~[void]~~ avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt ~~[,]~~ existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default ~~[~~, the~~]~~ ***;***

(III) The principal amount of the obligation or debt secured by the deed of trust ~~[~~, a~~]~~ ***;***

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed ~~[~~and to be imposed because of the default and the costs and fees charged to the debtor~~]~~ in connection with the exercise of the power of sale; and

~~[(6)]~~ ***(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph ~~[(5).]~~ (4).***

~~[(5)]~~ (4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive ~~[answers to any questions concerning the information contained in the affidavit.~~

~~(6)]~~ the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date ~~[,]~~ ***and the*** recordation number or other unique designation of ~~[~~the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.~~]~~ ***, and the name of each assignee under, each recorded assignment of the deed of the trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:***

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) ***The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.***

(e) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may

be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) **"**Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) **"**Trustee" means the trustee of record.

Sec. 2. The amendatory provisions of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by this act, on or after the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 812 to Assembly Bill No. 300.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 812 moves the language concerning instructing the trustee to exercise the power of sale outside of the affidavit to establish it as a separate legal obligation. It provides for a local telephone number in addition to a toll-free telephone number, it clarifies that the information the obligor or borrower of the obligation may call to receive is limited to the most current amounts due, it revises the description of information to be provided regarding the reinstatement amount, and it authorizes an attorney representing the beneficiary to send a written statement.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 35.

The following Senate amendment was read:

Amendment No. 668.

SHORT FORM AMENDMENT

Section 4.5 of this act is the only section affected by this amendment.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) Section 5 of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) Sections 11, 15, 16, 18-20 and 38 of this bill remove those separate provisions, and sections 11, 15, 18 and 19 also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) Sections 15 and 19 provide that certain contributions received and expenditures which are: (1) made for or against a candidate or a group of candidates; and (2) not

coordinated with a candidate or a group of candidates, must be reported. Section 4.5 of this bill sets forth the circumstances under which an expenditure ~~[will or]~~ will not be considered to be coordinated with a candidate or a group of candidates.

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report contributions received and expenditures made. (NRS 294A.150, 294A.220) Sections 16 and 20 of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) Section 17 of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) Section 27 of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. Section 27 also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) Section 37 of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

Section 4.5 of Assembly Bill No. 35 First Reprint is hereby amended as follows:

Sec. 4.5. ***1.*** ~~***[For the purposes of this chapter, an expenditure is coordinated with a candidate or group of candidates if the expenditure is made, without limitation:***~~

~~***(a) With the cooperation of or in consultation with the candidate or group of candidates for whose benefit the expenditure is made;***~~

~~***(b) Pursuant to any formal, informal, oral or written contract or arrangement with a candidate or group of candidates;***~~

~~*(c) With the involvement of a candidate or group of candidates in any decision regarding, for any communication paid for by the expenditure:*~~

~~*(1) The content, intended audience, timing, frequency, size or prominence of the communication;*~~

~~*(2) The means or mode of making the communication; or*~~

~~*(3) The specific media outlet used to make the communication; or*~~

~~*(d) By a person to whom is conveyed, during a discussion with a candidate or group of candidates, information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates which is material to the creation, production or distribution of any communication paid for by the expenditure.*~~

~~*2.*~~ ***For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:***

(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and

(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.

~~*[3.]*~~ ***2.*** ***As used in this section, "candidate or group of candidates" includes, without limitation:***

(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;

(b) Any person related to a candidate within the second degree of consanguinity or affinity; and

(c) An agent of a candidate or group of candidates.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 668 to Assembly Bill No. 35.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, Senate Amendment 668 removes the factors to be considered in defining the term "coordinated with" from Assembly Bill 35.

Motion carried.

The following Senate amendment was read:

Amendment No. 830.

AN ACT relating to elections; revising requirements for reporting contributions, expenditures and campaign expenses relating to special elections; revising provisions governing the disposition of unspent contributions; establishing a procedure for a candidate to end his or her campaign; clarifying the existence of certain remedies and penalties relating to campaign finance; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) **Section 5** of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) **Sections 11, 15, 16, 18-20 and 38** of this bill remove those separate provisions, and **sections 11, 15, 18 and 19** also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) **Sections 15 and 19** provide that certain contributions received and expenditures which are **[**~~: (1)~~**]** made for or against a candidate or a group of candidates **[**~~; and (2) not coordinated with a candidate or a group of candidates,~~**]** must be reported. **[**~~Section 4.5 of this bill sets forth the circumstances under which an expenditure will not be considered to be coordinated with a candidate or a group of candidates.~~**]**

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report

contributions received and expenditures made. (NRS 294A.150, 294A.220) **Sections 16 and 20** of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) **Section 17** of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) **Section 27** of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. **Section 27** also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) **Section 37** of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[on campaign contributions and expenditures]~~ submitted to the Secretary of State pursuant to the provisions of ***chapter 294A of*** NRS**.** ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. ***"General election" includes:***

1. A general election, as defined in NRS 293.060; and

2. A general city election, as defined in NRS 293.059.

Sec. 4. ***"Primary election" includes:***

1. A primary election, as defined in NRS 293.080; and

2. A primary city election, as defined in NRS 293.079.

Sec. 4.5. ~~***[1. For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:***~~

~~***(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and***~~

~~***(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.***~~

~~***2. As used in this section, "candidate or group of candidates" includes, without limitation:***~~

~~*(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;*~~

~~*(b) Any person related to a candidate within the second degree of consanguinity or affinity; and*~~

~~*(c) An agent of a candidate or group of candidates.]*~~ **(Deleted by amendment.)**

Sec. 5. ***If a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:***

1. A candidate, person, committee or political party is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 that was due on or before the date on which the call for the special election was issued; and

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 is due on or before the 15th day of the second month after the primary election.

Sec. 6. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.009, inclusive, ***and sections 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 294A.0025 is hereby amended to read as follows:

294A.0025 **"**Advocates expressly" or "expressly advocates" means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, ~~[~~primary city election,~~]~~ general election ~~[~~, general city election~~]~~ or special election. A communication does not have to include the words "vote for," "vote against," "elect," "support" or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 8. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. **"**Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, ~~[~~primary city election,~~]~~ general election, ~~[~~general city election,~~]~~ special election or question on the ballot.

2. **"**Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as ~~[~~campaign~~]~~ contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 9. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. **"**Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[~~the~~]~~ ***a*** candidate or group who makes an expenditure ~~[~~on behalf of the~~]~~ ***for or against a*** candidate or group which is not solicited or ~~***[by,]***~~ approved by ~~[~~the~~]~~ ~~***[for coordinated with]***~~ ***a*** candidate or group; or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~[~~on behalf of~~]~~ ***for or against*** a candidate or group of candidates,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail,

paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 10. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election **,** ~~[(or primary city election,)]~~ regardless of the number of candidates for the office, and $5,000 for the general election **,** ~~[(or general city election,)]~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last ***general*** election for the office and ending 30 days before the regular session of the Legislature immediately following the next ***general*** election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days ~~[(before)]~~ ***after*** the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for ~~[(state, district, county or township)]~~ office at a primary ***election*** or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each ~~[(campaign)]~~ contribution in excess of $100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed $100; and

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for ~~[(state, district, county or township)]~~ office at a primary ***election*** or general election shall, ~~[(if the general election for the~~

~~office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,~~**]** not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each **[**~~campaign~~**]** contribution described in subsection 1 received during the period. **[**~~The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~➥ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to~~

~~the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~4.~~ ***3.*** Except as otherwise provided in ~~[subsection 5,]~~ ***subsections 4 and 5 and section 5 of this act,*** every candidate for ~~[a district]~~ office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through ***the date of*** the special election,

➥ report each ~~[campaign]~~ contribution described in subsection 1 received during the period. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5. Every]~~

4. Except as otherwise provided in subsection 5 and section 5 of this act, every candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election,]~~ ***, not later than:***

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ***12 days before the beginning of early voting by personal appearance for*** the special election; ~~[or]~~ ***and***

(b) ~~[A]~~ ***Thirty days after the special election, for the remaining period through the date of the special election,***

➥ ***report each contribution described in subsection 1 received during the period.***

5. If a district court determines that ~~[the]~~ ***a*** petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to

circulate the petition for recall through the date of the district court's ~~[decision.~~

~~➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~ ***order, report each contribution described in subsection 1 received during the period.***

6. Except as otherwise provided in NRS 294A.3733, reports of ~~[campaign]~~ contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

9. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 12. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ ***and*** 294A.200 ***,*** ~~[and 294A.360,]~~ a candidate who receives contributions in any year before the year in which the general election ~~[or general city election]~~ in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; and

(2) The total of all contributions received and expenditures which are $100 or less.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election ~~[or general city election]~~ in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of $100 made in that year; and

(2) The total of all contributions received and expenditures which are $100 or less.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

5. A report shall be deemed to be filed on the date it was received by the Secretary of State.

Sec. 13. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ ***and*** 294A.200 **,** ~~[and 294A.360,]~~ a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 **,** ~~[or 294A.360,]~~ report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 **.** ~~[or 294A.360.]~~

Sec. 14. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate ~~[for state, district, county, city or township office]~~ shall, not later than 1 week after receiving minimum

~~[campaign]~~ contributions of $100, open and maintain a separate account in a financial institution for the deposit of any ~~[campaign]~~ contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥ and as soon as all payments of money committed have been made.

Sec. 15. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. ~~[Every]~~ ***The provisions of this section apply to:***

(a) Every person who is not under the direction or control of a candidate for office ***,*** ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ ***a*** candidate or group ***and*** who makes an expenditure ~~[on behalf of the]~~ ***for or against a*** candidate or group which is not solicited or ~~***[by,]***~~ approved by ~~[the]~~ ~~***[or coordinated with]***~~ ***a*** candidate or group ***;*** ~~[,]~~ and ~~[every]~~

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $100 or makes an expenditure ~~[on behalf of such]~~ ***for or against*** a candidate ***for office*** or ***a*** group of ***such*** candidates ***.***

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply ***,*** ~~[to the person, committee or political party,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ ***3.*** Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ ***shall,*** not later than:

(a) Twenty-one days before the primary election ~~[or primary city election]~~ for that office, for the period from the January 1 immediately preceding the

primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election ~~[or primary city election]~~ for that office, for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election ~~[or general city election]~~ for that office, for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election ~~[or general city election]~~ for that office, for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election ***,*** ~~[or general city election,]~~

➥ report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.~~

~~4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5.~~ ***4.*** Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections 5 and*** 6 ~~[,]~~ ***and section 5 of this act,*** every person, committee or political party described in subsection 1 which makes an expenditure ~~[~~on behalf of~~]~~ ***for or against*** a candidate for office at a special election or ~~[~~on behalf of~~]~~ ***for or against*** a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election ***,*** ~~[~~for the office for which the candidate or a candidate in the group of candidates seeks election,~~]~~ for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each ~~[~~campaign~~]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[~~The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

~~6. Every~~~~]~~

5. Except as otherwise provided in subsection 6 and section 5 of this act, every person, committee or political party described in subsection 1 which makes an expenditure ~~[~~on behalf of~~]~~ ***for or against*** a candidate for office at a special election to determine whether a public officer will be recalled or ~~[~~on behalf of~~]~~ ***for or against*** a group of candidates for offices at such special elections shall ***, not later than:***

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b)]~~ ***6.*** If ~~[the special election is not held because]~~ a district court determines that ~~[the]~~ ***a*** petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***order, report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100.***

7. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. Every person, committee or political party described in ~~[subsection 1]~~ ***this section*** shall file a report required by this section even if the person, committee or political party receives no contributions.

10. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has

made cumulatively in excess of $100 since the beginning of the current reporting period.

11. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 16. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for each question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection ***1*** shall, not later than:

(a) Twenty-one days before the primary election **,** ~~[or primary city election,]~~ for the period from the January 1 immediately preceding the primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election **,** ~~[or primary city election,]~~ for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election **,** ~~[or general city election,]~~ for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election **,** ~~[or general city election,]~~ for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election **,** ~~[or general city election,]~~

➥ report each ~~[campaign]~~ contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

~~4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election~~

~~or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every~~**]**

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each **[**~~campaign~~**]** contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. **[**~~The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and made available by the~~

~~Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~7.~~**]** ***4. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.***

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

[~~8.~~**]** ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

[~~9.~~**]** ***7.*** If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

8. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 17. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a **[**~~campaign~~**]** contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use **[**~~campaign~~**]** contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of **[**~~campaign~~**]** contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 **[**~~,~~**]** ***or*** 294A.200 **.** **[**~~or 294A.360.~~**]** A candidate or public officer shall not use **[**~~campaign~~**]** contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for ~~[~~a state, district, county, city or township~~]~~ office at a primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for ~~[~~a state, district, county, city or township~~]~~ office at a primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election who withdraws ***pursuant to NRS 293.202 or 293C.195*** after filing a declaration of candidacy or an acceptance of candidacy ***, is removed from the ballot by court order*** or is defeated for ***or otherwise not elected to*** that office and who received contributions that were not spent or committed for expenditure before the primary ~~[,]~~ ***election,*** general ~~[, primary city, general city]~~ ***election*** or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for ~~[~~a state, district, county, city or township~~]~~ office who withdraws after filing a declaration of candidacy or an acceptance of candidacy ***, is removed from the ballot by court order before the general election*** or is defeated for that office at a primary ~~[~~or primary city~~]~~ election and ***who*** received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the election, return any money in excess of $5,000 to the contributor.

6. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 7 ~~[~~,~~]~~ ***and 8,*** every public officer who:

(a) ~~[~~Holds a state, district, county, city or township office;

~~(b)]~~ Does not run for reelection to ~~[~~that~~]~~ ***the*** office ***which he or she holds*** and is not a candidate for any other office; and

~~[(c)]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection ~~[~~3.~~]~~ ***4.***

7. ***A public officer who:***

(a) Resigns from his or her office;

(b) Is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

8. A public officer who:

(a) ~~[~~Holds a state, district, county, city or township office;

~~(b)]~~ Does not run for reelection to ~~[~~that~~]~~ ***the*** office ***which he or she holds*** and is a candidate for any other office; and

~~[(c)]~~ ***(b)*** Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent ~~[~~campaign~~]~~ contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 ~~[~~, 294A.360~~]~~ and 294A.362 for as long as the public officer is a candidate for any office.

~~[8.]~~ ***9.*** In addition to the methods for disposing the unspent money set forth in subsections 3, 4, 5 ~~[~~and 7,~~]~~ ***, 7 and 8,*** a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[9.]~~ ***10.*** Any contributions received before a candidate for ~~[~~a state, district, county, city or township~~]~~ office at a primary ~~[~~,~~]~~ ***election,*** general ~~[~~, primary city, general city~~]~~ ***election*** or special election dies that were not

spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection ~~[~~3.~~]~~ ***4.***

~~[~~10.~~]~~ ***11.*** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[~~11.~~]~~ ***12.*** As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 18. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for ~~[~~~~state, district, county or township~~~~]~~ office at a primary ***election*** or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of $100 incurred during the period;

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are $100 or less**.** ~~[~~~~,~~ ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~]~~

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for ~~[~~~~state, district, county or township~~~~]~~ office at a primary ***election*** or general election shall, ~~[~~~~if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,~~]~~ not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period **.** ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~➥ report each of the campaign expenses described in subsection 1 incurred during the period on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~5.~~ ***4.*** Except as otherwise provided in ~~[subsection 6,]~~ ***subsections 5 and 6 and section 5 of this act,*** every candidate for ~~[a district]~~ office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through ***the date of*** the special election,

➥ report each of the campaign expenses described in subsection 1 incurred during the period **.** ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~6. Every]~~

5. Except as otherwise provided in subsection 6 and section 5 of this act, every candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The]~~ ***, not later than:***

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ***12 days before the beginning of early voting by personal appearance for*** the special election; ~~[or]~~ ***and***

(b) ~~[If]~~ ***Thirty days after*** the special election ~~[is not held because]~~ ***, for the remaining period through the date of the special election,***

➥ ***report each of the campaign expenses described in subsection 1 incurred during the period.***

6. If a district court determines that ~~[the]~~ ***a*** petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision.~~

~~➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~ ***order, report each of the campaign expenses described in subsection 1 during the period.***

7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 19. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. ***The provisions of this section apply to:***

(a) Every person who is not under the direction or control of a candidate for ~~[an]~~ office ***,*** ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ ***a*** candidate or group ***and*** who makes an expenditure ~~[on behalf of the]~~ ***for or against a*** candidate or group which is not solicited or ~~***[by,]***~~ approved by ~~[the]~~ ~~***[or coordinated with]***~~ ***a*** candidate or group ~~[, and every]~~ ***; and***

(b) Every committee for political action, political party or committee sponsored by a political party which receives contributions in excess of $100 or makes an expenditure ~~[on behalf of such]~~ ***for or against*** a candidate ***for office*** or ***a*** group of ***such*** candidates ***.***

2. Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates]~~ in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and expenditures made during the period to one recipient which cumulatively exceed $100.*** The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ ***3.*** Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group~~

~~of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,~~ ***shall,*** not later than:

(a) Twenty-one days before the primary election ~~[or primary city election]~~ for that office, for the period from the January 1 immediately preceding the primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election ~~[or primary city election]~~ for that office, for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election ~~[or general city election]~~ for that office, for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election ~~[or general city election]~~ for that office, for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election **,** ~~[or general city election,]~~

➥ report each expenditure ***in excess of $100*** made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of]~~ ***and expenditures made during the period to one recipient which cumulatively exceed*** $100 **.** ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

4. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 5 ~~[~~,~~]~~ ***and 6 and section 5 of this act,*** every person, committee or political party described in subsection 1 which makes an expenditure ~~[~~on behalf of~~]~~ ***for or against*** a candidate for office at a special election or ~~[~~on behalf of~~]~~ ***for or against*** a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special ~~[~~election for the office for which the candidate or a candidate in the group of candidates seeks~~]~~ election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each expenditure ***in excess of $100*** made during the period ~~[~~on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~]~~ ***and expenditures made during the period to one recipient which cumulatively exceed $100.***

5. ~~[~~Every~~]~~ ***Except as otherwise provided in subsection 6 and section 5 of this act, every*** person, committee or political party described in subsection 1 which makes an expenditure ~~[~~on behalf of~~]~~ ***for or against*** a candidate for office at a special election to determine whether a public officer will be recalled or ~~[~~on behalf of~~]~~ ***for or against*** a group of such candidates shall ~~[~~list each expenditure made on behalf of the candidate, the group of candidates or

~~a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The~~**]** ***, not later than:***

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the **[**~~filing of~~**]** ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through ***12 days before the beginning of early voting by personal appearance for*** the special election; **[**~~or~~**]** ***and***

(b) ***Thirty days after the special election, for the remaining period through the date of the special election,***

➥ report each expenditure in excess of $100 made during the period and expenditures made during the period to one recipient which cumulatively exceed $100.

6. If **[**~~the special election is not held because~~**]** a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's **[**~~decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6.~~**]** ***order, report each expenditure in excess of $100 made during the period and expenditures made during the period to one recipient which cumulatively exceed $100.***

7. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

[~~7.~~**]** ***8.*** Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

[~~8.~~**]** ***9.*** If an expenditure is made **[**~~on behalf of~~**]** ***for or against*** a group of candidates, the reports must be itemized by the candidate.

[~~9.~~**]** ***10.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

11. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 20. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of]~~ ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.*** The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for a question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection ***1*** shall, not later than:

(a) Twenty-one days before the primary election ***,*** ~~[or primary city election,]~~ for the period from the January 1 immediately preceding the

primary election ~~[or primary city election]~~ through 25 days before the primary election ***;*** ~~[or primary city election;]~~

(b) Four days before the primary election **,** ~~[or primary city election,]~~ for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ***;*** ~~[or primary city election;]~~

(c) Twenty-one days before the general election **,** ~~[or general city election,]~~ for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ***;*** ~~[or general city election;]~~ and

(d) Four days before the general election **,** ~~[or general city election,]~~ for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election **,** ~~[or general city election,]~~

➥ report each expenditure made during the period ~~[on behalf of]~~ ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Twenty-one days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;~~

~~(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city~~

~~election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,~~

~~➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every~~**]** ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.***

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

➥ report each expenditure made during the period **[**~~on behalf of~~**]** ***for*** or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 **[**~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~**]** ***and such expenditures made during the period to one recipient that cumulatively exceed $1,000.***

[~~6.~~**]** ***4.*** Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

[~~7.~~**]** ***5. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.***

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

[~~8.~~**]** ***7.*** If an expenditure is made **[**~~on behalf of~~**]** ***for or against*** a group of questions, the reports must be itemized by question or petition.

[~~9.~~**]** ***8.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 21. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary **[**~~,~~**]** ***election,*** general ***election*** or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 22. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~[~~subsection 3,~~]~~ ***subsections 3 and 4,*** each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[~~filing of~~]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015,*** through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the ***special*** election, for the remaining period through ***the date of*** the ***special*** election,

➥ report each contribution received or made by the committee ***for the recall of a public officer during the period*** in excess of $100 ~~[~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

2. If a petition for the ~~[~~purpose of recalling~~]~~ ***recall of*** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~[~~,~~]~~ ***for the recall of a public officer,*** and each contribution made by the committee ***for the recall of a public officer*** in excess of $100 ~~[~~.~~]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

3. If a ***district*** court ~~[~~does not order a special election~~]~~ ***determines that the petition*** for the recall of the public officer ~~[~~,~~]~~ ***is legally insufficient pursuant to subsection 6 of NRS 306.040,*** the committee for the recall of a public officer shall, not later than 30 days after the ***district*** court ~~[~~determines that an election will not be held,~~]~~ ***orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the day ***of*** the ~~[~~court determines that an election will not be held,~~]~~ ***district court's order,*** report each contribution received ***or made*** by the committee ~~[~~, and each contribution made by the committee~~]~~ ***for the recall of a public officer*** in excess of $100 ~~[~~.~~]~~ ***and contributions received from a contributor or made to one recipient which cumulatively exceed $100.***

4. ***If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:***

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~[5.]~~ ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[6.]~~ ***7.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

8. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 23. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 3 and 4,*** each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[filing of]~~ ***date*** the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015*** through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the ***special*** election, for the remaining period through ***the date of*** the ***special*** election,

➥ report each expenditure made by the committee ***for the recall of a public officer during the period*** in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

2. If a petition for the ~~[purpose of recalling]~~ ***recall of*** a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

3. If a ***district*** court ~~[does not order a special election]~~ ***determines that a petition*** for the recall of the public officer ~~[,]~~ ***is legally insufficient pursuant to subsection 6 of NRS 306.040,*** the committee for the recall of a public officer shall, not later than 30 days after the ***district*** court ~~[determines that an election will not be held,]~~ ***orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the day ***of*** the ~~[court determines that an election will not be held,]~~ ***district court's order,*** report each expenditure made by the committee ***for the recall of a public officer*** in excess of $100 ~~[.]~~ ***and expenditures made to one recipient which cumulatively exceed $100.***

4. ***If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:***

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~[5.]~~ ***6.*** A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

8. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 24. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 ***,*** ~~[or 294A.360,]~~ report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ ***or*** 294A.200 ***.*** ~~[or 294A.360.]~~

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

(b) Donate the money to any tax-exempt nonprofit entity.

Sec. 25. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not solicited or ~~***[by,]***~~ approved by ~~***[or coordinated with]***~~ the candidate or group;

(e) A political party or committee sponsored by a political party that makes an expenditure ~~[on behalf of]~~ ***for or against*** a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) **"**Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) **"**Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 26. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ***;*** ~~[or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, ***political*** party or committee for political action,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, ***political*** party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election ***;*** ~~[or primary city election;]~~ and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 27. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. ~~[Every]~~ ***Except as otherwise provided in subsection 2, every*** candidate for ~~[state, district, county, municipal or township]~~ office shall file the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, ***294A.125,*** 294A.128, 294A.200 and ~~[294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286, even though the candidate:

(a) Withdraws his or her candidacy ~~[;]~~ ***pursuant to NRS 293.202 or 293C.195;***

(b) ***Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;***

(c) Receives no ~~[campaign]~~ contributions;

~~[(c)]~~ ***(d)*** Has no campaign expenses;

~~[(d)]~~ ***(e) Is not opposed in the election by another candidate;***

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

~~[(e)]~~ ***(h)*** Is the subject of a petition to recall and the special election is not held.

2. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** candidate ~~[who withdraws his or her candidacy pursuant to NRS 293.202 may file]~~ ***described in paragraph (a), (b), (f) or (g) of subsection 1 may*** simultaneously ***file*** all the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, ***294A.125,*** 294A.128, 294A.200 and ~~[294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286 ~~[, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.]~~ ***that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

3. This section does not exempt a person whose name appears on the ballot and who is elected to office from any reporting requirement of this chapter.

Sec. 28. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***and*** 294A.200 ***,*** ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***or*** 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such ~~[campaign]~~ contribution in excess of $100 received during the reporting period;

(b) Each such ~~[campaign]~~ contribution from a contributor received during the reporting period which cumulatively exceeds $100;

(c) Each such ***campaign*** expense in excess of $100 incurred during the reporting period;

(d) The total of all such ~~[campaign]~~ contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such ***campaign*** expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State ~~[and each city clerk]~~ shall not require a candidate to list the ~~[campaign]~~ contributions and ***campaign*** expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ ***or*** 294A.200 ***.*** ~~[or 294A.360.]~~

Sec. 29. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report ~~[of expenditures]~~ required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each ***campaign*** expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the ***campaign*** expense or expenditure and the date on which the ***campaign*** expense was incurred or the expenditure was made.

2. The categories of ***campaign*** expense or expenditure for use on the report of ***campaign*** expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and

(l) Other miscellaneous expenses.

3. Each report of ***campaign*** expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~[campaign]~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 4 of NRS 294A.286 ~~[.]~~ ***, as applicable.***

Sec. 30. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

(a) Advertising ~~[on behalf of]~~ ***for or against*** any candidate or ***a*** group of ***such*** candidates;

(b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

➥ shall, during the period beginning at least 10 days before each primary election ~~[, primary city election,]~~ ***or*** general election ~~[or general city election]~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 31. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ ***this chapter.***

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee ~~[or]~~ ***and*** political party that is required to file a report ~~[described in subsection 1:]~~ ***pursuant to this chapter:***

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form

designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 32. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report ***;*** ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report ***.*** ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~[described in subsection 1 of NRS 294A.373.]~~ ***pursuant to this chapter.***

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 33. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee or political party that is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** is not required to file the report electronically if the person, committee or political party:

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee or political party does not own or have the ability to access the technology necessary to file electronically the report ***;*** ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The person, committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report **.** ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~[described in subsection 1 of NRS 294A.373]~~ is required to be filed ***pursuant to this chapter*** by the person, committee or political party.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee or political party was required to file any report ~~[described in subsection 1 of NRS 294A.373]~~ ***pursuant to this chapter*** in the previous year.

3. A person, committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 34. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~[,]~~ ***or*** 294A.280 ~~[or 294A.360]~~ relating to the making, accepting or reporting of ~~[campaign]~~ contributions, ***campaign*** expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a

violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 35. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286 ~~[~~, 294A.360~~]~~ and 294A.362, prepare and make available for public inspection a compilation of:

1. The total ~~[~~campaign~~]~~ contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and ***campaign*** expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person ~~[~~on behalf of~~]~~ ***for or against*** a candidate other than the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[~~the~~]~~ ***a*** candidate or group who makes an expenditure ~~[~~on behalf of the~~]~~ ***for or against a*** candidate or group which is not solicited or ~~***[by,]***~~ approved by ~~[~~the~~]~~ ~~***[for coordinated with]***~~ ***a*** candidate or group**.**

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~[~~on behalf of~~]~~ ***for or against*** a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 36. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election **[**~~, general city election~~**]** or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

(a) Any person alleged in the notice to have committed the violation; or

(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of

State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 37. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a ***candidate,*** person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~[,]~~ ***or*** 294A.286 ~~[or 294A.360]~~ has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that ***candidate,*** person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ***candidate,*** person, committee or entity that violates an applicable provision of this chapter is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a ***candidate,*** person, committee or entity has reported its contributions, ***campaign*** expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 38. NRS 294A.360 is hereby repealed.

Sec. 39. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 830 to Assembly Bill No. 35.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, Senate Amendment 830 removes the remaining portion of the definition of "coordinated with" and other references to coordination throughout the bill. The additional definition of "coordinated with" and the new references to this term are not necessary to the campaign finance laws.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 48.

The following Senate amendment was read:

Amendment No. 854.

SHORT FORM AMENDMENT

Section 16 of this act is the only section affected by this amendment

Sec. 16. ***"Independent expenditure" means an expenditure which is made by a person who is not under the direction or control of a candidate for office, of a group of such candidates or of any person involved in the campaign of a candidate or group and which is made for or against a candidate or group and is not solicited ~~[by,]~~ or approved by ~~[or coordinated with]~~ a candidate or group.***

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 854 to Assembly Bill No. 48.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Madam Speaker, this amendment—similarly to the amendment to Assembly Bill 35—removes the phrase "coordinated with" from the definition of "independent expenditure." This amendment is consistent with the change we made to the prior bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that the Assembly rescind the action whereby it concurred in Senate Amendment No. 766 to Assembly Bill No. 95.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 95.

The following Senate amendment was read:

Amendment No. 766.

AN ACT relating to pharmacy; ~~[requiring, with limited exceptions,]~~ **revising provisions authorizing** a pharmacist or practitioner to indicate on a prescription label if a generic drug has been substituted for a drug prescribed by brand name; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist or practitioner to indicate on the label of a prescription that a generic drug has been substituted for a drug prescribed by brand name unless the indication is prohibited by the practitioner who prescribed the drug. (NRS 639.2587) This bill requires such an indication ~~[in every circumstance where a]~~ **the first time that the** generic drug is substituted for a drug prescribed by brand name unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 639.2587 is hereby amended to read as follows:

639.2587 If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner ~~[:~~

~~1. Shall note]~~ ***shall:***

1. ***Note*** the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. ~~[Unless prohibited by the practitioner, may indicate]~~ ***Indicate*** the substitution by writing or typing on the label the words "substituted for ~~["]~~ ***," or substantially similar language,*** following the generic name and preceding the brand name of the drug ~~[.]~~ ***unless the person for whom the drug is dispensed elects not to have such an indication written or typed on the label. The provisions of this subsection apply only to the initial substitution of the generic drug for a drug prescribed by brand name.***

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 766 to Assembly Bill No. 95.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

The following Senate amendment was read:

Amendment No. 831.

ASSEMBLYMEN BUSTAMANTE ADAMS, HEALEY**,** ~~[AND]~~ ELLIOT ANDERSON **AND EISEN**

JOINT ~~[SPONSOR: SENATORS]~~ **SPONSORS: SENATORS** SPEARMAN **AND HARDY**

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for a license by endorsement to practice in this State; **authorizing certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in this State and another jurisdiction and regulating such licensees; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section ~~[1]~~ 1.1** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members or veterans of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for and receive a license by endorsement to practice their respective profession in this State. **Section 1.1 also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license.**

Section 1.15 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. Sections 1.2, 1.5 and 1.7 of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain a license by endorsement to practice in this State if the physician or podiatrist: (1) holds a valid and unrestricted license to practice in another state or territory of the United States; (2) is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and (3) meets certain other requirements.

Section 1.85 of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the

medical facility. Section 1.85 requires a medical facility, other than a hospital, that employs or contracts with a physician to provide health care to a patient to have: (1) credentialing and privileging standards and a process for peer review for the medical facility; and (2) a physician or committee of physicians oversee those standards and the process for peer review.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 and 1.15 of this act.**

Sec. 1.1. 1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:

(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;

(b) The applicant is an active member or veteran of, the spouse of an active member of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and

(c) The regulatory body determines that the provisions of law in the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

2. An applicant for a license by endorsement pursuant to this section must submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of ~~[the]~~ any state or territory in which the applicant holds a license to practice his or her respective profession;

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties ~~[;]~~ or the American Osteopathic Association;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than ~~[45]~~ :

(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application ~~.]~~ ; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such action shall be deemed to be an action of the regulatory body.

5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

7. As used in this section, "veteran" means a person who qualifies for an exemption pursuant to NRS 361.090.

Sec. 1.15. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body shall prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to such reciprocal agreements and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 1.2. **Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.25. **NRS 630.160 is hereby amended to read as follows:**

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and sections 1.1 and 1.2 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. ***An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:***

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

4. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

~~[4.]~~ ***5.*** Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~[5.]~~ ***6.*** If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 1.3. **NRS 630.165 is hereby amended to read as follows:**

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ***or section 1.1 or 1.2 of this act*** must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 1.33. **NRS 630.171 is hereby amended to read as follows:**

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~[received]~~ ***completed*** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 1.35. **NRS 630.258 is hereby amended to read as follows:**

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[,]~~ ***or section 1.1 or 1.2 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is

subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 1.4. **NRS 630.265 is hereby amended to read as follows:**

630.265 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 1.45. **NRS 630.268 is hereby amended to read as follows:**

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement ***issued pursuant to NRS 630.1605 or section 1.2 of this act***	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400

For renewal of a limited, restricted, authorized facility or special license 400
For application for and issuance of a license as a physician Assistant 400
For biennial registration of a physician assistant 800
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive Status ..... .400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels ..... .500
For verification of a listing of physicians, per hour 20
For furnishing a list of new physicians ..... .100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 1.5. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice osteopathic medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.55. **NRS 633.311 is hereby amended to read as follows:**

633.311 ***1.*** Except as otherwise provided in NRS 633.315, ***633.381 to 633.419, inclusive, and sections 1.1 and 1.5 of this act,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~[1.]~~ ***(a)*** The applicant is 21 years of age or older;

~~[2.]~~ ***(b)*** The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~[3.]~~ ***(c)*** The applicant is a graduate of a school of osteopathic medicine;

~~[4.]~~ ***(d)*** The applicant:

~~[(a)]~~ ***(1)*** Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~[(1)]~~ ***(I)*** A hospital internship; or

~~[(2)]~~ ***(II)*** One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~[(b)]~~ ***(2)*** Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~[(c)]~~ ***(3)*** Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~[5.]~~ ***(e)*** The applicant applies for the license as provided by law;

~~[6.]~~ ***(f)*** The applicant passes:

~~[(a)]~~ ***(1)*** All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~[(b)]~~ ***(2)*** All parts of the licensing examination of the Federation of State Medical Boards ~~[of the United States, Inc.;~~

~~(c)]~~ ***;***

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~[(d)]~~ ***(4)*** A combination of the parts of the licensing examinations specified in ~~[paragraphs (a), (b) and (c)]~~ ***subparagraphs (1), (2) and (3)*** that is approved by the Board;

~~[7.]~~ ***(g)*** The applicant pays the fees provided for in this chapter; and

~~[8.]~~ ***(h)*** The applicant submits all information required to complete an application for a license.

2. An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 1.57. **NRS 633.322 is hereby amended to read as follows:**

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 1.6. **NRS 633.401 is hereby amended to read as follows:**

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 1.65. **NRS 633.416 is hereby amended to read as follows:**

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~[.]~~ ***or section 1.1 or 1.5 of this act;***

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 1.7. **Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the

applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.75. **NRS 635.050 is hereby amended to read as follows:**

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ ***Except as otherwise provided in section 1.1 or 1.7 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 1.8. **NRS 635.065 is hereby amended to read as follows:**

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ ***Except as otherwise provided in section 1.1 or 1.7 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 1.85. **Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.

2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:

(a) Credentialing and privileging standards and a process for peer review for the medical facility; and

(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).

3. If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility shall not, by virtue of its employment of

or contract with the physician, interfere with, limit or otherwise impede the ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.

4. As used in this section:

(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Privileging" means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician's license, education, training, experience, competence, health status and specialized skill.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 831 to Assembly Bill No. 349.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

The following Senate amendment was read:

Amendment No. 772.

AN ACT relating to health care; **requiring that advertisements for health care services include certain information; requiring a health care professional to communicate certain information to current and prospective patients; prescribing the format for certain advertisements and disclosures;** requiring a health care professional to wear a name tag indicating his or her licensure or certification under certain circumstances; limiting the use of the term "board certified" by certain health care professionals; providing that a health care professional is subject to disciplinary action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires **that an advertisement for health care services include certain information regarding the qualifications of a health care professional to whom the advertisement pertains, including information regarding any license or certification held by the health care professional. This bill also provides that such advertisements must not include any deceptive or misleading information. This bill requires a health care professional to communicate his or her specific licensure to all current and prospective patients and requires such a communication**

to include a written disclosure statement which is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license held by the health care professional. This bill requires a health care professional to wear a name tag indicating his or her licensure or certification while providing health care services **other than sterile procedures** in a health care facility. **This bill requires a health care professional to comply, as applicable, with such advertising and disclosure requirements in each office in which he or she practices, prescribes the format for certain advertisements and disclosures and sets forth certain exceptions to such requirements.** This bill also prohibits a health care professional who is a physician or osteopathic physician from using the term **"**board certified" unless he or she discloses the name of the board by which he or she is certified and the board: (1) is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or (2) meets certain other requirements. This bill further provides that a health care professional who violates the provisions of this bill is subject to disciplinary action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection*** ~~*[2.]*~~ ***3:***

(a) An advertisement for health care services that names a health care professional must identify the type of license or certificate held by the health care professional and must not contain any deceptive or misleading information. If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.

(b) Except as otherwise provided in subsection 4, a health care professional who provides health care services in this State shall affirmatively communicate his or her specific licensure or certification to all current and prospective patients. Such communication must include, without limitation, a written patient disclosure statement that is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The statement must be in a font size sufficient to make the information reasonably visible.

(c) A health care professional shall, during the course of providing health care services other than sterile procedures in a health care facility,

wear a name tag which indicates his or her specific licensure or certification.

~~[(b)]~~ (d) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty , and an advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or subspecialty, unless the physician or osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

~~[(c)]~~ (e) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.

2. A health care professional who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.

3. The provisions of this section do not apply to:

(a) A veterinarian or other person licensed under chapter 638 of NRS.

(b) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS, unless the person provides services directly to a patient or the public.

~~[3.]~~ 4. The provisions of paragraph (b) of subsection 1 do not apply to a health care professional who provides health care services in a medical facility licensed pursuant to chapter 449 of NRS or a hospital established pursuant to chapter 450 of NRS.

5. As used in this section:

(a) "Advertisement" means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care

services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard and any other communication or statement used in the course of business.

(b) "Deceptive or misleading information" means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care professional.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.2414.

[(b)] (d) "Health care professional" means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title.

[(c)] (e) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

[(d)] (f) "Osteopathic physician" has the meaning ascribed to it in NRS 633.091.

[(e)] (g) "Physician" has the meaning ascribed to it in NRS 630.014.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on January 1, 2014.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 772 to Assembly Bill No. 456.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment does three things. One, it requires that a health care services advertisement identify the type of licenses held by the health care professional and prohibits such an advertisement from containing deceptive or misleading information. Two, it requires the health care professional to provide a written patient disclosure statement which must be conspicuously displayed in the office—this does not apply to a health care professional of health care services provided in a medical facility licensed pursuant to Chapter 449 of NRS or a county or public hospital pursuant to Chapter 450. Finally, it exempts a health care professional from wearing a name tag when he or she is performing sterile procedures.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 494.

The following Senate amendment was read:

Amendment No. 655.

AN ACT relating to the Nevada State Funeral Board; revising the name of the Board and provisions governing the powers, duties and membership of the Board; requiring the Board to submit certain reports to the Sunset Subcommittee of the Legislative Commission; requiring the expiration of the

term of any member of the Board serving on October 1, 2013; requiring the termination of the employment of any employee of the Board employed on October 1, 2013; requiring the Board to maintain a principal office in this State; establishing a regulatory fee per ~~[funeral conducted]~~ **written and signed agreement for funeral services to be furnished** in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada State Funeral Board licenses and regulates funeral directors, embalmers, apprentice embalmers, the owners of funeral establishments and certain persons who conduct cremations and burials. (Chapter 642 of NRS) The Board also licenses and regulates the operators of crematories and cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS 451.635, 451.640, 452.026, 452.310-452.590)

Section 1 of this bill renames the Board as the Nevada Funeral and Cemetery Services Board and revises the composition of the Board.

Existing law requires the Board to meet at least once every year and authorizes the Board to hold special meetings if the proper discharge of its duties requires. (NRS 642.050) **Section 2** of this bill instead requires the Board to meet at least once every calendar quarter.

Existing law authorizes the Board to maintain offices in as many localities in this State as it finds necessary and to employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. (NRS 642.055) **Section 3** of this bill requires the Board to: (1) maintain a principal office in this State; (2) employ an Executive Director and inspectors in addition to the personnel that the Board is required by existing law to employ; (3) maintain certain documents in its principal office; (4) establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors and other employees of the Board; and (5) maintain an Internet website and post on the website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Section 5 of this bill requires the Board to charge and collect a regulatory fee for each ~~[funeral conducted]~~ **written and signed agreement for funeral services to be furnished** in this State ~~[.]~~ **, payable only once with respect to the remains of a deceased person.**

Section 6 of this bill provides that the term of any current member of the Board expires on October 1, 2013, and provides for the appointment of new membership. **Section 6** also provides for the termination of the employment of any person employed by the Board on October 1, 2013, and requires the employment by the Board of new staff on or before December 31, 2013.

Section 7 of this bill requires the Board to prepare and submit a written report of its activities to the Sunset Subcommittee of the Legislative

Commission every 6 months until the 78th Session of the Nevada Legislature convenes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 642.020 is hereby amended to read as follows:

642.020 1. The Nevada ~~[State]~~ Funeral ***and Cemetery Services*** Board , consisting of ~~[five]~~ ***seven*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint: ~~***[Board consists of seven members appointed as follows:]***~~

(a) ~~[One member]~~ ***Two members*** who ~~[is]~~ ***are*** actively engaged as a funeral director ~~[and]~~ ***or*** embalmer . ~~***[, appointed by the Governor.]***~~

(b) One member who is actively engaged as an operator of a cemetery . ~~***[, appointed by the Governor.]***~~

(c) One member who is actively engaged in the operation of a crematory . ~~***[, appointed by the Governor.]***~~

(d) ~~[Two]~~ ***Three*** members ~~***[One member]***~~ who are representatives ~~***[is a representative]***~~ of the general public . ~~***[, appointed by the Governor.***~~

~~***(e) One member who is a representative of the general public, appointed by the Majority Leader of the Senate.***~~

~~***(f) One member who is a representative of the general public, appointed by the Speaker of the Assembly.]***~~

3. No member ***of the Board*** who is a representative of the general public may:

(a) Be the holder of a license or certificate issued by the Board or be an applicant or former applicant for such a license or certificate.

(b) Be related within the third degree of consanguinity or affinity to the holder of a license or certificate issued by the Board.

(c) Be employed by the holder of a license or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

5. The Chair of the Board must be chosen from the members of the Board who are representatives of the general public.

Sec. 2. NRS 642.050 is hereby amended to read as follows:

642.050 1. The Board shall meet at least once every ~~[year,]~~ ***calendar quarter,*** and may also hold special meetings, if the proper discharge of its duties requires, at a time and place to be fixed by the rules and bylaws of the Board. The rules and bylaws of the Board must provide for the giving of timely notice of all special meetings to all members of the Board and to all applicants for licenses or certificates.

2. Four of the members of the Board at any meeting may organize and constitute a quorum for the transaction of business.

Sec. 3. NRS 642.055 is hereby amended to read as follows:

642.055 The Board ~~[may:]~~ ***shall:***

1. Maintain ***a principal office in this State, and such other*** offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter and chapters 451 and 452 of NRS.

2. Employ ***an Executive Director and*** attorneys, investigators ***, inspectors*** and other professional consultants and clerical personnel necessary to the discharge of its duties.

3. Maintain all financial records, records relating to licenses, certificates and permits, meeting minutes, notices and other public documents of the Board in its principal office.

4. Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors, and other professional consultants and clerical personnel employed by the Board.

5. Maintain an Internet website and post on that Internet website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Sec. 4. NRS 642.067 is hereby amended to read as follows:

642.067 The Board ~~[may inspect any premises in which the business of funeral directing is conducted or where embalming is practiced and, for that purpose, may]~~ ***shall*** employ ~~[a licensed embalmer of the State of Nevada as]~~ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses ~~[shall]~~ ***must*** be paid out of the fees collected by the Board. ***The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing is conducted or embalming is practiced. A member of the Board shall not conduct any such inspection.***

Sec. 5. NRS 642.0696 is hereby amended to read as follows:

642.0696 ***1.*** In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:

Application for a license, certificate or permit	$375
Examination for a license, certificate or permit	375
Renewal of a license, certificate or permit	200
Late renewal of a license, certificate or permit	275
Placement of a license on inactive status	175
Reactivation of a license to active status	175
Reinstatement of a lapsed license	300
Transfer of a license, certificate or permit to another location	225

Issuance of a duplicate license, certificate or permit..... 75
Provision of an administrative service..... 75
Regulatory fee, per ~~[funeral conducted]~~ written and signed agreement for funeral services to be furnished in this State*..... *10

2. The regulatory fee of $10 prescribed in subsection 1 may only be charged once with respect to the remains of a deceased person and only at such time as an agreement for funeral services is fully executed, regardless of:

(a) The number of funeral services furnished;

(b) Whether such funeral services are furnished by more than one holder of a license, certificate or permit issued by the Board; or

(c) Whether a subsequent agreement for funeral services is executed.

3. As used in this section, "funeral services" means those services performed normally by funeral directors or funeral or mortuary parlors, including, without limitation, crematory and embalming services.

Sec. 6. 1. The term of any member of the Nevada State Funeral Board appointed pursuant to subsection 2 of NRS 642.020 serving on October 1, 2013, expires on that date.

2. As soon as practicable on or after October 1, 2013, ~~[:~~

~~(a) The]~~ **, the** Governor shall appoint to the Nevada Funeral and Cemetery Services Board the members required to be appointed pursuant to ~~[paragraphs (a) to (d), inclusive, of]~~ subsection 2 of NRS 642.020, as amended by section 1 of this act.

~~[(b) The Majority Leader of the Senate shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (e) of subsection 2 of NRS 642.020, as amended by section 1 of this act.~~

~~(c) The Speaker of the Assembly shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (f) of subsection 2 of NRS 642.020, as amended by section 1 of this act.]~~

3. The employment of any person employed by the Nevada State Funeral Board pursuant to subsection 2 of NRS 642.055 on October 1, 2013, must be terminated on that date.

4. The Nevada Funeral and Cemetery Services Board shall employ new staff pursuant to subsection 2 of NRS 642.055, as amended by section 3 of this act, on or before December 31, 2013.

Sec. 7. The Nevada Funeral and Cemetery Services Board created pursuant to NRS 642.020, as amended by section 1 of this act, shall, not later than 6 months after the appointment of all the members of the Board pursuant to section 6 of this act, and every 6 months thereafter until the 78th Session of the Nevada Legislature convenes, prepare and submit a written

report of its activities, including the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced, to the Sunset Subcommittee of the Legislative Commission created by NRS 232B.210. The report must include, without limitation, any minutes of meetings of the Board, any records kept and any documentation pertaining to the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced.

Sec. 8. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 655 to Assembly Bill No. 494.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment requires the Governor to appoint members who are representatives of the general public, and it requires the Nevada Funeral and Cemetery Services Board to charge and collect a regulatory fee of $10 for each written and signed agreement for funeral services to be furnished in the state, payable only once with respect to the remains of a deceased person. Madam Speaker, let's go ahead and just put this one down.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Carlton moved that the Assembly do not recede from its action on Assembly Amendment No. 791 to Senate Bill No. 185, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Carlton.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Benitez-Thompson, Sprinkle, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 185.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 87.

The following Senate amendment was read:

Amendment No. 613.

AN ACT relating to public schools; requiring consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties; requiring ~~[the approval of the board of trustees of]~~ **that such standards and specifications be developed in conjunction with** the school district ~~[of such standards and specifications;]~~ **of that county;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) **Section 1.3** of this bill requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) ~~[approved by the board of trustees of]~~ **developed in conjunction with** the school district of that county. **Section 3** of this bill requires such ordinances to be adopted on or before February 28, 2014.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 100,000 or more but less than 700,000, the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be:

1. Consistent in all such ordinances; and

2. ~~[Approved by the board of trustees of]~~ Developed in conjunction with the school district of that county.

Sec. 1.7. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. On or before February 28, 2014, in a county whose population is 100,000 or more but less than 700,000, the governing body of the county and the governing body of each city in the county shall each adopt by ordinance standards and specifications for the erection of any new school building or for any addition to or alteration of any existing school building which address the height of the building, the setback of the building, the landscaping and the amount of parking space that:

(a) Are consistent in all such ordinances; and

(b) Have been ~~[approved by the board of trustees of]~~ **developed in conjunction with** the school district of the county.

2. As used in this section, "governing body" has the meaning ascribed to it in NRS 278.015.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 613 to Assembly Bill No. 87.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment provides that the standards and specifications set forth in zoning ordinances for the construction or alteration of public schools in counties whose population are 100,000 to 700,000, currently Washoe County, must be developed in conjunction with the school rather than approved by the board of trustees of the school district.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 99.

The following Senate amendment was read:

Amendment No. 614.

SUMMARY—Revises ~~[the Uniform Law on Notarial Acts.]~~ **provisions relating to notarial acts.** (BDR 19-1)

AN ACT relating to notarial acts; revising certain provisions of the Uniform Law on Notarial Acts; **revising certain provisions governing notaries public;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing law also allows the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. (NRS 240.181-240.206)

Under existing law, to become an electronic notary public, a person must already be a notarial officer in Nevada and must successfully complete a course of study on electronic notarization, enter into a bond, pay an application fee and take an oath. (NRS 240.192)

This bill revises various provisions of the Uniform Law on Notarial Acts and maintains existing law relating to the performance of notarial acts on electronic records by electronic notaries public. **Sections 10 and 33** of this bill prohibit a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest.

Under existing law, a notary public is required to maintain a journal in which he or she records certain information concerning each notarial act he or she performs. A notary public is required to have a person whose signature he or she notarizes sign the journal unless the notary public has performed a notarial act for the person within the previous 6 months and has personal knowledge of the identity of the person. (NRS 240.120) Section 34 of this bill adds the further conditions that the person must also be an employer or coworker of the notary public and that the notarial act must relate to a transaction performed in the ordinary course of the person's business.

Section 13 of this bill establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. **Section 35.3** of this bill specifically authorizes a notarial act to be performed in this State by a person authorized to perform that specific notarial act by the law of a federally recognized Indian tribe or nation. **Section 35.5** of this bill revises provisions governing notarial acts performed within the jurisdiction of a foreign nation or a multinational or international organization.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 28, inclusive, of this act.

Sec. 1.5. ***"Domestic partners" has the meaning ascribed to it in NRS 122A.030.***

Sec. 2. ***"Notary public" means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***"Person" means a natural person.***

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ***"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.***

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. ***1. A notarial officer may perform a notarial act authorized by NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act or by law of this State other than NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act.***

2. A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party, or in which either of them has a direct beneficial interest. A notary public may not perform a notarial act if the notarial act is prohibited by NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act. A notarial act performed in violation of this subsection is voidable.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. ***For the purposes of NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act, a notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.***

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.206, inclusive, ***and sections 1.5 to 28, inclusive, of this act,*** unless the context otherwise requires, the words

and terms defined in NRS 240.002 to 240.0055, inclusive, ***and sections 1.5, 2, 4 and 7 of this act*** have the meanings ascribed to them in those sections.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged ***,*** ~~[or]~~ sworn to ~~[,]~~ ***or witnessed or attested;***

(b) Except as otherwise provided in subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; ~~[or]~~

(c) The ***notary public and the*** person whose signature is to be acknowledged ***,*** ~~[or]~~ sworn to ***or witnessed or attested are domestic partners; or***

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative ***of the domestic partner of the notary public or a relative*** of the notary public by marriage or consanguinity.

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. As used in this section, "relative" includes, without limitation:

(a) A spouse ~~[,]~~ ***or domestic partner,*** parent, grandparent or stepparent;

(b) A natural born child, stepchild or adopted child;

(c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse ***or domestic partner*** of the notary public; and

(e) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse ***or domestic partner*** of the notary public.

Sec. 34. NRS 240.120 is hereby amended to read as follows:

240.120 1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

(a) The fees charged, if any;

(b) The title of the document;

(c) The date on which the notary public performed the ~~[service;]~~ ***act;***

(d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;

(e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;

(f) An indication of whether the notary public administered an oath; and

(g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.

2. A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:

(a) For the same person and at the same time; and

(b) On one document or on similar documents.

3. When ~~[taking an acknowledgment]~~ ***performing a notarial act*** for a person, a notary public need not require the person to sign the journal if ~~[the]~~ ***:***

(a) The notary public has performed a notarial act for the person within the previous 6 months ~~[and the]~~ ***;***

(b) The notary public has personal knowledge of the identity of the person ~~[.]~~ ***; and***

(c) The person is an employer or coworker of the notary public and the notarial act relates to a transaction performed in the ordinary course of the person's business.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

6. The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

7. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

10. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) **,** ~~[or]~~ (d) ***or (e)*** of subsection 1 of NRS 240.1635.

Sec. 35. (Deleted by amendment.)

Sec. 35.3. NRS 240.1635 is hereby amended to read as follows:

240.1635 1. A notarial act may be performed within this State by the following persons:

(a) A notary public of this State;

(b) A judge, clerk or deputy clerk of any court of this State;

(c) A justice of the peace; ~~[or]~~

(d) Any other person authorized to perform the specific act by the law of this State ~~[.]~~ ***; or***

(e) A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.

2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Sec. 35.5. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

(a) A notary public;

(b) A judge, clerk or deputy clerk of a court of record; ~~[or]~~

(c) A person authorized by the law of that jurisdiction to perform notarial acts ~~[.]~~ ***;***

(d) A person authorized by federal law to perform notarial acts; or

(e) A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.

2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively

establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 35.7. NRS 240.1655 is hereby amended to read as follows:

240.1655 1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada
County of ……

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. ***The certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.***

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. ~~[A]~~ ***Except as otherwise provided in subsection 8, a*** notarial officer shall:

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the

person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

> Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and it:

(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

(b) Is in a form otherwise prescribed by the law of this State;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

(a) Is personally known to the notarial officer;

(b) Is identified upon the oath or affirmation of a credible witness ~~[,]~~ ***who personally appears before the notarial officer;***

(c) Is identified on the basis of an identifying document which contains a signature and a photograph;

(d) Is identified on the basis of a consular identification card;

(e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or

(f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form

Do you (solemnly swear, or affirm) that you personally know ……(name of person who signed the document)……, (so help you God)?

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. ***If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert "Signature affixed by (insert name of other person) at the direction of (insert name of person)" or words of similar import.***

9. As used in this section, unless the context otherwise requires, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. The amendatory provisions of this act apply to a notarial act performed on or after January 1, 2014.

Sec. 49. This act becomes effective on January 1, 2014.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 614 to Assembly Bill No. 99.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment provides that a notary public is not required to have the person for whom he or she performs a notarial act sign a journal if he or she has performed a notarial act for the same person within the last six months, has personal knowledge of the person, is an employee or

coworker of the person, and the notarial act relates to a transaction performed in the ordinary course of the person's business.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 172.

The following Senate amendment was read:

Amendment No. 615.

AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; (4) at least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and (5) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) **Section 1** of this bill revises the requirements for such a preference in bidding by: (1) limiting the requirement for design professionals to design-build teams; and (2) eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. **Section 1** clarifies that the driver's licenses and identification cards used to satisfy the statutory requirements must be issued by the Department of Motor Vehicles of the State of Nevada. **Section 1** requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. ~~[Section]~~ **Sections 1** ~~[restricts]~~ **, 5 and 7 of this bill restrict** who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work ~~[.]~~ **or entities.**

Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with certain requirements within the preceding year for a contract for a public work that cost more than $25,000,000 and prohibits a contractor who has

failed to comply with certain requirements for a contract for a public work which exceeds $5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS 338.1379, 338.1382, 338.1389, 338.1415, 338.147, 408.333) **Sections 3-8** of this bill instead condition those prohibitions on a material breach of a contract for a public work which exceeds $25,000,000 or $5,000,000, as applicable.

Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013. **Section 9** also declares that any contract for such a public work that fails to comply with this bill is void.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project ~~[:]~~ ***, collectively, and not on any specific day:***

(a) At least 50 percent of ~~[all]~~ ***the*** workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[;]~~ ***of the State of Nevada;***

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) ~~[At]~~ ***If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at*** least 50 percent of the design professionals working on the public work, including, without limitation, ~~[any]~~ employees of the ~~[contractor, applicant or]~~ design-build team and of any subcontractor ***or consultant*** engaged ~~[on]~~ ***in the design of*** the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles ~~[;]~~ ***of the State of Nevada; and***

(d) ~~[At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the~~

~~acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and~~

~~(e)~~ The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work ***that is*** awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 ~~[and who receives]~~ ***as a result of the contractor, applicant or design-build team receiving*** a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 ~~[is a material breach of the contract and]~~ entitles the public body to ~~[liquidated damages]~~ ***a penalty*** only as provided in subsections 5 and 6.

3. A person ~~[or entity]~~ ***who submitted a bid on the public work or an entity*** who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 may file ***, before the substantial completion of the public work,*** a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the

contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1, ~~[~~liquidated damages~~]~~ ***a penalty*** as described in subsection 6 for ~~[~~a breach of a contract for a public work caused by~~]~~ a failure to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1. If a public body recovers ~~[~~liquidated damages~~]~~ ***a penalty*** pursuant to this subsection ***,*** ~~[~~for a breach of a contract for a public work,~~]~~ the public body shall report to the State Contractors' Board the date of the ~~[~~breach,~~]~~ ***failure to comply,*** the name of each entity which ~~[~~breached the contract~~]~~ ***failed to comply*** and the cost of the contract ~~[~~.~~]~~ ***to which the entity that failed to comply was a party.*** The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract ~~[~~,~~]~~ ***as a result of that preference,*** the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor ~~[~~or supplier~~]~~ and each contract between a subcontractor and a ***lower tier*** subcontractor ~~[~~or supplier~~]~~ must provide that:

(a) If a party to the contract causes ~~[~~a material breach of the contract between~~]~~ the contractor, applicant or design-build team ~~[~~and the public body as a result of a failure~~]~~ ***to fail*** to comply with a requirement of paragraphs (a) to ~~[~~(e),~~]~~ ***(d),*** inclusive, of subsection 1, the party is liable to the public body for ~~[~~liquidated damages~~]~~ ***a penalty*** in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that ~~[~~causes the material breach;~~]~~ ***caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1;*** and

(c) No other party to the contract is liable to the public body for ~~[~~liquidated damages.~~]~~ ***a penalty.***

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build

team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~[(c),]~~ ***(d),*** inclusive, of subsection 1.

8. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of the paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the Division or the local government.

2. Upon receipt of an application pursuant to subsection 1, the Division or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The Division or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The Division or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the Division or the local government.

5. Except as otherwise provided in subsection 8, the Division shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. Except as otherwise provided in subsection 8, the local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the Division or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The Division or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **. [**~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.~~**]**

Sec. 4. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person has not, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **, [**~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~**]** and has been determined by:

(a) The Division pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 5. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, ~~[has]~~ ***provides*** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ ***Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~[have,]~~ ***provide,*** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately

preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, ***materially*** breached a contract for a public work for which the cost exceeds $5,000,000 **,** **[**~~by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,~~**]** the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[be deemed the best bid]~~ ***receive a preference in bidding*** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person ~~[or entity]~~ ***who submitted a bid on the public work*** ~~*[and]*~~ ***or an entity*** who believes that ~~[a]~~ ***the*** contractor ***who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 6. NRS 338.1415 is hereby amended to read as follows:

338.1415 A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **.** ~~[by failing to comply with a~~

~~requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117.]~~

Sec. 7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, ~~[has]~~ ***provides*** a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) ~~[At the time the contractor submits his or her bid,]~~ ***Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative,*** submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not ~~[have,]~~ ***provide,*** at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, ~~[at the time he or she submits the bid,]~~ ***within 2 hours after the completion of the opening of the bids by the public body or its authorized representative,*** a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal

Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, ***materially*** breached a contract for a public work for which the cost exceeds $5,000,000 **,** ~~[by failing to comply with a requirement of paragraphs (a) to (e), inclusive,~~

~~of subsection 1 of NRS 338.0117,~~] the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may ~~[be deemed a best bid]~~ ***receive a preference in bidding*** only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person ~~[or entity]~~ ***who submitted a bid on the public work*** ~~***[and]***~~ ***or an entity*** who believes that ~~[a]~~ ***the*** contractor ***who was awarded the contract for the public work*** wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 8. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, ***materially*** breached a contract for a public work for which the cost exceeds $25,000,000 **,** ~~**[**by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,**]**~~ the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 9. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after July 1, 2013.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section, "contract" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 615 to Assembly Bill No. 172.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment revises the bill to provide that either a person who submitted a bid on a public work, or an entity who believes that a contractor who was awarded a contract for the public work was wrongfully awarded a certificate of eligibility may challenge the validity of the certification of eligibility.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 692.

AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing **for** a **civil** penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, a restaurant or similar retail food establishment that: (1) is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items; or (2) elects to be subject to the disclosure requirements, is required to disclose certain nutritional information about the menu items offered for sale by the restaurant or establishment. (21 U.S.C. § 343(q)(5)(H)) **Section 1** of this bill requires the owner or operator of any restaurant or similar retail food establishment that is part of a chain with 15 or more locations doing business within this State to disclose the same nutritional information that federal law requires a chain with 20 or more locations to disclose. **Section 2** of this bill provides a **civil** penalty for the owner or operator of any restaurant or similar retail food establishment who fails to make the required disclosure of nutritional information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 585 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a restaurant or similar retail food establishment shall comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto if the restaurant or similar retail food establishment:

(a) Is part of a chain with 15 or more locations doing business within this State under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items;

(b) Is part of a chain with 20 or more locations doing business under the same name, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items; or

(c) Elects for the restaurant or similar retail food establishment to be subject to the requirements of 21 U.S.C. § 343(q)(5)(H).

2. An owner or operator of a restaurant or similar retail food establishment who is required to comply with the requirements set forth in 21 U.S.C. § 343(q)(5)(H) and any federal regulations adopted pursuant thereto pursuant to subsection 1 shall post a notice in a conspicuous place in the restaurant or similar retail food establishment stating where a person may report any violation of this section.

3. The provisions of this section may be enforced by the health authority or the appropriate local law enforcement agency.

4. As used in this section:

(a) "Health authority" has the meaning ascribed to it in NRS 446.050.

(b) "Restaurant food" means food that is served in restaurants or other establishments in which food is served for immediate human consumption.

(c) "Restaurant or similar retail food establishment":

(1) Except as otherwise provided in subparagraph 2, means a retail establishment that offers for sale restaurant or restaurant-type food ***; [~~, where the establishment presents itself or has presented itself publicly as a restaurant, or a total of more than 50 percent of the gross floor area of the establishment is used for the preparation, purchase, service, consumption or storage of food,~~]*** ***or***

(2) If the term is defined in federal regulations for the purposes of 21 U.S.C. § 343(q)(5)(H), has the meaning ascribed to it in such federal regulations.

(d) "Restaurant-type food" means a type of restaurant food offered for sale but not for immediate consumption that is processed and prepared primarily in a retail establishment and not offered for sale outside of the establishment.

Sec. 2. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~***[The]***~~ ***An owner or operator of a restaurant or similar retail food establishment who violates section 1 of this act is*** ~~***[guilty of a misdemeanor and shall be punished:]***~~ ***liable for a civil penalty in the following amounts:***

(a) For the first ~~***[offense]***~~ ***violation within the immediately preceding 5 years,*** ~~***[by a fine of]***~~ ***not less than $50 but not more than $500;***

(b) For the second ~~***[offense]***~~ ***violation within the immediately preceding 5 years,*** ~~***[by a fine of]***~~ ***not less than $100 but not more than $1,000; and***

(c) For the third or subsequent ~~***[offense]***~~ ***violation within the immediately preceding 5 years,*** ~~***[by a fine of]***~~ ***not less than $250 but not more than $2,500.***

➥ For the purposes of this subsection, any number of ~~***[offenses]***~~ ***violations discovered in a single day constitute a single*** ~~***[offense.]***~~ ***violation.***

3. ~~***[In lieu of prosecution for a misdemeanor pursuant to subsection 2, the]***~~ ***Except as otherwise provided in this subsection, the health authority, as defined in NRS 446.050, within whose jurisdiction the violation of section 1 of this act occurs shall collect the civil penalty and may commence a civil proceeding for that purpose. The health authority may delegate to an independent hearing officer or hearing board the authority to determine violations and levy*** ~~***[administrative]***~~ ***civil penalties in an amount not to exceed the amounts set forth in subsection 2 for violations of the provisions of section 1 of this act.***

4. A person who violates any other provision of this chapter is guilty of a gross misdemeanor.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 692 to Assembly Bill No. 126.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

This amendment replaces the criminal penalty with a civil penalty for failure to disclose nutritional information and clarifies definitions used in this bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 200.

The following Senate amendment was read:

Amendment No. 633.

AN ACT relating to food establishments; allowing farms to hold farm-to-fork events in certain circumstances without being considered a food

establishment for purposes of inspections by the health authority and other regulations; requiring such farms to register with the health authority; ~~[providing a similar exemption from requirements applicable to a food establishment for certain farms which manufacture or prepare certain food items for sale or which offer or display such food items under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a permit to operate a food establishment and to comply with various other requirements in the operation of the food establishment. (NRS 446.870) Existing law defines the term "food establishment" for those purposes and specifically excludes certain entities from the definition, including private homes where the food that is prepared or manufactured in the home is not provided for compensation or other consideration of any kind. (NRS 446.020)

Section 5 of this bill adds to the list of entities that are excluded from the definition of "food establishment" a farm holding a farm-to-fork event. **Section 2** of this bill defines the term "farm-to-fork event" as an event where prepared food from a farm is provided for immediate consumption by paying guests at the farm. **Section 3** of this bill authorizes a farm to hold a farm-to-fork event without being subject to the requirements of a food establishment provided that: (1) any rabbit meat or poultry served is raised and prepared on the farm, and is butchered and processed on the farm pursuant to certain permit and inspection requirements of NRS; (2) other food items served are prepared from ingredients substantially produced on the farm; and (3) each guest is provided with ~~[and acknowledges receipt of]~~ a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as to the butchering and processing of the meat or poultry. **Section 3** further provides that a farm which holds more than two events in any month becomes a food establishment subject to all the requirements of a food establishment for the remainder of the calendar year. **Section 3.5** requires a farm that wishes to hold farm-to-fork events to register with the health authority by providing certain information and paying a fee. The health authority is prohibited from inspecting the farm, except in certain circumstances. ~~[Section 5 also adds to the list of entities that are excluded from the definition of "food establishment" a farm that manufactures or prepares certain food items for sale or which offers or displays for sale or serves those food items under certain circumstances. Section 4 of this bill specifies which food items qualify a farm for that exemption.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3, 3.5 and 4 of this act.

Sec. 2. ***"Farm-to-fork event" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 3 of this act.***

Sec. 3. ***1. Except as otherwise provided in subsection 3, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:***

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. A farm which holds a farm-to-fork event shall ~~***[:***~~

~~***(a) Before]***~~ ***, before*** ***a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1*** ***.*** ~~***[; and***~~

~~***(b) Obtain from each guest a signed acknowledgment of receipt of the notice.]***~~

3. A farm which holds more than two events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.

Sec. 3.5. ***1. A farm that wishes to hold farm-to-fork events must register with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:***

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; and

(c) The address of the farm.

2. The health authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of farms holding farm-to-fork events.

3. The health authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of section 3 of this act and except that the health authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak

or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the health authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the health authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

Sec. 4. ~~***[1. A farm which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (h) of subsection 2 of NRS 446.020 if each such food item is:***~~

~~***(a) Made substantially from ingredients that were grown or produced on the farm;***~~

~~***(b) Sold at the farm or at a farmers' market licensed pursuant to chapter 244 or 268 of NRS;***~~

~~***(c) Sold to a natural person for his or her consumption and not for resale;***~~

~~***(d) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 and which has been approved by the health authority if the food item is sold at a farmers' market;***~~

~~***(e) Labeled with "NOT FOR RESALE — PROCESSED AND PREPARED IN A FACILITY WHICH DOES NOT HAVE A PERMIT AND WHICH HAS NOT BEEN INSPECTED BY A STATE OR COUNTY HEALTH AUTHORITY" printed prominently on the label for the food item; and***~~

~~***(f) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.***~~

~~***2. As used in this section:***~~

~~***(a) "Farm" means land used for an agricultural purpose, including, without limitation, the production of crops and the on-site storage, preparation and sale of agricultural products principally produced on the land.***~~

~~***(b) "Food item" means any food that is not potentially hazardous, does not require time or temperature controls for safety and has a pH of 4.6 or less.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any

part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the State Department of Agriculture;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; ~~[or]~~

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers ~~[.]~~ ***; or***

(h) ~~[A farm that meets the requirements of section 4 of this act with respect to a food item as defined in that section; or~~

~~(i)]~~ A farm for purposes of holding a farm-to-fork event.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 633 to Assembly Bill No. 200.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

This amendment removes the provision to require "farm-to-fork" guests to sign an acknowledgment form and revises definitions in the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 694.

AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to create and maintain reports on its programs and services; allowing a foster care agency

to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; ~~[allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4-6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and maintain an annual report on each program or service the agency provides. **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24** of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. **Section 26** of this bill allows the

licensing authority to charge and collect certain fees from a foster care agency.

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care upon the payment of a fee to cover the costs of the licensing authority in gathering that information. ~~[Section 45 of this bill allows a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances.]~~

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***"Independent living foster home" means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:***

1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 3. ***"Juvenile court" has the meaning ascribed to it in NRS 62A.180.***

Sec. 4. ***1. A foster care agency must:***

(a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;

(b) Have a governing body, at least one member of which has knowledge of and experience in the programs and services offered by the foster care agency; and

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation

and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee whose members are residents of this State, one of whom is a member of the governing body, which is responsible to the governing body for ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. ***The governing body of a foster care agency must be responsible for:***

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. ***The governing body shall submit annually to the licensing authority or its designee:***

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. Evidence satisfactory to the licensing authority that the foster care agency has the ability to financially support and sustain its activities, which may include, without limitation, financial statements and budgets;

4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;

5. A statement of purpose; and

6. An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

Sec. 7. (Deleted by amendment.)

Sec. 8. ***1. The person appointed to provide oversight of a foster care agency by the governing body of the foster care agency pursuant to section 4 of this act must have:***

(a) A bachelor's degree or more advanced degree from an accredited college or university; and

(b) At least 7 years of experience in an agency or program which provides social services, including at least 3 years of experience as an administrator, supervisor or consultant.

2. The person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff may include, without limitation:

(a) Program supervisors who are responsible for the supervision of members of the staff and activities relating to foster care and for assisting in formulating and carrying out the policies and programs of the foster care agency. Each program supervisor must have a bachelor's degree or more advanced degree from an accredited college or university and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor.

(b) Caseworkers who support the operations of the foster care agency, including, without limitation, to work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. Each caseworker must have:

(1) A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling; or

(2) A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.

Sec. 9. ***1. The foster care agency may accept volunteers to provide certain specified services for the foster care agency. The foster care agency shall not rely solely upon volunteers to provide any service.***

2. If the foster care agency accepts volunteers pursuant to subsection 1, the foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who

performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. ***1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.***

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. ***1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:***

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any

provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

4. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 12. ***1. Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:***

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. ***1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after***

allowing the person time to correct the information as required pursuant to subsection 2.

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. *A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:*

1. Be a provider of foster care who has a contract with the foster care agency for the placement of children unless approved by the licensing authority; or

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

Sec. 15. *1. A foster care agency shall create and maintain an annual report concerning each program or service provided by the foster care agency.*

2. The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.

Sec. 16. *1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.*

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. *1. A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.*

2. A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.

3. Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.

4. The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.

Sec. 18. ***1. A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:***

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency.

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the licensing authority maintains the responsibility to protect the best interests of each child, which may include

removing a child from the placement with the provider of foster care if the licensing authority determines that removal is in the best interests of the child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. ***1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:***

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. ***1. A foster care agency which places children in an independent living foster home shall develop and implement written***

policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 21. *1. A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health, psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides medical records and any related documentation to the licensing authority or its designee.*

2. A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

(a) The death or disability of a family member;

(b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;

(c) A change in marital status;

(d) A change in home address;

(e) A sudden or substantial loss of income; and

(f) The birth of a child.

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of

children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.

(b) An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

(c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. *1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.*

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. *1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.*

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto

relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. *1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority or a juvenile court.*

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the Interstate Compact for Juveniles pursuant to NRS 62I.015 apply. If the licensing authority determines that the provisions of either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. *1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.*

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

Sec. 26. *If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence and any action is taken against the licensee, including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee*

so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 **"**Family foster home" means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~[~~permanent~~]~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 **"**Foster care agency" means a ~~[~~nonprofit corporation, for-profit corporation or sole proprietorship~~]~~ ***business entity*** that ~~[~~assists~~]~~ ***recruits and enters into contracts with foster homes to assist*** an agency which provides child welfare services ***and juvenile courts*** in the placement of children in ***such*** foster ~~[~~care.~~]~~ ***homes.***

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 **"**Foster home" ***means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term*** includes a family foster home, specialized foster home ***, independent living foster home*** and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 **"**Group foster home" means a ~~[~~natural person, partnership, firm, corporation or association who~~]~~ ***foster home which*** provides full-time care ***and services*** for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~[~~permanent~~]~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 **"**Provider of ~~[~~family~]~~ foster care" means a person who is licensed to conduct a ~~[~~family~]~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 **"**Specialized foster home" means a ~~[~~family~]~~ ***foster*** home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

2. Are under ~~[~~21~]~~ ***18*** years of age ~~[~~.~]~~ ***or who remain under the jurisdiction of a court pursuant to NRS 432B.594;***

3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; ***and***

4. Are received, cared for and maintained for compensation ~~[~~; and

~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.~~] ***or otherwise, including the provision of free care.***

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes.

3. All family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home ***, independent living foster home*** or group foster home that conforms to the established standards

of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home ***, independent living foster home*** or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. ***A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home. Nothing in this subsection shall be construed to allow the placement of a child that would otherwise be prohibited by subsection 7 of NRS 432B.390.***

6. A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home ***, independent living foster home*** or group foster home.

(b) The exact location of the family foster home, specialized foster home ***, independent living foster home*** or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home ***, independent living foster home*** or group foster home is licensed to provide care.

~~[6.]~~ ***(e) Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.***

8. No family foster home, specialized foster home ***, independent living foster home*** or group foster home may receive for care more children than are specified in the license.

~~[7.]~~ ***9.*** In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~[provisional and]~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for ***, has charges pending for*** or ***has been*** convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use ***or threatened use of force or violence against the victim or the use*** of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~[.]~~ ***or a felony relating to prostitution;***

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~[or]~~

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~[.]~~ ***;***

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each ***licensee,*** employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~[~~family~]~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~[~~family~]~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~[~~family~]~~ foster home; and

2. The personal skills which are required of a provider of ~~[~~family~]~~ foster care and the other residents of a ~~[~~family~]~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a ***family foster home, a*** specialized foster home ***, an independent living foster home*** or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~[~~family~]~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~[~~family~]~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~[~~family~]~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~[~~family~]~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~[~~family~]~~ foster home, the licensing authority shall provide to the provider of ~~[~~family~]~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~[~~family~]~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~[~~family~]~~ foster care may, at any time before, during or after the placement of the child in the ~~[~~family~]~~ foster home, request information about the child from the licensing authority. After the child has

left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of **[**~~family~~**]** foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of **[**~~family~~**]** foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home ***, an independent living foster home*** or a group foster home shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home ***, independent living foster home*** or group foster home who will administer medication to a child at the specialized foster home ***, independent living foster home*** or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home ***, independent living foster home*** and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a **[**~~family~~**]** foster home.

2. A provider of **[**~~family~~**]** foster care may be represented by legal counsel in any proceeding related to:

(a) The reissuance, suspension or revocation of the license of the provider to conduct a **[**~~family~~**]** foster home; and

(b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~[~~family~~]~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~[~~family~~]~~ foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~[~~family~~]~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~[~~family~~]~~ foster home; or

(b) Request that a child placed in the ~~[~~family~~]~~ foster home be removed,

➥ unless the provider has a written agreement with the licensing authority to the contrary.

2. If ~~[~~***Except as otherwise provided in subsection 3, if***~~]~~ a provider of ~~[~~family~~]~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~[~~family~~]~~ foster home, the licensing authority may not, based solely on that refusal or request:

(a) Revoke the license of the provider to conduct a ~~[~~family~~]~~ foster home;

(b) Remove any other child placed in the ~~[~~family~~]~~ foster home;

(c) Refuse to consider future placements of children in the ~~[~~family~~]~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

~~[~~***3. The licensing authority may suspend or revoke the license of a provider of foster care if the provider refuses to accept the placement of a child or unreasonably or excessively requests the removal of a child placed with the provider of foster care when the child generally meets any preferences outlined in the fair and impartial investigation of the home and its standards of care that was conducted for the provider of foster care pursuant to NRS 424.030 or section 17 of this act.***~~]~~

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~[family]~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~[family]~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide respite, training and support to a provider of ~~[family]~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~[family]~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and

2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~[:~~

~~(a) Related~~] ***related*** to the caregiver by blood, adoption or marriage **.** [~~;~~ and

~~(b) Not in the custody of an agency which provides child welfare services.~~]

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS ***or a juvenile court pursuant to title 5 of NRS*** if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.

2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning [~~the operation of a~~] foster care [~~agency,~~] ***agencies,*** including, without limitation, a foster care agency which provides family foster care, specialized foster care ***, independent living foster care*** or group foster care for children placed by an agency which provides child welfare services [~~.~~] ***or a juvenile court.***

(b) [~~Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~(c)~~] Regulations regarding the issuance and renewal of a license to operate a foster care agency.

[~~(d)~~] ***(c)*** Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. NRS 424.094 is hereby amended to read as follows:

424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.

2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.

3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.

4. A licensing authority that licenses foster care agencies pursuant to this section may charge a ***reasonable*** fee ~~[of not more than $150]~~ for the issuance ~~[of a provisional license, not more than $300 for the issuance of a license and not more than $150 for the]~~ ***or*** renewal of a license. Any fee so charged must ~~[not exceed the actual cost incurred by the authority for providing or renewing]~~ ***be set at an amount determined to cover the costs of the licensing authority to issue or renew*** the license.

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~[standards established]~~ ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act*** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ ***thereto.***

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~[standards established]~~ ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act*** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.]~~ ***thereto.***

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~[meet the standards established and]~~ comply with the ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the*** regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ ***thereto.***

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~[or provisional license]~~ if the licensing authority finds that the foster care agency has refused

or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services ***or juvenile court*** as authorized by the agency which provides child welfare services ~~[.]~~ ***or juvenile court.*** Such services may include, without limitation:

1. Screening, recruiting ~~[, licensing]~~ and training of persons to provide family foster care, specialized foster care ***, independent living foster care*** and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 **"**Provider of ~~[family]~~ foster care" has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~[family]~~ foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~[family]~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~[family]~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;

2. An employee of a ~~[family foster home, as defined in NRS 424.013, group foster home or specialized]~~ foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or

6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Request appropriations from the Legislature in amounts sufficient to:

(a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and

(b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.

3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.

4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

6. Involve communities in the improvement of child welfare services.

7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.

8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, ***and sections 4 to 26, inclusive, of this act*** in screening, recruiting, licensing and training providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~[~~family~~]~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~[family foster home, a specialized foster home or a group]~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~[family]~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation

in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from ~~[family foster homes, specialized foster homes and group]~~ foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 348.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

The amendment removes language allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances and clarifies the placement of a child by juvenile courts.

Motion carried.

The following Senate amendment was read:

Amendment No. 839.

AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to create and maintain reports on its programs and services; allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4-6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and maintain an annual report on each program or service the agency provides. **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24**

of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. ~~[Section 26 of this bill allows the licensing authority to charge and collect certain fees from a foster care agency.]~~

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care . ~~[upon the payment of a fee to cover the costs of the licensing authority in gathering that information.]~~

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***"Independent living foster home" means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:***

1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 3. ***"Juvenile court" has the meaning ascribed to it in NRS 62A.180.***

Sec. 4. ***1. A foster care agency must:***

(a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;

(b) Have a governing body, at least one member of which has knowledge of and experience in the programs and services offered by the foster care agency; and

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee whose members are residents of this State, one of whom is a member of the governing body, which is responsible to the governing body for ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. *The governing body of a foster care agency must be responsible for:*

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. *The governing body shall submit annually to the licensing authority or its designee:*

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. Evidence satisfactory to the licensing authority that the foster care agency has the ability to financially support and sustain its activities, which may include, without limitation, financial statements and budgets;

4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;

5. A statement of purpose; and

6. An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

Sec. 7. (Deleted by amendment.)

Sec. 8. ***1. The person appointed to provide oversight of a foster care agency by the governing body of the foster care agency pursuant to section 4 of this act must have:***

(a) A bachelor's degree or more advanced degree from an accredited college or university; and

(b) At least 7 years of experience in an agency or program which provides social services, including at least 3 years of experience as an administrator, supervisor or consultant.

2. The person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff may include, without limitation:

(a) Program supervisors who are responsible for the supervision of members of the staff and activities relating to foster care and for assisting in formulating and carrying out the policies and programs of the foster care agency. Each program supervisor must have a bachelor's degree or more advanced degree from an accredited college or university and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor.

(b) Caseworkers who support the operations of the foster care agency, including, without limitation, to work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. Each caseworker must have:

(1) A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling; or

(2) A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.

Sec. 9. *1. The foster care agency may accept volunteers to provide certain specified services for the foster care agency. The foster care agency shall not rely solely upon volunteers to provide any service.*

2. If the foster care agency accepts volunteers pursuant to subsection 1, the foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. *1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.*

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. *1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:*

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. ~~[The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.~~

~~3.]~~ Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

~~*[4.]*~~ *3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.*

Sec. 12. *1. Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:*

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. *1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee,*

consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after allowing the person time to correct the information as required pursuant to subsection 2.

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. ***A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:***

1. Be a provider of foster care who has a contract with the foster care agency for the placement of children unless approved by the licensing authority; or

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

Sec. 15. ***1. A foster care agency shall create and maintain an annual report concerning each program or service provided by the foster care agency.***

2. The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.

Sec. 16. ***1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.***

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without

limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. ***1. A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.***

2. A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.

3. Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.

4. The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.

Sec. 18. ***1. A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:***

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency.

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric

treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the licensing authority maintains the responsibility to protect the best interests of each child, which may include removing a child from the placement with the provider of foster care if the licensing authority determines that removal is in the best interests of the child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. *1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:*

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. ***1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:***

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 21. *1. A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health, psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides medical records and any related documentation to the licensing authority or its designee.*

2. A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

(a) The death or disability of a family member;

(b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;

(c) A change in marital status;

(d) A change in home address;

(e) A sudden or substantial loss of income; and

(f) The birth of a child.

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.

(b) An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

(c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. *1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.*

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. *1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.*

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care

agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. *1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority or a juvenile court.*

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the Interstate Compact for Juveniles pursuant to NRS 62I.015 apply. If the licensing authority determines that the provisions of either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. *1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.*

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

Sec. 26. ~~*[If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence and any action is taken against the licensee,*~~

~~*including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.]*~~ **(Deleted by amendment.)**

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 **"**Family foster home" means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~[~~permanent~~]~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 **"**Foster care agency" means a ~~[~~nonprofit corporation, for profit corporation or sole proprietorship~~]~~ ***business entity*** that ~~[~~assists~~]~~ ***recruits and enters into contracts with foster homes to assist*** an agency which provides child welfare services ***and juvenile courts*** in the placement of children in ***such*** foster ~~[~~care.~~]~~ ***homes.***

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 **"**Foster home" ***means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term*** includes a family foster home, specialized foster home ***, independent living foster home*** and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 **"**Group foster home" means a ~~[~~natural person, partnership, firm, corporation or association who~~]~~ ***foster home which*** provides full-time care ***and services*** for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~[~~permanent~~]~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 **"**Provider of ~~[~~family~]~~ foster care" means a person who is licensed to conduct a ~~[~~family~]~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 **"**Specialized foster home" means a ~~[~~family~]~~ ***foster*** home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

2. Are under ~~[~~21~]~~ ***18*** years of age ~~[~~,~]~~ ***or who remain under the jurisdiction of a court pursuant to NRS 432B.594;***

3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; ***and***

4. Are received, cared for and maintained for compensation ~~[~~; and

~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.~~] ***or otherwise, including the provision of free care.***

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes.

3. All family foster homes, specialized foster homes ***, independent living foster homes*** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home ***, independent living foster home*** or group foster home that conforms to the established standards

of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home ***, independent living foster home*** or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. ***A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home. Nothing in this subsection shall be construed to allow the placement of a child that would otherwise be prohibited by subsection 7 of NRS 432B.390.***

6. A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home ***, independent living foster home*** or group foster home.

(b) The exact location of the family foster home, specialized foster home ***, independent living foster home*** or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home ***, independent living foster home*** or group foster home is licensed to provide care.

~~[6.]~~ ***(e) Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.***

8. No family foster home, specialized foster home ***, independent living foster home*** or group foster home may receive for care more children than are specified in the license.

~~[7.]~~ ***9.*** In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~[provisional and]~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for ***, has charges pending for*** or ***has been*** convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use ***or threatened use of force or violence against the victim or the use*** of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~[.]~~ ***or a felony relating to prostitution;***

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~[or]~~

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~[.]~~ ***;***

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each ***licensee,*** employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~[~~family~]~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~[~~family~]~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~[~~family~]~~ foster home; and

2. The personal skills which are required of a provider of ~~[~~family~]~~ foster care and the other residents of a ~~[~~family~]~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a ***family foster home, a*** specialized foster home ***, an independent living foster home*** or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~[~~family~]~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~[~~family~]~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~[~~family~]~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~[~~family~]~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~[~~family~]~~ foster home, the licensing authority shall provide to the provider of ~~[~~family~]~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~[~~family~]~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~[~~family~]~~ foster care may, at any time before, during or after the placement of the child in the ~~[~~family~]~~ foster home, request information about the child from the licensing authority. After the child has

left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of **[**~~family~~**]** foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of **[**~~family~~**]** foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home ***, an independent living foster home*** or a group foster home shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home ***, independent living foster home*** or group foster home who will administer medication to a child at the specialized foster home ***, independent living foster home*** or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home ***, independent living foster home*** and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a **[**~~family~~**]** foster home.

2. A provider of **[**~~family~~**]** foster care may be represented by legal counsel in any proceeding related to:

(a) The reissuance, suspension or revocation of the license of the provider to conduct a **[**~~family~~**]** foster home; and

(b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~[~~family~~]~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~[~~family~~]~~ foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. ~~[The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.]~~

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~[~~family~~]~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~[~~family~~]~~ foster home; or

(b) Request that a child placed in the ~~[~~family~~]~~ foster home be removed,

➥ unless the provider has a written agreement with the licensing authority to the contrary.

2. If a provider of ~~[~~family~~]~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~[~~family~~]~~ foster home, the licensing authority may not, based solely on that refusal or request:

(a) Revoke the license of the provider to conduct a ~~[~~family~~]~~ foster home;

(b) Remove any other child placed in the ~~[~~family~~]~~ foster home;

(c) Refuse to consider future placements of children in the ~~[~~family~~]~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~[~~family~~]~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~[~~family~~]~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide

respite, training and support to a provider of ~~[~~family~~]~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~[~~family~~]~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and

2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home ***, an independent living foster home*** or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~[~~:

~~(a) Related~~~~]~~ ***related*** to the caregiver by blood, adoption or marriage **.** ~~[~~; ~~and~~

~~(b) Not in the custody of an agency which provides child welfare services.~~~~]~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS ***or a juvenile court pursuant to title 5 of NRS*** if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.

2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning **[**~~the operation of a~~**]** foster care **[**~~agency,~~**]** ***agencies,*** including, without limitation, a foster care agency which provides family foster care, specialized foster care ***, independent living foster care*** or group foster care for children placed by an agency which provides child welfare services **[**~~.~~**]** ***or a juvenile court.***

(b) **[**~~Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~(c)~~**]** Regulations regarding the issuance and renewal of a license to operate a foster care agency.

[~~(d)~~**]** ***(c)*** Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. **[**~~NRS 424.094 is hereby amended to read as follows:~~

~~424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.~~

~~2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.~~

~~3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.~~

~~4. A licensing authority that licenses foster care agencies pursuant to this section may charge a~~ ***reasonable*** ~~fee [of not more than $150] for the issuance [of a provisional license, not more than $300 for the issuance of a license and not more than $150 for the] or renewal of a license. Any fee so charged must [not exceed the actual cost incurred by the authority for providing or renewing] be set at an amount determined to cover the costs of the licensing authority to issue or renew the license.~~**]** **(Deleted by amendment.)**

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~[standards established]~~ ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act*** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ ***thereto.***

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~[standards established]~~ ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act*** and the regulations adopted by the Division pursuant ~~[to NRS 424.093.~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.]~~ ***thereto.***

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~[meet the standards established and]~~ comply with the ***provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the*** regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ ***thereto.***

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~[or provisional license]~~ if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services ***or juvenile court*** as authorized

by the agency which provides child welfare services ~~[.]~~ ***or juvenile court.*** Such services may include, without limitation:

1. Screening, recruiting ~~[, licensing]~~ and training of persons to provide family foster care, specialized foster care ***, independent living foster care*** and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 **"**Provider of ~~[family]~~ foster care" has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~[family]~~ foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~[family]~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~[family]~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;

2. An employee of a ~~[family foster home, as defined in NRS 424.013, group foster home or specialized]~~ foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or

6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Request appropriations from the Legislature in amounts sufficient to:

(a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and

(b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.

3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.

4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

6. Involve communities in the improvement of child welfare services.

7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.

8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, ***and sections 4 to 26, inclusive, of this act*** in screening, recruiting, licensing and training providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of ~~[~~family~~]~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is

equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~[family]~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~[family foster home, a specialized foster home or a group]~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~[family]~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, **"**family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for

any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from **[**~~family foster homes, specialized foster homes and group~~**]** foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 839 to Assembly Bill No. 348.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

The amendment removes the ability of licensing authority to charge and collect certain fees from a foster care agency.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 882.

AN ACT relating to wildlife; requiring that the wildlife in this State be managed according to the best science available; **revising provisions relating to the authorized use of certain money in the Wildlife Fund**

Account in the State General Fund; requiring the Board of Wildlife Commissioners to establish policies for certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Legislature has declared that wildlife in this State is part of the natural resources belonging to the people of the State of Nevada and that preserving, protecting, managing and restoring wildlife in this State contributes immeasurably to the aesthetic, recreational and economic aspects of those natural resources. (NRS 501.100) **Section 1** of this bill revises the legislative declaration to require that the wildlife in this State be managed according to the best science available.

Under existing law, in addition to the fee for a game tag, the Department of Wildlife charges an additional fee of $3 for processing each application for a game tag, the revenue from which must be deposited into the Wildlife Fund Account in the State General Fund and be used by the Department for costs related to: (1) programs for the management and control of injurious predatory wildlife; (2) wildlife management activities relating to the protection of certain game animals and wildlife habitat; and (3) research to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Board of Wildlife Commissioners. (NRS 501.181, 502.253) **Section 2** of this bill requires **the Department to use at least 50 percent of the money credited to the Wildlife Fund Account from the additional $3 processing fee for use related to the management and control of injurious predatory wildlife other than research. Section 2 further requires** the Commission, in providing guidance relating to any wildlife management activity, the development of a program to control any species of predatory wildlife or any research concerning that species, to establish a policy for the activity, program or research that specifies the goals and required results of the activity, program or research.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.100 is hereby amended to read as follows:

501.100 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada ~~[.]~~ ***and must be managed according to the best science available.***

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

Sec. 2. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and ***, except as otherwise provided in subsection 2,*** used by the Department for costs related to:

(a) Programs for the management and control of ***, and research relating to,*** injurious predatory ***wildlife for the benefit of all other species of*** wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and ***other species of game animals which are historically subject to or are at risk of excessive predation by predatory wildlife, and*** related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. ~~[The]~~ ***Each year, the Department of Wildlife shall use at least 50 percent of the money credited to the Wildlife Fund Account, from revenue received pursuant to subsection 1, for the uses described in paragraph (a) of that subsection other than research.***

3. Except as otherwise provided in subsection 2, the Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

~~[3.]~~ ***4.*** Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

~~[4.]~~ ***In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:***

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 882 to Assembly Bill No. 345.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Amendment 882 specifies that at least 50 percent of the money credited to the Wildlife Fund Account from the $3 game tag fee must be used specifically for predator control.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 346.

The following Senate amendment was read:

Amendment No. 883.

AN ACT relating to mining; requiring certain plans for reclamation of an exploration project or mining operation to provide for public nonmotorized access to the water level of a pit lake; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who applies for a permit for a mining operation from the Division of Environmental Protection of the State Department of Conservation and Natural Resources must file with the Division a plan for the reclamation of any land damaged as a result of the mining operation. (NRS 519A.210) Existing law also requires a person who applies for a permit to engage in an exploration project to agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project. (NRS 519A.190) Existing law imposes certain requirements on a plan for reclamation regarding the timing of reclamation activities, the provision of vegetative cover and the stability of the land disturbed by the mining operation or exploration project. The operator of the mining operation or exploration project may request from the

Division an exception for open pits and rock faces which may not be feasible to reclaim. If such an exception is granted, the Division must require the operator to take sufficient measures to ensure public safety. (NRS 519A.230) **Section 3** of this bill requires that a plan for reclamation of an exploration project or mining operation must provide for the reclamation of a pit lake if the pit lake will have a predicted filled surface area of more than 200 acres. The plan for reclamation for such a pit lake must **,if feasible, and subject to the right of the landowner to determine the final and ultimate use of the premises,** provide for at least one point of public nonmotorized access for traffic to the water level of the pit lake. **Section 3** also provides that certain past or present owners, operators, lessees or occupants of the premises for which public access to a pit lake is provided pursuant to a plan for reclamation owe no duty to keep the premises safe or to give warning of certain hazardous conditions, and do not incur liability for certain injuries that may occur on the premises in certain circumstances. **Section 4** of this bill requires that an operator who has an ongoing reclamation plan on file with the Division before October 1, 2013, and whose mining operation or exploration project resulted in or included a pit lake provide, ~~[if feasible,]~~ on or before July 1, 2014, **if feasible, and subject to the right of the landowner to determine the final and ultimate use of the premises,** for at least one point of public nonmotorized access to the pit lake as required in **section 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, ***other than for a pit lake for which public access is provided in a***

plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. ~~***[For]***~~ ***Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:***

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

~~[4.]~~ ***7.*** Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section:

(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 4. 1. On or before July 1, 2014, a plan for reclamation of an exploration project or mining operation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources before October 1, 2013, that includes a pit lake having a filled surface area of more than 200 acres must provide, in consultation with the operator of the exploration project or mining operation and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. If it is determined that such access is warranted, the plan for reclamation may be amended and refiled. **This subsection:**

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

2. As used in this section, "pit lake" has the meaning ascribed to it in subsection 8 of NRS 519A.230, as amended by section 3 of this act.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 883 to Assembly Bill No. 346.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Amendment 883 clarifies that any owner of a pit lake may make the final determination in the ultimate use of the property and provides that any private property owner who is consulted regarding access to the pit lake is under no obligation to allow access to that pit lake.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 441; Assembly Joint Resolution No. 1; Senate Bills Nos. 18, 76, 90, 209, 236, 246, 258, 267, 373, 392, 419, 421, 440, 441, 448, 449, 453, 457, 458, 468, 496, 497, 503, 505, 506, 507, 509.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Sweeney.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Ester Bennett Elementary School: Michael Abina, Jose Andrade, Marlen Badillo Delgado, Abigail Barrera, Sofia Burgueno Canizales, Jaidyn Carlile, Aileen Cruz, Camille Daliposon, Casey Duby, Ricardo Amboa Collazo, Brandon Garcia Jr., Saiyuri Garcia, Hannah Gastelum, Cristina Gomez, Olivia Hollender, Jesus Infante Bautista, Ali Jabir, Mariela Lopez, Breanna Malenke, Ana Nunez, Alyssa Pelley, Jose Plascencia Puentes, Jasmine Renteria, Eric Reyes, Zane Rojas-Ryan, Jose Serafin Martinez, Shaun Taddei, Kiley Tietjen, Nathan Vernacchio, Valeria Vitela Medina, Ramon Zarate Rios, Abram Zavala, Kiaya Benton, Tracie Jutras, Filberto Rosas Heredia, Sonia Aguilar Martinez, Bianca Arellano Cruz, Hannah Baniqued, Levi Brown, Nathan Choate, Tyler Daliposon, Eduardo Garcia Ceja, Carina Garcia Medina, Daniela Garcia Navarro, Jordan Getty, Angel Gomez, Wendy Guerrero-Aguirre, Joseph Gunyah, Koby Haynes, Oscar Hernandez Payan, Ana Hilliard-Carrillo, Guadalupe Infante Bautista, John Kennedy, Jonathan Lopez Martinez, Yosberany Lopez Rodriguez, Christian Lopez Vargas, Jorge Morales, Joshua Morey, Eric Ochoa Alas, Nathan Parkyn, Yoxeline Plascencia Puentes, Angel Randolph Garcia, Mason Rector, Yesenia Renteria, Jonathan Salazar Cervantes, Shea Sanchez, Jesus Velazquez Caro, Gabrielle Ann Winder, Lisa Thomas, Katherine Hoffman, Liz Abina, Yesenia Osuza, Monica Reyes, Jorge Hidalgo, Steve Daliposon, Marea Garcia, Rachel Garza, Juana Gracia, Edith Suena, Karen Rojas-Ryan, Gary Jackson, Ma Del Refugio Garcia,

Alvin Sanchez, John Medina, Loriann Welch, Jose Medina, Judy Wood-Nunez, and Colleen Parkyn.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Livermore and the following students and chaperones from Borderwich-Bray Elementary: Cadence Bay, Nate Conrad, Hunder Del Fiorentino, Talia Diez, Hayden rench, Adita Gopinath, Richard Johnson, Julia Kaiser, Adam Leonard, Norissa Lockhart, Dawson Main, Cole McKee, Eduardo Medina, Ramon Montez, Hailee Olson, Anirudh Praveen, William Ramirez Flores, Benjamin Ramirez, Kylee Randall, Jose Rivera, Joshua Shortt, Christian Starling, Jimena Tapia-Gonzalez, Natalyn Wakeling, Katelynn Webb, Sage Wells, Nicole Medeiros, Laura Main, and Kristina Britt.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, May 29, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:30 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 29, 2013

Assembly called to order at 12:37 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord,

As we are here these last few days with so much to do and so little time to do it, I am moved to utter a great theological word: WOW!

Father, may this all not be so overwhelming. Please equip us with peace, wisdom, compassion, and competence. We give all of this to You, for we cannot do it alone.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 164, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 83, 464, 465, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 91, 146, 422, 481, 482; Senate Bills Nos. 485, 515.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 56, 165, 390, 481.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 620 to Senate Bill No. 55; Assembly Amendment No. 666 to Senate Bill No. 99; Assembly Amendment No. 746 to Senate Bill No. 107; Assembly Amendment No. 730 to Senate Bill No. 177; Assembly Amendment No. 880 to Senate Bill No. 237; Assembly Amendment No. 834 to Senate Bill No. 269; Assembly Amendment No. 662 to Senate Bill No. 278.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 779 to Senate Bill No. 49; Assembly Amendment No. 777 to Senate Bill No. 280; Assembly Amendment No. 722 to Senate Bill No. 364; Assembly Amendment No. 749 to Senate Bill No. 389; Assembly Amendment No. 776 to Senate Bill No. 450.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Speaker Kirkpatrick.

For: A New BDR No. 31-1226:

Revises provisions governing the financial administration of local governments.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 10, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

ASSEMBLYWOMAN MARILYN K. KIRKPATRICK
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT relating to education; authorizing an expenditure by the Board of Regents of the University of Nevada from the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education for the design and construction of buildings on the principal

campus of the Nevada State College; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 503—AN ACT relating to local financial administration; revising temporarily provisions governing the use by a local government of money in an enterprise fund; requiring the Committee on Local Government Finance to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 56.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 165.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 390.

Assemblyman Daly moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 481.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried

Senate Bill No. 485.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 515.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 83, 142, 164, 464, 465, 467, and 490, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 83.

Bill read second time and ordered to third reading.

Senate Bill No. 142.

Bill read second time and ordered to third reading.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 899.

AN ACT relating to education; ~~[~~requiring~~]~~ **revising provisions relating to the reporting of incidents of bullying, cyber-bullying, harassment and intimidation by** the State Board of Education and the board of trustees of each school district ~~[,]~~ in their respective annual reports of accountability **; [**~~, to provide information about the number of reported instances of bullying, cyber-bullying, harassment or intimidation;~~]** requiring each public school to disseminate information annually on bullying; revising the definition of "bullying"; revising provisions governing training in the prevention, identification and reporting of bullying and similar conduct; requiring training for administrators in preventing and responding to violence and suicide associated with bullying; requiring notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; ~~[requiring that certain annual reports submitted to the Attorney General also be provided to the Governor and the Legislature;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a safe and respectful learning environment in public schools and prohibits bullying, cyber-bullying, harassment or intimidation. (NRS 388.121-388.139) ~~[Existing law requires that any instance of bullying, cyber-bullying, harassment or intimidation involving a school employee or pupil be reported to and investigated by the school's principal or his or her designee. (NRS 388.1351) If such an investigation confirms that a violation has occurred, existing law provides for the imposition of discipline and requires that statistical information about incidents resulting in the suspension or expulsion of a pupil be included in~~

~~the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347, 388.1351) Sections 1 and 2 of this bill require that the annual reports of accountability include information about all reported instances of bullying, cyber-bullying, harassment or intimidation, regardless of whether they result in the suspension or expulsion of a pupil.~~] **Existing law also requires the board of trustees of each school district to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) In addition, existing law requires the Superintendent of Public Instruction to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 11.5 of this bill eliminates these reporting requirements, and sections 1 and 2 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)**

Section 3 of this bill requires each public school to disseminate information on bullying and the facilitation of positive relations among pupils during the annual "Week of Respect" proclaimed by the Governor.

Section 4.5 of this bill revises the definition of bullying to include: (1) only repeated acts or conduct; and (2) acts or conduct that exploit an imbalance in power.

Sections 5-7 of this bill revise various provisions governing the training of all administrators, principals, teachers and other school employees on the subject of bullying, cyber-bullying, harassment and intimidation. Existing law requires the Department of Education to prescribe a policy for such training. (NRS 388.133) **Section 5** requires the policy to encompass members of the boards of trustees of school districts and provide for training in methods to prevent, identify and report incidents of bullying and similar conduct. Existing law also requires the board of trustees of each school district to adopt the training policy prescribed by the Department and provide the appropriate training to employees of the district. (NRS 388.134) **Section 6** requires the members of the board of trustees to receive this training and requires that newly elected trustees and new employees of the school district receive the training within 180 days after the beginning of their term of office or their employment, as applicable. Existing law requires the Department to recommend certain programs of training in this area for members of the boards of trustees of school districts and school employees. (NRS 388.1342) **Section 7** requires the Department to establish these programs and a program

to train administrators in the prevention of and response to violence and suicide associated with bullying and similar conduct. **Section 7** also requires each administrator to complete this training: (1) within 90 days after becoming an administrator; (2) at least once during any school year in which the training is revised or updated; and (3) at least once every 3 years otherwise.

Section 8 of this bill provides that a principal, or his or her designee, who receives a report of bullying, cyber-bullying, harassment or intimidation must give notice of the report to the parent or legal guardian of each pupil involved in the incident that is the subject of the report.

~~[Existing law requires the principal of each public school to report to the board of trustees of the school district concerning the number of reports of bullying and similar conduct received during the preceding semester. The reports of each principal are compiled by the board of trustees and submitted to the Department. The Superintendent of Public Instruction, in turn, compiles the reports received from the various school districts and annually submits the compilation to the Attorney General. (NRS 388.1353, 388.1355) Section 9 of this bill clarifies that a reported violation must be included in the principal's report to the board of trustees, regardless of the outcome of the investigation into the incident. Section 10 of this bill requires that the Superintendent's compilation also be submitted to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Committee on Education if the Legislature is not in regular session.]~~

Existing law provides immunity from liability for a pupil, school employee or volunteer who reports an incident of bullying, cyber-bullying, harassment or intimidation unless he or she acts with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137) Where such a malicious, intentional or grossly negligent report is made, **section 11** of this bill authorizes disciplinary action against the pupil or other person making the report.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide

program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a

result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole:***

(1) The number of reported violations of NRS 388.135 ~~[reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.~~

~~(jj)~~ ***occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;***

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[~~, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.~~]~~ ***; and***

(3) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district,

including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are

employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) ***For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:***

(1) The number of reported violations of NRS 388.135 [, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh)] occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation [, for each school in the

~~district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~] ***; and***

(3) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(hh) ~~***[(ii)]***~~ Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), ~~***[(ii),]***~~ inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is

available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation;

2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying, cyber-bullying, harassment and intimidation.

Sec. 4. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person ~~[one time or]~~ repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. ***Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;***

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~[3.]~~ ***4.*** Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 5. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe

and respectful learning environment that is free of bullying, cyber-bullying, harassment and intimidation.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train ***members of the board of trustees and all*** administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils ~~[without]~~ ***by eliminating*** the use of bullying, cyber-bullying, harassment and intimidation so that pupils may realize their full academic and personal potential;

(2) ***Training in methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools;***

(3) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~[(3)]~~ ***(4)*** Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 6. NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of ***members of the board of trustees and*** all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. ***For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.***

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district.

Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 7. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) ~~[~~Recommend~~]~~ ***Establish*** a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) ~~[~~Recommend~~]~~ ***Establish*** a program of training for school district ***and charter school*** personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive ~~[.]~~ ***, and section 3 of this act.***

(d) Establish a program of training for administrators in the prevention of violence and suicide associated with bullying, cyber-bullying, harassment and intimidation in public schools and appropriate methods to respond to incidents of violence or suicide.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. ~~[~~Each~~]~~ ***Except as otherwise provided in NRS 388.134, each*** member of a board of trustees of a school district ~~[~~may~~]~~ ***shall, within 1 year after the member is elected or appointed to the board of trustees,*** complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools ~~[~~recommended~~]~~ ***established*** pursuant to paragraph (b) of subsection 1 and ~~[~~may~~]~~ undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each ***administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:***

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established ~~[and recommended]~~ pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

~~[5.]~~ ***6.*** The board of trustees of a school district may allow school district personnel to attend the program ~~[recommended]~~ ***established*** pursuant to paragraph (c) ***or (d)*** of subsection 1 during regular school hours.

~~[6.]~~ ***7.*** The Department shall review each program of training established ~~[and recommended]~~ pursuant to subsection 1 on an annual basis to ensure that the program contains current information***.*** ~~[concerning the prevention of bullying, cyber-bullying, harassment and intimidation.]~~

Sec. 8. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. ***The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil.*** The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 9. ~~[NRS 388.1353 is hereby amended to read as follows:~~

~~388.1353 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the~~ ***number of*** ~~violations of NRS 388.135 [which are] reported during the previous school semester [.]~~ ***, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351.*** ~~The report must include, without limitation:~~

~~(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and~~

~~(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.~~

~~2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 388.1355 is hereby amended to read as follows:~~

~~388.1355 The Superintendent of Public Instruction shall:~~

~~1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.~~

~~2. On or before October 1 of each year, submit the written compilation to the :~~

~~*(a) Governor;*~~

~~*(b)* Attorney General [.] *; and*~~

~~*(c) Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Committee on Education created pursuant to NRS 218E.605 when the Legislature is not in regular session.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 388.137 is hereby amended to read as follows:

388.137 ***1.*** No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If a principal determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 11.5. **NRS 388.1353 and 388.1355 are hereby repealed.**

Sec. 12. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General. The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.

2. On or before October 1 of each year, submit the written compilation to the Attorney General.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 464.

Bill read second time and ordered to third reading.

Senate Bill No. 465.

Bill read second time and ordered to third reading.

Senate Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 900.

AN ACT relating to education; ~~[requiring the Superintendent of Public Instruction to establish the Education Advisory Council and prescribing the membership and duties of the Advisory Council;]~~ removing the requirement for certain approval of expenditures from the Education Gift Fund; revising provisions governing the qualifications for the Office of Superintendent of Public Instruction and other authorized business pursuits by the Superintendent; revising provisions relating to the payment of the expenses of holding certain conferences; revising provisions relating to deputies within the Department of Education; transferring certain duties from the Superintendent and his or her deputies to the Department of Education; revising provisions governing the Account for Programs for Innovation and the Prevention of Remediation; abolishing the Commission on Educational Excellence; revising the date by which school districts and charter schools are required to submit annual budgetary reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2-4 of this bill require the Superintendent of Public Instruction to establish the Education Advisory Council to advise the Superintendent of Public Instruction and prescribe the membership and duties of the Advisory Council.]~~

Section 6 of this bill removes the requirement that any expenditure from the Education Gift Fund be approved by the Legislature or the Interim Finance Committee.

Section 8 of this bill revises the qualifications for the Office of the Superintendent of Public Instruction to remove the requirement that the Superintendent hold a master's degree in the field of education or school administration.

Section 9 of this bill transfers the authority to approve the pursuit by the Superintendent of Public Instruction of any other business or occupation or holding any other office of profit from the State Board of Education to the Governor, who appoints the Superintendent.

Section 10 of this bill removes the requirement under existing law that the expenses of holding teachers' and administrators' conferences be paid from the State Distributive School Account in the State General Fund, not to exceed $8,400 in any biennium.

Existing law authorizes the Superintendent of Public Instruction to appoint a Deputy Superintendent of Instructional, Research and Evaluative Services and a Deputy Superintendent for Administrative and Fiscal Services and prescribes the qualifications and duties of each of those Deputies. (NRS 385.290-385.320) **Sections 14 and 67** of this bill remove these designated deputies, and instead **section 14** authorizes the Superintendent of

Public Instruction to appoint such deputy superintendents as the execution of the Superintendent's duties may require. **Sections 11-13, 15 and 16** of this bill transfer certain duties of the Superintendent of Public Instruction and his or her deputies to the Department of Education.

Existing law creates the Commission on Educational Excellence and authorizes the Commission to make allocations from the Account for Programs for Innovation and the Prevention of Remediation to public schools and consortiums of public schools whose applications are approved by the Commission for programs to improve pupil achievement or innovative programs, or both. (NRS 385.3781-385.379) **Section 67** abolishes the Commission, and **section 18.5** of this bill revises the purpose for which the money in the Account may be used to allow its use only for public schools and public education, as authorized by the Legislature.

Sections 21 and 22 of this bill impose an earlier deadline by which the board of trustees of each school district and the governing body of each charter school, respectively, are required to submit an annual report of their budgets to the Superintendent of Public Instruction and other specified recipients.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "Education Advisory Council" means the Education Advisory Council established pursuant to section 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. The Superintendent of Public Instruction shall establish an Education Advisory Council. The Education Advisory Council is composed of the following voting members:*~~

~~*(a) One member appointed by the Superintendent from among the members of the Advisory Council on Parental Involvement and Family Engagement established pursuant to NRS 385.610;*~~

~~*(b) The Chair of the Teachers and Leaders Council of Nevada created by NRS 391.455;*~~

~~*(c) The Chair of the State Public Charter School Authority;*~~

~~*(d) One member appointed by the Superintendent who is an administrator or teacher in a public school or a representative of public libraries or the Nevada System of Higher Education and who possesses knowledge of and experience in the use of educational technology in public schools;*~~

~~(c) One member appointed by the Superintendent who is an administrator or teacher in a public school who possesses knowledge of and experience in the education of pupils with disabilities; and~~

~~(f) One member appointed by the Superintendent who is an administrator or teacher in a Title I school, as that term is defined in NRS 385.3467.~~

~~2. In addition to the voting members described in subsection 1, the Superintendent of Public Instruction may appoint as nonvoting members of the Education Advisory Council any persons who the Superintendent determines have an interest in the success of pupils who are culturally, ethnically and linguistically diverse.~~

~~3. The Education Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair each serve a term of 1 year.~~

~~4. The Education Advisory Council shall meet at least once each calendar quarter and at the call of the Superintendent of Public Instruction.~~

~~5. A majority of the voting members of the Education Advisory Council constitutes a quorum for the transaction of all business of the Education Advisory Council.~~

~~6. The Department shall provide:~~

~~(a) Administrative support to the Education Advisory Council; and~~

~~(b) All information that is necessary for the Education Advisory Council to carry out its duties.~~

~~7. Each member of the Education Advisory Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Education Advisory Council or is otherwise engaged in the business of the Education Advisory Council. The per diem allowance and travel expenses for the members of the Education Advisory Council must be paid by the Department.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[1. The Education Advisory Council shall advise the Superintendent of Public Instruction on such matters as the Superintendent may require. The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Education Advisory Council are carried out by the Education Advisory Council successfully.~~

~~2. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the State Board describing the activities of the Education Advisory Council.]~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 385.095 is hereby amended to read as follows:

385.095 Except as otherwise provided in NRS 385.091:

1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund.

2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and duties **.** ~~[, and no expenditure may be made until approved by the Legislature in an authorized expenditure act or by the Interim Finance Committee if the Legislature is not in session.]~~

3. If all or part of the money accepted by the State Board from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Education Gift Fund until needed for the purpose specified by the donor.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 385.160 is hereby amended to read as follows:

385.160 To be eligible to the Office of Superintendent of Public Instruction, a person shall:

1. Have attained the age of 21 years at the time of his or her appointment; ***and***

2. ~~[Hold a master's degree in the field of education or school administration; and~~

~~3.]~~ Possess the knowledge and ability to carry out the duties required by this title and all other statutes and regulations governing K-12 public education.

Sec. 9. NRS 385.170 is hereby amended to read as follows:

385.170 The Superintendent shall not pursue any other business or occupation or hold any other office of profit without the approval of the ~~[State Board of Education.]~~ ***Governor.***

Sec. 10. NRS 385.190 is hereby amended to read as follows:

385.190 1. The Superintendent of Public Instruction or a staff member designated by the Superintendent shall:

(a) Convene teachers' conferences in the various sections of the State in such places and at such times as he or she deems advisable.

(b) Engage such conference lecturers and leaders as he or she deems advisable.

(c) Preside over and regulate the programs of all teachers' conferences.

2. No teachers' conference may continue more than 5 days.

3. The Superintendent of Public Instruction or the designated staff member shall convene, in such places and at such times as he or she may designate, conferences of school administrators.

~~[4. The expenses of holding teachers' and administrators' conferences must be paid from the State Distributive School Account in the State General Fund, but the amount must not exceed $8,400 in any one biennium. The State Controller shall draw his or her warrants for such expenses upon the order of the Superintendent of Public Instruction.]~~

Sec. 11. NRS 385.210 is hereby amended to read as follows:

385.210 1. The ~~[Superintendent of Public Instruction]~~ ***Department*** shall prescribe a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools.

2. The ~~[Superintendent]~~ ***Department*** shall prepare ~~[pamphlet]~~ copies of the codified statutes relating to schools and shall transmit a copy to each school, school trustee and other school officer in this State. If the State Board adopts regulations to carry out these codified statutes or if additions or amendments are made to these codified statutes, the ~~[Superintendent]~~ ***Department*** shall have the regulations, additions or amendments printed and transmitted immediately thereafter. Each ~~[pamphlet]~~ ***copy*** must be marked "State property—to be turned over to your successor in office." Each school shall maintain a copy ~~[of the pamphlet]~~ with any regulations, additions or amendments in the school library.

3. In addition to the requirements set forth in subsection 2, the ~~[Superintendent]~~ ***Department*** shall, to the extent practicable and not later than July 1 of each year, provide to the board of trustees of each school district and to the governing body of each charter school a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects the public schools in this State and the pupils who are enrolled in the public schools in this State. The memorandum may compile all the statutes into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for public schools or for employees of a school district or charter school, or both, or otherwise affects the money that is available for public schools or for employees of school districts or charter schools, or both, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile all bills, or portions of bills, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the State Board or the Department to take action to carry out the statute or bill, a brief plan for carrying out that statute or bill.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which it must be carried into effect by a

school district or public school, including, without limitation, a charter school.

4. If a statute or bill described in subsection 3 is enacted during a special session of the Legislature that concludes after July 1, the ~~[Superintendent]~~ ***Department*** shall prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided to the board of trustees of each school district and the governing body of each charter school not later than 30 days after the special session concludes.

5. The ~~[Superintendent]~~ ***Department*** shall, if directed by the State Board, prepare and publish a bulletin as the official publication of the Department.

Sec. 12. NRS 385.230 is hereby amended to read as follows:

385.230 1. The ~~[Superintendent of Public Instruction]~~ ***Department*** shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3469;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.34691;

(e) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(f) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(g) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(h) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(i) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(j) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

(k) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report ***prepared pursuant to subsection 1*** in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report ***prepared pursuant to subsection 1*** to the Governor and to the Legislative Committee on Education.

Sec. 13. NRS 385.240 is hereby amended to read as follows:

385.240 1. The ~~[~~Superintendent of Public Instruction~~]~~ ***Department*** shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the ~~[~~Superintendent~~]~~ ***Department*** with respect to lists of books are subject to review and approval or disapproval by the State Board.

Sec. 14. NRS 385.290 is hereby amended to read as follows:

385.290 ~~[~~1.~~]~~ The Superintendent of Public Instruction may appoint ~~[~~a Deputy Superintendent of Instructional, Research and Evaluative Services who:

~~(a) Holds a master's degree in school administration or a related subject from an accredited college or university.~~

~~(b) Has a minimum of 3 years of administrative experience which includes:~~

~~(1) Supervision and evaluation of staff;~~

~~(2) Development and administration of budgets; and~~

~~(3) Development of curriculum.~~

~~2. The Deputy Superintendent of Instructional, Research and Evaluative Services~~**]** ***such deputy superintendents as the execution of the Superintendent's duties may require. A deputy superintendent*** may perform any duty required of the Superintendent of Public Instruction during the absence of the Superintendent and shall do such work as the Superintendent may direct under the laws of the State.

Sec. 15. NRS 385.310 is hereby amended to read as follows:

385.310 The **[**~~Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction,~~**]** ***Department*** shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

(a) School district; and

(b) School within a school district.

➥ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 385.315.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the State Board as **[**~~he or she~~**]** ***the Department*** deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the State Board such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for consideration by the State Board and submission to the Governor.

Sec. 16. NRS 385.315 is hereby amended to read as follows:

385.315 **[**~~In addition to any other duties, the Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction,~~**]** ***The Department*** shall:

1. Investigate any claim against any school fund or an account established under NRS 354.603, 386.570 or 392A.083, as applicable,

whenever a written protest against the drawing of a warrant, check or order in payment of the claim is filed with the county auditor, the sponsor of the charter school or the Department. If, upon investigation, the ~~[Deputy Superintendent]~~ ***Department*** finds that any such claim is unearned, illegal or unreasonably excessive, the ~~[Deputy Superintendent]~~ ***Department*** shall notify the county auditor and the clerk of the board of trustees, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils who drew or authorized the order for the claim, stating the reasons in writing why the order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his or her warrant in payment of the claim nor shall the board of trustees, governing body of the charter school or governing body of the university school for profoundly gifted pupils draw a check or order in payment of the claim from an account established under NRS 354.603, 386.570 or 392A.083, as applicable. If the ~~[Deputy Superintendent]~~ ***Department*** finds that any protested claim is legal and actually due the claimant, the ~~[Deputy Superintendent]~~ ***Department*** shall authorize the county auditor, the board of trustees, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils, as applicable, to draw his or her warrant or its check or order on an account established under NRS 354.603, 386.570 or 392A.083, as applicable, for the claim, and the county auditor, the board of trustees or the appropriate governing body shall immediately draw his or her warrant or its check or order in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, governing bodies of charter schools and governing bodies of university schools for profoundly gifted pupils and enforce the uniform method of keeping the financial records and accounts of school districts, charter schools and university schools for profoundly gifted pupils.

3. Inspect the school fund accounts of the county auditors of the several counties and report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the accounts established by:

(a) The boards of trustees under NRS 354.603 and report the condition of the accounts to the respective boards of county commissioners and county treasurers.

(b) The governing bodies of charter schools under NRS 386.570 and report the condition of the accounts to the respective sponsors of the charter schools and governing bodies of the charter schools.

(c) The governing bodies of university schools for profoundly gifted pupils under NRS 392A.083 and report the condition of the accounts to the Board of Regents of the University of Nevada and the respective governing bodies of the university schools.

Sec. 17. NRS 385.320 is hereby amended to read as follows:

385.320 ~~[The Deputy Superintendent of Instructional, Research and Evaluative Services and the Deputy Superintendent for Administrative and Fiscal Services:~~

~~1. Are]~~ ***Each deputy superintendent appointed by the Superintendent of Public Instruction pursuant to NRS 385.290:***

1. Is in the unclassified service of the State.

2. Except as otherwise provided in NRS 284.143, shall each devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 18. (Deleted by amendment.)

Sec. 18.5. NRS 385.379 is hereby amended to read as follows:

385.379 1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2 **.** ~~[or 3.]~~ The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[Except as otherwise provided in NRS 385.3784 and subsection 3, the]~~ ***The*** money in the Account may only be used for ~~[the allocation of money to]~~ public schools and ~~[consortiums of public schools whose applications are approved by the Commission pursuant to NRS 385.3785.~~

~~3. Upon the request of the Commission:~~

~~(a) Not more than $50,000 in the Account may be used each biennium to pay:~~

~~(1) The expenses incurred by members of the Commission to travel to the public schools and consortiums of public schools that received allocations of money from the Account; and~~

~~(2) The costs incurred by the Commission to hold meetings or conferences for representatives of public schools and consortiums of schools that received allocations of money from the Account to discuss or display, or both, programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.~~

~~(b) Not more than $450,000 in the Account may be used each biennium to pay for an evaluation of the programs for which money was allocated from the Account. If the Commission uses money in the Account for such an evaluation, the Commission shall ensure that:~~

~~(1) A request for proposals is issued and a qualified, independent consultant is selected to conduct the evaluation;~~

~~(2) Upon selection of the consultant, the Commission receives approval of the consultant and the plan for the evaluation from the Committee;~~

~~(3) The evaluation is designed to determine the effectiveness of the programs for which money was allocated from the Account in improving the achievement of pupils;~~

~~(4) The evaluation includes an identification of the programs for which money was allocated from the Account that did not improve the achievement of pupils as described in the approved application for the grant;~~

~~(5) The evaluation includes an identification of the public schools and consortiums of public schools that did not implement the programs for which money was allocated from the Account as described in the approved application for the grant; and~~

~~(6) The evaluation includes a compilation and review of each evaluation required to be submitted by public schools and consortiums of public schools pursuant to NRS 385.3787.~~**]** ***public education, as authorized by the Legislature.***

Sec. 19. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015 and 389.550, including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➥ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS 389.015 or 389.550, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 **.** **[**~~or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.~~**]**

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to

demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 or 389.550, as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 386.600 is hereby amended to read as follows:

386.600 1. On or before November ~~[15]~~ ***1*** of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Distributive School Account for the preceding year.

Sec. 22. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November ~~[10]~~ ***1*** of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to subsection 2, 3 or 4 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was

made that includes the number of teachers to whom an increase in salary was paid retroactively.

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The expenditures from the account created pursuant to subsection 4 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction:

(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2;

(b) May increase the line items of expenditures or revenues based on merit salary increases and cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) May adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Shall obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)
Sec. 55. (Deleted by amendment.)
Sec. 56. (Deleted by amendment.)
Sec. 57. (Deleted by amendment.)
Sec. 58. (Deleted by amendment.)
Sec. 59. (Deleted by amendment.)
Sec. 60. (Deleted by amendment.)
Sec. 61. (Deleted by amendment.)
Sec. 62. (Deleted by amendment.)
Sec. 63. (Deleted by amendment.)
Sec. 64. (Deleted by amendment.)
Sec. 65. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school

districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

~~[(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.]~~

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 385.300, 385.3781, 385.3782, 385.3783, 385.37835, 385.3784, 385.3785, 385.3787 and 385.3789 are hereby repealed.

Sec. 68. (Deleted by amendment.)

Sec. 69. (Deleted by amendment.)

Sec. 70. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

3. Any actions taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in

effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions was transferred.

Sec. 71. The Legislative Counsel shall, in preparing supplements, to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 72. (Deleted by amendment.)

Sec. 73. **This act becomes effective upon passage and approval.**

LEADLINES OF REPEALED SECTIONS

385.300 Deputy Superintendent for Administrative and Fiscal Services: Qualifications and appointment.

385.3781 Definitions.

385.3782 "Account" defined.

385.3783 "Commission" defined.

385.37835 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.

385.3784 Commission: Creation; membership; terms; meetings; compensation of members; duty of Department to provide administrative support; involvement of the Legislative Counsel Bureau in activities of Commission.

385.3785 Commission: Establishment of program of educational excellence; allocations of money to public schools and consortiums of public schools; Department required to provide list of priorities of schools; review of certain information by Commission.

385.3787 Use of money by public schools and consortiums of public schools that receive allocations from Account; submission of evaluation of effectiveness.

385.3789 Submission of annual reports by Commission; biennial audit of programs by Legislative Auditor.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Assemblyman Horne moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 1:01 p.m.

ASSEMBLY IN SESSION

At 3:26 p.m.
Madam Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 9.
The following Senate amendment was read:
Amendment No. 601.

AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; providing for the creation and duties of a Charter Committee; authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; making various other changes to the Charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Reno. **Sections 1 and 2** of this bill adopt certain definitions and rules of construction applicable to the Charter as a whole. **Section 1.5** of this bill provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter. **Section 6** of this bill expands the prohibition against holding other employment or another office, which is applicable to the Mayor or a Council Member. **Section 9** of this bill provides that certain provisions applicable to appointive officers also apply to appointive employees of the City. **Section 15** of this bill authorizes the Mayor and any Council Member to waive the payment of any part of the salary or benefits otherwise payable to him or her and establishes the requirements for such a waiver. **Section 27** of this bill prohibits the Mayor and Council Members from giving orders to any subordinate of the City Manager, or otherwise dealing directly with such a person.

The existing provisions of the Charter permit the City Council to establish additional departments in the Municipal Court and thereby increase the number of Municipal Judges. (Reno City Charter § 4.010) **Section 28** of this bill prohibits the Council from reducing the term of office of any Municipal Judge.

Sections 31 and 32 of this bill revise provisions relating to the general city election to clarify that the election is to occur concurrently with the statewide general election. **Section 34** of this bill establishes a procedure for determining a tie vote in any city election.

Under existing law, various provisions governing the examination, appointment and transfer of employees in the Civil Service System are codified in the Charter. (Reno City Charter §§ 9.090, 9.190-9.250) **Section 47** of this bill repeals those provisions, and **section 43** of this bill provides that such matters are to be governed by the rules of the City's Civil Service Commission. **Section 44** of this bill expands the list of characteristics that may not affect appointment to or removal from a position in the Civil Service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.011, 1.012, 1.013, 1.014, 1.015, **1.016,** 1.017, 1.018 and 1.019, respectively, immediately following section 1.010, to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person who is appointed to a position described in subsection 4 of section 1.090.

Sec. 1.013 "City" defined. "City" means the City of Reno in Washoe County, Nevada.

[Sec. 1.013] Sec. 1.014 "City Council" or "Council" defined. "City Council" or "Council" means the governing body of the City.

[Sec. 1.014] Sec. 1.015 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020.

[Sec. 1.015] Sec. 1.016 "Commission" defined. "Commission" means the Civil Service Commission created by section 9.030.

Sec. 1.017 "County" defined. "County" means Washoe County, Nevada.

Sec. 1.018 "State" defined. "State" means the State of Nevada.

Sec. 1.019 Construction of Charter.

1. Except where the context by clear implication otherwise requires, this Charter must be construed as follows:

(a) The titles or leadlines which are applied to the articles and sections of this Charter are inserted only as a matter of convenience and ease in reference and are not intended to limit the scope or intent of any provision of this Charter.

(b) Words in the singular number include the plural, and words in the plural include the singular number.

(c) Words in the masculine gender include the feminine, and words in the neuter gender refer to any gender.

2. This Charter being necessary to secure and preserve the public health, safety, prosperity, security, comfort, convenience, general welfare and property of the residents of the City, it is expressly declared that it is the intent of the Legislature that each of the provisions of this Charter be liberally construed to effect the purposes and objects for which this Charter is intended, and the specific mention of particular powers must not be construed as limiting in any way the general powers which are necessary to carry out the purposes and objects of this Charter.

Sec. 1.5. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.140, 1.150 and 1.160, respectively, immediately following section 1.130, to read as follows:

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation, serves a term of 4 years;

(c) If appointed by members of the Assembly delegation, serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

3. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

Sec. 1.150 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Charter Committee;

3. Meet jointly with the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter;

4. If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;

5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and

6. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.

Sec. 1.160 Charter Committee: Removal of member; grounds. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause,

including failure or refusal to perform the duties of the office, absence from three successive regular meetings or ceasing to meet any qualification for appointment to the Charter Committee.

Sec. 2. Section 1.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Section 1.010 ~~[Preamble: Legislative intent.]~~ ***Purpose; other laws.***

1. In order to provide for the orderly government of the City of Reno and the general welfare of its citizens the Legislature hereby establishes this Charter for the government of the City of Reno. ~~[It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.]~~

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS) which are not in conflict with the provisions of this Charter apply to the City of Reno.

Sec. 3. Section 1.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Sec. 1.020 Incorporation of City.

~~[1.]~~ All persons who are inhabitants of that portion of the State ~~[of Nevada]~~ embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Reno" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

~~[2. Whenever used throughout this charter, "City" means the City of Reno.]~~

Sec. 4. Section 1.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 482, Statutes of Nevada 1973, at page 714, is hereby amended to read as follows:

Sec. 1.030 Description of territory.

1. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and County Assessor ~~[of Washoe County,]~~ as such plat is amended from time to time.

2. The territory described in paragraph (a) of subsection 2 of section 1 of article I of chapter 180, Statutes of Nevada 1949, lying within the

City ~~[of Reno]~~ is hereby detached from the City ~~[of Reno]~~ and is included within the boundaries of the City of Sparks.

Sec. 5. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In ~~[such a case,]~~ ***filling a prospective vacancy,*** each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter.

Sec. 6. Section 1.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 1.080 Mayor and Council Members not to hold other office or employment.

1. The Mayor and Council Members shall not:

(a) Hold any other elective ***or appointive*** office ***,*** ~~[or employment with Washoe County or the City,]~~ except as provided by law or as a member of a board or commission ***which is ancillary to the office of Mayor or Council Member and*** for which no compensation is received.

(b) ***Hold any other employment with the County, the City or any other political subdivision of the State which is governed or advised by a board or commission to which the Mayor or Council Member may be***

appointed in the course of his or her duties as Mayor or Council Member.

(c) Be appointed to any office or position created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which ~~[such person]~~ ***the Mayor or Council Member*** was elected.

2. Any person who violates the provisions of subsection 1 shall automatically forfeit his or her office.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:**

Sec. 1.090 Appointive officers ~~[.]~~ ***and appointive employees.***

1. The City Council shall provide for the appointment of a City Manager to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.

2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.

3. The City Council may establish such other appointive offices as it may deem necessary for the operation of the City by designating the position and the qualifications therefor by ordinance. Appointive offices are limited to the head of each department or division except:

(a) One immediate assistant for the Director of Public Works.

(b) ~~[Special technical staff members who report directly to the City Manager.~~

~~(c)]~~ In the Fire Department and Police Department, no positions below the office of Chief.

~~[~~***4. Special technical staff members who report directly to the City Manager serve as appointive employees.***

5. Appointment of ~~[such]~~ officers ***and employees pursuant to subsections 3 and 4*** must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.

~~[4.]~~ ***6.*** A City Clerk must be appointed by the City Council.

Sec. 8. Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:

Sec. 1.100 Appointive officers ~~[:]~~ ***and appointive employees:*** Miscellaneous provisions.

1. All appointive officers ~~[,]~~ ***and appointive employees,*** except the City Clerk and his or her deputy, shall perform such duties as ~~[may be]~~ ***are*** designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City ~~[and]~~ who is appointed to any position provided for in section 1.090 does not lose his or her Civil Service rating while serving in that position.

3. ~~[All appointive officers are entitled to all employment benefits to which Civil Service employees are entitled.~~

~~4.]~~ The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

Sec. 9. Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1964, is hereby amended to read as follows:

Sec. 1.110 Appointive officers ~~[:]~~ ***and appointive employees:*** Duties; salary ~~[.]~~ ***; benefits.***

1. All appointive officers ***and appointive employees*** of the City, ***including those appointed by the City Council,*** except ~~[the]~~ ***:***

(a) The City Manager ***;***

(b) The City Clerk and the chief deputy and the Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) Assistants appointed by the City Attorney pursuant to section 3.060; and ~~[the]~~

(d) The members of the City Board of Health ***and the City Health Officer, if the City administers the operations of the Board of Health,***

➥ shall perform ~~[such]~~ ***their*** duties under the direction of the City Manager ~~[, as may be]~~ ***or as*** designated by the City Council ~~[.]~~ ***through the City Manager.***

2. All appointive officers ***and appointive employees*** of the City ~~[shall receive such salary as may be]~~ ***are entitled to the salary*** designated by the City Council ~~[.]~~ ***through the adoption of a resolution establishing the salary ranges applicable to each office and position.***

3. All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.

Sec. 10. (Deleted by amendment.)

Sec. 11. Section 2.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, other persons; subpoena power.

1. The City Council may:

(a) Provide for the punishment of ***the City Clerk or*** any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all papers relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such ***an*** order:

(a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) ~~[~~Such Clerk~~]~~ ***The clerk of the district court*** may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why ~~[~~such~~]~~ ***the*** person should not be held in contempt of court and upon ***the*** hearing of the matter may adjudge ~~[~~such~~]~~ ***the*** person guilty of contempt and punish him or her accordingly.

Sec. 12. Section 2.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 255, Statutes of Nevada 2001, at page 1131, is hereby amended to read as follows:

Sec. 2.040 Meetings: Quorum.

1. The City Council shall hold not less than two regular meetings each month. The times and dates of ~~[~~the~~]~~ ***regular*** meetings must be established by ~~[~~ordinance.~~]~~ ***resolution.***

2. ***Special meetings of the City Council may be held at the call of the Mayor.***

3. Except as otherwise provided in NRS 241.0355, a majority of all the members of the City Council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

~~[~~3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.~~]~~

4. The meetings of the City Council must be conducted in accordance with chapter 241 of NRS.

Sec. 13. (Deleted by amendment.)

Sec. 14. Section 2.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.070 Oaths and affirmations. The Mayor, ~~[Assistant]~~ ***the Vice*** Mayor while acting in the place of the Mayor, each Council Member and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City, before the City Council or to be considered by the City Council.

Sec. 15. Section 2.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 599, Statutes of Nevada 1993, at page 2499, is hereby amended to read as follows:

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders ~~[.]~~ ***; waiver of salary and benefits.***

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the ***Constitution of the*** State of Nevada, or to the provisions of Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.

2. When power is conferred upon the City Council to do and perform anything ~~[,]~~ and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.

4. The City Council shall have such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and subsection 6,*** the City Council shall not pass any ordinance ***or resolution*** increasing or diminishing the salary of any elective officer during the term for which he or she is elected or appointed. The City Council may pass an ordinance increasing the salary of a Municipal Judge during the term for which he or she is elected or appointed.

6. Except as otherwise prohibited or limited by statute or regulation or as otherwise provided in this subsection, the Mayor and any Council Member may waive the payment of any part of the salary and benefits otherwise payable to him or her during any budget year. Any such waiver must be in writing, does not extend beyond the current term of the Mayor or Council Member and may not be rescinded.

Sec. 16. Section 2.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the City Council. The style of all ordinances ~~[shall]~~ ***must*** be as follows: "The City Council of the City of Reno ~~[do]~~ ***does*** ordain:".

2. No ordinance ~~[shall]~~ ***may*** contain more than one ***general*** subject ~~[, which shall]~~ ***matter and matters which pertain to or are necessarily connected with the general subject matter, and the general subject must*** be briefly indicated in the title. Where the ***general*** subject of the ordinance is not so expressed in the title, the ordinance is void ***.*** ~~[as to the matter not expressed in the title.]~~

3. Any ordinance which amends an existing ordinance ~~[shall]~~ ***must*** set out in full the ordinance or sections thereof to be amended, and ~~[shall]~~ ***must*** indicate matter to be omitted by enclosing it in brackets and ~~[shall indicate]~~ ***any*** new matter by underscoring or by italics.

Sec. 17. Section 2.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be ~~[referred to a committee for consideration,]~~ ***read to the City Council by title,*** after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance, or an amendment thereto, within 45 days after the date of publication.

2. At the next regular meeting or adjourned ***regular*** meeting of the City Council held at least 10 days after the date of publication, the ~~[committee shall report the ordinance back to the City Council. Thereafter, it]~~ ***proposed ordinance must be returned to the City Council for consideration and possible adoption. At that meeting, the title of the proposed ordinance*** must be read as first proposed or as amended, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, by unanimous consent of the City Council,

final action may be taken immediately or at an emergency meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published by title, together with the names of the ***members of the City*** Council ~~[Members]~~ voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City for at least one publication, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 18. Section 2.120 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1393, is hereby amended to read as follows:

Sec. 2.120 Codification of ordinances; publication of Code.

1. The City Council may codify and publish a Code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the City Council, have incorporated therein a copy of this Charter and such additional data as the City Council ~~[may prescribe. When such Code is published, two copies shall be filed with]~~ ***prescribes. Whenever the Code is published or revised, a copy must be provided to*** the Librarian at the County Public Library in Reno, the County Law Library and the Supreme Court Law Library. ***The requirements of this subsection are satisfied by the provision of a paper copy, an electronic copy or a copy of the Code in such other format as is requested by a library.***

2. The ordinances in the Code ~~[shall]~~ ***must*** be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor, attestations and other formal parts.

3. The codification ~~[shall]~~ ***must*** be adopted by an ordinance and ~~[shall]~~ ***must*** not contain any substantive changes, modifications or alterations of existing ordinances, and the only title necessary for the ordinance ~~[shall be,]~~ ***is,*** "An ordinance for codifying and compiling the general ordinances of the City of Reno."

4. The codification may be amended or extended by ordinance.

Sec. 19. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 216, Statutes of Nevada 2007, at page 726, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State **.** ~~[of Nevada.]~~ An offense that is made a misdemeanor by the laws of the State ~~[of Nevada]~~ shall ~~[also]~~ be deemed ***also*** to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunication service to the general public.

5. As used in this section:

(a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 20. Section 3.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; ~~[~~Assistant~~]~~ ***Vice*** Mayor.

1. The Mayor:

(a) Shall serve as a member of the City Council and preside over its meetings.

(b) Shall not have any administrative duties.

(c) Must be recognized as the head of the City Government for all ceremonial purposes.

(d) Shall determine the order of business at meetings pursuant to the rules of the City Council.

(e) Is entitled to vote and shall vote last on all roll call votes.

(f) Shall take all proper measures for the preservation of the public peace and order and for the suppression of riots and all forms of public disturbance, for which he or she is authorized to appoint extra police officers temporarily and without regard to Civil Service rules and regulations, and to call upon the ***County*** Sheriff ~~[~~of Washoe County,~~]~~ or, if that force is inadequate, to call upon the Governor for assistance.

(g) Shall perform such other duties, except administrative duties, as ~~[~~may be~~]~~ ***are*** prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized pursuant to the provisions of a special charter.

2. At the first regular City Council meeting in November of each year ~~[~~,~~]~~ ***or whenever a vacancy occurs in the office of Vice Mayor,*** the City Council shall elect one of the Council Members to be ~~[~~Assistant~~]~~ ***Vice*** Mayor. That person:

(a) Holds that office and title, without additional compensation, for a term of 1 year or until removed after a hearing for cause by a vote of six-sevenths of the City Council ~~[~~,~~]~~ ***or the office otherwise becomes vacant.***

(b) Shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor if the office of Mayor becomes vacant until the vacancy is filled pursuant to section 1.070 of this Charter.

Sec. 21. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation.

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. The City Manager may appoint such clerical and administrative assistants as he or she ~~[may deem]~~ ***deems*** necessary.

3. ~~[He or she]~~ ***The City Manager*** may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

4. No ***member of the City*** Council ~~[Member]~~ may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

5. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.

Sec. 22. (Deleted by amendment.)

Sec. 23. Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants ***for payment*** issued.

(d) Number and sign all ***business*** licenses issued by the City. All ***business*** licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one chief deputy and one Manager of Record Systems, who are not subject to the provisions of article IX of this Charter. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

Sec. 24. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as ~~[may be]~~ ***are*** designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the ~~[Civil Service]~~ Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. The City Attorney may appoint and remove such assistants as he or she ~~[may require]~~ ***requires*** in the discharge of the duties of his or her office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it ~~[may deem]~~ ***deems*** proper to compensate such assistants. Such assistants who are

attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 25. Section 3.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.080 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of ~~[Washoe]~~ ***the*** County shall be ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

Sec. 26. Section 3.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 414, Statutes of Nevada 1975, at page 607, is hereby amended to read as follows:

Sec. 3.090 County Treasurer to be ex officio City Treasurer; duties.

1. The Treasurer of ~~[Washoe]~~ ***the*** County shall be ex officio City Treasurer and Tax Receiver of the City. The County Treasurer shall perform such duties for the City without additional compensation.

2. The City Treasurer shall, with the consent of the City Council, appoint the City Clerk or other city officer as Deputy City Treasurer to perform such duties as may be designated by the City Council.

3. The City shall compensate ~~[Washoe]~~ ***the*** County annually in an amount agreed upon by the City Council and the Board of County Commissioners of ~~[Washoe]~~ ***the*** County for the services rendered by the Treasurer of ~~[Washoe]~~ ***the*** County under this section.

Sec. 27. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.140 Interference ***and direction*** by City Council.

1. The Mayor or Council Members shall not dictate the appointment, suspension or removal of any City administrative officer or employee appointed by the City Manager or his or her subordinates. No person covered by the rules and regulations of the ~~[Civil Service]~~ Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. ***Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager.*** The City Council or its members shall not ~~[deal]~~ ***:***

(a) Deal directly with a City official or employee on a matter pertaining to City business ***, except for the purpose of inquiry,*** but shall deal through the City Manager ~~[.]~~ ***; or***

(b) Give any order, publicly or privately, to any subordinate of the City Manager.

Sec. 28. Section 4.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 21, is hereby amended to read as follows:

Sec. 4.010 Municipal Court.

1. The Municipal Court must include one department and may include additional departments in the discretion of the City Council. If the City Council determines to create additional departments, it shall do so by resolution and may appoint additional Municipal Judges to serve until the next election.

2. The City Council may not reduce the term of office of any appointed or elected Municipal Judge.

Sec. 29. Section 4.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

(a) An attorney licensed to practice law in the State ***.*** ~~[of Nevada.]~~

(b) A qualified elector within the City.

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 30. Section 4.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 1985, at page 676, is hereby amended to read as follows:

Sec. 4.040 Procedure, additional judges. The practice and proceedings in the Court must conform as nearly as practicable to that of justices' courts in similar cases. Upon the written request of the City Manager an additional temporary Municipal Judge may be provided for so long as the City Council authorizes additional compensation for such a Judge. ~~[Whenever a person is sentenced to pay a fine, the Court may adjudge and enter upon the docket a supplemental order that the offender may, if he or she desires, work on the streets or public works of the City at the rate of $25 for each day. The money so earned must be applied against the fine until it is satisfied.]~~

Sec. 31. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~[On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards, one Council Member at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~3.]~~ On the ~~[Tuesday after the first Monday]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2002, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

~~[4.]~~ ***2.*** On the ~~[Tuesday after the first Monday]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2002, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[5.]~~ ***3.*** On the ~~[Tuesday after the first Monday]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2004, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, ~~[three]~~ ***one or more*** Municipal Judges, ***other than the Municipal Judge referred to in subsection 1,*** all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

~~[6.]~~ ***4.*** On the ~~[Tuesday after the first Monday]~~ ***date fixed by the election laws of the State for the statewide general election*** in November 2004, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election,

Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

Sec. 32. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of ~~[this]~~ ***the*** State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. ***The general election must be held on the date fixed by the election laws of the State for the statewide general election.***

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 33. Section 5.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 470, Statutes of Nevada 2005, at page 2304, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.5002 and 293.558, permit the organization, group or person to copy the voters' names and addresses from the official register of voters

or furnish such a list upon payment of the cost established by ~~[state]~~ ***the*** election ~~[law.]~~ ***laws of the State.***

Sec. 34. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 24, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie ~~[by lot.]~~ ***as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order***

by hearts, clubs and diamonds. The ***City*** Clerk shall issue to the winner a certificate of election.

Sec. 35. Section 6.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2106, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.140 and section 2.150, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; ~~[and]~~
13. Water projects ~~[.]~~ ***; and***

14. Any other projects authorized by the laws of the State, including, without limitation, chapter 271 of NRS.

Sec. 36. Section 7.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1980, is hereby amended to read as follows:

Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the City ~~[.]~~ ***, as shown on the tax list or assessment roll in effect as of the date of issuance of the municipal securities constituting the debt.***

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Warrants or other securities which are payable upon presentation or demand or within 1 year from the date thereof.

(b) Securities payable from special assessments against benefited property, whether issued pursuant to any general or special law and irrespective of whether such special assessment securities are payable from general ad valorem taxes.

(c) Securities issued pursuant to any general or special law the principal and interest of which are payable solely from revenues of the City derived from other than general ad valorem taxes.

Sec. 37. Section 7A.040 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, is hereby amended to read as follows:

Sec. 7A.040 "Engineer" defined. "Engineer" means the ***Director of Public Works, the*** City Engineer or ***a*** firm of engineers employed by the City in connection with any undertaking, any project or the exercise of any power authorized in this article.

Sec. 38. Section 8.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 561, Statutes of Nevada 1977, at page 1397, is hereby amended to read as follows:

Sec. 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax not exceeding 2 percent upon the assessed value of all real and personal property within the City except as otherwise provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied ~~[shall]~~ ***must*** be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State ~~[of Nevada]~~ for collection of State and County taxes. The revenue laws of the State ~~[shall,]~~ ***are,*** in every respect not inconsistent with the provisions of this Charter, ~~[be]~~ applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of the equalization of assessments, the rights of the City and the inhabitants thereof ~~[shall]~~ ***must*** be protected in the same manner and to the same extent by the action of the County Board of Equalization as are the State and County.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties ~~[shall,]~~ ***must,*** with such alterations or additions as ~~[may be]~~ ***are*** necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it ~~[may deem]~~ ***deems*** necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 39. Section 9.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 882, is hereby amended to read as follows:

Sec. 9.010 Civil Service: Objectives. The purpose of this article is to provide the City ~~[of Reno]~~ with an efficient workforce, with equity to all persons concerned. To attain this objective:

1. All appointments and promotions to positions in the Civil Service ~~[shall]~~ ***must*** be made on the sole basis of merit and fitness, without regard to non-job-related considerations.

2. Career and promotional opportunities ~~[shall]~~ ***must*** be readily available to employees.

3. A high level ***of*** performance ~~[shall be]~~ ***is*** required of employees to meet their obligations to the City administration, to the users of City services and to the taxpayers.

Sec. 40. Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 561, Statutes of Nevada 1977, at page 1398, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees ***of the City*** except:

(a) A person ***elected or*** appointed to a position pursuant to this Charter.

(b) A person ***who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.***

(c) A person employed by the City for less than 18 hours per week.

~~[(c)]~~ ***(d)*** A person for whose position half or more of the money is provided by a source other than the City.

~~[(d)]~~ ***(e)*** A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.

(f) An employee of the Municipal Court who is hired directly by the Court.

2. ***The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.***

3. Any employee whose position was within the provisions of the Civil Service System before ~~[May 15, 1977,]~~ ***the effective date of this act*** shall retain all rights and benefits to which he or she would otherwise be entitled under the ***Civil Service*** System.

Sec. 41. Section 9.040 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.040 Commission meetings. The Commission shall provide by rule for the holding of not less than one regular meeting per month, for special meetings as needed, for the election of one member as Chair, for the election of one member or appointment of a nonmember as

Secretary, for public announcement of the time and place of meetings, and for meetings to be open to the public except as provided for by Commission rule. ***A special meeting of the Commission may be called by the Chair of the Commission.***

Sec. 42. Section 9.050 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2501, is hereby amended to read as follows:

Sec. 9.050 Authority of Commission. Except as otherwise provided in ~~[~~subsection 3 of section 9.250 of this article,~~]~~ ***this Charter,*** the Commission has authority over and is responsible for:

1. All phases of the selection, appointment and promotion of employees in the Civil Service;

2. The appeal rights of such employees in regard to dismissal, demotion, suspension and disciplinary actions; and

3. The transfer of employees,

➥ together with all responsibilities assigned to the Commission by this article.

Sec. 43. Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. ~~[~~The~~]~~ ***Except as otherwise provided in this section, the*** Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. ~~[~~At~~]~~ ***The Commission shall give or cause to be given at*** least 10 days' notice of time and place of a ~~[~~hearing~~]~~ ***public meeting of the Commission*** on proposed rules ~~[~~shall be given~~]~~ by posting ~~[~~such~~]~~ ***the*** notice and a copy of each proposed rule on the bulletin board of each department and by giving ~~[~~three copies thereof~~]~~ ***a copy of the notice and each proposed rule*** to the ***City Council, the*** City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. ***At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.***

2. The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:

(a) The review and approval by the Commission of minimum qualifications set out in class specifications for positions.

(b) Open and promotional recruitment of employees.

(c) The development and scoring of examinations of candidates for positions.

(d) The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.

(e) Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.

(f) The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the head of a department without right of appeal.

(g) Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

(h) Procedures for the transfer and layoff of employees.

(i) Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

3. A copy of all rules adopted and all changes in them ~~[shall]~~ ***must*** be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be ~~[printed and]~~ distributed as it ~~[shall deem necessary. Copies shall be]~~ ***deems necessary, except that the Commission shall cause a copy to be made*** available to all officers and employees of the City ~~[.~~

~~2.]~~ ***on the City's website or in such other format as the Commission determines is appropriate.***

4. The head of each department may adopt ~~[rules]~~ ***procedures*** for the governance of his or her department not inconsistent with this article or ***the*** rules ***of the Commission*** adopted thereunder.

5. As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.

Sec. 44. Section 9.160 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.160 Prohibited acts.

1. No ~~[~~appointments~~]~~ ***appointment*** to or removal from a position in the Civil Service ~~[~~shall~~]~~ ***may*** be affected in any manner by any ~~[~~individual's:~~]~~ ***person's:***

(a) Race, color, national origin, ***age, sex, marital status, sexual orientation, gender identity or expression, disability,*** membership or nonmembership in an employee organization, ~~[~~or~~]~~ ***religion,*** religious beliefs or affiliations ~~[~~.

~~(b) Sex, marital status, age, or physical or visual handicap except when the Commission has certified that such fact constitutes a reasonable occupational qualification or disqualification for employment.~~

~~(c)~~] ***, or any other characteristic for which such action is prohibited by the law of the State or of the United States, except when based upon a bona fide occupational qualification or otherwise authorized by law.***

(b) Political beliefs or affiliations except if that ~~[~~individual~~]~~ ***person*** advocates or is a member of any organization that advocates the overthrow of the government of the United States by other than lawful means.

2. ~~[~~No~~]~~ ***A*** person shall ***not*** practice any deception, fraud or unfair practice with respect to application, examination, employment or any other procedure authorized under this article or Commission rule, or in any information given to the Commission.

Sec. 45. Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 65, Statutes of Nevada 1981, at page 162, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. In all appeals to the Commission, the City Attorney shall represent the interest of the City.

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City ~~[~~of Reno~~]~~ and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for

contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district court. The Commission shall render its decision within 7 days after the date of the hearing.

4. The action taken by the City Manager may be affirmed, modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken is insufficient it must modify or revoke the action.

5. The Commission shall adopt a rule for the hearing and disposition of appeals concerning procedures or the content of examinations.

Sec. 46. Section 9.280 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 97, Statutes of Nevada 1995, at page 115, is hereby amended to read as follows:

Sec. 9.280 Disciplinary authority of Commission; judicial review.

1. Verified charges may be filed with the Commission setting forth cause for disciplinary action against any Civil Service employee by any resident of the City. The Commission may conduct investigations and hold such hearings as it deems appropriate to determine the facts. If the Commission finds the charges true it may order the suspension, dismissal or discipline of the employee.

2. The Commission on its own initiative may conduct investigations and hearings with respect to violations of this article or rules of the Commission and impose such sanctions as it deems appropriate.

3. ~~[~~Any~~]~~ ***Within 180 days after service of the decision, any*** person who is aggrieved by a final decision of the Commission may petition ~~[for judicial review in the manner provided by chapter 233B of NRS.]~~ ***the district court in the County for relief in the form of a writ of certiorari, mandamus or prohibition where such relief is otherwise authorized by chapter 34 of NRS or other applicable law.***

Sec. 47. Section 7A.030 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, section 9.090 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, section 9.190 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, section 9.200 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.210 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.220 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.240 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, and section 9.250 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2502, are hereby repealed.

Sec. 48. The amendatory provisions of this act apply prospectively.

Sec. 49. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

Sec. 7A.030 "County" defined.
Sec. 9.090 Transfer of employees.
Sec. 9.190 Examinations, general.
Sec. 9.200 Open and promotional examinations.
Sec. 9.210 Assembled and continuous examinations.
Sec. 9.220 Examination scores.
Sec. 9.240 Eligible lists.
Sec. 9.250 Appointments.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 601 to Assembly Bill No. 9.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment adds the definition of "Appointive employee" to the Reno City Charter to mean persons who are special, technical, staff members who report directly to the city manager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 131.

The following Senate amendment was read:

Amendment No. 600.

AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of the Virgin Valley Water District consists of five members. Of the five members, one member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of the town of Bunkerville and three members are elected from the service area of the District. Of the three elected members, one of the members must reside in the geographical area of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p. 444) **Section 1** of this bill requires that ~~[all]~~ **the** five members of the Board be ~~[elected from]~~ **selected as follows: (1) two members who must reside in and be elected by a plurality of the qualified electors of** the ~~[service]~~ **geographical** area of the District ~~[. Section 1 also requires that two of the five members be elected from]~~ **located south of the Virgin River; and (2) three members who must reside in and be elected by a plurality of the qualified electors of** the geographical area of the District located ~~[south]~~ **north** of the Virgin River ~~[and]~~ **. Section 1 also provides** that **, after the initial terms,** all five members of the Board serve 4-year terms. **Section 3 of this bill: (1) provides that the term of each existing member of the Board expires on December 31, 2014; and (2) requires that those members elected to the Board at the 2014 general election select by lot three members of the Board to serve for an initial term of 4 years and two members of the Board to serve for an initial term of 2 years.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. ~~[Except as otherwise provided in section 4 of this act, the]~~ ***The*** governing Board of the District consists of five members selected as follows:

~~[~~(a) ~~One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~

~~(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~(c) Three members~~] ~~[elected from the service area of the District,~~] ~~[one~~] ~~[*two* of whom~~]

(a) Two members who must reside in ***and be elected by a plurality of the qualified electors of*** the geographical area of the District located south of the Virgin River.

(b) Three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River.

2. Except for members of the first Board **,** ~~[and appointed members,]~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~[The elected member who is required to reside in the geographical area of the District located south of the Virgin River and one other elected member, who must be chosen by lot,]~~ ***The members*** serve terms of 4 years **.** ~~[and the remaining elected member serves a term of 2 years. The appointed members serve terms of 2 years.]~~

Sec. 2. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. ~~[Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:~~

~~(a) Reside in the District for at least 6 months before]~~ ~~[his or her appointment or]~~ ~~[the election at which the member is elected;~~

~~(b) Be a qualified elector of the District;~~

~~(c)]~~ ~~[If the member is elected to office, be]~~ ~~*[Be* elected by a plurality of the qualified electors of the District; and~~

~~(d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election *,]*~~ ~~[or appointment,]~~ ~~[whichever is later, and leave office upon the first Monday in January next following the election]~~ ~~[or appointment]~~ ~~[of the member's successor in office.~~

~~2. If the Board establishes various election areas within the District, each]~~ ***Each*** member ~~[who is elected to]~~ ***of*** the Board must:

(a) Reside in the ***geographical area represented, or if the Board has established various election areas, the*** election area represented **,** for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the ***geographical area represented or the*** election area represented; ***and***

(c) ~~[Be elected by a plurality of the qualified electors of the election area represented; and~~

~~(d)]~~ Take office ~~[in the manner prescribed in paragraph (d) of subsection 1.~~

~~3.~~ ***upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.***

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than $10,000, which bond must guarantee the faithful performance of the duties of the member.

~~[4.]~~ ***3.*** A vacancy in the office of a member ~~[who is elected to]~~ ***of*** the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the ~~[District,]~~ ***geographical area represented,*** or if the Board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection ~~[3.]~~ ***2.*** The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~[5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment.]~~

Sec. 2.5. **Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 485, Statutes of Nevada 2011, at page 3076, is hereby amended to read as follows:**

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. If the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection ~~[4]~~ **3** of section 7 of this act for filling a vacancy.

Sec. 3. **1.** Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified pursuant to section 5 of the Virgin Valley Water District Act, as amended by section 1 of this act, the members of the Board shall, by lot, select:

(a) Three members of the Board to serve for terms of 4 years, including:

(1) Two members who reside in and are elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and

(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River; and

(b) Two members of the Board to serve for terms of 2 years, including:

(1) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and

(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River.

Sec. 4. This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 600 to Assembly Bill No. 131.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This amendment revises the selection of the board members for the Virgin Valley Water District by providing that two members must reside in and be elected by voters in the area south of Virgin River and three members must reside in and be elected by the voters north of the Virgin River. This amendment also staggers the terms of the board members.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 283.

The following Senate amendment was read:

Amendment No. 866.

SUMMARY—Makes various changes to provisions governing ~~[bidding for]~~ public works. (BDR 28-658)

AN ACT relating to public works; extending the authority for the Department of Transportation to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways ~~[on and after July 1, 2013;]~~ **through June 30, 2017;** amending certain requirements governing contractors involved in public works; amending certain requirements governing bidding for public works when a public body decides to contract with a construction manager at risk; **prospectively repealing provisions relating to construction managers at risk;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a person who serves as a contractor on a public work to be licensed. (NRS 338.010) Section 2 of this bill limits that requirement so that a person who performs work that does not otherwise require licensure is not required to be licensed to provide services on a public work.]~~

Existing law requires certain prime contractors who submit bids for a public work to include with the bid a list that discloses the first tier subcontractors who will perform a certain portion of the work on the public work. (NRS 338.141) **Section 6** of this bill amends the provisions prescribing which subcontractors must be named on the list. **Section 6** also requires the prime contractor to include on the list: (1) a description of the labor or portion of the work that the prime contractor will perform; or (2) a statement that the prime contractor will perform all work other than that being performed by a subcontractor named on the list.

Existing law allows a public body to contract with a construction manager at risk, which is a construction manager who is required to construct a public work within a guaranteed maximum price, a fixed price or a fixed price plus

reimbursement for certain costs. (NRS 338.169, 338.1696) **Section 7.5 of this bill limits to two per year the number of public works for which each public body in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) may enter into contracts with a construction manager at risk.**

Section 8 of this bill requires **a request for proposals for a construction manager at risk to include a list of the selection criteria and the relative weight thereof that will be used to rank applicants for a construction manager at risk.**

Existing law requires a proposal for a construction manager at risk to include an explanation of the experience that the applicant has ~~[as a construction manager at risk.]~~ **with projects of similar size and scope. Section 8 specifies that the explanation may include an explanation of experience by any delivery method, regardless of whether that method was the use of a construction manager at risk, and including design-build, design-assist, negotiated work or value-engineered work. Section 8 also requires the public body or its authorized representative to make available to the public the name of each applicant who submits a proposal for a public work to be performed by a construction manager at risk.**

Section 10 of this bill requires a construction manager at risk who has entered into a contract with a public body for services related to construction that are provided before actual construction begins to provide to the public body, before entering into a contract for construction of the public work, a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed a certain percentage of the estimated cost of the public work.

Existing law requires a public body to appoint a panel of at least three persons, with at least two having experience in the construction industry, to rank proposals and interview the top applicants for a public work. (NRS 338.1693) **Section 9** of this bill limits such a panel to seven members and requires that a majority of the panel have experience in the construction industry. **Section 9** also authorizes the public body to appoint another panel, similarly comprised, to interview the top applicants.

Section 11 of this bill provides that if a public work involves predominantly horizontal construction, a construction manager at risk who enters into a contract for the construction of the public work shall perform construction work equal in value to at least 25 percent of the estimated cost of construction himself or herself, or using his or her own employees. **Section 2** of this bill defines the term "horizontal construction."

Sections 12 and 13 of this bill modify requirements governing the procedure that a construction manager at risk is required to use when selecting and contracting with subcontractors.

Under existing law, the Department of Transportation may award a contract for the construction, reconstruction, improvement and maintenance of a highway to a construction manager at risk on or before June 30, 2013. **~~[~~Section~~]~~ Sections 5 and 5.3** of this bill **~~[~~authorizes~~]~~ authorize** the Department **~~[~~of Transportation~~]~~** to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways **~~[~~on and after July 1, 2013.~~]~~ through June 30, 2017. Section 5 also specifies the circumstances under which the provisions of chapter 338 of NRS apply to such contracts.**

Section 14.3 of this bill requires the Department to conduct a study on the benefits to this State of entering into contracts with construction managers at risk for the construction, reconstruction, improvement or maintenance of highways and to submit that report on or before January 31, 2017, for transmittal to the 79th Session of the Legislature. Section 14.5 of this bill requires each public body to submit annually, to the Legislature or the Legislative Commission, a report on each public work for which the public body enters into a contract with a construction manager at risk. The report must include a description of the public work, the name of the construction manager at risk and a report on the progress of the public work or, if the public work has been completed, an explanation of whether the public body is satisfied with the public work and with the contractual arrangement with the construction manager at risk.

Section 14.7 of this bill repeals all of the provisions relating to construction managers at risk effective July 1, 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that the provisions of this section and NRS 338.169 to 338.16995, inclusive, relating to contracts involving construction managers at risk, are intended ~~[to]~~ :

1. To promote public confidence and trust in the contracting and bidding procedures for public works established therein ~~[and, for]~~ ;

2. For the benefit of the public, to promote the philosophy of obtaining the best possible value as compared to low-bid contracting ~~[.]~~ ; and

3. To better equip public bodies to address public works that present unique and complex construction challenges.

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is ~~*I:*~~

~~*(1) Is]*~~ licensed pursuant to the provisions of chapter 624 of NRS ~~*; or*~~

~~*(2) Performs such work that the person is not required to be licensed pursuant to the provisions of chapter 624 of NRS; or]*~~

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ***"Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer*** ***,*** ~~***[or]***~~ ***sewage disposal*** ~~***[system,]***~~ ***plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any*** ~~***[sewage plant, pump, transfer station or]***~~ ***other building.***

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[13.]~~ ***14.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[14.]~~ ***15.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[15.]~~ ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[16.]~~ ***17.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[17.]~~ ***18.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[18.]~~ ***19.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[19.]~~ ***20.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[20.]~~ ***21.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[21.]~~ ***22.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

~~[22.]~~ ***24.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[23.]~~ ***25.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.3. **NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ~~[~~"Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~13.~~]~~ "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[~~14.~~]~~ ***13.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[15.]~~ ***14.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[16.]~~ ***15.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[17.]~~ ***16.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[18.]~~ ***17.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[19.]~~ ***18.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[20.]~~ ***19.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[21.]~~ ***20.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[22.]~~ ***21.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.~~

~~24.]~~ ***22.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[25.]~~ ***23.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.5. **NRS 338.0117 is hereby amended to read as follows:**

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, ~~[subsection 3 of NRS 338.1693,]~~ subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will

hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages only as provided in subsections 5 and 6.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the

public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, liquidated damages as described in subsection 6 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor or supplier and each contract between a subcontractor and a subcontractor or supplier must provide that:

(a) If a party to the contract causes a material breach of the contract between the contractor, applicant or design-build team and the public body as a result of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, the party is liable to the public body for liquidated damages in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that causes the material breach; and

(c) No other party to the contract is liable to the public body for liquidated damages.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Sec. 3. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 3.5. **NRS 338.018 is hereby amended to read as follows:**

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[17]~~ ***16*** of NRS 338.010.

Sec. 4. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 4.5. **NRS 338.075 is hereby amended to read as follows:**

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[17]~~ ***16*** of NRS 338.010.

Sec. 5. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16995, inclusive ~~[;]~~ ***, and section 1 of this act;*** or

(d) NRS 338.1711 to 338.173, inclusive.

2. ***Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.*** The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ~~[, 338.169 to 338.16995, inclusive,]~~ and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

Sec. 5.3. **NRS 338.1373 is hereby amended to read as follows:**

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive; ***or***

(c) ~~[NRS 338.169 to 338.16995, inclusive , and section 1 of this act; or (d)]~~ NRS 338.1711 to 338.173, inclusive.

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a

contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

Sec. 5.5. **NRS 338.1381 is hereby amended to read as follows:**

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ~~[or 338.16991]~~ or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the Division or the local government, the State Public Works Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

(a) Administer oaths;

(b) Take testimony;

(c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;

(d) Require the production of related books, papers and documents; and

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Sec. 5.7. **NRS 338.1385 is hereby amended to read as follows:**

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a

public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; ***or***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435**.** ~~[;~~ ~~or~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.]~~

Sec. 6. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 ***,*** ~~[or]~~ paragraph (a) of subsection 1 of NRS 338.143 ***or NRS 408.327*** applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing ~~[the]~~ ***:***

(1) The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding ***$250,000.***

(2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding $250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or $50,000, whichever is greater ***.*** ~~[, and]~~

(3) For each first tier subcontractor whose name is listed pursuant to subparagraph (1) or (2), the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) or (b) of subsection 1 ***.*** ~~[if, as the prime contractor,]~~ ***If*** the prime contractor will perform any ~~[of the]~~ work ~~[required to be]~~ ***which is***

more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1 ~~[.]~~ ***, the prime contractor shall also include on the list:***

(a) A description of the labor or portion of the work that the prime contractor will perform; or

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor **,** ~~[indicated pursuant to subsection 3 that he or she would perform a portion of work on the public work and,]~~ after the submission of the bid, substitutes a subcontractor to perform ~~[such work,]~~ ***the work indicated pursuant to subsection 3 that the prime contractor would perform,*** the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 6.5. **NRS 338.143 is hereby amended to read as follows:**

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is

printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; ***or***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435**.** ~~**[**; or~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.**]**~~

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 338.169 is hereby amended to read as follows:**

338.169 ~~**[**A.**]**~~

1. Subject to the provisions of subsection 2, a public body may construct a public work by:

~~**[**1.**]**~~ ***(a)*** Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and

~~**[**2.**]**~~ ***(b)*** Entering into separate contracts with a construction manager at risk:

~~**[**(a)**]**~~ ***(1)*** For preconstruction services, including, without limitation:

~~[(1)]~~ ***(I)*** Assisting the public body in determining whether scheduling or constructability problems exist that would delay the construction of the public work;

~~[(2)]~~ ***(II)*** Estimating the cost of the labor and material for the public work; and

~~[(3)]~~ ***(III)*** Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

~~[(b)]~~ ***(2)*** To construct the public work.

2. A public body in a county whose population is less than 100,000 may enter into contracts with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for the construction of not more than two public works in a calendar year that are discrete projects.

Sec. 8. NRS 338.1692 is hereby amended to read as follows:

338.1692 1. A public body or its authorized representative shall advertise for proposals for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which proposals must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a proposal;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work;

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to ~~[evaluate]~~ ***rank*** proposals ~~[;]~~ ***pursuant to subsection 2 of NRS 338.1693;***

(i) A list of the selection criteria and relative weight of the selection criteria that will be used to rank applicants pursuant to subsection 7 of NRS 338.1693; and

~~[(i)]~~ ***(j)*** A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including, without limitation, the terms and general conditions of the contract, is available from the public body.

3. A proposal must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors ~~[,]~~ ***by any delivery method, whether or not that method was the use of a construction manager at risk, and*** including, without limitation, ~~[an explanation of the experience that the applicant has in assisting in the design of such projects]~~ ***design-build, design-assist, negotiated work or value-engineered work,*** and an explanation of the experience that the applicant has in such projects in Nevada;

(b) ~~***[An explanation of the experience that the applicant has as a construction manager at risk;***~~

~~***(c)]***~~ The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) ~~***[(d)]***~~ Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(d) ~~***[(e)]***~~ Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;

(e) ~~***[(f)]***~~ A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

(f) ~~***[(g)]***~~ The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;

(g) ~~***[(h)]***~~ The safety programs established and the safety records accumulated by the applicant;

(h) ~~***[(i)]***~~ Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS;

(i) ~~***[(j)]***~~ The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work ~~[,]~~ and ***which includes, if the public work involves predominantly horizontal construction, a statement that the applicant will perform construction work equal in value to at least 25 percent of the estimated cost of construction; and***

(j) ~~[(k)]~~ If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 9. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three ***but not more than seven*** members, ~~[at least two]~~ ***a majority*** of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel ***appointed pursuant to subsection 1*** shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel ***appointed pursuant to subsection 1*** shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel ***appointed pursuant to subsection 1*** ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection ~~[5,]~~ ***8,*** select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the ~~[public body or its authorized representative]~~ ***panel conducting the interview*** may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the

proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. ***All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.***

7. After conducting such interviews, the panel ***that conducted the interviews*** shall rank the applicants by using a ranking process that is separate from the process used to rank ~~[~~proposals~~]~~ ***the applicants*** pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.

~~[~~5.~~]~~ ***When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117.***

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

~~[~~6.~~]~~ ***9.*** Upon receipt of the final rankings of the applicants from the panel ~~[~~,~~]~~ ***that conducted the interviews,*** the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to ~~[~~subsections 2, 3 and 4~~]~~ ***the provisions of this section*** for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

~~[~~7.~~]~~ ***10.*** The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants ***,***

as determined by the panel that conducted the interviews, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 10. NRS 338.1696 is hereby amended to read as follows:

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, after the public body has finalized the design for the public work, or any portion thereof sufficient to determine the provable cost of that portion, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work or the portion thereof for the public body for:

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work or portion thereof.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work or portion thereof, the public body shall terminate negotiations with that applicant and:

(a) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive; and

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

3. Before entering into a contract with the public body to construct a public work or a portion thereof pursuant to subsection 1, the construction manager at risk shall:

(a) Provide the public body with a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work; and

(b) Select each subcontractor who is to provide labor or a portion of the work which is estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work in accordance with NRS 338.16991 and 338.16995 and provide the names of each selected subcontractor to the public body.

4. Except as otherwise provided in subsection ~~[5]~~ 13 of NRS ~~[338.141,]~~ 338.16995, a public body shall not interfere with the right of the construction manager at risk to select the subcontractor whom the

construction manager at risk determines to have submitted the best proposal pursuant to NRS 338.16995.

Sec. 11. NRS 338.16985 is hereby amended to read as follows:

338.16985 A construction manager at risk who enters into a contract for the construction of a public work pursuant to NRS 338.1696:

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves ~~[the]~~ ***predominantly horizontal*** construction **,** ~~[of a fixed work that is described in subsection 2 of NRS 624.215,]~~ shall perform ~~[not less than 25]~~ ***construction work equal in value to at least 25*** percent of the ***estimated cost of*** construction ~~[of the fixed work]~~ himself or herself **,** or using his or her own employees.

3. If the public work involves ~~[the]~~ ***predominantly vertical*** construction **,** ~~[of a building or structure that is described in subsection 3 of NRS 624.215,]~~ may perform himself or herself or using his or her own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that the construction manager at risk or his or her own employees have performed on similar projects.

Sec. 12. NRS 338.16991 is hereby amended to read as follows:

338.16991 1. To be eligible to provide labor, materials or equipment on a public work, the contract for which a public body has entered into with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Qualified pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.

2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph (b) of subsection 1.

3. ***Not earlier than 30 days after a construction manager at risk has been selected pursuant to NRS 338.1693*** ~~[After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to apply to qualify to submit a meaningful and responsive proposal for the provision of labor, materials or equipment on the public work]~~ and not later than ~~[21]~~ ***10 working*** days before the date by which ~~[such]~~ an application must be submitted, the construction manager at risk shall advertise for ~~[such]~~ applications ***from subcontractors*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is

published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county. ***The construction manager at risk may accept an application from a subcontractor before advertising for applications pursuant to this subsection.***

4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment must include, and must be limited to:

(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;

(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;

(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;

(d) The safety programs established and the safety records accumulated by the applicant;

(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;

(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;

(h) The principal personnel of the applicant;

(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and

(j) The truthfulness and completeness of the application.

5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.

6. The construction manager at risk shall notify each applicant and the public body in writing of a determination made pursuant to subsection 2.

7. A determination made pursuant to subsection 2 that an applicant is not qualified may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.

Sec. 13. NRS 338.16995 is hereby amended to read as follows:

338.16995 1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS 338.1696, the construction manager at risk may enter into a subcontract for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work ~~[.]~~ ***or $50,000, whichever is greater.***

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to NRS 338.16991 to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) ~~[The]~~ ***If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is to be held, the*** date, time and place at which ~~[a]~~ ***the*** preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;
2. The proposal must be timely received;

3. ~~[The]~~ ***If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is held, the*** subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body ***.*** ~~[and]~~ ***The public body may require*** the architect or engineer responsible for the design of the public work ~~[but]~~ ***to attend the opening of the proposals. The opening of the proposals*** is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal ***.*** ~~[and the price of the proposal submitted by the subcontractor. The list must be made available to the public upon request.]~~

9. Not ~~[less]~~ ***more*** than 10 working days after opening the proposals ~~[,]~~ ***and before the construction manager at risk submits a guaranteed maximum price, a fixed price or a fixed price plus reimbursement pursuant to NRS 338.1696,*** the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. ***Subject to the provisions of subparagraphs (1), (2) and (3), if only one subcontractor submits a proposal, the construction manager at risk may select that subcontractor.*** The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting ~~[;]~~ ***regarding the scope of the work to be performed by the subcontractor, if such a preproposal meeting was held;***

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 13 ~~[,]~~ ***and 15,*** the construction manager at risk shall enter into a subcontract with a subcontractor selected pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. ***If a construction manager at risk substitutes a subcontractor for any subcontractor selected pursuant to subsection 9 without complying with the provisions of subsection 13, the construction manager at risk shall forfeit, as a penalty to the public body, an amount equal to 1 percent of the total amount of the contract.***

15. If a construction manager at risk does not select a subcontractor pursuant to subsection 9 to perform a portion of work on a public work, the construction manager at risk shall notify the public body that the construction manager at risk intends to perform that portion of work. If, after providing such notification, the construction manager at risk substitutes a subcontractor to perform the work, the construction manager at risk shall forfeit, as a penalty to the public body, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the construction manager at risk selected himself or herself to perform on the public work.

16. The construction manager at risk shall make available to the public ~~[~~, ~~including, without limitation,~~] ***the name of*** each subcontractor who submits a proposal ***.*** ~~[~~, the final rankings of the subcontractors and shall provide, upon request, an explanation to any subcontractor who is not selected of the reasons why the subcontractor was not selected.~~]~~

~~[15.]~~ ***17.*** If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

18. As used in this section, "general terms" has the meaning ascribed to it in NRS 338.141.

Sec. 13.5. **NRS 338.1711 is hereby amended to read as follows:**

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ ***338.168,*** inclusive, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 14. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[12]~~ ***13*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 14.1. **NRS 338.1908 is hereby amended to read as follows:**

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to

otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[13]~~ ***12*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 14.3. **The Department of Transportation shall:**

1. Conduct a study on the benefits to this State of entering into contracts with construction managers at risk pursuant to NRS 338.169 to 338.16995, inclusive, for the construction, reconstruction, improvement or maintenance of highways; and

2. On or before January 31, 2017, submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 14.5. **1. On or before January 1 of each year, each public body that enters into a contract during the immediately preceding year with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for preconstruction services for or to construct a public work shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission if the report is submitted during an odd-numbered year.**

2. The report required by subsection 1 must include, for each public work for which the public body enters into a contract with a construction manager at risk:

(a) A description of the public work;

(b) The name of the construction manager at risk;

(c) If the public work has not been completed at the time the report is submitted, a report on the progress of the public work; and

(d) If the public work has been completed at the time the report is submitted, an explanation of whether the public body is satisfied with the public work and with the contractual arrangement with the construction manager at risk.

3. As used in this section:

(a) "Public body" has the meaning ascribed to it in subsection 16 of NRS 338.010, as amended by section 2 of this act.

(b) "Public work" has the meaning ascribed to it in subsection 17 of NRS 338.010, as amended by section 2 of this act.

Sec. 14.7. **NRS 338.169, 338.1691, 338.1692, 338.1693, 338.16935, 338.1696, 338.1697, 338.1698, 338.16985, 338.16991 and 338.16995 are hereby repealed.**

Sec. 15. **1.** This **section and sections 1, 2, 3, 4, 5, 6, 7.5 to 13, inclusive, 14, 14.3 and 14.5 of this** act ~~[becomes]~~ **become** effective on July 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2017.

3. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of this act become effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

338.169 Public body authorized to construct public work by selecting and entering into contracts with construction manager at risk.

338.1691 Qualifications for construction manager at risk.

338.1692 Advertising for proposals for construction manager at risk; contents of request for proposals; requirements for proposals.

338.1693 Procedure for selection of most qualified applicants; minimum number of proposals required; negotiation of contract for preconstruction services; availability of certain information to applicants and public.

338.16935 Contract between construction manager at risk and subcontractor for certain preconstruction services.

338.1696 Negotiation of contract for construction of public work or portion thereof with construction manager at risk; awarding of contract if public body unable to negotiate satisfactory contract with construction manager at risk.

338.1697 Authorized provision in contract with construction manager at risk for construction of public work or portion thereof for guaranteed maximum price.

338.1698 Required and authorized provisions in contract for construction of public work or portion thereof awarded to construction manager at risk.

338.16985 Duties and powers of construction manager at risk who enters into contract for construction of public work or portion thereof.

338.16991 Contract between construction manager at risk and subcontractor to provide labor, materials or equipment on project: Eligibility; procedure for determination of qualification of subcontractor to submit proposal.

338.16995 Contract between construction manager at risk and subcontractor to provide labor, materials or equipment on project: Authority to enter into; procedure for awarding subcontracts of certain estimated value; substitution of subcontractor on such subcontracts; availability of certain information to applicants and public.

Assemblywoman Benitez-Thompson moved that the Assembly do not concur in the Senate Amendment No. 866 to Assembly Bill No. 283.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

The following Senate amendment was read:

Amendment No. 761.

AN ACT relating to public works; defining the term "bona fide fringe benefit" for certain provisions applicable to the payment of wages for public works; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Existing law also authorizes the Labor Commissioner: (1) to provide certain remedies for violations of those provisions; and (2) after providing notice and an opportunity for a hearing, to impose an administrative penalty against a person who violates those provisions. (NRS 338.015, 338.017, 338.090) Further, under existing law, a contractor or subcontractor engaged on a public work is authorized to discharge his or her obligation to pay prevailing wages to workers in part by making certain contributions in the name of the worker. (NRS 338.035)

Section 4 of this bill sets forth the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. **Section 1** of this bill defines "bona fide fringe benefit" for the purposes of the provisions applicable to public works. **Section 4** also requires the Labor Commissioner, after providing notice and an opportunity for a hearing, to: (1) impose an administrative penalty against a contractor or subcontractor who violates the provisions of that section; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain governmental and other entities of the violation.

Existing law provides that if an administrative penalty is imposed against a person for the commission of an offense as defined in relation to public works: (1) the person and any corporate officer of the person are prohibited

from receiving a contract for a public work for specified periods depending on the number of offenses; and (2) the Labor Commissioner is required to notify the State Contractors' Board with regard to each contractor who is prohibited from being awarded such a contract. (NRS 338.010, 338.017) **Section 1** of this bill makes this provision of existing law applicable to discharging an obligation to pay wages in a manner that violates the provisions of **section 4** by adding that violation to the definition of an "offense" in **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. ***"Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:***

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

➥ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement ~~***[.]***~~ ***and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.***

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

~~[3.]~~ ***4.*** "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

~~[4.]~~ ***5.*** "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~[5.]~~ ***6.*** "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~[6.]~~ ***7.*** "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~[7.]~~ ***8.*** "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~[8.]~~ ***9.*** "Division" means the State Public Works Division of the Department of Administration.

~~[9.]~~ ***10.*** "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[10.]~~ ***11.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[11.]~~ ***12.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[12.]~~ ***13.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[13.]~~ ***14.*** "Offense" means ~~[failing]~~ ***:***

(a) Failing to:

~~[(a)]~~ ***(1)*** Pay the prevailing wage required pursuant to this chapter;

~~[(b)]~~ ***(2)*** Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

~~[(c)]~~ ***(3)*** Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

~~[(d)]~~ ***(4)*** Comply with subsection 4 or 5 of NRS 338.070.

~~[14.]~~ ***(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.***

15. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[15.]~~ ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[16.]~~ ***17.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[17.]~~ ***18.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[18.]~~ ***19.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[19.]~~ ***20.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[20.]~~ ***21.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[21.]~~ ***22.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[22.]~~ ***23.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training ~~[or other similar programs]~~ or other bona fide fringe benefits which are a benefit to the worker.

~~[23.]~~ ***24.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or

apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.

2. ~~[In]~~ ***Except as otherwise provided in NRS 338.035 and in*** addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 4. NRS 338.035 is hereby amended to read as follows:

338.035 ***1.*** The obligation of a contractor engaged on a public work or a subcontractor engaged on a public work to pay wages in accordance with the determination of the Labor Commissioner may be discharged in part by ~~[making contributions to a third person pursuant to a fund, plan or program]~~ ***providing bona fide fringe benefits*** in the name of the worker.

2. A contractor or subcontractor may, pursuant to subsection 1, discharge any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner only to the extent that the bona fide fringe benefits provided in the name of the worker are annualized.

3. A contractor or subcontractor who, pursuant to subsection 1, discharges any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner shall provide to the Labor Commissioner and the public body that awarded the contract for the public work any information requested by the Labor Commissioner or the public body, as applicable, to verify compliance with this section.

4. In addition to any other remedy or penalty provided in this chapter, after providing the contractor or subcontractor with notice and an opportunity for a hearing, the Labor Commissioner shall, if the Labor Commissioner finds that the contractor or subcontractor has violated a provision of this section:

(a) For the first violation, impose against the contractor or subcontractor an administrative penalty of not less than $2,500 or more than $5,000;

(b) For the second or any subsequent violation within 5 years after the date of imposition of an administrative penalty pursuant to paragraph (a), impose against the contractor or subcontractor an administrative penalty of not less than $5,000;

(c) Require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits in a manner prescribed by the Labor Commissioner;

(d) Report the violation to the Attorney General, and the Attorney General may prosecute the contractor or subcontractor in accordance with law; and

(e) In addition to notifying the State Contractors' Board pursuant to NRS 338.017, notify the provider of workers' compensation for the contractor or subcontractor, the Employment Security Division of the Department of Employment, Training and Rehabilitation and the public body that awarded the contract for the public work of the violation.

5. The provisions of this section do not apply with regard to:

(a) A worker whose benefits are determined pursuant to a collective bargaining agreement; or

(b) Contributions made in the name of the worker by a contractor or subcontractor to a defined contribution plan to the extent that the amount contributed does not exceed 25 percent of the hourly rate of wages paid to the worker on the public work.

6. As used in this section:

(a) "Annualized" means an amount paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor who is providing bona fide fringe benefits.

(b) "Defined contribution plan" has the meaning ascribed to it in 29 U.S.C. § 1002(34).

Sec. 5. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall ***, except as otherwise provided in subsection 4,*** assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

Sec. 7. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[12]~~ ***13*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 8. Section 9.5 of the Reno-Tahoe Airport Authority Act, being chapter 369, Statutes of Nevada 2005, at page 1386, is hereby amended to read as follows:

Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of

chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:

(a) Complies with the provisions of subsection 3; and

(b) Finances the contract, project, acquisition, works or improvement by means of:

(1) Revenue bonds issued by the Authority; or

(2) An installment obligation of the Authority in a transaction in which:

(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and

(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.

2. A contract entered into by the Board pursuant to this section must:

(a) Contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and

(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, "design professional" has the meaning ascribed to it in subsection ~~[7]~~ ***8*** of NRS 338.010.

3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection 4 which establish:

(a) One or more competitive procurement processes for letting such a contract; and

(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:

(1) The estimated cost of the contract exceeds $250,000; and

(2) Price is a factor in determining the successful bid on the contract.

4. The Board:

(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:

(1) Include:

(I) A statement of the need for and purpose of the proposed regulation.

(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(III) The estimated cost to the Board for enforcement of the proposed regulation.

(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.

(2) State each address at which the text of the proposed regulation may be inspected and copied.

(3) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Authority for that purpose.

(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.

(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:

(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(2) Consider methods to reduce the impact of the proposed regulation on small businesses.

(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).

(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:

(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(I) Both adverse and beneficial effects; and

(II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

(1) In writing to each person who has requested to be placed on a mailing list; and

(2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and 2 of NRS 241.035.

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

(k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:

(1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or

(2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.

➥ After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.

5. The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 218.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment adds to the definition of "bona fide fringe benefit" those benefits that are determined pursuant to a collective bargaining agreement and that are "included in the determination of the prevailing wage by the Labor Commissioner."

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 205.

The following Senate amendment was read:

Amendment No. 612.

SHORT FORM AMENDMENT

Sections 3.5, 6 and 7 of this act are the only sections affected by this amendment.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) **Section 3** of this bill requires that a written performance framework for a charter school be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to **section 8** of this bill. The performance framework must include performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils.

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) **Section 3.5** of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as

determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. **Section 3.5** also provides that a rating of a charter school **based upon the performance of the charter school for any school year** before ~~[July 1, 2013,]~~ **the 2013-2014 school year** pursuant to the statewide system of accountability must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) **Section 5** of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) **Section 12** of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Under existing law, the proposed sponsor of a charter school may request the Department to assist in the review of an application to form a charter school by determining whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the staff of the Department is required to meet with the applicant to confer on the method to correct the deficiencies in the application identified by the Department. (NRS 386.520) Sections 6 and 7 of this bill remove the provisions relating to the review of an application to form a charter school by the Department.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** ~~[of this bill]~~ requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. ~~[Existing law further provides that a proposed sponsor may approve an~~

~~application to form a charter school if the application is complete and complies with the applicable statutes and regulations.~~] **Section 7** also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610)

Section 3.5 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 3.5. ***1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the***

Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before [July 1, 2013,] the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

3. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

Section 6 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. ***The committee to form a charter school shall ensure that the completed application:***

(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.610, inclusive ~~.~~ ***, and sections 2 to 3.5, inclusive, of this act.***

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[5.]~~ ***[6.*** ~~The proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application~~ **]** ~~[is substantially complete and compliant.~~ **]** ***[satisfies the requirements of subsection 3 of NRS 386.525.*** ~~Upon such a request, the Department shall review an application to form a charter school to determine whether~~ **]** ~~[it is substantially complete and compliant.~~ **]** ***[the application satisfies the requirements of subsection 3 of NRS 386.525.*** ~~If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall~~

~~provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.]~~

6. ~~*[7. The Department shall provide written notice to the applicant and the proposed sponsor of the charter school of its determination whether the application]* [is substantially complete and compliant.] *[satisfies the requirements of subsection 3 of NRS 386.525.* If the Department determines that an application] [is not substantially complete and compliant,] *[does not satisfy the requirements of subsection 3 of NRS 386.525,* the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. If the Department determines an application] [is substantially complete and compliant,] *[satisfies the requirements of subsection 3 of NRS 386.525,* the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.]~~

~~[7.]~~ ~~*[8.]*~~ As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Section 7 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. ~~[Except as otherwise provided in this subsection, a committee to form a]~~ ***A*** charter school may submit the application to the proposed sponsor of the charter school. ~~[If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application]~~ ~~[was not substantially complete and compliant pursuant to that section,]~~ ~~*[does not satisfy the requirements of subsection 3,* the application may not be submitted to the proposed sponsor for review pursuant to this section.]~~ If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. ***The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:***

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and

organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than ~~[~~45~~]~~ ***60*** days after the receipt of the application, or a ***later*** period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. ~~[If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.]~~ The board of trustees, the college or the university, as applicable, shall review an application ~~[to determine whether the application:~~

~~(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~(b) Is complete in accordance with the regulations of the Department.~~

~~3.]~~ ***in accordance with the requirements for review set forth in subsections 2 and 3.***

5. ~~[The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application.]~~

The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of ~~[~~paragraphs (a) and (b) of~~]~~ subsection ~~[~~2.~~]~~ ***3.***

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~[~~4.~~]~~ If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[~~5.~~]~~ ***7.*** If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~[~~4,~~]~~ ***6,*** the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

~~[~~6.~~]~~ ***8.*** If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~[~~5,~~]~~ ***7,*** it shall consider the application at a meeting which must be held not later than ~~[~~45~~]~~ ***60*** days after receipt of the application ~~[~~.~~]~~ ***or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority.*** ~~[~~If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.~~]~~ Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~[~~factors~~]~~ ***requirements for review*** set forth in ~~[~~paragraphs (a) and (b) of subsection~~]~~ ***subsections*** 2 ~~[~~.~~]~~ ***and 3.*** ~~[~~The Department shall assist the State Public Charter School Authority in the review of an application.~~]~~ The State Public Charter School Authority may approve an application ***only*** if it satisfies the requirements of ~~[~~paragraphs (a) and (b) of~~]~~ subsection ~~[~~2.~~]~~ ***3.*** Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~[~~7.~~]~~ ***9.*** If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~[~~adequately address objective criteria established by regulation of the Department or the State Board.~~]~~ ***satisfy the requirements of subsection 3.*** The State Public Charter School Authority shall include in

the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[8.]~~ ***10.*** If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~[7,]~~ ***9,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~[9.]~~ ***11.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Assemblyman Elliot Anderson moved that the Assembly do not concur in the Senate Amendment No. 612 to Assembly Bill No. 205.

Remarks by Assemblyman Elliot Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 753.

AN ACT relating to education; establishing a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in selected secondary schools within each school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a pilot program in the Clark County School District and the Washoe County School District for the administration of mental

health screenings to pupils enrolled in at least one secondary school within each school district.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby established a pilot program in the Clark County School District and the Washoe County School District. For purposes of the pilot program, the board of trustees of the Clark County School District and the board of trustees of the Washoe County School District shall each:

(a) Identify and coordinate with interested stakeholders in the community to implement the pilot program**. [**~~, including, without limitation, universities and colleges, local mental health professionals and medical professionals, juvenile and family courts within the county, persons who are involved in the provision of juvenile justice services, charitable organizations and child welfare agencies.~~]**

(b) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide for the administration of mental health screenings to pupils enrolled in at least one secondary school within the school district, as selected by the school district.

(c) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide an age-appropriate, professionally recognized mental health screening for administration to the pupils enrolled in each secondary school selected for the pilot program.

(d) Assist the principal of each secondary school selected for the pilot program with identifying professionally qualified persons, including the interested stakeholders identified pursuant to paragraph (a), to administer the mental health screenings to pupils and to conduct follow-up screenings if a pupil scores in a range which indicates that he or she may have a mental health issue.

2. Except as otherwise provided in subsection 3, each secondary school selected for the pilot program shall provide for the administration of the mental health screening selected by the school district by qualified persons, including the interested stakeholders identified pursuant to paragraph (a) of subsection 1, to the pupils enrolled in the secondary school or to pupils enrolled in selected grades at the secondary school, as determined by the school district. The school district shall ensure that if a pupil is absent or otherwise not available on the day scheduled for administration of the mental health screenings, a make-up administration is scheduled for the pupil within a reasonable time period.

3. Before administration of the mental health screening to a pupil pursuant to subsection 2, the principal of the secondary school shall provide

advance written notice of the screening to the parent or guardian of the pupil, including a form for consent or exemption. The notice must inform the parent or guardian of his or her right to consent to the screening or exempt the pupil from the screening and contain a form for the signature of the parent or guardian to consent to the screening or exempt the pupil from the screening. If a form exempting a pupil from the screening is signed by the parent or guardian and returned to the school, the principal must exempt the pupil and the pupil must not undergo the mental health screening. If a form is not returned on behalf of a pupil, the principal of the school must exempt the pupil and the pupil must not undergo the mental health screening.

4. If a pupil scores on a mental health screening administered pursuant to subsection 2 in a range which indicates the pupil may have a mental health issue, the school district shall provide the parent or guardian of the pupil with the results of the mental health screening, to the extent feasible, and a list of resources available in the county to assist the parent or guardian with obtaining appropriate further professional diagnosis and, if necessary, treatment for the pupil. The school district is not responsible for providing to such a pupil, or ensuring that such a pupil receives, further professional diagnosis or treatment.

Sec. 2. 1. On or before April 1, 2014, the Clark County School District and the Washoe County School District shall provide a report to the Legislative Committee on Education concerning the status of the implementation of the pilot program for mental health screenings required by section 1 of this act.

2. On or before December 1, 2014, the Clark County School District and the Washoe County School District shall each submit a report to the Department of Education which includes, without limitation, and except as otherwise provided in subsection 3:

(a) The number of secondary schools in the school district selected for the pilot program;

(b) The number of pupils in each grade level of the secondary school selected for the pilot program and the actual number of pupils who underwent mental health screenings pursuant to the pilot program;

(c) The number of pupils who did not undergo a mental health screening based upon the number of pupils whose parents or guardians opted out of administering the mental health screening to the pupil and the number of pupils for whom a form was not returned pursuant to subsection 3 of section 1 of this act;

(d) The number of pupils who scored in a range indicating that the pupil may have a mental health issue and a description of the types of resources which were referred to the parent or guardian of the pupil;

(e) If available, an indication of how many parents and guardians followed up by seeking professional help for further diagnosis and, if necessary, treatment for the pupil; **and**

(f) An evaluation of whether the pilot program was useful in identifying pupils with possible mental health issues and assisting the parents and guardians of those pupils with obtaining appropriate professional diagnosis and treatment**. [**~~; and~~

~~(g) Recommendations for expanding the number of schools that participate in a program of mental health screenings for pupils if the Legislature determines to continue and expand the program.~~**]**

3. The information required by the report pursuant to subsection 2 must be provided in an aggregated format and if any of the information would reveal the individual identity of a pupil, the school district shall not include that information in the report.

4. On or before January 1, 2015, the Department of Education shall compile each report received pursuant to subsection 2 and submit the written compilation, including, without limitation, recommendations for continuing and expanding the pilot program for mental health screenings to pupils, to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved that the Assembly concur in the Senate Amendment No. 753 to Assembly Bill No. 386.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON

The amendment revises the bill to remove the specific mention of universities, colleges, and other community stakeholders that have to be involved in implementing the pilot project and leaves it to the discretion of the school district. It deletes the requirement to the school district involved in the pilot program and it makes recommendations about expanding or continuing the pilot program.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 695.

AN ACT relating to emergency medical services; requiring a host organization of a special event to provide emergency medical personnel and emergency medical services at the site of the special event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the provision of emergency medical services to persons in this State. (Chapter 450B of NRS) **Sections 11 ~~[, 13]~~ and 12** of this bill **~~[require the host organization of]~~ provide that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), if** a special event **~~[that]~~** is projected to be attended **~~[or observed]~~** by 2,500 or more persons **but less than 50,000 persons at the same time, the host organization of the special event is required** to provide **~~[a first-aid station at the site of the special event and a dedicated advanced life support ambulance]~~ certain medical personnel and emergency medical services** if certain factors apply to the special event. **Section 13 of this bill requires that in all counties where a special event is projected to be attended by 50,000 or more persons at the same time, the host organization shall comply with the requirements for the provision of first-aid stations, dedicated advanced life support ambulances and certain medical personnel.** The definition of "special event" set forth in **section 10** of this bill excludes a **~~[scheduled activity or]~~ temporary** event which is held at a location that: (1) is designed to host certain **~~[scheduled activities and]~~ temporary** events; and (2) has permanently established methods of providing first-aid or emergency medical services at the location. **Section 6** of this bill defines a "host organization" as the person who obtained the permit for the special event or, if a permit was not obtained for the special event, the person who sponsored the special event. **~~[Sections 11-13 further require the host organization of a special event to provide medical personnel at the site of the special event.]~~** The number of first-aid stations, dedicated advanced life support ambulances and medical personnel and the level of skill of the medical personnel required varies based on the number of persons who are projected to attend **~~[or observe]~~** the special event and certain other factors.

Existing law provides that a violation of the provisions which govern emergency medical services is a misdemeanor. Existing law further authorizes the Health Division of the Department of Health and Human Services to impose an administrative penalty against any person who violates those provisions. (NRS 450B.900) Those penalties are applicable to a violation of the provisions of **sections 11-13**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***"Automated external defibrillator" or "defibrillator" means a medical device that:***

1. Has been approved by the United States Food and Drug Administration;

2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;

3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;

4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient's heart; and

5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient's heart.

Sec. 3. *As used in sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:*

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one advanced emergency medical technician and intermediate emergency medical technician; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a).

Sec. 5. *"First-aid station" means a fixed location at the site of a special event that is staffed by at least one emergency medical technician or a person with a higher level of skill who is capable of providing emergency medical care within his or her scope of practice.*

Sec. 6. *"Host organization" means:*

1. If a permit was obtained for a special event, the person who obtained the permit; or

2. If a permit was not obtained for a special event, the person who sponsored the special event.

Sec. 7. *"Roving emergency medical technician team" means a team at the site of a special event that:*

1. Consists of two or more emergency medical technicians, intermediate emergency medical technicians or advanced emergency medical technicians; and

2. Has the medical supplies necessary to provide emergency medical care.

Sec. 8. *"Roving intermediate emergency medical technician team" means a roving emergency medical team that consists of two or more*

intermediate emergency medical technicians or advanced emergency medical technicians.

Sec. 9. *"Significant number" means, with regard to:*

1. Contacts by emergency medical personnel with persons who attended ~~[or observed]~~ a special event, the number of contacts is 0.07 percent or more of the total number of persons who attended ~~[or observed]~~ the special event; and

2. Patients transported to a hospital, the number of patients transported from the special event to the hospital by ambulance or private vehicle is 15 percent or more of the total number of contacts at the special event by emergency medical personnel with persons who attended ~~[or observed]~~ the special event.

Sec. 10. *"Special event" means a ~~[scheduled activity or]~~ temporary event, including, without limitation, a concert or sporting event, ~~[that is projected to be attended or observed by]~~ at which 2,500 or more persons ~~[,]~~ are projected to be in attendance at the same time. The term does not include a ~~[scheduled activity or]~~ temporary event held at a location which is designed to host concerts, sporting events, conventions, trade shows and any other similar events and which has permanently established methods for providing first-aid or emergency medical services at the location.*

Sec. 11. *1. ~~[If]~~ In a county whose population is 100,000 or more, if a special event ~~[is projected to be attended or observed by]~~ at which 2,500 or more persons but less than 10,000 persons ~~[,]~~ are projected to be in attendance at the same time, the host organization shall provide at least one first-aid station at the site of the special event if:*

(a) The special event is a concert; or

(b) Three or more of the following factors apply to the special event:

(1) The special event involves a high-risk activity, including, without limitation, sports or racing.

(2) The special event poses environmental hazards to persons attending ~~[or observing]~~ the special event or is held during a period of extreme heat or cold.

(3) The average age of the persons attending ~~[or observing]~~ the special event is less than 25 years of age or more than 50 years of age.

(4) A large number of the persons attending ~~[or observing]~~ the special event have acute or chronic illnesses.

(5) Alcohol is sold at the special event or, if the special event has been held before, there is a history of alcohol or drug use by the persons who attended ~~[or observed]~~ the special event in the past.

(6) The density of the number of persons attending ~~[or observing]~~ the special event increases the difficulty regarding:

(I) Access to the persons who are attending ~~[or observing]~~ the special event who require emergency medical care; or

(II) The transfer of those persons who require emergency medical care to an ambulance.

2. ~~[If]~~ In a county whose population is 100,000 or more, if the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and ~~[the special event is projected to be attended or observed by]~~ 10,000 or more persons but less than 15,000 persons ~~[,]~~ are projected to be in attendance at the special event at the same time, the host organization shall:

(a) Provide at least one first-aid station at the site of the special event and equip the first-aid station with an automated external defibrillator; and

(b) Provide a roving emergency medical technician team at the site of the special event.

3. ~~[If]~~ In a county whose population is 100,000 or more, if the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and ~~[the special event is projected to be attended or observed by]~~ 15,000 or more persons but less than 50,000 persons ~~[,]~~ are projected to be in attendance at the special event at the same time, the host organization shall:

(a) Provide at least one first-aid station at the site of the special event and staff the first-aid station with at least one registered nurse, licensed practical nurse or advanced emergency medical technician in lieu of an emergency medical technician; and

(b) Provide two or more roving intermediate emergency medical technician teams at the site of the special event.

Sec. 12. *1. ~~[If]~~ In a county whose population is 100,000 or more, if a special event ~~[is projected to be attended or observed by]~~ at which 2,500 or more persons but less than 15,000 persons ~~[,]~~ are projected to be in attendance at the same time, the host organization shall provide at least one dedicated advanced life support ambulance at the special event if the special event:*

(a) Is located more than 5 miles from the closest hospital; or

(b) Has been held before and there is a history of a significant number of:

(1) Contacts by emergency medical personnel with persons who attended ~~[or observed]~~ the special event to provide emergency medical care to those persons; or

(2) Persons who attended ~~[or observed]~~ the special event who were transported as patients from the special event to a hospital.

2. ~~[If]~~ In a county whose population is 100,000 or more, if the host organization meets the requirements of paragraph (a) or (b) of subsection 1

and ~~[the special event is projected to be attended or observed by]~~ 15,000 or more persons but less than 50,000 persons ~~[,]~~ are projected to be in attendance at the special event at the same time, the host organization shall provide at least two dedicated advanced life support ambulances at the special event.

Sec. 13. ***If a special event ~~[is projected to be attended or observed by]~~ at which 50,000 or more persons ~~[,]~~ are projected to be in attendance at the same time, the host organization shall provide:***

1. Two or more first-aid stations at the site of the special event;

2. Two or more physicians licensed pursuant to chapter 630 or 633 of NRS;

3. Two or more roving emergency medical technician teams; and

4. Two or more dedicated advanced life support ambulances.

Sec. 14. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 450B.595 is hereby repealed.

TEXT OF REPEALED SECTION

450B.595 "Automated external defibrillator" and "defibrillator" defined. As used in NRS 450B.595 to 450B.620, inclusive, unless the context otherwise requires, "automated external defibrillator" or "defibrillator" means a medical device that:

1. Has been approved by the United States Food and Drug Administration;

2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;

3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;

4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient's heart; and

5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient's heart.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 286.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

This amendment limits the requirement to counties whose population is 100,000 or more, currently Clark and Washoe Counties, and requires medical support for all counties where a special event is projected to be attended by 50,000 people.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 391.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to energy; providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy systems on property owned or occupied by a public body may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 9 and 10 of this bill revise provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to provide that the amount of any incentive issued by a utility for the installation of the renewable energy system may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects.

Section 11 of this bill requires any contractor or subcontractor who enters into a contract pursuant to the Green Jobs Initiative to provide written certification to the Labor Commissioner that the employees of the contractor or subcontractor who perform work under the contract are paid the prevailing wage required by the Initiative. (NRS 701B.900-701B.924)

Existing law provides that certain entities which are declared to be utilities but which provide services only to their members are subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada. (NRS 704.675) **Section 12** of this bill provides that such a utility is subject to the full jurisdiction, control and regulation of the Commission if the Commission determines that the utility or any entity that is owned or controlled by the utility: (1) is being operated without a certificate of public convenience and necessity issued to the utility by the Commission; (2) is supplying **energy** services to persons other than its own members; (3) is offering **energy** services outside the geographic area for which it holds a certificate of public convenience and necessity; (4) qualifies as a public utility or utility under applicable law outside the geographic area for which it

holds a certificate of public convenience and necessity; or (5) has otherwise violated certain provisions of law relating to utilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~[the]~~ ***any*** requirements of ***chapter 338 of*** NRS **.** ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 10. NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~[the]~~ ***any*** requirements of ***chapter 338 of*** NRS **.** ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 11. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS ~~[.]~~ ***and requiring that each contractor and subcontractor certify to the Labor Commissioner in writing that all employees of the contractor or subcontractor who work on the project are paid prevailing wages as required by this paragraph;***

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 12. NRS 704.675 is hereby amended to read as follows:

704.675 ~~[Every]~~

1. Except as otherwise provided in subsection 2, every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330, 704.350 to 704.410, inclusive, but not to any other jurisdiction, control and regulation of

the Commission or to the provisions of any section not specifically mentioned in this ~~[section.]~~ ***subsection.***

2. The limitations set forth in subsection 1 governing the applicability of this chapter and the jurisdiction, control and regulation of the Commission do not apply to a cooperative association, nonprofit corporation or association or any other supplier of services described in this chapter that supplies ~~[those]~~ energy services for the use of its own members if the Commission determines that the cooperative association, nonprofit corporation or association or other supplier of services described in this chapter, or any entity that is owned or controlled by the cooperative association, nonprofit corporation or association or other supplier of services:

(a) Is being operated without a certificate of public convenience and necessity as required by NRS 704.330;

(b) Is supplying ~~[those]~~ energy services to persons other than its own members;

(c) Is offering ~~[those]~~ energy services outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission;

(d) Qualifies as a public utility or utility under NRS 704.020 outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission; or

(e) Has otherwise violated any provision of NRS 704.330.

3. As used in this section, "energy services" includes, without limitation, assuming responsibility for furnishing or delivering energy to another person, the operation of a system for furnishing or delivering energy to another person and assuming responsibility for the maintenance of a system for furnishing or delivering energy to another person.

Sec. 12.5. **NRS 704.865 is hereby amended to read as follows:**

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction;

(c) Over which an agency of the Federal Government has exclusive jurisdiction; or

(d) Owned by a supplier of services described in NRS 704.673 or ***subsection 1 of NRS*** 704.675 that:

(1) Is not jointly owned by or with an entity that is not such a supplier of services; and

(2) Is subject to the provisions of the National Environmental Policy Act of 1969, 42 U.S.C §§ 4321 et seq.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the Commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the Commission.

Sec. 13. 1. This act becomes effective on October 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 771 to Assembly Bill No. 391.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment clarifies that services are defined as energy services. Energy services include, but are not limited to, assuming responsibility for furnishing or delivering energy to another person, the operation of a system for furnishing or delivering energy to another person, and assuming responsibility for the maintenance of a system for furnishing or delivering energy to another person.

Motion carried.

The following Senate amendment was read:

Amendment No. 816.

AN ACT relating to energy; providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy systems on property owned or occupied by a public body may not be used to

reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 9 and 10 of this bill revise provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to provide that the amount of any incentive issued by a utility for the installation of the renewable energy system may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects.

Section 11 of this bill requires any contractor or subcontractor who enters into a contract pursuant to the Green Jobs Initiative to provide written certification to the Labor Commissioner that the employees of the contractor or subcontractor who perform work under the contract are paid the prevailing wage required by the Initiative. (NRS 701B.900-701B.924)

Existing law provides that certain entities which are declared to be utilities but which provide services only to their members are subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada. (NRS 704.675) **Section 12** of this bill provides that such a utility is subject to the full jurisdiction, control and regulation of the Commission if the Commission determines that the utility or any entity that is owned or controlled by the utility: (1) is being operated without a certificate of public convenience and necessity issued to the utility by the Commission; (2) is supplying energy services to persons other than its own members; (3) is offering energy services outside the geographic area for which it holds a certificate of public convenience and necessity; (4) qualifies as a public utility or utility under applicable law outside the geographic area for which it holds a certificate of public convenience and necessity; or (5) has otherwise violated certain provisions of law relating to utilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~[the]~~ ***any*** requirements of ***chapter 338 of*** NRS **.** ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 10. NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~[the]~~ ***any*** requirements of ***chapter 338 of*** NRS **.** ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 11. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS ~~[.]~~ ***and requiring that each contractor and subcontractor certify to the Labor Commissioner in writing that all employees of the contractor or subcontractor who work on the project are paid prevailing wages as required by this paragraph;***

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 12. NRS 704.675 is hereby amended to read as follows:

704.675 ~~[~~Every~~]~~ ***1. Except as otherwise provided in subsection 2, every*** cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330, 704.350 to 704.410, inclusive, but not to any other jurisdiction, control and regulation of the Commission or to the provisions of any section not specifically mentioned in this ~~[~~section.~~]~~ ***subsection.***

2. The limitations set forth in subsection 1 governing the applicability of this chapter and the jurisdiction, control and regulation of the Commission do not apply to a cooperative association, nonprofit corporation or association or any other supplier of services described in this chapter that supplies energy services for the use of its own members if the Commission determines that the cooperative association, nonprofit

corporation or association or other supplier of services described in this chapter, or any entity that is owned or controlled by the cooperative association, nonprofit corporation or association or other supplier of services:

(a) Is being operated without a certificate of public convenience and necessity as required by NRS 704.330;

(b) Is supplying energy services to persons other than its own members;

(c) Is offering energy services outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission;

(d) Qualifies as a public utility or utility under NRS 704.020 outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission; or

(e) Has otherwise violated any provision of NRS 704.330.

3. As used in this section, "energy services" ~~[includes,]~~ :

(a) Includes, without limitation, assuming responsibility for furnishing or delivering energy to another person, the operation of a system for furnishing or delivering energy to another person and assuming responsibility for the maintenance of a system for furnishing or delivering energy to another person.

(b) Does not include the transmission of electricity which originates outside of the area for which a certificate of public convenience and necessity has been issued to a cooperative association, nonprofit corporation or association or other supplier of services described in this chapter, and which is delivered to an electric utility.

Sec. 12.5. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction;

(c) Over which an agency of the Federal Government has exclusive jurisdiction; or

(d) Owned by a supplier of services described in NRS 704.673 or ***subsection 1 of NRS*** 704.675 that:

(1) Is not jointly owned by or with an entity that is not such a supplier of services; and

(2) Is subject to the provisions of the National Environmental Policy Act of 1969, 42 U.S.C §§ 4321 et seq.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the Commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the Commission.

Sec. 13. 1. This act becomes effective on October 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 816 to Assembly Bill No. 391.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment clarifies the definition of "energy services" so that such services do not apply to standard welding of energy.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 669.

AN ACT relating to elections; extending the period during which an elector can register to vote in person or by computer; **requiring county and city clerks to distribute sample ballots by electronic mail under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. Unless

otherwise specified, registration for a recall or special election closes on the third Saturday before the election. After the fifth Sunday before a primary, primary city, general or general city election, a person may register to vote only by appearing in person at the office of the county or city clerk, as applicable, or other designated site for registering to vote. (NRS 293.560, 293C.527) ~~[This]~~ **Sections 5 and 12 of this** bill ~~[extends]~~ **extend** the period in which a person may register to vote for primary, primary city, general and general city elections until the last day of early voting for those elections, which is the Friday before the election. ~~[This bill]~~ **Sections 5 and 12** also ~~[allows]~~ **allow** a person to register to vote by computer after the fifth Sunday before the election. Additionally, ~~[this bill extends]~~ **sections 5 and 12 extend** the period in which a person may register to vote for all elections except otherwise specified recall and special elections until the fourth day before the election. ~~[These]~~ **Sections 3, 4, 7 and 11 of this bill make conforming changes.**

Under existing law, each county and city clerk is required to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) Sections 6.5 and 12.1 of this bill require each county and city clerk to distribute sample ballots by electronic mail to each registered voter who elects to receive sample ballots in that manner. Sections 2.5, 7.5 and 12.2-12.6 of this bill make conforming changes.

The changes **in this bill** take effect on January 1, 2014.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. **NRS 293.097 is hereby amended to read as follows:**

293.097 "Sample ballot" means a document distributed by a county or city clerk upon which is ~~[printed]~~ ***included*** a list of the offices, candidates and ballot questions that will appear on a ballot. The term includes any such document which is printed by a computer ~~[.]~~ ***and which is distributed by mail or electronic mail.***

Sec. 3. NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made ***in person*** to vote early by a registered voter ~~[in person,]~~ ***, including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance,*** the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.

Sec. 4. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk may cause to be published once in each of the newspapers circulated in different parts of the county or cause to be published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct of each voter:

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. If the county clerk publishes the list of registered voters, the county clerk must do so:

(a) Not less than 2 weeks before the ~~[~~close of registration for any~~]~~ primary election.

(b) After each primary election and not less than 2 weeks before the ~~[~~close of registration for the~~]~~ ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point.

Sec. 5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close ***at 5 p.m.*** on the ~~[~~third Tuesday~~]~~ ***Friday*** preceding any primary or general election and ***, except as otherwise provided by specific law, at 5 p.m.*** on the ~~[~~third Saturday~~]~~ ***fourth day*** preceding any recall or special election ***.*** ~~[~~, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.~~]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. ~~[~~during~~]~~ ***on*** the ***next to*** last ~~[~~2 days~~]~~ ***day*** on which registration is open ~~[~~.~~]~~ ***and 5 p.m. on the last day on which registration is open.*** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. ~~[~~during~~]~~ ***on*** the ***next to*** last ~~[~~2 days~~]~~ ***day*** before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. ~~[~~during~~]~~ ***on*** the ***next to*** last ~~[~~2 days~~]~~ ***day*** on which registration is open ~~[~~.~~]~~ ***and 5 p.m. on the last day on which***

registration is open. The office of the county clerk may close at 5 p.m. ***on the next to last day on which registration is open*** if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~[~~weekdays~~]~~ ***a day other than the last day on which registration is open,*** until 9 p.m.; ~~[~~and~~]~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[.]~~ ***; and***

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the ~~[~~third Tuesday~~]~~ ***Friday*** preceding any primary or general election, an elector may register to vote only by ~~[~~appearing~~]~~ ***:***

(a) Appearing in person at the office of the county clerk ~~[~~or, if~~]~~ ***;***

(b) If open, ***appearing in person at*** a county facility designated pursuant to NRS 293.5035 ~~[.]~~ ***; or***

(c) If the county clerk has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by mail.***

5. Before the period for early voting for any election begins, the county clerk shall cause to be ~~[~~mailed~~]~~ ***distributed by mail or electronic mail, as applicable,*** to each registered voter in the county ~~[~~a~~]~~ ***the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her

polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~[mailing]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[5.]~~ ***6.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a sample ballot ~~[required to be mailed]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[6.]~~ ***7.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[7.]~~ ***8.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[8.]~~ ***9.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

~~[9.]~~ ***10.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10.]~~ ***11.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 7. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than ~~[the Friday preceding]~~ ***the opening of the polls for*** the primary election and after the close of registration for each general election but not later than ~~[the Friday preceding]~~ ***the opening of the polls for*** the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 7.5. **NRS 293.780 is hereby amended to read as follows:**

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ ***Stated*** on all sample ballots ~~[mailed;]~~ ***distributed by mail or electronic mail;***

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made ***in person*** to vote early by a registered voter ~~[in person,]~~ ***, including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance,*** the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 12. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close ***at 5 p.m.*** on the ~~[third Tuesday]~~

Friday preceding any primary city election or general city election and **,** ***except as otherwise provided by specific law, at 5 p.m.*** on the ~~[third Saturday]~~ ***fourth day*** preceding any recall or special election **.** ~~[, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** on which registration is open ~~[.]~~ ***and 5 p.m. on the last day on which registration is open.*** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. ***on the next to last day before registration closes*** if approved by the governing body of the city.

3. For a general ***city*** election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. ~~[during]~~ ***on*** the ***next to*** last ~~[2 days]~~ ***day*** on which registration is open ~~[.]~~ ***and 5 p.m. on the last day on which registration is open.*** The office of the city clerk may close at 5 p.m. ***on the next to last day on which registration is open*** if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~[weekdays]~~ ***a day other than the last day on which registration is open,*** until 9 p.m.; ~~[and]~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[.]~~ ***; and***

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the ~~[third Tuesday]~~

Friday preceding any primary city election or general city election, an elector may register to vote only by ~~[~~appearing~~]~~ ***:***

(a) Appearing in person at the office of the city clerk ~~[~~or, if~~]~~ ***;***

(b) If open, ***appearing in person at*** a municipal facility designated pursuant to NRS 293C.520 ~~[~~.~~]~~ ***; or***

(c) If the county clerk of the county in which the city is located has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 12.1. **NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. ***A registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by mail.***

2. Before the period for early voting for any election begins, the city clerk shall cause to be ~~[~~mailed~~]~~ ***distributed by mail or electronic mail, as applicable,*** to each registered voter in the city ~~[~~a~~]~~ ***the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~[~~mailing~~]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[~~2.~~]~~ ***3.*** Except as otherwise provided in subsection ~~[~~4,~~]~~ ***5,*** a sample ballot ~~[~~required to be mailed~~]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[~~printed~~]~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3.]~~ ***4.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4.]~~ ***5.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5.]~~ ***6.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~[6.]~~ ***7.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

~~[7.]~~ ***8.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[8.]~~ ***9.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for a city election must be borne by the city holding the election.

Sec. 12.2. **NRS 244A.785 is hereby amended to read as follows:**

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an

incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➥ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 12.3. **NRS 266.0325 is hereby amended to read as follows:**

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall cause to be ~~[mailed]~~ ***distributed*** to each qualified elector ***by mail or electronic mail, as applicable,*** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct.

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~[printed]~~ ***prepared*** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on ~~[the pages of]~~ the sample ballot.

4. The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

Sec. 12.4. **NRS 349.015 is hereby amended to read as follows:**

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 12.5. **NRS 350.024 is hereby amended to read as follows:**

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per $100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 12.6. **NRS 350.027 is hereby amended to read as follows:**

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 13. (Deleted by amendment.)

Sec. 14. This act becomes effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2014, for all other purposes.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 669 to Assembly Bill No. 440.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Amendment 669 adds an option for a voter to request his or her sample ballot by email instead of the hard copy that we normally get.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 445.

The following Senate amendment was read:

Amendment No. 599.

SUMMARY—Revises provisions relating to ~~[the posting of notices for public meetings.]~~ **public bodies.** (BDR 19-1121)

AN ACT relating to ~~[meetings of]~~ public bodies; requiring that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; **requiring the Department to establish a directory of public bodies and to**

include the directory on the official website of the State in a clear and conspicuous location; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under Nevada's Open Meeting Law, a public body is required to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. The notice must be posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting. (NRS 241.020) **Section 2** of this bill requires the Department of Administration to establish and maintain a location on the official website of the State for the posting of notices by public bodies that are required by the Open Meeting Law. **Section 2** also requires that the location be identified on the official website in a clear and conspicuous manner. **Section 1** of this bill revises the notice provision of the Open Meeting Law to require the posting of notices of public meetings on the State's official website.

Section 2.5 of this bill requires the Department to: (1) establish a directory of all public bodies; and (2) include the directory on the official website of the State in a clear and conspicuous location.

Section 4 of this bill requires the Department ~~[of Administration]~~ to have the ~~[location]~~ **locations** on the State's official website fully operational by January 1, 2014. **Section 6** of this bill requires the posting of notices of meetings by public bodies to the ~~[location on the]~~ official website of the State beginning on January 1, 2014, except that **section 5** of this bill allows public bodies of local governments until July 1, 2014, to comply with the new requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➥ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; ~~[and]~~

(b) ***Posting the notice on the official website of the State pursuant to section 2 of this act not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and***

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 1.5. **Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.**

Sec. 2. ~~[Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. The Department shall establish and maintain a location on the official website of the State for the posting of notices by public bodies as required pursuant to NRS 241.020. The location must be identified on the official website of the State in a clear and conspicuous manner.

2. The location established pursuant to subsection 1 ~~[shall]~~ must include a place for the posting of electronic links to the Internet website or any electronic mail addresses, if available, of each public body which has posted a notice pursuant to NRS 241.020, from which a person may request the information and supporting materials that a public body must provide to a requester pursuant to NRS 241.020.

3. The Department shall provide for:

(a) The transmission to the Department by public bodies of:

(1) Notices required pursuant to NRS 241.020; and

(2) The Internet website or any electronic mail addresses, if available, of a public body that has submitted a notice for posting on the official website of the State.

(b) The timely and efficient posting of such notices and electronic links to addresses on the official website of Nevada.

4. The Department may adopt regulations to carry out the provisions of this section.

~~[5. As used in this section, "public body" has the meaning ascribed to it in NRS 241.015.]~~

Sec. 2.5. The Department shall establish a directory of all public bodies and include the directory on the official website of the State in a clear and conspicuous location.

Sec. 3. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, ***and ~~[section]~~ sections 2 and 2.5 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Administration.

2. "Director" means the Director of the Department.

3. "Public body" has the meaning ascribed to it in NRS 241.015.

Sec. 4. The Department of Administration shall have the ~~[location]~~ **locations** on the official website of the State required pursuant to ~~[section]~~ **sections** 2 **and 2.5** of this act fully operational on or before January 1, 2014.

Sec. 5. Notwithstanding the provisions of section 6 of this act, a public body of a local government is not required to comply with the amendatory provisions of this act until July 1, 2014.

Sec. 6. 1. This section and sections 2 to 5, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on January 1, 2014.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 599 to Assembly Bill No. 445.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Amendment 599 adds a requirement that the Department of Administration provide an online directory of all public bodies that are subject to our state's Open Meeting Law. This amendment is a logical add-on to the website with public meeting notices and has the approval of our Speaker, the bill sponsor.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 66.

The following Senate amendment was read:

Amendment No. 675.

SUMMARY—Revises the manner in which the State Board of Equalization must provide notice of a proposed increase in the valuation of property. **~~[.]~~ under certain circumstances.** (BDR 32-301)

AN ACT relating to property tax; revising the manner in which the State Board of Equalization must provide notice of a proposed increase in the valuation of property **~~[.]~~ under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Equalization is required to give **10 days'** notice **by registered or certified mail or by personal service** to interested persons if **~~[it]~~ the Board** proposes to increase the valuation of any property on the assessment roll. (NRS 361.395) **~~[This]~~ For notices of proposed increases in the valuation of property that relate to a fiscal year that began before July 1, 2013, this bill requires the Board to continue to provide the notice required under the current law. For notices of proposed increases in the valuation of property that relate to a fiscal year that begins on or after July 1, 2013, this** bill requires the Board to give **30 days'** notice: (1) by first-class mail to interested persons if the Board proposes to increase the property values of a class or group of properties; and (2) by registered or certified mail **or by personal service** to interested persons if the Board proposes to increase property values in a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.395 is hereby amended to read as follows:

361.395 1. During the annual session of the State Board of Equalization beginning on the fourth Monday in March of each year, the State Board of Equalization shall:

(a) Equalize property valuations in the State.

(b) Review the tax rolls of the various counties as corrected by the county boards of equalization thereof and raise or lower, equalizing and establishing the taxable value of the property, for the purpose of the valuations therein established by all the county assessors and county boards of equalization and the Nevada Tax Commission, of any class or piece of property in whole or in part in any county, including those classes of property enumerated in NRS 361.320.

2. If the State Board of Equalization proposes to increase the valuation of any property on the assessment roll ~~[,]~~ ***:***

(a) Pursuant to paragraph (b) of subsection 1, it shall give ~~***[10]***~~ ***30 days' notice to interested persons by first-class mail.***

(b) In a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403, it shall give ~~[10]~~ ***30*** days' notice to interested persons by registered or certified mail or by personal service. ~~[The]~~

➥ ***A*** notice ***provided pursuant to this subsection*** must state the time when and place where the person may appear and submit proof concerning the valuation of the property. A person waives the notice requirement if he or she personally appears before the Board and is notified of the proposed increase in valuation.

Sec. 2. **The amendatory provisions of this act apply only to notices of proposed increases in the valuation of property that relate to a fiscal year that begins on or after July 1, 2013.**

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2013.**

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 675 to Assembly Bill No. 66.

Remarks by Assemblywoman Bustamante Adams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

The following Senate amendment was read:

Amendment No. 741.

AN ACT relating to motor vehicles; revising provisions concerning temporary permits to act as a salesperson; ~~[revising provisions concerning licenses of salespersons;]~~ allowing the Department of Motor Vehicles to

reinstate the registration of a dormant vehicle or remove the suspension of that registration under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when a person holding a temporary permit to act as a salesperson of vehicles ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the permit is automatically suspended, the person's right to act as a salesperson immediately ceases and the person's application for licensure must be denied by the Department of Motor Vehicles unless the person has: (1) paid a $20 transfer fee; (2) submitted a certificate of employment indicating that the person has been reemployed with a licensed and bonded dealer, lessor or rebuilder; and (3) presents a current temporary permit or new salesperson's license to the person's employer. Existing law further provides that, if a person's application for a salesperson's license has been denied, the person must wait at least 6 months to reapply. (NRS 482.362) **Section 1** of this bill deletes the provision requiring that the application for licensure of a person holding a temporary permit be denied if that person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, thus allowing that person to resume the application process upon finding employment elsewhere. **Section 1** also expressly prohibits the person from engaging in the activity of a salesperson during the period in which the person is unemployed. ~~[Section 1 provides additionally that, if a person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, the salesperson is not required to physically surrender his or her license, but the dealer, lessor or rebuilder, as applicable, is required to notify the Department that the employment has ceased, and the person is not allowed to engage in the activity of a salesperson until he or she is reemployed by a licensed and bonded dealer, lessor or rebuilder.]~~

Under existing law, the Department is required to suspend the registration of any motor vehicle for which the Department cannot verify coverage of liability insurance. If the registered owner of the motor vehicle proves to the satisfaction of the Department that the motor vehicle was a dormant vehicle during the period in which the Department was unable to verify liability insurance coverage, the Department is required to reinstate the registration and, if applicable, reissue the license plates for the motor vehicle only after the owner of the motor vehicle pays a fee of $50. (NRS 485.317) **Section 4** of this bill allows the Department to remove the suspension of the registration without requiring the owner of the vehicle to pay a fee or administrative fine.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesperson of vehicles, trailers or semitrailers, or act in the capacity of a salesperson as defined in this chapter, in the State of Nevada without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of a salesperson, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesperson, his or her residence address and social security number, and the name and address of the applicant's employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of $75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of $40.

(e) For initial licensure, the applicant to submit a complete set of fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesperson of vehicles, trailers or semitrailers, or to act in the capacity of a salesperson as defined in this chapter, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesperson's license may be denied and a salesperson's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that the applicant is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) Evidence of unfitness as described in NRS 482.3255.

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesperson of vehicles shall not engage in any sales activity, or act in any other capacity as a salesperson as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesperson's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesperson's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom ~~*[who employs]*~~ the salesperson is licensed to sell vehicles. ~~*[If a licensed salesperson ceases to be employed by the dealer, lessor or rebuilder, the dealer, lessor or rebuilder, as applicable, shall surrender the salesperson's license to the salesperson by the end of the next business day after the employment ceases.]*~~

8. If a licensed salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder , the license to act as a salesperson is automatically suspended and the right to act as a salesperson thereupon immediately ceases, and the ~~*[:*~~

~~*(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and*~~

~~*(b) The]*~~ person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder ~~*[.]*~~ , and has thereafter presented a current temporary permit or a new salesperson's license to the employer. ~~*[The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.]*~~

9. If a licensed salesperson changes his or her residential address, the salesperson shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. If a person who holds a temporary permit to act as a salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder ,

the permit to act as a salesperson is automatically suspended, the right to act as a salesperson thereupon immediately ceases and the ~~[~~person's application for licensure must be denied unless~~]~~ ***[:***

~~*(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and*~~

~~*(b) The]*~~ ***person shall not engage in the activity of a salesperson until*** he or she has paid the Department a transfer fee of $20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder ~~*[.]*~~ , and has thereafter presented a current temporary permit or a new salesperson's license to the employer. ~~*[The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.]*~~

11. A licensed dealer, lessor or rebuilder who employs a licensed salesperson shall notify the Department of the termination of his or her employment within 10 days following the date of termination by forwarding the salesperson's license to the Department.

12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 2. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for

credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. Except as otherwise provided in subsection ~~[7]~~ ***6*** of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

Sec. 3. NRS 482.557 is hereby amended to read as follows:

482.557 1. Except as otherwise provided in subsection ~~[7]~~ ***6*** of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

(a) For a first offense, the registered owner shall pay to the Department a registration reinstatement fee of $250, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of $250.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of $500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of $1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(b) For a second offense, the registered owner shall pay to the Department a registration reinstatement fee of $500, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of $500.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of $500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of $1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(c) For a third or subsequent offense:

(1) The driver's license of the registered owner must be suspended for a period to be determined by regulation of the Department but not less than 30 days;

(2) The registered owner shall file and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated; and

(3) The registered owner shall pay to the Department a registration reinstatement fee of $750, and if the period during which insurance coverage lapsed was:

(I) At least 31 days but not more than 90 days, pay to the Department a fine of $500.

(II) At least 91 days but not more than 180 days, pay to the Department a fine of $750.

(III) More than 180 days, pay to the Department a fine of $1,000.

2. As used in this section, "certificate of financial responsibility" has the meaning ascribed to it in NRS 485.028.

Sec. 4. NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy

of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

6. ~~[If a registered owner proves to the satisfaction of the Department that the vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate the registration and, if applicable, reissue the license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate the registration or reissue the license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.~~

~~— 7.]~~ If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances ~~[,]~~ ***or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320,*** the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) ~~[Rescind]~~ ***Remove*** the suspension of the registration without the payment of a fee ~~[.]~~ ***or administrative fine.***

➥ The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 741 to Assembly Bill No. 14.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The license to act as a salesman is automatically suspended and the right to act as a salesperson thereupon immediately ceases. A transfer fee of $20 is submitted to the department to receive a certificate of employment indicating that he or she has been reemployed and is licensed and bonded.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 18.

The following Senate amendment was read:

Amendment No. 755.

AN ACT relating to transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any relinquishment of a portion of any state highway by the Department of Transportation to a county or city requires a consenting resolution from the legislative body of that county or city. (NRS 408.527) This bill allows the Department, and counties and cities, to relinquish to each other state highways and county and city roads, as applicable, provided that: (1) the parties agree in writing to the relinquishment; (2) the governing body of the recipient entity adopts a resolution consenting thereto; and (3) the highway or road is in good repair, or the parties agree to other equitable compensation or considerations. This bill also requires the Department, in cooperation with local governments, to ~~[develop a]~~ **adopt regulations governing** procedural ~~[document]~~ **documents** addressing the process by which highways and roads are relinquished.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 408.527 is hereby amended to read as follows:

408.527 1. Whenever the Department and the county or city concerned have entered into ~~[an]~~ ***a written*** agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city ~~[any]~~ ***:***

(a) Any portion of any state highway which has been deleted from the state highway system by legislative enactment ~~[. The Department may likewise relinquish any]~~ ***; or***

(b) Any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. ***Whenever the county or city concerned and the Department have entered into a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.***

3. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

~~[3.]~~ ***4.*** Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

~~[4.]~~ ***5.*** Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

~~[5.]~~ ***6.*** If the Board relinquishes property pursuant to subsection ~~[4,]~~ ***5,*** and the purpose for which the property was relinquished is abandoned or ceases to exist, then ~~[:~~

~~(a) If the]~~ ***, absent an agreement or a provision of law to the contrary, and regardless of the*** interest of the Department in the property before it was relinquished ***,*** ~~[was held in fee simple,]~~ all right, title and interest ~~[of]~~ ***in the property shall vest in*** the county, city or Division ~~[reverts]~~ ***without reversion*** to the Department.

~~[(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or~~

~~Division may abandon or vacate the property without reversion to the Department.]~~

7. The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.

8. A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.

9. Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.

~~[~~6.~~]~~ ***10. The Department, in cooperation with local governments, shall*** ~~***[develop a]***~~ ***adopt regulations governing procedural*** ~~***[document which addresses]***~~ ***documents that address the process by which highways and roads are relinquished.*** ~~***[The Board must approve the procedural document and any modifications thereto.]***~~

11. The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 755 to Assembly Bill No. 18.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment requires that the department, in cooperation with local governments, adopt regulations governing procedural documents addressing the process by which highways and roads are relinquished.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 860.

AN ACT relating the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly related thereto.

Legislative Counsel's Digest:

Existing law requires certain sellers or long-term lessors of a used vehicle to provide the buyer or long-term lessee of the vehicle with evidence of compliance certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles and complies with the requirements of the State Environmental Commission. (NRS 445B.800) **Section 6** of this bill exempts a consignee from that requirement for any motor vehicle sold at a consignment auction if the consignee: (1) informs the buyer that the buyer will be responsible for obtaining an emissions inspection or testing before the buyer may register the vehicle; (2) posts a notice at the site of the auction stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction ~~[;]~~ **and includes a similar notice in any publication that lists the vehicles available at a consignment auction or solicits persons to bid at a consignment auction;** and (3) makes the vehicle available for inspection before the auction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. ***"Consignee" has the meaning ascribed to it in NRS 482.31772.***

Sec. 3. ***"Consignment auction" means any transaction whereby the registered owner or lienholder of a vehicle, or an insurance company that has acquired a vehicle as part of a total loss settlement, agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell or attempt to sell the interest of the registered owner, lienholder or insurance company in the vehicle at an auction that meets the requirements set forth in section 3.5 of this act.***

Sec. 3.5. ***1. To qualify as a consignment auction for the purposes of subsection 4 of NRS 445B.805, an event must be:***

(a) A live auction with an auctioneer verbally calling for and accepting bids; or

(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:

(1) A vehicle dealer licensed pursuant to NRS 482.325; or

(2) A salvage pool licensed pursuant to NRS 487.410.

2. A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:

(a) Applying to the Department of Motor Vehicles;

(b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;

(c) Providing evidence satisfactory to the Department that at least 51 percent of the vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:

(1) A live auction with an auctioneer verbally calling for and accepting bids; or

(2) An auction conducted on an auction website on the Internet by the person; and

(d) Providing any other information or documentation required by the Department.

3. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.

Sec. 4. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, ***and sections 2, 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and sections 2, 3 and 3.5 of this act*** do not apply to:

(a) Military tactical vehicles; or

(b) Replica vehicles.

2. As used in this section:

(a) "Military tactical vehicle" means a motor vehicle that is:

(1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Replica vehicle" means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after 1968 which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;

(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➥ The term does not include a vehicle which has been restored to its original design by replacing parts.

Sec. 6. NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Husband and wife; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. A consignee who is conducting a consignment auction which meets the requirements set forth in section 3.5 of this act if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of section 3.5 of this act, at the primary place of business of the consignee conducting the consignment auction.

Sec. 7. NRS 445B.840 is hereby amended to read as follows:

445B.840 It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;

2. Make, issue or use any imitation or counterfeit evidence of compliance;

3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, ***and sections 2, 3 and 3.5 of this act*** or any regulation adopted by the Department of Motor Vehicles; or

4. Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

Sec. 8. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, ***and sections 2, 3 and 3.5 of this act*** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and sections 2, 3 and 3.5 of this act,*** or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 9. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 860 to Assembly Bill No. 176.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment includes a similar notice in any publication that lists the vehicles available at a consignment auction or solicits persons to bid at a consignment auction.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 757.

AN ACT relating to vehicles; authorizing a person to apply for a letter of abandonment for an abandoned recreational vehicle under certain circumstances; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) **Section 1** of this bill authorizes an owner or occupant of private property who discovers an abandoned recreational vehicle on that property to apply for a letter of abandonment for the recreational vehicle. **Section 1** also sets forth the procedure for obtaining a letter of abandonment for a recreational vehicle. **Section 5** of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle **pays any applicable fee and** provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle or has obtained a letter of abandonment from the Department of Motor Vehicles; and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the procedure for disposing of an abandoned vehicle set forth in NRS 487.205 to 487.300, inclusive, if a recreational vehicle is abandoned on private property and is discovered by the owner or occupant of the property, the person who discovers the recreational vehicle may apply for a letter of abandonment for the recreational vehicle. The issuance of a letter of abandonment pursuant to this section divests any other person of any interest in the abandoned recreational vehicle.

2. Before applying for a letter of abandonment, the owner or occupant of the property where the abandoned recreational vehicle is located shall:

(a) If the abandoned recreational vehicle has a serial number, vehicle identification number or registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and notify the owner by registered or certified letter to the last known address of the owner that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 60 days, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment. The owner or occupant of the property where the abandoned recreational vehicle is

located is not required to send a registered or certified letter if an owner cannot be located or if an address for an owner cannot be ascertained.

(b) Place a notice in a newspaper of general circulation published in the county in which the abandoned recreational vehicle is located, describing the abandoned recreational vehicle and the location where the abandoned recreational vehicle was discovered and providing the serial ~~[or]~~ number, vehicle identification number or registration number or any other identifying information relating to the abandoned recreational vehicle. The owner or occupant of the property where the abandoned recreational vehicle is located shall state in the notice that, if the abandoned recreational vehicle is not claimed and removed within 60 days after the publication date of the newspaper, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment.

3. An owner or occupant of the property where the abandoned recreational vehicle is located may apply to the Department for a letter of abandonment upon the expiration of:

(a) Sixty days after the date on which the owner or occupant of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 2, if such a letter is required; or

(b) Sixty days after the date of publication of the notice required by paragraph (b) of subsection 2,

➥ whichever is later.

4. An application for a letter of abandonment for an abandoned recreational vehicle must contain:

(a) A completed application form prescribed by the Department;

(b) Proof that the letter required by paragraph (a) of subsection 2 was mailed at least 60 days before the submission of the application or a detailed explanation of the unsuccessful steps taken to identify all owners of the abandoned recreational vehicle;

(c) Proof that a notice was printed in a newspaper as required by paragraph (b) of subsection 2 at least 60 days before the submission of the application;

(d) A clear and accurate photograph of the abandoned recreational vehicle; and

(e) The serial number, vehicle identification number or registration number, if any, of the abandoned recreational vehicle.

5. The Department may charge and collect a fee for issuing a letter of abandonment pursuant to this section, which must not exceed the actual cost to the Department of issuing the letter of abandonment.

6. Upon receipt of the materials and information required in subsection 4 and any fees required pursuant to subsection 5, the Department shall enter the application upon the records of its office and issue to the applicant a letter of abandonment for the abandoned recreational vehicle.

7. As used in this section, "recreational vehicle" has the meaning ascribed to it in NRS 482.101.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

A municipal solid waste landfill shall accept a recreational vehicle for disposal if:

1. The person disposing of the recreational vehicle pays any applicable fee and provides:

(a) The title to the recreational vehicle, indicating that he or she is the owner; or

(b) A letter of abandonment issued by the Department of Motor Vehicles pursuant to section 1 of this act; and

2. Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

Sec. 6. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 444.580 is hereby amended to read as follows:

444.580 ***Except as otherwise provided in section 5 of this act:***

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and section 5 of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 8. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved that the Assembly do not concur in the Senate Amendment No. 757 to Assembly Bill No. 379.

Remarks by Assemblyman Carrillo.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

The following Senate amendment was read:

Amendment No. 765.

AN ACT relating to motor vehicles; exempting certain fleet vehicles from the Department of Motor Vehicles insurance verification system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the liability insurance required by law. The only vehicles that are exempt from being included in such a system are certain golf carts. (NRS 485.313) **Section 2** of this bill creates an additional exemption for certain vehicles that are registered as part of a fleet of vehicles. **Section 2** further provides that verification of the required liability insurance for such fleet vehicles shall be deemed to have been satisfied by the submission to the Department by the insurer of the policy number and the name of the registered owner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle ~~[.]~~ ***or the registered owner of the vehicle;*** or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal

of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State ~~*[more than one vehicle, all of which are covered by a commercial liability policy,]*~~ or vehicles insured under a blanket policy which does not identify individual vehicles ~~*[,]*~~ may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 2. NRS 485.313 is hereby amended to read as follows:

485.313 1. The Department:

(a) Shall, in cooperation with insurers, create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the insurance required by NRS 485.185; and

(b) May enter into a contract with any person to provide services relating to the system.

2. The Director shall adopt regulations to carry out the provisions of this section **.** ~~**[**, including, without limitation, regulations for verifying that registered owners described in paragraph (b) of subsection 5 of NRS 482.215 maintain the insurance required by NRS 485.185.**]**~~

3. ***For vehicles which are part of a fleet of*** ~~***[vehicles described in paragraph (b) of subsection 5 of NRS 482.215,]***~~ ***more than one vehicle, all of which are covered by a commercial liability policy, the maintenance of the insurance required by NRS 485.185 shall be deemed to have been satisfied by the submission by the insurer to the Department of the policy number and the name of the registered owner of the vehicles.***

4. As used in this section, "motor vehicle":

(a) Does not include ~~**[**, except**]**~~ ***:***

(1) Except as otherwise provided in subsection 1 of NRS 482.398, a golf cart as that term is defined in NRS 482.044.

(2) A vehicle that is registered as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215.

(b) Includes, without limitation ~~**[**:~~

~~(1) A**]**~~ ***, a*** motortruck, truck-tractor, bus or other vehicle that is registered pursuant to paragraph (c) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.

~~[(2) A vehicle that is registered as part of a fleet of vehicles and described in paragraph (b) of subsection 5 of NRS 482.215.]~~

Sec. 3. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) Vehicle information, consisting of:

(1) The year, make and complete identification number of the insured vehicle or vehicles; or

(2) The word "Fleet" ***and the name of the registered owner*** if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 4. (Deleted by amendment.)

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 765 to Assembly Bill No. 453.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Amendment 765 clarifies the size of a fleet, which would be considered ten or more vehicles based in the state and also more than one vehicle, all of which are covered by a commercial liability policy.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 312.

The following Senate amendment was read:

Amendment No. 801.

AN ACT relating to the Charter of Carson City; revising provisions of the Charter relating to the Charter Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Charter of Carson City provides for the appointment of a Charter Committee to advise the Board of Supervisors concerning potential amendments to the Charter. (Carson City Charter §§ 1.080, 1.090) Currently, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City nominates at least one person for membership on the Charter Committee, and the Board appoints the members of the Committee. The Charter also provides that each member of the Committee serves a term concurrent with the term of the public officer who nominated him or her for appointment. (Carson City Charter § 1.080) **Section 1** of this bill revises the appointment process to provide that the Mayor, each other member of the Board and each member of the Senate and Assembly delegation representing the residents of Carson City is to appoint one member of the Committee. **Section 1** also provides that each member of the Committee serves a term concurrent to the term of the public officer by whom he or she was appointed, or at the pleasure of that public officer.

Section 1.5 of this bill revises provisions of the current Charter governing the meetings and duties of the Committee.

The current Charter also authorizes the Board of Supervisors to remove members of the Committee for good cause and requires the Board to fill any vacancy that occurs on the Committee. (Carson City Charter § 1.100) **Section 2** of this bill authorizes the public officer, or his or her successor, who has appointed a member of the Committee to remove the member with or without cause and fill any vacancy created by the removal or resignation of a member.

Section 3 of this bill provides that a member who is serving on the Committee as of the effective date of this bill (January 1, 2014) may continue to serve until the expiration of his or her term or until he or she is removed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1.080 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.080 Charter Committee: ~~[Nomination; appointment; terms;]~~ ***Appointment;*** qualifications; ***terms;*** compensation.

1. The ~~[candidates for membership on]~~ ***members of*** the Charter Committee must be ~~[nominated]~~ ***appointed*** as follows:

(a) ~~[Each Supervisor]~~ ***The Mayor and each other member of the Board*** shall ~~[nominate at least]~~ ***appoint*** one ~~[candidate;]~~ ***member;*** and

(b) Each member of the Senate and Assembly delegation representing the residents of the City shall ~~[nominate at least]~~ ***appoint*** one ~~[candidate.~~

~~2. The Board shall:~~

~~(a) Determine the appropriate number of members of the Charter Committee from the candidates nominated; and~~

~~(b) Appoint the members of the Charter Committee.~~

~~3.]~~ ***member.***

2. Each member of the Charter Committee must:

(a) Be a registered voter in Carson City;

(b) Serve a term concurrent to the term of the public officer by whom he or she was ~~[nominated;]~~ ***appointed, or at the pleasure of that public officer;***

(c) Reside in Carson City during his or her term of office; and

(d) Serve without compensation.

Sec. 1.5. Section 1.090 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, as amended by chapter 68, Statutes of Nevada 2003, at page 451, is hereby amended to read as follows:

Sec. 1.090 Charter Committee: Officers; meetings; duties ~~[.]~~ ***; legislative measures.***

1. The Charter Committee shall:

~~[1.]~~ ***(a)*** Elect ~~[a Chair and Vice Chair]~~ from among its members ***a Chair and Vice Chair,*** who each serve for a term of 2 years ~~[;]~~ ***unless he or she resigns or is removed from the Committee pursuant to section 1.100;***

~~[2.]~~ ***(b)*** Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the Board or the Chair of the Committee;

~~[3.]~~ ***(c)*** Meet jointly with the Board on a date to be set after the final biennial meeting of the Committee is conducted pursuant to ~~[subsection 2]~~ ***paragraph (b)*** and before the beginning of the next regular session of the Legislature to advise the Board with regard to the recommendations of the Committee concerning necessary amendments to this Charter; ~~[and~~

~~4. Assist~~]

(d) If the Board elects to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, assist the Board in the timely preparation of such ~~*[Prepare recommendations to be presented]*~~ ***amendments for presentation to the Legislature on behalf of the City ; [concerning all necessary amendments to this Charter;***

~~*4. Advise the Board of any*~~ amendments ~~*recommended*~~ for presentation to the Legislature~~]~~ ~~[~~on behalf of the City.~~]~~ ~~*[by the Committee;]*~~ ***and***

~~*[5.]*~~ ***(e) Perform all functions and do all things necessary to accomplish the purposes for which it is established, including [, without limitation, hold]*** ***holding*** ***meetings and public hearings and*** ~~*[obtain]*~~ ***obtaining*** ***assistance from officers of the City*** ~~*[.]*~~ ***to ensure the Committee's compliance with any law applicable to a public body.***

2. If the Board elects not to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, the Committee may vote to authorize a member of the Committee to seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and to assist the Senator, Assemblyman or Assemblywoman, as applicable, in the timely preparation of such amendments for presentation to the Legislature. The member of the Committee shall not represent that any such legislative measure is approved or supported by the Board and shall disclose to the Senator, Assemblyman or Assemblywoman, as applicable, that the legislative measure is not approved or supported by the Board.

Sec. 2. Section 1.100 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.100 Charter Committee: Removal ~~[,]~~ ***of members;*** vacancies.

1. A member of the Charter Committee may be removed by the ~~[~~Board for:

~~(a) Missing three consecutive regular meetings; or~~

~~(b) Other good cause.~~] ***public officer, or his or her successor in office, who appointed the member.***

2. ~~[~~The Board shall fill any~~]~~ ***Any*** vacancy that occurs on the Charter Committee ~~[~~for the unexpired term.~~]~~ ***must be filled as provided by section 1.080.***

Sec. 3. 1. Any person who is serving as a member of the Charter Committee of Carson City on January 1, 2014, and is qualified to serve in that capacity pursuant to subsection 2 of section 1.080 of the Charter of Carson City, as amended by section 1 of this act, may continue to serve until:

(a) The expiration of his or her term; or

(b) He or she is removed pursuant to section 1.100 of the Charter, as amended by section 2 of this act.

2. Any person described in subsection 1 whose term expires on or after January 1, 2014, may be reappointed to the Charter Committee pursuant to section 1.080 of the Charter, as amended by section 1 of this act.

Sec. 4. This act becomes effective on January 1, 2014.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 801 to Assembly Bill No. 312.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment replaces language originally in the bill providing that the Charter Committee will meet jointly with the Board of Supervisors at Carson City to advise the Board in regard to the Committee's recommendations for amendments to the Charter. It also provides that should the Board elect to submit the Committee's recommendations to the Legislature, the Committee will assist in preparation and presentation of the recommendations. Should the Board choose not to submit the Committee's recommendations to the Legislature as one of its approved measures, the Committee may vote to authorize one of its members to seek sponsorship of the measure by one of the legislators representing Carson City. The member is prohibited from representing that the Board approved or supported the measure.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 363.

The following Senate amendment was read:

Amendment No. 759.

AN ACT relating to local governments; **authorizing boards of county commissioners to abate public nuisances involving litter, garbage, abandoned or junk vehicles and junk appliances;** authorizing certain local governments to abate public nuisances and conditions involving abandoned **[**, ~~inoperable~~**]** or junk vehicles by requesting the operator of a tow car to abate the public nuisance or condition; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners of a county or the governing body of a city may adopt by ordinance procedures pursuant to which the board or governing body, or a designee thereof, may order an owner of property to abate a public nuisance or condition on the property, including the clearing of certain debris, to protect the public health, safety and welfare of the residents of the county or city. (NRS 244.3605, 268.4122) Existing law further provides that if, after the provision of notice about the nuisance or condition and an opportunity for a hearing, the property owner does not abate the nuisance or condition, the county or city may abate the

nuisance or condition and recover from the property owner the amount expended by the county or city for the labor and materials used to abate the nuisance or condition.

Section 2 of this bill adds **litter, garbage,** abandoned **[, inoperable]** or junk vehicles **[which are not concealed from ordinary public view]** **and junk appliances** to the list of conditions that constitute a public nuisance for the purposes of an ordinance adopted by a board of county commissioners **. [in a county whose population is 700,000 or more (currently only Clark County).]** **Section 2** also provides that **, in a county whose population is 700,000 or more (currently only Clark County),** such an ordinance may authorize the county to request the operator of a tow car to abate a public nuisance by towing an abandoned **[, inoperable]** or junk vehicle **that is not concealed from ordinary public view** if certain requirements relating to notice and the opportunity for a hearing are satisfied. Similarly, **section 3** of this bill **, [adds vehicles which are abandoned, inoperable or junk and which are not concealed from ordinary public view to the list of conditions that constitute an unhealthful or unsafe condition]** for the purposes of an ordinance adopted by the governing body of a city in any county whose population is 700,000 or more (currently only Clark County), **[and]** provides that such an ordinance may authorize the city to request the operator of a tow car to abate such a condition by towing an abandoned **[, inoperable]** or junk vehicle **that is not concealed from ordinary public view** if certain requirements relating to notice and the opportunity for a hearing are satisfied.

Existing law provides for the regulation of tow cars and the operators of tow cars. (NRS 706.445-706.453) **Sections 2 and 3** provide that the operator of a tow car who is requested by a county or city to tow a vehicle to abate a public nuisance or condition must comply with those provisions. **Section 4** of this bill provides that the registered owner of a vehicle towed pursuant to a request by a county or a city to abate a public nuisance or condition is responsible for the cost of removal and storage of the vehicle.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.3601 is hereby amended to read as follows:

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 or 244.3605, a board of county commissioners may, by ordinance, provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,

➥ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.

4. The costs of securing or summarily abating the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection ~~[6]~~ ***7*** of NRS 244.3605.

(b) "Imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:

(1) The occupants, if any, of the real property on which the structure or condition is located; or

(2) The general public.

Sec. 2. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish **, [and]** refuse **, *litter, garbage, abandoned or junk vehicles or junk appliances*** which **[is]** ***are*** not subject to the provisions of chapter 459 of NRS;

(c) ***[In any county whose population is 700,000 or more, clear abandoned, inoperable or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means;***

(d)] Clear weeds and noxious plant growth; or

(d) ***[(e)]*** Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. ***In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned [, inoperable] or junk vehicles [described in paragraph (c) of subsection 1] which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car***

requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive.

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance ***or request abatement by the operator of a tow car pursuant to subsection 3*** if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

~~[4.]~~ ***5.*** In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection ~~[5,]~~ ***6,*** for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the expense and civil penalties are a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

~~[5.]~~ ***6.*** Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection ~~[4]~~ ***5*** unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

~~[6.]~~ ***7.*** As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 3. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage , abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) ~~*[In any county whose population is 700,000 or more, clear abandoned, inoperable or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means; or*~~

~~*(d)]*~~ Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a

definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. ***In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned*** ~~***[,***~~ ~~***inoperable]***~~ ***or junk vehicles*** ~~***[described in paragraph (c) of subsection 1]***~~ ***which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive.***

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition ***or request abatement by the operator of a tow car pursuant to subsection 3*** if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

~~[4.]~~ ***5.*** In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection ~~[5,]~~ ***6,*** for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

~~[5.]~~ ***6.*** Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection ~~[4]~~ ***5*** by the governing body unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the

order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

~~[6.]~~ ***7.*** As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 4. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. ***If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:***

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

3. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1 ~~[.]~~ ***or 2:***

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Is responsible for the cost of removal and storage of the motor vehicle.

~~[3.]~~ ***4.*** The registered owner may rebut the presumption in subsection ~~[2]~~ ***3*** by showing that:

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

Sec. 5. (Deleted by amendment.)

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 759 to Assembly Bill No. 363.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment makes a couple technical corrections to the bill to clarify that only in a county with a population of 700,000 or more—currently Clark County—may a county by ordinance provide that the county or city may request that a tow car operator abate a public nuisance by towing an abandoned or junk vehicle.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 654.

AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) **Section 2** of this bill authorizes such a provider to apply to the Public Utilities Commission of Nevada to be relieved of its duty to provide such service when certain alternative services are available. **Section 2** additionally sets forth certain requirements for notice, hearings and consumer sessions related to an application. **Section 2** authorizes the

Commission to require a telecommunication provider to provide service to a customer under certain circumstances.

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684) **Section 3** of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. **Section 3** preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.

Sections 6, 7 and 18-34 of this bill remove obsolete references to telegraph lines and telegraph equipment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. A competitive supplier that is a provider of last resort may file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:***

(a) At least:

(1) One provider that utilizes a wireline technology, is not an affiliate of the provider of last resort and is capable of providing alternative voice service to the entire area for which relief is sought; and

(2) One provider that utilizes any other technology and is capable of providing alternative voice service to the entire area for which relief is sought;

(b) On or after June 1, 2015, two or more providers that utilize a wireless technology and that are capable of providing alternative voice service to the entire area for which relief is sought; or

(c) On or after June 1, 2015, three or more providers that utilize any technology and that are capable of providing alternative voice service to the entire area for which relief is sought.

2. An application filed pursuant to subsection 1 must include:

(a) A map of the entire area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the entire area for which relief is sought.

(b) A draft of the notice which the applicant intends to provide pursuant to subsection 4.

3. The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.

4. An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:

(a) To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.

(b) To each public safety answering point which is located within the area for which relief is sought.

5. The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensive language that is understandable to an ordinary layperson:

(a) A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.

(b) A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.

(c) A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.

(d) Any additional information required by the Commission.

6. A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:

(a) The Commission;

(b) The Consumer's Advocate;

(c) Representatives from each public safety answering point that is located within the area for which relief is sought; and

(d) Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.

7. Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in

which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.

8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section ~~.~~ ***[.]*** ***, except for money for the provision of lifeline service, as the term is defined in NRS 707.450.***

9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not affect or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.

10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before the effective date of this act, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before the effective date of this act.

11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.

12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:

(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.

(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.

(c) Issue an order imposing on a provider of alternative voice service one or more obligations, including, without limitation, the obligation to maintain adequate and reliable service for a specified period, but such obligations may be imposed only to the extent that the provider receives money from the fund to maintain the availability of telephone service relating to the provision of service pursuant to the order issued by the Commission pursuant to this paragraph.

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2016, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in ~~[this subsection and]~~ subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a provider of last resort. ~~[The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.]~~

15. As used in this section:

(a) "Alternative voice service" means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

(1) Voice-grade access to the public switched telephone network; and

(2) Access to emergency 911 service.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 3. *1. Except as otherwise provided in subsection 2, a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.*

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit:

(1) The assessment of taxes, fees or surcharges which are of general applicability or which are otherwise authorized by statute; or

(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;

(c) Affect or modify:

(1) Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252, including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;

(2) Any obligation relating to the provision of video service by any person pursuant to chapter 711 of NRS;

(3) Any applicable wholesale tariff; or

(4) Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).

3. As used in this section:

(a) "Internet Protocol-enabled service" means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video communications. The term does not include Voice over Internet Protocol service.

(b) "Voice over Internet Protocol service" means any service that:

(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;

(2) Uses a broadband connection from the user's location; and

(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 704.006 is hereby amended to read as follows:

704.006 "Basic network service" means the provision of stand-alone telephone service furnished to a residential customer **[**~~through the customer's primary residential line as the only service~~**]** that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network ***;*** ~~[with a minimum bandwidth of 300 to 3,000 hertz;]~~

(b) ~~[Dual tone multifrequency signaling and single party service;~~

~~(c)]~~ Access to:

(1) ~~[Operator services;~~

~~(2)]~~ Telephone relay services;

~~[(3) Local directory assistance;~~

~~(4)]~~ ***(2)*** Interexchange service; and

~~[(5)]~~ ***(3)*** Emergency 911 service ***;*** ~~[.~~

~~(d)]~~ ***(c)*** The first single-line directory listing; and

~~[(e)]~~ ***(d)*** Universal lifeline service for those eligible for such service.

Sec. 5. NRS 704.011 is hereby amended to read as follows:

704.011 1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 6. NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~[,]~~ ***and*** telephone ~~[and telegraph]~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

Sec. 7. NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~[telegraph,]~~ telephone or electric transmission line.

Sec. 8. NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~[1.]~~ The Commission shall adopt regulations that establish ~~[:~~

~~(a) The]~~ ***the*** obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

Sec. 9. NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act,*** unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

Sec. 10. NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act*** do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 11. NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 12. NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 13. NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 14. NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, ***and section 2 of this act,*** a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the

Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

Sec. 15. NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~[~~Each~~]~~ ***For any area in which a*** competitive supplier ~~[~~that~~]~~ is ~~[~~an incumbent local exchange carrier:~~]~~ ***a provider of last resort, the competitive supplier:***

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 16. NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b)

of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic

network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~[A]~~ ***For any area in which a competitive supplier is a provider of last resort, the*** competitive supplier ~~[that is an incumbent local exchange carrier]~~ must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by NRS 704.68875.

Sec. 17. NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~[A]~~ ***For any area in which a competitive supplier is a provider of last resort, the*** competitive supplier ~~[that is a provider of last resort may use an alternative technology to satisfy the]~~ ***may satisfy its*** obligation ~~[to provide basic network service or business line service in a service territory.]~~ ***as a provider of last resort through an alternative voice service.***

2. ~~[Except as otherwise provided in this section, the]~~ ***The*** Commission may not exercise jurisdiction over an alternative ~~[technology]~~ ***voice service*** used by a competitive supplier ~~[that is a provider of last resort]~~ ***or its affiliate*** to satisfy the ~~[obligation to provide basic network service or business line service in a service territory,]~~ ***competitive supplier's obligation as a provider of last resort,*** including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative ~~[technology.]~~ ***voice service.***

3. ~~[If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.~~

~~4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.~~

~~5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service.~~

~~The term includes, without limitation, wireless or Internet technology, facilities or equipment.~~] ***The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect any obligation of the competitive supplier:***

(a) As an incumbent local exchange carrier pursuant to federal law.

(b) Pursuant to NRS 704.033.

4. As used in this section, "alternative voice service" means a retail voice service made available through any technology or service arrangement that provides:

(a) Voice-grade access to the public switched telephone network; and

(b) Access to emergency 911 service.

Sec. 18. NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a [~~telegraph~~] ***telephone*** line or lines by complying with NRS 707.240.

Sec. 19. NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns [~~:~~

~~1. May~~] ***may*** construct, or if constructed, maintain, or if partially constructed, complete and maintain, their ***telephone*** line [~~of telegraph,~~] described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same **.** [~~;~~

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.~~]

Sec. 19.5. NRS 707.280 is hereby amended to read as follows:

707.280 1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a ***telephone*** line [~~of telegraph,~~] as provided in NRS 707.230 to [~~707.290,~~] ***707.280,*** inclusive, [~~has~~] ***have*** the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisement thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~[telegraph]~~ ***telephone*** line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisement.

Sec. 20. NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 to ~~[707.290, inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.]~~ ***707.280, inclusive.***

Sec. 21. NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~[telegraph or]~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~[telegraph or]~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,

➥ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

Sec. 22. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat

and power lines, gas and water mains, telephone ~~[and telegraph]~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~[or telegraph]~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~[or telegraph]~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 23. NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other

places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat **,** ~~**[**or**]**~~ power ~~**[**, telegraph**]**~~ or telephone lines, and the places where gas or water mains are to be laid or installed.

Sec. 24. NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, ~~**[**telegraph,**]**~~ light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

Sec. 25. NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the

interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~[telegraph or]~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 26. NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~[telegraph,]~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.

Sec. 27. NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~[telegraphic equipment,]~~ other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;

2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and

3. Revenue bonds constituting special obligations and payable from such net revenues.

Sec. 28. NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, ~~[telegraphic equipment,]~~ signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:

(a) General obligation bonds, payable from taxes; and

(b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.

2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

Sec. 29. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~[telegraph,]~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent

domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 30. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~[or telegraph]~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 31. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than $500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the

property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, **[**~~telegraph service,~~**]** natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 32. NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) "Cost of relocation" means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) "Utility" means any privately, publicly or cooperatively owned systems for supplying **[**~~telegraph,~~**]** telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

Sec. 33. NRS 496.020 is hereby amended to read as follows:

496.020 As used in this chapter, unless the context otherwise requires:

1. "Air navigation facility" means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. "Airport" means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Municipal" means pertaining to a municipality as defined in this section.

5. "Municipality" means any county, city or town of this state.

6. "Person" includes a government, a governmental agency and a political subdivision of a government.

7. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone **[**~~, telegraph~~**]** or water business in this state and who conducts such a business for a public use.

Sec. 34. NRS 497.020 is hereby amended to read as follows:

497.020 As used in this chapter, unless the context otherwise requires:

1. "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. "Person" includes a government, a governmental agency and a political subdivision of a government.

5. "Political subdivision" means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. "Structure" means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. "Tree" means any object of natural growth.

Sec. 35. NRS 707.270 and 707.290 are hereby repealed.

Sec. 36. The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before the effective date of this act.

Sec. 36.5. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of $100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto. The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 654 to Assembly Bill No. 486.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment provides that the PUC made it clear that an emergency exists in any area where alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort. If the PUC declares an emergency, it may impose obligations on any provider of alternative voice service only to the extent that it receives money from the fund to maintain availability of adequate and reliable telephone service for a specified period of time.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 246.

The following Senate amendment was read:

Amendment No. 890.

AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet under certain circumstances; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for operators, retailers and dealers of dogs and cats concerning the care of those dogs and cats, including, without limitation, requirements for buildings, enclosures, outdoor facilities, floor space, food and water, sanitation and examinations by veterinarians. (NRS 574.360-574.510) This bill ~~[prohibits]~~ **provides that** a person ~~[from selling, attempting]~~ **who sells, attempts** to sell, ~~[offering]~~ **offers** for adoption or ~~[transferring]~~ **transfers** ownership of a live animal at a swap meet ~~[unless:]~~ **is guilty of a misdemeanor. This bill provides an exception for selling, attempting to sell, offering for adoption or transferring ownership if:** (1) the swap meet is conducted in a county or incorporated city in this State which has adopted an ordinance authorizing the sale of a live animal at a swap meet; (2) the person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and (3) the ordinance adopted by the county or incorporated city is substantially similar to those provisions of existing law, but is applicable to all animals for sale and all persons who sell, attempt to sell, or offer for adoption or transfer ownership of an animal at a swap meet. This bill does not apply to **: (1)** the transfer or sale of livestock **; (2) any event where the primary purpose is to sell or auction livestock or agricultural implements;** ~~[or to]~~ **(3)** the adoption of a cat or dog at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code ~~[.]~~ **; or (4) a person**

who offers an animal for adoption or otherwise transfers ownership of an animal free of charge at a swap meet if the animal has been appropriately vaccinated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection 2,]~~ subsections 2 and 3, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.

2. A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive.

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any event where the primary purpose is to sell or auction livestock or agricultural implements.

(c) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

~~[(c)]~~ (d) Apply to a person who offers for adoption or transfer ownership of a live animal at a swap meet if:

(1) A fee is not charged or collected for the adoption or transfer of ownership or otherwise in connection with the transaction; and

(2) The animal has had all the required vaccinations which are appropriate based upon the age of the animal.

(e) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Sell" means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

(c) "Swap meet" means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 890 to Assembly Bill No. 246.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

The amendment clarifies that the prohibition from selling, offering for adoption, or transferring ownership of a live animal at a swap meet does not apply to any event where the primary purpose is to sell or auction livestock or agricultural implements in the adoption or transfer of a live animal if no fee is collected for the adoption or transfer and the animal has been appropriately vaccinated.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 264.

The following Senate amendment was read:

Amendment No. 707.

SUMMARY— ~~[Increases the penalty for certain crimes]~~ **Revises provisions** relating to estrays and feral livestock. (BDR 50-531)

AN ACT relating to livestock; **revising provisions relating to the management, control, placement and disposition of estrays and feral livestock;** increasing the penalty for certain crimes relating to estrays and feral livestock; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all estrays and feral livestock are deemed to be the property of the State Department of Agriculture and the Department has all rights accruing under state law to owners of such animals, including providing for the control, placement or disposition of those animals. (NRS 569.010) Section 3 of this bill clarifies that the Department is also authorized to provide for the management of estrays and feral livestock.

Existing law authorizes the Department to enter into a cooperative agreement for the control, placement or disposition of livestock.

(NRS 569.031) Sections 1, 2 and 4-7 of this bill clarify that the Department is authorized to enter into a cooperative agreement pursuant to NRS 569.031 for the management, control, placement and disposition of estrays and feral livestock. Section 4 also requires any person or entity that enters into a cooperative agreement with the Department to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the person or entity in carrying out the agreement.

Existing law makes it unlawful for a person, other than an authorized agent of the ~~[State]~~ Department ~~,~~ ~~[of Agriculture,]~~ to take up and retain possession of or feed any estray or feral livestock. Under existing law, a person is not cited or charged criminally for the first violation of the prohibition against feeding an estray or feral livestock, but instead receives a warning. (NRS 569.040) **Section ~~[1 of this bill]~~ 5 also** makes a second or subsequent violation of such an offense a gross misdemeanor.

Under existing law, a person who takes up or retains possession of any estray or feral livestock which is not his or her property and without the owner's consent is guilty of a misdemeanor. (NRS 569.130) **Section ~~[2]~~ 8** of this bill increases the penalty for that violation from a misdemeanor to a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 561.218 is hereby amended to read as follows:**

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources, land use planning and the management and control of wild horses, estrays and feral livestock. The person must be appointed on the basis of merit and is in the unclassified service of the State. The Director may remove the person from office with the approval of the Board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

(d) Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031 ~~[.]~~ ***for the management, control, placement or disposition of estrays and feral livestock.***

(e) Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

(g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

(h) Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.

(i) Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department, including programs for the management and control of estrays and feral livestock.

(j) Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.

(k) Perform such other duties as directed by the Director.

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.0075.

(b) "Feral livestock" has the meaning ascribed to it in NRS 569.008.

(c) "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.

Sec. 2. **NRS 561.344 is hereby amended to read as follows:**

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a

cooperative agreement established pursuant to NRS 569.031 ~~[.]~~ ***for the management, control, placement or disposition of estrays and feral livestock.***

(e) Fees collected pursuant to the provisions of chapter 573 of NRS.

(f) Fees collected pursuant to the provisions of chapter 576 of NRS.

(g) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 569, 571, 573 and 576 of NRS.

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

Sec. 3. **NRS 569.010 is hereby amended to read as follows:**

569.010 1. Except as otherwise provided by law, all estrays and feral livestock within this state shall be deemed for the purpose of this section to be the property of the Department.

2. The Department has all rights accruing pursuant to the laws of this state to owners of those animals, and may:

(a) Dispose of estrays and feral livestock by sale through an agent appointed by the Department; or

(b) Provide for the ***management,*** control, placement or disposition of estrays and feral livestock through cooperative agreements pursuant to NRS 569.031.

3. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the Livestock Inspection Account after 1 year. The Department may disallow all claims if it deems the claims illegal or not showing satisfactory evidence of title.

4. The Department or any political subdivision of this state is not liable for any trespass or other damage caused by any of those estrays or feral livestock.

Sec. 4. **NRS 569.031 is hereby amended to read as follows:**

569.031 The Department may enter into a cooperative agreement for the ***management,*** control, placement or disposition of the livestock with another agency of this state or with a county, city, town, township, peace officer, poundmaster or nonprofit organization. If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the estray or feral livestock, and any damages for trespass allowed pursuant to NRS 569.440;

2. The disposition of any money received from the sale of the livestock;

3. The protection of the rights of a lawful owner of an estray or feral livestock pursuant to NRS 569.040 to 569.130, inclusive; ~~[and]~~

4. The designation of the specific geographic area of this state to which the cooperative agreement applies~~.]~~ ***; and***

5. The cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

➥ The Department shall annually review the actions of the cooperating person or entity for compliance with the agreement. The Department may cancel the agreement upon a finding of noncompliant actions.

~~[Section 1.]~~ ***Sec. 5.*** NRS 569.040 is hereby amended to read as follows:

569.040 1. Except as otherwise provided in subsection 2, NRS 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~[,]~~ ***for the management, control, placement or disposition of estrays and feral livestock,*** it is unlawful for any person or the person's employees or agents, other than an authorized agent of the Department, to:

(a) Take up any estray or feral livestock and retain possession of it; or

(b) Feed any estray or feral livestock.

2. For a first violation of paragraph (b) of subsection 1, a person must not be cited or charged criminally but must be informed that it is unlawful to feed an estray or feral livestock.

3. For a second or subsequent violation of paragraph (b) of subsection 1, a person is guilty of a gross misdemeanor.

Sec. 6. **NRS 569.080 is hereby amended to read as follows:**

569.080 1. If an estray is not claimed within 5 working days after the last publication of the advertisement required by NRS 569.070, it must be:

(a) Sold by the Department; or

(b) Held by the Department until the estray is given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031 ~~[.]~~ ***for the management, control, placement or disposition of estrays and feral livestock.***

2. If feral livestock is not claimed by the date of sale published pursuant to NRS 569.075, the feral livestock must be sold by the Department pursuant to NRS 569.075 or placed pursuant to ***a cooperative agreement established pursuant to*** NRS 569.031 ~~[.]~~ ***for the management, control, placement or disposition of estrays and feral livestock.***

3. If the Department sells the estray or feral livestock, the Department shall give a brand inspection clearance certificate to the purchaser.

4. Estrays and feral livestock must be marked, branded or identified with an individual animal identification before sale or placement.

Sec. 7. **NRS 569.090 is hereby amended to read as follows:**

569.090 1. Except as otherwise provided pursuant to a cooperative agreement established pursuant to NRS 569.031 **~~[,]~~** ***for the management, control, placement or disposition of estrays and feral livestock,*** the Department shall:

(a) Pay the reasonable expenses incurred in taking up, holding, advertising and selling the estray or feral livestock, and any damages for trespass allowed pursuant to NRS 569.440, from the proceeds of the sale of the estray or feral livestock and shall place the balance in an interest-bearing checking account in a bank or credit union qualified to receive deposits of public money. The proceeds from the sale and any interest on those proceeds, which are not claimed pursuant to subsection 2 within 1 year after the sale, must be deposited in the State Treasury for credit to the Livestock Inspection Account.

(b) Make a complete record of the transaction, including any marks and brands and other means of identification of the estray, and shall keep the record available for inspection by members of the general public.

2. If the lawful owner of the estray or feral livestock is found within 1 year after its sale and proves ownership to the satisfaction of the Department, the net amount received from the sale must be paid to the owner.

3. If any claim pending 1 year after the date of sale is denied, the proceeds and any interest thereon must be deposited in the Livestock Inspection Account.

~~[Sec. 2.]~~ ***Sec. 8.*** NRS 569.130 is hereby amended to read as follows:

569.130 Any person, including, without limitation, any firm, company, association or corporation, who takes up or retains in his or her possession any estray or feral livestock not the person's property, without the owner's consent, or except in accordance with the provisions of NRS 569.040 to 569.130, inclusive, is guilty of a ***gross*** misdemeanor.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 707 to Assembly Bill No. 264.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

The amendment clarifies that the Nevada Department of Agriculture may provide for the management of estray and feral livestock. It authorizes the Department to enter into a cooperative agreement for the management for estray and feral livestock, and clarifies that any such cooperative agreement must provide for the cooperating person or entity to hold the state of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Daly moved that the Assembly do not recede from its action on Amendment No. 691 to Senate Joint Resolution No. 9, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Daly.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bobzien, Carrillo, and Grady as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Joint Resolution No. 9.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 138, 224, 260, 294, 338, 501; Senate Bills Nos. 92, 362, 416, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hummel Elementary School: Kevin Campbell, Kyle Costolo, Andrew Ditter, Kendall Eagar, Stephanie Kaplan, Evan Kasprowicz, Angel Leon, Rylee McCord, Avi McGaughey, Riley McCurray, Alejandra Mendoza, Liann Perez-Odents, Lidberto Rosa, Jersey Tager, Joy Watkins, Cody Clemens, Tristan Hansen, Adam Fuka, Daniel Matinez, E Lise Miller, Ariana Pulestasi-Acosta, Triton Querubin, Alona Sturdivant, and Eduardo Villasana.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Fox and Sandra Doughty.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Empire Elementary School: Xavier Adkins, Anthony Aguilar, Samantha Araiza Chavez, Gabriela Carrasco Solano, Dustin Carter, Roberto Cazares, Gabriel Salas Chadwick, Dylan Clark, Jovita Cortez, Kali Davis, Angelmarie Delgado-Bracamonte, Daniel Espino Cortes, Verenice Garcia, Felix Gimenez, Jorge Hernandez Galvan, Makeyla Mendoza, Jose Munoz, Michael

Oliveira Jr., Mireya Ornelas, Carlos Ortiz-Osty, Diego Quezada Lara, Fernanda Rios, Danny Rojas Nungaray, Alexandria Salciedo, Haylee Sauer, Camille Swanson, Haylie Taddi, Gilbert Vazquez Polanco, Chantel Angel, Isael Arroyo, Hector Avila, Juan Canedo, Tyler Connell, Gary Cortez, Eduardo De Paz-Camacho, Tania Fernandez, Belen Figueroa, Omar Godinez, Cristal Gonzalez, Destiny Hernandez, Randy Herrera, Karla Herrera, Rebekah Lasley, Antonio Madera, Garrette Magana, Karina Mariscal, Lorelie Montez, Alexandra Perez, Rogelio Rocha, Cloe Roman, Malintzy Sanchez, Daniel Silva, Dylan Taylor, Maria Vazquez, Kameron Waldroop, Cody West, Gabriela Avina, Leonardo Barajas-Mejorado, Kaya Burdett-Wanamaker, Kaiya Carlson, Victor Clavel, Junior Cronan, Sebastian Diaz Varela, Mary Giles, Earl Harris, Anthony Hernandez-Galvan, Adrian Lopez-Meraz, Marisol Lopez-Ramos, Lily Martinez Rivera, Alondra Mata Izquierdo, Cesar Medina-Rojas, Alexander Melara, Angel Natividad, Jason Orozco, Piper Roe, Dianna Romero, Sabastian Ruacho, Neftaly Rubio, Blanca Salguero Herrera, Serenity Seslar, Kane Taddi, Rose Thornhill, Jennifer Vargas, and Johnny Zuniga-Santander; and the following students from Bordewich-Bray Elementary School: Meika Adams, Gavin Cerniglia, Ava Covington, Charish Creon, Deanna Duncan, Stacy Ferrel, Amar Foster, Jonathan Francone, Isaac Fuentes, Emily Baird, Adessa Kight, Kyle Campbell, Mia Liao, Owen Lieder, Arturo Mercado, Catelynn Nelson, Varun Pandit, Ruben Perez, Areli Rivera, Johnathan Santora, Wynter Setzer, Andrew Street, Macie Thomas, MacKenzie Wilson, Lauren Winne, Patrick Olvera II, and Zackery Durham.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Koreski and Karina Gonzalez.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Kristen Muth.

Assemblyman Horne moved that the Assembly adjourn until Thursday, May 30, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:09 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 30, 2013

Assembly called to order at 12:39 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Father,

Here we are on our last Thursday of this session. The day is named after the Norse god Thor who was the god of sky and thunder. Well, confined in this building, we haven't seen too much sky, but we have had plenty of thunder!

Lord, we look forward to soon being finished and back in the outdoors and back home. So please give us peace and calm and sanity so we can finish well.

I pray in the Name of the Prince of Peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 430, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 215, 388, 413, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 465; Senate Bills Nos. 487, 519.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 7.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 21, 340, 374, 406, 407, 502, 518.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendments Nos. 724, 845 to Senate Bill No. 27; Assembly Amendment No. 644 to Senate Bill No. 94; Assembly Amendments Nos. 728, 840 to Senate Bill No. 131; Assembly Amendment No. 726 to Senate Bill No. 208; Assembly Amendments Nos. 745, 861 to Senate Bill No. 220; Assembly Amendments Nos. 732, 879 to Senate Bill No. 224; Assembly Amendment No. 680 to Senate Bill No. 229; Assembly Amendment No. 843 to Senate Bill No. 230; Assembly Amendments Nos. 643, 818 to Senate Bill No. 235; Assembly Amendment No. 711 to Senate Bill No. 301; Assembly Amendment No. 747 to Senate Bill No. 314; Assembly Amendments Nos. 782, 824 to Senate Bill No. 319; Assembly Amendment No. 685 to Senate Bill No. 383; Assembly Amendments Nos. 856, 886 to Senate Bill No. 384; Assembly Amendments Nos. 823, 875 to Senate Bill No. 399; Assembly Amendment No. 598 to Senate Bill No. 405; Assembly Amendment No. 663 to Senate Bill No. 414; Assembly Amendment No. 664 to Senate Bill No. 427; Assembly Amendment No. 641 to Senate Bill No. 443; Assembly Amendment No. 687 to Senate Bill No. 478.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 751 to Senate Bill No. 425.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF WAIVER

A Waiver requested by: Speaker Kirkpatrick and Senator Denis.
For: A New BDR No. 32-1246
Revises provisions governing taxation.
To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Wednesday, May 29, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

ASSEMBLYWOMAN MARILYN K. KIRKPATRICK
Speaker of the Assembly

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 14—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2013-2015 biennium.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following members of the Assembly are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Ms. Marilyn Kirkpatrick, Mr. Jason Frierson, Mr. Skip Daly, Mr. Ira Hansen, Mr. Lynn D. Stewart and Mr. Wesley Duncan are designated as the regular Assembly members; Ms. Olivia Diaz and Mr. Elliot T. Anderson are designated as the first and second alternate members, respectively, for Ms. Marilyn Kirkpatrick; Ms. Irene Bustamante Adams and Ms. Dina Neal are designated as the first and second alternate members, respectively, for Mr. Jason Frierson; Ms. Teresa Benitez-Thompson and Mr. Michael Sprinkle are designated as the first and second alternate members, respectively, for Mr. Skip Daly; Mr. Jim Wheeler and Mr. Tom Grady are designated as the first and second alternate members, respectively, for Mr. Ira Hansen; Mr. Peter Livermore and Ms. Michele Fiore are designated as the first and second alternate members, respectively, for Mr. Lynn D. Stewart; and Mr. James Oscarson and Mr. John Ellison are designated as the first and second alternate members, respectively, for Mr. Wesley Duncan.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hickey, Duncan, Hardy, Hambrick, Kirner, Paul Anderson, Ellison, Grady, Livermore, Oscarson and Stewart; Senators Roberson, Kieckhefer, Brower, Hutchison and Hammond (Emergency Request of Assembly Minority Leader):

Assembly Bill No. 504—AN ACT relating to constructional defects; prohibiting a controlling party from seeking indemnification under certain circumstances; revising the definition of "constructional defect"; requiring an attorney to obtain an affidavit from a claimant and file the affidavit with the court under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 505—AN ACT relating to projects of capital improvement; authorizing certain expenditures by the State Public Works Board; levying a property tax to support the Consolidated Bond Interest and Redemption Fund; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 506—AN ACT relating to taxation; revising provisions governing the application of sales and use taxes to food, meals or nonalcoholic drinks provided on a complimentary basis to certain persons; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 3.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 21.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 340.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 374.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 406.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 407.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 487.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 502.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 518.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 519.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 138, as amended, allows a new or expanding business who makes a capital investment in an institution within the Nevada System of Higher Education to receive a partial abatement of taxes on personal property.

If the business meets the eligibility requirements, it may receive a partial abatement of its personal property taxes for five years. The total amount of the abatement received may not exceed 50 percent of the personal property taxes imposed on the business during the period of the abatement or 50 percent of the amount of the capital investment, whichever is less.

Roll call on Assembly Bill No. 138:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 138 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 224 requires the Nevada Department of Education's system of accountability information to include, as funding for this purpose is available, a unique identifier for each student whose parent or guardian is a member of the Armed Forces or the National Guard.

Roll call on Assembly Bill No. 224:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 224 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 260 revises the group of veterans against whom out-of-state tuition cannot be charged.

Roll call on Assembly Bill No. 260:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 260 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 294 provides for the certification of local emerging small businesses by the Office of Economic Development (OED) and sets forth certain criteria for that certification. The measure further requires the OED to post a list of the certified local emerging small businesses on its website and to adopt certain regulations relevant to the certification procedure. The OED must establish an outreach program for local emerging small businesses, goals concerning the participation of local emerging small businesses, a recognition program in cooperation with the Office of the Governor, and submit reports twice per year.

Roll call on Assembly Bill No. 294:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 294 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

This will be the last bill we will hear this session addressing the scourge of human trafficking. Assembly Bill 338 will give resources to educators, school nurses, teachers, and counselors. It will help the Department of Education get needed resources, and it will give law enforcement guidance on how to deal with those who have suffered the scourge of trafficking, including the foreign nationals. It will also require those institutions and corporations that have been deemed a public nuisance to post guidelines and hotlines for those that feel they have been victims of human trafficking. Ladies and gentlemen of this body, you have seen these bracelets before, but I am going to ask you again to be a voice against human trafficking and approve this bill.

Roll call on Assembly Bill No. 338:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 338 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 501. It authorizes the Board of Regents of the University of Nevada to issue not more than $85 million in general obligation bonds of the state of Nevada, funded with a portion of the existing $250 annual slot machine excise tax to finance the planning, improvement, refurbishing, and renovation of the Thomas and Mack Center at the University of Nevada, Las Vegas, and certain capital improvements at the University of Nevada, Reno. I would be happy to stand for any other questions.

Roll call on Assembly Bill No. 501:

YEAS—40.

NAYS—Wheeler.

EXCUSED—Pierce.

Assembly Bill No. 501 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 83.

Bill read third time.

Remarks by Assemblymen Carrillo and Hansen.

ASSEMBLYMAN CARRILLO:

Senate Bill 83 makes various changes to penalties relating to animal fighting. Specifically, the bill increases criminal penalties for willfully procuring or permitting a house, apartment, pit, or other place to be used for animal baiting or animal fighting or knowingly being connected

with such a place; taking action in the furtherance of a fight between animals; owning, possessing, training, promoting, or purchasing an animal with the intent to use it to fight another animal; and selling an animal knowing that it will be used to fight another animal.

Penalties for these actions are increased from a gross misdemeanor to a category E felony for a first offense and from a category E felony to a category D felony for a second offense. A category D felony is already in place for any subsequent offense.

Senate Bill 83 also increases penalties for knowingly attending a fight between animals in an exhibition or for amusement or gain. These penalties are increased from a misdemeanor to a gross misdemeanor for a first offense and from a gross misdemeanor to a category E felony for a second offense. I urge its passage.

ASSEMBLYMAN HANSEN:

I rise in opposition to S.B. 83. In our hearing we found out that there have only been about two cases in the last 20 years where this has actually been brought up. The existing penalty of a gross misdemeanor has been more than adequate to prevent this kind of activity. In our Judiciary Committee, we worked very hard to try to reduce the number of felonies because of the cost to our prison system To now make it a felony for attending something like this is just way overboard. So while I certainly don't support animal cruelty, I think we need to be kind of practical and recognize that the existing law has been completely sufficient. I would urge this body, for fiscal reasons, to vote no.

Roll call on Senate Bill No. 83:

YEAS—28.

NAYS—Bustamante Adams, Diaz, Duncan, Ellison, Fiore, Frierson, Grady, Hansen, Hickey, Livermore, Neal, Stewart, Woodbury—13.

EXCUSED—Pierce.

Senate Bill No. 83 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 92 requires any physician, midwife, or nurse attending or assisting any infant at childbirth at certain obstetric centers or hospitals to examine the infant for critical congenital heart disease. The measure requires the examiner to report any results to the State Health Officer and discuss such results with the parents or other persons responsible for the infant. The measure provides an exception to the examination in the event of written parental objection.

Roll call on Senate Bill No. 92:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 92 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 142 requires the board of trustees of a school district to adopt a policy setting forth the process for evaluating whether certain work on a school building will be performed pursuant to a performance contract and sets forth requirements pertaining to that policy.

Roll call on Senate Bill No. 142:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 142 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 910.

AN ACT relating to education; revising provisions relating to the reporting of incidents of bullying, cyber-bullying, harassment and intimidation by the State Board of Education and the board of trustees of each school district in their respective annual reports of accountability; requiring each public school to disseminate information annually on bullying; revising the definition of "bullying"; revising provisions governing training in the prevention, identification and reporting of bullying and similar conduct; requiring training for administrators in preventing and responding to violence and suicide associated with bullying; requiring notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a safe and respectful learning environment in public schools and prohibits bullying, cyber-bullying, harassment or intimidation. (NRS 388.121-388.139) Existing law also requires the board of trustees of each school district to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) In addition, existing law requires the Superintendent of Public Instruction to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355)

Section 11.5 of this bill eliminates these reporting requirements, and **sections 1 and 2** of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)

Section 3 of this bill requires each public school to disseminate information on bullying and the facilitation of positive relations among pupils during the annual "Week of Respect" proclaimed by the Governor.

Section 4.5 of this bill revises the definition of bullying to include: (1) only repeated acts or conduct; and (2) acts or conduct that exploit an imbalance in power.

Sections 5-7 of this bill revise various provisions governing the training of all administrators, principals, teachers and other school employees on the subject of bullying, cyber-bullying, harassment and intimidation. Existing law requires the Department of Education to prescribe a policy for such training. (NRS 388.133) **Section 5** requires the policy to encompass members of the boards of trustees of school districts and provide for training in methods to prevent, identify and report incidents of bullying and similar conduct. Existing law also requires the board of trustees of each school district to adopt the training policy prescribed by the Department and provide the appropriate training to employees of the district. (NRS 388.134) **Section 6** requires the members of the board of trustees to receive this training and requires that newly elected trustees and new employees of the school district receive the training within 180 days after the beginning of their term of office or their employment, as applicable. Existing law requires the Department to recommend certain programs of training in this area for members of the boards of trustees of school districts and school employees. (NRS 388.1342) **Section 7** requires the Department to establish these programs and a program to train administrators in the prevention of and response to violence and suicide associated with bullying and similar conduct. **Section 7** also requires each administrator to complete this training: (1) within 90 days after becoming an administrator; (2) at least once during any school year in which the training is revised or updated; and (3) at least once every 3 years otherwise.

Section 8 of this bill provides that a principal, or his or her designee, who receives a report of bullying, cyber-bullying, harassment or intimidation must give notice of the report to the parent or legal guardian of each pupil involved in the incident that is the subject of the report.

Existing law provides immunity from liability for a pupil, school employee or volunteer who reports an incident of bullying, cyber-bullying, harassment or intimidation unless he or she acts with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137) Where such a malicious, intentional or grossly negligent

report is made, **section 11** of this bill authorizes disciplinary action against the pupil or other person making the report.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) ***For each school district, including, without limitation, each charter school in the district, and for this State as a whole:***

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying, cyber-bullying, harassment or intimidation after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.]~~ ***; and***

~~[(3)]~~ ***(4) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.***

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; ~~[and]~~

(6) Governing body of each charter school ~~[.]~~ ***; and***

(7) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (ii) of subsection 1.

5. Upon the request of the Governor, ***the Attorney General,*** an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as

long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) ***For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:***

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying, cyber-bullying, harassment or intimidation after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~[, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.]~~ ***; and***

~~[(3)]~~ ***(4) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.***

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are

absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; ~~[and]~~

(5) Bureau ~~[.]~~ ***; and***

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (gg) of subsection 2.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public

dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, ***the Attorney General,*** an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation;

2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying, cyber-bullying, harassment and intimidation.

Sec. 4. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person ~~[one time or]~~ repeatedly

and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. ***Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;***

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~[3.]~~ ***4.*** Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 5. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying, cyber-bullying, harassment and intimidation.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train ***members of the board of trustees and all*** administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils ~~[without]~~ ***by eliminating*** the use of bullying, cyber-bullying, harassment and intimidation so that pupils may realize their full academic and personal potential;

(2) ***Training in methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools;***

(3) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~[(3)]~~ ***(4)*** Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 6. NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each

expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of ***members of the board of trustees and*** all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. ***For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.***

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 7. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) ~~[~~Recommend~~]~~ ***Establish*** a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) ~~[~~Recommend~~]~~ ***Establish*** a program of training for school district ***and charter school*** personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive ~~[.]~~ ***, and section 3 of this act.***

(d) Establish a program of training for administrators in the prevention of violence and suicide associated with bullying, cyber-bullying,

harassment and intimidation in public schools and appropriate methods to respond to incidents of violence or suicide.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. ~~[Each]~~ ***Except as otherwise provided in NRS 388.134, each*** member of a board of trustees of a school district ~~[may]~~ ***shall, within 1 year after the member is elected or appointed to the board of trustees,*** complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools ~~[recommended]~~ ***established*** pursuant to paragraph (b) of subsection 1 and ~~[may]~~ undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each ***administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:***

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established ~~[and recommended]~~ pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

~~[5.]~~ ***6.*** The board of trustees of a school district may allow school district personnel to attend the program ~~[recommended]~~ ***established*** pursuant to paragraph (c) ***or (d)*** of subsection 1 during regular school hours.

~~[6.]~~ ***7.*** The Department shall review each program of training established ~~[and recommended]~~ pursuant to subsection 1 on an annual basis to ensure that the program contains current information ***.*** ~~[concerning the prevention of bullying, cyber-bullying, harassment and intimidation.]~~

Sec. 8. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. ***The principal or the designee shall provide written notice of a reported***

violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 388.137 is hereby amended to read as follows:

388.137 ***1.*** No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If a principal determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 11.5. NRS 388.1353 and 388.1355 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.

1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General. The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.

2. On or before October 1 of each year, submit the written compilation to the Attorney General.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 362.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Senate Bill 362 prescribes certain provisions for health care facilities with more than 70 beds that are located in a county whose population is 100,000 or more.

The measure prohibits a medical facility from retaliating or discriminating against a CNA or licensed nurse who requests to be relieved of, refuses, or objects to a work assignment. This bill also requires the Health Division of the Department of Health and Human Services to adopt necessary regulations to carry out certain provisions of the bill and to ensure general compliance with those provisions. Finally, it allows the Division to enforce the requirements of the measure as part of its existing inspection process.

I just want to say that I think this is a very important step forward in ensuring that we have made clear the minimum standard for staffing for nursing personnel—RNs, LPNs, and certified nursing assistants—in our hospitals, and this is an important move to protect the safety of patients in Nevada facilities.

Roll call on Senate Bill No. 362:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 362 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblymen Horne and Hickey.

ASSEMBLYMAN HORNE:

Senate Bill 416 clarifies that a "restricted license" or "restricted operation" means a state gaming license for the operation of not more than 15 slot machines and which does not include a race book or sports pool. The measure clarifies that the acceptance and payment of wagers and transactions, in person or through mechanical means such as a kiosk or similar device, are considered with the operation of a race book and sports pool, and the measure requires that a separate license be obtained for each location at which such an operation is conducted. The measure also clarifies that the exception to having a single license at one establishment applies only to these nonrestricted licenses at an establishment with 16 or more slot machines or at an establishment with any number of slot machines together with any other game, gaming device, race book, or sports pool.

The measure provides that in a county whose population is 100,000 or more, a restricted license may only be granted at certain establishments if it contains a minimum of 2,500 square feet of space available for patrons; a permanent, physical bar; and a restaurant that meets certain requirements.

Section 4 of the bill amends subsection 3 of NRS 463.245 and authorizes a person who is licensed to operate a sports pool or race book at a gaming establishment to operate at a second establishment if the second establishment is operated by a nonrestricted licensee. This provision should not be construed as limiting the person licensed to operate a sports pool or race book to just two locations. In drafting, the word "second" was substituted for the word "another," only to maintain consistency within the sentence. I urge your support.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 416. One of the concerns I had when I first read the bill was the impression that it might inhibit small business owners' ability to sell or transfer their business. I understand it has been made clear by LCB that there is not a provision in this bill that would require an existing business to add a kitchen or meet the 2,500 square foot requirement upon sale or transfer of the business. Therefore, I am confident that the standards set forth in this bill do nothing to harm a person's ability to transfer his or her property. I urge this body's support.

Roll call on Senate Bill No. 416:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 416 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 1:28 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 215, 388, 413, and 425, just reported out of committee, be placed at the top of the General File.
Motion carried.

Assemblyman Horne moved that Assembly Bill No. 488; Senate Bill No. 44; Senate Joint Resolution No. 8, just reported out of committee, be placed on the Second Reading File.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:
Assembly Bill No. 507—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2013-2015 biennium; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.
Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 215.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 892.
AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

~~[Sections]~~ **Section 8** ~~[and 14]~~ of this bill ~~[require]~~ **requires** the State Board of Health to adopt regulations ~~[on or before October 1, 2014,]~~ concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. ~~[Section 3 of this bill defines "graywater" to mean wastewater that: (1) is collected separately from sewage; (2) originates from a clothes washer or a bathroom tub, shower or sink; and (3) does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.]~~ **Section 4** of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Section 8 provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater system. **Section 8** allows issuance of such a permit only if certain requirements are met. Finally, **section 8** provides that local governments may not prohibit the use of such graywater systems.

Section 10 of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

Section 13 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) **Section 13** also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in NRS 444.650 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~*[“Graywater” means wastewater that:*~~

~~*1. Is collected separately from sewage;*~~

~~*2. Originates from a clothes washer or a bathroom tub, shower or sink; and*~~

~~*3. Does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.]*~~ **(Deleted by amendment.)**

Sec. 4. *“Graywater system” means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.*

Sec. 5. *“Recycled water” means water that has been used and subsequently treated to make it suitable for use again.*

Sec. 6. ~~*[1. “Residential individual system for the disposal of sewage” means an individual system for the disposal of sewage from a parcel or other unit of real property or unit of personal property, including all structures thereon, that is zoned for use by single-family residences.*~~

~~*2. The term does not include a graywater system.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[“Single family residence” means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.]*~~ **(Deleted by amendment.)**

Sec. 8. *1. The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.*

2. Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations adopted pursuant to those provisions.

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;

(c) ~~[The graywater system is located outside the boundaries of a floodplain;~~

~~(d)]~~ The graywater is vertically separated from and at least ~~[5]~~ 4 feet above the groundwater table;

~~[(e)]~~ (d) All piping for the graywater is clearly identified as containing nonpotable water;

~~[(f)]~~ (e) The graywater is used on the site where it is generated and does not run off the property;

~~[(g)]~~ (f) The graywater is applied in a manner that ~~[minimizes the potential for]~~ prevents contact with people or domestic pets;

~~[(h)]~~ (g) The application of the graywater is managed to ~~[minimize]~~ prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

~~[(i)]~~ (h) The graywater is ~~[not sprayed;~~

~~(j)]~~ discharged below the surface of the ground;

(i) The graywater is not discharged into a natural watercourse; and

~~[(k)]~~ (j) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations adopted pursuant to those provisions.

5. A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having

jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.

Sec. 9. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for ***the*** disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for ***the*** disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 10 of this act*** and any regulations adopted pursuant to those provisions.

~~[4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single family residential use.]~~

Sec. 10. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a graywater system if the person has obtained a permit that meets the requirements of section 8 of this act.

2. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 11. NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, ***and section 10 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

Sec. 12. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 10 of this act,*** including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, ***and section 10 of this act*** to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~[.]~~ ***, and section 10 of this act.***

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, ***and section 10 of this act,*** the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.

2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest

community must comply with the provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act.

3. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 14. ~~[Notwithstanding the provisions of section 8 of this act, the State Board of Health shall adopt the regulations required pursuant to section 8 of this act on or before October 1, 2014.]~~ **(Deleted by amendment.)**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 893.

SUMMARY—Revises provisions relating to renewable energy **.** ~~[systems.]~~ (BDR 58-517)

AN ACT relating to renewable energy; ~~[authorizing the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant to certain businesses partial abatements of certain property taxes and local sales and use taxes imposed on certain renewable energy systems; revising provisions governing net metering;]~~ **revising provisions governing certain energy-related tax incentives; revising provisions governing portfolio energy systems; revising provisions governing jurisdiction of the courts of this State with respect to certain claims or actions relating to certain renewable energy projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 9 of this bill authorizes a person who intends to locate a new business in this State to apply to the Director of the Office of Energy for a partial abatement of certain property taxes and local sales and use taxes imposed on certain renewable energy systems which are installed on the property of the business and which are for the purpose of supplying all or a part of the electricity requirements of the new business. Section 9 requires the Director to hold a public hearing concerning each application. Section 10 of this bill requires the Director to consult with the Office of Economic Development and to make certain determinations before approving any application. Section 11 of this bill sets forth the duration and maximum amount of the partial abatements.~~

~~— Existing law provides generally that a renewable energy system does not qualify as a net metering system if the system exceeds a generating capacity of 1 megawatt. (NRS 704.771) Section 15 of this bill authorizes the Director, in consultation with the Office of Economic Development, to make a determination that a renewable energy system for which a partial abatement has been approved pursuant to sections 2-16 of this bill is deemed to be a net metering system regardless of the generating capacity of the system. Section 17 of this bill revises certain other provisions governing net metering to provide that excess electricity which is generated by a net metering system and fed back to the utility must be credited to the customer-generator based on the value of the electricity under the otherwise applicable rate or time-of-use rate charged by the utility rather than the number of kilowatt-hours of excess electricity generated by the customer-generator.]~~ **Existing law provides for the partial abatement of certain taxes for certain renewable energy facilities. (NRS 701A.300-701A.390) Section 3 of this bill removes the requirement that an application for a partial abatement of certain taxes for certain geothermal facilities be approved by the board of county commissioners before the application can be approved by the Director of the Office of Energy.**

Under existing law, a provider of electric service is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure for the purpose of satisfying the renewable portfolio standard of the provider. (NRS 704.78215) Section 4 of this bill revises provisions governing the calculation of the portfolio energy credits attributable to certain portfolio energy systems.

Section 5 of this bill clarifies that a court of this State has jurisdiction over a claim or action relating to a renewable energy project located upon certain Indian tribal land under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 19 of this bill and replace with the following new sections 1 through 5:

Section 1. **NRS 701A.340 is hereby amended to read as follows:**

701A.340 1. "Renewable energy" means:

(a) Biomass;

(b) Fuel cells;

(c) ***Geothermal energy;***

(d) Solar energy;

~~[(d)]~~ ***(e)*** Waterpower; or

~~[(e)]~~ ***(f)*** Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel ~~[, geothermal energy]~~ or nuclear energy.

Sec. 2. **NRS 701A.360 is hereby amended to read as follows:**

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy ~~[, a facility for the generation of electricity from geothermal resources]~~ or a facility for the transmission of electricity produced from renewable energy ~~[or geothermal resources]~~ in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 3. **NRS 701A.365 is hereby amended to read as follows:**

701A.365 1. ~~[Except as otherwise provided in subsection 2, the]~~ ***The*** Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Director, which must be

at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction,

including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. ~~[The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or~~

~~deny the application within 30 days after the board receives the application, the application shall be deemed denied.~~

~~— 3.~~ Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

~~[4.]~~ ***3.*** The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

~~[5.]~~ ***4.*** The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 4. **NRS 704.78215 is hereby amended to read as follows:**

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this subsection, the amount of any electricity used by a portfolio energy system for its basic operations does not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine.

Sec. 5. **Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A court of this State has jurisdiction pursuant to subsection 1 of NRS 14.065 with respect to any claim or action relating to a renewable energy project located upon Indian tribal land if:

(a) The Indian tribe occupying the tribal land has a reservation of not less than 60,000 acres;

(b) The Indian tribal land is located in a county whose population is 700,000 or more; and

(c) The governing body of the Indian tribe has expressly waived its sovereign immunity with respect to such claim or action in a written agreement, contract or other instrument which expressly states that the terms of the agreement, contract or other instrument must be governed by the applicable laws of this State.

2. As used in this section, "renewable energy project" means a project for the construction or installation of a facility for the generation of renewable energy, as defined in NRS 701.070.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 413.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 895.

AN ACT relating to taxation; authorizing certain larger counties to impose additional taxes on fuels for motor vehicles; **providing for the imposition by the State of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in this State; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; requiring the Department of Motor Vehicles to adopt regulations establishing a system for the reimbursement and repayment of any amounts owed pursuant to certain cooperative agreements;** providing for the administration, allocation, disbursement and use of the additional taxes; removing the exemption for the sale of revenue bonds secured by county fuel taxes from certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) **Section ~~[1]~~ 1.1** of this bill authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Section ~~[1]~~ 1.1** also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2014, and ending on December 31, 2016, in an amount equal to the lesser of: (1) a percentage established by the ordinance imposing the tax; or (2) a percentage based on historical increases in the cost of highway and street construction. **Section ~~[1]~~ 1.1** additionally provides that for the period beginning on January 1, 2017 **~~[, the]~~ : (1) the board of county commissioners must not impose any additional increases in certain taxes authorized by that section; and (2)** increases in **~~[these]~~ the remainder of the** taxes **authorized by that section** may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases.

Upon approval by a majority of the voters in the State at the general election in November 2016, section 1.2 of this bill requires the State to impose additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles. Section 1.2 also authorizes the Legislature to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. Section 1.2 additionally provides that for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the State at the general election in November 2026 authorize the Legislature to continue to provide for the annual increases.

Upon approval by a majority of the voters in any county, other than Washoe County or, under certain circumstances, Clark County, at the general election in November 2016, section 1.3 of this bill requires the board of county commissioners of the county to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. Section 1.3 also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. Section 1.3 additionally provides that for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in

November 2026 authorize the board of county commissioners to continue to provide for the annual increases.

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) Sections 1.7-1.9 of this bill require the Department to adopt regulations establishing a system for the reimbursement and repayment of any amounts owed pursuant to the International Fuel Tax Agreement as a result of any additional taxes authorized or required by this bill.

Sections ~~[~~2~~]~~ 2-2.7 and ~~[~~4-11~~]~~ 4-11.3 of this bill require the administration, allocation, disbursement and use of these taxes in the same manner as certain existing fuel taxes. Additionally, ~~[~~section 2 requires~~]~~ **sections 2-2.7 require** the annual review of these taxes by the regional transportation commission.

~~[~~Section 3~~]~~ **Sections 3-3.9** of this bill ~~[~~applies~~]~~ **apply** the current exemptions from fuel taxes to the taxes authorized by this bill, other than the exemption for certain undyed special fuel which is sold or used for any purpose other than to propel a motor vehicle upon the public highways.

Section 11.5 of this bill revises provisions of existing law to remove the exemption for the sale of revenue bonds that are secured by county fuel taxes from various requirements concerning the sale of bonds by competitive bid or negotiated sale.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto ~~[~~a new section to read as follows:~~]~~ **the provisions set forth as sections 1.1 to 1.9, inclusive, of this act.**

Sec. 1.1. 1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the

tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the

tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street

construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. If the board adopts an ordinance authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

(a) Must be adopted ~~[on or]~~ before October 1, 2013;

(b) Must become effective on January 1, 2014; and

(c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in

subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017 [, the] :

(1) The board shall not impose any additional annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance.

(2) The annual increases in the taxes authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 and imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by [this section] paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in [the] such taxes imposed by the ordinance [in effect] on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by [the] such taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.2. 1. In addition to any other tax imposed pursuant to chapter 365 or 366 of NRS:

(a) There is hereby imposed:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in this State in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in this State in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in this State in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in this State in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) There is hereby imposed:

(1) An excise tax on each gallon of special fuel sold in this State, other than any special fuel described in paragraph (b), (c) or (d), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. The applicable percentage for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 3, the Legislature may amend the applicable percentage from time to time, but any such amendment must not become effective earlier than 90 days after the date of the action by the Legislature amending the applicable percentage. Except as otherwise provided in section 1.5 of this act, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

3. For the period:

(a) Beginning on January 1, 2017, and ending on December 31, 2026, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section.

(b) Beginning on January 1, 2027, the annual increases in the taxes imposed by this section must not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in this State whether to authorize the Legislature to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by this section and the question is approved by a majority of the registered voters in this State voting on the question. If the question is approved by a majority of such voters, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section. If the question is not approved by a majority of such voters, the Legislature shall not impose any additional annual increases in the taxes imposed by this section after November 3, 2026, but any annual increases in the taxes imposed by this section in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by this section.

4. All money received from the taxes imposed pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable

percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the Legislature in any act amending the applicable percentage of a tax imposed pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the Legislature.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.3. 1. In addition to any other tax imposed pursuant to this chapter:

(a) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each

fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or

the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (f) or (g), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. Upon the adoption of the ordinance required by subsection 1, and except as otherwise provided in subsection 4, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed by the board pursuant to this section. Except as otherwise provided in subsection 4, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become

effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

4. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2017, and ending on December 31, 2026, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2027, the annual increases in the taxes imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters in the county voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 3, 2026, but any annual increases in the taxes imposed by the ordinance in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by the ordinance.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.5. 1. Except as otherwise provided in subsection 2, any continuing increases in any taxes imposed pursuant to section 1.2 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations which are secured by the taxes imposed pursuant to section 1.2 of this act are issued or incurred, but the taxes imposed pursuant to section 1.2 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

2. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.2 of this act, the Legislature may, except as otherwise provided in paragraph (b) of subsection 3 of section 1.2 of this act:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.2 of this act beyond June 30 of the fiscal year that is 5 full fiscal

years after bonds or other obligations secured by the taxes imposed pursuant to section 1.2 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the action by the Legislature authorized by this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.2 of this act have been paid in full.

(b) Specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of any action of the Legislature authorized by this subsection; and

(3) The effective date of any action by the Legislature reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.2 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of any action by the Legislature authorized by paragraph (a).

3. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.2 of this act.

Sec. 1.7. The Department shall adopt regulations establishing a system to provide for the reimbursement and repayment of any amounts owed by any person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax pursuant to NRS 373.066 or section 1.1 of this act. The system established by the Department:

1. Must provide that any reimbursement of any amounts owed to any person pursuant to an agreement entered into pursuant to NRS 366.175 be paid from only money received by a county pursuant to any tax imposed pursuant to NRS 373.066 or section 1.1 of this act; and

2. Must not be administered in a manner that directly or indirectly impairs adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter.

Sec. 1.8. The Department shall adopt regulations establishing a system to provide for the reimbursement and repayment of any amounts owed by any person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax pursuant to NRS 373.066 or section 1.1 or 1.3 of this act. The system established by the Department:

1. Must provide that any reimbursement of any amounts owed to any person pursuant to an agreement entered into pursuant to NRS 366.175 be

paid from only money received by a county pursuant to any tax imposed pursuant to NRS 373.066 or section 1.1 or 1.3 of this act; and

2. Must not be administered in a manner that directly or indirectly impairs adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter.

Sec. 1.9. The Department shall adopt regulations establishing a system to provide for the reimbursement and repayment of any amounts owed by any person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax pursuant to NRS 373.066 or section 1.3 of this act. The system established by the Department:

1. Must provide that any reimbursement of any amounts owed to any person pursuant to an agreement entered into pursuant to NRS 366.175 be paid from only money received by a county pursuant to any tax imposed pursuant to NRS 373.066 or section 1.3 of this act; and

2. Must not be administered in a manner that directly or indirectly impairs adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter.

Sec. 2. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section ~~[1]~~ 1.1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 ***or paragraph (b) of subsection 1 of section ~~[1]~~ 1.1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 ***or paragraph (c) of subsection 1 of section ~~[1]~~ 1.1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section ~~[1]~~ 1.1 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section ~~[1]~~ 1.1 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 2.3. **NRS 373.067 is hereby amended to read as follows:**

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066**,** ***paragraph (a) of subsection 1 of section 1.1 of this act or paragraph (a) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066**,** ***paragraph (b) of subsection 1 of section 1.1 of this act or paragraph (b) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066**,** ***paragraph (c) of subsection 1 of section 1.1 of this act or paragraph (c) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section 1.1 or 1.3 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section 1.1 or 1.3 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 2.7. **NRS 373.067 is hereby amended to read as follows:**

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 ***or paragraph (b) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 ***or paragraph (c) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section 1.3 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section 1.3 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 3. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (a) to (f), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (g) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** does not apply to any sales or uses described in NRS 366.200, except to

any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section ~~[1]~~ 1.1 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.1. **NRS 373.068 is hereby amended to read as follows:**

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 **,** ***paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act, paragraph (a) of subsection 1 of section 1.2 of this act or paragraphs (a) to***

(e), inclusive, of subsection 1 of section 1.3 of this act does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 , ***paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act, paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1, 1.2 or 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to

that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.2. **NRS 373.068 is hereby amended to read as follows:**

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066**,** ***paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act or paragraph (a) of subsection 1 of section 1.2 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066**,** ***paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1 or 1.2 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.3. **NRS 373.068 is hereby amended to read as follows:**

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066**, *paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (a) to (e), inclusive, of subsection 1 of section 1.3 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066**, *paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1 or 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of

subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.5. **NRS 373.068 is hereby amended to read as follows:**

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066**, *paragraph (a) of subsection 1 of section 1.2 of this act or paragraphs (a) to (e), inclusive, of subsection 1 of section 1.3 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066**, *paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.2 or 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to

that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.7. **NRS 373.068 is hereby amended to read as follows:**

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section 1.2 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.2 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of

subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.9. **NRS 373.068 is hereby amended to read as follows:**

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (a) to (e), inclusive, of subsection 1 of section 1.3 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 4. NRS 373.070 is hereby amended to read as follows:

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or 373.066, ***or section ~~[1]~~ 1.1 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 4.3. **NRS 373.070 is hereby amended to read as follows:**

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or 373.066, ***or section 1.1 or 1.3 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 4.7. **NRS 373.070 is hereby amended to read as follows:**

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or 373.066, ***or section 1.3 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 5. NRS 373.080 is hereby amended to read as follows:

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section ~~[1]~~ 1.1 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 5.3. **NRS 373.080 is hereby amended to read as follows:**

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the

terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section 1.1 or 1.3 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 5.7. **NRS 373.080 is hereby amended to read as follows:**

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section 1.3 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 6. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 ***or paragraph (a), (b) or (c) of subsection 1 of section ~~[1]~~ 1.1 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 6.3. **NRS 373.110 is hereby amended to read as follows:**

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of

NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065**, ~~[or]~~** paragraph (a), (b) or (c) of subsection 1 of NRS 373.066***, paragraph (a), (b) or (c) of subsection 1 of section 1.1 of this act or paragraph (a), (b) or (c) of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 6.7. **NRS 373.110 is hereby amended to read as follows:**

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066***, or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.066***, or paragraph (a), (b) or (c) of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 7.3. **NRS 373.119 is hereby amended to read as follows:**

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 7.7. **NRS 373.119 is hereby amended to read as follows:**

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 8. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but

the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section ~~[1]~~ 1.1 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section ~~[1]~~ 1.1 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section ~~[1]~~ 1.1 of this act are issued or incurred, but the taxes imposed pursuant to section ~~[1]~~ 1.1 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section ~~[1]~~ 1.1 of this act, the board may, except as otherwise provided in subsection 5 of section ~~[1]~~ 1.1 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section ~~[1]~~ 1.1 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section ~~[1]~~ 1.1 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section ~~[1]~~ 1.1 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section ~~[1]~~ 1.1 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 6 of section ~~[1]~~ 1.1 of this act.

Sec. 8.1. **NRS 373.120 is hereby amended to read as follows:**

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1, 1.2 or 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 or 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but the taxes imposed pursuant to section 1.1 or 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 or 1.3 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of

this act or subsection 4 of section 1.3 of this act, as applicable, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage":

(a) With regard to any tax imposed pursuant to section 1.1 of this act, has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

(b) With regard to any tax imposed pursuant to section 1.3 of this act, has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 8.2. **NRS 373.120 is hereby amended to read as follows:**

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1 or 1.2 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 or 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred, but the taxes imposed pursuant to section 1.1 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

Sec. 8.3. **NRS 373.120 is hereby amended to read as follows:**

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1 or 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 or 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but the taxes imposed pursuant to section 1.1 or 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 or 1.3 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of this act or subsection 4 of section 1.3 of this act, as applicable, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage":

(a) With regard to any tax imposed pursuant to section 1.1 of this act, has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

(b) With regard to any tax imposed pursuant to section 1.3 of this act, has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 8.5. **NRS 373.120 is hereby amended to read as follows:**

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any

county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.2 or 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but the taxes imposed pursuant to section 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.3 of this act, the board may, except as otherwise provided in subsection 4 of section 1.3 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.3 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 8.7. **NRS 373.120 is hereby amended to read as follows:**

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.2 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

Sec. 8.9. **NRS 373.120 is hereby amended to read as follows:**

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations

for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but the taxes imposed pursuant to section 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.3 of this act, the board may, except as otherwise provided in subsection 4 of section 1.3 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.3 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 9. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other

revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act,*** issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***,*** ~~[;]~~ ***paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;***

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as

the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 ***and paragraphs (a) and (b) of subsection 1 of section ~~[1]~~ 1.1 of this act*** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the

issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 9.3. **NRS 373.131 is hereby amended to read as follows:**

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized ***or required*** by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065**,** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated

receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065**_ ,** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066**_** ~~[.]~~ ***_ and paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;_***

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by

or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065**,** ~~[and]~~ paragraphs (a) and (b) of subsection 1 of NRS 373.066**,** ***paragraphs (a) and (b) of subsection 1 of section 1.1 of this act and paragraphs (a) and (b) of subsection 1 of section 1.3 of this act*** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions

relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 9.7. **NRS 373.131 is hereby amended to read as follows:**

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized ***or required*** by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ~~[,]~~ ***and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;***

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 ***and paragraphs (a) and (b) of subsection 1 of section 1.3 of this act*** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums

due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 10. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~1~~ 1.1 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 10.3. **NRS 373.140 is hereby amended to read as follows:**

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065**,** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065**,** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the

performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066**, *paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 10.7. **NRS 373.140 is hereby amended to read as follows:**

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 11. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***and paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act,*** excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***and paragraphs (d) to (m), inclusive, of subsection 1 of section ~~[1]~~ 1.1 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance

or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.1. **NRS 373.160 is hereby amended to read as follows:**

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 , ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other

securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.3. **NRS 373.160 is hereby amended to read as follows:**

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from

the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.5. NRS 350.155 is hereby amended to read as follows:

350.155 1. Except as otherwise provided in subsection 2, a municipality shall sell the bonds it issues by competitive bid if the credit rating for the bonds or any other bonds of the municipality with the same security, determined without regard to insurance for the bonds or any other independent enhancement of credit, is rated by a nationally recognized rating service as "A-," "A," "AA," "AAA," or their equivalents, 90 days before and on the day the bonds are sold and:

(a) The bonds are general obligation bonds;

(b) The primary security for the bonds is an excise tax; or

(c) The bonds are issued pursuant to chapter 271 of NRS and are secured by a pledge of the taxing power and the general fund of the municipality.

2. The provisions of subsection 1 and NRS 350.175 and 350.185 do not apply to:

(a) Any bond which is issued with a variable rate of interest.

(b) A bond issue whose principal amount is $1,000,000 or less.

(c) A bond issue with a term of 3 years or less.

(d) A bond issue for which an invitation for competitive bids was issued and for which no bids were received or all bids were rejected.

(e) Leases, contracts for purchase by installment and certificates of participation if the obligations of the municipality thereunder will terminate when the municipality fails to appropriate money to pay that obligation for the next fiscal year.

(f) Economic development revenue bonds issued pursuant to the city economic development revenue bond law or the county economic development revenue bond law.

(g) Bonds sold by the municipality to:

(1) The United States or any agency or instrumentality thereof;

(2) The State of Nevada;

(3) Any other municipality; or

(4) Not more than 10 investors, each of whom certifies that he or she:

(I) Has a net worth of $500,000 or more; and

(II) Is purchasing for investment and not for resale.

(h) Bonds which require unusual methods of financing, if the chief administrative officer of the municipality certifies in writing that the proposed method of financing:

(1) Has not been used previously by any municipality in this state; and

(2) May provide a substantial benefit to the municipality.

(i) Refunding bonds, if the chief administrative officer of the municipality certifies in writing that the use of a negotiated sale may provide a substantial benefit to the municipality which would not be available if the bonds were sold by competitive bid.

(j) Bonds which are sold at a time when, because of particular conditions in the market, a negotiated sale may provide a benefit to the municipality which would not be available if the bonds were sold by competitive bid, if the chief administrative officer of the municipality so certifies in writing.

(k) Bonds which are issued pursuant to chapter 271 of NRS and are not secured by a pledge of the taxing power and general fund of the municipality.

(l) Revenue bonds which are issued pursuant to chapter 350A of NRS and are secured by a pledge of the allocable local revenues of the municipality.

~~[(m) Revenue bonds which are sold pursuant to chapter 373 of NRS.]~~

3. The certificate required by paragraph (h) of subsection 2 must specifically describe the proposed method of financing. The certificate required by paragraph (i) of subsection 2 must specifically describe the circumstances that may provide a substantial benefit if the refunding bonds are negotiated. The certificate required by paragraph (j) of subsection 2 must specifically describe the particular conditions in the market which indicate that a negotiated sale of the bonds may provide a benefit to the municipality. Each certificate required pursuant to subsection 2 must be submitted to the governing body of the municipality at a regularly scheduled meeting of that body and include:

(a) The estimated amount of the benefit which will accrue to the municipality.

(b) If the municipality has a financial adviser, a written report prepared by that financial adviser which specifically describes the method of sale which will be used for the proposed financing.

4. A copy of:

(a) The certificate required by paragraph (h), (i) or (j) of subsection 2; and

(b) The report required pursuant to subsection 3,

➥ must be filed with the debt management commission of the county where the municipality is located, the county clerk and the Department of Taxation. Before entering into a contract to sell bonds, at least two-thirds of the members of the governing body of the municipality must approve the certificate.

5. If a municipality is required to sell the bonds it issues by competitive bid pursuant to the provisions of this section, it must cause an invitation for competitive bids, or notice thereof, to be published before the date of the sale in the daily or weekly version of the Bond Buyer, published at One State Street Plaza in New York City, New York, or any successor publication.

6. As used in this section, "invitation for competitive bids" means a process by which sealed bids or the reasonable equivalent thereof, as approved by the governing body of a municipality, are solicited, received and publicly opened at a specified time, place and date.

Sec. 12. **If an ordinance authorized by section 1.1 of this act is not adopted before October 1, 2013:**

1. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State which asks the voters whether to authorize the State to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.2 of this act and the increases in those taxes authorized by that section.

2. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Washoe County, which asks the voters in the county whether to authorize the board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.3 of this act and the additional annual increases in those taxes authorized by that section.

Sec. 13. **If an ordinance authorized by section 1.1 of this act is adopted before October 1, 2013:**

1. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State which asks the voters whether to authorize the State to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized

by section 1.2 of this act and the increases in those taxes authorized by that section.

2. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Clark County and Washoe County, which asks the voters in the county whether to authorize the board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.3 of this act and the additional annual increases in those taxes authorized by that section.

~~[Sec. 12.]~~ ***Sec. 14.*** **1.** This **section and sections 1, 1.1, 1.7, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 11.5 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Section 12 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.

3. Section 13 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013.

4. Sections 1.2, 1.5, 3.2 and 8.2 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.

5. Sections 1.2, 1.3, 1.5, 1.8, 2.3, 3.1, 4.3, 5.3, 6.3, 7.3, 8.1, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

6. Sections 1.3, 1.8, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is not approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

7. Sections 1.2, 1.5, 3.7 and 8.7 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.

8. Sections 1.2, 1.3, 1.5, 1.9, 2.7, 3.5, 4.7, 5.7, 6.7, 7.7, 8.5, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

9. Sections 1.3, 1.9, 2.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.9, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is

not approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

10. Sections 1.1, 1.7, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act expire by limitation on October 1, 2013, if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 425.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 914.

AN ACT relating to insurance; establishing certification provisions for certain enrollment facilitators by the Commissioner of Insurance; **revising provisions relating to federal law and to conform with federal law; revising provisions relating to the general tax on insurance premiums; revising provisions relating to public inspection of information filed with the Commissioner; revising provisions relating to dental insurance;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-26 of this bill establish certification provisions for exchange enrollment facilitators, who will be certified by the Commissioner of Insurance and appointed as navigators or assisters by the Silver State Health Insurance Exchange as part of the requirement that the Exchange implement a state-based health insurance exchange pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152. (NRS 695I.210) **Section 119** of this bill repeals numerous sections of the Nevada Insurance Code (Title 57 of NRS) to conform to the federal acts, and **sections 27-118** of this bill **generally** make conforming changes based on **the federal acts and on** the repeal of those sections **[.] of NRS.**

Section 31.5 of this bill revises a credit which may be used against an insurer's liability for the general tax on insurance premiums imposed pursuant to NRS 680B.027. Sections 32.1 and 32.8 of this bill revise

provisions relating to contracts for coverage for dental care which are sold to small employers. Section 32.5 of this bill limits, for specified periods, public inspection of certain information filed with the Commissioner of Insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Appointment" means a contract, agreement or other arrangement under which a person may act on behalf of the Exchange as an assister, navigator or any other designation authorized or required by the Federal Act.***

Sec. 3. ***"Assister" has the meaning ascribed to it by regulations adopted by the Board of Directors of the Exchange pursuant to NRS 695I.370.***

Sec. 4. ***"Exchange" means the Silver State Health Insurance Exchange established by NRS 695I.200.***

Sec. 5. ***"Exchange enrollment facilitator" means a person certified pursuant to this chapter who is engaged in the business of facilitating enrollment in qualified health plans offered by the Exchange.***

Sec. 6. ***"Navigator" means a person or entity that meets the requirements of 45 C.F.R. 155.210 and any other requirements of the Exchange.***

Sec. 7. ***"Qualified health plan" has the meaning ascribed to it in NRS 695I.080.***

Sec. 8. ***1. The provisions of NRS 683A.341 and 683A.351 apply to exchange enrollment facilitators.***

2. For the purposes of subsection 1, unless the context requires that NRS 683A.341 or 683A.351 apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "exchange enrollment facilitator."

Sec. 9. ***1. An applicant for an initial certificate as an exchange enrollment facilitator must:***

(a) Be a natural person of not less than 18 years of age;

(b) Apply on a form prescribed by the Commissioner;

(c) Pass a written examination established by the Commissioner by regulation;

(d) Successfully complete a course of instruction established by the Commissioner by regulation;

(e) Submit fingerprints as required pursuant to section 10 of this act; and

(f) Pay the nonrefundable:

(1) Application and certificate fee set forth in NRS 680B.010;

(2) Initial fee set forth in NRS 680C.110; and

(3) Additional fee of not more than $15 for the processing of the application established pursuant to section 25 of this act.

2. The additional fee for the processing of applications pursuant to subparagraph (3) of paragraph (f) of subsection 1 must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305.

Sec. 10. *1. The Commissioner shall prescribe the form for application for a certificate as an exchange enrollment facilitator. The form must require the applicant to declare, under penalty of refusal to issue, or suspension or revocation of, the certificate of the applicant, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief.*

2. Before approving an application, the Commissioner must find that the applicant:

(a) Meets the requirements of section 9 of this act.

(b) Has not committed any act that is a ground for refusal to issue, or suspension or revocation of a certificate pursuant to NRS 683A.451.

(c) Paid all applicable fees prescribed pursuant to section 9 of this act.

(d) Meets the requirements of subsections 3 and 5.

3. An applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository

and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining the information described in paragraph (b).

5. The Commissioner may require from the applicant any document reasonably necessary to verify information contained in an application.

6. Except as otherwise provided in section 23 of this act, a certificate issued pursuant to this chapter is valid for 3 years after the date of issuance unless it is suspended, revoked or otherwise terminated.

Sec. 11. ***1. A person taking the examination required pursuant to section 9 of this act must apply to the Commissioner to take the examination and pay a nonrefundable fee in an amount prescribed in the regulations adopted pursuant to section 25 of this act.***

2. A person who fails to appear for the examination as scheduled or fails to pass the examination must reapply for examination and pay the required fees in order to be scheduled for another examination.

Sec. 12. ***1. A certificate may be renewed for an additional 3-year period by submitting to the Commissioner an application for renewal and:***

(a) If the application is made:

(1) On or before the expiration date of the certificate, all applicable renewal fees and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(2) Except as otherwise provided in subsection 3:

(I) Not more than 30 days after the expiration date of the certificate, all applicable renewal fees plus any late fee required and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(II) More than 30 days but not more than 1 year after the expiration date of the certificate, all applicable renewal fees plus a penalty of twice all

applicable renewal fees, except for any fee required pursuant to NRS 680C.110.

(b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

3. An exchange enrollment facilitator who is unable to renew his or her certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

Sec. 13. ***1. An applicant for the issuance or renewal of a certificate to act as an exchange enrollment facilitator shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.***

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Commissioner.

3. A certificate to act as an exchange enrollment facilitator may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. ***1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to act as an***

exchange enrollment facilitator, the Commissioner shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a certificate to act as an exchange enrollment facilitator that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. ***The application of a natural person who applies for the issuance or renewal of a certificate as an exchange enrollment facilitator must include the social security number of the applicant.***

Sec. 16. ***1. A certificate issued pursuant to this chapter must state the certificate holder's name, address, personal identification number, the date of issuance and the date of expiration, and must contain any other information the Commissioner considers necessary. The certificate must be made available by the certificate holder for public inspection upon request.***

2. A certificate holder shall inform the Commissioner of all locations from which he or she conducts business and of each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the date on which the change takes place. If a certificate holder changes his or her business or residence address without giving written notice and the Commissioner is unable to locate the certificate holder after diligent effort, the Commissioner may revoke the certificate without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the certificate holder at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 17. ***1. If the Commissioner believes that a temporary certificate is necessary to carry on the business of facilitating selection of a qualified health plan, the Commissioner may issue a temporary certificate as an exchange enrollment facilitator for 180 days or less without requiring an examination to:***

(a) The surviving spouse, personal representative or guardian of an exchange enrollment facilitator who dies or becomes incompetent, to allow adequate time for the sale of the business, the recovery or return of the

exchange enrollment facilitator, or the training and certification of new personnel to operate the business;

(b) A member or employee of a business organization appointed by the Exchange, upon the death or disability of the natural person designated in its application or certificate;

(c) The designee of an exchange enrollment facilitator entering active service in the Armed Forces of the United States; or

(d) A person in any other circumstance in which the Commissioner believes that the public interest will be best served by issuing the certificate.

2. The Commissioner may by order limit the authority of a person who holds a temporary certificate as the Commissioner believes necessary to protect persons insured and the public. The Commissioner may require the person who holds a temporary certificate to have a suitable sponsor who is an exchange enrollment facilitator and who assumes responsibility for all acts of the person who holds the temporary certificate, and may impose similar requirements to protect persons insured and the public. The Commissioner may order revocation of a temporary certificate if the interests of persons insured or the public are endangered. A temporary certificate expires when the owner or the personal representative or guardian of the owner disposes of the business.

Sec. 18. *An entity other than a natural person that is appointed by the Exchange must require that each natural person who is authorized to act for the entity be an exchange enrollment facilitator. Each exchange enrollment facilitator must be named in the partnership's or corporation's appointment.*

Sec. 19. *An exchange enrollment facilitator:*

1. May not concurrently hold a license as a producer of insurance, an insurance consultant or a surplus lines broker's license in any line.

2. Shall not:

(a) Sell, solicit or negotiate insurance;

(b) Receive any consideration, directly or indirectly, from any health insurance issuer or issuer of stop-loss insurance in connection with the enrollment of any individuals or employees in a qualified health plan or health insurance plan; or

(c) Employ, be employed by or be in partnership with, or receive any remuneration arising out of his or her activities as an exchange enrollment facilitator from, any licensed producer of insurance, insurance consultant or surplus lines broker or insurer.

Sec. 20. *An exchange enrollment facilitator is obligated under his or her certificate to:*

1. Serve with objectivity and complete loyalty the interests of his or her client; and

2. Render to his or her client information, counsel and service which, to the best of the exchange enrollment facilitator's knowledge, understanding and opinion, best serves the client's insurance needs and interests.

Sec. 21. *1. A nonresident who is an exchange enrollment facilitator shall appoint the Commissioner, in writing, as his or her registered agent upon whom may be served all legal process issued in connection with any action or proceeding brought or pending in this State against or involving the nonresident certificate holder and relating to transactions under his or her Nevada certificate. The appointment is irrevocable and remains in force so long as such an action or proceeding exists or may arise. Duplicate copies of process must be served upon the Commissioner, or other person in apparent charge of the Division during the Commissioner's absence, accompanied by payment of the fee for service of process. Promptly after any such service, the Commissioner shall forward a copy of the process by certified mail, return receipt requested, to the nonresident certificate holder at his or her business address of most recent record with the Division. Process so served and the copy so forwarded constitutes personal service upon the certificate holder for all purposes.*

2. Each such nonresident certificate holder shall also file with the Commissioner a written agreement to appear before the Commissioner pursuant to notice of hearing, order to show cause or subpoena issued by the Commissioner and sent by certified mail to the certificate holder at his or her business address of most recent record with the Division, and that if the nonresident certificate holder fails to appear, the nonresident certificate holder thereby consents to any subsequent suspension, revocation or refusal to renew his or her certificate.

Sec. 22. *1. The Commissioner may place an exchange enrollment facilitator on probation, suspend his or her certificate for not more than 12 months, or revoke or refuse to renew his or her certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the causes set forth in NRS 683A.451.*

2. The provisions of NRS 683A.461 also apply to an exchange enrollment facilitator.

Sec. 23. *1. Upon the suspension, limitation or revocation of the certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the certificate holder in person or by mail addressed to the certificate holder at his or her most recent address of record with the Division. Notice by mail is effective when mailed.*

2. Upon the suspension, limitation or revocation of the certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the Executive Director of the Exchange. Upon receipt of such

notification, the Executive Director shall immediately terminate the certificate holder's appointment.

3. The Commissioner shall not again issue a certificate under this chapter to any natural person whose certificate has been revoked until at least 1 year after the revocation has become final, and thereafter not until the person again qualifies for a certificate under this chapter. A person whose certificate has been revoked twice is not eligible for any certificate under this title.

Sec. 24. ***1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange within 30 days after the date on which the certificate was issued, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.***

2. If the Exchange terminates an exchange enrollment facilitator's appointment, the exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date the appointment was terminated, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment of an entity other than a natural person:

(a) The appointments of exchange enrollment facilitators named on the entity's appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.

4. The provisions of subsection 3 do not apply to any appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of an appointment for an entity or certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.

Sec. 25. ***1. The Commissioner shall adopt regulations:***

(a) For establishing and conducting an examination required by this chapter for the initial issuance and renewal of a certificate;

(b) For the establishment of a course of instruction as required by this chapter for the initial issuance and renewal of a certificate;

(c) Establishing the fee required by section 9 of this act for the processing of an application;

(d) Establishing the fee required by section 11 of this act for the administration of the examination; and

(e) For carrying out the provisions of this chapter.

2. The Commissioner may contract with a person to perform functions required by this chapter, including, without limitation:

(a) Administering examinations;

(b) Providing courses of instruction;

(c) Processing applications; and

(d) Collecting fees.

Sec. 26. ***1. No person may engage in the business of an exchange enrollment facilitator unless a certificate has been issued to the person by the Commissioner.***

2. A person who violates subsection 1 is subject to an administrative fine of not more than $1,000 for each act or violation.

Sec. 27. Chapter 679A of NRS is hereby amended by adding thereto the provisions set forth as sections 28, 28.5 and 29 of this act.

Sec. 28. ***"Federal Act" means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those acts.***

Sec. 28.5.

Grandfathered plan" means a health benefit plan that meets the requirements of 42 U.S.C. § 18011.

Sec. 29. ***"Rating characteristic" means age, family composition, tobacco use or geographic rating area.***

Sec. 30. NRS 679A.020 is hereby amended to read as follows:

679A.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 679A.030 to 679A.130, inclusive, ***and sections 28, 28.5 and 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer's certificate of authority:

(a) Filing initial application $2,450
(b) Issuance of certificate:
(1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive 283
(2) For two or more kinds of insurance as so defined 578
(3) For a reinsurer 2,450
(c) Each annual continuation of a certificate 2,450
(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.
(e) Registration of additional title pursuant to NRS 680A.240 50
(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240 25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document $10
3. Annual statement or report. For filing annual statement or report ... $25
4. Service of process:
(a) Filing of power of attorney $5
(b) Acceptance of service of process 30
5. Licenses, appointments and renewals for producers of insurance:
(a) Application and license $125
(b) Appointment fee for each insurer 15
(c) Triennial renewal of each license 125
(d) Temporary license $10
(e) Modification of an existing license 50
6. Surplus lines brokers:
(a) Application and license $125
(b) Triennial renewal of each license 125
7. Managing general agents' licenses, appointments and renewals:
(a) Application and license $125
(b) Appointment fee for each insurer 15
(c) Triennial renewal of each license 125
8. Adjusters' licenses and renewals:
(a) Independent and public adjusters:
(1) Application and license $125
(2) Triennial renewal of each license 125
(b) Associate adjusters:
(1) Application and license 125
(2) Triennial renewal of each license 125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:

(a) Application and license..... $125
(b) Triennial renewal of each license 125
10. Additional title and property insurers pursuant to NRS 680A.240:
(a) Original registration..... $50
(b) Annual renewal..... 25
11. Insurance vending machines:
(a) Application and license, for each machine $125
(b) Triennial renewal of each license 125
12. Permit for solicitation for securities:
(a) Application for permit $100
(b) Extension of permit 50
13. Securities salespersons for domestic insurers:
(a) Application and license..... $25
(b) Annual renewal of license 15
14. Rating organizations:
(a) Application and license..... $500
(b) Annual renewal..... 500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:
(a) Application and certificate of registration $125
(b) Triennial renewal..... 125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.
17. Certified copies of certificates of authority and licenses issued pursuant to the Code..... $10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee $10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee $10
21. Licenses, appointments and renewals for bail agents:
(a) Application and license..... $125
(b) Appointment for each surety insurer 15
(c) Triennial renewal of each license……...125
22. Licenses and renewals for bail enforcement agents:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
23. Licenses, appointments and renewals for general agents

for bail:
(a) Application and license $125
(b) Initial appointment by each insurer 15
(c) Triennial renewal of each license 125
24. Licenses and renewals for bail solicitors:
(a) Application and license $125
(b) Triennial renewal of each license 125
25. Licenses and renewals for title agents and escrow officers:
(a) Application and license $125
(b) Triennial renewal of each license 125
(c) Appointment fee for each title insurer 15
(d) Change in name or location of business or in association 10
26. Certificate of authority and renewal for a seller of prepaid funeral contracts $125
27. Licenses and renewals for agents for prepaid funeral contracts:
(a) Application and license $125
(b) Triennial renewal of each license 125
28. Licenses, appointments and renewals for agents for fraternal benefit societies:
(a) Application and license $125
(b) Appointment for each insurer 15
(c) Triennial renewal of each license $125
29. Reinsurance intermediary broker or manager:
(a) Application and license $125
(b) Triennial renewal of each license 125
30. Agents for and sellers of prepaid burial contracts:
(a) Application and certificate or license $125
(b) Triennial renewal 125
31. Risk retention groups:
(a) Initial registration $250
(b) Each annual continuation of a certificate of registration 250
32. Required filing of forms:
(a) For rates and policies $25
(b) For riders and endorsements 10
33. Viatical settlements:
(a) Provider of viatical settlements:
(1) Application and license $1,000
(2) Annual renewal 1,000
(b) Broker of viatical settlements:
(1) Application and license 500
(2) Annual renewal 500
(c) Registration of producer of insurance acting as a viatical

settlement broker 250
34. Insurance consultants:
(a) Application and license..... $125
(b) Triennial renewal..... 125
35. Licensee's association with or appointment or sponsorship by an organization:
(a) Initial appointment, association or sponsorship, for each Organization $50
(b) Renewal of each association or sponsorship 50
(c) Annual renewal of appointment..... 15
36. Purchasing groups:
(a) Initial registration and review of an application $100
(b) Each annual continuation of registration 100
37. ***Exchange enrollment facilitators:***
(a) Application and certificate $125
(b) Triennial renewal of each certificate 125
(c) Temporary certificate..... 10
(d) Modification of an existing certificate 50
38. In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.

Sec. 31.5. **NRS 680B.050 is hereby amended to read as follows:**

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer ***, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29),*** which owns and substantially occupies and uses any building in this state as its home office or as a regional home office is entitled to the following credits against the tax otherwise imposed by NRS 680B.027:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

➥ These credits must not reduce the amount of tax payable to less than 20 percent of the tax otherwise payable by the insurer under NRS 680B.027.

2. As used in this section, a "regional home office" means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

3. The insurer shall, on or before March 15 of each year, furnish proof to the satisfaction of the Executive Director of the Department of Taxation, on forms furnished by or acceptable to the Executive Director, as to its entitlement to the tax reduction provided for in this section. A determination of the Executive Director of the Department of Taxation pursuant to this section is not binding upon the Commissioner for the purposes of NRS 682A.240.

4. An insurer is not entitled to the credits provided in this section unless:

(a) The insurer owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

(b) The insurer occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

5. If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

6. For the purposes of subsection 1, any insurer that is exempt from federal taxation pursuant to 26 U.S.C.§ 501(c)(29) and is restricted or prohibited from purchasing or owning real property pursuant to a contract with the Federal Government, including any entity thereof, shall be deemed to own any portion of any real property that the insurer occupies. The provisions of this subsection expire upon the expiration, cancellation, repayment or any other termination of the contract restricting or prohibiting such purchase or ownership.

Sec. 32. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300

(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300

(2) Annual fee $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee $60

(2) Annual fee$ $60

(d) Insurers not otherwise provided for in this subsection:

(1) Initial fee $1,300

(2) Annual fee $1,300

(e) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee $60

(2) Triennial fee $60

(f) Accredited reinsurers, as provided for in NRS 681A.160:

(1) Initial fee $1,300

(2) Annual fee $1,300

(g) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee $60

(2) Triennial fee $60

(h) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee $1,300

(2) Annual fee $1,300

(i) Administrators, as defined in NRS 683A.025:

(1) Initial fee $60

(2) Triennial fee $60

(j) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee $60

(2) Triennial fee $60

(k) Agents who perform utilization reviews, as defined in NRS 683A.376:

(1) Initial fee $60

(2) Annual fee $60

(l) Insurance consultants, as defined in NRS 683C.010:

(1) Initial fee $60

(2) Triennial fee $60

(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
(q) Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
(s) Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
(t) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
(v) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee $60
(2) Annual fee $60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60

(2) Triennial fee..... $60
(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(aa) Providers, as defined in NRS 690C.070:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(bb) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(cc) Title agents, as defined in NRS 692A.060:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(dd) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee..... $250
(2) Annual fee..... $250
(ee) Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(ff) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(gg) Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(hh) Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(ii) Organizations for dental care, as defined in NRS 695D.060:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(jj) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee..... $250
(2) Annual fee..... $250
(kk) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee..... $250
(2) Annual fee..... $250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:

(1) Initial fee $1,300
(2) Annual fee $1,300
(mm) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(nn) Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
(oo) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(pp) Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
(qq) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
(rr) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
(ss) General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
(tt) Exchange enrollment facilitators, as defined in section 5 of this act:
(1) Initial fee $60
(2) Triennial fee $60

Sec. 32.1. **NRS 686B.030 is hereby amended to read as follows:**

686B.030 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and NRS 686B.125,*** NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;
(b) Contracts issued by fraternal benefit societies;
(c) Life insurance and credit life insurance;
(d) Variable and fixed annuities;
(e) Credit accident and health insurance;
(f) Property insurance for business and commercial risks;
(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS;
(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 32.2. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:

(a) Rates and proposed increases thereto;

(b) Forms of policies to which the rates apply;

(c) Supplementary rate information; and

(d) Changes and amendments thereof,

➥ made by it for use in this state.

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

3. If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in section 33.4 of this act, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.

4. As used in this section, "rate filing documentation," "unified rate review template" and "written description justifying the rate increase" have the meanings ascribed in 45 C.F.R. 154.215.

Sec. 32.5. **NRS 686B.080 is hereby amended to read as follows:**

686B.080 ~~[Each]~~ ***1. Except as otherwise provided in subsections 2 and 3, each*** filing and any supporting information filed under NRS 686B.010 to 686B.1799,

inclusive, must, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

2. All approved rates for health benefit plans available for purchase by individuals are considered proprietary and to constitute trade secrets, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

3. The provisions of subsection 2 expire annually on the date 30 days before open enrollment.

4. For the purposes of this section, "open enrollment" has the meaning ascribed to it in 45 C.F.R. 147.104(b)(1)(ii).

Sec. 32.8. **NRS 686B.125 is hereby amended to read as follows:**

686B.125 ~~[No]~~

1. Except as otherwise provided in this section, no insurer, organization or person licensed pursuant to this title may sell or offer to sell any contract providing coverage for dental care at a rate which is excessive for the benefits offered to the insured or member. For the purpose of this section, a ratio of losses to premiums collected which is less than 75 percent is presumed to show an excessive rate.

2. The provisions of subsection 1 do not apply to a contract providing coverage for dental care that is sold to a small employer pursuant to the provisions of chapter 689C of NRS.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 33. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 33.4 **~~[, 33.6 and]~~ to** 33.8 **, inclusive,** of this act.

Sec. 33.4. ***1. "Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost-incurred basis.***

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C.§ 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 33.5. <u>1. All health benefit plans must be made available in the manner required by 45 C.F.R 147.104.</u>

2. In addition to the requirements of subsection 1, any health benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange established by NRS 695I.210:

(a) Must be made available for purchase at any time during the calendar year;

(b) Is subject to a waiting period of not more than 90 days after the date on which the application for coverage was received;

(c) Is effective upon the first day of the month immediately succeeding the month in which the waiting period expires; and

(d) Is not retroactive to the date on which the application for coverage was received.

Sec. 33.6. ***1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.***

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.

Sec. 33.8. ***1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small group market may vary with respect to the particular plan or coverage involved based solely on these characteristics:***

(a) Whether the plan or coverage applies to an individual or a family;

(b) Geographic rating area;

(c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

(d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

Sec. 34. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant

becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to ~~[~~689C.980,~~]~~ ***689C.940,*** inclusive, relating to the program of reinsurance.

Sec. 35. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, ***domestic partner as defined in NRS 122A.030,*** dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any ~~[children under a specified age which must not exceed]~~ ~~[19]~~ ***child on or before the last day of the month in which the child attains 26*** years ~~[,]~~ ~~[except as provided in NRS 689A.045,]~~ ***of age,*** and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. The policy must provide, at the option of the applicant, benefits for expenses incurred for the treatment of abuse of alcohol or drugs, unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 36. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as otherwise provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this State must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

2. ~~[Each policy delivered or issued for delivery in this State after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.~~

~~3.]~~ If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the Commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

Sec. 37. ~~[NRS 689A.0435 is hereby amended to read as follows:~~

~~689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy~~

~~under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.~~

~~— 2. Optional coverage provided pursuant to this section must be subject to:~~

~~— (a) A maximum benefit of not less than $36,000 per year for applied behavior analysis treatment; and~~

~~— (b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.~~

~~— 3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:~~

~~— (a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for [optional] coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or~~

~~— (b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.~~

~~— 4. Except as provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.~~

~~— 5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:~~

~~— (a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and~~

~~— (b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.~~

~~— An insurer may request a copy of and review a treatment plan created pursuant to this subsection.~~

~~— 6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.~~

~~— 7. As used in this section:~~

~~— (a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation,~~

~~measurement and functional analysis of the relations between environment and behavior.~~

~~(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.~~

~~(c) "Behavioral therapy" means any interactive therapy derived from evidence based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.~~

~~(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:~~

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~

~~(e) "Evidence based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.~~

~~(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.~~

~~(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.~~

~~(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.~~

~~(i) "Prescription care" means medications prescribed by a licensed physician and any health related services deemed medically necessary to determine the need or effectiveness of the medications.~~

~~(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.~~

~~(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.~~

~~(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.~~

~~(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.~~

~~(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.~~**] (Deleted by amendment.)**

Sec. 38. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine **[**~~to women and girls at such ages~~**]** as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 39. NRS 689A.0455 is hereby amended to read as follows:

689A.0455 1. **[**~~Notwithstanding any provisions of this Title to the contrary, a~~**]** ***A*** policy of health insurance delivered or issued for delivery in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. **[**~~The coverage required by this section:~~

~~(a) Must provide:~~

~~(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured.~~

~~In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of health insurance.~~

~~4. The provisions of this section do not apply to a policy of health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~6. The provisions of this section do not:~~

~~(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~7. A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2000, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~8.~~ As used in this section, "severe mental illness" means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the ***most recent edition of the*** Diagnostic

and Statistical Manual of Mental Disorders, ~~[Fourth Edition,]~~ published by the American Psychiatric Association:

(a) Schizophrenia.
(b) Schizoaffective disorder.
(c) Bipolar disorder.
(d) Major depressive disorders.
(e) Panic disorder.
(f) Obsessive-compulsive disorder.

Sec. 39.5. **NRS 689A.230 is hereby amended to read as follows:**

689A.230 1. There may be a provision as follows:

Coordination of Benefits: If, with respect to a person covered under this policy, benefits for allowable expense incurred during a claim determination period under this policy, together with benefits for allowable expense during such period under all other valid coverage (without giving effect to this provision or to any "coordination of benefits provision" applying to such other valid coverage), exceed the total of such person's allowable expense during such period, this insurer shall be liable only for such proportionate amount of the benefits for allowable expense under this policy during such period as (a) the total allowable expense during such period bears to (b) the total amount of benefits payable during such period for such expense under this policy and all other valid coverage (without giving effect to this provision or to any "coordination of benefits provision" applying to such other valid coverage) less in both (a) and (b) any amount of benefits for allowable expense payable under other valid coverage which does not contain a "coordination of benefits provision." In no event shall this provision operate to increase the amount of benefits for allowable expense payable under this policy with respect to a person covered under this policy above the amount which would have been paid in the absence of this provision. This insurer may pay benefits to any insurer providing other valid coverage in the event of overpayment by such insurer. Any such payment shall discharge the liability of this insurer as fully as if the payment had been made directly to the insured or the assignee or beneficiary of the insured. If this insurer pays benefits to the insured or the assignee or beneficiary of the insured, in excess of the amount which would have been payable if the existence of other valid coverage had been disclosed, this insurer shall have a right of action against the insured or the assignee or beneficiary of the insured to recover the amount which would not have been paid had there been a disclosure of the existence of the other valid coverage. The amount of other valid coverage which is on a provision of service basis shall be computed as the amount the services rendered would have cost in the absence of such coverage.

For the purposes of this provision:

(1) "Allowable expense" means 100 percent of any necessary, reasonable and customary item of expense which is covered, in whole or in part, as a hospital, surgical, medical or major medical expense under this policy or under any other valid coverage.

(2) "Claim determination period" with respect to any covered person means the initial period of ..... (insert period of not less than 30 days) and each successive period of a like number of days, during which allowable expense covered under this policy is incurred on account of such person. The first such period begins on the date when the first such expense is incurred, and successive periods shall begin when such expense is incurred after expiration of a prior period.

or, in lieu thereof:

(2) "Claim determination period" with respect to any covered person means each ..... (insert calendar or policy period of not less than a month) during which allowable expense covered under this policy is incurred on account of such person.

(3) "Coordination of benefits provision" means this provision and any other provision which may reduce an insurer's liability because of the existence of benefits under other valid coverage.

2. The foregoing policy provisions may be inserted in all policies providing hospital, surgical, medical or major medical benefits for which the application includes a question as to other coverages subject to this provision. If the policy provision stated in subsection 1 is included in a policy which also contains the policy provision stated in NRS 689A.240, there shall be added to the caption of the provision stated in subsection 1 of the phrase "expense-incurred benefits." The insurer may make this provision applicable to either or both:

(a) Other valid coverage with other insurers; and

(b) Other valid coverage with the same insurer.

➥ The insurer shall include in this provision a definition of "other valid coverage" approved as to form by the Commissioner. Such term may include hospital, surgical, medical or major medical benefits provided by individual or family-type coverage, government programs or workers' compensation. Such term shall not include any ~~[group insurance,]~~ automobile medical payments or third-party liability coverage. The insurer shall not include a subrogation clause in the policy. The insurer may require, as part of the proof of claim, the information necessary to administer this provision.

3. If by application of any of the foregoing provisions the insurer effects a material reduction of benefits otherwise payable under the policy, the insurer shall refund to the insured any premium unearned on the policy by

reason of such reduction of coverage during the policy year current and that next preceding at the time the loss commenced, subject to the insurer's right to provide in the policy that no such reduction of benefits or refund will be made unless the unearned premium to be so refunded amounts to $5 or such larger sum as the insurer may so specify.

Sec. 40. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, unless the context otherwise requires, the words and terms defined in NRS 689A.475 to ~~[~~689A.605,~~]~~ ***689A.600,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 41. NRS 689A.520 is hereby amended to read as follows:

689A.520 ~~[~~"Established geographic~~]~~ ***"Geographic*** service area" means a geographic area, as approved by the Commissioner ***,*** ~~[~~and based on the certificate of authority of the carrier to transact insurance in this state,~~]~~ within which the carrier is authorized to provide coverage.

Sec. 42. NRS 689A.525 is hereby amended to read as follows:

689A.525 "Geographic ***rating*** area" means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 43. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by the individual carrier pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside of the decision of the individual carrier to discontinue offering the form of the product. The notice must be made to persons covered by the discontinued insurance at least 180 days before the date on which the individual carrier will discontinue offering the form of the product.

(c) The individual carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 44. NRS 689A.635 is hereby amended to read as follows:

689A.635 1. An individual carrier that offers coverage through a network plan is not required pursuant to NRS 689A.630 to offer coverage to or accept an application from ~~[~~an eligible~~]~~ ***a*** person if the ~~[~~eligible~~]~~ person does not reside or work in the ~~[~~established~~]~~ geographic service area or in a geographic ***rating*** area **,** ~~[~~for which the individual carrier is authorized to transact insurance,~~]~~ provided that the coverage is refused or terminated uniformly without regard to any health status-related factor of any eligible person.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 45. NRS 689A.637 is hereby amended to read as follows:

689A.637 1. An individual carrier that offers a health benefit plan that includes a provision for a restricted network shall use its best efforts to contract with at least one health center in each ~~[~~established~~]~~ geographic service area to provide health care services to persons covered by the plan if the health center:

(a) Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:

(1) Certification for participation in the Medicaid or Medicare program; and

(2) Requirements relating to the appropriate credentials for providers of health care; and

(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.

2. As used in this section, "health center" has the meaning ascribed to it in 42 U.S.C. § 254b.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 689A.690 is hereby amended to read as follows:

689A.690 1. As part of its solicitation and sales materials for an individual health benefit plan, an individual carrier shall disclose, to the extent reasonable:

(a) The extent to which premium rates for an individual and the dependent of the individual are established or adjusted based upon rating characteristics;

(b) The right of the individual carrier to change premium rates and the factors, other than claims experience, that may affect changes in premium rates; ***and***

(c) Any provisions in the individual health benefit plan relating to the renewability of the plan **. [**~~, and~~

~~(d) Any provisions in the individual health benefit plan relating to an exclusion for a preexisting condition.~~**]**

2. For the purposes of this section, an individual carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

[~~3. On or before March 1 of each year, an individual carrier shall file with the Commissioner an actuarial certification that the individual carrier is in compliance with NRS 689A.680 to 689A.700, inclusive, and that the rating methods of the individual carrier are actuarially sound. The certification must be in such a form and must contain such information as specified by the Commissioner. A copy of the certification must be retained by the individual carrier at its principal place of business.~~

~~4. As used in this section, "actuarial certification" means a written statement signed by a member of the American Academy of Actuaries or any other person acceptable to the Commissioner that an individual carrier is in compliance with the provisions of NRS 689A.680 to 689A.700, inclusive, based upon an examination conducted by the person which included a review of the appropriate records and the actuarial assumptions and methods used by the individual carrier in establishing premium rates for applicable health benefit plans.~~**]**

Sec. 47.5. NRS 689A.695 is hereby amended to read as follows:

689A.695 An individual carrier shall make the information and documents described in NRS ~~[689A.680 to]~~ ***689A.690, 689A.695 and*** 689A.700, ~~[inclusive,]~~ available to the Commissioner upon request. Except in cases of violations of the provisions of this chapter, the information, other than the premium rates charged by the individual carrier, is proprietary, constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.

Sec. 48. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations to carry out the provisions of NRS ~~[689A.680 to]~~ ***689A.690, 689A.695 and*** 689A.700, ~~[inclusive,]~~ and to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive ***.*** ~~[, including, but not limited to, determining the manner in which geographic rating areas are designated by all individual carriers.]~~

Sec. 49. NRS 689A.710 is hereby amended to read as follows:

689A.710 1. Except as otherwise provided in this section, an individual carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct an ~~[eligible person]~~ ***individual or family*** to refrain from filing an application for coverage with an individual carrier because of the health status, claims experience, industry, occupation or geographic location of the ~~[eligible person.]~~ ***individual or family.***

(b) Encourage or direct an ~~[eligible person]~~ ***individual or family*** to seek coverage from another carrier because of the health status, claims experience, industry, occupation or geographic location of the ~~[eligible person.]~~ ***individual or family.***

2. The provisions of subsection 1 do not apply to information provided to an ~~[eligible person]~~ ***individual or family*** by an individual carrier or a producer relating to the ~~[established]~~ geographic service area or a provision for a restricted network of the individual carrier.

3. Except as otherwise provided in this subsection, an individual carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation or geographic location of the individual at the time that the health benefit plan is issued to or renewed by the individual. ~~[The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of a percentage of premiums, except that the percentage may not vary because of~~

~~the health status, claims experience, industry, occupation or geographic area of the individual.~~**]**

4. An individual carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, industry, occupation or geographic location of an individual at the time that the health benefit plan is issued to or renewed by the individual placed by the producer with the individual carrier.

5. A denial by an individual carrier of an application for coverage from an **[**~~eligible person~~**]** ***individual or family*** must be in writing and must state the reason for the denial.

6. The Commissioner may adopt regulations that set forth additional standards to provide for the fair marketing and broad availability of health benefit plans to **[**~~eligible persons~~**]** ***individuals or families*** in this state.

7. A violation of any provision of this section by an individual carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

8. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with an individual carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to **[**~~eligible persons~~**]** ***individuals or families*** in this state.

9. Nothing in this section interferes with the right and responsibility of a **[**~~broker~~**]** ***producer*** to advise and represent the best interests of an **[**~~eligible person~~**]** ***individual or family*** who is seeking health insurance coverage from an individual carrier.

Sec. 50. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, a plan for coverage of a bona fide association must:

1. Conform with **[**~~NRS 689A.680 to~~**]** ***689A.690, 689A.695 and*** 689A.700, **[**~~inclusive,~~**]** concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

[~~3. Provide for the availability of coverage for members of the bona fide association, and their dependents, if such coverage conforms with NRS 689A.640, except that the bona fide association is not required to offer basic and standard health benefit plan coverage to its members or their dependents.~~

~~4. Conform with subsection 1 of NRS 689A.660, relating to preexisting conditions.~~**]**

Sec. 51. (Deleted by amendment.)

Sec. 52. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 53. NRS 689B.033 is hereby amended to read as follows:

689B.033 1. All group health insurance policies providing coverage on an expense-incurred basis and all employee welfare plans providing medical, surgical or hospital care or benefits established or maintained for employees or their families or dependents, or for both, must as to the family members' coverage provide that the health benefits applicable for children are payable with respect to:

(a) A newly born child of the insured from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the insured for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The policies must provide the coverage specified in subsection 3 and must not exclude premature births.

2. The policy or contract may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required premium or fees, if any, must be furnished to the insurer or welfare plan within 31 days after the date of birth, adoption or

placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

~~[4. An insurer shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to the group health policy. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500.]~~

Sec. 54. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~[May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.~~

~~2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

~~3.]~~ May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

~~[4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~5.]~~ ***2.*** Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~[6.]~~ ***3.*** Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no

longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~[7.]~~ ***4.*** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[8.]~~ ***5.*** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 54.5. **NRS 689B.063 is hereby amended to read as follows:**

689B.063 1. When a policy of group insurance is primary, its benefits are determined before those of another policy and the benefits of another policy are not considered. When a policy of group insurance is secondary, its benefits are determined after those of another policy. Secondary benefits may not be reduced because of benefits under the primary policy. When there are more than two policies, a policy may be primary as to one and may be secondary as to another.

2. The benefits payable under a policy of group health insurance may not be reduced because of any benefits payable under ~~[an individual health insurance policy,]~~ health insurance on a franchise plan or first-party coverage under an automobile insurance policy.

3. As used in this section, "a policy of group insurance" includes Medicare.

Sec. 55. NRS 689B.340 is hereby amended to read as follows:

689B.340 As used in NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 689B.350 to 689B.460, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 689B.480 is hereby amended to read as follows:

689B.480 1. In determining the applicable creditable coverage of a person for the purposes of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, a person must present any certificates of coverage provided to the person in accordance with NRS 689B.490 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this

subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person **,** ~~[for the purposes of NRS 689B.500,]~~ a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified in the regulations of the United States Department of Health and Human Services, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each person at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 59. NRS 689B.500 is hereby amended to read as follows:

689B.500 ~~[1. Except as otherwise provided in this section, a]~~ ***A*** carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition **.** ~~[for:~~

~~(a) More than 12 months after the effective date of coverage if the employee or other insured enrolls through open enrollment or after the first day of the waiting period for that enrollment, whichever is earlier; or~~

~~(b) More than 18 months after the effective date of coverage for a late enrollee.~~

~~➥ A carrier may not define a preexisting condition more restrictively than that term is defined in NRS 689B.450.~~

~~2. The period of any exclusion for a preexisting condition imposed by a group health plan or coverage under blanket accident and health insurance or group health insurance on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the coverage. The period of continuous coverage must not include:~~

~~(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~(b) Any affiliation period not to exceed 60 days for a new enrollee and 90 days for a late enrollee required before becoming eligible to enroll in the group health plan.~~

~~3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees or other persons insured and without regard to any health status-related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee or other insured.~~

~~4. An insurer that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~(a) Relating to pregnancy.~~

~~(b) In the case of a person who, as of the last day of the 30-day period beginning on the date of the birth of the person, is covered under creditable coverage.~~

~~(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or treatment was a benefit under the plan, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage.~~

~~➥ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~6. As used in this section, "late enrollee" means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a group health plan following the initial period of enrollment, if that initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~(a) The employee or dependent:~~

~~(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~(2) Lost coverage under creditable coverage as a result of cessation of contributions by his or her employer, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or death of, or divorce or legal separation from, a covered spouse; and~~

~~(3) Requests enrollment not later than 30 days after the date on which the creditable coverage of the employee or dependent was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~(b) The employee enrolls during the open enrollment period, as provided in the contract or as otherwise specifically provided by specific statute.~~

~~(c) The employer of the employee offers several health benefit plans and the employee elected a different plan during an open enrollment period.~~

~~(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~(e) The employee changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, and that coverage has been exhausted.~~**]**

Sec. 60. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue the issuance and renewal of a form of a product of group health insurance if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The carrier notifies each person covered by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the carrier to large groups in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made

available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 61. NRS 689B.570 is hereby amended to read as follows:

689B.570 1. A carrier that offers coverage through a network plan is not required to offer coverage to or accept an application from an employer that does not employ or no longer employs any enrollees who reside or work in the ~~[~~established~~]~~ geographic service area of the carrier **,** ~~[~~or the geographic rating area for which the carrier is authorized to transact insurance,~~]~~ provided that such coverage is refused or terminated uniformly without regard to any health status-related factor for any employee of the employer.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 62. (Deleted by amendment.)

Sec. 63. NRS 689B.580 is hereby amended to read as follows:

689B.580 1. A plan sponsor of a governmental plan that is a group health plan to which the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, otherwise apply may elect to exclude the governmental plan from compliance with those sections. Such an election:

(a) Must be made in such a form and in such a manner as the Commissioner prescribes by regulation.

(b) Is effective for a single specified year of the plan or, if the plan is provided pursuant to a collective bargaining agreement, for the term of that agreement.

(c) May be extended by subsequent elections.

(d) Excludes the governmental plan from those provisions in this chapter that apply only to group health plans.

2. If a plan sponsor of a governmental plan makes an election pursuant to this section, the plan sponsor shall:

(a) Annually and at the time of enrollment, notify the enrollees in the plan of the election and the consequences of the election; and

(b) Provide certification and disclosure of creditable coverage under the plan with respect to those enrollees pursuant to NRS 689B.490.

3. As used in this section, "governmental plan" has the meaning ascribed to in section 3(32) of the Employee Retirement Income Security Act of 1974, as that section existed on July 16, 1997.

Sec. 64. NRS 689C.055 is hereby amended to read as follows:

689C.055 "Dependent" means a spouse ***, a domestic partner as defined in NRS 122A.030,*** or ~~[~~:

~~1. An unmarried~~**]** ***a*** child ~~[under]~~ ~~[19]~~ ***on or before the last day of the month in which the child attains 26*** years of age **.** ~~[~~;

~~2. An unmarried child who is a full-time student under 24 years of age and who is financially dependent upon the parent; or~~

~~3. An unmarried child of any age who is medically certified as disabled and dependent upon the parent,~~

~~➥ who the parent claimed as his or her dependent on the form for income tax returns which the parent filed with the Internal Revenue Service for the previous fiscal year.~~**]**

Sec. 65. NRS 689C.067 is hereby amended to read as follows:

689C.067 ~~[~~"Established geographic~~]~~ ***"Geographic*** service area" means a geographic area, as approved by the Commissioner **,** ~~[~~and based on the certificate of authority of the carrier to transact insurance in this state,~~]~~ within which the carrier is authorized to provide coverage.

Sec. 66. NRS 689C.071 is hereby amended to read as follows:

689C.071 "Geographic ***rating*** area" means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 66.5. NRS 689C.095 is hereby amended to read as follows:

689C.095 ~~[1.]~~ "Small employer" ~~[~~means, with respect to a calendar year and a plan year, an employer who employed on business days during the preceding calendar year an average of at least 2 employees, but not more than 50 employees, who have a normal workweek of 30 hours or more, and who employs at least 2 employees on the first day of the plan year. For the purposes of determining the number of eligible employees, organizations which are affiliated or which are eligible to file a combined tax return for the purposes of taxation constitute one employer.

~~2. For the purposes of this section, organizations are "affiliated" if one directly, or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, the other, as determined pursuant to the provisions of NRS 692C.050.~~] ***has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).***

Sec. 67. NRS 689C.125 is hereby amended to read as follows:

689C.125 1. A carrier serving small employers shall apply rating factors [~~, including characteristics,~~] consistently with respect to all small employers **.** [~~in a class of business.~~] Rating factors must produce premiums for identical groups that differ only by the amounts attributable to the design of the plans and the terms of the coverage and do not reflect differences based on the nature of the groups that will select particular health benefit plans. As used in this subsection, "premium" means all money paid by a small employer and eligible employees to a carrier as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

2. A carrier serving small employers shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period, if the terms of coverage provided in the plans are the same.

Sec. 68. (Deleted by amendment.)

Sec. 69. NRS 689C.155 is hereby amended to read as follows:

689C.155 The Commissioner may adopt regulations to carry out the provisions of NRS [~~689C.107~~] ***689C.109*** to [~~689C.145,~~] ***689C.142,*** inclusive, 689C.156 to 689C.159, inclusive, 689C.165, 689C.183, 689C.187, 689C.191 ***, 689C.192*** to 689C.198, inclusive, 689C.203, 689C.207, 689C.265, [~~689C.283, 689C.287,~~] 689C.325, [~~689C.342 to 689C.348, inclusive,~~] 689C.355 and 689C.610 to [~~689C.980,~~] ***689C.940,*** inclusive, and to ensure that rating practices used by carriers serving small employers are consistent with those sections, including regulations that:

1. Ensure that differences in rates charged for health benefit plans by such carriers are reasonable and reflect only differences in the designs of the plans, the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.

2. Prescribe the manner in which [~~characteristics~~] ***rating factors*** may be used by such carriers.

Sec. 70. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. [~~The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a~~

~~basic health benefit plan and a standard health benefit plan.]~~ A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, and 689C.610 to **[**~~689C.980,~~**]** ***689C.940,*** inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 71. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 **[**~~, 689C.157~~**]** and 689C.190 do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 72. NRS 689C.160 is hereby amended to read as follows:

689C.160 The requirements used by a carrier serving small employers to determine whether to provide coverage to a small employer, including, without limitation, **[**~~standards for medical underwriting,~~**]** requirements for minimum participation of eligible employees and minimum employer's contributions, must be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the carrier.

Sec. 73. NRS 689C.169 is hereby amended to read as follows:

689C.169 1. **[**~~Notwithstanding any provisions of this title to the contrary, a~~**]** ***A*** policy of group health insurance delivered or issued for delivery in this State pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. **[**~~The coverage required by this section:~~

~~(a) Must provide:~~

~~(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of group health insurance.~~

~~4. The provisions of this section do not apply to a policy of group health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~6. The provisions of this section do not:~~

~~(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this State with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~7. A policy of group health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 3, 2009, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~8.~~ As used in this section, "severe mental illness" means any of the following mental illnesses that are biologically based and for which

diagnostic criteria are prescribed in the ***latest edition of the*** Diagnostic and Statistical Manual of Mental Disorders, ~~[Fourth Edition,]~~ published by the American Psychiatric Association:

(a) Schizophrenia.

(b) Schizoaffective disorder.

(c) Bipolar disorder.

(d) Major depressive disorders.

(e) Panic disorder.

(f) Obsessive-compulsive disorder.

Sec. 74. NRS 689C.190 is hereby amended to read as follows:

689C.190 ~~[~~1. Except as otherwise provided in this section, a~~]~~ ***A*** carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition **.** ~~[~~:

~~(a) For more than 12 months after the effective date of coverage if the employee enrolls through open enrollment or after the first day of the waiting period for such enrollment, whichever is earlier; or~~

~~(b) For more than 18 months after the effective date of coverage for a late enrollee. A carrier may not define a preexisting condition in its health benefit plan more restrictively than that term is defined in NRS 689C.082.~~

~~2. The period of any exclusion for a preexisting condition imposed by a health benefit plan on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage. The period of continuous coverage must not include:~~

~~(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~(b) Any affiliation period, not to exceed 60 days for a new enrollee and 90 days for a late enrollee, required before becoming eligible to enroll in the health benefit plan.~~

~~3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees and without regard to any health status related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee.~~

~~4. A carrier that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~(a) Relating to pregnancy.~~

~~(b) In the case of a person who, as of the last day of the 30-day period beginning on the date of the person's birth, is covered under creditable coverage.~~

~~(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or treatment was a covered benefit under the plan, if the creditable coverage was continuous to a date not more than 90 days before the effective date of the new coverage.~~

~~➥ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~6. As used in this section, "late enrollee" means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a health benefit plan of a small employer following the initial period of enrollment, if the initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~(a) The employee or dependent:~~

~~(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~(2) Lost coverage under creditable coverage as a result of cessation of employer contribution, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or the death of, or divorce or legal separation from, a covered spouse; and~~

~~(3) Requests enrollment not later than 30 days after the date on which his or her creditable coverage was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~(b) The person enrolls during the open enrollment period, as provided in the contract or as otherwise provided by specific statute.~~

~~(c) The person is employed by an employer which offers multiple health benefit plans and the person elected a different plan during an open enrollment period.~~

~~(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the~~

~~employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~(e) The person changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 and such coverage has been exhausted.~~**]**

Sec. 75. NRS 689C.191 is hereby amended to read as follows:

689C.191 1. In determining the applicable creditable coverage of a person **, [**~~for the purposes of NRS 689C.190,~~**]** a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, an eligible employee must present any certificates of coverage provided to the eligible employee in accordance with NRS 689C.192 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person **, [**~~for the purposes of NRS 689C.190,~~**]** a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified by the United States Department of Health and Human Services by regulation, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each eligible employee at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 76. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive.

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

(a) Health status.

(b) Medical condition, including physical and mental illnesses, or both.

(c) Claims experience.

(d) Receipt of health care.

(e) Medical history.

(f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not ~~[:~~

~~(a) Require]~~ ***require*** a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage **.** ~~[; or~~

~~(b) Prevent a carrier from establishing limitations or restrictions on the amount, level, extent or nature of the benefits or coverage for similarly situated persons.]~~

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 77. NRS 689C.200 is hereby amended to read as follows:

689C.200 A carrier serving small employers is not required to accept applications from or offer coverage to:

1. A small employer if the employer is not physically located in the carrier's ~~[~~established~~]~~ geographic ***service*** area; or

2. An employee if the employee does not work or reside within the carrier's ~~[~~established~~]~~ geographic ***service*** area.

Sec. 78. NRS 689C.250 is hereby amended to read as follows:

689C.250 ~~[A carrier serving small employers shall make the information and documents described in NRS 689C.210 to 689C.240, inclusive, available to the Commissioner upon request.]~~

1. Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the ~~[~~information is~~]~~ ***unified rate review template and rate filing documentation used by carriers servicing small employers are considered*** proprietary, ~~[~~constitutes~~]~~ ***constitute*** a trade secret, and ~~[~~is~~]~~ ***are*** not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

2. As used in this section, "rate filing documentation" and "unified rate review template" ascribed to in 45 C.F.R 154.215.

Sec. 79. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic ~~***[rating]***~~ ***service*** area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan offered to small employers pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue the particular form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor

relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 80. NRS 689C.320 is hereby amended to read as follows:

689C.320 1. A carrier that discontinues transacting insurance in this State or in a particular geographic ***service*** area of this State shall:

(a) Notify the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before a notice of cancellation or nonrenewal is delivered or mailed to the affected small employers pursuant to paragraph (b).

(b) Notify the Commissioner and each small employer affected not less than 180 days before the expiration of any policy or contract of insurance under any health benefit plan issued to a small employer pursuant to this chapter.

2. A carrier that cancels any health benefit plan because it has discontinued transacting insurance in this State or in a particular geographic ***service*** area of this State:

(a) Shall discontinue the issuance and delivery for issuance of all health benefit plans pursuant to this chapter in this State and not renew coverage under any health benefit plan issued to a small employer; and

(b) May not issue any health benefit plans pursuant to this chapter in this State or in the particular geographic area for 5 years after it gives notice to the Commissioner pursuant to paragraph (b) of subsection 1.

Sec. 81. NRS 689C.325 is hereby amended to read as follows:

689C.325 A carrier that offers coverage through a network plan is not required to offer coverage to or accept any applications for coverage from the eligible employees of a small employer pursuant to NRS 689C.310 and 689C.320 if:

1. The eligible employees do not reside or work in the ~~[established]~~ geographic service area of the network plan.

2. For a small employer whose eligible employees reside or work in the ~~[established]~~ geographic service area of the network plan, the carrier demonstrates to the satisfaction of the Commissioner that the carrier does not have the capacity to deliver adequate service to additional small employers and eligible employees because of the existing obligations of the carrier. If a carrier is authorized by the Commissioner not to offer coverage pursuant to this subsection, the carrier shall not thereafter offer coverage to additional small employers and eligible employees within that ~~[established]~~ geographic service area until the carrier demonstrates to the satisfaction of the Commissioner that it has regained the capacity to deliver adequate service to additional small employers and eligible employees within that service area.

Sec. 82. (Deleted by amendment.)

Sec. 83. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~[May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.~~

~~2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

~~3. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~4.]~~ Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~[5.]~~ ***2.*** Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a ~~[calendar]~~ ***plan*** year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~[6.]~~ ***3.*** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who

is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[7. Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.]~~

Sec. 84. NRS 689C.355 is hereby amended to read as follows:

689C.355 1. Except as otherwise provided in this section, a carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct a small employer to refrain from filing an application for coverage with the carrier because of the health status, claims experience, industry, occupation or geographic location of the small employer.

(b) Encourage or direct a small employer to seek coverage from another carrier because of the health status, claims experience, industry, occupation or geographic location of the small employer.

2. The provisions of subsection 1 do not apply to information provided to a small employer by a carrier or a producer relating to the ~~[~~established~~]~~ geographic service area or a provision for a restricted network of the carrier.

3. Except as otherwise provided in this subsection, a carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation that is paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation or geographic location of the small employer at the time that the health benefit plan is issued to or renewed by the small employer. ~~[~~The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of percentage of premium, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the small employer.~~]~~

4. A carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, occupation or geographic location of a small employer at the time that the health benefit plan is issued to or renewed by the small employer placed by the producer with the carrier.

5. A carrier or producer shall not induce or otherwise encourage a small employer to separate or otherwise exclude an employee or a dependent of the employee from health coverage or benefits provided in connection with the employment of the employee.

6. A violation of any provision of this section by a carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

7. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with a carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to small employers in this state.

8. Nothing in this section interferes with the right and responsibility of a ~~[broker]~~ ***producer*** to advise and represent the best interests of a small employer who is seeking health insurance coverage from a small employer carrier.

Sec. 85. NRS 689C.390 is hereby amended to read as follows:

689C.390 "Dependent" means a spouse, ~~[an unmarried]~~ ***a domestic partner as defined in NRS 122A.030, or a*** child ~~[who has not attained]~~ ~~[19]~~ ***on or before the last day of the month in which the child attains 26*** years of age **.** ~~[, an unmarried child who is a full-time student who has not attained 24 years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent.]~~

Sec. 86. NRS 689C.610 is hereby amended to read as follows:

689C.610 As used in NRS 689C.610 to ~~[689C.980,]~~ ***689C.940,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[689C.620 to 689C.730, inclusive,]~~ ***689C.630, 689C.660 and 689C.670*** have the meanings ascribed to them in those sections.

Sec. 87. (Deleted by amendment.)

Sec. 88. NRS 695A.152 is hereby amended to read as follows:

695A.152 1. To the extent reasonably applicable, a fraternal benefit society shall comply with the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by the society to its members. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "fraternal benefit society."

Sec. 89. NRS 695A.159 is hereby amended to read as follows:

695A.159 1. If a person:

(a) Adopts a dependent child; or

(b) Assumes and retains a legal obligation for the total or partial support of a dependent child in anticipation of adopting the child,

➥ while the person is eligible for group coverage under a certificate for health benefits, the society issuing that certificate shall not restrict the coverage, in accordance with NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, of the child solely because of a preexisting condition the child has at the time he or she would otherwise become eligible for coverage pursuant to that policy.

2. For the purposes of this section, "child" means a person who is under 18 years of age at the time of his or her adoption or the assumption of a legal obligation for his or her support in anticipation of his or her adoption.

Sec. 90. NRS 695B.187 is hereby amended to read as follows:

695B.187 Except as otherwise provided by the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance:

1. A group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that the benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➥ if that contract is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement contract pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees of the employer pursuant to NRS 608.1577.

3. Any corporation which issues a replacement contract pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the corporation which indicates what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation.

Sec. 91. NRS 695B.189 is hereby amended to read as follows:

695B.189 A group contract issued by a corporation under the provisions of this chapter must contain a provision which permits the continuation of coverage pursuant to the provisions of NRS ~~[689B.245 to 689B.249, inclusive, and]~~ 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

Sec. 92. NRS 695B.192 is hereby amended to read as follows:

695B.192 1. No hospital, medical or dental service contract issued by a corporation pursuant to the provisions of this chapter may contain any exclusion, reduction or other limitation of coverage relating to complications of pregnancy, unless the provision applies generally to all benefits payable under the contract and complies with the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. A contract subject to the provisions of this chapter which is issued or delivered on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision of the contract which is in conflict with this section is void.

Sec. 93. NRS 695B.251 is hereby amended to read as follows:

695B.251 1. Except as otherwise provided in the provisions of this section, NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, all group subscriber contracts delivered or issued for delivery in this state providing for hospital, surgical or major medical coverage, or any combination of these coverages, on a service basis or an expense-incurred basis, or both, must contain a provision that the employee or member is entitled to have issued to him or her a subscriber contract of health coverage when the employee or member is no longer covered by the group subscriber contract.

2. The requirement in subsection 1 does not apply to contracts providing benefits only for specific diseases or accidental injuries.

3. If an employee or member was a recipient of benefits under the coverage provided pursuant to NRS 695B.1944, the employee or member is not entitled to have issued to him or her by a replacement insurer a subscriber

contract of health coverage unless the employee or member has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695B.1944.

Sec. 94. NRS 695B.259 is hereby amended to read as follows:

695B.259 The medical service corporation may continue coverage identical to that provided under the group contract instead of issuing a converted contract. Coverage may be offered by amending the group certificate or by issuing an individual contract and ~~[~~, except as otherwise provided in NRS 689B.245 to 689B.249, inclusive,~~]~~ must otherwise comply with every requirement of NRS 695B.251 to 695B.259, inclusive.

Sec. 95. NRS 695B.318 is hereby amended to read as follows:

695B.318 1. Nonprofit hospital, medical or dental service corporations are subject to the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to:

(a) "Carrier" must be replaced by "corporation."

(b) "Group health plan" must be replaced by "group contract for hospital, medical or dental services."

Sec. 95.5. NRS 695B.320 is hereby amended to read as follows:

695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, ***and section 33.8 of this act,*** and chapters 692C and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

Sec. 96. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, ~~[695C.250]~~ and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 96.5. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, ***and section 33.8 of this act,*** and chapters 686A and 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 97. NRS 695C.057 is hereby amended to read as follows:

695C.057 1. A health maintenance organization is subject to the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group

health plan" or "carrier" must be replaced by "health maintenance organization."

Sec. 98. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. ~~[Upon receipt of an application for issuance of a certificate of authority, the Commissioner shall forthwith transmit copies of such application and accompanying documents to the State Board of Health.~~

2.~~]~~ The ~~[State Board of Health]~~ ***Commissioner*** shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the ***Commissioner and in consultation with the*** State Board of Health; and

(c) Has a procedure established in accordance with regulations of the ~~[State Board of Health]~~ ***Commissioner*** to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the ~~[State Board of Health.~~

~~3.~~~~]~~ ***Commissioner.***

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the ~~[State Board of Health shall certify to the]~~ Commissioner ***shall certify*** whether the proposed health maintenance organization meets the requirements of subsection ~~[2.]~~ ***1.*** If the ~~[State Board of Health]~~ ***Commissioner*** certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 99. NRS 695C.090 is hereby amended to read as follows:

695C.090 The Commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to NRS 695C.060 within 90 days ~~[of receipt of the]~~ ***after*** certification ***.*** ~~[from the State Board of Health.]~~ Issuance of a certificate of authority must be granted upon payment of the fees prescribed in NRS 695C.230 if the Commissioner is satisfied that the following conditions are met:

1. The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy and possess good reputations.

2. The ~~[State Board of Health]~~ ***Commissioner*** certifies, in accordance with NRS 695C.080, that the health maintenance organization's proposed plan of operation meets the requirements of subsection ~~[2]~~ ***1*** of NRS 695C.080.

3. The health care plan furnishes comprehensive health care services.

4. The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the Commissioner may consider:

(a) The financial soundness of the health care plan's arrangements for health care services and the schedule of charges used in connection therewith;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other organization for insuring the payment of the cost of health care services;

(d) Any agreement with providers for the provision of health care services; and

(e) Any surety bond or deposit of cash or securities submitted in accordance with NRS 695C.270 as a guarantee that the obligations will be duly performed.

5. The enrollees will be afforded an opportunity to participate in matters of program content pursuant to NRS 695C.110.

6. Nothing in the proposed method of operation, as shown by the information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, or by independent investigation is contrary to the public interest.

Sec. 100. NRS 695C.140 is hereby amended to read as follows:

695C.140 1. A health maintenance organization shall, unless otherwise provided for in this chapter, file notice with the Commissioner ~~[and the State Board of Health]~~ before any material modification of the operations described in the information required by NRS 695C.070. If the Commissioner does not disapprove within 90 days after filing of the notice, the modification is deemed approved.

2. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 101. NRS 695C.1693 is hereby amended to read as follows:

695C.1693 1. Except as otherwise provided in NRS 695C.050, a health care plan issued by a health maintenance organization must provide coverage for medical treatment which an enrollee receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The enrollee has signed, before participating in the clinical trial or study, a statement of consent indicating that the enrollee has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the enrollee.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the enrollee is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the enrollee during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695C.1691, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the health maintenance organization has contracted for such services. If the health maintenance organization has not contracted for the provision of such services, the health maintenance organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the health maintenance organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to an enrollee is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the enrollee.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the enrollee's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the enrollee during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the enrollee.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the enrollee, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~[~~:

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee of the availability of the benefits required by this section.~~

~~(b) Provide~~] ***provide*** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an enrollee caused by:

(1) Any medical treatment provided to the enrollee in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the enrollee in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an enrollee's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the

Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 102. NRS 695C.1705 is hereby amended to read as follows:

695C.1705 Except as otherwise provided in the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance:

1. A group health care plan issued by a health maintenance organization to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➥ if that plan is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement plan pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees pursuant to NRS 608.1577.

3. Any health maintenance organization which issues a replacement plan pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the organization indicating what

benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. If an employee or enrollee was a recipient of benefits under the coverage provided pursuant to NRS 695C.1709, the employee or enrollee is not entitled to have issued to him or her by a health maintenance organization a replacement plan unless the employee or enrollee has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695C.1709.

5. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group health care plan issued by a health maintenance organization.

Sec. 103. NRS 695C.172 is hereby amended to read as follows:

695C.172 1. No health maintenance organization may issue evidence of coverage under a health care plan to any enrollee in this state if it contains any exclusion, reduction or other limitation of coverage relating to complications of pregnancy unless the provision applies generally to all benefits payable under the policy and complies with the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. Evidence of coverage under a health care plan subject to the provisions of this chapter which is issued on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision which is in conflict with this section is void.

Sec. 104. NRS 695C.1727 is hereby amended to read as follows:

695C.1727 1. No evidence of coverage that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the evidence of coverage includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery an evidence of coverage specified in subsection 1 ~~[~~:

~~(a) Shall include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee under the evidence of coverage of the availability of the benefits required by this section.~~

~~(b) Shall~~**]** ***shall*** provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for the evidence of coverage that are required under the evidence of coverage.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the enrollee after the enrollee is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the enrollee and which requires modification of the enrollee's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 105. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine **[**~~to women and girls at such ages~~**]** as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and

any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 106. NRS 695C.200 is hereby amended to read as follows:

695C.200 The Commissioner shall within a reasonable period approve any form if the requirements of NRS 695C.170 are met **.** ~~[and any schedule of charges if the requirements of NRS 695C.180 are met.]~~ It is unlawful to issue such form or to use such schedule of charges until approved. If the Commissioner disapproves such filing, the Commissioner shall notify the filer. In the notice, the Commissioner shall specify the reasons for disapproval. A hearing will be granted within 90 days after a request in writing by the person filing.

Sec. 107. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the Commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. ~~[The organization shall file a copy of the report with the State Board of Health.]~~

2. The report must be on forms prescribed by the Commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the Commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the Commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection ~~[2]~~ ***1*** of NRS 695C.080 in such form as required by the ~~[State Board of Health;]~~ ***Commissioner;*** and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the Commissioner to carry out his or her duties pursuant to this chapter.

3. Every health maintenance organization shall file with the Commissioner annually an audited financial statement of the organization prepared by an independent certified public accountant. The statement must cover the preceding 12-month period and must be filed with the Commissioner within 120 days after the end of the organization's fiscal year. Upon written request, the Commissioner may grant a 30-day extension.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

5. The Commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 108. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

2. The **[**~~State Board of Health~~**]** ***Commissioner*** shall make an examination concerning the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as it deems necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

3. Every health maintenance organization and provider shall submit its books and records relating to the health care plan to an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination. Medical records of natural persons and records of physicians providing service pursuant to a contract to the health maintenance organization are not subject to such examination, although the records are subject to subpoena upon a showing of good cause. For the purpose of examinations, the Commissioner **[**~~and the State Board of Health~~**]** may administer oaths to, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

4. The expenses of examinations pursuant to this section must be assessed against the organization being examined and remitted to the Commissioner **.** **[**~~or the State Board of Health, whichever is appropriate.~~**]**

5. In lieu of such examination, the Commissioner may accept the report of an examination made by the insurance commissioner or the state board of health of another state.

Sec. 109. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The ~~[State Board of Health certifies to the]~~ Commissioner ***certifies*** that the health maintenance organization:

(1) Does not meet the requirements of subsection ~~[2]~~ ***1*** of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 110. NRS 695C.340 is hereby amended to read as follows:

695C.340 1. When the Commissioner has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the Commissioner shall notify the health maintenance organization **[**~~and the State Board of Health~~**]** in writing specifically stating the grounds for denial, suspension or revocation and fixing a time at least 30 days thereafter for a hearing on the matter.

2. **[**~~The State Board of Health or its delegated representative shall be in attendance at the hearing and shall participate in the proceedings. The recommendation and findings of the State Board of Health with respect to matters relating to the quality of health maintenance services provided in connection with any decision regarding denial, suspension or revocation of a certificate of authority are conclusive and binding upon the Commissioner.~~**]** After the hearing, or upon the failure of the health maintenance organization to appear at the hearing, the Commissioner shall take action as is deemed advisable on written findings which must be mailed to the health maintenance organization **.** **[**~~with a copy thereof to the State Board of Health.~~**]** The action of the Commissioner **[**~~and the recommendation and findings of the State Board of Health~~**]** are subject to review by the First Judicial District Court of the State of Nevada in and for Carson City. The

court may, in disposing of the issue before it, modify, affirm or reverse the order of the Commissioner in whole or in part.

Sec. 111. NRS 695C.350 is hereby amended to read as follows:

695C.350 1. The Commissioner may, in lieu of suspension or revocation of a certificate of authority under NRS 695C.330, levy an administrative penalty in an amount not more than $2,500 for each act or violation, if reasonable notice in writing is given of the intent to levy the penalty.

2. Any person who violates the provisions of this chapter is guilty of a misdemeanor.

3. If the Commissioner ~~[or the State Board of Health]~~ for any reason ~~[have]~~ ***has*** cause to believe that any violation of this chapter has occurred or is threatened, the Commissioner ~~[or the State Board of Health]~~ may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in the suspected violation, to arrange a conference with the alleged violators or their authorized representatives to attempt to determine the facts relating to the suspected violation, and, if it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violation.

4. The proceedings conducted pursuant to the provisions of subsection 3 must not be governed by any formal procedural requirements, and may be conducted in such manner as the Commissioner ~~[or the State Board of Health]~~ may deem appropriate under the circumstances.

5. The Commissioner may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in violation of the provisions of this chapter.

6. Within 30 days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this chapter have occurred. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.

7. In the case of any violation of the provisions of this chapter, if the Commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to subsection 5, the Commissioner may institute a proceeding to obtain injunctive relief, or seek other appropriate relief in the district court of the judicial district of the county in which the violator resides.

Sec. 112. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to NRS 679B.700.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to **[**~~689B.590,~~**]** ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS 689A.035, 689A.410, 689A.413 and 689A.415.

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.

12. NRS 689A.637, concerning health centers.

Sec. 113. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner **, [**~~or the State Board of Health,~~**]** each managed care organization shall file with the Commissioner **, [**~~and the State Board of Health,~~**]** on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

(a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or

(b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the Commissioner **, [**~~or the State Board of Health,~~**]** if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

(a) A copy of all of its quarterly and annual financial reports;

(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and

(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.

4. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

Sec. 114. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 115. NRS 695G.173 is hereby amended to read as follows:

695G.173 1. A health care plan issued by a managed care organization must provide coverage for medical treatment which a person insured under the plan receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695G.164, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the managed care organization has contracted for such services. If the managed care organization has not contracted for the provision of such services, the managed care organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the managed care organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the plan is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the plan.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~[~~:

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each person insured under the plan of the availability of the benefits required by this section.~~

~~(b) Provide~~~~]~~ ***provide*** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the

Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 116. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➥ The system must be approved by the Commissioner in consultation with the State Board of Health.

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to this section at such times as either deems necessary or appropriate.

Sec. 117. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to NRS 695G.200 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 117.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this

purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and*** 689B.287 ~~[and 689B.575]~~ apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 118. NRS 287.045 is hereby amended to read as follows:

287.045 1. Except as otherwise provided in this section, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment.

2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

4. Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 90th day after the member's initial term of office begins.

5. Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and if the coverage under the Program is provided by a health maintenance

organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.

Sec. 119. NRS 689A.045, 689A.370, 689A.480, 689A.500, 689A.515, 689A.545, 689A.560, 689A.565, 689A.575, 689A.595, 689A.605, 689A.610, 689A.620, 689A.640, 689A.645, 689A.650, 689A.655, 689A.660, 689A.665, 689A.670, 689A.675, 689A.680, 689A.685, 689A.730, 689B.120, 689B.130, 689B.140, 689B.150, 689B.170, 689B.180, 689B.200, 689B.210, 689B.245, 689B.246, 689B.247, 689B.248, 689B.249, 689B.283, 689B.410, 689B.420, 689B.470, 689B.575, 689B.590, 689C.021, 689C.035, 689C.051, 689C.076, 689C.084, 689C.089, 689C.099, 689C.107, 689C.145, 689C.157, 689C.210, 689C.230, 689C.240, 689C.260, 689C.283, 689C.287, 689C.290, 689C.300, 689C.327, 689C.340, 689C.342, 689C.344, 689C.346, 689C.348, 689C.620, 689C.640, 689C.650, 689C.680, 689C.690, 689C.700, 689C.710, 689C.720, 689C.730, 689C.740, 689C.750, 689C.760, 689C.770, 689C.780, 689C.790, 689C.800, 689C.810, 689C.820, 689C.830, 689C.840, 689C.850, 689C.860, 689C.870, 689C.880, 689C.890, 689C.900, 689C.910, 689C.920, 689C.930, 689C.950, 689C.955, 689C.960, 689C.970, 689C.980, 695C.1707, 695C.180, 695C.193, 695C.195, 695C.250 and 695I.050 are hereby repealed.

Sec. 119.5. The provisions of sections 27 to 30, inclusive, 32.2**, 33** to 66, inclusive, and 67 to 118, inclusive, of this act apply to policies which are issued on or after October 1, 2013, and which become effective on or after January 1, 2014.

Sec. 120. 1. This section and sections 1 to 26, inclusive, 31 **[**and 32**]** **to 32.1, inclusive, 32.5 and 32.8** of this act become effective upon passage and approval.

2. Sections 27 to 30, inclusive, 32.2**, 33** to 66, inclusive, and 67 to 119.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations; and

(b) On January 1, 2014, for all other purposes.

3. Section 66.5 of this act becomes effective on January 1, 2016.

4. Sections 13, 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

689A.045 Termination of coverage on dependent child.
689A.370 Health insurance on franchise plan.
689A.480 "Basic health benefit plan" defined.
689A.500 "Converted policy" defined.
689A.515 "Eligible person" defined.
689A.545 "Health status-related factor" defined.
689A.560 "Individual reinsuring carrier" defined.
689A.565 "Individual risk-assuming carrier" defined.
689A.575 "Plan of operation" defined.
689A.595 "Program of Reinsurance" defined.
689A.605 "Standard health benefit plan" defined.
689A.610 Applicability; ceding arrangement prohibited in certain circumstances.
689A.620 Certain person with break in coverage deemed eligible person.
689A.640 Each health benefit plan marketed in this State required to be offered to eligible persons.
689A.645 Coverage to eligible person who does not reside in established geographic service area not required; coverage within certain areas not required.
689A.650 Coverage to eligible persons not required under certain circumstances; notice to Commissioner of and prohibition on writing new business after election not to offer new coverage required.
689A.655 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.
689A.660 Prohibited acts concerning preexisting conditions and modification of health benefit plan.
689A.665 Certain health carriers not required to offer health benefit insurance coverage to individuals.
689A.670 Election to operate as individual risk-assuming carrier or individual reinsuring carrier: Notice to Commissioner; effective date; change in status.
689A.675 Election to act as individual risk-assuming carrier: Suspension by Commissioner; applicable statutes.
689A.680 Rates for individual health benefit plans to be developed based on rating characteristics: Prohibited characteristics; health status as rating factor.
689A.685 Amount of change in rate of single block of business; plan with provision for restricted network; involuntary transfer of individual or dependent prohibited; premiums adjusted for block of business.

689A.730 Producer may only sign up eligible persons if eligible persons are actively engaged in or related to association.

689B.120 Policies of group health insurance to contain provision for conversion; exceptions; conditions.

689B.130 Conversion privilege available to spouse and children; conditions.

689B.140 Denial of converted policy because of overinsurance; notice concerning cancellation of other coverage.

689B.150 Choice of plans for converted policy.

689B.170 Benefits payable under converted policy may be reduced by amount payable under group policy.

689B.180 Issuance and effective date of converted policy; premiums; persons covered.

689B.200 Notice of conversion privilege.

689B.210 Converted policy delivered outside Nevada: Form.

689B.245 Required provision concerning continuation of coverage.

689B.246 Notice of eligibility or election to continue coverage.

689B.247 Payment of premium for continued coverage.

689B.248 New insurer to provide continued coverage.

689B.249 Termination of continued coverage before end of period.

689B.283 Mandatory renewal of coverage under conversion health benefit plan.

689B.410 "Health benefit plan" defined.

689B.420 "Health status-related factor" defined.

689B.470 Certain plan, fund or program to be treated as employee welfare benefit plan which is group health plan; partnership deemed employer of each partner.

689B.575 Carrier that offers coverage through network plan: Contracts with certain federally qualified health centers.

689B.590 Converted policies: Carrier may only offer choice of basic and standard plans; election of basic or standard plan; premium; rates must be same for persons with similar case characteristics; losses must be spread across book.

689C.021 "Basic health benefit plan" defined.

689C.035 "Characteristics" defined.

689C.051 "Converted policy" defined.

689C.076 "Health status-related factor" defined.

689C.084 "Program of Reinsurance" defined.

689C.089 "Risk-assuming carrier" defined.

689C.099 "Standard health benefit plan" defined.

689C.107 Affiliated carriers deemed one carrier in certain circumstances; affiliated carrier that is health maintenance organization

considered separate carrier; ceding arrangement prohibited in certain circumstances.

689C.145 Characteristics that carrier may use to determine rating factors for establishing premiums.

689C.157 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.

689C.210 Procedure for increasing premium rates.

689C.230 Determination and application of index rate.

689C.240 Use of industry classifications as rating factor.

689C.260 Manner in which carrier may establish separate class of business; transferring small employer into or out of class of business.

689C.283 Election to operate as risk-assuming carrier or reinsuring carrier: Notice to Commissioner; effective date; change in status.

689C.287 Election to act as risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689C.290 Commissioner authorized to suspend restriction on increase of premiums for new rating period based on new business for policy.

689C.300 Carrier to file actuarial certification annually with Commissioner.

689C.327 Carrier that offers network plan: Contracts with certain federally qualified health centers.

689C.340 Required provisions in health benefit plan of employer who employs less than 20 employees related to continuation of coverage.

689C.342 Notice of election and payment of premium.

689C.344 Amount of premium for continuation of coverage; change in rates; payment to insurer; termination.

689C.346 Effect of change in insurer during period of continued coverage.

689C.348 Continued coverage ceases before end of established period under certain circumstances.

689C.620 "Board" defined.

689C.640 "Committee" defined.

689C.650 "Eligible person" defined.

689C.680 "Individual reinsuring carrier" defined.

689C.690 "Individual risk-assuming carrier" defined.

689C.700 "Plan of operation" defined.

689C.710 "Program of Reinsurance" defined.

689C.720 "Reinsuring carrier" defined.

689C.730 "Risk-assuming carrier" defined.

689C.740 Creation.

689C.750 Board of Directors: Creation; members; term; vacancy.

689C.760 Meetings of Board; Chair of Board.

689C.770 Plan of operation: Submission by Board; approval by Commissioner; temporary plan when plan not suitable or not submitted.

689C.780 Requirements of plan of operation and temporary plan of operation.

689C.790 Program deemed to have powers and authority of insurance companies and health maintenance organizations; exceptions; powers.

689C.800 Amount of coverage to be reinsured; time within which reinsurance may begin; limitation on reimbursement to reinsuring carrier; termination of reinsurance; premium rate charged to federally qualified health maintenance organization; manner of handling managed care and claims by reinsuring carrier.

689C.810 Premium rates: Methodology for determining; minimum rates; review of methodology.

689C.820 Premiums for certain health benefit plans that are reinsured with program required to meet established requirements for premium rates.

689C.830 Board required to determine, account for and report to Commissioner net loss.

689C.840 Net loss from reinsuring small employers and eligible employees and dependents required to be recouped by assessments against reinsuring carriers.

689C.850 Net loss from reinsuring individual eligible persons and dependents required to be recouped by assessments against individual reinsuring carriers.

689C.860 Board required to determine, account for and report to Commissioner estimate of assessments needed to pay for losses; evaluation of operation of Program.

689C.870 Additional funding: Eligibility based on amount of assessment needed; Board to establish formula for additional assessments on all carriers.

689C.880 Use of excess assessments.

689C.890 Assessment against reinsuring carrier to be determined annually; penalty for late payment of assessments; deferment of assessment.

689C.900 Insurer to receive certificate of contribution for paying additional assessment; certain amount of contribution may be shown as asset and may offset liability for premium tax.

689C.910 Adjustment of assessment on federally qualified health maintenance organizations.

689C.920 Immunity from liability of Program and reinsuring carriers for certain acts.

689C.930 Board to develop standards setting forth manner and levels of compensation paid to producers for sale of health benefit plans.

689C.950 Certain provisions inapplicable to certain basic health benefit plan delivered to small employers or eligible persons.

689C.955 Member, agent or employee of Board immune from liability in certain circumstances.

689C.960 Creation; members; term; vacancy.

689C.970 Meetings; Chair; duties.

689C.980 Board and Committee to study and submit report concerning effectiveness of certain provisions.

695C.1707 Required provision for continuation of coverage.

695C.180 Schedule of charges.

695C.193 Summary of coverage: Contents of disclosure; approval by Commissioner; regulations.

695C.195 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695C.250 Open enrollment.

695I.050 "Federal Act" defined.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 852.

AN ACT relating to governmental administration; consolidating the Health Division and the Division of Mental Health and Developmental Services of the Department of Health and Human Services into the Division of Public and Behavioral Health of the Department; transferring the powers and duties concerning certain services to children with autism spectrum disorders from the Health Division to the Aging and Disability Services Division of the Department; transferring the authority for developmental services in the Division of Mental Health and Developmental Services to the Aging and Disability Services Division; ~~[providing for the appointment of a Chief Medical Officer in certain circumstances; requiring the directors of certain~~

~~facilities to report to the Chief Medical Officer and to operate under his or her oversight;~~ **replacing the State Health Officer with a Chief Medical Officer; providing the qualifications and duties of the Chief Medical Officer; renaming the Commission on Mental Health and Developmental Services of the Department the Commission on Behavioral Health; making the Aging and Disability Services Division of the Department responsible for services for and other oversight relating to persons with intellectual disabilities and persons with related conditions; making various other changes to provisions relating to the organization of the divisions of the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division and the Division of Mental Health and Developmental Services are ~~[two]~~ separate divisions within the Department of Health and Human Services. (NRS 232.300) This bill consolidates those ~~[two]~~ divisions into **one division named** the Division of Public and Behavioral Health of the Department of Health and Human Services. **Sections 1-5, 6, 7, 8, 10, 12, 14, 17, 18, 21, 21.7, 40, 42, 43, 46, 47, 66-68, 71-80, 81-88, 91-98 and 100-137 of this bill make conforming changes to carry out that consolidation.**

Existing law requires the Director of the Department of Health and Human Services to appoint the Administrator of the Health Division and the Administrator of the Division of Mental Health and Developmental Services. (NRS 232.320) ~~[Sections]~~ **Section 2** ~~[, 3 and 12 of this bill: (1) eliminate the position of Administrator of the Health Division and provide]~~ **eliminates those two Administrators and** instead **provides** for **the appointment of** an Administrator of the Division of Public and Behavioral Health **. ~~[; (2) set forth the qualifications of the Administrator; (3) require]~~ Section 3 requires** the Administrator, with the consent of the Director of the Department, to appoint four deputies **~~[; and (4) authorize]~~ , one of whom must have expertise or experience in mental health services. Section 12 authorizes** the Administrator to delegate his or her powers, duties and functions to ~~[a]~~ **any officer,** deputy **~~[,]~~ or employee of the Division. Section 21 establishes the qualifications of the Administrator.**

Section 4 renames the Commission on Mental Health and Developmental Services within the Department of Health and Human Services as the Commission on Behavioral Health. (NRS 232.361) The Commission retains its duties except that section 25 of this bill requires the State Board of Health, rather than the Commission, to adopt certain regulations regarding the care and treatment of persons with mental illness, persons with substance use disorders and persons with co-occurring disorders. In addition, although the Commission will continue

to consider certain issues relating to persons with intellectual disabilities and persons with related conditions, regulations regarding such persons are transferred to the Aging and Disability Services Division of the Department in section 50 of this bill.

Under existing law, the Health Division and the Division of Mental Health and Developmental Services have various responsibilities with respect to persons with intellectual disabilities and persons with related conditions. This bill transfers most of those responsibilities to the Aging and Disability Services Division. Sections 9.3 and 9.7 of this bill add to the duties of the Aging and Disability Services Division the duty to oversee those transferred responsibilities. Sections 49-59.7 of this bill duplicate certain provisions of NRS which applied to both mental health and intellectual disabilities to: (1) transfer the responsibilities relating to persons with intellectual disabilities and persons with other related conditions and applicable division facilities to the Aging and Disability Services Division; and (2) continue the statutory rights of persons with intellectual disabilities and persons with related conditions. Sections 7.5, 9-9.7, 10.3-20.5, 21.7, 27-39.8, 41, 45, 47, 60, 60.3, 61 and 137.2-137.8 of this bill make conforming changes to ensure the transfer of responsibilities regarding persons with intellectual disabilities and persons with related conditions and regarding applicable division facilities.

Section 61.5 of this bill designates the Department of Health and Human Services rather than the Division of Mental Health and Developmental Services as the official state agency responsible for developing and administering preventive and outpatient mental health services.

Existing law creates the position of State Health Officer within the Health Division of the Department of Health and Human Services and requires the State Health Officer to enforce all laws and regulations pertaining to the public health and to investigate matters relating to the health and life of the people of this State. (NRS 439.090, 439.130) **Section 64** of this bill **instead** provides ~~[that the State Health Officer serves as]~~ **for the appointment of a** Chief Medical Officer ~~[unless the Director of the Department determines that the appointment of a Chief Medical Officer is in the best interests of this State. Sections]~~ **to take over the responsibilities of the State Health Officer. Section 63** ~~[and 65]~~ of this bill ~~[establish the qualifications and]~~ **establishes the qualifications of the Chief Medical Officer. Section 65 of this bill sets forth the** duties of the Chief Medical Officer. **Section 13** of this bill provides that the medical director or other person in charge of certain facilities relating to mental health is subject to the oversight of the Chief Medical Officer and is required to report any information concerning the

facility to the Chief Medical Officer upon his or her request. **Sections 69.5-71, 74, 80.5, 92, 95, 103, 125 and 133 of this bill make conforming changes to existing law.**

~~[~~This~~]~~ **Sections 88-90 and 99-101 of this** bill also ~~[~~transfers:~~]~~ **transfer:** (1) the powers and duties concerning certain services to children with autism spectrum disorders from the Health Division to the Aging and Disability Services Division of the Department of Health and Human Services; and (2) the authority for developmental services from the Division of Mental Health and Developmental Services to the Aging and Disability Services Division.

~~[Section 142 of this bill provides, in part, for the Legislative Counsel to substitute appropriately throughout NRS any names changed by this bill, so that this bill does not need to include every section of NRS in which a name needs to be changed.]~~

Section 128 removes language from existing law concerning transferring money from one account of the Health Division to an account of the Division of Mental Health and Developmental Services. (NRS 453A.730) Since those Divisions are consolidated in this bill, there is no need to transfer the money. Sections 131.5 and 131.7 make conforming changes.

Section 139 of this bill repeals various sections of NRS which are no longer necessary because of the revisions made in this bill.

Sections 140-142 of this bill provide transitory provisions regarding the transfer of responsibilities, including the transfer and adoption of regulations, the effect of name changes on any existing contracts, revisions that may be necessary to other provisions of NRS and administrative regulations to conform to the changes made in this bill and other necessary directions to carry out the intent of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 232.300 is hereby amended to read as follows:

232.300 1. The Department of Health and Human Services is hereby created.

2. The Department consists of a Director and the following divisions:

(a) Aging and Disability Services Division.

(b) ~~[~~Health Division.

~~(c)]~~ Division of ~~[~~Mental Health and Developmental Services.

~~(d)]~~ ***Public and Behavioral Health.***

(c) Division of Welfare and Supportive Services.

~~[(e)]~~ ***(d)*** Division of Child and Family Services.

~~[(f)]~~ ***(e)*** Division of Health Care Financing and Policy.

3. The Department is the sole agency responsible for administering the provisions of law relating to its respective divisions.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) ~~[~~The Administrator of the Health Division;

~~(3)]~~ The Administrator of the Division of Welfare and Supportive Services;

~~[(4)]~~ ***(3)*** The Administrator of the Division of Child and Family Services;

~~[(5)]~~ ***(4)*** The Administrator of the Division of Health Care Financing and Policy; and

~~[(6)]~~ ***(5)*** The Administrator of the Division of ~~[~~Mental Health and Developmental Services.~~]~~ ***Public and Behavioral Health.***

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than ~~[:~~

~~(a) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and~~

~~(b) The~~] ***the*** State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 3. NRS 232.350 is hereby amended to read as follows:

232.350 Unless federal law or regulation requires otherwise:

1. The administrators of the divisions of the Department, except as otherwise provided in subsections 2 ~~[and 3,]~~ ***, 3 and 4,*** may each appoint, with the consent of the Director, a deputy and a chief assistant in the unclassified service of the State.

2. The Administrator of the Division of Child and Family Services of the Department shall appoint, with the consent of the Director, four deputies in the unclassified service of the State, one of whom is the Deputy Administrator for Youth Corrections who is responsible only for correctional services for youths for which the Division is responsible, including, without limitation, juvenile correctional institutions, parole of juveniles, administration of juvenile justice and programs for juvenile justice.

3. The Administrator of the Division of Health Care Financing and Policy of the Department may appoint, with the consent of the Director, two deputies in the unclassified service of the State.

4. The Administrator of the Division of Public and Behavioral Health shall appoint, with the consent of the Director, four deputies in the unclassified service of the State ~~[.]~~ ***, one of whom must have expertise or experience in mental health services.***

Sec. 4. NRS 232.361 is hereby amended to read as follows:

232.361 1. There is hereby created in the Department a Commission on ~~[~~Mental Health and Developmental Services~~]~~ ***~~[Public and]~~ Behavioral Health*** consisting of 10 members appointed by the Governor, at least 3 of whom have training or experience in dealing with mental retardation.

2. The Governor shall appoint:

(a) A psychiatrist licensed to practice medicine in this State, from a list of three candidates submitted by the Nevada Psychiatric Association;

(b) A psychologist licensed to practice in this State and experienced in clinical practice, from a list of four candidates submitted by the Nevada State Psychological Association, two of whom must be from northern Nevada and two of whom must be from southern Nevada;

(c) A physician, other than a psychiatrist, licensed to practice medicine in this State and who has experience in dealing with mental retardation, from a list of three candidates submitted by the Nevada State Medical Association;

(d) A social worker who has a master's degree and has experience in dealing with mental illness or mental retardation, or both;

(e) A registered nurse licensed to practice in this State who has experience in dealing with mental illness or mental retardation, or both, from a list of three candidates submitted by the Nevada Nurses Association;

(f) A marriage and family therapist licensed to practice in this State, from a list of three candidates submitted by the Nevada Association for Marriage and Family Therapy;

(g) A person who has knowledge and experience in the prevention of alcohol and drug abuse and the treatment and recovery of alcohol and drug abusers through a program or service provided pursuant to chapter 458 of NRS, from a list of three candidates submitted by the Division of ~~[~~Mental Health and Developmental Services~~]~~ ***Public and Behavioral Health*** of the Department;

(h) A current or former recipient of mental health services provided by the State or any agency thereof;

(i) A representative of the general public who has a special interest in the field of mental health; and

(j) A representative of the general public who has a special interest in the field of mental retardation.

3. The Governor shall appoint the Chair of the Commission from among its members.

4. After the initial terms, each member shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

Sec. 5. NRS 178.3983 is hereby amended to read as follows:

178.3983 "Division" means the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department of Health and Human Services.

Sec. 5.5. **NRS 178.3984 is hereby amended to read as follows:**

178.3984 "Division facility" ~~[has the meaning ascribed to it]~~ ***means a division facility as defined*** in NRS 433.094 ~~[.]~~ ***and section 60 of this act.***

Sec. 6. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 7. NRS 278.0238 is hereby amended to read as follows:

278.0238 As used in NRS 278.0238 to 278.02388, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.02381 to 278.02385, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections.

Sec. 7.5. **NRS 353.335 is hereby amended to read as follows:**

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is

submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding $20,000 each in value; and

(b) Governmental grants not exceeding $150,000 each in value,

➥ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 ~~[,]~~ ***or section 55.2 of this act;*** or

(c) Artifacts donated to the Department of Tourism and Cultural Affairs.

Sec. 8. NRS 353.349 is hereby amended to read as follows:

353.349 1. If the Administrator of the ~~[Health]~~ Division of ***Public and Behavioral Health of*** the Department of Health and Human Services determines that current claims exceed the amount of money available because revenue from billed services has not been collected or because of a delay in the receipt of money from federal grants, the Administrator may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of the Director's approval of a request made pursuant to subsection 1.

The State Controller shall draw his or her warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) May be approved by the Director of the Department of Administration for the following budget accounts of the ~~[Health]~~ Division of ***Public and Behavioral Health of*** the Department of Health and Human Services:

(1) Consumer Health Protection;

(2) ~~[Bureau of Laboratory and Research;~~

~~(3)]~~ Community Health Services;

~~[(4)]~~ ***(3)*** Women, Infants and Children;

~~[(5)]~~ ***(4)*** Bureau of Health Facilities; and

~~[(6)]~~ ***(5)*** Radiological Health.

(b) Is limited to 25 percent of the revenues expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund to an account pursuant to subsection 3 must be repaid by August 31 following the end of the immediately preceding fiscal year.

Sec. 9. NRS 353.351 is hereby amended to read as follows:

353.351 1. If the Administrator of the ***Aging and Disability Services*** Division ~~[of Mental Health and Developmental Services]~~ of the Department of Health and Human Services determines that current claims exceed the amount of money available because revenue from billed services has not been collected, the Administrator may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of the Director's approval of a request made pursuant to subsection 1. The State Controller shall draw his or her warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) May be approved by the Director of the Department of Administration for the following budget accounts of the ***Aging and Disability Services*** Division ~~[of Mental Health and Developmental Services]~~ of the Department of Health and Human Services:

(1) Rural Regional Center;

(2) Desert Regional Center; and

(3) Sierra Regional Center.

(b) Is limited to 25 percent of the revenues expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund to an account pursuant to subsection 3 must be repaid by August 31 following the end of the immediately preceding fiscal year.

Sec. 9.3. **NRS 427A.040 is hereby amended to read as follows:**

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800 to 427A.860, inclusive, to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(4) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

(5) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and

members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter ~~[.]~~ ***and chapter 435 of NRS.***

4. The Division shall administer the provisions of ~~[chapter]~~ ***chapters 435 and*** 656A of NRS.

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter ~~[.]~~ ***and chapter 435 of NRS.***

Sec. 9.7. **NRS 427A.070 is hereby amended to read as follows:**

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter ~~[;]~~ ***and chapter 435 of NRS;*** and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection 5 of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter ~~[.]~~ ***and chapter 435 of NRS;***

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter ~~[.]~~ ***and chapter 435 of NRS;*** and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter ~~[.]~~ ***and chapter 435 of NRS.***

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter ~~[.]~~ ***and chapter 435 of NRS.***

Sec. 9.8. **NRS 427A.872 is hereby amended to read as follows:**

427A.872 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which

are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.

2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to NRS 388.483 ~~[, 442.760]~~ and 615.205. Except as otherwise provided in NRS 388.483, the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to NRS 388.483 ~~[, 442.760]~~ and 615.205 and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

Sec. 10. NRS 432A.0273 is hereby amended to read as follows:

432A.0273 ~~[~~"Health~~]~~ **"** Division" means the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department.

Sec. 10.3. **NRS 432B.6078 is hereby amended to read as follows:**

432B.6078 1. Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his or her legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS ***and sections 57.4 to 58.67, inclusive, of this act,*** and, if the child or the child's attorney desires, assist the child in requesting the court to authorize a second examination by an evaluation team that includes a physician, psychiatrist or licensed psychologist who are not employed by, connected to or otherwise affiliated with the facility other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility. A second examination must be conducted not later than 5 business days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) Include, without limitation, an evaluation concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility; and

(b) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 10.6. **NRS 432B.6082 is hereby amended to read as follows:**

432B.6082 In addition to the personal rights set forth in NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS, ***and sections 57.4 to 58.67, inclusive, of this act,*** a child who is in the custody of an agency which provides child welfare services and who is admitted to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing evaluation, treatment or training services to such children and must be otherwise brought to the attention of the child by such additional means as prescribed by regulation:

1. To receive an education as required by law; and

2. To receive an allowance from the agency which provides child welfare services in an amount equivalent to any allowance required to be provided to children who reside in foster homes.

Sec. 10.9. **NRS 432B.6085 is hereby amended to read as follows:**

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS ***and sections 57.4 to 58.67, inclusive, of this act*** apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 11. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. ***1. The Administrator may delegate to ~~[a]~~ any officer, deputy or employee of the Division the exercise or discharge in the name of the Administrator of any power, duty or function vested in or imposed upon the Administrator.***

2. The official act of any such person acting in the name of the Administrator and by his or her authority shall be deemed an official act of the Administrator.

Sec. 13. ***The medical director or other person in charge of any division facility or any other facility or center established pursuant to this chapter and chapters 433A, 433B and 436 of NRS:***

1. Is subject to the oversight of the Chief Medical Officer; and

2. Shall report to the Chief Medical Officer any information concerning the facility or center upon the request of the Chief Medical Officer.

Sec. 14. NRS 433.003 is hereby amended to read as follows:

433.003 The Legislature hereby declares that it is the intent of this ~~[title:]~~ ***chapter and chapters 433A, 433B and 436 of NRS:***

1. To eliminate the forfeiture of any civil and legal rights of any person and the imposition of any legal disability on any person, based on an allegation of mental illness~~,~~ ***,*** ~~[or mental retardation]~~ ~~[or a related condition,]~~ by any method other than a separate judicial proceeding resulting in a determination of incompetency, wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated; and

2. To charge the Division of ~~[Mental and Developmental Services,]~~ ***Public and Behavioral Health,*** and the Division of Child and Family Services, of the Department with recognizing their duty to act in the best interests of their respective consumers by placing them in the least restrictive environment.

Sec. 15. NRS 433.005 is hereby amended to read as follows:

433.005 As used in this ~~[title,]~~ ***chapter and chapters 433A, 433B and 436 of NRS,*** unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 433.014 is hereby amended to read as follows:

433.014 "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate mental health ~~[or mental retardation facilities]~~ ***centers*** designated by the Administrator.

Sec. 17. NRS 433.047 is hereby amended to read as follows:

433.047 "Commission" means the Commission on ~~[Mental Health and Developmental Services.]~~ ***[Public and]*** ***Behavioral Health.***

Sec. 18. NRS 433.084 is hereby amended to read as follows:

433.084 "Division" means the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department.

Sec. 19. NRS 433.134 is hereby amended to read as follows:

433.134 "Medical director" means the ~~[chief]~~ medical officer ***in charge*** of any division mental health ~~[or mental retardation]~~ program.

Sec. 20. NRS 433.233 is hereby amended to read as follows:

433.233 1. The division facilities providing mental health services are designated as:

(a) Northern Nevada Adult Mental Health Services;
(b) Southern Nevada Adult Mental Health Services;
(c) Rural clinics; and
(d) Lakes Crossing Center.

2. ~~[The division facilities providing services for persons with mental retardation and persons with related conditions are designated as:~~
~~(a) Desert Regional Center;~~
~~(b) Sierra Regional Center; and~~
~~(c) Rural Regional Center.~~
~~3.]~~ Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 20.5. **NRS 433.234 is hereby amended to read as follows:**

433.234 The provisions of ~~[chapters 433 to]~~ ***this chapter and chapters 433A, 433B and*** 436 ~~[, inclusive,]~~ of NRS pertaining to division facilities must be administered by the respective administrative officers of the division facilities, subject to administrative supervision by the Administrator.

Sec. 21. NRS 433.244 is hereby amended to read as follows:

433.244 ~~[1.]~~ The Administrator must ~~[:]~~ ~~[have:]~~

~~[~~(a) ~~*Have:*~~

~~*(1)* Training and demonstrated administrative qualities of leadership in any one of the professional fields of psychiatry, medicine, psychology, social work,]~~ ~~[~~education~~]~~ ~~*[public health* or administration; and]~~

~~[~~(b)~~]~~ ~~*[(2)* Administrative training or experience in programs relating to mental health, including care, treatment or training, or any combination thereof, of persons with mental illness]~~ ~~[~~or mental retardation~~]~~ ~~[and persons with related conditions]~~ ~~[.]~~ ~~*[; or*~~

~~*(b) Have not less than 2 years' experience, or the equivalent, in a responsible administrative position in:*~~

~~*(1) A full-time county or city health facility or department; or*~~

~~*(2) A major health program at a state or national level.]*~~ ***be selected on the basis of his or her education, training, experience, leadership qualities, demonstrated abilities and interest in the field of behavioral health or public health.***

2. The Administrator is in the unclassified service of the State.

Sec. 21.5. **NRS 433.264 is hereby amended to read as follows:**

433.264 1. Physicians shall be employed within the various division facilities as are necessary for the operation of the facilities. They shall hold degrees of doctor of medicine ***or doctor of osteopathic medicine*** from accredited medical schools and they shall be licensed to practice medicine ***or osteopathic medicine*** in Nevada as provided by law.

2. Except as otherwise provided by law, their only compensation shall be annual salaries, fixed in accordance with the pay plan adopted pursuant to the provisions of NRS 284.175.

3. The physicians shall perform such duties pertaining to the care and treatment of consumers as may be required.

Sec. 21.7. **NRS 433.279 is hereby amended to read as follows:**

433.279 1. The Division shall carry out a vocational and educational program for the certification of mental ~~[health-mental retardation]~~ ***health*** technicians, including forensic technicians:

(a) Employed by the Division, or other employees of the Division who perform similar duties, but are classified differently.

(b) Employed by the Division of Child and Family Services of the Department.

➥ The program must be carried out in cooperation with the Nevada System of Higher Education.

2. A mental ~~[health-mental retardation]~~ ***health*** technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize a mental ~~[health-mental retardation]~~ ***health*** technician to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Division shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "mental ~~[health-mental retardation]~~ ***health*** technician" means an employee of the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Services*** or the Division of Child and Family Services who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with mental illness ~~[or mental retardation,]~~ ***and*** persons who are emotionally disturbed ***,*** ~~[and persons with related conditions,]~~ and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 22. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness , ~~[~~mental retardation~~]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders , ~~[~~and persons with related conditions,~~]~~ including services to prevent mental illness , ~~[~~mental retardation~~]~~ ***intellectual disabilities and related conditions, substance use disorders*** and co-occurring disorders ~~[~~and related conditions,~~]~~ and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness , ~~[~~mental retardation~~]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[~~and persons with related conditions~~]~~ provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on the quality of the care and treatment provided for persons with mental illness , ~~[~~mental retardation~~]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[~~and persons with related conditions~~]~~ in this State and on any progress made toward improving the quality of that care and treatment.

Sec. 23. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health , ~~[~~mental retardation~~]~~ ***intellectual disabilities and related conditions, substance use disorders*** and co-occurring disorders . ~~[~~and related conditions.~~]~~

2. Request legislation pertaining to mental health , ~~[~~mental retardation~~]~~ ***intellectual disabilities and related conditions, substance use disorders*** and co-occurring disorders . ~~[~~and related conditions.~~]~~

3. ~~[~~Investigate~~]~~ ***Review findings of investigations of*** complaints about the care of any person in a public facility for the treatment of persons with mental illness , ~~[~~mental retardation~~]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders . ~~[~~and persons with related conditions.~~]~~

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness , ~~[~~mental retardation~~]~~ ***persons with intellectual disabilities and persons with related***

conditions, persons with substance use disorders or ***persons with*** co-occurring disorders ~~[and persons with related conditions]~~ provided through ~~[state agencies,]~~ ***private nonprofit organizations, governmental entities,*** hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness ~~,~~ ~~[mental retardation]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or co-occurring disorders ~~[and persons with related conditions]~~ and participate in and promote the development of facilities for training persons to provide services for persons with mental illness ~~,~~ ~~[mental retardation]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ***.*** ~~[and persons with related conditions.]~~

7. Create a plan to coordinate the services for the treatment of persons with mental illness ~~,~~ ~~[mental retardation]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[and persons with related conditions]~~ provided in this State and to provide continuity in the care and treatment provided.

8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness ~~,~~ ~~[mental retardation]~~ ***intellectual disabilities and related conditions, substance use disorders*** and co-occurring disorders ~~[and related conditions]~~ and consider ways to involve the general public in the decisions concerning the policy on mental illness ~~,~~ ~~[mental retardation]~~ ***intellectual disabilities and related conditions, substance use disorders*** and co-occurring disorders ***.*** ~~[and related conditions.]~~

9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.

10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness ~~,~~ ~~[mental retardation]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ***.*** ~~[and persons with related conditions.]~~

11. Evaluate the future needs of this State concerning the treatment of mental illness ~~,~~ ~~[mental retardation]~~ ***intellectual disabilities and related conditions, substance use disorders*** and co-occurring disorders ~~[and related conditions]~~ and develop ways to improve the treatment already provided.

12. Take any other action necessary to promote mental health in this State.

Sec. 24. NRS 433.318 is hereby amended to read as follows:

433.318 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness ~~, [mental retardation]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[and related conditions]~~ and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 25. NRS 433.324 is hereby amended to read as follows:

433.324 1. The ~~[Commission]~~ ***State Board of Health*** shall adopt regulations:

(a) For the care and treatment of persons with mental illness ~~, [mental retardation]~~ ***persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[and persons with related conditions]~~ by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with mental illness ~~, [mental retardation]~~ ***persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[and persons with related conditions]~~ in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The ~~[Commission]~~ ***State Board of Health*** may adopt regulations to promote programs relating to mental health ~~, [mental retardation]~~ ***substance use disorders*** and co-occurring disorders ~~. [and related conditions.]~~

Sec. 26. NRS 433.325 is hereby amended to read as follows:

433.325 The Commission or its designated agent may inspect any state facility providing services for persons with mental illness ~~, [mental retardation]~~ ***persons with intellectual disabilities and persons with related conditions, persons with substance use disorders*** or ***persons with*** co-occurring disorders ~~[and persons with related conditions]~~ to determine if the facility is in compliance with the provisions of this title ~~*[chapter and chapters 433A, 433B and 436 of NRS]*~~ and any regulations adopted pursuant ~~[to those provisions.]~~ ***thereto.***

Sec. 27. NRS 433.3315 is hereby amended to read as follows:

433.3315 The Division shall adopt regulations:

1. To define the term "consumer" for the purposes of this ~~[title.]~~ ***chapter and chapters 433A, 433B and 436 of NRS.***

2. To specify the circumstances under which a consumer is eligible to receive services from the Division pursuant to this ~~[title,]~~ ***chapter and chapters 433A, 433B and 436 of NRS,*** including, but not limited to, care, treatment, treatment to competency and training. Regulations adopted pursuant to this subsection must specify that a consumer is eligible to receive services only if the consumer:

(a) Has a documented diagnosis of a mental disorder based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(b) Except as otherwise provided in the regulations adopted pursuant to subsection 3, is not eligible to receive services through another public or private entity.

3. To specify the circumstances under which the provisions of paragraph (b) of subsection 2 do not apply, including, without limitation, when the copay or other payment required to obtain services through another public or private entity is prohibitively high.

4. To establish policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.

Sec. 28. NRS 433.334 is hereby amended to read as follows:

433.334 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of consumers with mental illness ***.*** ~~[or mental retardation]~~ ~~[and consumers with related conditions.]~~

Sec. 29. NRS 433.354 is hereby amended to read as follows:

433.354 For the purposes of ***this chapter and*** chapters ~~[433 to 436, inclusive,]~~ ***433A, 433B and 436*** of NRS, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, an individual or a group of individuals. Such contracts or agreements may include provisions whereby the Division will render services, the payment for which will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.

Sec. 30. NRS 433.364 is hereby amended to read as follows:

433.364 Nothing in this ~~[title]~~ ***chapter and chapters 433A, 433B and 436 of NRS*** precludes the involuntary court-ordered admission of a person with mental illness to a private institution where such admission is authorized by law.

Sec. 30.5. **NRS 433.384 is hereby amended to read as follows:**

433.384 Money to carry out the provisions of ~~[chapters 433 to]~~ ***this chapter and chapters 433A, 433B and*** 436 ~~[, inclusive,]~~ of NRS must be provided by legislative appropriation from the State General Fund, and paid out on claims as other claims against the State are paid. All claims relating to a division facility individually must be approved by the administrative officer of such facility before they are paid.

Sec. 31. NRS 433.394 is hereby amended to read as follows:

433.394 For the purposes of this ~~[title,]~~ ***chapter and chapters 433A, 433B and 436 of NRS,*** the Department may accept:

1. Moneys appropriated and made available by any act of the Congress of the United States;

2. Moneys and contributions made available by a county, a city, a public district or any political subdivision of this state; and

3. Moneys and contributions made available by a public or private corporation, a private foundation, an individual or a group of individuals.

Sec. 32. NRS 433.395 is hereby amended to read as follows:

433.395 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

➥ for use in public or private programs that provide services to persons in this State with mental illness . ~~[or mental retardation]~~ ~~[and persons with related conditions.]~~

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with mental illness ~~[or mental retardation]~~ ~~[and persons with related conditions]~~ in a manner that supports the plan to coordinate services created by the Commission pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with mental illness ~~[or mental retardation]~~ ~~[and persons with related conditions]~~ in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 33. NRS 433.404 is hereby amended to read as follows:

433.404 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of ***this chapter and*** chapters ~~[~~433 to 436, inclusive,~~]~~ ***433A, 433B and 436*** of NRS. The schedule must be submitted to the Commission and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 433.354 for fees collected pursuant to contract or agreement **.** ~~[~~and in NRS 435.120 for fees collected for services to consumers with mental retardation and related conditions.~~]~~

2. For a facility providing services for the treatment of persons with mental illness**,** ~~[~~or mental retardation~~]~~ ~~[~~and persons with related conditions,~~]~~ the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 34. NRS 433.424 is hereby amended to read as follows:

433.424 A mental health ~~[~~and mental retardation~~]~~ center revolving account up to the amount of $5,000 is hereby created for each division mental health ~~[~~and mental retardation~~]~~ center, and may be used for the payment of mental health ~~[~~or mental retardation~~]~~ center bills requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective mental health ~~[~~or mental retardation~~]~~ centers on claims as other claims against the State are paid.

Sec. 35. NRS 433.434 is hereby amended to read as follows:

433.434 For purposes of this ~~[~~title,~~]~~ ***chapter and chapters 433A, 433B and 436 of NRS,*** the residence of a person is:

1. The domicile of such person;

2. If the domicile of the person cannot be ascertained, the place where the person was last employed; or

3. If the domicile of the person cannot be ascertained and he or she is not or was not employed, the place where the person made his or her home or headquarters.

Sec. 36. NRS 433.444 is hereby amended to read as follows:

433.444 1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this ~~[~~title,~~]~~ ***chapter and chapters 433A, 433B and 436 of NRS,*** with the proper boards, commissioners or officers of other states for the mutual exchange of

consumers confined in, admitted or committed to a mental health ~~[or mental retardation]~~ facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this state when such permission is conformable to the provisions of this ~~[title]~~ ***chapter and chapters 433A, 433B and 436 of NRS*** governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this state has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 37. NRS 433.458 is hereby amended to read as follows:

433.458 "Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating to mental health ~~[or mental retardation]~~ ~~[and related conditions]~~ and that is operated by any public or private entity.

Sec. 38. NRS 433.464 is hereby amended to read as follows:

433.464 ~~[This title does]~~ ***The provisions of this chapter and chapters 433A, 433B and 436 of NRS do*** not limit the right of any person detained hereunder to a writ of habeas corpus upon a proper application made at any time by such person or any other person on his or her behalf.

Sec. 39. NRS 433.494 is hereby amended to read as follows:

433.494 1. An individualized written plan of mental health ~~[or mental retardation]~~ services ~~[or plan of services for a related condition]~~ must be developed for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 39.2. **NRS 433.5493 is hereby amended to read as follows:**

433.5493 1. Except as otherwise provided in subsection 2, physical restraint may be used on a person with a disability who is a consumer only if:

(a) An emergency exists that necessitates the use of physical restraint;

(b) The physical restraint is used only for the period that is necessary to contain the behavior of the consumer so that the consumer is no longer an immediate threat of causing physical injury to himself or herself or others or causing severe property damage; and

(c) The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances precipitating the use of physical restraint.

2. Physical restraint may be used on a person with a disability who is a consumer and the provisions of subsection 1 do not apply if the physical restraint is used to:

(a) Assist the consumer in completing a task or response if the consumer does not resist the application of physical restraint or if the consumer's resistance is minimal in intensity and duration;

(b) Escort or carry a consumer to safety if the consumer is in danger in his or her present location; or

(c) Conduct medical examinations or treatments on the consumer that are necessary.

3. If physical restraint is used on a person with a disability who is a consumer in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534 ~~[.]~~ ***or section 58.47 of this act, as applicable,*** regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 39.4. **NRS 433.5496 is hereby amended to read as follows:**

433.5496 1. Except as otherwise provided in subsections 2 and 4, mechanical restraint may be used on a person with a disability who is a consumer only if:

(a) An emergency exists that necessitates the use of mechanical restraint;

(b) A medical order authorizing the use of mechanical restraint is obtained from the consumer's treating physician before the application of the mechanical restraint or not later than 15 minutes after the application of the mechanical restraint;

(c) The physician who signed the order required pursuant to paragraph (b) or the attending physician examines the consumer not later than 1 working day immediately after the application of the mechanical restraint;

(d) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(e) The consumer is given the opportunity to move and exercise the parts of his or her body that are restrained at least 10 minutes per every 60 minutes of restraint;

(f) A member of the staff of the facility lessens or discontinues the restraint every 15 minutes to determine whether the consumer will stop or control his or her inappropriate behavior without the use of the restraint;

(g) The record of the consumer contains a notation that includes the time of day that the restraint was lessened or discontinued pursuant to paragraph (f), the response of the consumer and the response of the member of the staff of the facility who applied the mechanical restraint;

(h) A member of the staff of the facility continuously monitors the consumer during the time that mechanical restraint is used on the consumer; and

(i) The mechanical restraint is used only for the period that is necessary to contain the behavior of the consumer so that the consumer is no longer an immediate threat of causing physical injury to himself or herself or others or causing severe property damage.

2. Mechanical restraint may be used on a person with a disability who is a consumer and the provisions of subsection 1 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a consumer;

(b) Protect a consumer who is known to be at risk of injury to himself or herself because the consumer lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a consumer; or

(d) Position a consumer who has physical disabilities in a manner prescribed in the consumer's plan of services.

3. If mechanical restraint is used on a person with a disability who is a consumer in an emergency, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534 ~~[.]~~ ***or section 58.47 of this act, as applicable,*** regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

4. The provisions of this section do not apply to a forensic facility, as that term is defined in subsection 5 of NRS 433.5499.

Sec. 39.6. **NRS 433.5499 is hereby amended to read as follows:**

433.5499 1. Except as otherwise provided in subsection 3, mechanical restraint may be used on a person with a disability who is a consumer of a forensic facility only if:

(a) An emergency exists that necessitates the use of the mechanical restraint;

(b) The consumer's behavior presents an imminent threat of causing physical injury to himself or herself or to others or causing severe property damage and less restrictive measures have failed to modify the consumer's behavior;

(c) The consumer is in the care of the facility but not on the premises of the facility and mechanical restraint is necessary to ensure security; or

(d) The consumer is in the process of being transported to another location and mechanical restraint is necessary to ensure security.

2. If mechanical restraint is used pursuant to subsection 1, the forensic facility shall ensure that:

(a) The mechanical restraint is applied by a member of the staff of the facility who is trained and qualified to apply mechanical restraint;

(b) A member of the staff of the facility continuously monitors the consumer during the time that mechanical restraint is used on the consumer;

(c) The record of the consumer contains a notation that indicates the time period during which the restraint was used and the circumstances warranting the restraint; and

(d) The mechanical restraint is used only for the period that is necessary.

3. Mechanical restraint may be used on a person with a disability who is a consumer of a forensic facility, and the provisions of subsections 1 and 2 do not apply if the mechanical restraint is used to:

(a) Treat the medical needs of a consumer;

(b) Protect a consumer who is known to be at risk of injury to himself or herself because the consumer lacks coordination or suffers from frequent loss of consciousness;

(c) Provide proper body alignment to a consumer; or

(d) Position a consumer who has physical disabilities in a manner prescribed in the consumer's plan of services.

4. If mechanical restraint is used in an emergency on a person with a disability who is a consumer of a forensic facility, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534 **~~[,]~~** ***or section 58.47 of this act, as applicable,*** regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

5. As used in this section, "forensic facility" means a secure facility of the Division for offenders and defendants with a mental disorder who are ordered to the facility pursuant to chapter 178 of NRS.

Sec. 39.8. **NRS 433.5503 is hereby amended to read as follows:**

433.5503 1. Chemical restraint may only be used on a person with a disability who is a consumer if:

(a) The consumer has been diagnosed as mentally ill, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the consumer while he or she is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the consumer's attending physician or psychiatrist;

(e) The physician or psychiatrist who signed the order required pursuant to paragraph (d) examines the consumer not later than 1 working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a consumer, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534 ~~[,]~~ ***or section 58.47 of this act, as applicable,*** regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 40. NRS 433A.010 is hereby amended to read as follows:

433A.010 The provisions of this chapter apply to all mental health centers of the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department and of the Division of Child and Family Services of the Department. Such provisions apply to private institutions and facilities offering mental health services only when specified in the context.

Sec. 41. NRS 433A.012 is hereby amended to read as follows:

433A.012 "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate facilities for mental health ~~[or mental retardation]~~ designated by the Administrator.

Sec. 42. NRS 433A.015 is hereby amended to read as follows:

433A.015 "Division" means:

1. Except as otherwise provided in subsection 2, the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department.

2. Regarding the provision of services for the mental health of children pursuant to chapter 433B of NRS, the Division of Child and Family Services of the Department.

Sec. 43. NRS 433A.017 is hereby amended to read as follows:

433A.017 "Medical director" means the ~~[chief]~~ medical officer ***in charge*** of any program of the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department.

Sec. 44. NRS 433A.020 is hereby amended to read as follows:

433A.020 The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, ~~[education]~~ ***public health*** or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to mental health, including care and treatment of persons with mental illness ***.*** ~~[or mental retardation]~~ ~~[and persons with related conditions.~~

~~3. Have additional qualifications which are in accordance with criteria prescribed by the Division of Human Resource Management of the Department of Administration.]~~

Sec. 45. NRS 433A.030 is hereby amended to read as follows:

433A.030 The administrative officers have the following powers and duties, subject to the administrative supervision of the Administrator:

1. To exercise general supervision of and establish regulations for the government of the facilities designated by the Administrator;

2. To be responsible for and supervise the fiscal affairs and responsibilities of the facilities designated by the Administrator;

3. To appoint such medical, technical, clerical and operational staff as the execution of his or her duties, the care and treatment of consumers and the maintenance and operation of the facilities designated by the Administrator may require;

4. To make reports to the Administrator, and to supply the Administrator with material on which to base proposed legislation;

5. To keep complete and accurate records of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office;

6. To inform the public in regard to the activities and operation of the facilities;

7. To invoke any legal, equitable or special procedures for the enforcement of his or her orders or the enforcement of the provisions of this ~~[title]~~ ***chapter and chapters 433, 433B and 436 of NRS*** and other statutes governing the facilities;

8. To submit an annual report to the Administrator on the condition, operation, functioning and anticipated needs of the facilities; and

9. To assume responsibility for the nonmedical care and treatment of consumers if that responsibility has not been delegated.

Sec. 46. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication

that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.

5. The Administrator may enter into agreements with the Administrator of the Division of ~~[~~Mental Health and Developmental Services~~]~~ ***Public and Behavioral Health*** of the Department ***or with the Administrator of the Aging and Disability Services Division of the Department*** for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of ~~[~~Mental Health and Developmental Services.~~]~~ ***Public and Behavioral Health ~~[.]~~ or the Aging and Disability Services Division, as applicable.***

Sec. 46.5. **NRS 433B.150 is hereby amended to read as follows:**

433B.150 1. The Division shall employ such physicians within the various division facilities as are necessary for the operation of the facilities. The physicians must hold degrees of doctor of medicine ***or doctor of osteopathic medicine*** from accredited medical schools and be licensed to practice medicine ***or osteopathic medicine*** in Nevada.

2. Except as otherwise provided by law, the only compensation allowed such a physician is an annual salary, fixed in accordance with the pay plan adopted pursuant to the provisions of NRS 284.175.

3. The physicians shall perform such duties pertaining to the care and treatment of consumers as may be required.

Sec. 47. NRS 433B.190 is hereby amended to read as follows:

433B.190 1. The Division shall adopt regulations to:

(a) Provide for a more detailed definition of abuse of a consumer, consistent with the general definition given in NRS 433B.340;

(b) Provide for a more detailed definition of neglect of a consumer, consistent with the general definition given in NRS 433B.340; and

(c) Establish policies and procedures for reporting the abuse or neglect of a consumer.

2. The regulations adopted pursuant to this section must, to the extent possible and appropriate, be consistent with the regulations adopted by the Division of ~~[~~Mental Health and Developmental Services~~]~~ ***Public and Behavioral Health*** of the Department pursuant to NRS 433.331 ~~[.]~~ ***and the Division of Aging and Disability Services of the Department pursuant to section 54.2 of this act.***

Sec. 48. Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to ~~[59,]~~ **59.7,** inclusive, of this act.

Sec. 49. ***1. The division facilities providing services for persons with intellectual disabilities and persons with related conditions are designated as:***

(a) Desert Regional Center;

(b) Sierra Regional Center; and

(c) Rural Regional Center.

2. Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 49.2. The provisions of this chapter pertaining to division facilities must be administered by the respective administrative officers of the division facilities, subject to administrative supervision by the Administrator.

Sec. 49.4. Any person employed by the Division as a psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, registered nurse or social worker must be licensed or certified by the appropriate state licensing board for his or her respective profession.

Sec. 49.6. The Administrator shall not employ any psychiatrist, psychologist, social worker or registered nurse who holds a master's degree in the field of psychiatric nursing who is unable to demonstrate proficiency in the oral and written expression of the English language.

Sec. 49.8. 1. The Division shall carry out a vocational and educational program for the certification of intellectual disability technicians, including forensic technicians employed by the Division, or other employees of the Division who perform similar duties, but are classified differently. The program must be carried out in cooperation with the Nevada System of Higher Education.

2. An intellectual disability technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize an intellectual disability technician to perform duties which

require the specialized knowledge and skill of a professionally qualified person.

3. The Division shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "intellectual disability technician" means an employee of the Division who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with intellectual disabilities and persons with related conditions, and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 50. ***1. The Division shall adopt regulations:***

(a) For the care and treatment of persons with intellectual disabilities and persons with related conditions by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with intellectual disabilities and persons with related conditions in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The Division may adopt regulations to promote programs relating to intellectual disabilities and related conditions.

Sec. 51. ***The Division or its designated agent may inspect any division facility providing services for persons with intellectual disabilities and persons with related conditions to determine if the facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.***

Sec. 52. ***The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of persons with intellectual disabilities and persons with related conditions.***

Sec. 53. ***The Division may contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for persons with intellectual disabilities and***

persons with related conditions when it appears that they can be treated best in that manner.

Sec. 54. ***The Division ~~[shall]~~ may adopt regulations:***

1. To define the term "consumer" for the purposes of this chapter.

2. To specify the circumstances under which a consumer is eligible to receive services from the Division pursuant to this chapter, including, but not limited to, care, treatment and training. Regulations adopted pursuant to this subsection must specify that a consumer is eligible to receive services only if the consumer:

(a) Has a documented diagnosis of a mental disorder based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(b) Except as otherwise provided in the regulations adopted pursuant to subsection 3, is not eligible to receive services through another public or private entity.

3. To specify the circumstances under which the provisions of paragraph (b) of subsection 2 do not apply, including, without limitation, when the copay or other payment required to obtain services through another public or private entity is prohibitively high.

4. To establish policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.

Sec. 54.2. The Division shall adopt regulations to:

1. Provide for a more detailed definition of abuse of a consumer of the Division, consistent with the general definition given in section 58.75 of this act;

2. Provide for a more detailed definition of neglect of a consumer of the Division, consistent with the general definition given in section 58.75 of this act; and

3. Establish policies and procedures for reporting the abuse or neglect of a consumer of the Division.

Sec. 54.3. 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C.§ 290dd, 290dd-1 or 290dd-2 or NRS 439.538 or 439.591, the division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the patient, a summary of the current physical condition of the patient

and a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 54.4. For the purposes of this chapter, the Department through the Division may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government, any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, an individual or a group of individuals. Such contracts or agreements may include provisions whereby the Division will render services, the payment for which will be reimbursed directly to the Division's budget. Cooperation pursuant to this section does not of itself relieve any person, department, agency or political subdivision of any responsibility or liability existing under any provision of law.

Sec. 54.5. Nothing in this chapter precludes the involuntary court-ordered admission of a person with an intellectual disability or person with a related condition to a private institution where such admission is authorized by law.

Sec. 54.6. The State is not responsible for payment of the costs of care and treatment of persons admitted to a facility not operated by the Division except where, before admission, the Administrator or the Administrator's designee authorizes the expenditure of state money for such purpose.

Sec. 54.7. Money to carry out the provisions of this chapter must be provided by legislative appropriation from the State General Fund, and paid out on claims as other claims against the State are paid. All claims relating to a division facility individually must be approved by the administrative officer of such facility before they are paid.

Sec. 55. *For the purposes of this chapter, the Department may accept:*

1. Money appropriated and made available by any act of the Congress of the United States;

2. Money and contributions made available by a county, a city, a public district or any political subdivision of this State; and

3. Money and contributions made available by a public or private corporation, a private foundation, an individual or a group of individuals.

Sec. 55.2. 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

↪ for use in public or private programs that provide services to persons in this State with intellectual disabilities and persons with related conditions.

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual disabilities and persons with related conditions in

a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual disabilities and persons with related conditions in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 55.4. 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission on Behavioral Health and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in section 54.4 of this act for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to consumers with intellectual disabilities and related conditions.

2. For a facility providing services for the treatment of persons with intellectual disabilities and persons with related conditions, the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 55.6. 1. Physicians and other professional staff employed within any division facility shall receive a reasonable fee for evaluations, examinations or court testimony when directed by the court to perform such services.

2. If such evaluation or testimony is provided while the physician or other professional person is acting as an employee of a division facility, the fee shall be received by the division facility at which he or she is employed.

Sec. 55.8. An intellectual disability center revolving account up to the amount of $5,000 is hereby created for each division intellectual disability center, and may be used for the payment of intellectual disability center bills requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective intellectual disability centers on claims as other claims against the State are paid.

Sec. 56. *For the purposes of this chapter, the residence of a person is:*

1. The domicile of such person;

2. If the domicile of the person cannot be ascertained, the place where the person was last employed; or

3. If the domicile of the person cannot be ascertained and he or she is not or was not employed, the place where the person made his or her home or headquarters.

Sec. 57. *1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this chapter, with the proper boards, commissioners or officers of other states for the mutual exchange of consumers confined in, admitted or committed to an intellectual disability facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this State when such permission is conformable to the provisions of this chapter governing admissions to a division facility.*

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this State has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 57.1. 1. All expenses incurred for the purpose of returning a consumer to the state in which the consumer has a legal residence shall be paid from the moneys of the consumer or by the relatives or other persons responsible for the consumer's care and treatment under his or her commitment or admission.

2. In the case of indigent consumers whose relatives cannot pay the costs and expenses of returning such consumers to the state in which they have residence, the costs may be assumed by the State. These costs must be advanced from moneys appropriated for the general support of the division facility wherein the consumer was receiving care, treatment or training, if such consumer was committed to a division facility at the time of the transfer, and must be paid out on claims as other claims against the State are paid.

Sec. 57.2. The Administrator shall:

1. Comply with any agreements made by the Administrator pursuant to section 57 of this act; and

2. Accept for admission to a division facility any resident child of this State for whom written permission for return and admission to a division facility was given by the Administrator pursuant to section 57 of this act.

Sec. 57.4. ***As used in sections 57.4 to 58.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 57.6, 57.7 and 57.8 of this act have the meanings ascribed to them in those sections.***

Sec. 57.6. ***"Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating to intellectual disabilities and related conditions and that is operated by any public or private entity.***

Sec. 57.7. ***"Facility" means any:***

1. Unit or subunit operated by the Division for the care, treatment and training of consumers.

2. Hospital, clinic or other institution operated by any public or private entity, for the care, treatment and training of consumers.

Sec. 57.8. ***"Rights" includes, without limitation, all rights provided to a consumer pursuant to sections 57.4 to 58.5, inclusive, of this act, and any regulations adopted pursuant thereto.***

Sec. 58. ***This chapter does not limit the right of any person detained hereunder to a writ of habeas corpus upon a proper application made at any time by such person or any other person on his or her behalf.***

Sec. 58.1. ***1. Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning admission to the facility, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:***

(a) The right not to be admitted to the facility under false pretenses or as a result of any improper, unethical or unlawful conduct by a staff member of the facility to collect money from the insurance company of the consumer or for any other financial purpose.

(b) The right to receive a copy, on request, of the criteria upon which the facility makes its decision to admit or discharge a consumer from the facility. Such criteria must not, for emergency admissions or involuntary court-ordered admissions, be based on the availability of insurance coverage or any other financial considerations.

2. As used in this section, "improper conduct" means a violation of the rules, policies or procedures of the facility.

Sec. 58.13. ***1. Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning involuntary commitment to the facility, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:***

(a) To request and receive a second evaluation by a psychiatrist or psychologist who does not have a contractual relationship with or financial interest in the facility. The evaluation must:

(1) Include, without limitation, a recommendation of whether the consumer should be involuntarily committed to the facility; and

(2) Be paid for by the consumer if the insurance carrier of the consumer refuses to pay for the evaluation.

(b) To receive a copy of the procedure of the facility regarding involuntary commitment and treatment.

(c) To receive a list of the consumer's rights concerning involuntary commitment or treatment.

2. If the results of an evaluation conducted by a psychiatrist or psychologist pursuant to subsection 1 conflict in any manner with the results of an evaluation conducted by the facility, the facility may request and receive a third evaluation of the consumer to resolve the conflicting portions of the previous evaluations.

Sec. 58.17. Each consumer admitted for evaluation, treatment or training to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To wear the consumer's own clothing, to keep and use his or her own personal possessions, including toilet articles, unless those articles may be used to endanger the consumer's life or others' lives, and to keep and be allowed to spend a reasonable sum of the consumer's own money for expenses and small purchases.

2. To have access to individual space for storage for his or her private use.

3. To see visitors each day.

4. To have reasonable access to telephones, both to make and receive confidential calls.

5. To have ready access to materials for writing letters, including stamps, and to mail and receive unopened correspondence, but:

(a) For the purposes of this subsection, packages are not considered as correspondence; and

(b) Correspondence identified as containing a check payable to a consumer may be subject to control and safekeeping by the administrative officer of that facility or the administrative officer's designee, so long as the consumer's record of treatment documents the action.

6. To have reasonable access to an interpreter if the consumer does not speak English or is hearing impaired.

7. To designate a person who must be kept informed by the facility of the consumer's medical and mental condition, if the consumer signs a release allowing the facility to provide such information to the person.

8. Except as otherwise provided in NRS 439.538, to have access to the consumer's medical records denied to any person other than:

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the consumer of his or her right to keep the medical records confidential; or

(c) A person who obtains a court order authorizing the access.

9. Other personal rights as specified by regulation of the Division.

Sec. 58.2. Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The consumer if he or she is 18 years of age or over or legally emancipated and competent to give that consent, and from the consumer's legal guardian, if any;

(2) The parent or guardian of a consumer under 18 years of age and not legally emancipated; or

(3) The legal guardian of a consumer of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a consumer as provided in paragraph (b) may be withdrawn by the consumer in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any consumer who has been injured in an accident or who is suffering

from an acute illness, disease or condition if, within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the consumer and if the treatment is immediately entered into the consumer's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from abuse, neglect and aversive intervention.

3. To consent to the consumer's transfer from one facility to another, except that the Administrator of the Division or the Administrator's designee, or the Administrator of the Division of Child and Family Services of the Department or the Administrator's designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the consumer in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the consumer's record of treatment and immediately forward a notice of the objection to the Administrator who ordered the transfer, and the Commission on Behavioral Health shall review the transfer pursuant to subsection 3 of section 58.47 of this act.

4. Other rights concerning care, treatment and training as may be specified by regulation.

Sec. 58.23. 1. An individualized written plan of intellectual disability services or plan of services for a related condition must be developed for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 58.27. 1. Each facility shall make all of its decisions, policies, procedures and practices regarding emergency admissions or involuntary court-ordered admissions based upon clinical efficiency rather than cost containment.

2. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.

Sec. 58.3. 1. A consumer or the consumer's legal guardian must be:

(a) Permitted to inspect the consumer's records; and

(b) Informed of the consumer's clinical status and progress at reasonable intervals of no longer than 3 months in a manner appropriate to his or her clinical condition.

2. Unless a psychiatrist has made a specific entry to the contrary in a consumer's records, a consumer or the consumer's legal guardian is entitled to obtain a copy of the consumer's records at any time upon notice to the administrative officer of the facility and payment of the cost of reproducing the records.

Sec. 58.33. 1. The attending psychiatrist or physician is responsible for all medication given or administered to a consumer.

2. Each administrative officer shall establish a policy for the review of the administration, storage and handling of medications by nurses and nonprofessional personnel.

Sec. 58.37. 1. A consumer may perform labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone only if:

(a) The consumer voluntarily agrees to perform the labor;

(b) Engaging in the labor is not inconsistent with and does not interfere with the plan of services for the consumer;

(c) The person responsible for the consumer's treatment agrees to the plan of labor; and

(d) The amount of time or effort necessary to perform the labor is not excessive.

➥ In no event may discharge or privileges be conditioned upon the performance of such labor.

2. A consumer who performs labor which contributes to the operation and maintenance of the facility for which the facility would otherwise employ someone must be adequately compensated and the compensation must be in accordance with applicable state and federal labor laws.

3. A consumer who performs labor other than that described in subsection 2 must be compensated an adequate amount if an economic benefit to another person or agency results from the consumer's labor.

4. The administrative officer of the facility may provide for compensation of a resident when the resident performs labor not governed by subsection 2 or 3.

5. This section does not apply to labor of a personal housekeeping nature or to labor performed as a condition of residence in a small group living arrangement.

6. One-half of any compensation paid to a consumer pursuant to this section is exempt from collection or retention as payment for services rendered by the Division or its facilities. Such an amount is also exempt from levy, execution, attachment, garnishment or any other remedies provided by law for the collection of debts.

Sec. 58.4. Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning the suspension or violation of his or her rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To receive a list of the consumer's rights.

2. To receive a copy of the policy of the facility that sets forth the clinical or medical circumstances under which the consumer's rights may be suspended or violated.

3. To receive a list of the clinically appropriate options available to the consumer or the consumer's family to remedy an actual or a suspected suspension or violation of his or her rights.

4. To have all policies of the facility regarding the rights of consumers prominently posted in the facility.

Sec. 58.43. Each facility shall, within a reasonable time after a consumer is admitted to the facility for evaluation, treatment or training, ask the consumer to sign a document that reflects that the consumer has received a list of the consumer's rights and has had those rights explained to him or her.

Sec. 58.47. 1. The rights of a consumer enumerated in this chapter must not be denied except to protect the consumer's health and safety or to protect the health and safety of others, or both. Any denial of those rights in any facility must be entered in the consumer's record of treatment, and notice of the denial must be forwarded to the administrative officer of the facility. Failure to report denial of rights by an employee may be grounds for dismissal.

2. If the administrative officer of a facility receives notice of a denial of rights as provided in subsection 1, the officer shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. Except as otherwise provided in NRS 239.0115, such a report is confidential and must not be disclosed. A copy of the report must be sent to the Commission on Behavioral Health.

3. The Commission on Behavioral Health:

(a) Shall receive reports of and may investigate apparent violations of the rights guaranteed by this chapter;

(b) May act to resolve disputes relating to apparent violations;

(c) May act on behalf of consumers to obtain remedies for any apparent violations; and

(d) Shall otherwise endeavor to safeguard the rights guaranteed by this chapter.

4. Pursuant to NRS 241.030, the Commission on Behavioral Health may close any portion of a meeting in which it considers the character, alleged misconduct or professional competence of a person in relation to:

(a) The denial of the rights of a consumer; or

(b) The care and treatment of a consumer.

➥ The provisions of this subsection do not require a meeting of the Commission on Behavioral Health to be closed to the public.

Sec. 58.5. *An officer, director or employee of a facility shall not retaliate against any person for having:*

1. Reported any violation of law; or

2. Provided information regarding a violation of law,

➥ by the facility or a staff member of the facility.

Sec. 58.57. *1. There may be maintained as a trust fund at each division facility a consumers' personal deposit fund.*

2. Money coming into the possession of the administrative officer of a division facility which belongs to a consumer must be credited in the fund in the name of that consumer.

3. When practicable, individual credits in the fund must not exceed the sum of $300.

4. Any amounts to the credit of a consumer may be used for purchasing personal necessities, for expenses of burial or may be turned over to the consumer upon the consumer's demand, except that when the consumer is adjudicated mentally incompetent the guardian of the consumer's estate has the right to demand and receive the money.

5. An amount accepted for the benefit of a consumer for a special purpose must be reserved for that purpose regardless of the total amount to the credit of the consumer.

6. Except as otherwise provided in subsection 7, the administrative officers shall deposit any money received for the funds of their respective facilities in commercial accounts with one or more banks or credit unions of reputable standing. When deposits in a commercial account exceed $15,000, the administrative officer may deposit the excess in a savings account paying interest in any reputable commercial bank, or in any credit union or savings and loan association within this state that is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The savings account must be in the name of the fund. Interest paid on deposits in the savings account may be used for recreational purposes at the division facility.

7. The administrative officers may maintain at their respective division facilities petty cash of not more than $400 of the money in the consumers' personal deposit fund to enable consumers to withdraw small sums from their accounts.

Sec. 58.6. Whenever any person admitted to a division facility dies, the administrative officer shall send written notice to the decedent's legally appointed representative, listing the personal property remaining in the custody or possession of the facility. If there is no demand made upon the administrative officer of the facility by the decedent's legally appointed representative, all personal property of the decedent remaining in the custody or possession of the administrative officer must be held by the officer for a period of 1 year from the date of the decedent's death for the benefit of the heirs, legatees or successors of the decedent. At the end of this period, another notice must be sent to the decedent's representative, listing the property and specifying the manner in which the property will be disposed of if not claimed within 15 business days. After 15 business days, all personal property and documents of the decedent, other than cash, remaining unclaimed in the possession of the administrative officer must be disposed of as follows:

1. All documents must be filed by the administrative officer with the public administrator of the county from which the consumer was admitted.

2. All other personal property must be sold at a public auction or by sealed bids. The proceeds of the sale must be applied to the decedent's unpaid balance for costs incurred at the division facility.

Sec. 58.63. If a person admitted to a division facility is discharged or leaves and the person fails to recover personal property worth more than $100 in the custody of the administrative officer of the facility, the administrative officer shall notify the former consumer or the consumer's legal representative in writing that personal property remains in the custody of the facility. The property must be held in safekeeping for the consumer for a period of 1 year from the date of discharge. If upon the

expiration of the 1-year period no claim has been made upon the administrative officer by the person or the person's legal representative, another notice must be sent to the person or the person's legal representative, stating that personal property remains in the custody of the facility, and specifying the manner in which the property will be disposed of if not claimed within 15 business days. After 15 business days, the property may be considered unclaimed property and be disposed of in the manner provided for unclaimed property of deceased persons under the provisions of section 58.6 of this act.

Sec. 58.67. If, upon the death or release of a person admitted to a division facility, the value of unclaimed personal property in the possession of the administrative officer of the facility is so minimal that it cannot be sold at public auction or by sealed bid and if the property, either in its present condition or in an improved condition, cannot be used by the division facility, the administrative officer may order the personal property destroyed.

Sec. 58.7. 1. Upon the death of a consumer, any known relatives or friends of the consumer shall be notified immediately of the fact of death.

2. The Administrator or the Administrator's designee shall cause a decent burial to be provided for the consumer outside division facility grounds. The Administrator or the designee may enter into a contract with any person or persons, including governmental agencies or other instrumentalities, as the Administrator or the designee deems proper, for a decent burial. Where there are known relatives, and they are financially able, the cost of burial must be borne by the relatives. Where there are no known relatives, the cost of burial must be a charge against the State of Nevada, but the cost thereof must not exceed the amount charged for the burial of indigents in the county in which the burial takes place.

3. When a consumer has income from a pension payable through a division facility, and has no guardian, the Division may obligate operating funds for funeral expenses in the amount due under the pension benefits.

Sec. 58.75. 1. An employee of a public or private facility offering services for persons with intellectual disabilities and persons with related conditions or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual disabilities and consumers with related conditions has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

➥ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual disabilities and persons with related conditions or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

➥ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

➥ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual disabilities and persons with related conditions.

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

➥ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 58.8. 1. Any person who, on the grounds of a division facility, sells, barters, exchanges or in any manner disposes of any spirituous or malt liquor or beverage to any person lawfully confined in the division facility is guilty of a gross misdemeanor.

2. This section does not apply to any physician prescribing or furnishing liquor to the person when the liquor is prescribed or furnished for medicinal purposes only.

Sec. 58.85. 1. A public or private facility offering services for persons with intellectual disabilities and persons with related conditions may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility or for the purpose of transferring the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the State Board of Pharmacy pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility offering services for persons with intellectual disabilities and persons with related conditions shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the State Board of Pharmacy.

(c) Be approved by the State Board of Pharmacy.

5. The State Board of Pharmacy shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 58.9. The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to intellectual disabilities, including care and treatment of persons with intellectual disabilities and persons with related conditions.

Sec. 59. *The administrative officers have the following powers and duties, subject to the administrative supervision of the Administrator:*

1. To exercise general supervision of and establish regulations for the government of the facilities designated by the Administrator;

2. To be responsible for and supervise the fiscal affairs and responsibilities of the facilities designated by the Administrator;

3. To appoint such medical, technical, clerical and operational staff as the execution of his or her duties, the care and treatment of consumers and the maintenance and operation of the facilities designated by the Administrator may require;

4. To make reports to the Administrator, and to supply the Administrator with material on which to base proposed legislation;

5. To keep complete and accurate records of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents pertaining to his or her office;

6. To inform the public in regard to the activities and operation of the facilities;

7. To invoke any legal, equitable or special procedures for the enforcement of his or her orders or the enforcement of the provisions of this chapter and other statutes governing the facilities;

8. To submit an annual report to the Administrator on the condition, operation, functioning and anticipated needs of the facilities; and

9. To assume responsibility for the nonmedical care and treatment of consumers if that responsibility has not been delegated.

Sec. 59.2. Except as otherwise provided in NRS 284.143, an administrative officer shall devote his or her entire time to the duties of his or her position and shall have no other gainful employment or occupation, but the administrative officer may attend seminars, act as a consultant and give lectures relating to his or her profession and accept appropriate stipends for the seminars, consultations and lectures.

Sec. 59.3. The medical director of a division facility may order the transfer to a hospital of the Department of Veterans Affairs or other facility of the United States Government any admitted consumer eligible for treatment therein. If the consumer in any manner objects to the transfer, the medical director of the facility shall enter the objection and a written justification of the transfer in the consumer's record and forward a notice of the objection to the Administrator, and the Commission on Behavioral Health shall review the transfer pursuant to subsections 2 and 3 of section 58.47 of this act.

Sec. 59.4. 1. If any person involuntarily court-admitted to any division facility is found by the court not to be a resident of this State and to be a resident of another state, the person may be transferred to the state of his or her residence pursuant to section 57 of this act if an appropriate institution of that state is willing to accept the person.

2. The approval of the Administrator must be obtained before any transfer is made pursuant to subsection 1.

Sec. 59.45. 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual disability or person with a related condition who is a minor or the husband or wife of a person with an intellectual disability or person with a related condition, if of sufficient ability, and the estate of the person with an intellectual disability or person with a related condition, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual disability or person with a related condition, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 59.5. 1. The administrative officers of the respective division facilities may enter into special agreements secured by properly executed bonds with the relatives, guardians or friends of consumers who are adjudicated to be consumers with mental incompetence for subsistence, care or other expenses of such consumers. Each agreement and bond must be to the State of Nevada and any action to enforce the agreement or bond may be brought by the administrative officer.

2. Financially responsible relatives pursuant to section 59.45 of this act and the guardian of the estate of a consumer may, from time to time, pay money to the division facility for the future personal needs of the consumer with mental incompetence and for the consumer's burial expenses. Money paid pursuant to this subsection must be credited to the consumer in the consumers' personal deposit fund established pursuant to section 58.57 of this act.

Sec. 59.6. 1. If the consumer, his or her responsible relative pursuant to section 59.45 of this act, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility rendering service pursuant to the fee schedule established under section 55.4 of this act, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 59.7. The expense of diagnostic, medical and surgical services furnished to a consumer admitted to a division facility by a person not on the staff of the facility, whether rendered while the consumer is in a general hospital, an outpatient of a general hospital or treated outside any hospital, must be paid by the consumer, the guardian or relatives responsible pursuant to section 59.45 of this act for the consumer's care. In the case of an indigent consumer or a consumer whose estate is inadequate to pay the expenses, the expenses must be charged to the county from which the admission to the division facility was made, if the consumer had, before admission, been a resident of that county. The expense of such diagnostic, medical and surgical services must not in any case be a charge against or paid by the State of Nevada, except when, in the opinion of the administrative officer of the division facility to which the consumer is admitted, payment should be made for nonresident indigent consumers and money is authorized pursuant to section 54.6 of this act and the money is authorized in approved budgets.

Sec. 60. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "***Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual disability centers designated by the Administrator.***

2. "***Administrator" means the Administrator of the Division.***

3. "Child" means any person under the age of 18 years who may be eligible for ~~[mental retardation]~~ ***intellectual disabilities*** services or services for a related condition.

~~[2.]~~ ***4.*** "***Department" means the Department of Health and Human Services.***

5. "Director of the Department" means the administrative head of the Department.

6. "Division" means the Aging and Disability Services Division of the Department.

~~*[6.]*~~ ***7. "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.***

~~*[7.]*~~ ***8. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.***

~~*[8.]*~~ ***9. "Intellectual disability center" means an organized program for providing appropriate services and treatment to persons with intellectual***

disabilities and persons with related conditions. An intellectual disability center may include facilities for residential treatment and training.

~~***[9.]***~~ ***10. "Medical director" means the chief medical officer of any program of the Division for persons with intellectual disabilities and persons with other related conditions.***

11. "Mental illness" has the meaning ascribed to it in NRS 433.164.

12. "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~***[3.]***~~ ~~***[10.]***~~ ***13.*** "Person" includes a child and any other consumer with mental retardation or a related condition who has attained the age of 18 years.

~~***[4.]***~~ ~~***[11.]***~~ ***14. "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.***

15. "***Persons with related conditions" means persons who have a severe, chronic disability which:***

(a) Is attributable to:

(1) Cerebral palsy or epilepsy; or

(2) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with an intellectual disability and requires treatment or services similar to those required by a person with an intellectual disability;

(b) Is manifested before the person affected attains the age of 22 years;

(c) Is likely to continue indefinitely; and

(d) Results in substantial functional limitations in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living.

~~***[12.]***~~ ***16.*** "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

~~***[13.]***~~ ***17.*** "***Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities and persons with related conditions through the process of providing those experiences that will enable the person to:***

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~[14.]~~ 18. "***Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.***

Sec. 60.3. **NRS 435.081 is hereby amended to read as follows:**

435.081 1. The Administrator or the Administrator's designee may receive a person with ~~[mental retardation]~~ ***an intellectual disability*** or a person with a related condition of this State for services in a facility operated by the Division if:

(a) The person is a person with ~~[mental retardation as defined in NRS 433.174]~~ ***an intellectual disability*** or is a person with a related condition and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for the person;

(c) The facility has or can provide an appropriate program of training and treatment for the person; and

(d) There is written evidence that no less restrictive alternative is available in the person's community.

2. A person with ~~[mental retardation]~~ ***an intellectual disability*** or a person with a related condition may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a person with ~~[mental retardation]~~ ***an intellectual disability*** or a person with a related condition be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period, the Division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for ~~[the mentally retarded]~~ ***persons with intellectual disabilities or persons with related conditions*** for not more than 10 working days without admission, if the examination is ordered by a court having jurisdiction of the minor in accordance with the provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At the end of the 10 days, the Administrator or the Administrator's designee shall report the result of the examination to the

court and shall detain the child until the further order of the court, but not to exceed 7 days after the Administrator's report.

5. The parent or guardian of a person believed to be a person with ~~[mental retardation]~~ ***an intellectual disability*** or a person with a related condition may apply to the administrative officer of a division facility to have the person evaluated by personnel of the Division who are experienced in the diagnosis of ~~[mental retardation]~~ ***intellectual disabilities*** and related conditions. The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself or herself if the person has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer finds that discharge from the facility is not in the person's best interests, the administrative officer may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 60.7. **NRS 435.227 is hereby amended to read as follows:**

435.227 Before being issued a certificate by the Division pursuant to NRS 435.225 and annually thereafter as a condition of certification, an organization must:

1. Be on file and in good standing with the Secretary of State ~~[as a nonprofit organization]~~ ***and organized*** pursuant to title 7 of NRS;

2. Submit to the Division an annual audit of the financial statements of the organization that is conducted by an independent certified public accountant; and

3. Submit to the Division the most recent federal tax return of the organization, including, without limitation, Form 990, or its successor form, and the Schedule L and Schedule R of such return, or the successor forms of such schedules, which include an itemization of:

(a) Any transaction during the federal tax year of the organization in which an economic benefit is provided by the organization to a director, officer or board member of the organization, or any other person who has substantial influence over the organization, and in which the value of the economic benefit provided by the organization exceeds the value of the consideration received by the organization;

(b) Any loans to or from the organization which are received by or from a director, officer or board member of the organization, a person who has

substantial influence over the organization or a family member of such director, officer, board member or person and which remain outstanding at the end of the federal tax year of the organization;

(c) Any grants or other assistance from the organization during the federal tax year of the organization which benefit a director, officer or board member of the organization, a person who has substantial influence over the organization or a family member of such director, officer, board member or person;

(d) Business transactions during the federal tax year of the organization between the organization and a director, officer or board member of the organization, a person who has substantial influence over the organization or a family member of such director, officer, board member or person which exceed, in the aggregate, $100,000, or a single business transaction that exceeds $10,000; and

(e) All related party transactions including, without limitation, the receipt of interest, royalties, annuities or rent, the sale or purchase of assets or services, the sharing of facilities, equipment or employees, and the transfer of cash or property.

Sec. 61. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with ~~[mental retardation]~~ ***an intellectual disability*** and each person with a related condition admitted to a division facility is entitled to all rights enumerated in NRS 433.482, 433.484 and 433.545 to 433.551, inclusive ~~[.]~~ ***, and sections 58.17 and 58.2 of this act.***

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with ~~[mental retardation]~~ ***an intellectual disability*** and persons with related conditions. The person designated shall file the regulations with the Administrator.

3. Consumers' rights specified in NRS 433.482 and 433.484 ***and sections 58.17 and 58.2 of this act*** may be denied only for cause. Any denial of such rights must be entered in the consumer's treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission ~~[.]~~ ***on Behavioral Health.***

5. The Commission ~~***[Division]***~~ ***on Behavioral Health*** has such powers and duties with respect to reports of denial of rights as are enumerated ***for the***

Commission on ~~[Public and]~~ Behavioral Health in subsection 3 of ~~[~~NRS 433.534.~~]~~ ***section 58.47 of this act.***

Sec. 61.5. **NRS 436.123 is hereby amended to read as follows:**

436.123 The ~~[~~Division~~]~~ ***Department*** is designated as the official state agency responsible for developing and administering preventive and outpatient mental health services ***. ~~[~~, subject to administrative supervision by the Director of the Department. It~~]~~ The Department*** shall function in the following areas:

1. Assisting and consulting with local health authorities in providing community mental health services, which services may include prevention, rehabilitation, case finding, diagnosis and treatment of persons with mental illness, and consultation and education for groups and individuals regarding mental health.
2. Coordinating mental health functions with other state agencies.
3. Participating in and promoting the development of facilities for training personnel necessary for implementing such services.
4. Collecting and disseminating information pertaining to mental health.
5. Performing such other acts as are necessary to promote mental health in the State.

Sec. 62. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 63, 64 and 65 of this act.

Sec. 63. ***~~[If appointed by the Director pursuant to subsection 2 of section 64 of this act, the]~~ The Chief Medical Officer must:***

1. Be a citizen of the United States;

2. Have not less than 5 years' experience in behavioral health ~~[care]~~ or public health in a managerial or supervisory capacity; and

3. Be:

(a) Licensed in good standing or eligible for a license as a physician or administrative physician in Nevada;

(b) Licensed in good standing or eligible for a license as a physician or administrative physician in the District of Columbia or in any state or territory of the United States; or

(c) A physician or administrative physician who has a master's degree or doctoral degree in public health or a related field.

Sec. 64. ***1. The ~~[State Health Officer]~~ Director shall ~~[serve as the]~~ appoint a Chief Medical Officer . ~~[and the duties of the Chief Medical Officer shall be deemed to be included within the duties of the State Health Officer, unless the Director determines, in cooperation with the Administrator, that the appointment of a Chief Medical Officer is in the best interests of this State.~~***

~~2. If the Director determines that the appointment of a Chief Medical Officer is in the best interests of this State, the Director shall appoint a~~

~~*Chief Medical Officer within 6 months after making such a determination, except that if a qualified applicant does not accept the position within that period, the Director shall continue his or her efforts to fill the position until a qualified person accepts the appointment.*~~

~~*3.]*~~ *2. The Chief Medical Officer is in the unclassified service of the State and serves at the pleasure of the Director.*

Sec. 65. *The Chief Medical Officer shall:*

1. Oversee the operation of facilities and centers established pursuant to title 39 of NRS.

2. Direct the work of subordinates and may authorize them to act in his or her place and stead.

3. Perform such other duties as the Director may, from time to time, prescribe.

➥ If the Chief Medical Officer is not licensed to practice medicine in this State, he or she shall not, in carrying out the duties of the Chief Medical Officer, engage in the practice of medicine.

Sec. 66. NRS 439.005 is hereby amended to read as follows:

439.005 As used in this chapter, unless the context requires otherwise:

1. "Administrator" means the Administrator of the ~~[~~Health~~]~~ Division.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. ***"Division" means the Division of Public and Behavioral Health of the Department.***

5. "Health authority" means the officers and agents of the ~~[~~Health~~]~~ Division or the officers and agents of the local boards of health.

~~[5. "Health Division" means the Health Division of the Department.]~~

6. "Individually identifiable health information" has the meaning ascribed to it in 45 C.F.R. 160.103.

Sec. 67. NRS 439.010 is hereby amended to read as follows:

439.010 Except as otherwise provided in NRS 439.581 to 439.595, inclusive, the provisions of this chapter must be administered by the Administrator and the ~~[~~Health~~]~~ Division, subject to administrative supervision by the Director.

Sec. 68. NRS 439.015 is hereby amended to read as follows:

439.015 The Department, through the ~~[~~Health~~]~~ Division, may accept and direct the disbursement of money appropriated by any Act of Congress and apportioned or allocated to the State of Nevada for health purposes. This federal money must be deposited in the State Treasury for credit to the State ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** Federal Account within the State General Fund.

Sec. 69. ~~[NRS 439.090 is hereby amended to read as follows:~~

~~439.090 1. The State Health Officer must:~~

~~(a) Be a citizen of the United States;~~

~~(b) Have not less than 5 years' experience in population-based health care; and~~

~~(c) Be:~~

~~(1) Licensed in good standing or eligible for a license as a physician or administrative physician in Nevada;~~

~~(2) Licensed in good standing or eligible for a license as a physician or administrative physician in the District of Columbia or in any state or territory of the United States; or~~

~~(3) A physician or administrative physician who has a master's degree or doctoral degree in public health or a related field.~~

~~2. [The Administrator must have 2 years' experience, or the equivalent, in a responsible administrative position in:~~

~~(a) A full-time county or city health facility or department; or~~

~~(b) A major health program at a state or national level.~~

~~3.]~~ ~~As used in this section, "population-based health care" means the use of various approaches to medical care for specific groups or populations based upon common demographic characteristics, risk factors or diseases.]~~ **(Deleted by amendment.)**

Sec. 69.5. **NRS 439.110 is hereby amended to read as follows:**

439.110 1. Except as otherwise provided in subsection 2 and NRS 284.143, the ~~[State Health]~~ ***Chief Medical*** Officer shall devote his or her full time to the official duties of the ~~[State Health]~~ ***Chief Medical*** Officer and shall not engage in any other business or occupation.

2. Notwithstanding the provisions of NRS 281.127, the ~~[State Health]~~ ***Chief Medical*** Officer may cooperate with the Nevada System of Higher Education in the preparation and teaching of preservice professional workers in public health and in a program providing additional professional preparation for ***behavioral health workers and*** public health workers employed by the State of Nevada.

Sec. 70. NRS 439.130 is hereby amended to read as follows:

439.130 1. The ~~[State Health]~~ ***Chief Medical*** Officer shall:

(a) Enforce all laws and regulations pertaining to the public health.

(b) Investigate causes of disease, epidemics, source of mortality, nuisances affecting the public health, and all other matters related to the health and life of the people, and to this end the ~~[State Health]~~ ***Chief Medical*** Officer may enter upon and inspect any public or private property in the State.

(c) Direct the work of subordinates and may authorize them to act in his or her place and stead.

(d) Except as otherwise provided in subsection 5 of NRS 439.970, perform the duties prescribed in NRS 439.950 to 439.983, inclusive.

(e) Perform such other duties as the Director may, from time to time, prescribe.

➥ If the ~~[State Health]~~ ***Chief Medical*** Officer is not licensed to practice medicine in this State, he or she shall not, in carrying out the duties of the ~~[State Health]~~ ***Chief Medical*** Officer, engage in the practice of medicine.

2. The Administrator shall direct the work of the ~~[Health]~~ Division, administer the Division and perform such other duties as the Director may, from time to time, prescribe.

Sec. 71. NRS 439.150 is hereby amended to read as follows:

439.150 1. The State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters and as otherwise provided in NRS 439.950 to 439.983, inclusive, relating to the preservation of the health and lives of citizens of this State and over the work of the ~~[State Health]~~ ***Chief Medical*** Officer and all district, county and city health departments, boards of health and health officers.

2. The Department is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of public health. It may receive and expend all money made available to the ~~[Health]~~ Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS 576.128, the State Board of Health may set reasonable fees for the:

(a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the ~~[Health]~~ Division;

(b) Programs and services of the ~~[Health]~~ Division;

(c) Review of plans; and

(d) Certification and licensing of personnel.

➥ Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the ~~[Health]~~ Division by the Legislature.

Sec. 72. NRS 439.2794 is hereby amended to read as follows:

439.2794 1. The ~~[Health]~~ Division may:

(a) Enter into contracts for any services necessary to carry out or assist the ~~[Health]~~ Division in carrying out the provisions of NRS 439.271 to

439.2794, inclusive, with public or private entities that have the appropriate expertise to provide such services;

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 439.271 to 439.2794, inclusive;

(c) Apply for any waiver from the Federal Government that may be necessary to maximize the amount of money this State may obtain from the Federal Government to carry out the provisions of NRS 439.271 to 439.2794, inclusive; and

(d) Adopt regulations as necessary to carry out and administer the Program.

2. Any money that is accepted by the ~~[Health]~~ Division pursuant to subsection 1 must be deposited in the State Treasury and accounted for separately in the State General Fund.

3. The Administrator shall administer the account created pursuant to subsection 2. Money in the account does not lapse to the State General Fund at the end of the fiscal year. The interest and income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 73. NRS 439.340 is hereby amended to read as follows:

439.340 The county board of health shall be subject to the supervision of the ~~[Health]~~ Division, and shall make such reports to the ~~[Health]~~ Division as the State Board of Health may require.

Sec. 74. NRS 439.4905 is hereby amended to read as follows:

439.4905 1. Unless an exemption is approved pursuant to subsection 3, each county shall pay an assessment to the ~~[Health]~~ Division, in an amount determined by the ~~[Health]~~ Division, for the costs of services provided in that county by the ~~[Health]~~ Division or by the ~~[State Health]~~ ***Chief Medical*** Officer, including, without limitation, services provided pursuant to this chapter and chapters 441A, 444, 446 and 583 of NRS and the regulations adopted pursuant to those chapters, regardless of whether the county has a local health authority.

2. Each county shall pay the assessment to the ~~[Health]~~ Division in quarterly installments that are due on the first day of the first month of each calendar quarter.

3. A county may submit a proposal to the Governor for the county to carry out the services that would otherwise be provided by the ~~[Health]~~ Division or the ~~[State Health]~~ ***Chief Medical*** Officer pursuant to this chapter and chapters 441A, 444, 446 and 583 of NRS and the regulations adopted pursuant to those chapters. If the Governor approves the proposal, the Governor shall submit a recommendation to the Interim Finance Committee to exempt the county from the assessment required pursuant to subsection 1. The Interim Finance Committee, upon receiving the recommendation from

the Governor, shall consider the proposal and determine whether to approve the exemption. In considering whether to approve the exemption, the Interim Finance Committee shall consider, among other things, the best interests of the State, the effect of the exemption and the intent of the Legislature in requiring the assessment to be paid by each county.

4. An exemption that is approved by the Interim Finance Committee pursuant to subsection 3 must not become effective until at least 6 months after that approval.

5. A county that receives approval pursuant to subsection 3 to carry out the services that would otherwise be provided by the ~~[~~Health~~]~~ Division or the ~~[~~State Health~~]~~ ***Chief Medical*** Officer pursuant to this chapter and chapters 441A, 444, 446 and 583 of NRS and the regulations adopted pursuant to those chapters shall carry out those services in the manner set forth in those chapters and regulations.

6. The ~~[~~Health~~]~~ Division may adopt such regulations as necessary to carry out the provisions of this section.

Sec. 75. NRS 439.494 is hereby amended to read as follows:

439.494 1. The ~~[~~Health~~]~~ Division may:

(a) Enter into contracts for any service necessary to carry out the provisions of NRS 439.491 to 439.494, inclusive; and

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of NRS 439.491 to 439.494, inclusive.

2. Any money collected pursuant to subsection 1 and any money appropriated to carry out the provisions of NRS 439.491 to 439.494, inclusive:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended to carry out the provisions of NRS 439.491 to 439.494, inclusive.

3. The Administrator shall administer the account. Any interest or income earned on the money in the account must be credited to the account.

4. Any claims against the account must be paid as other claims against the State are paid.

Sec. 76. NRS 439.507 is hereby amended to read as follows:

439.507 1. The ~~[~~Health~~]~~ Division may:

(a) Within the limitations of available funding, enter into contracts for any services necessary to carry out or assist the ~~[~~Health~~]~~ Division in carrying out NRS 439.501 to 439.507, inclusive, with public or private entities that have the appropriate expertise to provide such services;

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 439.501 to 439.507, inclusive; and

(c) Apply for any waiver from the Federal Government that may be necessary to maximize the amount of money this state may obtain from the Federal Government to carry out the provisions of NRS 439.501 to 439.507, inclusive.

2. Any money that is appropriated to carry out the provisions of NRS 439.501 to 439.507, inclusive:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) May only be used to carry out those provisions.

3. The Administrator shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 77. NRS 439.527 is hereby amended to read as follows:

439.527 1. There is hereby created the Committee on Co-Occurring Disorders. The Committee consists of:

(a) The Administrator **, [**~~of the Division of Mental Health and Developmental Services of the Department,~~**]** who is an ex officio member of the Committee; and

(b) Fourteen members appointed by the Governor.

2. The Governor shall appoint to the Committee:

(a) One member who is a psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology;

(b) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS who is certified as an addictionologist by the American Society of Addiction Medicine;

(c) One member who is a psychologist licensed to practice in this State;

(d) One member who is licensed as a marriage and family therapist in this State;

(e) One member who is licensed as a clinical social worker in this State;

(f) One member who is a district judge in this State;

(g) One member who is a representative of the Nevada System of Higher Education;

(h) One member who is a representative of a state or local criminal justice agency;

(i) One member who is a representative of a hospital or mental health facility in this State;

(j) One member who is a member of the Nevada Mental Health Planning Advisory Council;

(k) One member who is a representative of a program relating to mental health and the treatment of the abuse of alcohol or drugs in this State;

(l) One member who is a policy analyst in the field of mental health, substance abuse or criminal justice;

(m) One member who is a representative of persons who have used services relating to mental health, substance abuse or criminal justice in this State; and

(n) One member who is an immediate family member of a person who has used services relating to mental health, substance abuse or criminal justice in this State.

3. The members of the Committee shall elect a Chair and Vice Chair by a majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on October 1 of each year. If a vacancy occurs in the office of the Chair, the members of the Committee shall elect a Chair from among its members for the remainder of the unexpired term.

4. After the initial terms, each member of the Committee who is appointed serves for a term of 4 years. A member may be reappointed.

5. A vacancy on the Committee must be filled in the same manner as the original appointment.

6. Each member of the Committee:

(a) Serves without compensation; and

(b) While engaged in the business of the Committee, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Committee who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Committee to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The members of the Committee shall meet at least quarterly and at the times and places specified by a call of the Chair or a majority of the members of the Committee.

9. Eight members of the Committee constitute a quorum. The affirmative vote of a majority of the Committee members present is sufficient for any action of the Committee.

Sec. 78. NRS 439.570 is hereby amended to read as follows:

439.570 1. When the health authority deems it necessary, the health authority shall report cases of violation of any of the provisions of this

chapter or of provisions of law requiring the immunization of children in public schools, private schools and child care facilities, to the district attorney of the county, with a statement of the facts and circumstances. When any such case is reported to the district attorney by the health authority, the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law.

2. Upon request of the ~~[Health]~~ Division, the Attorney General shall assist in the enforcement of the provisions of this chapter and provisions of law requiring the immunization of children in public schools, private schools and child care facilities.

Sec. 79. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the ~~[Health]~~ Division shall be punished by a fine of not more than $250.

2. Each person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive,

➥ is guilty of a misdemeanor.

Sec. 80. NRS 439.885 is hereby amended to read as follows:

439.885 1. If a medical facility:

(a) Commits a violation of any provision of NRS 439.800 to 439.890, inclusive, or for any violation for which an administrative sanction pursuant to NRS 449.163 would otherwise be applicable; and

(b) Of its own volition, reports the violation to the Administrator,

➥ such a violation must not be used as the basis for imposing an administrative sanction pursuant to NRS 449.163.

2. If a medical facility commits a violation of any provision of NRS 439.800 to 439.890, inclusive, and does not, of its own volition, report the violation to the Administrator, the ~~[Health]~~ Division may, in accordance with the provisions of subsection 3, impose an administrative sanction:

(a) For failure to report a sentinel event, in an amount not to exceed $100 per day for each day after the date on which the sentinel event was required to be reported pursuant to NRS 439.835;

(b) For failure to adopt and implement a patient safety plan pursuant to NRS 439.865, in an amount not to exceed $1,000 for each month in which a patient safety plan was not in effect; and

(c) For failure to establish a patient safety committee or failure of such a committee to meet pursuant to the requirements of NRS 439.875, in an amount not to exceed $2,000 for each violation of that section.

3. Before the ~~[Health]~~ Division imposes an administrative sanction pursuant to subsection 2, the ~~[Health]~~ Division shall provide the medical facility with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If a medical facility wants to contest the action, the facility may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the ~~[Health]~~ Division shall hold a hearing in accordance with those regulations.

4. An administrative sanction collected pursuant to this section must be accounted for separately and used by the ~~[Health]~~ Division to provide training and education to employees of the ~~[Health]~~ Division, employees of medical facilities and members of the general public regarding issues relating to the provision of quality and safe health care.

Sec. 80.5. **NRS 439.970 is hereby amended to read as follows:**

439.970 1. Except as otherwise provided in chapter 414 of NRS, if a health authority identifies within its jurisdiction a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health authority shall immediately transmit to the Governor a report of the immediate threat.

2. Upon receiving a report pursuant to subsection 1, the Governor shall determine whether a public health emergency or other health event exists that requires a coordinated response for the health and safety of the public. If the Governor determines that a public health emergency or other health event exists that requires such a coordinated response, the Governor shall issue an executive order:

(a) Stating the nature of the public health emergency or other health event;

(b) Stating the conditions that have brought about the public health emergency or other health event, including, without limitation, an identification of each health care facility or provider of health care, if any, related to the public health emergency or other health event;

(c) Stating the estimated duration of the immediate threat to the health and safety of the public; and

(d) Designating an emergency team comprised of:

(1) The ~~[State Health]~~ ***Chief Medical*** Officer or a person appointed pursuant to subsection 5, as applicable; and

(2) Representatives of state agencies, divisions, boards and other entities, including, without limitation, professional licensing boards, with authority by statute to govern or regulate the health care facilities and providers of health care identified as being related to the public health emergency or other health event pursuant to paragraph (b).

3. If additional state agencies, divisions, boards or other entities are identified during the course of the response to the public health emergency or other health event as having authority regarding a health care facility or provider of health care that is related to the public health emergency or other health event, the Governor shall direct that agency, division, board or entity to appoint a representative to the emergency team.

4. The ~~[State Health]~~ ***Chief Medical*** Officer or a person appointed pursuant to subsection 5, as applicable, is the chair of the emergency team.

5. If the ~~[State Health]~~ ***Chief Medical*** Officer has a conflict of interest relating to a public health emergency or other health event or is otherwise unable to carry out the duties prescribed pursuant to NRS 439.950 to 439.983, inclusive, the Director shall temporarily appoint a person to carry out the duties of the ~~[State Health]~~ ***Chief Medical*** Officer prescribed in NRS 439.950 to 439.983, inclusive, until such time as the public health emergency or other health event has been resolved or the ~~[State Health]~~ ***Chief Medical*** Officer is able to resume those duties. The person appointed by the Director must meet the requirements prescribed by ~~[subsection 1 of NRS 439.090.]~~ ***section 63 of this act.***

6. The Governor shall immediately transmit the executive order to:

(a) The Legislature or, if the Legislature is not in session, to the Legislative Commission and the Legislative Committee on Health Care; and

(b) Any person or entity deemed necessary or advisable by the Governor.

7. The Governor shall declare a public health emergency or other health event terminated before the estimated duration stated in the executive order upon a finding that the public health emergency or other health event no longer poses an immediate threat to the health and safety of the public. Upon such a finding, the Governor shall notify each person and entity described in subsection 6.

8. If a public health emergency or other health event lasts longer than the estimated duration stated in the executive order, the Governor is not required to reissue an executive order, but shall notify each person and entity identified in subsection 6.

9. The Attorney General shall provide legal counsel to the emergency team.

Sec. 81. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Division of Public and Behavioral Health of the Department.

Sec. 82. NRS 439A.100 is hereby amended to read as follows:

439A.100 1. Except as otherwise provided in this section, in a county whose population is less than 100,000, no person may undertake any proposed expenditure for new construction by or on behalf of a health facility in excess of the greater of $2,000,000 or such an amount as the Department may specify by regulation, which under generally accepted accounting principles consistently applied is a capital expenditure, without first applying for and obtaining the written approval of the Director. The ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department shall not issue a new license or alter an existing license for such a project unless the Director has issued such an approval.

2. The provisions of subsection 1 do not apply to:

(a) Any capital expenditure for:

(1) The acquisition of land;

(2) The construction of a facility for parking;

(3) The maintenance of a health facility;

(4) The renovation of a health facility to comply with standards for safety, licensure, certification or accreditation;

(5) The installation of a system to conserve energy;

(6) The installation of a system for data processing or communication; or

(7) Any other project which, in the opinion of the Director, does not relate directly to the provision of any health service;

(b) Any project for the development of a health facility that has received legislative approval and authorization; or

(c) A project for the construction of a hospital in an unincorporated town if:

(1) The population of the unincorporated town is more than 24,000;

(2) No other hospital exists in the town;

(3) No other hospital has been approved for construction or qualified for an exemption from approval for construction in the town pursuant to this section; and

(4) The unincorporated town is at least a 45-minute drive from the nearest center for the treatment of trauma that is licensed by the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department.

➥ Upon determining that a project satisfies the requirements for an exemption pursuant to this subsection, the Director shall issue a certificate which states that the project is exempt from the requirements of this section.

3. In reviewing an application for approval, the Director shall:

(a) Comparatively assess applications for similar projects affecting the same geographic area; and

(b) Base his or her decision on criteria established by the Director by regulation. The criteria must include:

(1) The need for and the appropriateness of the project in the area to be served;

(2) The financial feasibility of the project;

(3) The effect of the project on the cost of health care; and

(4) The extent to which the project is consistent with the purposes set forth in NRS 439A.020 and the priorities set forth in NRS 439A.081.

4. The Department may by regulation require additional approval for a proposed change to a project which has previously been approved if the proposal would result in a change in the location of the project or a substantial increase in the cost of the project.

5. The decision of the Director is a final decision for the purposes of judicial review.

6. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 83. NRS 439A.130 is hereby amended to read as follows:

439A.130 As used in NRS 439A.130 to 439A.185, inclusive, ***and section 81 of this act,*** the words and terms defined in NRS 439A.135 to 439A.165, inclusive, ***and section 81 of this act*** have the meanings ascribed to them in those sections.

Sec. 84. NRS 439A.135 is hereby amended to read as follows:

439A.135 "Administrator" means the Administrator of the ~~[~~Health~~]~~ Division.

Sec. 85. NRS 439B.410 is hereby amended to read as follows:

439B.410 1. Except as otherwise provided in subsection 4, each hospital in this State has an obligation to provide emergency services and care, including care provided by physicians and nurses, and to admit a patient where appropriate, regardless of the financial status of the patient.

2. Except as otherwise provided in subsection 4, it is unlawful for a hospital or a physician working in a hospital emergency room to:

(a) Refuse to accept or treat a patient in need of emergency services and care; or

(b) Except when medically necessary in the judgment of the attending physician:

(1) Transfer a patient to another hospital or health facility unless, as documented in the patient's records:

(I) A determination has been made that the patient is medically fit for transfer;

(II) Consent to the transfer has been given by the receiving physician, hospital or health facility;

(III) The patient has been provided with an explanation of the need for the transfer; and

(IV) Consent to the transfer has been given by the patient or the patient's legal representative; or

(2) Provide a patient with orders for testing at another hospital or health facility when the hospital from which the orders are issued is capable of providing that testing.

3. A physician, hospital or other health facility which treats a patient as a result of a violation of subsection 2 by a hospital or a physician working in the hospital is entitled to recover from that hospital an amount equal to three times the charges for the treatment provided that was billed by the physician, hospital or other health facility which provided the treatment, plus reasonable attorney's fees and costs.

4. This section does not prohibit the transfer of a patient from one hospital to another:

(a) When the patient is covered by an insurance policy or other contractual arrangement which provides for payment at the receiving hospital;

(b) After the county responsible for payment for the care of an indigent patient has exhausted the money which may be appropriated for that purpose pursuant to NRS 428.050, 428.285 and 450.425; or

(c) When the hospital cannot provide the services needed by the patient.

➥ No transfer may be made pursuant to this subsection until the patient's condition has been stabilized to a degree that allows the transfer without an additional risk to the patient.

5. As used in this section:

(a) "Emergency services and care" means medical screening, examination and evaluation by a physician or, to the extent permitted by a specific statute, by a person under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the hospital. As used in this paragraph:

(1) "Active labor" means, in relation to childbirth, labor that occurs when:

(I) There is inadequate time before delivery to transfer the patient safely to another hospital; or

(II) A transfer may pose a threat to the health and safety of the patient or the unborn child.

(2) "Emergency medical condition" means the presence of acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(I) Placing the health of the patient in serious jeopardy;

(II) Serious impairment of bodily functions; or

(III) Serious dysfunction of any bodily organ or part.

(b) "Medically fit" means that the condition of the patient has been sufficiently stabilized so that the patient may be safely transported to another hospital, or is such that, in the determination of the attending physician, the transfer of the patient constitutes an acceptable risk. Such a determination must be based upon the condition of the patient, the expected benefits, if any, to the patient resulting from the transfer and whether the risks to the patient's health are outweighed by the expected benefits, and must be documented in the patient's records before the transfer.

6. If an allegation of a violation of the provisions of subsection 2 is made against a hospital licensed pursuant to the provisions of chapter 449 of NRS, the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for the denial, suspension or revocation of such a license, or for the imposition of any sanction prescribed by NRS 449.163.

7. If an allegation of a violation of the provisions of subsection 2 is made against:

(a) A physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action or denying licensure pursuant to the provisions of subsection 3 of NRS 630.3065.

(b) An osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action pursuant to the provisions of subsection 1 of NRS 633.131.

Sec. 86. NRS 440.110 is hereby amended to read as follows:

440.110 The Administrator of the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department of Health and Human Services is the State Registrar of Vital Statistics.

Sec. 87. NRS 441A.140 is hereby amended to read as follows:

441A.140 The ~~[~~Health~~]~~ Division ***of Public and Behavioral Health of the Department of Health and Human Services*** may receive any financial aid

made available by any grant or other source and shall use the aid, in cooperation with the health authority, to carry out the provisions of this chapter.

Sec. 88. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 89 and 90 of this act.

Sec. 89. ***As used in this section and NRS 442.740, 442.750 and 442.770 and section 90 of this act, unless the context otherwise requires, the words and terms defined in NRS 442.740 and section 90 of this act, have the meanings ascribed to them in those sections.***

Sec. 90. ***"Division" means the Aging and Disability Services Division of the Department of Health and Human Services.***

Sec. 91. NRS 442.003 is hereby amended to read as follows:

442.003 As used in ~~[this chapter,]~~ ***NRS 442.003 to 442.700, inclusive,*** unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.
2. "Department" means the Department of Health and Human Services.
3. "Director" means the Director of the Department.
4. ***"Division" means the Division of Public and Behavioral Health of the Department.***
5. "Fetal alcohol syndrome" includes fetal alcohol effects.

~~[5. "Health Division" means the Health Division of the Department.]~~

6. "Laboratory" has the meaning ascribed to it in NRS 652.040.
7. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.
8. "Provider of health care or other services" means:

(a) A clinical alcohol and drug abuse counselor who is licensed, or an alcohol and drug abuse counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; or

(i) The holder of a certificate of registration as a pharmacist.

Sec. 92. NRS 442.005 is hereby amended to read as follows:

442.005 The ~~[State Health]~~ ***Chief Medical*** Officer and the ~~[Health]~~ Division shall administer the provisions of ~~[this chapter]~~ ***NRS 442.003 to***

442.700, inclusive, in accordance with the regulations of the State Board of Health and subject to administrative supervision by the Director.

Sec. 93. NRS 442.009 is hereby amended to read as follows:

442.009 1. Except as otherwise provided in this section, if the State Board of Health requires the ~~[~~Health~~]~~ Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008, the ~~[~~Health~~]~~ Division shall contract with a laboratory in the following order of priority:

(a) The State Public Health Laboratory;

(b) Any other qualified laboratory located within this State; or

(c) Any qualified laboratory located outside of this State.

2. The ~~[~~Health~~]~~ Division shall not contract with a laboratory in a lower category of priority unless the ~~[~~Health~~]~~ Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the ~~[~~Health~~]~~ Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the ~~[~~Health~~]~~ Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

Sec. 94. NRS 442.120 is hereby amended to read as follows:

442.120 The Department is hereby designated as the agency of this State to cooperate, through the ~~[~~Health~~]~~ Division, with the duly constituted federal authorities in the administration of those parts of the Social Security Act which relate to the maternal and child health services and the care and treatment of children with special health care needs, and is authorized to receive and expend all funds made available to the Department by the Federal Government, the State or its political subdivisions, or from any other source for the purposes provided in ~~[~~this chapter.~~]~~ ***NRS 442.003 to 442.700, inclusive.***

Sec. 95. NRS 442.160 is hereby amended to read as follows:

442.160 1. The Administrator of the ~~[~~Health~~]~~ Division is the administrative officer of the ~~[~~Health~~]~~ Division with respect to the administration and enforcement of:

(a) The provisions of NRS 442.130 to 442.170, inclusive;

(b) The plan formulated and adopted for the purposes of NRS 442.130 to 442.170, inclusive; and

(c) All regulations necessary thereto and adopted by the State Board of Health.

2. The Administrator shall administer and enforce all regulations adopted by the State Board of Health for the efficient operation of the plan formulated by the State Board of Health and the ~~[Health]~~ Division for the purposes of NRS 442.130 to 442.170, inclusive.

3. The Administrator shall:

(a) Maintain his or her office in Carson City, Nevada, or elsewhere in the State as directed by the Director.

(b) Keep in his or her office all records, reports, papers, books and documents pertaining to the subjects of NRS 442.130 to 442.170, inclusive.

(c) If directed by the terms of the plan or by the Director, provide such medical, surgical or other services as are necessary to carry out the provisions of the plan and of NRS 442.130 to 442.170, inclusive.

4. The Administrator, with the assistance of the ~~[State Health]~~ ***Chief Medical*** Officer, shall make such reports, in such form and containing such information concerning the subjects of NRS 442.130 to 442.170, inclusive, as required by the Secretary of Health and Human Services.

5. The Administrator shall, in accordance with the rules and regulations of the Secretary of Health and Human Services and of the Secretary of the Treasury, requisition and cause to be deposited with the State Treasurer all money allotted to this State by the Federal Government for the purposes of NRS 442.130 to 442.170, inclusive. The Administrator shall cause to be paid out of the State Treasury the money deposited for the purposes of NRS 442.130 to 442.170, inclusive.

Sec. 96. NRS 442.210 is hereby amended to read as follows:

442.210 1. The Administrator of the ~~[Health]~~ Division shall administer and enforce the provisions of NRS 442.180 to 442.220, inclusive, and of the plan or plans formulated and adopted for the purposes of NRS 442.180 to 442.220, inclusive, and all regulations necessary thereto and adopted by the State Board of Health.

2. The Administrator shall administer and enforce all regulations adopted by the State Board of Health for the efficient operation of such plan or plans formulated by the State Board of Health and the ~~[Health]~~ Division for the purposes of NRS 442.180 to 442.220, inclusive.

3. The Administrator shall maintain his or her office in Carson City, Nevada, or elsewhere in the State as directed by the Director, and keep therein all records, reports, papers, books and documents pertaining to the subjects of NRS 442.180 to 442.220, inclusive. The Administrator, when directed by the terms of any plan or plans perfected, or by the Director, shall provide in such places within the State such medical, surgical or other agency or agencies as may be necessary to carry out the provisions of such plan or plans and of NRS 442.180 to 442.220, inclusive. If the proper medical or surgical services cannot be had within the State for any child with special

health care needs, the Secretary of the State Board of Health may provide for those services in some other state.

4. The Administrator shall, from time to time as directed by the Secretary of Health and Human Services, make reports, in such form and containing such information concerning the subjects of NRS 442.180 to 442.220, inclusive, as the Secretary of Health and Human Services requires.

5. The Administrator shall from time to time pursuant to the rules and regulations of the Secretary of Health and Human Services and of the Secretary of the Treasury, requisition and cause to be deposited with the State Treasurer all money allotted to this state by the Federal Government for the purposes of NRS 442.180 to 442.220, inclusive. The Administrator shall cause to be paid out of the State Treasury the money therein deposited for the purposes of NRS 442.180 to 442.220, inclusive.

Sec. 97. NRS 442.260 is hereby amended to read as follows:

442.260 1. The ~~[~~Health~~]~~ Division shall adopt and enforce regulations governing the conditions under and the methods by which abortions may be performed, the reasonable minimum qualifications of a person authorized to provide the information required in NRS 442.253, as well as all other aspects pertaining to the performance of abortions pursuant to NRS 442.250.

2. The ~~[~~Health~~]~~ Division shall adopt and enforce regulations for a system for reporting abortions. This system must be designed to preserve confidentiality of information on the identity of women upon whom abortions are performed. The ~~[~~Health~~]~~ Division may require that the following items be reported for each abortion:

(a) The date of the abortion;

(b) The place of the abortion including the city, county and state;

(c) The type of facility;

(d) The usual residence of the woman, including the city, county and state;

(e) Her age;

(f) Her ethnic group or race;

(g) Her marital status;

(h) The number of previous live births;

(i) The number of previous induced abortions;

(j) The duration of her pregnancy, as measured from first day of last normal menses to date of abortion, and as estimated by uterine size prior to performance of the abortion;

(k) The type of abortion procedure; and

(l) If a woman has had a previously induced abortion, the information in paragraphs (a) to (k), inclusive, or as much thereof as can be reasonably obtained, for each previous abortion.

3. The ~~[~~Health~~]~~ Division may adopt regulations to permit studies of individual cases of abortion, but these studies must not be permitted unless:

(a) Absolute assurance is provided that confidentiality of information on the persons involved will be preserved;

(b) Informed consent of each person involved in the study is obtained in writing;

(c) The study is conducted according to established standards and ethics; and

(d) The study is related to problems of health and has scientific merit with regard to both design and the importance of the problems to be solved.

Sec. 98. NRS 442.415 is hereby amended to read as follows:

442.415 The ~~[~~Health~~]~~ Division shall adopt regulations necessary to carry out the provisions of NRS 442.400, 442.405 and 442.410.

Sec. 99. NRS 442.740 is hereby amended to read as follows:

442.740 ~~[~~As used in NRS 442.740 to 442.770, inclusive, "early~~]~~ ***"Early*** intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.

Sec. 100. NRS 442.750 is hereby amended to read as follows:

442.750 1. The ~~[~~Health~~]~~ Division shall ensure that the personnel employed by the ~~[~~Health~~]~~ Division who provide early intervention services to children with autism spectrum disorders and the persons with whom the ~~[~~Health~~]~~ Division contracts to provide early intervention services to children with autism spectrum disorders possess the knowledge and skills necessary to serve children with autism spectrum disorders, including, without limitation:

(a) The screening of a child for autism spectrum disorder at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization;

(b) The procedure for evaluating children who demonstrate behaviors that are consistent with autism spectrum disorders, which procedure must require the use of the statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years prescribed pursuant to NRS 427A.872;

(c) The procedure for enrolling a child in early intervention services upon determining that the child has autism spectrum disorder;

(d) Methods of providing support to children with autism spectrum disorders and their families; and

(e) The procedure for developing an individualized family service plan in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other appropriate plan for the child.

2. The ~~[~~Health~~]~~ Division shall ensure that the personnel employed by the ~~[~~Health~~]~~ Division to provide early intervention services to children with autism spectrum disorders and the persons with whom the ~~[~~Health~~]~~ Division contracts to provide early intervention services to children with autism spectrum disorders:

(a) Possess the knowledge and understanding of the scientific research and support for the methods and approaches for serving children with autism spectrum disorders and the ability to recognize the difference between an approach or method that is scientifically validated and one that is not;

(b) Possess the knowledge to accurately describe to parents and guardians the research supporting the methods and approaches, including, without limitation, the knowledge necessary to provide an explanation that a method or approach is experimental if it is not supported by scientific evidence;

(c) Immediately notify a parent or legal guardian if a child is identified as being at risk for a diagnosis of autism spectrum disorder and refer the parent or legal guardian to the appropriate professionals for further evaluation and simultaneously refer the parent or legal guardian to any appropriate early intervention services and strategies; and

(d) Provide the parent or legal guardian with information on evidence-based treatments and interventions that may assist the child in the child's development and advancement.

3. The ~~[~~Health~~]~~ Division shall ensure that the personnel employed by the ~~[~~Health~~]~~ Division who provide early intervention screenings to children and the persons with whom the ~~[~~Health~~]~~ Division contracts to provide early intervention screenings to children perform screenings of children for autism spectrum disorders at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization.

4. The ~~[~~Health~~]~~ Division shall ensure that:

(a) For a child who may have autism spectrum disorder, the personnel employed by the ~~[~~Health~~]~~ Division who provide early intervention screenings to children and the persons with whom the ~~[~~Health~~]~~ Division contracts to provide early intervention screenings to children use the protocol designated pursuant to NRS 427A.872 for determining whether a child has autism spectrum disorder.

(b) An initial evaluation of the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of a child with autism spectrum disorder is conducted to determine the baseline of the child.

(c) A subsequent evaluation is conducted upon the child's conclusion of the early intervention services to determine the progress made by the child from the time of his or her initial screening.

Sec. 101. NRS 442.770 is hereby amended to read as follows:

442.770 For an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services, the ~~[~~Health~~]~~ Division shall refer the infant or toddler to the Autism Treatment Assistance Program established by NRS 427A.875 and coordinate with the Program to develop a plan of treatment for the infant or toddler pursuant to that section.

Sec. 102. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 103. NRS 444.330 is hereby amended to read as follows:

444.330 1. The ~~[Health]~~ Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(d) Nevada System of Higher Education.

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The ~~[State Health]~~ ***Chief Medical*** Officer or an authorized agent of the Officer shall inspect those institutions at least once each calendar year and whenever he or she deems an inspection necessary to carry out the provisions of this section. The inspection of any state facility for the detention of children that is operated pursuant to title 5 of NRS must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the facility.

4. The ~~[State Health]~~ ***Chief Medical*** Officer shall publish reports of the inspections of any state facility for the detention of children that is operated pursuant to title 5 of NRS and may publish reports of the inspections of other state institutions.

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The ~~[State Health]~~ ***Chief Medical*** Officer or an authorized agent of the Officer may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he or she has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.

Sec. 104. NRS 445A.055 is hereby amended to read as follows:

445A.055 1. The State Board of Health shall adopt regulations requiring the fluoridation of all water delivered for human consumption in a county whose population is 700,000 or more by a:

(a) Public water system that serves a population of 100,000 or more; or

(b) Water authority.

2. The regulations must include, without limitation:

(a) The minimum and maximum permissible concentrations of fluoride to be maintained by such a public water system or a water authority, except that:

(1) The minimum permissible concentration of fluoride must not be less than 0.7 parts per million; and

(2) The maximum permissible concentration of fluoride must not exceed 1.2 parts per million;

(b) The requirements and procedures for maintaining proper concentrations of fluoride, including any necessary equipment, testing, recordkeeping and reporting;

(c) Requirements for the addition of fluoride to the water if the natural concentration of fluorides is lower than the minimum permissible concentration established pursuant to paragraph (a); and

(d) Criteria pursuant to which the State Board of Health may exempt a public water system or water authority from the requirement of fluoridation upon the request of the public water system or water authority.

3. The State Board of Health shall not require the fluoridation of:

(a) The wells of a public water system or water authority if:

(1) The groundwater production of the public water system or water authority is less than 15 percent of the total average annual water production of the system or authority for the years in which drought conditions are not prevalent; and

(2) The wells are part of a combined regional and local system for the distribution of water that is served by a fluoridated source.

(b) A public water system or water authority:

(1) During an emergency or period of routine maintenance, if the wells of the system or authority are exempt from fluoridation pursuant to paragraph (a) and the supplier of water determines that it is necessary to change the production of the system or authority from surface water to groundwater because of an emergency or for purposes of routine maintenance; or

(2) If the natural water supply of the system or authority contains fluoride in a concentration that is at least equal to the minimum permissible concentration established pursuant to paragraph (a) of subsection 2.

4. The State Board of Health may make an exception to the minimum permissible concentration of fluoride to be maintained in a public water system or water authority based on:

(a) The climate of the regulated area;

(b) The amount of processed water purchased by the residents of the regulated area; and

(c) Any other factor that influences the amount of public water that is consumed by the residents of the regulated area.

5. The ~~[~~Health~~]~~ Division ~~[~~of the Department of Health and Human Services~~]~~ shall make reasonable efforts to secure any available sources of financial support, including, without limitation, grants from the Federal Government, for the enforcement of the standards established pursuant to this section and any related capital improvements.

6. A public water system or water authority may submit to the ~~[~~Health~~]~~ Division a claim for payment of the initial costs of the public water system or water authority to begin complying with the provisions of this section regardless of whether the public water system or water authority is required to comply with those provisions. The Administrator of the ~~[~~Health~~]~~ Division may approve such claims to the extent of legislative appropriations and any other money available for that purpose. Approved claims must be paid as other claims against the State are paid. The ongoing operational expenses of a public water system or water authority in complying with the provisions of this section are not compensable pursuant to this subsection.

7. As used in this section:

(a) ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

(b) "Supplier of water" has the meaning ascribed to it in NRS 445A.845.

~~[~~(b)~~]~~ ***(c)*** "Water authority" has the meaning ascribed to it in NRS 377B.040.

Sec. 105. NRS 446.050 is hereby amended to read as follows:

446.050 "Health authority" means the officers and agents of the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department of Health and Human Services, or the officers and agents of the local boards of health.

Sec. 106. NRS 446.057 is hereby amended to read as follows:

446.057 "Potentially hazardous food" has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the Food Code published by the Food and Drug Administration of the United States Department of Health and Human Services, unless the Administrator of the ~~[~~Health~~]~~ Division ***of Public and Behavioral Health*** of the Department of Health and Human Services has adopted a later edition of the Food Code for this purpose.

Sec. 107. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 108. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 107 of this act*** have the meanings ascribed to them in those sections.

Sec. 109. NRS 449.00455 is hereby amended to read as follows:

449.00455 "Facility for the treatment of abuse of alcohol or drugs" means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the Division ~~[of Mental Health and Developmental Services of the Department of Health and Human Services]~~ pursuant to subsection 4 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

Sec. 110. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The ~~[Health]~~ Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 111. NRS 449.0307 is hereby amended to read as follows:

449.0307 The ~~[Health]~~ Division may:

1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility or a facility for the dependent. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the ~~[Health]~~ Division, by the State Fire Marshal.

2. Upon receipt of a complaint against a medical facility or facility for the dependent, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other medical facility or facility for the dependent which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.030 to 449.245, inclusive.

Sec. 112. NRS 449.0308 is hereby amended to read as follows:

449.0308 1. Except as otherwise provided in this section, the ~~[Health]~~ Division may charge and collect from a medical facility or facility for the dependent or a person who operates such a facility without a license issued

by the ~~[Health]~~ Division the actual costs incurred by the ~~[Health]~~ Division for the enforcement of the provisions of NRS 449.030 to 449.240, inclusive, including, without limitation, the actual cost of conducting an inspection or investigation of the facility.

2. The ~~[Health]~~ Division shall not charge and collect the actual cost for enforcement pursuant to subsection 1 if the enforcement activity is:

(a) Related to the issuance or renewal of a license for which the Board charges a fee pursuant to NRS 449.050 or 449.089; or

(b) Conducted pursuant to an agreement with the Federal Government which has appropriated money for that purpose.

3. Any money collected pursuant to subsection 1 may be used by the ~~[Health]~~ Division to administer and carry out the provisions of NRS 449.030 to 449.240, inclusive, and the regulations adopted pursuant thereto.

Sec. 113. NRS 449.040 is hereby amended to read as follows:

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.030 to 449.240, inclusive, must file with the ~~[Health]~~ Division an application on a form prescribed, prepared and furnished by the ~~[Health]~~ Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The type of facility to be operated.

3. The location of the facility.

4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.

5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.

6. The name of the person in charge of the facility.

7. Such other information as may be required by the ~~[Health]~~ Division for the proper administration and enforcement of NRS 449.030 to 449.240, inclusive.

8. Evidence satisfactory to the ~~[Health]~~ Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.

9. Evidence satisfactory to the ~~[Health]~~ Division of the ability of the applicant to comply with the provisions of NRS 449.030 to 449.240, inclusive, and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the ~~[Health]~~ Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

11. If the facility to be licensed is a residential establishment as defined in NRS 278.02384, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.02386, evidence satisfactory to the ~~[Health]~~ Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.

Sec. 114. NRS 449.050 is hereby amended to read as follows:

449.050 1. Each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

2. The fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the ~~[Health]~~ Division of issuing or renewing the license.

3. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the ~~[Health]~~ Division must be refunded to the applicant.

Sec. 115. NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, residential facility for groups, home for individual residential care, agency to provide personal care services in the home and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the ~~[Health]~~ Division a surety bond:

(a) If the facility, agency or home employs less than 7 employees, in the amount of $5,000;

(b) If the facility, agency or home employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the facility, agency or home employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the facility, agency or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Specialist for the Rights

of Elderly Persons determines has suffered property damage as a result of any act or failure to act by the facility, agency or home to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the ~~[~~Health~~]~~ Division, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility, agency or home to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility, agency or home is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The Administrator of the ~~[~~Health~~]~~ Division shall give the facility, agency or home at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The Administrator of the ~~[~~Health~~]~~ Division may exempt a residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the residential facility for groups or home for individual residential care.

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, residential facility for groups, home for individual residential care, agency to provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

8. As used in this section, "older patient" means a patient who is 60 years of age or older.

Sec. 116. NRS 449.160 is hereby amended to read as follows:

449.160 1. The ~~[~~Health~~]~~ Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.240, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the ~~[Health]~~ Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The ~~[Health]~~ Division shall maintain a log of any complaints that it receives relating to activities for which the ~~[Health]~~ Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The ~~[Health]~~ Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the ~~[Health]~~ Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the ~~[Health]~~ Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the ~~[Health]~~ Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the ~~[Health]~~ Division pursuant to subsection 2.

Sec. 117. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board, the ~~[~~Health~~]~~ Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the ~~[~~Health~~]~~ Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The ~~[~~Health~~]~~ Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of this chapter and to protect the health, safety,

well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 118. NRS 449.201 is hereby amended to read as follows:

449.201 Each alcohol and drug abuse program operated or provided by a facility for transitional living for released offenders must be certified by the Division ~~[of Mental Health and Developmental Services of the Department of Health and Human Services]~~ in accordance with the requirements set forth in chapter 458 of NRS and any regulations adopted pursuant thereto. As used in this section, "alcohol and drug abuse program" has the meaning ascribed to it in NRS 458.010.

Sec. 119. NRS 449.210 is hereby amended to read as follows:

449.210 1. In addition to the payment of the amount required by NRS 449.0308, except as otherwise provided in subsection 2 and NRS 449.24897, a person who operates a medical facility or facility for the dependent without a license issued by the ~~[Health]~~ Division is guilty of a misdemeanor.

2. In addition to the payment of the amount required by NRS 449.0308, if a person operates a residential facility for groups or a home for individual residential care without a license issued by the ~~[Health]~~ Division, the ~~[Health]~~ Division shall:

(a) Impose a civil penalty on the operator in the following amount:

(1) For a first offense, $10,000.

(2) For a second offense, $25,000.

(3) For a third or subsequent offense, $50,000.

(b) Order the operator, at the operator's own expense, to move all of the persons who are receiving services in the residential facility for groups or home for individual residential care to a residential facility for groups or home for individual residential care, as applicable, that is licensed.

(c) Prohibit the operator from applying for a license to operate a residential facility for groups or home for individual residential care, as applicable. The duration of the period of prohibition must be:

(1) For 6 months if the operator is punished pursuant to subparagraph (1) of paragraph (a).

(2) For 1 year if the operator is punished pursuant to subparagraph (2) of paragraph (a).

(3) Permanent if the operator is punished pursuant to subparagraph (3) of paragraph (a).

3. Before the ~~[Health]~~ Division imposes an administrative sanction pursuant to subsection 2, the ~~[Health]~~ Division shall provide the operator of a residential facility for groups with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If the operator of a residential facility for groups wants to contest the action, the

operator may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the ~~[Health]~~ Division shall hold a hearing in accordance with those regulations. For the purpose of this subsection, it is no defense to the violation of operating a residential facility for groups without a license that the operator thereof subsequently licensed the facility in accordance with law.

4. Unless otherwise required by federal law, the ~~[Health]~~ Division shall deposit all civil penalties collected pursuant to paragraph (a) of subsection 2 into a separate account in the State General Fund to be used to administer and carry out the provisions of this chapter and to protect the health, safety, well-being and property of the patients and residents of facilities and homes for individual residential care in accordance with applicable state and federal standards.

Sec. 120. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 121. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 120 of this act*** have the meanings ascribed to them in those sections.

Sec. 122. NRS 450B.1505 is hereby amended to read as follows:

450B.1505 1. Any money the ~~[Health]~~ Division receives from a fee set by the State Board of Health pursuant to NRS 439.150 for the issuance or renewal of a license pursuant to NRS 450B.160, an administrative penalty imposed pursuant to NRS 450B.900 or an appropriation made by the Legislature for the purposes of training related to emergency medical services:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May be used only to carry out a training program for emergency medical services personnel who work for a volunteer ambulance service or firefighting agency, including, without limitation, equipment for use in the training; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid in the manner that other claims against the State are paid.

3. The Administrator of the ~~[Health]~~ Division shall administer the account.

Sec. 123. Chapter 452 of NRS is hereby amended by adding thereto a new section to read as follows:

"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 124. NRS 452.003 is hereby amended to read as follows:

452.003 As used in NRS 452.001 to 452.610, inclusive, ***and section 123 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 452.004 to 452.019, inclusive, ***and section 123 of this act*** have the meanings ascribed to them in those sections.

Sec. 125. NRS 452.230 is hereby amended to read as follows:

452.230 1. Except as provided in subsection 2 of NRS 452.210, the ~~[Health]~~ Division shall have supervisory control over the construction of any mausoleum, vault or crypt, and shall:

(a) See that the approved plans and specifications are in all respects complied with.

(b) Appoint an inspector under whose supervision the mausoleum, vault or crypt shall be erected.

(c) Determine the amount of compensation of the inspector. The compensation shall be paid by the person erecting such mausoleum, vault or crypt.

2. No departure or deviation from the original plans and specifications is permitted except upon approval of the ~~[Health]~~ Division, evidenced in the same manner as the approval of the original plans and specifications.

3. A mausoleum, vault, crypt or structure shall not be used to hold any dead body until a final certificate is obtained indicating compliance with the plans and specifications as filed. The certificate must be signed either by the ~~[State Health]~~ ***Chief Medical*** Officer for the ~~[Health]~~ Division or by the head of the local building or public works department, depending upon which division or department supervised the construction under NRS 452.210.

Sec. 126. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

Sec. 127. NRS 453A.090 is hereby amended to read as follows:

453A.090 "Division" means the **[**~~Health~~**]** Division of ***Public and Behavioral Health of*** the Department of Health and Human Services.

Sec. 128. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out:

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the Administrator; and

(2) Alcohol and drug abuse programs pursuant to NRS 458.094; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. **[**~~The~~**]** **[**~~Administrator of the Division may transfer~~**]** **[**~~money in the account created pursuant to subsection 1 that is not needed to carry out this chapter~~**]** **[**~~to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for use by an agency of that~~

~~Division which provides services for the treatment and prevention of substance abuse. The money transferred pursuant to this subsection must~~**]** ***[may*** ~~be used for the provision of alcohol and drug abuse programs in accordance with NRS 458.094.~~

~~3.~~**]** The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 129. NRS 457.020 is hereby amended to read as follows:

457.020 As used in this chapter, unless the context requires otherwise:

1. "Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.

2. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

3. "Health care facility" has the meaning ascribed to it in NRS 162A.740 and also includes freestanding facilities for plastic reconstructive, oral and maxillofacial surgery.

[~~3. "Health Division" means the Health Division of the Department of Health and Human Services.~~**]**

Sec. 130. NRS 457.185 is hereby amended to read as follows:

457.185 1. The **[**~~Health~~**]** Division shall grant or deny an application for a certificate of authorization to operate a radiation machine for mammography or a certificate of authorization for a radiation machine for mammography within 4 months after receipt of a complete application.

2. The **[**~~Health~~**]** Division shall withdraw the certificate of authorization to operate a radiation machine for mammography if it finds that the person violated the provisions of subsection 6 of NRS 457.183.

3. The **[**~~Health~~**]** Division shall deny or withdraw the certificate of authorization of a radiation machine for mammography if it finds that the owner, lessee or other responsible person violated the provisions of subsection 1 of NRS 457.184.

4. If a certificate of authorization to operate a radiation machine for mammography or a certificate of authorization for a radiation machine for mammography is withdrawn, a person must apply for the certificate in the manner provided for an initial certificate.

Sec. 131. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.

2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.

4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.

5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.

6. "Detoxification technician" means a person who is certified by the Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. "Division" means the Division of ~~[~~Mental Health and Developmental Services~~]~~ ***Public and Behavioral Health*** of the Department of Health and Human Services.

8. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

Sec. 131.5. **NRS 458.094 is hereby amended to read as follows:**

458.094 ~~[~~1.~~]~~ The Division shall use any money ~~[~~transferred pursuant to NRS 453A.730~~]~~ ***not needed to carry out the provisions chapter 453A of NRS*** to provide alcohol and drug abuse programs to persons referred to the Division by agencies which provide child welfare services. ~~[~~.

~~2. Money received pursuant to NRS 453A.730 must be accounted for separately by the Division.~~]~~ ***as authorized pursuant to NRS 453A.730.***

Sec. 131.7. **NRS 458.103 is hereby amended to read as follows:**

458.103 The Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the Division as provided by law.

~~[~~3. Money transferred pursuant to NRS 453A.730 for the provision of alcohol and drug abuse programs in accordance with NRS 458.094.~~]~~

Sec. 132. NRS 459.010 is hereby amended to read as follows:

459.010 As used in NRS 459.010 to 459.290, inclusive, unless the context requires otherwise:

1. "By-product material" means:

(a) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or making use of special nuclear material; and

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for the extraction of the uranium or thorium.

2. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

3. "General license" means a license effective pursuant to regulations adopted by the State Board of Health without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

[~~3. "Health Division" means the Health Division of the Department of Health and Human Services.~~**]**

4. "Ionizing radiation" means gamma rays and X rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light.

5. "Person" includes any agency or political subdivision of this State, any other state or the United States, but not the Nuclear Regulatory Commission or its successor, or any federal agency licensed by the Nuclear Regulatory Commission or any successor to such a federal agency.

6. "Source material" means:

(a) Uranium, thorium or any other material which the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined that material to be source material.

(b) Any ore containing one or more of the materials enumerated in paragraph (a) in such concentration as the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined the material in the concentration to be source material.

7. "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Governor declares by order to be special nuclear material after the Nuclear Regulatory Commission or any successor thereto has determined such material to be special nuclear material, but does not include source material.

(b) Any material artificially enriched by any of the materials enumerated in paragraph (a), but does not include source material.

8. "Specific license" means a license issued pursuant to the filing of an application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment for utilizing, by-product

material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

Sec. 133. NRS 459.310 is hereby amended to read as follows:

459.310 1. The State Board of Health may establish by regulation:

(a) Fees for licensing, monitoring, inspecting or otherwise regulating mills or other operations for the concentration, recovery or refining of uranium, which must be in amounts which are reasonably related to the cost of licensing, monitoring, inspecting and regulating. Payment of the fees is the responsibility of the person applying for a license or licenses to engage in uranium concentration, recovery or refining.

(b) Fees for the care and maintenance of radioactive tailings and residues at inactive uranium concentration, recovery or refining sites. The fees must be based on a unit fee for each pound of uranium oxide produced in the process which also produced the tailings or residue. Payment of the fees is the responsibility of the person licensed to engage in uranium concentration, recovery or refining. The regulations must provide for a maximum amount to be paid for each operation.

(c) A requirement for persons licensed by the State to engage in uranium concentration, recovery or refining to post adequate bonds or other security to cover costs of decontaminating, decommissioning and reclaiming the sites used for concentrating, recovering or refining uranium if the licensee abandons the site or neglects or refuses to satisfy the requirements of the State. The State Board of Health shall determine the amount of the security. The amount of the security may be reviewed by the Board from time to time and may be increased or decreased as the board deems appropriate. The security must be administered by the Administrator of the ~~[~~Health~~]~~ Division ~~[,]~~ ***of Public and Behavioral Health of the Department of Health and Human Services,*** who shall use the security as required to protect the public health, safety and property.

2. The money received pursuant to paragraph (a) of subsection 1 must be deposited in the State Treasury for credit to the Fund for Licensing of Uranium Mills, which is hereby created as a special revenue fund, for the purpose of defraying the cost of licensing, monitoring, inspecting or otherwise regulating mills or other operations for the concentration, recovery or refining of uranium. The money received pursuant to paragraph (b) of subsection 1 must be deposited in the State Treasury for credit to the Fund for Care of Uranium Tailings, which is hereby created as a special revenue fund, for the purpose of the care and maintenance of radioactive tailings and residues accumulated at inactive uranium concentration, recovery or refining sites to protect the public health, safety and property. All interest earned on the deposit or investment of the money in the Fund for Care of Uranium Tailings must be credited to that Fund. The Administrator of the ~~[~~Health~~]~~

Division ***of Public and Behavioral Health*** shall administer both Funds. Claims against either Fund, approved by the ~~[State Health]~~ ***Chief Medical*** Officer, must be paid as other claims against the State are paid.

Sec. 134. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.

2. The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with mental retardation or person with related conditions participating in a jobs and day training services program.

Sec. 135. NRS 616A.205 is hereby amended to read as follows:

616A.205 Volunteer workers at a facility for inpatients of the Division of ~~[Mental Health and Developmental Services]~~ ***Public and Behavioral Health*** of the Department of Health and Human Services, while acting under the direction or authorization of the supervisor of volunteer services of such a facility, shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees of the facility, receiving a wage of $350 per month, and are entitled to the benefits of those chapters upon compliance therewith by the facility.

Sec. 136. NRS 630.262 is hereby amended to read as follows:

630.262 1. Except as otherwise provided in NRS 630.161, the Board may issue an authorized facility license to a person who intends to practice medicine in this State as a psychiatrist in a mental health center of the Division under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his or her qualifications to practice medicine pursuant to paragraph (e) of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice medicine in this State only as a psychiatrist in a mental health center of the Division and only under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice medicine in this State as a psychiatrist in a mental health center of the Division:

(a) The Division shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

7. As used in this section:

(a) "Division" means the Division of ~~[~~Mental Health and Developmental Services~~]~~ ***Public and Behavioral Health*** of the Department of Health and Human Services.

(b) "Mental health center" has the meaning ascribed to it in NRS 433.144.

Sec. 137. NRS 633.417 is hereby amended to read as follows:

633.417 1. Except as otherwise provided in NRS 633.315, the Board may issue an authorized facility license to a person who intends to practice osteopathic medicine in this State as a psychiatrist in a mental health center of the Division under the direct supervision of a psychiatrist who holds an unrestricted license to practice osteopathic medicine pursuant to this chapter or to practice medicine pursuant to chapter 630 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his or her qualifications to practice osteopathic medicine, but the person must meet all conditions and requirements for an unrestricted license to practice osteopathic medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice osteopathic medicine in this State only as a psychiatrist in a mental health center of the Division and only under the direct supervision of a psychiatrist who holds an unrestricted license to practice osteopathic medicine pursuant to this chapter or to practice medicine pursuant to chapter 630 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice osteopathic medicine in this State as a psychiatrist in a mental health center of the Division:

(a) The Division shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

7. As used in this section:

(a) "Division" means the Division of ~~[~~Mental Health and Developmental Services~~]~~ ***Public and Behavioral Health*** of the Department of Health and Human Services.

(b) "Mental health center" has the meaning ascribed to it in NRS 433.144.

Sec. 137.2. **NRS 639.063 is hereby amended to read as follows:**

639.063 1. The Board shall prepare an annual report concerning drugs that are returned or transferred to pharmacies pursuant to NRS 433.801, 449.2485, 639.2675 and 639.2676 and ***section 58.85 of this act and*** are reissued to fill other prescriptions. The report must include, without limitation:

(a) The number of drugs that are returned to dispensing pharmacies.

(b) The number of drugs that are transferred to nonprofit pharmacies designated by the Board pursuant to NRS 639.2676.

(c) The number of drugs that are reissued to fill other prescriptions.

(d) An estimate of the amount of money saved by reissuing such drugs to fill other prescriptions.

(e) Any other information that the Board deems necessary.

2. The report must be:

(a) Available for public inspection during regular business hours at the office of the Board; and

(b) Posted on a website or other Internet site that is operated or administered by or on behalf of the Board.

Sec. 137.4. **NRS 639.267 is hereby amended to read as follows:**

639.267 1. As used in this section, "unit dose" means that quantity of a drug which is packaged as a single dose.

2. A pharmacist who provides a regimen of drugs in unit doses to a patient in a facility for skilled nursing or facility for intermediate care as defined in chapter 449 of NRS may credit the person or agency which paid for the drug for any unused doses. The pharmacist may return the drugs to

the dispensing pharmacy, which may reissue the drugs to fill other prescriptions or transfer the drugs in accordance with the provisions of NRS 449.2485.

3. Except schedule II drugs specified in or pursuant to chapter 453 of NRS and except as otherwise provided in NRS 433.801, 449.2485, 638.200, 639.2675 and 639.2676, ***and section 58.85 of this act,*** unit doses packaged in ampules or vials which do not require refrigeration may be returned to the pharmacy which dispensed them. The Board shall, by regulation, authorize the return of any other type or brand of drug which is packaged in unit doses if the Food and Drug Administration has approved the packaging for that purpose.

Sec. 137.6. **NRS 639.2676 is hereby amended to read as follows:**

639.2676 1. A nonprofit pharmacy designated by the Board in accordance with the regulations adopted pursuant to subsection 6 to which a drug is transferred pursuant to NRS 433.801, 449.2485 or 639.2675 ***or section 58.85 of this act*** may reissue the drug to fill other prescriptions in the same pharmacy free of charge if the registered pharmacist of the nonprofit pharmacy determines that the drug is suitable for that purpose in accordance with the requirements adopted by the Board pursuant to subsection 6 and if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the reissuance of the drug.

2. A person, pharmacy or facility who exercises reasonable care in the transfer, acceptance, distribution or dispensation of a drug in accordance with the provisions of this section and NRS 433.801, 449.2485 and 639.2675 ***and section 58.85 of this act*** and the regulations adopted pursuant thereto is not subject to any civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the transfer, acceptance, distribution or dispensation of the drug.

3. A manufacturer of a drug is not subject to civil or criminal liability for any claim or injury arising from the transfer, acceptance, distribution or dispensation of the drug pursuant to this section and NRS 433.801, 449.2485 and 639.2675 ***and section 58.85 of this act*** and the regulations adopted pursuant thereto.

4. No drug that is transferred to a nonprofit pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

5. A nonprofit pharmacy shall adopt written procedures for accepting and reissuing drugs pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted before being reissued.

(b) Require the maintenance and retention of records relating to the acceptance and use of the drugs and any other records as are required by the Board.

(c) Be approved by the Board.

6. The Board shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) Requirements for reissuing drugs pursuant to this section.

(b) Requirements for accepting drugs transferred to a nonprofit pharmacy pursuant to the provisions of this section and NRS 433.801, 449.2485 and 639.2675 ~~[.]~~ ***and section 58.85 of this act.***

(c) Requirements for maintaining records relating to the acceptance and use of drugs to fill other prescriptions pursuant to this section.

(d) The criteria and procedure for obtaining a designation as a nonprofit pharmacy for the purposes of this section, including, without limitation, provisions for a pharmacy, registered pharmacist or practitioner who is registered with the Board to be designated as a nonprofit pharmacy.

Sec. 137.8. **NRS 639.282 is hereby amended to read as follows:**

639.282 1. Except as otherwise provided in NRS 433.801, 449.2485, 638.200, 639.267, 639.2675 and 639.2676, ***and section 58.85 of this act,*** it is unlawful for any person to have in his or her possession, or under his or her control, for the purpose of resale, or to sell or offer to sell or dispense or give away, any pharmaceutical preparation, drug or chemical which:

(a) Has been dispensed pursuant to a prescription or chart order and has left the control of a registered pharmacist or practitioner;

(b) Has been damaged or subjected to damage by heat, smoke, fire or water, or other cause which might reasonably render it unfit for human or animal use;

(c) Has been obtained through bankruptcy or foreclosure proceedings, or other court action, auction or other legal or administrative proceedings, except when the pharmaceutical preparation, drug or chemical is in the original sealed container;

(d) Is no longer safe or effective for use, as indicated by the expiration date appearing on its label; or

(e) Has not been properly stored or refrigerated as required by its label.

2. The provisions of subsection 1 do not apply if the person in whose possession the pharmaceutical preparation, drug or chemical is found also

has in his or her possession a valid and acceptable certification of analysis attesting to the purity and strength of the pharmaceutical preparation, drug or chemical and attesting to the fact that it can be safely and effectively used by humans or animals. The preparation, drug or chemical must not be sold or otherwise disposed of until the certification required by this subsection has been presented to and approved by the Board.

3. In the absence of conclusive proof that the preparation, drug or chemical can be used safely and effectively by humans or animals, it must be destroyed under the direct supervision of a member or an inspector of the Board, or two persons designated as agents by the Board who include an inspector of a health care board, a licensed practitioner of a health care board or a peace officer of an agency that enforces the provisions of chapters 453 and 454 of NRS.

4. As used in this section, "health care board" includes the State Board of Pharmacy, the State Board of Nursing, the Board of Medical Examiners and the Nevada State Board of Veterinary Medical Examiners.

Sec. 138. NRS 652.035 is hereby amended to read as follows:

652.035 ~~["Health Division"]~~ ***"Division"*** means the ~~[Health]~~ Division of ***Public and Behavioral Health of*** the Department of Health and Human Services.

Sec. 139. NRS 278.02382, **433.184,** 433.214, **439.090, 439.100,** 439A.145, 441A.060, 442.760, 444.005, 449.009, 450B.080 and 452.012 are hereby repealed.

Sec. 140. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in

effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

4. A license, registration, certificate or other authorization which is in effect on July 1, 2013, and which was issued by an officer, agency or other entity whose name was changed or whose responsibilities were transferred pursuant to this act to another officer, agency or other entity:

(a) Shall be deemed to be issued by the officer, agency or other entity with the new name provided in this act or issued by the officer, agency or other entity to whom the responsibility for such issuance was transferred, as applicable; and

(b) Remains valid until its expiration date, if the holder of the license, registration, certificate or other authorization otherwise remains qualified for the issuance or renewal of the license, registration, certificate or authorization on or after July 1, 2013.

Sec. 140.5. **1. A person may continue to apply for certification as a mental health-mental retardation technician pursuant to NRS 433.279, as that section existed before July 1, 2013, until the Aging and Disability Services Division of the Department of Health and Human Services adopts regulations to provide certification as an intellectual disability technician pursuant to section 49.8 of this act.**

2. A person who is certified as a mental health-mental retardation technician on July 1, 2013, shall be deemed to be certified as a mental health technician pursuant to NRS 433.279, as amended by section 21.7 of this act, or as an intellectual disability technician pursuant to section 49.8 of this act until the Division of Public and Behavioral Health of the Department or the Aging and Disability Services Division of the Department, as applicable, provides for the transition of the certificate pursuant to subsection 3.

3. The regulations adopted by the Division of Public and Behavioral Health pursuant to NRS 433.279, as amended by section 21.7 of this act, and the regulations adopted by the Aging and Disability Services Division pursuant to section 49.8 of this act must provide for a mental health-mental retardation technician to apply for the transfer of his or her certification to certification as a mental health technician or as an intellectual disability technician, as applicable. No additional fee may be charged to carry out the transfer of such certification.

Sec. 140.7. **Any regulations adopted by the Commission on Mental Health and Developmental Services pursuant to NRS 433.324 before July 1, 2013, the responsibility for which has been transferred:**

1. Pursuant to section 25 of this act to the State Board of Health, remain in effect until repealed or replaced by the State Board of Health and may be enforced by the Board.

2. Pursuant to section 50 of this act to the Aging and Disability Services Division of the Department of Health and Human Services, remain in effect and any revisions to those regulations will continue to apply until the Aging and Disability Services Division adopts regulations to replace those regulations and may be enforced by the Aging and Disability Services Division.

Sec. 141. 1. If the name of a fund or account is changed pursuant to the provisions of this act, the State Controller shall change the designation of the name of the fund or account without making any transfer of money in the fund or account. The assets and liabilities of such a fund or account are unaffected by the change of the name.

2. The assets and liabilities of any fund or account transferred from the Health Division or the Division of Mental Health and Developmental Services of the Department of Health and Human Services to the Division of Public and Behavioral Health of the Department of Health and Human Services are unaffected by the transfer.

Sec. 142. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 143. This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

278.02382 "Health Division" defined.

433.184 "Mental retardation center" defined.

433.214 "Training" defined.

439.090 State Health Officer and Administrator: Qualifications.

439.100 State Health Officer: Appointment; vacancy; unclassified service.

439A.145 "Health Division" defined.

441A.060 "Health Division" defined.

442.760 Health Division to prepare annual report; review of information and data concerning outcomes of specific programs and treatments.

444.005 "Health Division" defined.

449.009 "Health Division" defined.

450B.080 "Health Division" defined.

452.012 "Health Division" defined.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 915.

AN ACT relating to public financial administration; enlarging the purposes for which a grant ~~[or loan]~~ may be made **to a local government** from the Disaster Relief Account; revising the process for requesting a grant or loan from the Account and for reviewing such a request; enlarging the purposes for which a local government may use money in a fund to mitigate the effects of a natural disaster; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a process by which a state agency or a local government may apply to the State Board of Examiners and the Interim Finance Committee for a grant or loan from the Disaster Relief Account, and also specifies the purposes for which that money may be used. (NRS 353.2705-353.2771) Money granted or loaned to a local government from the Account may be used, among other purposes, to pay a portion of any "grant match" the local government must provide to obtain a grant from a federal disaster assistance agency. (NRS 353.2715, 353.2725, 353.2745, 353.2751) **Sections 1, 2, 5 and 6** of this bill remove the limitation that the federal agency making such a grant must be a disaster assistance agency, with the result that money granted or loaned from the Account may be used to match a grant from any federal agency. **Section 10** of this bill makes a similar change with respect to the use of money from a fund established by a local government to mitigate the effects of a natural disaster. (NRS 354.6115)

~~[Sections 4 and]~~ **Section 5** of this bill otherwise ~~[enlarge]~~ **enlarges** the purposes for which money granted from the Account **to a local government** may be used, to authorize use of the money for ~~[a project to prevent or reduce the likelihood of damage or injury resulting from a similar disaster in the future.]~~ **the removal of debris.**

The remaining provisions of this bill revise the process for submitting and reviewing a request for a grant or loan from the Account. **Section 9** of this bill requires a state agency or a local government to give notice of its

intention to request a grant or loan to the Division of Emergency Management of the Department of Public Safety, which forwards that notice to the State Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau. **Section 9** enlarges the time within which the request must thereafter be submitted, and requires that it be submitted initially to the Division of Emergency Management and the Department of Taxation for review and comment. The request and the reports of each agency are transmitted to the State Board of Examiners and the Fiscal Analysis Division. The State Board of Examiners then considers the request and the reports and makes a recommendation to the Interim Finance Committee as provided under existing law. (NRS 353.2755, 353.276)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.2715 is hereby amended to read as follows:

353.2715 "Eligible project" means a project that:

1. Is related to a disaster; and

2. Is proposed, coordinated or conducted by a public or nonprofit private entity that has been designated and approved as qualifying and eligible to receive federal grant money for the disaster from a federal ~~[~~disaster assistance~~]~~ agency.

Sec. 2. NRS 353.2725 is hereby amended to read as follows:

353.2725 "Grant match" means the share of a grant provided by a federal ~~[~~disaster assistance~~]~~ agency that must be matched by a state or local government.

Sec. 3. NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The Disaster Relief Account is hereby created in the State General Fund. The Interim Finance Committee shall administer the Disaster Relief Account.

2. The Division may accept grants, gifts or donations for deposit in the Disaster Relief Account. Except as otherwise provided in subsection 3, money received from:

(a) A direct legislative appropriation to the Disaster Relief Account;

(b) A transfer from the State General Fund in an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government made pursuant to NRS 353.288; and

(c) A grant, gift or donation to the Disaster Relief Account,

➥ must be deposited in the Disaster Relief Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the Disaster Relief Account must, after deducting any applicable charges, be credited to the Disaster Relief Account.

3. If, at the end of each quarter of a fiscal year, the balance in the Disaster Relief Account exceeds 0.75 percent of the total amount of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the Disaster Relief Account is 0.75 percent or less of that amount, transfer any money in the Account to Stabilize the Operation of the State Government from the State General Fund to the Disaster Relief Account pursuant to the provisions of NRS 353.288.

4. Money in the Disaster Relief Account may be used for any purpose authorized by the Legislature or distributed through grants and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive. Except as otherwise provided in NRS 353.276, such grants will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.

5. If ~~[~~the Governor declares a disaster,~~]~~ the State Board of Examiners ***receives a notice submitted to and forwarded by the Division pursuant to subsections 1 and 2 of NRS 353.2755, the State Board of Examiners*** shall estimate:

(a) The money in the Disaster Relief Account that is available for grants and loans for the disaster ***that is the subject of the notice*** pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive; and

(b) The anticipated amount of those grants and loans for the disaster.

➥ Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the Disaster Relief Account for such grants and loans, all grants and loans from the Disaster Relief Account for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the Disaster Relief Account that is available for grants and loans for the disaster. If the reduction of a grant or loan from the Disaster Relief Account would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 4. ~~[~~NRS 353.274 is hereby amended to read as follows:

353.274 Money in the Account may be distributed as a grant to a state agency because of a disaster for the payment of expenses incurred by the state agency for:

1. The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the State and damaged by the disaster;

~~2. Any emergency measures undertaken to save lives, protect public health and safety or protect public property, including, without limitation, an emergency measure undertaken in response to a crisis involving violence on school property, at a school activity or on a school bus, in the jurisdiction in which the disaster occurred;~~

~~3. The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster;~~ ~~[~~and~~]~~

~~4. The administration of a disaster assistance program~~ ~~[.]~~ ***~~; and~~***

~~***5. Any project to prevent or reduce the likelihood of damage to property or injury to persons resulting from a similar disaster in the future.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 353.2745 is hereby amended to read as follows:

353.2745 Money in the Account may be distributed as a grant to a local government because of a disaster for:

1. The payment of not more than 50 percent of the expenses incurred by the local government for:

(a) The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster; ~~[~~and~~]~~

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect public property, including, without limitation, an emergency measure undertaken in response to a crisis involving violence on school property, at a school activity or on a school bus, in the jurisdiction in which the disaster occurred; ***and***

(c) The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster . ~~***[; and***~~

~~***(d) Any project to prevent or reduce the likelihood of damage to property or injury to persons resulting from a similar disaster in the future;***~~ ~~and]~~

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal ~~[~~disaster assistance~~]~~ agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government.

Sec. 6. NRS 353.2751 is hereby amended to read as follows:

353.2751 Money in the Account may be distributed as a loan to a local government because of a disaster for:

1. The payment of expenses incurred by the local government for:

(a) The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster;

(b) Any overtime worked by an employee of the local government because of the disaster or any other extraordinary expenses incurred by the local government because of the disaster; and

(c) Any projects to reduce or prevent the possibility of damage to persons or property from similar disasters in the future; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal ~~[disaster assistance]~~ agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government. Before a loan may be distributed to a local government pursuant to this subsection:

(a) The Interim Finance Committee must make a determination that the local government is currently unable to meet its financial obligations; and

(b) The local government must execute a loan agreement in which the local government agrees to:

(1) Use the money only for the purpose of paying the grant match; and

(2) Repay the entire amount of the loan, without any interest or other charges, to the Account not later than 10 years after the date on which the agreement is executed.

Sec. 7. NRS 353.2753 is hereby amended to read as follows:

353.2753 1. A state agency or local government may request the Division to ~~[conduct a preliminary]~~ ***provide technical assistance to the state agency or local government by conducting an*** assessment of the damages related to an event for which the state agency or local government seeks a grant or loan from the Account.

2. Upon receipt of such a request, the Division shall ~~[investigate]~~ ***:***

(a) Notify the State Board of Examiners of the request;

(b) Investigate the event or cause the event to be investigated to make ~~[a preliminary]~~ ***an*** assessment of the damages related to the event ***;*** and ~~[shall make]~~

(c) Make or cause to be made a written report of the damages ***.*** ~~[related to the event.]~~

3. As soon as practicable after completion of the investigation and preparation of the report of damages, the Division shall:

(a) Determine whether the event constitutes a disaster for which the state agency or local government may seek a grant or loan from the Account; and

(b) Submit the report prepared pursuant to this section and its written determination regarding whether the event constitutes a disaster to the state agency or local government.

4. The Division shall prescribe by regulation the information that must be included in a report of damages, including, without limitation, a description of the damage caused by the event, an estimate of the costs to

repair such damage and a specification of whether the purpose of the project is for repair or replacement, emergency response or mitigation.

Sec. 8. NRS 353.2754 is hereby amended to read as follows:

353.2754 A local government may request a grant or loan from the Account if:

1. Pursuant to NRS 414.090, the governing body of the local government determines that an event which has occurred constitutes a disaster; and

2. After the Division conducts ~~[a preliminary]~~ ***an*** assessment of the damages pursuant to NRS 353.2753, the Division determines that an event has occurred that constitutes a disaster.

Sec. 9. NRS 353.2755 is hereby amended to read as follows:

353.2755 1. ~~[A]~~ ***Not later than 60 days after the Governor, in the case of a notice by a state agency, or the governing body of a local government determines that an event constitutes a disaster, a*** state agency or local government may submit ***to the Division*** a ~~[request to the State Board of Examiners for]~~ ***written notice of the state agency's or local government's intention to request*** a grant or loan from the Account as provided in NRS 353.2705 to 353.2771, inclusive, if:

(a) The agency or local government finds that, because of a disaster, it is unable to pay for an expense or grant match specified in NRS 353.274, 353.2745 or 353.2751 from money appropriated or otherwise available to the agency or local government;

(b) The request has been approved by the chief administrative officer of the state agency or the governing body of the local government; and

(c) If the requester is an incorporated city, the city has requested financial assistance from the county and was denied all or a portion of the requested assistance.

2. ***Not later than 10 working days after it receives a notice from a state agency or local government pursuant to subsection 1, the Division shall forward a copy of the notice to the State Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau.***

3. A request ***by a state agency or local government*** for a grant or loan ~~[submitted pursuant to subsection 1 must be made within 60 days after the disaster and must]~~ ***from the Account:***

(a) Must be submitted to the Division and the Department of Taxation not later than 18 months after the Governor, in the case of a request by a state agency, or the governing body of the local government determines that an event constitutes a disaster, unless the Chief of the Division grants an extension of time; and

(b) Must include:

~~[(a)]~~ ***(1)*** A statement ***specifying whether the request is for a grant or loan and*** setting forth the amount of money requested by the state agency or local government;

~~[(b)]~~ ***(2)*** An assessment of the need of the state agency or local government for the money requested;

~~[(c)]~~ ***(3)*** If the request is submitted by a local government that has established a fund pursuant to NRS 354.6115 to mitigate the effects of a natural disaster, a statement of the amount of money that is available in that fund, if any, for the payment of expenses incurred by the local government as a result of a disaster;

~~[(d)]~~ ***(4)*** A determination of the type, value and amount of resources the state agency or local government may be required to provide as a condition for the receipt of a grant or loan from the Account;

~~[(e)]~~ ***(5)*** A written report of damages prepared by the Division and the written determination made by the Division that the event constitutes a disaster pursuant to NRS 353.2753; and

~~[(f)]~~ ***(6)*** If the requester is an incorporated city, all documents which relate to a request for assistance submitted to the board of county commissioners of the county in which the city is located.

➥ Any additional documentation relating to the request that is requested by the ~~[State Board of Examiners]~~ ***Division or the Department of Taxation*** must be submitted ***to the Division or the Department, as the case may be,*** within ~~[6 months after the disaster]~~ ***10 working days after the date of the Division's or the Department's request*** unless the ~~[State Board of Examiners and the Interim Finance Committee grant]~~ ***Chief of the Division or the Executive Director of the Department, as applicable, or his or her designee, grants*** an extension.

~~[3. Upon the receipt of a complete request for a grant or loan submitted pursuant to subsection 1, the]~~

4. Not later than 60 days after the Division receives a request for a grant or loan and receives any additional information requested by the Division, the Division shall:

(a) Except as otherwise provided in this subsection, review the request to determine whether it contains the information necessary for the State Board of Examiners and the Interim Finance Committee to act upon the request and otherwise complies with the requirements of NRS 353.2705 to 353.2771, inclusive;

(b) Prepare a written report of the determination required by paragraph (a);

(c) Submit a copy of the request and its report to the State Board of Examiners and to the Fiscal Analysis Division of the Legislative Counsel Bureau; and

(d) Provide a copy of its report to the state agency or local government, as applicable, and the Department of Taxation.

➥ The Division shall coordinate its review of the request with the Department of Taxation to ensure, to the extent practicable, that the Division's review does not duplicate the review conducted by the Department pursuant to subsection 5.

5. Not later than 60 days after the Department of Taxation receives a request for a grant or loan and receives any additional information requested by the Department, the Department shall:

(a) Review any financial information submitted in support of the request which the Department believes to be relevant, including, without limitation:

(1) The report of damages prepared by the Division pursuant to NRS 353.2753;

(2) Information relating to the expenses for which the grant or loan is requested;

(3) If the requester is a local government and is requesting a loan, information relating to the current ability of the local government to meet its financial obligations; and

(4) If the requester is a local government and is requesting a grant or loan for the payment of any grant match described in NRS 353.2745 or 353.2751, information relating to the grant or grant match;

(b) Prepare a written report of its findings;

(c) Submit a copy of its report to the State Board of Examiners and to the Fiscal Analysis Division of the Legislative Counsel Bureau; and

(d) Provide a copy of the report to the state agency or local government, as applicable, and the Division.

6. Upon its receipt of a request for a grant or loan submitted pursuant to this section and the reports of the Division and the Department of Taxation relating to the request, the State Board of Examiners:

(a) Shall consider the request ~~[.]~~ ***and the reports;*** and

(b) May require any additional information that it determines is necessary to make a recommendation.

~~[4.]~~ ***7.*** If the State Board of Examiners finds that a grant or loan is appropriate, it shall include in its recommendation to the Interim Finance Committee the proposed amount of the grant or loan. If the State Board of Examiners recommends a grant, it shall include a recommendation regarding whether or not the state agency or local government requires an advance to avoid severe financial hardship. If the State Board of Examiners recommends a loan for a local government, it shall include the information required pursuant to subsection 1 of NRS 353.2765. If the State Board of Examiners finds that a grant or loan is not appropriate, it shall include in its recommendation the reason for its determination.

~~[5.]~~ ***8.*** The provisions of this section do not prohibit a state agency or local government from submitting more than one request for a grant or loan from the Account.

~~[6.]~~ ***9.*** As used in this section, the term "natural disaster" has the meaning ascribed to it in NRS 354.6115.

Sec. 10. NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government and mitigate the effects of natural disasters.

2. The money in the fund must be used only:

(a) If the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal year in which the local government uses that money; or

(b) To pay expenses incurred by the local government to mitigate the effects of a natural disaster.

➥ The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than a purpose specified in this subsection.

3. The money in the fund may not be used to pay expenses incurred to mitigate the effects of a natural disaster until the governing body of the local government issues a formal declaration that a natural disaster exists. The governing body shall not make such a declaration unless a natural disaster is occurring or has occurred. Upon the issuance of such a declaration, the money in the fund may be used for the payment of the following expenses incurred by the local government as a result of the natural disaster:

(a) The repair or replacement of roads, streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the natural disaster;

(b) Any emergency measures undertaken to save lives, protect public health and safety or protect property within the jurisdiction of the local government;

(c) The removal of debris from publicly or privately owned land and waterways within the jurisdiction of the local government that was undertaken because of the natural disaster;

(d) Expenses incurred by the local government for any overtime worked by an employee of the local government because of the natural disaster or any other extraordinary expenses incurred by the local government because of the natural disaster; and

(e) The payment of any grant match the local government must provide to obtain a grant from a federal ~~[disaster assistance]~~ agency for an eligible project to repair damage caused by the natural disaster within the jurisdiction of the local government.

4. The balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.

5. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify the fund.

6. The audit report prepared for the fund must include a statement by the auditor whether the local government has complied with the provisions of this section.

7. Any transfer of money from a fund established pursuant to this section must be completed within 90 days after the end of the fiscal year in which the natural disaster for which the fund was established occurs.

8. As used in this section:

(a) "Grant match" has the meaning ascribed to it in NRS 353.2725.

(b) "Natural disaster" means a fire, flood, earthquake, drought or any other occurrence that:

(1) Results in widespread or severe damage to property or injury to or the death of persons within the jurisdiction of the local government; and

(2) As determined by the governing body of the local government, requires immediate action to protect the health, safety and welfare of persons residing within the jurisdiction of the local government.

Sec. 11. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Joint Resolution No. 8.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 911.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for limited annual regular legislative sessions ~~[, to authorize the Legislature to hold regular or special sessions at places other than Carson City]~~ and ~~[to authorize a change in]~~ **for legislative** compensation **and expenses** to ~~[Legislators .]~~ **be paid in a manner fixed and determined by law.**

Legislative Counsel's Digest:

The Nevada Constitution provides for biennial regular sessions of the Legislature of not more than 120 consecutive calendar days **beginning on the first Monday of February** in each odd-numbered year. (Nev. Const.

Art. 4, § 2) This resolution proposes to amend the Nevada Constitution to provide for limited annual regular sessions. ~~[In]~~ **Beginning on the first Monday of February in** each odd-numbered year, the Legislature would hold a regular session of not more than 90 legislative days during a maximum period of 120 consecutive calendar days. ~~[In]~~ **Beginning on the first Tuesday of March in** each even-numbered year, the Legislature would hold a regular session of not more than 30 legislative days during a maximum period of 45 consecutive calendar days. **This resolution defines a "legislative day" as any calendar day on which either House of the Legislature is in session or any legislative committee holds a meeting during a session.**

~~[The Nevada Constitution also requires the Legislature to hold its regular or special sessions at the seat of government in Carson City. (Nev. Const. Art. 4, § 1, Art. 15, § 1) In addition, the Nevada Constitution prohibits one House of the Legislature from adjourning to another location during a regular or special session without the consent of the other House. (Nev. Const. Art. 4, § 15) This resolution proposes to amend the Nevada Constitution to authorize the Legislature to hold all or any portion of a regular or special session at any place in this State if a majority of each House of the Legislature agrees to do so and follows certain required procedures.~~

~~This resolution also proposes to amend the Nevada Constitution to change the compensation for Legislators.]~~

The Nevada Constitution authorizes Legislators to: (1) receive compensation for the first 60 days of each regular session and the first 20 days of each special session; and (2) appropriate funds for the payment of the actual expenses members of the Legislature may incur for postage, express charges, newspapers and stationery in an amount not to exceed $60 per member for each general or special session. (Nev. Const. Art. 4, § 33) This resolution proposes to amend the Nevada Constitution to remove those provisions and to provide that Legislators must be paid at regular intervals as set by law and may appropriate funds for the **payment of the** actual expenses members of the Legislature may incur for each regular or special session.

If this resolution is passed by the 2013 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That ~~[Section 1 of Article 4 of the Nevada Constitution be amended to read as follows:~~

~~[Section.] *Section* 1. *1.* The Legislative authority of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of [Nevada" and the] *Nevada."*~~

~~*2. The regular and special* sessions of such Legislature shall be held at the seat of government of the State [.] *, unless a majority of the members elected to each House of the Legislature deems it necessary and appropriate to hold all or any portion of a regular or special session at another place in this State as provided in this section.*~~

~~*3. During a regular or special session, by a concurrent resolution, a majority of the members elected to each House of the Legislature may designate another place in this State to hold all or any portion of the session, including, without limitation, changing the place designated in a petition filed with the Secretary of State pursuant to subsection 4.*~~

~~*4. During the interim between regular sessions, upon a petition signed by a majority of the members elected to each House of the Legislature who will serve at a regular or special session, the Legislature may designate another place in this State to hold all or any portion of the regular or special session. A petition must specify the session and the alternate place where all or any portion of the session will be held, and it must be transmitted to the Secretary of State not later than 5 calendar days before the commencement of the session. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, the Secretary of State shall notify all members of the Legislature and the Governor of the alternate place where all or any portion of the session will be held. By the same procedure and within the same time limit, a majority of the members elected to each House of the Legislature who will serve at the regular or special session may change any alternate place designated in the petition filed with the Secretary of State where all or any portion of the session will be held.*~~

~~*5. The Legislature may provide by law for supplemental procedures for designating or changing the alternate place where all or any portion of a regular or special session will be held pursuant to this section.*~~

~~And be it further~~

~~Resolved, That~~**]** Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The ***regular*** sessions of the Legislature shall be ~~**[**biennial,**]** *[annual* and shall commence on the 1st Monday of February**]** **[**following the election of members of the Assembly,**]** *[of each year,* unless**]**~~ ***annual as set forth in this section, but*** the Governor of the State or the members of the Legislature ~~**[**shall,**]** ***may, on extraordinary occasions*** in the interim ~~**[**,**]** ***between regular sessions,*** convene the

Legislature by proclamation or petition ~~[.]~~ ***in special sessions only as authorized by this Constitution.***

2. ~~[The]~~ ***In each odd-numbered year, the*** Legislature ***shall commence the regular session on the first Monday of February and*** shall adjourn sine die ~~[each regular session held in an odd-numbered year]~~ not later than midnight Pacific time at the end of the ***90th legislative day or the*** 120th consecutive calendar day of that session, ***whichever occurs first,*** inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the ***90th legislative day or the*** 120th consecutive calendar day of that session ***, whichever occurs first,*** is void, unless the legislative action is ~~[conducted]~~ ***taken*** during a special session.

3. ~~***[The]***~~ ***In each even-numbered year, the Legislature shall commence the regular session on the first Tuesday of March and shall adjourn sine die*** ~~***[each regular session held in an even-numbered year]***~~ ***not later than midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, is void, unless the legislative action is*** ~~***[conducted]***~~ ***taken during a special session.***

4. The Governor shall submit ***to*** the ***Legislature:***

(a) The proposed executive budget ~~[to the Legislature]~~ not later than 14 calendar days before the commencement of each regular session ~~[.~~ ~~4.]~~ ***held in an odd-numbered year.***

(b) Any proposed appropriations or proposed revisions to the executive budget not later than 14 calendar days before the commencement of each regular session held in an even-numbered year.

5. For the purposes of this section ~~[, "midnight]~~ ***:***

(a) "Legislative day" means any calendar day on which either House of the Legislature is in session or any legislative committee holds a meeting during a session.

(b) "Midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar ***or legislative*** day of the session, ***whichever occurs first,*** is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by ~~***[place where the Legislature is holding the session on the final calendar or legislative day, whichever occurs first, pursuant***~~

to] Section 1 of ***[this]*** Article ***[.]*** 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

~~[Resolved, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:~~

~~— Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.~~

~~— 2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.~~

~~— 3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.~~

~~— 4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.~~

~~— 5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:~~

~~— (a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or~~

~~— (b) Expulsion from office of a member of the Legislature pursuant to Section 6 of *this* Article .~~ ***[4 of this Constitution.]***

~~— 6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general~~

~~population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the [seat of government of this State as designated by] *place where the Legislature is holding the session on the final calendar day pursuant to* Section 1 of *this* Article . [15 of this Constitution.] The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.~~

~~And be it further~~

~~Resolved, That Section 15 of Article 4 of the Nevada Constitution be amended to read as follows:~~

~~Sec. 15. *1.* The doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions [.] *pursuant to Section 1 of this Article.*~~

~~*2.* The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.~~

~~And be it further~~

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by law and paid out of the public treasury ~~[, for not to exceed 60 days during any regular session of the Legislature and not to exceed 20 days during any special session;]~~ ***at regular intervals determined by law,*** but no increase of such compensation shall take effect during the term for which the members of either ~~[house]~~ ***House*** shall have been elected; Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur ~~[for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars]~~ for any ~~[general]~~ ***regular*** or special session to each member; and Furthermore Provided, that the Speaker of the Assembly ~~[,]~~ and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers **,** receive an additional allowance of two dollars per diem.

And be it further

~~[~~ ~~RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:~~

~~Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both [houses,] *Houses*, when organized, the business for which they have been specially convened.~~

~~2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session.~~

~~3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:~~

~~(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or~~

~~(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.~~

~~4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the [seat of government of this State as designated by] *place where the Legislature is holding the session on the final calendar day pursuant to* Section 1 of Article [15] *4* of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.~~

~~And be it further~~**]**

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[~~Section~~]~~ ***Sec.*** 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature ~~[,]~~ ***in any odd-numbered year,*** before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session ***in an odd-numbered year*** in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty

Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter **.** ~~[biennially.]~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~[~~January 1 of the year preceding the year in which a~~]~~ ***1 year before the commencement of the*** regular session of the Legislature ~~[~~is held.~~]~~ ~~*[1 year before the date on which the Legislature]*~~ ***to which the petition will be transmitted . [~~commences its regular session.~~]*** After its circulation, it shall be filed with the Secretary of State not less than 30 days ~~[~~prior to~~]~~ ~~[~~any~~]~~ ***before the commencement of the*** regular session of the Legislature ~~[.]~~ ***to which the petition will be transmitted.*** The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or

amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary

of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to the third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 464, 465, 467, and 490 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hummel Elementary School: Jordan Reimer, Kendal Eastburn, Samantha Pedote, Julian Velasco, Colton Jones, Zyrah Martinez-Perez, Jessica Pytko, Joel Garcia, Leanna Laufenburger, Tyler Corder, Timothy Costa, Noriko Harris, Khayla Charis Lana, Yazmin Mireles, Saryna Shaw, and Tony Villalovos.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and teachers from Lake Tahoe School: Ingrid Altunin, Vanja Altunin, Clara Arcaris-Weiss, Ethan Chen, Kenzie Davidson, Clara Hart, M.J. Hatchett, Kylie Ludviksen, Tommy Ornburg, Zak Roberts, Ludo Scarpulla, Katherine Tong, Simon Votaw, Jackson Weinberger, Holly Williamson, and Robert Crocke.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students chaperones, and teachers from Brodewich-Bray Elementary School: Tobey Ahdunko, Jordany Arevalo Hernandez, Trent Boatner, Alexandra Bradley, Subrina Castro, Virgil Chambers, Lindsay Chowanski, Talen Christensen, Justin Clark, Caylee Dauber, Aubree Diez, Eliseo Garcia Cruz, Emily Gehr-Howard, Annalisa Geiger, Sarah Gomer, Joline Kinzel, Alexsandra Knowlton, Sean Leonard, Chatherine Lopez, Jeweleeanna McCauley, Jake Miller, Julianna Montes, Engel Mulhauser, Lillian Olson, Kyle Pierce, Dakota Poole, Wesley Reid, Elijah Romero, Kyla West, Miyoko Loflin, Kayli Sprague, Becky Smith, Linnea Pierce, Debbie Gehr, and Mimi Loflin.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jon D. Ponder.

Assemblyman Horne moved that the Assembly adjourn until Friday, May 31, 2013, at 9:30 a.m.

Motion carried.

Assembly adjourned at 1:43 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 31, 2013

Assembly called to order at 9:45 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord,

I begin by praying an ancient prayer by King David. "Unto thee, O' Lord, do I lift up my soul. O' my God, I trust in Thee: Let me not be ashamed, let not mine enemies triumph over me."

Father, after 116 days here, our enemies are things like time and negativity. O' my God, I trust in Thee. Let not mine enemies triumph over me. Help us to know, as did the Apostle Paul, "I can do all things through Him who strengthens me."

I pray in His Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assemblyman Horne moved that the Assembly recess until 10:30 a.m.

Motion carried.

Assembly in recess at 9:53 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 444, Amendment No. 907, and respectfully requests your honorable body to concur in said amendment.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 181, Senate Amendment No. 651, and requests a conference, and appointed Senators Atkinson, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 205, Senate Amendment No. 612, and requests a conference, and appointed Senators Woodhouse, Ford and Cegavske as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 308, 328.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 649 to Senate Bill No. 36; Assembly Amendments Nos. 688, 836 to Senate Bill No. 72; Assembly Amendment No. 631 to Senate Bill No. 170; Assembly Amendments Nos. 846, 862 to Senate Bill No. 210; Assembly Amendment No. 630 to Senate Bill No. 217; Assembly Amendment No. 696 to Senate Bill No. 244; Assembly Amendment No. 645 to Senate Bill No. 266; Assembly Amendment No. 699 to Senate Bill No. 302; Assembly Amendment No. 733 to Senate Bill No. 312; Assembly Amendment No. 698 to Senate Bill No. 313; Assembly Amendments Nos. 684, 822 to Senate Bill No. 321; Assembly Amendments Nos. 646, 873 to Senate Bill No. 327; Assembly Amendment No. 642 to Senate Bill No. 442; Assembly Amendment No. 701 to Senate Bill No. 456; Assembly Amendment No. 697 to Senate Bill No. 508.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 731 to Senate Bill No. 179 and respectfully refused to concur in Assembly Amendment No. 871 to Senate Bill No. 179.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Smith, Woodhouse and Kieckhefer as a Conference Committee concerning Senate Bill No. 185.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bobzien, Healey, and Grady as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 181.

Madam Speaker appointed Assemblymen Elliot Anderson, Carlton, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 205.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 308.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 328.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 84.

The following Senate amendment was read:

Amendment No. 626.

SUMMARY—Requires ~~[certain]~~ district courts **, in certain circumstances,** to ~~[establish an appropriate program for the treatment of]~~ **consider the facts and circumstances surrounding offenses committed by** certain offenders who are veterans or members of the military **~~[.]~~ to determine eligibility for an appropriate program of treatment.** (BDR 14-124)

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to criminal procedure; ~~[requiring certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military if funds are available for the establishment of such a program;]~~ requiring a district court **, in certain circumstances,** to consider the facts and circumstances surrounding ~~[the]~~ **an** offense committed by an offender ~~[eligible]~~ **who is a veteran or member of the military to determine eligibility** for ~~[such a]~~ **an appropriate** program ~~[in certain circumstances;]~~ **of treatment established by the district court;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a district court may establish an appropriate program for the treatment of certain offenders who are veterans and members of the military. (NRS 176A.280) Section 1 of this bill requires, to the extent that funds are available, a district court in a county whose population is 700,000 or more (currently Clark County) to establish such a program. A district court in a county whose population is less than 700,000 (currently all counties other than Clark County) retains the option to establish such a program.]~~

Existing law authorizes a district court to place certain offenders who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of ~~[such a]~~ **an appropriate** program ~~[.]~~ **for the treatment of such offenders that is established by the district court.** However, the court may not assign an offender to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the offender involved the use or threatened use of force or violence; or (2) the offender was previously convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) **Section 1.5** of this bill provides that in determining whether an offense involved the use or threatened use of force or violence, the court must consider the facts and circumstances surrounding the offense, including, without limitation, whether the offender intended to place another person in reasonable apprehension of bodily harm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 176A.280 is hereby amended to read as follows:~~

~~176A.280 [A]~~

~~*1. In a county whose population is 700,000 or more, a* court [may]~~ ~~*shall, to the extent that funds are available,* establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290.~~

~~*2. In a county whose population is less than 700,000, a court may establish a program described in subsection 1.*~~

~~*3.* The assignment ~~*of a defendant to a program established pursuant to this section*~~ must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.~~] **(Deleted by amendment.)**

Sec. 1.5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2, if a defendant who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as described in NRS 176A.285 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. ***For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the court shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.***

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on January 1, 2014.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 626 to Assembly Bill No. 84.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 626 retains the existing provisions in NRS that make it permissive for a court to establish a program for the treatment of veterans and members of the military who suffer from alcohol or drug abuse, mental illness, or PTSD.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 202.

The following Senate amendment was read:

Amendment No. 673.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) **Section 1** of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was 14 years of age or older when he or she committed the offense. **Under section 11 of this bill, this provision becomes effective on October 1, 2014.**

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. **Under section 11, this provision becomes effective on October 1, 2013.**

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ ***if the person was 14 years of age or older when the murder or attempted murder was committed.***

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have

been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[a]~~ ***:***

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[,]~~ ***; or***

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following ~~[nine]~~ **10** voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) **One member who is a director of juvenile services, as defined in NRS 62A.080.**

(h) One member who is a mental health professional.

~~[(h)]~~ **(i)** One member who is a representative from an organization that advocates on behalf of juveniles.

~~[(i)]~~ **(j)** The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections ~~[1]~~ **2** to 9, inclusive, of this act become effective on October 1, 2013.

3. Section 1 of this act becomes effective on October 1, 2014.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 673 to Assembly Bill No. 202.

Remarks by Assemblyman Frierson.

Motion carried.

The following Senate amendment was read:

Amendment No. 829.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) **Section 1** of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was ~~[14]~~ **16** years of age or older when he or she committed the offense. Under **section 11** of this bill, this provision becomes effective on October 1, 2014.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under **section 11**, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ ***, if the person was ~~[14]~~ 16 years of age or older when the murder or attempted murder was committed.***

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have

been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[a]~~ ***:***

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[.]~~ ***; or***

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

(h) One member who is a mental health professional.

(i) One member who is a representative from an organization that advocates on behalf of juveniles.

(j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. Section 1 of this act becomes effective on October 1, 2014.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 829 to Assembly Bill No. 202.

Remarks by Assemblyman Frierson.

Motion carried.

The following Senate amendment was read:

Amendment No. 867.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; **reducing the age at which a child may be certified as an adult for criminal proceedings;** authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) **Section 1** of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was 14 years of age or older when he or she committed the offense. Under **section 11** of this bill, this provision becomes effective on October 1, 2014.

Under existing law, a child may be certified for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation if the child: (1) is charged with an offense that would have been a felony if committed by an adult; and (2) was 14 years of age or older at the time the child allegedly committed the offense. Section 1.3 of this bill reduces the minimum age of such certification from 14 years of age to 13 years of age. Under section 11, this provision becomes effective on October 1, 2014.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to

petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under **section 11**, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ ***if the person was 14 years of age or older when the murder or attempted murder was committed.***

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 1.3. **NRS 62B.390 is hereby amended to read as follows:**

62B.390 1. Except as otherwise provided in subsection 2 and NRS 62B.400, upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) Is charged with an offense that would have been a felony if committed by an adult; and

(b) Was ~~[14]~~ ***13*** years of age or older at the time the child allegedly committed the offense.

2. Except as otherwise provided in subsection 3, upon a motion by the district attorney and after a full investigation, the juvenile court shall certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) Is charged with:

(1) A sexual assault involving the use or threatened use of force or violence against the victim; or

(2) An offense or attempted offense involving the use or threatened use of a firearm; and

(b) Was 16 years of age or older at the time the child allegedly committed the offense.

3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:

(a) The child is developmentally or mentally incompetent to understand the situation and the proceedings of the court or to aid the child's attorney in those proceedings; or

(b) The child has substance abuse or emotional or behavioral problems and the substance abuse or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court.

4. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.

5. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 or 2 and the child's case has been transferred out of the juvenile court:

(a) The court to which the case has been transferred has original jurisdiction over the child;

(b) The child may petition for transfer of the case back to the juvenile court only upon a showing of exceptional circumstances; and

(c) If the child's case is transferred back to the juvenile court, the juvenile court shall determine whether the exceptional circumstances warrant accepting jurisdiction.

Sec. 1.7. **NRS 62B.400 is hereby amended to read as follows:**

62B.400 1. A child shall be deemed to be a prisoner who has escaped or attempted to escape from lawful custody in violation of NRS 212.090, and proceedings may be brought against the child pursuant to the provisions of this section, if the child:

(a) Is committed to or otherwise is placed in a public or private facility for the detention or correctional care of children, including, but not limited to, all state, regional and local facilities for the detention of children; and

(b) Escapes or attempts to escape from such a facility.

2. Upon a motion by the district attorney and after a full investigation, the juvenile court may certify the child for criminal proceedings as an adult

pursuant to subsection 1 of NRS 62B.390 if the child was ~~[14]~~ ***13*** years of age or older at the time of the escape or attempted escape and:

(a) The child was committed to or placed in the facility from which the child escaped or attempted to escape because the child had been charged with or had been adjudicated delinquent for an unlawful act that would have been a felony if committed by an adult; or

(b) The child or another person aiding the child used a dangerous weapon to facilitate the escape or attempted escape.

3. If the child is certified for criminal proceedings as an adult pursuant to subsection 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the escape or attempted escape, regardless of the nature of the related offense.

4. If the child is not certified for criminal proceedings as an adult pursuant to subsection 2 or otherwise is not subject to the provisions of subsection 2, the escape or attempted escape shall be deemed to be a delinquent act, and proceedings may be brought against the child pursuant to the provisions of this title.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[~~a~~]~~ ***:***

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[~~,~~]~~ ***; or***

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

(h) One member who is a mental health professional.

(i) One member who is a representative from an organization that advocates on behalf of juveniles.

(j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. ~~[Section]~~ **Sections** 1 **, 1.3 and 1.7** of this act ~~[becomes]~~ **become** effective on October 1, 2014.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 867 to Assembly Bill No. 202.

Remarks by Assemblyman Frierson.
Motion carried.
Bill ordered transmitted to the Senate.

Assembly Bill No. 207.
The following Senate amendment was read:
Amendment No. 736.

AN ACT relating to juveniles; ~~[providing for certain prosecutorial discretion regarding a child taken into custody for a battery constituting domestic violence or any other battery offense;]~~ establishing a maximum period of time for which a juvenile court may order ~~[an adult who has been placed on probation by the juvenile court or released on parole]~~ **certain adults** to be placed in county jail for a violation of **juvenile** probation or parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that certain unlawful acts constitute domestic violence when committed against certain specified persons. (NRS 33.018) In addition, existing law provides that if a person is charged with committing a battery that constitutes domestic violence, a prosecuting attorney has limited discretion and may not negotiate any plea agreement for a different or lesser charge unless the domestic violence charge is not supported by probable cause or cannot be proved at the time of trial. (NRS 200.485)~~

~~— Section 2 of this bill specifies that when a child is taken into custody for a battery that constitutes domestic violence or any other battery offense, the prosecuting attorney has greater discretion in determining the charge and in negotiating any plea agreement for a different or lesser charge based on certain factors, including: (1) the nature and type of relationship between the child and victim; (2) the nature and severity of the alleged offense; and (3) whether the child engaged in a pattern of abusive behavior toward the victim to establish or maintain power and control over the victim.]~~

Existing law provides that a juvenile court may order a child who is less than 18 years of age to be placed in a facility for the detention of children for not more than 30 days for ~~[the]~~ **a** violation of probation. Under existing law, if a person who is at least 18 years of age but less than 21 years of age is subject to the jurisdiction of the juvenile court because he or she has been placed on probation by the juvenile court or released on parole from a juvenile detention facility, the juvenile court may order the person to be placed in county jail for the violation of probation or parole. (NRS 62E.710) **Section 3** of this bill limits to 30 days the period for which the juvenile court may order such a person to be placed in county jail.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. ~~[Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Notwithstanding the provisions of subsection 8 of NRS 200.485, if a child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018 or any other battery offense, the district attorney may, after considering the factors set forth in subsection 2, determine whether to:*~~

~~*(a) File a petition alleging a different or lesser offense arising out of the same facts;*~~

~~*(b) Negotiate or enter into an agreement whereby the child admits to a different or lesser offense arising out of the same facts; or*~~

~~*(c) Take or approve any other actions authorized by this title, including, without limitation, informal supervision or dismissal.*~~

~~*2. In exercising his or her prosecutorial discretion pursuant to this section, the district attorney shall consider, without limitation:*~~

~~*(a) The nature and type of relationship between the child and the victim of the alleged offense;*~~

~~*(b) The nature and severity of the alleged offense; and*~~

~~*(c) Whether the facts show that the child engaged in a pattern of abusive behavior toward the victim of the alleged offense for the purpose of establishing or maintaining power and control over the victim.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 62E.710 is hereby amended to read as follows:

62E.710 The juvenile court may order any child who is:

1. Less than 18 years of age and who has been adjudicated delinquent and placed on probation by the juvenile court to be placed in a facility for the detention of children for not more than 30 days for the violation of probation.

2. At least 18 years of age but less than 21 years of age and who has been placed on probation by the juvenile court or who has been released on parole to be placed in a county jail ***for not more than 30 days*** for the violation of probation or parole.

Sec. 4. ~~[NRS 200.485 is hereby amended to read as follows:~~

~~200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:~~

~~(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:~~

~~(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and~~

~~(2) Perform not less than 48 hours, but not more than 120 hours, of community service.~~

~~The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.~~

~~(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:~~

~~(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and~~

~~(2) Perform not less than 100 hours, but not more than 200 hours, of community service.~~

~~The person shall be further punished by a fine of not less than $500, but not more than $1,000.~~

~~(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.~~

~~3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:~~

~~(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.~~

~~(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.~~

~~If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.~~

~~4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or~~

~~information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.~~

~~5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.~~

~~7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.~~

~~8. [If] *Except as otherwise provided in section 2 of this act, if* a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.~~

~~9. As used in this section:~~

~~(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~

~~(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.]~~ **(Deleted by amendment.)**

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 736 to Assembly Bill No. 207.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 736 deletes all sections of the bill except, it limits to 30 days the period for which a juvenile court may order a person between 18 and 21 to be placed in jail for violation of probation or parole.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 212.

The following Senate amendment was read:

Amendment No. 674.

AN ACT relating to correctional institutions; prohibiting the possession of portable telecommunications devices by certain prisoners; **authorizing persons convicted of possessing portable telecommunications devices to request a modification of sentence under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the possession of portable telecommunications devices by prisoners in state institutions and facilities. (NRS 212.165) This bill extends that prohibition to include any prisoner in a jail, branch county jail or other local detention facility and provides that a prisoner who violates the prohibition is guilty of: (1) a category D felony if he or she was confined as a result of a felony; (2) a gross misdemeanor if he or she was confined as a result of a gross misdemeanor; or (3) a misdemeanor if he or she was confined as a result of a misdemeanor. **This bill also authorizes a person who was convicted of possessing a portable telecommunications device in a jail, branch county jail or other local detention facility to request a modification of his or her sentence if the underlying charge for which the person was in lawful custody or confinement has been reduced, declined for prosecution or dismissed.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 212.165 is hereby amended to read as follows:

212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications

device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. ***A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:***

(a) A felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A gross misdemeanor is guilty of a gross misdemeanor.

(c) A misdemeanor is guilty of a misdemeanor.

5. A sentence imposed upon a prisoner pursuant to subsection 3 ~~[.]~~ ***or 4:***

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 ~~[.~~

~~5.]~~ ***or 4.***

6. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been reduced to a charge for which the penalty is less than the penalty which was imposed upon the person pursuant to subsection 4, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her sentence imposed pursuant to subsection 4 be modified to a sentence equivalent to the penalty imposed for the underlying charge for which the person was convicted; and

(b) Resentence him or her in accordance with the penalties prescribed for the underlying charge for which the person was convicted.

7. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been declined for prosecution or dismissed, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her original sentence pursuant to subsection 4 be reduced to a misdemeanor; and

(b) Resentence him or her in accordance with the penalties prescribed for a misdemeanor.

8. No person has a right to the modification of a sentence pursuant to subsection 6 or 7, and the granting or denial of a petition pursuant to subsection 6 or 7 does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State.

9. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

(c) ***"Jail" means a jail, branch county jail or other local detention facility.***

(d) "Telecommunications device" has the meaning ascribed to it in subsection 3 of NRS 209.417.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 674 to Assembly Bill No. 212.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 674 authorizes a person who is convicted of possessing a cell phone in a jail or other detention facility to request a modification if the underlying charge was reduced, declined, or dismissed.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 223.

The following Senate amendment was read:

Amendment No. 764.

AN ACT relating to constables; revising provisions governing ~~[the powers and duties of a constable or sheriff with respect to posting certain notices;]~~ **certain notice of a foreclosure sale required to be provided to a tenant; requiring a constable in certain townships to become certified as a category I or category II peace officer within a certain period after commencing his or her term of office; prohibiting a constable or deputy constable in certain smaller townships from making arrests in the course**

of his or her duties; revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) **Section 1** of this bill provides that the affidavit of complaint for eviction of a tenant that a landlord or landlord's agent is authorized to file in justice court or district court applies to tenants of recreational vehicles.

Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) **Section 3** of this bill **: (1)** specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located **~~.~~ ; and (2) revises the date by which certain required notices must be provided.**

Existing law provides that a constable is a peace officer in his or her township. (NRS 258.070) Section 8.6 of this bill requires a constable of a township whose boundaries include a city whose population is 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno) to become certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, extends the time. Section 16.5 of this bill provides that this requirement does not apply to a constable who is in office on July 1, 2013, unless he or she is elected or appointed to a term of office on or after July 1, 2013.

Sections 7.5, 12 and 12.5 of this bill provide that a constable or deputy constable in a township that has within its boundaries a city whose population is less than 150,000 (currently all cities other than Henderson, Las Vegas, North Las Vegas and Reno) may not make an arrest in the course of performing his or her duties as a constable.

Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060,

289.470, 289.550) ~~[Sections]~~ **Section 10** ~~[and 14]~~ of this bill ~~[provide]~~ **provides** that ~~[: (1)]~~ a person appointed as a deputy constable for a township ~~[in a county whose population is 700,000 or more (currently Clark County)]~~ **whose boundaries include a city whose population is 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno)** must be certified as a category II peace officer by the Commission before he or she commences employment as a deputy constable **.** ~~[; and (2) a person reemployed as a deputy constable for a township in a county whose population is less than 700,000 (currently counties other than Clark) after a separation of employment as a deputy constable for that township is not entitled to an additional period within which to be certified as a category II peace officer by the Commission.]~~

Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those clerks. (NRS 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. **Section 11** further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office.

Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) **Sections 12, 15 and 16** of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued.

Section ~~[8]~~ 8.8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. **Section 9** of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter

period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ***, recreational vehicle*** or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home ***, recreational vehicle*** or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served

a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than ~~[3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080.]~~ ***15 days before the date of sale.*** The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under

chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or ~~[the]~~ sheriff ~~[.]~~ ***of the county in which the property is located.***

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 171.124 is hereby amended to read as follows:**

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070 **,** ~~[and]~~ 33.320 ~~[,]~~ ***and 258.070,*** a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 8. Chapter 258 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 8.1 to 8.8, inclusive, of this act.**

Sec. 8.1. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 8.2, 8.3 and 8.4 of this act have the meanings ascribed to them in those sections.

Sec. 8.2. "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

Sec. 8.3. "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

Sec. 8.4. "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 8.6. 1. Each constable of a township that has within its boundaries a city whose population is 150,000 or more shall become certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 8.8. In addition to any fine imposed pursuant to NRS 258.200, a board of county commissioners may establish, by resolution or ordinance, penalties for the failure of the constable of a township in the county to file any report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission.

Sec. 9. NRS 258.020 is hereby amended to read as follows:

258.020 Each constable elected or appointed in this state shall, before entering upon the duties of office:

1. Take the oath prescribed by law. ***The oath must be filed and recorded in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office.***

2. Execute a bond to the State of Nevada, to be approved by the board of county commissioners, in the penal sum of not less than $1,000 nor more than $3,000, as may be designated by the board of county commissioners **.** ~~[,~~ ~~which]~~ ***The*** bond ~~[shall]~~ ***must*** be conditioned for the faithful performance of the duties of his or her office ~~[,]~~ and ~~[shall]~~ ***must*** be filed in the county clerk's office.

Sec. 10. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to

transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. ***A person who is appointed as a deputy constable in a [county whose population is 700,000] township that has within its boundaries a city whose population is 150,000 or more may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a category II peace officer.*** The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded ***within 30 days after the appointment*** in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section [.] ***within 30 days after the revocation of the appointment.*** From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 11. NRS 258.065 is hereby amended to read as follows:

258.065 1. The [board of county commissioners may appoint for the] constable of a township [a reasonable number of clerks] ***may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff*** as the work of the constable requires **.** [, and provide compensation therefor.] ***The compensation of any person so appointed must be fixed by the board of county commissioners.***

2. ***A person who is employed as clerical or operational staff of a constable:***

(a) Does not have the powers of a peace officer; and

(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. A constable's clerk shall take the constitutional oath of office and give bond in the sum of $2,000 for the faithful discharge of the duties of the

office, and in the same manner as is or may be required of other officers of that township and county.

~~[3.]~~ ***4.*** A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 12. NRS 258.070 is hereby amended to read as follows:

258.070 1. ~~[Each]~~ ***Subject to the provisions of subsection 2, each*** constable shall:

(a) Be a peace officer in his or her township.

(b) Serve all mesne and final process issued by a court of competent jurisdiction.

(c) Execute the process, writs or warrants that the constable is authorized to receive pursuant to NRS 248.100.

(d) Discharge such other duties as are or may be prescribed by law.

2. ***A constable or deputy constable elected or appointed in a township that has within its boundaries a city whose population is less than 150,000 may not arrest any person while carrying out the duties of the office of constable.***

3. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle ~~[that]~~ ***which is located in his or her township at the time the citation is issued and which*** is required to be registered in this State if the constable determines that the vehicle is not properly registered. The constable shall, upon the issuance of such citation, charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

~~[3.]~~ ***4.*** If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 12.5. **NRS 258.110 is hereby amended to read as follows:**

258.110 ~~[If]~~ ***Unless, pursuant to subsection 2 of NRS 258.070, a constable is prohibited from making an arrest,*** any constable ~~[shall]~~ ***who*** willfully ~~[refuse]~~ ***refuses*** to receive or arrest any person charged with a

criminal offense ~~[, such constable]~~ is guilty of a gross misdemeanor and shall be removed from office.

Sec. 13. NRS 258.190 is hereby amended to read as follows:

258.190 1. ~~[On]~~ ***In each calendar year, on*** the first Monday of January, April, July and October, the constables who receive fees under the provisions of this chapter shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 14. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection ~~[subsections]~~ 2 ~~[and 3]~~ and NRS 3.310 ***,*** ~~[and]~~ 4.353 ~~[,]~~ ***and 258.060, and section 8.6 of this act,*** a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. ~~*[A person who is appointed pursuant to NRS 258.060 as a deputy constable of a township in a county whose population is less than 700,000 following a separation of employment as a deputy constable of that township must be certified by the Commission within the period prescribed by subsection 1 as measured from the date on which the deputy constable commenced his or her initial employment as a deputy constable of that township.*~~

~~*3.]*~~ The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

(e) Railroad police officers; and

(f) California correctional officers.

Sec. 14.5. **NRS 482.231 is hereby amended to read as follows:**

482.231 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection ~~[2]~~ ***3*** of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) Has failed to pay the fee charged by the constable pursuant to subsection ~~[2]~~ ***3*** of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

Sec. 15. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable ~~[,]~~ ***of the township in which the motor vehicle is located*** or a justice of the peace or ***a*** deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 16. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated

in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or

on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.

13. As used in this ~~[subsection,]~~ ***section,*** "peace officer" includes a constable.

Sec. 16.5. **1. The provisions of section 8.6 of this act do not apply to a constable who is in office on July 1, 2013, unless the constable is elected or appointed to a term of office on or after July 1, 2013.**

Sec. 17. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 764 to Assembly Bill No. 223.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

The following Senate amendment was read:

Amendment No. 737.

AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in any action to recover damages for death or injury to persons or property where comparative negligence is asserted as a defense, the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties against whom recovery is sought. ~~[Where recovery is allowed against more than one defendant in such an action, except in certain cases, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant.]~~ (NRS 41.141) This bill **revises the applicability of that provision by making the provision**

applicable to actions in which comparative negligence is a bona fide issue, rather than actions in which comparative negligence is asserted as a defense. ~~[clarifies that where recovery is allowed against more than one defendant, the liability of the defendants is joint and several, rather than several, unless the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 41.141 is hereby amended to read as follows:

41.141 1. In any action to recover damages for death or injury to persons or for injury to property in which ~~*[the trier of fact finds]*~~ comparative negligence is ~~[~~asserted as a defense,~~]~~ ~~*[on the part of the plaintiff or the plaintiff's decedent,]*~~ ***a bona fide issue,*** the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties to the action against whom recovery is sought. ***Comparative negligence is not a bona fide issue if the trier of fact finds no comparative negligence on the part of the plaintiff or the plaintiff's decedent.***

2. In ~~[~~those~~]~~ cases ~~[~~,~~]~~ ***in which comparative negligence is*** ~~*[asserted as a defense,]*~~ ***a bona fide issue,*** the judge shall instruct the jury that:

(a) The plaintiff may not recover if the plaintiff's comparative negligence or that of the plaintiff's decedent is greater than the negligence of the defendant or the combined negligence of multiple defendants.

(b) If the jury determines the plaintiff is entitled to recover, it shall return:

(1) By general verdict the total amount of damages the plaintiff would be entitled to recover without regard to the plaintiff's comparative negligence; and

(2) A special verdict indicating the percentage of negligence attributable to each party remaining in the action.

3. If a defendant in such an action settles with the plaintiff before the entry of judgment, the comparative negligence of that defendant and the amount of the settlement must not thereafter be admitted into evidence nor considered by the jury. The judge shall deduct the amount of the settlement from the net sum otherwise recoverable by the plaintiff pursuant to the general and special verdicts.

4. Where recovery is allowed against more than one defendant in such an action ~~*[in which the trier of fact finds comparative negligence on the part of the plaintiff or the plaintiff's decedent,]*~~ except as otherwise provided in subsection 5, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant.

5. This section does not affect the joint and several liability, if any, of the defendants in an action based upon:

(a) Strict liability;

(b) An intentional tort;

(c) The emission, disposal or spillage of a toxic or hazardous substance;

(d) The concerted acts of the defendants; or

(e) An injury to any person or property resulting from a product which is manufactured, distributed, sold or used in this State.

6. As used in this section:

(a) "Concerted acts of the defendants" does not include negligent acts committed by providers of health care while working together to provide treatment to a patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 737 to Assembly Bill No. 240.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 737 provides that comparative negligence is not a bona fide issue if the trier of fact finds no comparative negligence on the part of the plaintiff or the plaintiff's decedent.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 639.

AN ACT relating to child custody; authorizing a court to award costs and the reasonable fees of attorneys and experts to a party in certain actions concerning child custody or visitation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in an action to determine the parentage of a child, the court may order that the reasonable fees of counsel, experts and the child's guardian ad litem, and other costs of the action, be paid in such proportions as determined by the court. (NRS 126.171, 126.231) Existing law further provides that in an action for divorce, the court may award a reasonable attorney's fee to either party, if those fees are in issue under the pleadings. (NRS 125.150) This bill provides that in an action to determine custody or visitation with respect to a child, the court may order that the reasonable fees of counsel and experts, and other costs of the action, be paid in proportions and at times determined by the court **. [**~~, if those fees and costs are in issue under the pleadings.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NRS 125C.180, in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court ~~*. [, if those fees and costs are in issue under the pleadings.]*~~

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 639 to Assembly Bill No. 262.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

The following Senate amendment was read:

Amendment No. 740.

SUMMARY— ~~[Prohibits the tracking of a mobile phone by an investigative or law enforcement officer without a court order in certain circumstances.]~~ **Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice.** (BDR 14-421)

AN ACT relating to criminal procedure; ~~[generally prohibiting an investigative or law enforcement officer from tracking a mobile phone without a court order; authorizing certain investigative or law enforcement officers to apply to the district court for such an order or extension thereof; authorizing district courts to enter an order authorizing the tracking of a mobile phone in certain circumstances;]~~ **creating a statutory subcommittee of the Advisory Commission on the Administration of Justice to consider issues concerning electronic surveillance by law enforcement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 4 of this bill authorizes an investigative or law enforcement officer who is responsible for an ongoing criminal investigation to apply to the district court for an order or an extension of an order which authorizes the tracking of a mobile phone. Section 5 of this bill authorizes the district court to enter an ex parte order authorizing the tracking of a mobile phone if the court determines that there is probable cause for belief that the information likely to be obtained by such tracking is relevant to the ongoing criminal investigation. Such an order or extension of an order cannot exceed 30 days. Section 3 of this bill generally prohibits an investigative or law enforcement officer from tracking a mobile phone without obtaining such an order.]~~

This bill creates in statute the Subcommittee on Search and Seizure Law and Technology of the Advisory Commission on the Administration of Justice. This bill requires: (1) the Chair of the Commission to appoint the members of the Subcommittee; (2) that the Subcommittee consist of legislative members and certain nonlegislative members; (3) the Chair of the Subcommittee to be a legislative member of the Commission; and (4) the Subcommittee to consider issues concerning electronic surveillance by law enforcement and to evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation. This bill also sets forth the salaries and per diem that members of the Subcommittee may receive.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 5 of this bill and replace with the following new sections 1 through 3:

Section 1. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created the Subcommittee on Search and Seizure Law and Technology of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:

(a) A representative of the public defender's office in Washoe County.

(b) A representative of the public defender's office in Clark County.

(c) A representative of the State Public Defender's Office.

(d) A member of the private criminal defense bar.

(e) A representative of a civil liberties organization.

(f) A representative of the district attorney's office in Washoe County.

(g) A representative of the district attorney's office in Clark County.

(h) A representative of the Attorney General.

(i) A representative of a law enforcement agency located within the jurisdiction of Washoe County.

(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.

(k) A representative of the academic community with specialized knowledge in the field of search and seizure law and technology.

(l) A representative from the compliance division of a national telecommunications carrier authorized to do business in this State.

3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues concerning electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices, and shall evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 1 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 3. **This act becomes effective on July 1, 2013, and expires by limitation on July 31, 2015.**

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 740 to Assembly Bill No. 313.

Remarks by Assemblyman Frierson.

Motion carried.

The following Senate amendment was read:

Amendment No. 888.

SUMMARY—~~[Creates a statutory subcommittee of]~~ **Requires** the Advisory Commission on the Administration of Justice ~~[. (BDR 14-421)]~~ **to consider certain items regarding criminal procedure. (BDR S-421)**

AN ACT relating to criminal procedure; ~~[creating a statutory subcommittee of]~~ **requiring** the Advisory Commission on the Administration of Justice to consider issues concerning electronic surveillance by law enforcement ~~[.]~~ **, traffic laws and certain laws relating to motor vehicles, and language access in the courts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) This bill ~~[creates in statute the Subcommittee on Search and Seizure Law and Technology of]~~ **requires** the ~~[Advisory]~~ Commission ~~[on the Administration of Justice. This bill requires: (1) the Chair of the Commission to appoint the members of the Subcommittee; (2) that the Subcommittee consist of legislative members and certain nonlegislative members; (3) the Chair of the Subcommittee to be a legislative member of the Commission; and (4) the Subcommittee]~~ to **: (1)** consider issues concerning electronic surveillance by law enforcement ~~[and to evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation. This bill also sets forth the salaries and per diem that members of the Subcommittee may receive.]~~ **; (2) evaluate issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) evaluate issues concerning language access in the courts.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. There is hereby created the Subcommittee on Search and Seizure Law and Technology of the Commission.*~~

~~*2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:*~~

~~*(a) A representative of the public defender's office in Washoe County.*~~

~~*(b) A representative of the public defender's office in Clark County.*~~

~~*(c) A representative of the State Public Defender's Office.*~~

~~*(d) A member of the private criminal defense bar.*~~

~~*(e) A representative of a civil liberties organization.*~~

~~*(f) A representative of the district attorney's office in Washoe County.*~~

~~*(g) A representative of the district attorney's office in Clark County.*~~

~~*(h) A representative of the Attorney General.*~~

~~*(i) A representative of a law enforcement agency located within the jurisdiction of Washoe County.*~~

~~*(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.*~~

~~*(k) A representative of the academic community with specialized knowledge in the field of search and seizure law and technology.*~~

~~*(l) A representative from the compliance division of a national telecommunications carrier authorized to do business in this State.*~~

~~*3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.*~~

~~*4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.*~~

~~*5. The Subcommittee shall consider issues concerning electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices, and shall evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation.*~~

~~*6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.*~~

~~*7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 176.0121 is hereby amended to read as follows:~~

~~176.0121 As used in NRS 176.0121 to 176.0129, inclusive, *and section 1 of this act,* "Commission" means the Advisory Commission on the Administration of Justice.]~~ **(Deleted by amendment.)**

Sec. 2.5. **The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:**

1. A review of the use of electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices.

2. An evaluation of the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil

matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.

3. An evaluation of:

(a) The current system used in this State to provide court interpreters in criminal and civil proceedings;

(b) The systems used in other states to provide court interpreters in criminal and civil proceedings; and

(c) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.

4. Recommendations regarding, without limitation:

(a) Necessary statutory changes to facilitate language access in the courts;

(b) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(c) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

Sec. 3. This act becomes effective on July 1, 2013**. [**~~, and expires by limitation on July 31, 2015.~~**]**

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 888 to Assembly Bill No. 313.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

The following Senate amendment was read:

Amendment No. 828.

AN ACT relating to crimes; revising the provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is employed in a position of authority or who volunteers in a position of authority at a public or private school from engaging in sexual conduct with a pupil who is enrolled in or attending the public school or private school at which the person is employed or volunteering. (NRS 201.540) This bill expands this provision by prohibiting a person who is or was employed in a position of authority or who volunteers or volunteered in a position of authority at a public school or private school from engaging in sexual conduct with a pupil **: (1) who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or (2)** with whom the person has had

contact in the course of performing his or her duties as an employee or volunteer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is ***or was*** employed in a position of authority by a public school or private school or ***is or was*** volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who ~~***[:***~~

~~***(1) Who]***~~ is 16 or 17 years of age ~~***[,]***~~ and ~~[who]~~ ***:***

(1) Who is ***or was*** enrolled in or attending the public school or private school at which

~~***[(2) With whom]***~~ the person is ***or was*** employed or volunteering ~~[.]~~ ***; or***

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is ***or was*** employed in a position of authority by a public school or private school or ***is or was*** volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who ~~***[:***~~

~~***(1) Who]***~~ is 14 or 15 years of age ~~***[,]***~~ and ~~[who]~~ ***:***

(1) Who is ***or was*** enrolled in or attending the public school or private school at which

~~***[(2) With whom]***~~ the person is ***or was*** employed or volunteering ~~[.]~~ ***; or***

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. For the purposes of subsections 1 and 2, a person shall be deemed to be ***or have been*** employed in a position of authority by a public school or private school or deemed to be ***or have been*** volunteering in a position of authority at a public or private school if the person is ***or was*** employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

4. The provisions of this section do not apply to a person who is married to the pupil.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 828 to Assembly Bill No. 377.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 828 adds a prohibition for a person who is or was employed or volunteering in a position of authority at a school from engaging in sexual conduct with a pupil who is or was enrolled at the school at which the person was employed or volunteering.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 378.

The following Senate amendment was read:

Amendment No. 754.

AN ACT relating to spendthrift trusts; revising provisions governing self-settled spendthrift trusts; revising provisions governing the transfer of ~~[community]~~ property to a spendthrift trust; ~~[prohibiting certain]~~ **revising provisions governing** persons ~~[from being]~~ **who act as** a distribution trustee **or distribution adviser** of a spendthrift trust; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to create a spendthrift trust, which is a trust the terms of which provide that the interest of a beneficiary may not be transferred voluntarily or involuntarily to another person. (NRS 166.020, 166.040) Under existing law, a beneficiary of a spendthrift trust may not transfer his or her interest in the trust and a creditor of the beneficiary may not satisfy the creditor's claim from the beneficiary's interest in the trust. (NRS 166.120) Existing law further authorizes the creation of self-settled spendthrift trusts, which are spendthrift trusts in which the settlor is a beneficiary. Under existing law, a self-settled spendthrift trust may be created only if the trust is irrevocable, does not require any part of the income or principal to be distributed to the settlor and is not be intended to hinder, delay or defraud known creditors. (NRS 166.040)

~~[Section 1.3 of this bill provides that a self-settled spendthrift trust is not enforceable against the settlor's child, spouse or domestic partner, or former spouse or domestic partner who has a judgment or court order against the settlor for support or maintenance. Section 1.3 further authorizes: (1) the settlor's child, spouse or domestic partner, or former spouse or domestic partner to obtain a court order attaching present or future distributions from a self-settled spendthrift trust to or for the benefit of the settlor; and (2) authorizes a court to order distributions from a self-settled spendthrift trust to satisfy a judgment or court order against the settlor for the support or maintenance of his or her child, spouse or domestic partner or former spouse or domestic partner. Section 1.6 of this bill enacts provisions governing the transfer of community property to a spendthrift trust.]~~

Section 1.2 of this bill provides that a transfer of property to a self-settled spendthrift trust is presumed to be made with actual intent to defraud an obligee named in a family support order and is void if: (1) the transfer is made after the commencement of a domestic relations proceeding; (2) the transfer is made less than 2 years before the commencement of such a proceeding; (3) the transfer is made while the settlor is subject to certain family support orders; or (4) a court order expressly requires the settlor to transfer the property to his or her child, spouse or former spouse, or a domestic partner or former domestic partner, or for the benefit of such a person. Section 1.2 further provides that under certain circumstances, a trustee of a self-settled spendthrift trust is required to provide written notice of certain distributions from the trust to an obligee named in a family support order. Section 3 of this bill provides that the provisions of section 1.2 apply only to: (1) family support orders issued on or after October 1, 2013; (2) transfers of property to a self-settled spendthrift trust made on or after October 1, 2013; and (3) distributions from a self-settled spendthrift trust made on or after October 1, 2013.

Section 1.9 of this bill prohibits the settlor, certain relatives and employees of the settlor, and business entities in which the settlor or certain relatives or employees of the settlor hold certain voting power, from ~~[being]~~ **acting as** a distribution trustee **or a distribution adviser** of a self-settled spendthrift trust ~~[.]~~ **while the settlor is subject to a family support order.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[1.3]~~ **1.1** and ~~[1.6]~~ **1.2** of this act.

Sec. 1.1. ***As used in this chapter, unless the context otherwise requires, the term "domestic partner" means a person who is in a domestic***

partnership that is registered pursuant to chapter 122A of NRS and that has not been terminated pursuant to that chapter.

Sec. 1.2. 1. Notwithstanding any other provision of law, a transfer of property to a self-settled spendthrift trust is presumed to be made with actual intent to defraud each obligee of a domestic relations order, and the transfer is presumed void as to each such obligee, if:

(a) The transfer is made after the commencement of a domestic relations proceeding;

(b) The transfer is made within the 2 years immediately preceding the commencement of a domestic relations proceeding;

(c) The transfer is made while the settlor is subject to a family support order; or

(d) An order, judgment or decree of a court of competent jurisdiction expressly requires the settlor to transfer the property to his or her child, spouse or former spouse, or domestic partner or former domestic partner, or to a trust for the benefit of such a person.

2. Regardless of whether the self-settled spendthrift trust or the trustee of the self-settled spendthrift trust is a party to an action resulting in a family support order, the trustee shall, not later than 30 days before making a distribution of the income or principal of the self-settled spendthrift trust to a beneficiary who is a settlor, provide written notice of the distribution to each obligee named in the family support order, if the family support order expressly requires such notice. A written notice required by this subsection must:

(a) State:

(1) The date on which the distribution will be made;

(2) The amount of the distribution; and

(3) The manner in which payment of the distribution will be made.

(b) Unless a written agreement entered into by the obligee who is required to be provided the written notice provides otherwise, be sent by personal delivery, by certified mail, return receipt requested, or by any other delivery service for which a receipt for delivery is obtained to the address provided to the trustee by the obligee required to be provided the written notice.

3. If, after an obligee named in a family support order provides a copy of the family support order to the trustee and an address to which the written notice required by subsection 2 is to be sent, the trustee makes a distribution of the income or principal of the self-settled spendthrift trust to a beneficiary who is a settlor and who is an obligor named in the family support order without sending the written notice required by subsection 2, the trustee is personally liable to the obligee for the lesser of:

(a) The amount of such distribution; and

(b) The amount due the obligee pursuant to the family support order, ↪ unless the trustee establishes to the satisfaction of the court having jurisdiction to enforce the family support order that the information required to be provided in the written notice would not have facilitated enforcement of the family support order.

4. As used in this section:

(a) "Child" means a person to whom a settlor of a self-settled spendthrift trust owes a parental duty of support pursuant to:

(1) The laws of this State;

(2) A written agreement to which the settlor is a party; or

(3) The order of a court of competent jurisdiction.

(b) "Distribution" includes, without limitation, a distribution from a self-settled spendthrift trust to a person other than a beneficiary who is a settlor for the benefit of a beneficiary who is a settlor. The term does not include an authorization given by the trustee of a self-settled spendthrift trust for a beneficiary who is a settlor to use an asset of the self-settled spendthrift trust, the title to which remains in the trust, including, without limitation, a residence or vehicle.

(c) "Domestic relations order" means a family support order or a property transfer order.

(d) "Domestic relations proceeding" means a legal proceeding that may result in the issuance of a domestic relations order, including, without limitation, an action for divorce, annulment or separate maintenance pursuant to chapter 125 of NRS or any proceeding related to the termination of a domestic partnership that is registered pursuant to chapter 122A of NRS.

(e) "Family support order" means a judgment, decree or order of a court for the support or maintenance of a child, spouse or former spouse, or domestic partner or former domestic partner.

(f) "Obligee" means:

(1) With respect to a family support order, a child, spouse or former spouse, or domestic partner or former domestic partner to whom, or for whose benefit, a court has ordered the payment of support or maintenance.

(2) With respect to a property transfer order, a child, spouse or former spouse, or domestic partner or former domestic partner to whom, or for whose benefit, a court has ordered one or more property transfers.

(g) "Property transfer order" means an order, judgment or decree of a court which requires the transfer of property to a child, spouse or former spouse, or domestic partner or former domestic partner, or to a trust for the benefit of such a person.

(h) "Self-settled spendthrift trust" means a spendthrift trust of which a settlor is a beneficiary.

Sec. 1.3. ~~[*1. Notwithstanding any other provision of law, if a spendthrift trust is a self-settled spendthrift trust:*~~

~~*(a) The trust is unenforceable against the settlor's child, spouse or domestic partner, or former spouse or domestic partner who has a judgment or court order against the settlor for support or maintenance; and*~~

~~*(b) A claimant against whom the trust cannot be enforced pursuant to paragraph (a) may obtain from a court an order attaching present or future distributions to or for the benefit of a beneficiary of the trust who is a settlor of the trust.*~~

~~*2. Notwithstanding any other provision of law, if a trustee of a self-settled spendthrift trust has discretion to determine whether or not to make a distribution to a beneficiary who is a settlor of the trust:*~~

~~*(a) A distribution may be ordered by the court to satisfy a judgment or court order against the beneficiary who is a settlor of the trust for the support or maintenance of that beneficiary's child, spouse or domestic partner, or former spouse or domestic partner; and*~~

~~*(b) The court shall direct the trustee to pay to the child, spouse or domestic partner, or former spouse or domestic partner such amount as is equitable under the circumstances.*~~

~~*3. Notwithstanding any other provision of law, if a child, spouse or domestic partner, or former spouse or domestic partner has a judgment or court order for support or maintenance against a beneficiary of a self-settled spendthrift trust who is a settlor of the trust, the child, spouse or domestic partner, or former spouse or domestic partner may reach a distribution of income or principal which the trustee is required to make to that beneficiary under the terms of the trust, including, without limitation, a distribution upon termination of the trust.*~~

~~*4. As used in this section:*~~

~~*(a) "Domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.*~~

~~*(b) "Self-settled spendthrift trust" means a spendthrift trust of which a settlor is a beneficiary.]*~~ **(Deleted by amendment.)**

Sec. 1.6. ~~[*1. A transfer of community property to a spendthrift trust is void unless both spouses or domestic partners, whichever is applicable, agree to the transfer in a writing which expressly waives the community property rights of each spouse or domestic partner, whichever is applicable, in the property being transferred to the trust. An agreement between spouses or domestic partners pursuant to this subsection must meet the standards which govern the actions of persons occupying relations of confidence and trust toward each other.*~~

~~*2. As used in this section:*~~

~~*(a) "Community property" means property that is community property pursuant to NRS 123.220.*~~

~~*(b) "Domestic partner" has the meaning ascribed to it in NRS 122A.030.]*~~ **(Deleted by amendment.)**

Sec. 1.9. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust ~~[, at]~~ ***:***

(a) At least one trustee of a spendthrift trust must be:

~~[(a)]~~ ***(1)*** A natural person who resides and has his or her domicile in this State;

~~[(b)]~~ ***(2)*** A trust company that:

~~[(1)]~~ ***(I)*** Is organized under federal law or under the laws of this State or another state; and

~~[(2)]~~ ***(II)*** Maintains an office in this State for the transaction of business; or

~~[(c)]~~ ***(3)*** A bank that:

~~[(1)]~~ ***(I)*** Is organized under federal law or under the laws of this State or another state;

~~[(2)]~~ ***(II)*** Maintains an office in this State for the transaction of business; and

~~[(3)]~~ ***(III)*** Possesses and exercises trust powers.

(b) ~~[The]~~ At any time a settlor is subject to a family support order as defined in section 1.2 of this act:

(1) The following persons ~~[may]~~ must not ~~[be]~~ act as a distribution trustee ~~[.]~~ or a distribution adviser:

~~[(1)]~~ (I) The settlor;

~~[(2)]~~ (II) The spouse or domestic partner of the settlor;

~~[(3)]~~ (III) Any person related to the settlor by blood, adoption or marriage within the second degree of consanguinity or affinity;

~~[(4)]~~ (IV) An employee of the settlor;

~~*[(5)]*~~ ***(V) A subordinate employee of the settlor or of a business entity in which the settlor is an executive; or***

~~*[(6)]*~~ ***(VI) A business entity in which the settlor, or any person listed in ~~[subparagraphs (2) to (5),]~~ sub-subparagraphs (II) to (V), inclusive, holds at least 30 percent of the total voting power of all interests entitled to vote.***

~~*[3. As used in this section, "domestic partner" has the meaning ascribed to it in NRS 122A.030.]*~~

(2) Notwithstanding any provision of the trust agreement, a distribution as defined in section 1.2 of this act must not be made to the settlor unless the distribution is subject to the discretion of a distribution trustee or a distribution adviser who is not prohibited from acting as a distribution trustee or distribution adviser pursuant to subparagraph (1).

(3) The trust is not made void by:

(I) The lack of a distribution trustee or a distribution adviser; or

(II) The appointment or existence of a distribution trustee or a distribution adviser who is unable to act as a distribution trustee or a distribution adviser pursuant to subparagraph (1).

Sec. 2. (Deleted by amendment.)

Sec. 3. **The provisions of section 1.2 of this act apply only to:**

1. A family support order, as defined in section 1.2 of this act, issued on or after October 1, 2013.

2. A transfer of property to a self-settled spendthrift trust, as defined in section 1.2 of this act, made on or after October 1, 2013.

3. A distribution, as defined in section 1.2 of this act, from a self-settled spendthrift trust made on or after October 1, 2013.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 754 to Assembly Bill No. 378.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395.

The following Senate amendment was read:

Amendment No. 739.

AN ACT relating to common-interest communities; prohibiting certain persons within a common-interest community from committing certain acts against another person within that same common-interest community; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) prohibits certain persons within a common-interest community from committing certain acts against another person within that

same common-interest community; and (2) provides that committing any such act is a ~~[public nuisance and punishable as a]~~ misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise engage in a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community which:

(a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or

(b) Creates a hostile environment for that person.

2. A person who violates the provisions of subsection 1 ~~[commits a public nuisance and shall be punished as provided in NRS 202.470.]~~ is guilty of a misdemeanor.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 3. **NRS 116.745 is hereby amended to read as follows:**

116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires, "violation" means a violation of ~~[any]~~ **:**

1. Any provision of this chapter ~~[, any]~~ ***except section 1 of this act;***

2. Any regulation adopted pursuant ~~[thereto]~~ ***to this chapter;*** or ~~[any]~~

3. Any order of the Commission or a hearing panel.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 739 to Assembly Bill No. 395.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Amendment 739 removes the provision concerning the behavior constituting a public nuisance and instead maintains that provisions of Chapter 116 provide that a person who demonstrates such behavior is guilty of a misdemeanor.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to criminal justice; revising provisions governing the crime of burglary; **revising provisions governing the crime of vagrancy;** authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; requiring the Commission to study and report on certain issues; authorizing each county to establish a community court pilot project to provide an alternative to sentencing a person who is charged with a misdemeanor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who enters certain structures with the intent to commit grand or petit larceny, assault or battery, any felony or to obtain money by false pretenses is guilty of the crime of burglary. (NRS 205.060) Existing law also provides that a person commits the crime of petit larceny if the person intentionally steals, takes and carries, leads or drives away certain goods or property. (NRS 205.240) **Section 1** of this bill removes the crime of petit larceny from the underlying offenses which constitute burglary if the petit larceny was intended to be committed in a commercial establishment during business hours and the person has not **: (1)** twice previously been convicted of ~~[a similar offense]~~ **petit larceny** within the previous 7 years ~~[.]~~ **; or (2) previously been convicted of a felony.**

Existing law prohibits a person from lodging in any building, structure or place without certain permission. (NRS 207.030) Section 1.5 of this bill further prohibits a person from lodging in such a place if the property is the subject of a notice of default and election to sell or is placed on a registry of vacant, abandoned or foreclosed property, unless

the person is the owner, tenant or otherwise entitled to possession of the property.

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) **Section 3** of this bill authorizes the Chair of the Commission to apply for grants and accept grants, bequests, devises, donations and gifts. **Section 8** of this bill requires the Commission to include certain items relating to criminal justice on an agenda for discussion and to issue a report.

Existing law provides that a misdemeanor is punishable by a fine of not more than $1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) **Section 10** of this bill authorizes each county to establish a community court pilot project within any of its justice courts located in the county to provide an alternative to sentencing a person who is charged with a misdemeanor. **Section 11** of this bill requires the community court to evaluate each defendant to determine whether services or treatment is likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or any other services or treatment that the community court deems appropriate. **Section 11** provides that if the defendant successfully completes all conditions imposed by the community court, the sentence to which the defendant agreed upon with the justice court must not be executed or recorded. If the defendant does not successfully complete the conditions imposed, the case will be transferred back to the justice court, and the sentence must be carried out.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.060 is hereby amended to read as follows:

205.060 1. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by

imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted ~~[two]~~ :

(a) Two or more times for committing petit larceny ~~[in a commercial establishment during business hours]~~ within the immediately preceding 7 years ~~[.]~~ ; or

(b) Of a felony.

Sec. 1.5. **NRS 207.030 is hereby amended to read as follows:**

207.030 1. It is unlawful to:

(a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;

(b) Offer or agree to engage in, engage in or aid and abet any act of prostitution;

(c) Be a pimp, panderer or procurer or live in or about houses of prostitution;

(d) Seek admission to a house upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

(e) Keep a place where lost or stolen property is concealed;

(f) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act; ***or***

(g) Lodge in any building, structure or place, whether public or private **[**, ~~without~~**]** **:**

(1) Where a notice of default and election to sell has been recorded, unless the person is the owner, tenant or entitled to the possession or control thereof;

(2) Which has been placed on a registry of vacant, abandoned or foreclosed property by a local government, unless the person is the owner, tenant or entitled to the possession or control thereof; or

(3) Without the permission of the owner or person entitled to the possession or in control thereof.

2. A person who violates a provision of subsection 1 shall be punished:

(a) For the first violation of paragraph (a), (b) or (c) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a misdemeanor.

(b) For the second violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for not less than 30 days nor more than 6 months and by a fine of not less than $250 nor more than $1,000.

(c) For the third or subsequent violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.

(d) For a violation of any provision of paragraphs (d) to (g), inclusive, of subsection 1, for a misdemeanor.

3. The terms of imprisonment prescribed by subsection 2 must be imposed to run consecutively.

4. A local government may enact an ordinance which regulates the time, place or manner in which a person or group of persons may beg or solicit alms in a public place or place open to the public.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of this section and NRS 176.0121 to 176.0129, inclusive.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the

support of the Commission and its activities pursuant to this section and NRS 176.0121 to 176.0129, inclusive.

Sec. 4. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 3 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123, shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:

(a) A review of sentencing for all criminal offenses for which a term of imprisonment of more than 1 year may be imposed.

(b) An evaluation of the current system of parole, including a review of whether the current system should be maintained, amended or abolished.

(c) An evaluation of potential legislation relating to offenders for whom traditional imprisonment is not considered appropriate. In evaluating such potential legislation, the Commission shall consider current practices governing sentencing and release from imprisonment and correctional resources, including, without limitation, the capacities of local and state correctional facilities and institutions.

2. Upon review of the issues pursuant to subsection 1, the Commission shall prepare a comprehensive report including the Commission's recommended changes, the Commission's findings and any recommendations for proposed legislation. The report must be submitted to the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary ~~[no]~~ **not** later than June 1, 2014.

Sec. 9. As used in sections 10 and 11 of this act, "community court" means the community court that is established as part of a pilot project pursuant to section 10 of this act.

Sec. 10. 1. Each county may establish a community court pilot project within any of the justice courts located in the county to provide an alternative to sentencing a person who is charged with a misdemeanor.

2. Notwithstanding any other provision of law, a defendant charged with a misdemeanor may be transferred to the community court by the justice court if the defendant:

(a) Pleads guilty to the offense;

(b) Has not previously been referred to the community court;

(c) Agrees to comply with the conditions imposed by the community court; and

(d) Agrees to a sentence, including, without limitation, a period of imprisonment in the county jail, which must be carried out if the defendant does not successfully complete the conditions imposed by the community court.

3. When a defendant is transferred to the community court, sentencing must be postponed and, if the defendant successfully completes all conditions imposed by the community court, the sentence of the defendant must not be executed or appear on the record of the defendant. If the defendant does not successfully complete all conditions imposed by the community court, the sentence must be carried out.

4. A defendant who is transferred to the community court remains under the supervision of the community court and must comply with the conditions established by the community court.

5. Each county may collaborate with state and local governmental entities as well as private persons and entities to coordinate and determine the services and treatment that may be offered to defendants who are transferred to the community court.

6. A defendant does not have a right to be referred to the community court pursuant to this section. It is not intended that the establishment or operation of the community court creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees. The decision by the justice court of whether to refer a defendant to the community court is not subject to appeal.

Sec. 11. 1. The community court shall provide for the evaluation of each defendant transferred to the community court to determine whether services or treatment is likely to assist the defendant to modify his or her behavior or obtain skills which may prevent the defendant from engaging in further criminal activity. Such services or treatment may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or such other services or treatment as the community court deems appropriate.

2. The community court shall provide or refer a defendant to a provider of such services or treatment. The community court may enter into contracts with persons or private entities that are qualified to evaluate defendants and provide services or treatment to defendants.

3. A defendant who is ordered by the community court to receive services or treatment shall pay for the services or treatment to the extent of his or her financial resources.

4. The justice court shall not refuse to refer a defendant to the community court based on the inability of the defendant to pay any or all of the related costs.

5. The community court shall order a defendant to perform a specified amount of community service in addition to any services or treatment to which the defendant is ordered to receive. Such community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

6. Notwithstanding any other provision of law, if a defendant successfully completes the conditions imposed by the community court, the community court shall so certify to the justice court, and the sentence imposed pursuant to section 10 of this act must not be executed or recorded. If the defendant does not successfully complete the conditions imposed by the community court, the case must be transferred back to the justice court, and the sentence must be carried out.

Assemblyman Frierson moved that the Assembly do not concur in the Senate Amendment No. 706 to Assembly Bill No. 415.

Remarks by Assemblyman Frierson.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Frierson moved that the Assembly recede from its action on Amendment No. 593 to Senate Bill No. 9.

Remarks by Assemblyman Frierson.

Motion carried.

Assemblyman Frierson moved that the Assembly do not recede from its action on Amendment No. 682 to Senate Bill No. 38, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Frierson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Cohen, Dondero Loop, and Wheeler as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 38.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ohrenschall moved that the Assembly do not recede from its action on Amendment No. 780 to Senate Bill No. 228, that a conference

be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ohrenschall.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Ohrenschall, Daly, and Oscarson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 228.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Dondero Loop moved that the Assembly do not recede from its action on Amendment No. 665 to Senate Bill No. 176, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Spiegel, Thompson, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 176.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Dondero Loop moved that the Assembly do not recede from its action on Amendment No. 775 to Senate Bill No. 410, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Benitez-Thompson, Martin, and Duncan as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 410.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Dondero Loop moved that the Assembly do not recede from its action on Amendment No. 776 to Senate Bill No. 450, that a conference be requested, and that Madam Speaker appoint a Conference

Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Eisen, Martin, and Oscarson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 450.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:21 p.m.

Madam Speaker presiding.

Quorum present.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Frierson moved that the Assembly do not recede from its action on Amendment No. 751 to Senate Bill No. 425, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Frierson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Horne, Thompson, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 425.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Frierson moved that the Assembly do not recede from its action on Amendment No. 749 to Senate Bill No. 389, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Frierson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bustamante Adams, Daly, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 389.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Benitez-Thompson moved that the Assembly do not recede from its action on Amendment No. 722 to Senate Bill No. 364, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Neal, Healey, and Woodbury as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 364.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Benitez-Thompson moved that the Assembly recede from its action on Amendment No. 788 to Senate Bill No. 436.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 339.

The following Senate amendment was read:

Amendment No. 653.

AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an employer is not required to pay compensation for overtime to an employee who works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work. (NRS 608.018) This bill provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work and the employee does not work the 40 hours scheduled because of **certain** circumstances **,** ~~[beyond the control of the employer,]~~ the employer is authorized to pay the employee only the employee's regular wage rate for the hours the employee

actually worked. This bill also provides that if an employee does not work the 40 hours scheduled because of a decision made by the employer, the employer is required to pay the employee overtime compensation for any day during the workweek in which the employee worked more than 8 hours. Finally, this bill provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work, the employer must pay the employee overtime compensation whenever the employee works more than 10 hours in any workday.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee ~~[works a]~~ ***is*** scheduled ***to work*** 10 hours per day for 4 calendar days within any scheduled week of work ~~[.]~~ ***subject to the following provisions:***

(1) If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employee, a natural disaster, ~~[inclement weather,]~~ the tardiness of the employee ~~[,]~~ or an illness of the employee ~~, [or any other circumstance beyond the control of the employer,]~~ except as otherwise provided in subparagraph (3), the employer may pay the employee the employee's regular wage rate for the hours the employee actually worked.

(2) If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employer, the employer must pay the employee 1 1/2 times the employee's regular wage rate for any workday during that week of work in which the employee worked more than 8 hours.

(3) Except as otherwise provided in subparagraph (2), the employer shall pay 1 1/2 times the employee's regular wage rate whenever the employee works more than 10 hours in any workday.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 653 to Assembly Bill No. 339.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 785.

AN ACT relating to business brokers; revising the definition of the term "business broker"; limiting the application of the term to the performance of certain acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for any person, limited-liability company, partnership, association or corporation to engage in the business

of, act in the capacity of, or advertise or assume to act as, a business broker within this State without first obtaining from the Real Estate Division of the Department of Business and Industry a license as a real estate broker, real estate broker-salesperson or real estate salesperson and a permit to engage in business as a business broker. (NRS 645.230) Existing law defines a "business broker" as a person who, while acting as a real estate broker, real estate broker-salesperson or real estate salesperson for another and for compensation or with the intention or expectation of receiving compensation: (1) sells, exchanges, options or purchases a business; (2) negotiates or offers, attempts or agrees to negotiate the sale, exchange, option or purchase of a business; or (3) lists or solicits prospective purchasers of a business. (NRS 645.0075) This bill revises the definition of the term "business broker" to limit its application to the acts described in NRS 645.0075 which are performed as part of a transaction, proposed transaction or prospective transaction involving an interest or estate in real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645.0075 is hereby amended to read as follows:

645.0075 "Business broker" means a person who, while acting ~~[~~as a real estate broker, real estate broker-salesperson or real estate salesperson~~]~~ for another and for compensation or with the intention or expectation of receiving compensation : ~~*[, and as part of a transaction, proposed transaction or prospective transaction involving an interest or estate in real property:]*~~

1. Sells, exchanges, options **, *rents or leases*** a business ~~[;]~~ ***that is sold, exchanged, optioned, purchased, rented or leased as part of an interest or estate in real property;***

2. Negotiates or offers, attempts or agrees to negotiate the sale, exchange, option **, *rental or lease*** of a business ~~[;]~~ ***that is or is intended to be sold, exchanged, optioned, purchased, rented or leased as part of an interest or estate in real property;*** or

3. Lists or solicits prospective purchasers of a business ~~[.]~~ ***if a component of the listing or solicitation is an interest or estate in real property.***

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 785 to Assembly Bill No. 225.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment revises the definition of "business broker" to include someone who rents or leases as a part of transaction, proposed transaction, or prospective transaction involving an interest or estate in real property.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ohrenschall moved that the Assembly do not recede from its action on Amendment No. 779 to Senate Bill No. 49, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ohrenschall.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Ohrenschall, Neal, and Oscarson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 49.

Assemblyman Horne moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 5:18 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bills Nos. 423, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 66, Senate Amendment No. 675, and

requests a conference, and appointed Senators Kihuen, Kieckhefer and Parks as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 283, Senate Amendment No. 866, and requests a conference, and appointed Senators Spearman, Parks and Goicoechea as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 320, 452, 517.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 647 to Senate Bill No. 493.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 502; Senate Bills Nos. 515, 518, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 423 and 428, just reported out of committee, be placed at the top of the General File.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by: Assembly Committee on Taxation.
For: A New BDR No. 32-1248:
Revises provisions relating to taxation.
To Waive:

Subsection 2 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 19th day)

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees)

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day)

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 31, 2013.

SENATOR MOISES DENIS
Senate Majority Leader

ASSEMBLYWOMAN MARILYN K. KIRKPATRICK
Speaker of the Assembly

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 9—Providing for the compensation of the clergy and the coordinator of the clergy for services rendered to the Assembly and Senate during the 77th Session of the Nevada Legislature.

WHEREAS, The members of the 77th Session of the Nevada Legislature sincerely appreciate the daily religious services that are rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provide inspiration and guidance for the members of the Nevada Legislature as they face the challenges and demands of a legislative session; and

WHEREAS, The assistance provided by the coordinator of the clergy facilitated the daily services; and

WHEREAS, A reasonable compensation should be provided for the clergy who performed such services and for the coordinator of the clergy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of $35 per service out of the Legislative Fund to the members of the clergy who performed religious services for the Assembly and the Senate during the 77th Session of the Nevada Legislature; and be it further

RESOLVED, That the State Controller is authorized and directed to pay the sum of $2,000 to the coordinator of the clergy who facilitated the services for the Assembly and the Senate during the 77th Session of the Nevada Legislature.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

Senate Concurrent Resolution No. 10.

WHEREAS, On May 15, 2013, the State of Nevada lost one of its most important voices in higher education and, most notably, a champion of students statewide; and

WHEREAS, Dorothy Sewell Gallagher, a fourth-generation Nevadan, was born on September 14, 1925, to J. Harvey and Mollie Sewell in Elko, Nevada, and in 1943 enrolled in the University of Nevada, where she met the love of her life, Thomas H. Gallagher; and

WHEREAS, During her years at the University, she was president of the Gamma Phi Beta sorority, and after graduating with a bachelor's degree in zoology in the spring of 1947, she married Tom on August 30, 1947; and

WHEREAS, After spending 4 years in San Francisco while Tom attended dental school and giving birth to two of their sons, Dorothy and her family returned to Elko in 1951 where Tom began a dentistry practice with his father and brother; and

WHEREAS, In 1953, their youngest son was born, and Dorothy immersed herself in motherhood and the day-to-day operations of the family ranches in Lamoille, Pine Valley and Diamond Valley; and

WHEREAS, After the ranches were sold in 1979, Dorothy was elected to her first of many terms as a member of the Board of Regents of the University of Nevada in 1980; and

WHEREAS, Dorothy Gallagher served with distinction and honor as a Regent for an unprecedented 28 years from 1980 to 2002, and from 2004 to 2010, and her tenure included serving as Chair of the Board of Regents as well as Chair of more than a dozen committees; and

WHEREAS, This esteemed Nevadan steadfastly represented 11 rural counties, as her district spanned the State from the Idaho border to Pahrump; and

WHEREAS, Dorothy Gallagher's wisdom and foresight were instrumental in the creation and development of Great Basin College in Elko and bringing in baccalaureate programs to the rural institution as she helped to plan and develop Nevada's first state college in 2002, which now boasts an enrollment of over 3,000 students with 35 majors and minors; and

WHEREAS, A committed supporter of mining education, she became the first woman honored with the Mining and Metallurgical Society of America's Gold Medal in 2009; and

WHEREAS, The Dorothy S. Gallagher Great Basin Environmental Research Laboratory of the Desert Research Institute bears her name in recognition of her efforts to secure funding to construct the multidisciplinary research facility; and

WHEREAS, Dorothy Gallagher was actively involved in her community, serving as a member of the Board of Directors of the Nevada National Bank, the Elko County Hospital Board of Trustees and the Board of Directors of Vitality House, and for her efforts in health services outreach, she was named the Rural Nevadan Who Dares to Care by the University of Nevada School of Medicine in 1994; and

WHEREAS, Dorothy's countless accolades include being recognized as a University of Nevada Distinguished Nevadan, University of Nevada Honorary Doctorate, University of Nevada Alumnus of the Year, as well as being included in the Junior Achievement of Northern Nevada's Business Leaders Hall of Fame and receiving the Nevada Women's Fund Hall of Fame Award for Education, the Elko General Hospital Legacy Award and the Nevada Hospital Association Trustee Excellence Award; and

WHEREAS, This incomparable inspirational leader and mentor dedicated her life to improving access to quality educational opportunities for all, and through her selfless service, improved the lives of Nevadans for generations to come; and

WHEREAS, Dorothy Gallagher is survived by her husband Thomas, sons Michael, Thomas and Frank, five grandchildren and three great-grandchildren; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 77th Session of the Nevada Legislature hereby recognize the exemplary achievements of this extraordinary woman and extend their deepest condolences to her family, colleagues and friends; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dorothy Gallagher's beloved husband, Dr. Thomas H. Gallagher.

Assemblyman Ellison moved the adoption of the resolution.

Remarks by Assemblymen Ellison and Grady.

Assemblyman Ellison moved that the following remarks be entered into the Journal.

Motion carried.

ASSEMBLYMAN ELLISON:

It is my honor to offer a few words about the life of former regent Dorothy Gallagher. As the resolution noted, Dorothy served with distinction on the Board of Regents for 28 years. Her district consisted of 11 counties, which is 84 percent of the entire state. Those counties are Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, and White Pine. That adds up to more than 92,000 square miles. Her district was larger than 37 other states.

Dorothy helped guide the development of Great Basin College, which now has over 3,800 students in attendance. The main campus is in Elko with branches in Battle Mountain, Ely, Pahrump, and Winnemucca. Great Basin also operates satellite centers in 20 additional rural communities. Dorothy's district also included the Fallon branch of Western Nevada College and satellite centers in Hawthorne and Lovelock.

Great Basin and Western Nevada Colleges offer four-year bachelor degrees and two-year associate degrees.

I have had the honor of knowing Dorothy Gallagher and her family most of my life. She and her husband Tom, their sons, and their families are some of the finest citizens Elko County and the state of Nevada have ever seen.

Madam Speaker, if I may, I would like to turn this over to my colleague from District 38 to introduce some of our guests.

ASSEMBLYMAN GRADY:

I stand in support of Senate Concurrent Resolution 10. I have known the Gallagher and the Sewell families from Elko for many years. In fact, Harvey Sewell, Dorothy's father, was one of the biggest and finest cattle buyers in the state of Nevada. He also was one of the founders of

Nevada National Bank, then known as just Nevada National. I had the privilege of working for him at the bank when he was the chairman of the board for many years.

The other night, just a few weeks ago, my colleague from Assembly District 19, the senator from Eureka, and myself were privileged to attend the mining dinner at UNR where the family donated back to the University Dorothy's medal that she received from the mining society. They wanted it to go back to the University to be theirs forever in her name. Again, I stand in support of Senate Concurrent Resolution 10.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 508—AN ACT relating to taxation; revising provisions governing the imposition, rate and exemptions from the tax on live entertainment; revising provisions governing investigations by the State Gaming Control Board for violations relating to the tax on live entertainment; requiring certain reports concerning exemptions and exclusions from the tax on live entertainment to be provided to the Legislative Commission; requiring certain taxpayers to include information concerning admissions to a place of amusement, sport, recreation or other entertainment in returns filed with the Department of Taxation for the payroll tax; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Legislative Operations and Elections:

Assembly Bill No. 509—AN ACT relating to legislative affairs; revising certain provisions to account for the new constitutional power allowing members of the Legislature to convene a special session; revising certain provisions relating to legislative committees, investigations, hearings and subpoenas; revising certain provisions relating to punishment for acts of contempt committed before legislative bodies; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 320.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 452.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 517.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 430.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Bill No. 502.

Bill read second time and ordered to third reading.

Senate Bill No. 515.

Bill read second time and ordered to third reading.

Senate Bill No. 518.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 215 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 423.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 930.

AN ACT relating to criminal procedure; establishing certain time limitations regarding the disclosure of the factual content of reports of presentence investigations **_ ; [**~~, the objections to such reports and the submission of such reports to a court;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Parole and Probation of the Department of Public Safety to disclose to the prosecuting attorney, the

counsel for the defendant and the defendant the factual content of the report of any: (1) presentence investigation made by the Division and the recommendations of the Division; and (2) general investigation made by the Division. The Division is also required to give each party an opportunity to object to any factual errors in any such report and to comment on any recommendations. (NRS 176.156)

Section 1 of this bill requires the Division to disclose the factual content of the report of any presentence investigation made by the Division and the recommendations of the Division to the prosecuting attorney, the counsel for the defendant, the defendant and the court not later than ~~[21]~~ **7** days before the defendant will be sentenced, unless the defendant waives this minimum period. ~~[Within 7 days after receiving the report, the parties must state in writing any objections to the content of the report. The Division may revise the report and must submit the report and any addendum to the report to the parties and to the court not later than 7 days before the defendant will be sentenced. At the time of sentencing, the court is required to verify that the defendant and his or her counsel have read and discussed the report and any addendum to the report, and may allow a party to make a new objection before the sentence is imposed. Section 1 further provides that if a party fails to object to the accuracy of a report of a presentence investigation before a sentence is imposed, the matter shall be deemed to be waived.]~~ **Sections 3.3, 3.7 and 5 of this bill provide that beginning on March 1, 2014, the minimum period designated pursuant to section 1 becomes 14 days before sentencing, and beginning on October 1, 2014, the minimum period becomes 21 days before sentencing.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ Except as otherwise provided in this ~~[subsection,]~~ section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than ~~[21]~~ 7 days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this ~~[subsection.~~

~~2. Within 7 days after receiving the report of a presentence investigation from the Division pursuant to subsection 1, the parties shall state in writing any objection to the content of the report, including, without limitation, any objection to material information contained in the report and any policy statement contained in or omitted from the report.~~

~~*Any party who objects to the content of the report shall provide a copy of the objection to the opposing party and to the Division.*~~

~~*3. After receiving any objection pursuant to subsection 2, the Division may meet with the parties to discuss the objection. The Division may further investigate and, if appropriate, revise the report.*~~

~~*4. Not later than 7 days before the defendant will be sentenced, the Division shall submit to the court and to the parties the final report of a presentence investigation and, if applicable, an addendum containing:*~~

~~*(a) Any unresolved objections and the grounds therefor.*~~

~~*(b) The Division's comments regarding any such unresolved objections.*~~

~~*5. At the time of sentencing, the court shall:*~~

~~*(a) Verify that the defendant and the counsel for the defendant have read and discussed the final report and any addendum to the final report.*~~

~~*(b) Allow the prosecuting attorney and the counsel for the defendant to comment on the determinations of the Division and other matters relating to an appropriate sentence. The court may, for good cause, allow a party to make a new objection at any time before the sentence is imposed.*~~

~~*(c) For any disputed portion of the final report or other controverted matter:*~~

~~*(1) Set forth written findings of fact or conclusions of law regarding the dispute, which the court shall include in the final report or any addendum to the final report; or*~~

~~*(2) Determine that a ruling is unnecessary because the dispute will not affect the sentencing of the defendant or the court will not consider the matter when sentencing the defendant.*~~

~~*6. If a party fails to object to the accuracy of a report of a presentence investigation before a sentence is imposed, the matter shall be deemed to be waived.*~~

~~*7. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.*~~

~~*8. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:*~~

~~*(a) A sex offender as defined in NRS 213.107; or*~~

~~*(b) An offender who has been determined to be mentally ill.*~~

~~*9. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.*~~

~~*10. Except for the disclosures required by subsections 1, 7, 8 and 9, a report of a presentence investigation and the sources of information for such a report are confidential and must not be made a part of any public record.]*~~ ***section.***

Sec. 2. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 3. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of ~~[~~:

~~(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.~~

~~(b) Any~~] ***any*** general investigation made pursuant to NRS 176.151.

~~[~~.~~]~~ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a ~~[~~presentence investigation or~~]~~ general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a ~~[~~presentence investigation or~~]~~ general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a ~~[~~presentence investigation or~~]~~ general investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a ~~[~~presentence investigation or~~]~~ general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 3.3. **Section 1 of this act is hereby amended to read as follows:**

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than ~~[7]~~ ***14*** days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this section.

Sec. 3.7. **Section 1 of this act is hereby amended to read as follows:**

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than ~~[14]~~ **21** days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this section.

Sec. 4. The amendatory provisions of this act apply to a report of any presentence investigation that is made on or after ~~[July]~~ **October** 1, 2013.

Sec. 5. **1.** This **section and sections 1, 2, 3 and 4 of this** act ~~[becomes]~~ **become** effective on ~~[July]~~ **October** 1, 2013.

2. Section 3.3 of this act becomes effective on March 1, 2014.

3. Section 3.7 of this act becomes effective on October 1, 2014.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 904.

AN ACT relating to energy; revising provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to

participants in the Solar Program and the Wind Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; ~~[revising certain provisions relating to the portfolio standard for renewable energy; providing for aggregate net metering on low-income residential property;]~~ **requiring each electric utility in this State to create a Lower Income Solar Energy Pilot Program; requiring the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to publish certain reports; requiring the Commission to open an investigatory docket relating to the costs and benefits attributable to net metering; extending the prospective expiration of the Solar Program, the Wind Program and the Waterpower Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 3** of this bill establishes the statewide capacity floor for the Solar Program and the limits on incentives paid for each renewable energy program. ~~[Section 3 further authorizes a utility to file with the Public Utilities Commission of Nevada the annual plan required for each of these programs as a single plan.]~~ **Sections 5, 19 and 26** of this bill remove the concept of a "program year" with respect to the renewable energy programs.

Sections 5-7 of this bill require the Public Utilities Commission of Nevada to adopt regulations relating to the provision of market-based incentives under the Solar Program. **Section 7** ~~[of this bill revises provisions governing the incentives for participation in the Solar Program,]~~ requires the Commission to review the incentives and authorizes the Commission to adjust the incentives not more frequently than annually. **Section 7** also provides for an incentive to be paid to a **qualified** participant in the Solar Program in one installment upon proof that the participant has installed and energized the solar energy system and for an incentive to be paid to a **qualified** participant over time which must be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. **Section 7** also provides for the payment of performance-based incentives to a qualified participant in the Solar Program after December 31, 2021. **Section 9** of this bill requires the Commission to establish the categories for participation in the Solar Program **.** ~~[which must, at a minimum, distinguish between residential property, nonresidential property and low-income residential property.]~~ **Section 9** ~~[further requires]~~ **authorizes** the Commission to establish the **criteria and**

capacity limitations for each category. **Section 11** of this bill requires a participant in the Solar Program to participate in net metering.

Section 13 of this bill requires the Commission to establish the categories for participation in the Wind Program. **Section 14** of this bill requires the Commission to adopt regulations establishing a system of incentives for participation in the Wind Program. **Section 14** further provides that the total amount of the incentive paid to a participant in the Wind Program with a nameplate capacity of not more than 500 kilowatts must be paid over time and be based on the performance and amount of electricity generated by the wind energy system. **Section 14** also provides for the payment of performance-based incentives to a qualified participant in the Wind Program after December 31, 2021. **Section 17** of this bill requires a participant in the Wind Program to participate in net metering.

Section 18 of this bill requires the Commission to adopt regulations to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts ~~[.]~~ **, and section 20 of this bill prescribes certain limitations on such incentives. Section 21** of this bill requires a participant in the Waterpower Program to participate in net metering.

Section 21.3 of this bill requires each electric utility in this State to create a Lower Income Solar Energy Pilot Program for the purpose of installing solar distributed generation systems within its service territory for the benefit of low-income customers.

Existing law authorizes certain qualified customers of a utility to participate in net metering. (NRS 704.766-704.775) ~~[Sections 23 and]~~ **Section 24** of this bill ~~[authorize]~~ **authorizes a utility to assess** certain ~~[persons who reside in a residential housing complex located on low-income residential property to participate in aggregate]~~ **charges against certain participants in** net metering **.** ~~[through the use of a net metering system which operates on multiple residential units. Section 23 prescribes the requirements for such an aggregate net metering system, and section 24 requires the Commission to adopt regulations setting forth the conditions under and manner in which qualified residents and tenants may participate.~~

~~Existing law provides that a provider of electric service shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system installed on the premises of retail customers. (NRS 704.7822) Section 25 of this bill provides the same calculation for solar photovoltaic systems installed on the premises of the provider if certain conditions are met.]~~

Existing law authorizes the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to represent

the public interest in any proceeding, including a proceeding to review a proposed rate of an electric utility. Section 25.5 of this bill requires the Consumer's Advocate to publish a report containing certain information if the Consumer's Advocate declines to represent the public interest in a proceeding to review a proposed rate of an electric utility.

Section 26.5 of this bill requires the Commission to open an investigatory docket to evaluate the costs and benefits attributable to net metering in this State.

Sections 25.6-25.9 of this bill extend the prospective expiration of the Wind Program, the Waterpower Program and the Solar Program from December 31, 2021, to December 31, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and 3]~~ **1.5 to 3.5, inclusive,** of this act.

Sec. 1.5. 1. As used in this chapter, unless the context otherwise requires, "installed cost" means the actual, documented cost of tangible materials and labor for the installation of a solar energy system, distributed generation system, wind energy system or waterpower energy system.

2. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Solar energy system" has the meaning ascribed to it in NRS 701B.150.

(c) "Waterpower energy system" has the meaning ascribed to it in NRS 701B.800.

(d) "Wind energy system" has the meaning ascribed to it in NRS 701B.560.

Sec. 2. ***The Legislature hereby finds and declares that it is the policy of this State to:***

1. Expand and accelerate the development of solar distributed generation systems in this State; and

2. Establish a sustainable and self-sufficient solar renewable energy industry in this State in which solar energy systems are a viable mainstream alternative for homes, businesses and other public entities.

Sec. 3. ***1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsection 2, the Public Utilities Commission of Nevada shall [approve] set incentive levels and schedules, with a goal of approving solar energy systems totaling at least [76,478] 250,000 kilowatts of capacity in***

this State for the period beginning on July 1, ~~[2013,]~~ 2010, and ending on December 31, 2021.

2. The Commission shall not authorize the payment of an incentive pursuant to:

(a) The Solar Energy Systems Incentive Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems and solar distributed generation systems to exceed ~~[$333,530,000]~~ $255,270,000 for the period beginning on July 1, ~~[2013,]~~ 2010, and ending on December 31, ~~[2021.]~~ 2025.

(b) The Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed ~~[$60,000,000]~~ $40,000,000 for the period beginning on July 1, ~~[2013,]~~ 2009, and ending on December 31, ~~[2021.]~~ 2025. The Commission shall by regulation determine the ~~[total amount]~~ allocation of incentives for each Program.

3. The Commission may, subject to the limitations prescribed by subsection 2, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

4. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

~~[4.]~~ 5. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Utility" means a public utility that supplies electricity in this State.

Sec. 3.5. A person who submits an application to a utility pursuant to this chapter shall not make any false or misleading statement in the application or in any material which is required to be submitted with the application. As used in this section, "utility" means a public utility that supplies electricity or natural gas in this State.

Sec. 4. NRS 701B.040 is hereby amended to read as follows:

701B.040 "Category" means one of the categories of participation in the Solar Program as set forth in ~~[~~NRS 701B.240.~~]~~ ***regulations adopted by the Commission.***

Sec. 5. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, ***and section 2 of this act,*** including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives ***.*** ~~[~~, except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.~~]~~ ~~*[and prescribe the period, which may be the period required to fully subscribe each step in capacity or the same period covered by a utility's annual plan for carrying out and administering the Solar Program, for a utility to account for those incentives.]*~~ ***The incentives must be market-based incentives that:***

(a) Do not exceed 50 percent of the installed cost of a solar energy system or distributed generation system, as determined by using the average installed cost of the solar energy systems or distributed generation systems, as applicable, installed in the immediately preceding year;

(b) Are designed to maximize the number of customer categories participating in the Solar Program based on demographics and location, including, without limitation, categories for public entities, customers of lower socioeconomic status, nonprofit organizations and commercial, industrial and residential customers; and

(c) Provide for a sustainable Solar Program that maintains sufficient customer participation and that provides for the measured award of incentives to as many participants as possible on or before December 31, 2021.

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; ~~[and]~~

(f) ***Any other information that the Commission requires from the utility as part of the administration of the Solar Program; and***

(g) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems **.** ~~[pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~

Sec. 6. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in ~~[each applicable category of:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property; and~~] ***the Solar Program.***

2. The form and content of the master application.

3. The ~~[period]~~ process for accepting and approving applications, which must ~~[include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a solar energy system within the time allowed by NRS 701B.255.]~~ provide that applications are approved based on the order in which complete applications are submitted and not on a lottery process.

4. A requirement that an authorized representative of any public entity participating in the Solar Program, including participation through a third-party ownership structure, provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the solar energy system or distributed generation system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.

5. A process pursuant to which the utility must transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission which includes any redacted personal identifying information of a customer.

Sec. 7. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing ~~[an incentive]~~ ***the incentives*** for participation in the Solar Program ~~[.]~~ ~~*[and]*~~ **,** ***shall consider whether such***

regulations ensure, to the extent practicable, the cost-effective use of such incentives and predictability for participants, rate payers and utilities ~~*[.]*~~ *and shall maximize to the extent practicable the number of customer categories participating in the Solar Program based on demographics and location, including, without limitation, categories for public entities, customers of lower socioeconomic status, nonprofit organizations and commercial, industrial and residential customers. The regulations must:*

(a) ~~*[Provide]*~~ *For a solar energy system that has a generating capacity of not more than 25 kilowatts, provide for an incentive that must be paid in one installment to a participant for a solar energy system upon proof that the participant has installed and energized the solar energy system;*

(b) ~~*[Provide]*~~ *For a solar energy system that has a generating capacity of more than 25 kilowatts, provide for an incentive that must be paid to a participant over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;*

(c) ~~*[Provide]*~~ *For a solar energy system that has a generating capacity of more than 25 kilowatts, provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:*

(1) The amount of the incentive the participant will receive from the utility;

(2) The period in which the participant will receive an incentive from the utility, which must not exceed ~~*[7]*~~ *5 years;*

(3) That the payments of an incentive to the participant must be made not more frequently than quarterly; and

(4) ~~*[Except as otherwise provided in subsection 3, that]*~~ *That a utility must not be required to issue any new incentive on or after January 1, 2021, or make an incentive payment after December 31,* ~~*[2021;]*~~ *2025;*

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average installed cost of the systems, the cost to the utility of carrying out the Solar Program , ~~*[and]*~~ *the effect of the Solar Program on the rates paid by customers of the utility* ~~*[.]*~~ *and the annual statistical data related to the amount of incentives granted and the number of participants;*

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the ~~*[cost]*~~ *installed costs of* ~~*[installing]*~~ *solar energy systems* ~~*[decreases]*~~ *decrease and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require* ~~*[.]*~~ *;*

(f) Provide that the rate at which incentives decline over time will be published by the Commission, including publication on the Internet

website maintained by the Commission, annually or on such other schedule as necessary to reflect changes in the market; and

(g) Provide that incentives must be made available only to solar energy systems with a nameplate capacity of not more than 500 kilowatts.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not more frequently than annually ~~[.]~~ , as determined necessary by the Commission to reflect changes in the market for solar energy systems and demand for incentives.

3. A contract that is executed between a utility and a participant on or before December 31, 2021, providing for the payment to the participant of an incentive pursuant to paragraph (b) of subsection 1 may provide for the continued payment of such an incentive after December 31, 2021, in accordance with regulations adopted by the Commission.

Sec. 8. NRS 701B.230 is hereby amended to read as follows:

701B.230 1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying out and administering the Solar Program within its service area **.** ~~[for a program year.]~~

2. The Commission shall:

(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Solar Program.

3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the Commission.

4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 9. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The ~~[Solar Program must have three]~~ ***Commission ~~[shall]~~ :***

(a) Shall establish categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property.~~] ***for participation in the Solar Program*** ***[, which must, at a minimum, distinguish between:***

(a) Residential property;

(b) Nonresidential property; and

(c) Low-income residential property.] ***with the goal of maximizing to the extent practicable the number of customer categories participating in the Solar Program based on demographics and location.***

(b) May establish the criteria and capacity for each category.

3. ***For the purpose of establishing categories pursuant to subsection 2, the Commission [shall] may additionally establish [:***

(a) Subcategories, which must include, without limitation, school property, public property and property owned by a nonprofit corporation;

(b) The criteria for qualifying as a participant under each category and subcategory; and

(c) The capacity limitations for each category and subcategory.] ***subcategories which may include, without limitation, schools, public property, low-income customers and nonprofit organizations, and may establish the criteria and capacity for each subcategory.***

4. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the [Commission] ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255; ***and***

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board . [; and

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands on experience of the solar energy system by the public.~~]

Sec. 10. NRS 701B.255 is hereby amended to read as follows:

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility [may] ***shall*** select the applicant for participation in the Solar Program [.] ***, subject to the limitations prescribed by section 3 of this act.***

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility ~~[may]~~ ***shall*** approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the ***installed*** cost of the project and a calculation of the expected system output.

5. Upon receipt of the ***completed*** incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount ***and type*** of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.]~~

Sec. 11. NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 12. NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind Demonstration Program ~~[as set forth in]~~ ***established by the Commission pursuant to subsection 2 of*** NRS 701B.580.

Sec. 13. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The ~~[Program must have four]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property.]~~ ***for participation in the Program.***

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590; ***and***

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board **.** ~~[; and~~

~~(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.]~~

Sec. 14. NRS 701B.590 is hereby amended to read as follows:

701B.590 ***1.*** The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

~~[1.]~~ ***(a)*** The capacity goals for the Program **.** ~~[, which must be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of wind energy systems in this State by 2012 and the goals for each category of the Program.~~

~~2.]~~ ***(b)*** A system of incentives that are based on rebates that decline as the ~~[capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.~~

~~3.]~~ ***installed cost of ~~[installing]~~ wind energy systems declines and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require. The system of incentives must provide:***

(1) Incentives for wind energy systems with a nameplate capacity of not more than 500 kilowatts;

(2) That the amount of the incentive for a participant must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(3) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(I) The amount of the incentive the participant will receive from the utility;

(II) The period in which the participant will receive an incentive from the utility, which must not exceed ~~[7]~~ 5 years;

(III) That the payments of an incentive to the participant must be made not more frequently than quarterly; and

(IV) ~~[Except as otherwise provided in subsection 2, that]~~ That a utility is not required to issue any new incentive on or after January 1, 2021, or make an incentive payment after December 31, ~~[2021.]~~ 2025.

(c) Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average installed cost of the wind energy system, the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by customers of the utility.

(d) The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

(e) The period for accepting applications, which must include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a wind energy system within the time allowed by NRS 701B.615.

(f) The total incentive paid to a participant in the Program, which must not exceed 50 percent of the total installed cost of the wind energy system of the participant.

(g) A requirement that an authorized representative of any public entity participating in the Program, including participation through a third-party ownership structure, must provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the wind energy system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.

(h) A process pursuant to which the utility shall transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission which includes any redacted personal identifying information of a customer.

2. A contract that is executed between a utility and a participant on or before December 31, 2021, providing for the payment to the participant of an incentive pursuant to subparagraph (2) of paragraph (b) of subsection 1 may provide for the continued payment of such an incentive after December 31, 2021, subject to the limitations prescribed by section 3 of this act and in accordance with regulations adopted by the Commission.

Sec. 15. NRS 701B.610 is hereby amended to read as follows:

701B.610 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area **.** ~~[for the following program year.]~~

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 16. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the ***installed*** cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for

participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.]~~

Sec. 17. NRS 701B.650 is hereby amended to read as follows:

701B.650 ~~[If]~~ ***To be eligible for an incentive through the Wind Demonstration Program,*** a wind energy system ~~[used by a participant in the Wind Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 18. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must ~~[be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of waterpower energy systems in this State by 2016 and the goals for each category of the Program. The regulations must]~~ provide that not less than 1 megawatt of capacity ~~[must]~~ be set aside for the installation of waterpower energy systems with a nameplate capacity of 100 kilowatts or less.

2. ***A system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts.***

3. A system of incentives that are based on rebates that decline as the capacity goals for the Program ~~[and the goals for each category of the Program]~~ are met. The rebates must be based on predicted energy savings.

~~[3.]~~ ***4.*** The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

~~*[5. The period for accepting applications, which must include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a waterpower energy system within the time allowed by NRS 701B.865.]*~~

Sec. 19. NRS 701B.850 is hereby amended to read as follows:

701B.850 1. ~~[On]~~ ***Each year on*** or before ~~[February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***the utility's*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower Demonstration Program ***in its service area*** for the ~~[program year beginning July 1, 2008, and each subsequent year thereafter.]~~ ***immediately following 12-month period prescribed by the Commission.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year, the]~~ ***The*** Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation of the Commission ~~[.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 20. NRS 701B.865 is hereby amended to read as follows:

701B.865 1. An applicant who wishes to participate in the Waterpower Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the ***installed*** cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower Demonstration Program, except that ~~[an]~~ ***:***

(a) An applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program ~~[.]~~ ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such~~

~~an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.~~**]** ***; and***

(b) No payment may be made by a utility after December 31, 2025, or made if such payment would otherwise cause the utility to exceed the limitations prescribed by section 3 of this act.

8. The total incentive paid to a participant in the Waterpower Demonstration Program must not exceed 50 percent of the total installed cost of the waterpower energy system of the participant.

9. An authorized representative of any public entity participating in the Waterpower Demonstration Program, including participation through a third-party ownership structure, shall provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the waterpower energy system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.

10. The Commission shall adopt regulations prescribing a process pursuant to which the utility must transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission with any redacted personal identifying information of a customer.

Sec. 21. NRS 701B.880 is hereby amended to read as follows:

701B.880 ~~[~~If~~]~~ ***To be eligible for an incentive through the Waterpower Demonstration Program,*** the waterpower energy system ~~[~~used by a participant in the Waterpower Demonstration Program meets~~]~~ ***must meet*** the requirements ~~[~~of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 21.3. **Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each electric utility in this State shall create a Lower Income Solar Energy Pilot Program for the purpose of installing, before January 1, 2017, distributed generation systems with a cumulative capacity of at least 1 megawatt at locations throughout its service territory which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and schools with significant populations of low-income pupils. Each electric utility shall submit the Program as part of its annual plan submitted pursuant to NRS 701B.230. The Commission shall approve the Program with such modifications and upon such terms and conditions as the Commission deems necessary or appropriate to enable the Program to meet the purposes set forth in this subsection.

2. The Office of Energy shall advise the Commission and each electric utility regarding grants and other sources of money available to defray the costs of the Program.

3. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 701B.055.

Sec. 22. ~~[~~NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

~~9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.~~

~~10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:~~

~~(a) Located on the premises of another person;~~

~~(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and~~

~~(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.~~

~~"As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.~~

~~*11. Persons whose requirements for electricity are offset in whole or in part by a net metering system described in paragraph (d) of subsection 1 of NRS 704.771.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~[~~NRS 704.771 is hereby amended to read as follows:~~

~~704.771 1. "Net metering system" means:~~

~~(a) A facility or energy system for the generation of electricity that:~~

~~(1) Uses renewable energy as its primary source of energy to generate electricity;~~

~~(2) Has a generating capacity of not more than 1 megawatt;~~

~~(3) Is located on the customer-generator's premises;~~

~~(4) Operates in parallel with the utility's transmission and distribution facilities; and~~

~~(5) Is intended primarily to offset part or all of the customer-generator's requirements for electricity;~~

~~(b) A facility or energy system for the generation of electricity that:~~

~~(1) Uses waterpower as its primary source of energy to generate electricity;~~

~~(2) Is located on property owned by the customer-generator;~~

~~(3) Has a generating capacity of not more than 1 megawatt;~~

~~(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and~~

~~(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator; or~~

~~(c) A facility or energy system for the generation of electricity:~~

~~(1) Which uses wind power as its primary source of energy to generate electricity;~~

~~(2) Which is located on property owned or leased by an institution of higher education in this State;~~

~~(3) Which has a generating capacity of not more than 1 megawatt;~~

~~(4) Which operates in parallel with the utility's transmission and distribution facilities;~~

~~(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;~~

~~(6) Which is used for research and workforce training; and~~

~~(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012.~~

~~*(d) A facility or energy system for the generation of electricity that:*~~

~~*(1) Uses solar power as its primary source of energy to generate electricity;*~~

~~*(2) Is a single system operating on two or more residential units located within the same residential housing complex on low-income residential property;*~~

~~*(3) Has an aggregate generating capacity of not more than 1 megawatt;*~~

~~*(4) Operates in parallel with the utility's transmission and distribution facilities; and*~~

~~*(5) Is intended primarily to offset all or part of the requirements for electricity of two or more residents or tenants of the residential housing complex on a pro rata basis.*~~

~~2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:~~

~~(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or~~

~~(b) One hundred percent of the customer-generator's annual requirements for electricity.~~**] (Deleted by amendment.)**

Sec. 24. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all net metering systems operating in this State is equal to ~~[2]~~ ***3*** percent of the total peak capacity of all utilities in this State.

2. If ~~*[Except as otherwise provided in subsection 6, if]*~~ the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) ~~[Shall]~~ ***Except as otherwise provided in subsection 5, shall*** not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If ***~~[Except as otherwise provided in subsection 6, if]~~*** the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c) ~~[.]~~ ***and subsection 5,*** may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

5. ***A utility shall assess against a customer-generator:***

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

6. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

~~***[6. The Commission shall adopt regulations prescribing the manner in which two or more residents or tenants of a residential housing complex located on low-income residential property may participate in net metering. The regulations must include, without limitation:***~~

~~***(a) The qualifications for participation in net metering as a resident or tenant of a residential housing complex located on low-income residential property.***~~

~~***(b) The manner in which consumption and generation of electricity are measured on a pro rata basis.***~~

~~***(c) The manner in which credit is issued to a resident or tenant on a pro rata basis.***~~

~~***(d) Any requirements for the allocation to a resident or tenant of any costs relating to the installation by a utility of metering equipment.]***~~

Sec. 25. ~~[~~NRS 704.7822 is hereby amended to read as follows:~~]~~

~~704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:~~

~~1. The system is installed on the premises of a retail customer~~ ~~***[;] or provider;***~~ ~~and~~

~~2. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer~~ ~~***or provider***~~ ~~on that premises.~~~~]~~~~

(Deleted by amendment.)

Sec. 25.5. **NRS 228.390 is hereby amended to read as follows:**

228.390 ***1.*** Except as otherwise provided in NRS 704.110 and 704.7561 to 704.7595, inclusive:

~~[1.]~~ ***(a)*** The Consumer's Advocate has sole discretion to represent or refrain from representing the public interest and any class of customers in any proceeding.

~~[2.]~~ ***(b)*** In exercising such discretion, the Consumer's Advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his or her participation.

~~[3.]~~ ***(c)*** If the Consumer's Advocate determines that there would be a conflict between the public interest and any particular class of customers or any inconsistent interests among the classes of customers involved in a particular matter, the Consumer's Advocate may choose to represent one of the interests, to represent no interest, or to represent one interest through his or her office and another or others through outside counsel engaged on a case basis.

(d) If the Consumer's Advocate declines to represent the public interest in a proceeding to review a proposed rate of an electric utility, the Consumer's Advocate shall publish a report in support of the decision to decline such representation and make the report available to the public at the Bureau of Consumer Protection and on the Internet website maintained by the Bureau of Consumer Protection. The report must:

(1) Identify each element of the public interest, as may be applicable to the proceeding to review a proposed rate; and

(2) Specify the manner in which each element of the public interest, as identified pursuant to subparagraph (1), is sufficiently represented.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 25.6. Section 113 of chapter 509, Statutes of Nevada 2007, as last amended by section 49 of chapter 412, Statutes of Nevada 2011, at page 2562, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to 75, inclusive, 77 to 82, inclusive, 85 to 94, inclusive, and 95 to 105, inclusive, of this act expire by limitation on December 31, ~~[2021.]~~ **2025.**

Sec. 25.7. Section 13 of chapter 246, Statutes of Nevada 2009, as last amended by section 50 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on December 31, ~~[2021.]~~ **2025.**

Sec. 25.8. Section 21 of chapter 321, Statutes of Nevada 2009, as last amended by section 51 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.85, 1.87, 1.92, 1.93, 1.95 and 4.3 to 9, inclusive, of this act expire by limitation on December 31, ~~[2021.]~~ **2025.**

Sec. 25.9. Section 54 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 54. 1. This section and sections 1, 3 to 42, inclusive, 44, 45, 46, 48 to 51, inclusive, subsection 2 of section 52 and section 53 of this act become effective upon passage and approval.

2. Sections 2, 43, 47 and subsection 1 of section 52 of this act become effective on January 1, ~~[2022.]~~ **2026.**

Sec. 26. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.260, 701B.490 and 701B.760 are hereby repealed.

Sec. 26.5. **1. As soon as practicable after the effective date of this act, the Public Utilities Commission of Nevada shall open an investigatory docket to examine the comprehensive costs of and benefits from net metering in this State, including, without limitation, the costs and benefits to:**

(a) The State of Nevada;

(b) Customer-generators who participate in net metering;

(c) Customers of a utility who do not participate in net metering; and

(d) Each utility which offers net metering.

2. The investigatory docket shall engage a knowledgeable and independent third party to analyze all factors that the Commission deems necessary to determine the costs and benefits described in subsection 1.

3. The following parties may participate in the investigatory docket:

(a) Each utility in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;

(d) Any business operating in the State whose primary business is the installation of distributed generation systems; and

(e) Any other interested parties.

4. On or before October 1, 2014, the Commission shall:

(a) Prepare a written report of its findings and recommendations from the investigatory docket, including, without limitation, a calculation and determination of the total costs of and benefits from net metering.

(b) Submit the written report to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

5. If the report of the Commission concludes that there is a material net benefit or cost attributable to net metering, the Commission shall recommend a methodology for properly allocating and apportioning all of the costs and benefits of net metering among all persons who participate in, benefit from and pay for net metering.

6. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Net metering" has the meaning ascribed to it in NRS 704.769.

(c) "Utility" has the meaning ascribed to it in NRS 704.772.

Sec. 27. The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before April 30, 2014. The regulations must ~~[~~**:**

~~1. Provide]~~ **provide** for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 7 of this act, NRS 701B.590, as amended by section 14 of this act, and NRS 701B.840, as amended by section 18 of this act, for the applicable participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program.

~~[2. Require that the capacity allocated for a participant in the Solar Energy Systems Incentive Program, the Wind Energy Systems~~

~~Demonstration Program or the Waterpower Energy Systems Incentive Program who fails to install and energize the energy system within 12 months after the date on which the applicant is selected for participation in the respective program must be made available to applicants who apply for participation in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program on or after January 1, 2015.~~**]**

Sec. 28. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2015,]~~ **2014,** for all other purposes.

2. Sections 1 to 23, inclusive, of this act expire by limitation on December 31, ~~[2021.]~~ **2025.**

LEADLINES OF REPEALED SECTIONS

701B.060 "Institution of higher education" defined.
701B.100 "Program year" defined.
701B.110 "Public and other property" defined.
701B.120 "Public entity" defined.
701B.130 "School property" defined.
701B.140 "Small business" defined.
701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.
701B.490 "Program year" defined.
701B.760 "Program year" defined.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 922.

AN ACT relating to energy; revising provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising certain provisions relating to the portfolio standard for renewable energy; providing for aggregate net metering on low-income residential property; **establishing the Legislative Committee on Energy;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 3** of this bill establishes the statewide capacity floor for the Solar Program and the limits on incentives paid for each renewable energy program. **Section 3** further authorizes a utility to file with the Public Utilities Commission of Nevada the annual plan required for each of these programs as a single plan. **Sections 5, 19 and 26** of this bill remove the concept of a "program year" with respect to the renewable energy programs.

Section 7 of this bill revises provisions governing the incentives for participation in the Solar Program, requires the Commission to review the incentives and authorizes the Commission to adjust the incentives not more frequently than annually. **Section 7** also provides for an incentive to be paid to a participant in the Solar Program in one installment upon proof that the participant has installed and energized the solar energy system and for an incentive to be paid to a participant over time which must be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. **Section 7** also provides for the payment of performance-based incentives to a qualified participant in the Solar Program after December 31, 2021. **Section 9** of this bill requires the Commission to establish the categories for participation in the Solar Program which must, at a minimum, distinguish between residential property, nonresidential property and low-income residential property. **Section 9** further requires the Commission to establish the capacity limitations for each category. **Section 11** of this bill requires a participant in the Solar Program to participate in net metering.

Section 13 of this bill requires the Commission to establish the categories for participation in the Wind Program. **Section 14** of this bill requires the Commission to adopt regulations establishing a system of incentives for participation in the Wind Program. **Section 14** further provides that the total amount of the incentive paid to a participant in the Wind Program with a nameplate capacity of not more than 500 kilowatts must be paid over time and be based on the performance and amount of electricity generated by the wind energy system. **Section 14** also provides for the payment of performance-based incentives to a qualified participant in the Wind Program after December 31, 2021. **Section 17** of this bill requires a participant in the Wind Program to participate in net metering.

Section 18 of this bill requires the Commission to adopt regulations to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts. **Section 21** of this bill

requires a participant in the Waterpower Program to participate in net metering.

Existing law authorizes certain qualified customers of a utility to participate in net metering. (NRS 704.766-704.775) **Sections 23 and 24** of this bill authorize certain persons who reside in a residential housing complex located on low-income residential property to participate in aggregate net metering through the use of a net metering system which operates on multiple residential units. **Section 23** prescribes the requirements for such an aggregate net metering system, and **section 24** requires the Commission to adopt regulations setting forth the conditions under and manner in which qualified residents and tenants may participate.

Existing law provides that a provider of electric service shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system installed on the premises of retail customers. (NRS 704.7822) **Section 25** of this bill provides the same calculation for solar photovoltaic systems installed on the premises of the provider if certain conditions are met.

Sections 25.1-25.45 and 25.55 of this bill establish the Legislative Committee on Energy and set forth the membership, duties, powers and responsibilities of the Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby finds and declares that it is the policy of this State to:***

1. Expand and accelerate the development of solar distributed generation systems in this State; and

2. Establish a sustainable and self-sufficient solar renewable energy industry in this State in which solar energy systems are a viable mainstream alternative for homes, businesses and other public entities.

Sec. 3. ***1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, the Public Utilities Commission of Nevada shall approve solar energy systems totaling at least 76,478 kilowatts of capacity in this State for the period beginning on July 1, 2013, and ending on December 31, 2021.***

2. The Commission shall not authorize the payment of an incentive pursuant to:

(a) The Solar Energy Systems Incentive Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in

this State for the installation of solar energy systems and solar distributed generation systems to exceed $333,530,000 for the period beginning on July 1, 2013, and ending on December 31, 2021.

(b) The Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed $60,000,000 for the period beginning on July 1, 2013, and ending on December 31, 2021. The Commission shall by regulation determine the total amount of incentives for each Program.

3. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

4. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Utility" means a public utility that supplies electricity in this State.

Sec. 4. NRS 701B.040 is hereby amended to read as follows:

701B.040 "Category" means one of the categories of participation in the Solar Program as set forth in ~~[NRS 701B.240.]~~ ***regulations adopted by the Commission.***

Sec. 5. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives ~~[, except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.]~~ ***and prescribe the period, which may be the period required to fully subscribe each step in capacity or the same period covered by a utility's annual plan for carrying out and administering the Solar Program, for a utility to account for those incentives.***

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

(f) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems **.** ~~[pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~

Sec. 6. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in ~~[each applicable category of:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property; and]~~ ***the Solar Program.***

2. The form and content of the master application.

3. The period for accepting applications, which must include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a solar energy system within the time allowed by NRS 701B.255.

Sec. 7. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing ~~[an incentive]~~ ***the incentives*** for participation in the Solar Program ~~[.]~~ ***and shall consider whether such regulations ensure, to the extent practicable, the cost-effective use of such incentives and predictability for participants, rate payers and utilities. The regulations must:***

(a) Provide for an incentive that must be paid in one installment to a participant for a solar energy system upon proof that the participant has installed and energized the solar energy system;

(b) Provide for an incentive that must be paid to a participant over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;

(c) Provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) The period in which the participant will receive an incentive from the utility, which must not exceed 7 years;

(3) That the payments of an incentive to the participant must be made not more frequently than quarterly; and

(4) Except as otherwise provided in subsection 3, that a utility must not be required to make an incentive payment after December 31, 2021;

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average cost of the systems, the cost to the utility of carrying out the Solar Program and the effect of the Solar Program on the rates paid by customers of the utility; and

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the cost of installing solar energy systems decreases and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not more frequently than annually.

3. A contract that is executed between a utility and a participant on or before December 31, 2021, providing for the payment to the participant of an incentive pursuant to paragraph (b) of subsection 1 may provide for the continued payment of such an incentive after December 31, 2021, in accordance with regulations adopted by the Commission.

Sec. 8. NRS 701B.230 is hereby amended to read as follows:

701B.230 1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying out and administering the Solar Program within its service area **.** ~~[for a program year.]~~

2. The Commission shall:

(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Solar Program.

3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the Commission.

4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 9. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The ~~[Solar Program must have three]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property.]~~ ***for participation in the Solar Program, which must, at a minimum, distinguish between:***

(a) Residential property;

(b) Nonresidential property; and

(c) Low-income residential property.

3. ***For the purpose of establishing categories pursuant to subsection 2, the Commission shall additionally establish:***

(a) Subcategories, which must include, without limitation, school property, public property and property owned by a nonprofit corporation;

(b) The criteria for qualifying as a participant under each category and subcategory; and

(c) The capacity limitations for each category and subcategory.

4. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255; ***and***

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board ***.*** ~~[; and~~

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands on experience of the solar energy system by the public.~~**]**

Sec. 10. NRS 701B.255 is hereby amended to read as follows:

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility may select the applicant for participation in the Solar Program.

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility may approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

5. Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. **[**~~An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.~~**]**

Sec. 11. NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 12. NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind Demonstration Program ~~[as set forth in]~~ ***established by the Commission pursuant to subsection 2 of*** NRS 701B.580.

Sec. 13. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The ~~[Program must have four]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property.]~~ ***for participation in the Program.***

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590; ***and***

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board . ~~[; and~~

~~(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.]~~

Sec. 14. NRS 701B.590 is hereby amended to read as follows:

701B.590 ***1.*** The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

~~[1.]~~ ***(a)*** The capacity goals for the Program . ~~[, which must be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of wind energy systems in this State by 2012 and the goals for each category of the Program.~~

~~2.]~~ ***(b)*** A system of incentives that are based on rebates that decline as the ~~[capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.~~

~~3.~~] ***cost of installing wind energy systems declines and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require. The system of incentives must provide:***

(1) Incentives for wind energy systems with a nameplate capacity of not more than 500 kilowatts;

(2) That the amount of the incentive for a participant must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(3) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(I) The amount of the incentive the participant will receive from the utility;

(II) The period in which the participant will receive an incentive from the utility, which must not exceed 7 years;

(III) That the payments of an incentive to the participant must be made not more frequently than quarterly; and

(IV) Except as otherwise provided in subsection 2, that a utility is not required to make an incentive payment after December 31, 2021.

(c) Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average cost of the wind energy system, the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by customers of the utility.

(d) The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

(e) The period for accepting applications, which must include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a wind energy system within the time allowed by NRS 701B.615.

2. A contract that is executed between a utility and a participant on or before December 31, 2021, providing for the payment to the participant of an incentive pursuant to subparagraph (2) of paragraph (b) of subsection 1 may provide for the continued payment of such an incentive after December 31, 2021, in accordance with regulations adopted by the Commission.

Sec. 15. NRS 701B.610 is hereby amended to read as follows:

701B.610 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area **.** [~~for the following program year.~~]

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 16. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the~~

~~date on which the applicant completes the installation of the wind energy system.]~~

Sec. 17. NRS 701B.650 is hereby amended to read as follows:

701B.650 ~~[If]~~ ***To be eligible for an incentive through the Wind Demonstration Program,*** a wind energy system ~~[used by a participant in the Wind Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 18. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must ~~[be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of waterpower energy systems in this State by 2016 and the goals for each category of the Program. The regulations must]~~ provide that not less than 1 megawatt of capacity ~~[must]~~ be set aside for the installation of waterpower energy systems with a nameplate capacity of 100 kilowatts or less.

2. ***A system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts.***

3. A system of incentives that are based on rebates that decline as the capacity goals for the Program ~~[and the goals for each category of the Program]~~ are met. The rebates must be based on predicted energy savings.

~~[3.]~~ ***4.*** The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

5. The period for accepting applications, which must include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a waterpower energy system within the time allowed by NRS 701B.865.

Sec. 19. NRS 701B.850 is hereby amended to read as follows:

701B.850 1. ~~[On]~~ ***Each year on*** or before ~~[February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***the utility's*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower Demonstration Program ***in its service area*** for the ~~[program year beginning July 1, 2008, and each subsequent year thereafter.]~~ ***immediately following 12-month period prescribed by the Commission.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year, the]~~ ***The*** Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation of the Commission ~~[.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 20. NRS 701B.865 is hereby amended to read as follows:

701B.865 1. An applicant who wishes to participate in the Waterpower Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.]~~

Sec. 21. NRS 701B.880 is hereby amended to read as follows:

701B.880 ~~[If]~~ ***To be eligible for an incentive through the Waterpower Demonstration Program,*** the waterpower energy system ~~[used by a~~

~~participant in the Waterpower Demonstration Program meets~~**]** ***must meet*** the requirements **[**~~of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~**]** ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 22. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

11. Persons whose requirements for electricity are offset in whole or in part by a net metering system described in paragraph (d) of subsection 1 of NRS 704.771.

Sec. 23. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means:

(a) A facility or energy system for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy to generate electricity;

(2) Has a generating capacity of not more than 1 megawatt;

(3) Is located on the customer-generator's premises;

(4) Operates in parallel with the utility's transmission and distribution facilities; and

(5) Is intended primarily to offset part or all of the customer-generator's requirements for electricity;

(b) A facility or energy system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator; or

(c) A facility or energy system for the generation of electricity:

(1) Which uses wind power as its primary source of energy to generate electricity;

(2) Which is located on property owned or leased by an institution of higher education in this State;

(3) Which has a generating capacity of not more than 1 megawatt;

(4) Which operates in parallel with the utility's transmission and distribution facilities;

(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;

(6) Which is used for research and workforce training; and

(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012.

(d) A facility or energy system for the generation of electricity that:

(1) Uses solar power as its primary source of energy to generate electricity;

(2) Is a single system operating on two or more residential units located within the same residential housing complex on low-income residential property;

(3) Has an aggregate generating capacity of not more than 1 megawatt;

(4) Operates in parallel with the utility's transmission and distribution facilities; and

(5) Is intended primarily to offset all or part of the requirements for electricity of two or more residents or tenants of the residential housing complex on a pro rata basis.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred percent of the customer-generator's annual requirements for electricity.

Sec. 24. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all net metering systems operating in this State is equal to 2 percent of the total peak capacity of all utilities in this State.

2. ~~[If]~~ ***Except as otherwise provided in subsection 6, if*** the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. ~~[If]~~ ***Except as otherwise provided in subsection 6, if*** the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

5. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

6. The Commission shall adopt regulations prescribing the manner in which two or more residents or tenants of a residential housing complex located on low-income residential property may participate in net metering. The regulations must include, without limitation:

(a) The qualifications for participation in net metering as a resident or tenant of a residential housing complex located on low-income residential property.

(b) The manner in which consumption and generation of electricity are measured on a pro rata basis.

(c) The manner in which credit is issued to a resident or tenant on a pro rata basis.

(d) Any requirements for the allocation to a resident or tenant of any costs relating to the installation by a utility of metering equipment.

Sec. 25. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer ~~[.]~~ ***or provider;*** and

2. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer ***or provider*** on that premises.

Sec. 25.1. **Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 25.2 to 25.45, inclusive, of this act.**

Sec. 25.2. ***As used in sections 25.2 to 25.45, inclusive, of this act, unless the context otherwise requires, "Committee" means the Legislative Committee on Energy.***

Sec. 25.25. ***1. The Legislative Committee on Energy, consisting of eight legislative members, is hereby created. The membership of the Committee consists of:***

(a) Four members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 25.3. 1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Committee.

3. Five members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 25.4. 1. The Committee may:

(a) Evaluate, review and comment upon matters related to energy policy within this State, including, without limitation:

(1) Policies, plans or programs relating to the production, consumption or use of energy in this State;

(2) Legislative measures regarding energy policy;

(3) The effect of any policy, plan, program or legislation on rates or rate payers;

(4) The effect of any policy, plan, program or legislation on economic development in this State;

(5) The effect of any policy, plan, program or legislation on the environment;

(6) Any contracts or requests for proposals relating to the purchase of capacity;

(7) The effect of any policy, plan, program or legislation which provides for the construction or acquisition of facilities for the generation of electricity;

(8) The effect of any policy, plan, program or legislation on the development of a market in this State for electricity generated from renewable energy;

(9) The infrastructure and transmission requirements of any policy, plan, program or legislation; and

(10) Any other matters or topics that, in the determination of the Committee, affect energy policy in this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which energy policy may be implemented or improved.

2. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701.070.

Sec. 25.45. 1. If the Committee conducts investigations or holds hearings pursuant to paragraph (b) of subsection 1 of section 25.4 of this act:

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required

by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. Upon such a petition, the court shall:

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

Sec. 25.55. **Section 25.4 of this act is hereby amended to read as follows:**

Sec. 25.4. 1. The Committee may:

(a) Evaluate, review and comment upon matters related to energy policy within this State, including, without limitation:

(1) Policies, plans or programs relating to the production, consumption or use of energy in this State;

(2) Legislative measures regarding energy policy;

(3) ***The progress made by this State in satisfying the goals and objectives of Senate Bill No. 123 of the 77th Session of the Nevada Legislature;***

(4) The effect of any policy, plan, program or legislation on rates or rate payers;

~~[(4)]~~ ***(5)*** The effect of any policy, plan, program or legislation on economic development in this State;

~~[(5)]~~ ***(6)*** The effect of any policy, plan, program or legislation on the environment;

~~[(6)]~~ ***(7)*** Any contracts or requests for proposals relating to the purchase of capacity;

~~[(7)]~~ ***(8)*** The effect of any policy, plan, program or legislation which provides for the construction or acquisition of facilities for the generation of electricity;

~~[(8)]~~ ***(9)*** The effect of any policy, plan, program or legislation on the development of a market in this State for electricity generated from renewable energy;

~~[(9)]~~ ***(10)*** The infrastructure and transmission requirements of any policy, plan, program or legislation; and

~~[(10)]~~ ***(11)*** Any other matters or topics that, in the determination of the Committee, affect energy policy in this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which energy policy may be implemented or improved.

2. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701.070.

Sec. 26. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.260, 701B.490 and 701B.760 are hereby repealed.

Sec. 27. The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before April 30, 2014. The regulations must:

1. Provide for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 7 of this act, NRS 701B.590, as amended by section 14 of this act, and NRS 701B.840, as amended by section 18 of this act, for the applicable participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program.

2. Require that the capacity allocated for a participant in the Solar Energy Systems Incentive Program, the Wind Energy Systems

Demonstration Program or the Waterpower Energy Systems Incentive Program who fails to install and energize the energy system within 12 months after the date on which the applicant is selected for participation in the respective program must be made available to applicants who apply for participation in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program on or after January 1, 2015.

Sec. 28. 1. This ~~[act becomes]~~ **section and sections 1 to 25, inclusive, 26 and 27 of this act become** effective:

(a) Upon passage and approval for the purpose of adopting regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2015, for all other purposes.

2. **Sections 25.1 to 25.45, inclusive, of this act become effective on July 1, 2013.**

3. Section 25.55 of this act becomes effective at 12:01 a.m. of July 1. 2013, if, and only if, Senate Bill No. 123 of this session is enacted by the Legislature and becomes effective.

4. Sections 1 to 23, inclusive, of this act expire by limitation on December 31, 2021.

LEADLINES OF REPEALED SECTIONS

701B.060 "Institution of higher education" defined.
701B.100 "Program year" defined.
701B.110 "Public and other property" defined.
701B.120 "Public entity" defined.
701B.130 "School property" defined.
701B.140 "Small business" defined.
701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.
701B.490 "Program year" defined.
701B.760 "Program year" defined.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 388 provides that certain facilities that generate electricity from geothermal energy are eligible for a partial abatement of taxes. The measure excludes from the calculation of portfolio energy credits the energy used by a portfolio energy system for its basic operations for any system placed into operation after December 1, 2015, under certain circumstances. The bill also enacts certain provisions related to claims or causes of action relating to a renewable energy project located on Indian tribal land.

Roll call on Assembly Bill No. 388:

YEAS—36.

NAYS—Duncan, Ellison, Hansen, Livermore, Wheeler—5.

EXCUSED—Pierce.

Assembly Bill No. 388 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413.

Bill read third time.

Remarks by Assemblywomen Carlton and Benitez-Thompson.

ASSEMBLYWOMAN CARLTON:

We went through a long description of Assembly Bill 413 yesterday. This is known as our fuel tax bill. It is enabling legislation for the county to make some of the decisions on their fuel taxation. They so desperately come to us every session and ask that they get to have more say in what they do in their county. In this particular bill, we are giving them that option. I would be happy to defer to the Assistant Minority Leader for any questions that the body has.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Regarding Assembly Bill 413, indexing has worked very well for Washoe County running critical infrastructure for the community and creating construction jobs. I am sure Clark County will benefit in the way that Washoe County has. I look forward to it. But there are parts of this bill that I understand adversely impact Washoe County. I understand those are going to be addressed on the other side, so I will be supporting Assembly Bill 413 with that in mind.

Roll call on Assembly Bill No. 413:

YEAS—34.

NAYS—Duncan, Ellison, Fiore, Hambrick, Livermore, Oscarson, Wheeler—7.

EXCUSED—Pierce.

Assembly Bill No. 413 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 425, as amended, makes various changes to the Nevada Insurance Code for the purposes of implementing certain provisions of federal law. Additionally, A.B. 425, as amended, establishes a regulatory structure for exchange enrollment facilitators who will be certified by

the Commissioner of Insurance and appointed as navigators or assistors by the Silver State Health Insurance Exchange.

The provisions of the bill related to the regulation of exchange enrollment facilitators are effective upon passage and approval. The provisions of the bill revising statutes to conform with federal law are effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Roll call on Assembly Bill No. 425:

YEAS—40.

NAYS—Fiore.

EXCUSED—Pierce.

Assembly Bill No. 425 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 488, as amended, implements the transfer of several activities within the Department of Health and Human Services. The Health Division would be renamed as the Division of Public and Behavioral Health, and mental health services would be transferred from the Division of Mental Health and Developmental Services to the renamed division to create a holistic health care approach which integrates services for both the body and mind. To create a continuum of care to serve individuals with disabilities across the lifespan within one state agency, developmental services from the Division of Mental Health and Developmental Services and Early Intervention Services from the existing Health Division would transfer to the Aging and Disability Services Division. As a result of these transfers, the Division of Mental Health and Developmental Services would be eliminated.

In addition, this bill renames the Commission on Mental Health and Developmental Services as the Commission on Behavioral Health and replaces the State Health Officer with a Chief Medical Officer. This bill implements recommendations included in the Executive Budget for the 2013-15 biennium. Assembly Bill 488, as amended, becomes effective on July 1, 2013.

Roll call on Assembly Bill No. 488:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 488 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 423, just returned from the printer, be placed on the General File.

Motion carried.

Assembly Bill No. 423.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 936.

AN ACT relating to criminal procedure; establishing certain time limitations regarding the disclosure of the factual content of reports of presentence investigations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Parole and Probation of the Department of Public Safety to disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of any: (1) presentence investigation made by the Division and the recommendations of the Division; and (2) general investigation made by the Division. The Division is also required to give each party an opportunity to object to any factual errors in any such report and to comment on any recommendations. (NRS 176.156)

Section 1 of this bill requires the Division to disclose the factual content of the report of any presentence investigation made by the Division and the recommendations of the Division to the prosecuting attorney, the counsel for the defendant, the defendant and the court not later than 7 **working** days before the defendant will be sentenced, unless the defendant waives this minimum period. **Sections 3.3, 3.7 and 5** of this bill provide that beginning on March 1, 2014, the minimum period designated pursuant to **section 1** becomes 14 **working** days before sentencing, and beginning on October 1, 2014, the minimum period becomes 21 **working** days before sentencing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

***Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 7 working days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this* section.**

Sec. 2. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 3. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of :

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division ~~[.]~~ ***, in the period provided in section 1 of this act.***

(b) Any ~~***[any]***~~ general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 3.3. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than ~~[7]~~ ***14*** working days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this section.

Sec. 3.7. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than ~~[14]~~ ***21*** working days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division. The defendant may waive the minimum period required by this section.

Sec. 4. The amendatory provisions of this act apply to a report of any presentence investigation that is made on or after October 1, 2013.

Sec. 5. 1. This section and sections 1, 2, 3 and 4 of this act become effective on October 1, 2013.

2. Section 3.3 of this act becomes effective on March 1, 2014.

3. Section 3.7 of this act becomes effective on October 1, 2014.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 44, 164, 464, 465, 467, 490; Senate Joint Resolution No. 8, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Daly, Benitez-Thompson, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 283.

Madam Speaker appointed Assemblymen Bustamante Adams, Neal, and Kirner as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 66.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Frierson moved that the Assembly do not recede from its action on Amendment No. 871 to Senate Bill No. 179, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Frierson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Horne, Spiegel, and Fiore as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 179.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Frierson moved that the Assembly do not recede from its action on Amendment No. 777 to Senate Bill No. 280, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Frierson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Frierson, Carlton, and Duncan as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 280.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 8, 10, 20, 35, 44, 48, 54, 64, 83, 86, 87, 97, 99, 116, 126, 147, 156, 170, 172, 189, 200, 209, 227, 233, 284, 300, 303, 306, 345, 346, 348, 364, 365, 374, 442, 448, 449, 455, 456, 459, 460, 471, 478, 483, 494; Assembly Joint Resolution No. 3; Senate Bills Nos. 27, 55, 58, 94, 99, 107, 131, 177, 208, 220, 224, 229, 230, 235, 237, 269, 278, 301, 303, 314, 319, 383, 384, 399, 405, 414, 423, 427, 443, 446, 447, 463, 466, 469, 478, 498; Senate Joint Resolution No. 14 of the 76th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Thorne; the following students from Hummel Elementary School: Paul Bunch, Brett Rowland, Colby Rowland, Matthew Eager, Bell Morales, Lannah Lee, Carroll Madeline, Seth Ruggiero, Sierra Abanilla, Steven Green, Noah Lee, Diego Ruiz, Kyle Barbosa, Wesley Gonzalez, Landon Boccadoro, Jordan Rae, Taryn Harris, Ryan Kelly, Joshua Rawlins, Benjemin Caudell, Aaron Lopez, Cindy Sanchez, Cole Frey, Isiah Revis, Alston McDonald, Agustino Morgan, Vincent Weisman, Isabella Mateo, Tristan Garcia, Gina Purkett, Phoebe McCormick, Cole Steffanich, Steven Gutterman, Isaiah Cottrell, Ethan Leeds, and Fredrica Archibold; and the following students from Elise L. Wolff Elementary School: Ian Adison, Benjamin Boyle, Caleb Brimhall, Morgan Czyzyk, Danielle Damiani,

Whitney Donley, Damien Floatos, Noah Gilliland, Benjamin Hassett, Katelyn Hunter, Noy Jerassi Etzion, James Kim, Holden Kimura, Emily Lantz, Katrina Miranda, Sheri Mozingo, Laurie Hunter, Benjamin Brimhall, Joseph Damiani, Timothy Boyle, Jenna Berg, Alexis Carman, Julia Castro, Austin Cates, Pristine Chan, Sailor Chapman, Ashley Coulter, Ben Crandall, Darren Danlag, Kameron Franklin, Bennett Griffin, Connor Hadley, Izabella Ho, Oriauna Jennings, Corinna Moosman, Robert Morton, Erika Nelson, Kaitlyn Polhemus, Karsyn Sadler, Sydney Slayton, Kennedy Thomsen, Paul Berg, Michael Carman, Aireen Alvarez Danlag, Deborah Polhemus, Hoa Dao, Mariebelle Tabalba-Coulter, Aiden Benoualid, Evan Benson, Parker Dahling, Fiona Dimailig, Adam DiMaio, Brady Galbraith, Jayla Haltom, Alexandra Hassett, Nao Ihara, Yuuma Ishii, Andrew Marshall, Jenessa Phillips, Aidan Quigley, Mikayla Quintin, Sahar Shora, Darren DiMaio, Katrina Hassett, Christie Benoualid, Sarah Marshall, Kristina Quigley, Baker Lake, Robert Burgess, Joseph DiSorbo, Lara Fisch, Liam Fitzpatrick, Caitlin Glatt, Haley Kurz, Jacob Murdy, Paris Peterson, Madison Pierce, Mia Richardson, Mate'a Sahagun, Devin Salinas, Regan Shane, Daniel Spangler, Kael Tejada, Silva Bikarian, Myrna Obregon, Karie O'Horo, Aaron Asare, Lisa Bacco, Joshua Banks, Bryce Becker, Ashton Boyer, Katelynn Cariveau, Nicolas DiGiacomo, Lynsey Fjelsted, Dominick Floratos, Eliana Goroc, Elle Harris, Jacquez Johnson, Colleen Keene, Patricia Kuljis, Talmage Leishman, Charles Martin, Alaina Medina, Carson Murphy, Emma Noriega, Brooke Ritchie, Trent Schwartz, William Siffermann Brown, Aubrey Sundling, Tamra Baldauf, Sherry Harris, Sabrina Noriega, Craig Fjelsted, Jerry Ritchie, Stacy Sundling, Joseph Baldauf, Steve Vott, Jaden White, Morgan Whittle, Janiffer Whittle, Shabnam Vott, Ron Kurz, Jennifer Glatt, Christine Gamble, Deborah Harbin, Ryan Mozingo, Jacob Olsen-Campos, and Anthony Simmons.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Gallagher Jr., Frank Gallagher, Sally Gallagher, Bonnie Gallagher, Jason Geddes, and Daniel J. Klaich.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Scott G. Wasserman.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to John Wall.

Assemblyman Horne moved that the Assembly adjourn until Saturday, June 1, 2013, at 12 noon.

Motion carried.

Assembly adjourned at 6:04 p.m.

Approved

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 1, 2013

Assembly called to order at 12:43 p.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by Assemblyman Randy Kirner.

O' God, our Father, Thou Searcher of Men's Hearts, help us draw near to Thee in sincerity and truth.

Strengthen and increase our admiration for honest dealing and clean thinking. Make us to choose the harder right instead of the easier wrong, and never to be content with half-truth when the whole can be won. Endow us with the courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice, and knows no fear when truth and right are in jeopardy. Guard us against flippancy and irreverence in the sacred things of life. Kindle our hearts in fellowship with those of a cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. Help us to maintain the honor of our privilege to serve as we strive to do our duty on behalf of our constituency and the citizens of Nevada.

We bring a special petition on behalf of our colleague Senator Woodhouse and her family. Be with her during these difficult times. We give You thanks for returning Assemblywoman Pierce to our body.

All of which we ask in the Name of the Great Friend and Master of Men.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly suspend section 4 of Assembly Standing Rule 57 for the remainder of the session for the purpose of allowing the committees to take final action on the bills and resolutions on the same day they are heard.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 1, 31, 80, 228, 311, 344, 362, 370, 408, 419, 436, 480, 499.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 24, Amendment No. 874; Assembly Bill No. 67,

Amendment No. 912; Assembly Bill No. 414, Amendment No. 918, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 98, Senate Amendment No. 734, and requests a conference, and appointed Senators Kihuen, Jones and Hammond as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 349, Senate Amendment No. 831, and requests a conference, and appointed Senators Hardy, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Parks, Spearman and Hardy as a Conference Committee concerning Senate Bill No. 228.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Parks, Segerblom and Hardy as a Conference Committee concerning Senate Bill No. 410.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Jones, Manendo and Goicoechea as a Conference Committee concerning Senate Joint Resolution No. 9.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 414.

The following Senate amendment was read:

Amendment No. 918.

AN ACT relating to education; requiring instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator to be included, to the extent money is available for this purpose, within the course of study for health for pupils enrolled in **middle schools, junior high schools or** high schools; providing exceptions for certain pupils; requiring private secondary schools to include similar instruction, to the extent money is available for this purpose, in a course of study for health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates, in addition to the core academic subjects that must be taught in all public schools, the following subjects that must be taught as applicable for grade levels: (1) the arts; (2) computer education and technology; (3) health; and (4) physical education. (NRS 389.018) The State Board of Education is required to adopt regulations establishing the courses of study for the prescribed academic subjects, including health. (NRS 389.0185) **Sections 1 and 2** of this bill require a course of study in health established by the State Board to include, for pupils enrolled in **middle schools, junior high schools or** high schools and to the extent money is available for this purpose, instruction in the administration of

cardiopulmonary resuscitation and the use of an automated external defibrillator. The requirements also apply, to the extent money is available for this purpose, to charter schools that enroll pupils at ~~[the high school]~~ **those** grade levels. If instruction is offered, a pupil who is enrolled in a course of study of health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

Existing law requires a private school to provide instruction in the courses of study prescribed by the State Board or courses of study prepared by the private school and approved by the State Board. (NRS 394.130) **Section 3** of this bill requires a private secondary school which provides a course of study in health to include in the course of study, to the extent money is available for this purpose, instruction in the administration of cardiopulmonary resuscitation and the use of an automated external defibrillator for the grade levels determined by the private school. The same exemptions as prescribed by **section 2** apply to a pupil enrolled in a private school through a program of distance education and a pupil with a disability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. ~~[~~Unless~~]~~ ***Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless*** a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 2. NRS 389.0185 is hereby amended to read as follows:

389.0185 ***1.*** The State Board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

~~[~~1.~~]~~ ***(a)*** The academic subjects set forth in NRS 389.018. ***A course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018 must, to the extent money is available for this purpose, for pupils enrolled in middle school, junior high school or high school, including, without limitation, pupils enrolled in ~~[the high school]~~ those grade levels at a charter school, include instruction in:***

(1) The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and

(2) The use of an automated external defibrillator.

~~[~~2.~~]~~ ***(b)*** Citizenship and physical training for pupils enrolled in high school.

~~[~~3.~~]~~ ***(c)*** Physiology, hygiene and ***, except as otherwise prescribed by paragraph (a),*** cardiopulmonary resuscitation.

~~[~~4.~~]~~ ***(d)*** The prevention of suicide.

~~[5.]~~ ***(e)*** Instruction relating to child abuse.

~~[6.]~~ ***(f)*** The economics of the American system of free enterprise.

~~[7.]~~ ***(g)*** American Sign Language.

~~[8.]~~ ***(h)*** Environmental education.

~~[9.]~~ ***(i)*** Adult roles and responsibilities.

➥ A course of study established for ~~[subsection 1]~~ ***paragraph (a)*** may include one or more of the subjects listed in ~~[subsections 2 to 9,]~~ ***paragraphs (b) to (i),*** inclusive.

2. If a course of study in health in middle school, junior high school or high school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district pursuant to NRS 391.092 or by the governing body of the charter school.

(b) The board of trustees of the school district or the governing body of the charter school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

Sec. 3. NRS 394.130 is hereby amended to read as follows:

394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the ~~[State]~~ Board ~~[of Education]~~ or under courses of study prepared by such private schools and approved by the ~~[State]~~ Board **.** ~~[of Education.]~~

2. ***A course of study in health provided at a private secondary school must include, to the extent money is available for this purpose and for the grade levels determined by the private school, instruction in:***

(a) The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and

(b) The use of an automated external defibrillator.

3. If a course of study in health in a private secondary school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:

(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation.

(b) The private school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.

4. Such private schools shall be required to furnish from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools.

~~[3.]~~ ***5.*** Nothing in this section shall be so construed as:

(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.

(b) To give such private schools any right to share in the public school funds apportioned for the support of the public schools of this State.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved that the Assembly concur in the Senate Amendment No. 918 to Assembly Bill No. 414.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

The amendment makes a very small change allowing the AED course to be taught in middle school.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 762.

AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the set aside and use of certain revenues from taxes imposed on property in a redevelopment area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any

property within the boundaries of a redevelopment area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency of a city or county before January 1, 1991, terminates at the end of the fiscal year in which the later of the following events occurs: (1) the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid; or (2) 45 years after the date on which the original redevelopment plan was adopted. (NRS 279.438) **Section 1.5** of this bill extends the deadline for that second event from 45 years to 60 years with respect to a redevelopment plan adopted by the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) if certain requirements are met.

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) **Section 2** of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to make available to the general public a detailed report concerning such a proposed expenditure for land or improvements by the agency at least ~~[7]~~ **14** days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure.

Under existing law, a redevelopment agency that has adopted a redevelopment plan for a redevelopment area on or after July 1, 2011, is required to submit soon after the adoption of the plan one report to the Legislature and the governing body of the city or county, as applicable, containing certain initial information about the redevelopment area. Existing law also requires a redevelopment agency that has adopted a redevelopment plan for a redevelopment area at any time to submit to the Legislature and the governing body of the city or county, as applicable, an annual report containing information about the redevelopment area for the previous fiscal year. (NRS 279.6025) **Section 3** of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to include certain additional information in the annual report.

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is required to set aside 18 percent of the revenue received from taxes levied upon taxable property in a redevelopment area each year to increase, improve and preserve the number of: (1) dwelling units

in the community for low-income households; and (2) educational facilities within the redevelopment area. **Section 3.5** of this bill instead requires that 18 percent of such revenues received on or after October 1, 2011, but before March 6, 2031, be set aside to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. **Section 3.5** requires that on or after March 6, 2031, 18 percent of such revenues be set aside and used to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. **Section 1** of this bill prohibits a school district from using any money received pursuant to **section 3.5** to reduce or supplant the amount of any money which the school district would otherwise expend to improve such public educational facilities.

Section 5 of this bill eliminates the prohibition in existing law against a city or county creating a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 or paragraph (c) of subsection 1 of NRS 279.685 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 and paragraph (c) of subsection 1 of NRS 279.685, respectively.

Sec. 1.5. NRS 279.438 is hereby amended to read as follows:

279.438 ***1.*** A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or ***:***

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met,

45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if ~~***[,]***~~ ***the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the*** ~~***[redevelopment plan would otherwise terminate pursuant to paragraph (b) of subsection 1:]***~~ ***extension is adopted:***

(a) The assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted;

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and

(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.

Sec. 2. NRS 279.486 is hereby amended to read as follows:

279.486 1. An agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. Within ~~***[7]***~~ ***14 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:***

(a) A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.

(b) A summary of the redevelopment project which includes, without limitation:

(1) A full and complete description of:

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any bonds issued or sold to finance the project.

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent ~~[,]~~ ***to an action proposed by the agency pursuant to subsection 1,*** it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➥ Those determinations by the agency and the legislative body are final and conclusive.

~~[2.]~~ ***4.*** In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

~~[3.]~~ ***5.*** If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 3. NRS 279.6025 is hereby amended to read as follows:

279.6025 1. In addition to the report required pursuant to the provisions of subsection 2, for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586 on or after July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

(a) A legal description of the boundaries of the redevelopment area;

(b) The date on which the redevelopment plan for the redevelopment area was adopted;

(c) The scheduled termination date of the redevelopment plan;

(d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan; and

(2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;

(e) The combined overlapping tax rate of the redevelopment area;

(f) The property tax rate of the redevelopment area;

(g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area

during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;

(h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and

(i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

(a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;

(b) The combined overlapping tax rate of the redevelopment area;

(c) The property tax rate of the redevelopment area;

(d) The total sum of the assessed value of the taxable property in the redevelopment area;

(e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;

(f) Copies of any memoranda of understanding into which the agency enters;

(g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and

(h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. ***In addition to the information required pursuant to the provisions of subsection 2, an agency of a city whose population is 500,000 or more shall include in the report submitted pursuant to subsection 2 the following information for the redevelopment area for the previous fiscal year:***

(a) A statement of all revenues and expenditures of the agency.

(b) A statement of efforts by the agency to promote the goals of the regional development authority, as defined in NRS 231.009, including, without limitation, an explanation of the extent to which the activities of the agency have promoted private investment, the formation of businesses and the creation of jobs.

4. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

Sec. 3.5. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; ~~[and]~~

(b) Eighteen percent of that revenue received on or after October 1, 2011, ***but before March 6, 2031,*** to ~~[increase,]~~ ***:***

(1) Increase, improve ***,*** ~~[and]~~ preserve ~~[the number of:~~

~~(1) Dwelling]~~ ***or enhance the operating viability of dwelling*** units in the community for low-income households; and

(2) ~~[Educational]~~ ***Improve existing public educational*** facilities ***located*** within ~~[the]~~ ***a*** redevelopment area ~~[.]~~ ***or within 1 mile of a redevelopment area; and***

(c) Eighteen percent of that revenue received on or after March 6, 2031, to improve existing public educational facilities described in subparagraph (2) of paragraph (b).

➥ For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subparagraph (2) of paragraph (b) or paragraph (c), as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve ***,*** ~~[and]~~ preserve ~~[the number]~~ ***or enhance the operating viability*** of dwelling units in the community for low-income households; or

(b) ~~[Increase, improve and preserve the number of]~~ ***Improve existing public*** educational facilities ***located*** within ~~[the]~~ ***a*** redevelopment area ~~[.]~~ ***or within 1 mile of a redevelopment area,***

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in ~~[paragraph]~~ ***paragraphs*** (b) ***and (c)*** of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

3. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

4. ~~[~~The~~]~~ ***If the*** governing body of a municipality ~~[~~shall not, after October 1, 2009, create~~]~~ ***creates*** a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~[.]~~ ***, the governing body and an agency:***

(a) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(b) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

5. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 762 to Assembly Bill No. 50.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Madam Speaker. This amendment makes two revisions to the bill. First, it adds language to clarify when a redevelopment plan that has been extended by ordinance may terminate. Second, it extends from 7 to 14 days the length of time, prior to a public meeting, the redevelopmental agency must make available to the public a detailed report concerning certain actions that the agency proposes to take and that will be under consideration at the meeting.

Motion carried.

The following Senate amendment was read:

Amendment No. 884.

AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the set aside and use of certain revenues from taxes imposed on property in a redevelopment area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency of a city or county before January 1, 1991, terminates at the end of the fiscal year in which the later of the following events occurs: (1) the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid; or (2) 45 years after the date on which the original redevelopment plan was adopted. (NRS 279.438) **Section 1.5** of this bill extends the deadline for that second event from 45 years to 60 years with respect to a redevelopment plan adopted by the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) if certain requirements are met.

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) **Section 2** of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to make available to the general

public a detailed report concerning such a proposed expenditure for land or improvements by the agency at least 14 days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure.

Under existing law, a redevelopment agency that has adopted a redevelopment plan for a redevelopment area on or after July 1, 2011, is required to submit soon after the adoption of the plan one report to the Legislature and the governing body of the city or county, as applicable, containing certain initial information about the redevelopment area. Existing law also requires a redevelopment agency that has adopted a redevelopment plan for a redevelopment area at any time to submit to the Legislature and the governing body of the city or county, as applicable, an annual report containing information about the redevelopment area for the previous fiscal year. (NRS 279.6025) **Section 3** of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to include certain additional information in the annual report.

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is required to set aside 18 percent of the revenue received from taxes levied upon taxable property in a redevelopment area each year to increase, improve and preserve the number of: (1) dwelling units in the community for low-income households; and (2) educational facilities within the redevelopment area. **Section 3.5** of this bill instead requires that 18 percent of such revenues received on or after October 1, 2011, but before March 6, 2031, be set aside to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. **Section 3.5** requires that on or after March 6, 2031, 18 percent of such revenues be set aside and used to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. **Section 1** of this bill prohibits a school district from using any money received pursuant to **section 3.5** to reduce or supplant the amount of any money which the school district would otherwise expend to improve such public educational facilities.

Section 5 of this bill eliminates the prohibition in existing law against a city or county creating a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area. **In the case of a tourism improvement district created after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area, section 5 prohibits a redevelopment agency and the governing body of a county or city from providing financing or reimbursement pursuant to**

the financing and reimbursement mechanisms of both a tourism improvement district and a redevelopment area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 or paragraph (c) of subsection 1 of NRS 279.685 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 and paragraph (c) of subsection 1 of NRS 279.685, respectively.

Sec. 1.5. NRS 279.438 is hereby amended to read as follows:

279.438 ***1.*** A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or ***:***

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted;

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and

(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.

Sec. 2. NRS 279.486 is hereby amended to read as follows:

279.486 1. An agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. Within 14 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:

(a) A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.

(b) A summary of the redevelopment project which includes, without limitation:

(1) A full and complete description of:

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any bonds issued or sold to finance the project.

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent ~~[,]~~ ***to an action proposed by the agency pursuant to subsection 1,*** it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➥ Those determinations by the agency and the legislative body are final and conclusive.

~~[2.]~~ ***4.*** In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

~~[3.]~~ ***5.*** If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the

agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 3. NRS 279.6025 is hereby amended to read as follows:

279.6025 1. In addition to the report required pursuant to the provisions of subsection 2, for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586 on or after July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

(a) A legal description of the boundaries of the redevelopment area;

(b) The date on which the redevelopment plan for the redevelopment area was adopted;

(c) The scheduled termination date of the redevelopment plan;

(d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan; and

(2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;

(e) The combined overlapping tax rate of the redevelopment area;

(f) The property tax rate of the redevelopment area;

(g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;

(h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and

(i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

(a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;

(b) The combined overlapping tax rate of the redevelopment area;

(c) The property tax rate of the redevelopment area;

(d) The total sum of the assessed value of the taxable property in the redevelopment area;

(e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;

(f) Copies of any memoranda of understanding into which the agency enters;

(g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and

(h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. ***In addition to the information required pursuant to the provisions of subsection 2, an agency of a city whose population is 500,000 or more shall include in the report submitted pursuant to subsection 2 the following information for the redevelopment area for the previous fiscal year:***

(a) A statement of all revenues and expenditures of the agency.

(b) A statement of efforts by the agency to promote the goals of the regional development authority, as defined in NRS 231.009, including, without limitation, an explanation of the extent to which the activities of the agency have promoted private investment, the formation of businesses and the creation of jobs.

4. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

Sec. 3.5. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; ~~[~~and~~]~~

(b) Eighteen percent of that revenue received on or after October 1, 2011, ***but before March 6, 2031,*** to ~~[~~increase,~~]~~ ***:***

(1) Increase, improve ***,*** ~~[~~and~~]~~ preserve ~~[~~the number of:

~~(1) Dwelling~~]*** or enhance the operating viability of dwelling*** units in the community for low-income households; and

(2) ~~[~~Educational~~]~~ ***Improve existing public educational*** facilities ***located*** within ~~[~~the~~]~~ ***a*** redevelopment area ~~[~~.~~]~~ ***or within 1 mile of a redevelopment area; and***

(c) Eighteen percent of that revenue received on or after March 6, 2031, to improve existing public educational facilities described in subparagraph (2) of paragraph (b).

➥ For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subparagraph (2) of paragraph (b) or paragraph (c), as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve ***,*** ~~[~~and~~]~~ preserve ~~[~~the number~~]~~ ***or enhance the operating viability*** of dwelling units in the community for low-income households; or

(b) ~~[Increase, improve and preserve the number of]~~ ***Improve existing public*** educational facilities ***located*** within ~~[the]~~ ***a*** redevelopment area ~~[,]~~ ***or within 1 mile of a redevelopment area,***

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in ~~[paragraph]~~ ***paragraphs*** (b) ***and (c)*** of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

3. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

4. ~~[~~The~~]~~ ***If the*** governing body of a municipality ~~[~~shall not, after October 1, 2009, create~~]~~ ***creates*** a tourism improvement district ***:***

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

(b) After October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~[~~.~~]~~ ***, the governing body and an agency:***

~~[(a)]~~ (1) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

~~[(b)]~~ (2) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

5. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 884 to Assembly Bill No. 50.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Madam Speaker. Amendment 884 states that a tourism improvement district created after October 1, 2009, includes within its boundaries any property included within the boundaries of a redevelopment area. A redevelopment agency and the local governing body are prohibited from providing financing or reimbursement pursuant to the financing and reimbursement mechanisms of both a tourism improvement district and a redevelopment area.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 444.

The following Senate amendment was read:

Amendment No. 907.

AN ACT relating to the death penalty; providing for an audit of the fiscal costs of the death penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty in Nevada. The audit must include, without limitation, an examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor is required to present a final written report of the audit to the Audit Subcommittee of the Legislative Commission on or before January 31, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Auditor shall conduct an audit of the fiscal costs associated with the death penalty in this State.

2. The audit conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including, without limitation, pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) The processing of bonds, including costs for investigation by prosecutors, police and other staff;

(2) The investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) **Expenses for witnesses other than expert witnesses, including, without limitation, expenses for witnesses during the penalty phase;**

(8) Facilities, including, without limitation, any additional costs to the court, such as costs for increased security;

(9) Juries;

~~[(8)]~~ **(10)** Sentencing proceedings;

~~[(9)]~~ **(11)** Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

~~[(10)]~~ **(12)** Requests for clemency;

~~[(11)]~~ **(13)** The incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

~~[(12)]~~ **(14)** The execution of a sentence of death, including costs of facilities and staff.

3. The audit must also examine the fiscal costs, including **, without limitation,** any potential cost savings, of the death penalty on:

(a) The use of plea bargaining in death eligible cases;

(b) Strategic litigation choices by the prosecution and the defense; and

(c) Sentencing.

4. The audit must be conducted:

(a) In the manner set forth in NRS 218G.010 to 218G.450, inclusive, and for the purposes of the audit conducted pursuant to this section, the provisions of those sections are applicable to a local government in the same manner as to an agency of the State.

(b) In accordance with applicable auditing standards set forth by the United States Government Accountability Office, including standards relating to the professional qualifications of the auditors, the quality of the audit work and the characteristics of professional and meaningful reports.

5. In determining the methodologies to be used, the Legislative Auditor shall review and consider audits, reports and data relating to the costs of the death penalty conducted or published by other states and the United States Department of Justice and the Administrative Office of the United States Courts. Methodologies and data to be considered must include, at a minimum, the cost estimation approach, top-down accounting method, retrospective observational design, independent statistical analyses, administrative databases and self-reported data.

6. On or before January 31, 2015, the Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 907 to Assembly Bill No. 444.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Amendment 907 adds certain costs to be considered in the death penalty audit and also makes it clear that the items listed for consideration under fiscal costs are not an exclusive list. The amendment does not make any substantive changes to the bill; rather it makes the bill more comprehensive in its scope.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 67.

The following Senate amendment was read:

Amendment No. 912.

AN ACT relating to crimes; authorizing ~~[a victim of sex]~~ **victims of human** trafficking ~~[, involuntary servitude or trafficking in persons]~~ to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; amending various provisions concerning the crimes of pandering, sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for pandering, sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340) Existing law also creates the crimes of involuntary servitude and trafficking in persons. (NRS 200.463-200.468)

Sections 1, 30-33, 40.7-44, 46-48 and 55 of this bill amend various provisions relating to the crimes of pandering, involuntary servitude and trafficking in persons. **Section 30** increases the penalty for conspiracy to commit sex trafficking, involuntary servitude or trafficking in persons, and **section 46** adds involuntary servitude and trafficking in persons to the list of crimes constituting racketeering activity. **Sections 41-44** create the crime of sex trafficking, set forth the actions constituting the crimes of pandering and sex trafficking, and provide the terms of imprisonment and fines that must be imposed against a person convicted of pandering or sex trafficking. **Section 42** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking and that certain defenses are not available in a prosecution for pandering or sex trafficking. **Sections 32, 33 and 40** require a court to order a person convicted of sex trafficking, involuntary servitude or trafficking in persons to pay restitution

to the victim of the crime. **Section 47** authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime. **Section 48** prohibits the consideration of certain contributory conduct of a victim when considering compensation for a victim of sex trafficking. Finally, **section 1** authorizes a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action against any person who caused, was responsible for or profited from the sex trafficking, involuntary servitude or trafficking in persons.

Sections 4-6, 25, 34-39 and 49-51 of this bill revise provisions governing the investigation and prosecution of sex trafficking. **Section 25** authorizes law enforcement agencies to intercept wire and oral communications during an investigation of sex trafficking, involuntary servitude and trafficking in persons upon compliance with existing law governing the interception of wire and oral communications by law enforcement agencies. **Sections 4-6** provide that the provisions governing the statute of limitations for sex trafficking are the same as the provisions governing the statute of limitations for sexual assault. Finally, **sections 34-39 and 49-51** provide that certain information relating to a victim of sex trafficking must be kept confidential.

Existing law provides for the taking and the use at trial of videotaped depositions of certain victims in certain circumstances. (NRS 174.227, 174.228) **Sections 10.3 and 10.7** of this bill authorize the taking and use at trial of videotaped depositions of victims of sex trafficking in certain circumstances.

Existing law provides that a person convicted of pandering a child is required to register as an offender convicted of a crime against a child and is a Tier II offender for the purposes of offender registration and community notification. (NRS 179D.0357, 179D.115) **Section 27** of this bill provides that a person convicted of sex trafficking an adult is required to register as a sex offender and is a Tier I offender for the purposes of sex offender registration and community notification.

Section 40.3 of this bill gives the Attorney General and the district attorneys of the counties in this State concurrent jurisdiction to prosecute crimes involving pandering, sex trafficking and living from the earnings of a prostitute.

Existing law creates the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and establishes the powers and duties of the Children's Advocate. (NRS 432.157) **Section 53** of this bill authorizes the Children's Advocate to investigate and prosecute certain crimes. **Section 53** also creates the Special Account for the Support of the Office of Advocate for Missing or Exploited Children and authorizes the Children's Advocate to apply for and accept gifts, grants and donations to assist the Children's Advocate in carrying out his or her duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,

↪ whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.

8. In the discretion of the court in an action brought under this section:

(a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.

(b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.

9. The consent of a victim is not a defense to a cause of action brought under this section.

10. For the purposes of this section:

(a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

(b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault ***,*** ~~[or]~~ a person authorized to act on behalf of a victim of a sexual assault ***, or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking,*** files with a law enforcement officer a written report concerning the sexual assault ~~[,]~~ ***or sex trafficking,*** the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault ***or sex trafficking*** must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault ***or sex trafficking*** is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault ***or sex trafficking*** is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault ***or sex trafficking*** is under a disability if the victim is insane, ~~[mentally retarded,]~~ ***intellectually disabled,*** mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, "law enforcement officer" means:

(a) A prosecuting attorney;

(b) A sheriff of a county or the sheriff's deputy;

(c) An officer of a metropolitan police department or a police department of an incorporated city; or

(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 5. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, ***sex trafficking,*** a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than the felonies listed in subsection 1 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 6. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child ~~[,]~~ as defined in NRS 432B.100 ~~[,]~~ ***or sex trafficking of a child as defined in NRS 201.300,*** before the victim ~~[of the sexual abuse]~~ is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse ***or sex trafficking*** by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse ***or sex trafficking*** by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. NRS 174.227 is hereby amended to read as follows:

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

(a) A victim of sexual abuse as that term is defined in NRS 432B.100; ~~[or]~~

(b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age ~~[.]~~ ***; or***

(c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

➥ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

(a) For good cause shown may release the address of the person to be examined; and

(b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 10.7. NRS 174.228 is hereby amended to read as follows:

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. ***In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300:***

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~[to 201.340, inclusive,]~~ ***, 201.320,*** 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 25. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child ***, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468*** or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Sexual assault pursuant to NRS 200.366;

(e) Statutory sexual seduction pursuant to NRS 200.368;

(f) Open or gross lewdness pursuant to NRS 201.210; or

(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 26. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~[pandering]~~ ***sex trafficking pursuant to subsection 2 of NRS 201.300*** or prostitution pursuant to NRS ~~[201.300 to 201.340, inclusive.]~~ ***201.320.***

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 27. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(p) ***Sex trafficking pursuant to NRS 201.300.***

(q) [A violation of NRS 201.320.

(r)] Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ ***[(s)]*** ***(r)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p),]~~ ***[(r),]*** ***(q),*** inclusive.

~~[(r)]~~ ***[(t)]*** ***(s)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ ***[(u)]*** ***(t)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ ***[(v)]*** ***(u)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 28. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving ~~[~~pandering~~]~~ ***sex trafficking pursuant to NRS 201.300*** or prostitution pursuant to NRS ~~[~~201.300 to 201.340, inclusive;~~]~~ ***201.320;***

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 29. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[~~(p)~~]~~ ***[(r)] (q)*** of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 30. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, ***involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300*** or a

violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, ***involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300*** or a violation of NRS 205.463, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

➥ and may be further punished by a fine of not more than $5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

➥ each person is guilty of a gross misdemeanor.

Sec. 31. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. ***1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 200.463, 200.464 or 200.465 to pay restitution to the victim as provided in subsection 2.***

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.463, 200.464 or 200.465.

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.463, 200.464 or 200.465 has been committed; or

(b) Who is the surviving child of such a person.

Sec. 33. *1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 to pay restitution to the victim as provided in subsection 2.*

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468.

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 has been committed; or

(b) Who is the surviving child of such a person.

Sec. 34. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

3. ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~[4.]~~ ***5.*** "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

~~[5.]~~ ***6.*** "Statutory sexual seduction" means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or

(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

~~[6.]~~ ***7.*** "Victim" means a person who is a victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

Sec. 35. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking:***

(a) Reports the sexual offense **,** ~~[or]~~ offense involving a pupil ***or sex trafficking*** to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking;*** and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking.***

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses **,** ~~[or]~~ offenses involving a pupil ~~[.]~~ ***or sex trafficking.*** If these concerns are not addressed

and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses **,** ~~[or]~~ offenses involving a pupil ~~[.]~~ ***or sex trafficking.***

3. A victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses **,** ~~[or]~~ offenses involving a pupil ~~[.]~~ ***or sex trafficking.***

5. The public has no overriding need to know the individual identity of the victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses **,** ~~[and]~~ offenses involving a pupil ***or sex trafficking*** from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 36. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ that reveals the identity of a victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense **,** ~~[or]~~ an offense involving a pupil ~~[.]~~ ***or sex trafficking.***

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 37. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense **,** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[,]~~ ***or sex trafficking,*** including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking.*** The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➥ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense **,** ~~[or]~~ offense involving a pupil ~~[.]~~ ***or sex trafficking.***

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be

disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense ***,*** ~~[or]~~ offense involving a pupil ***or sex trafficking,*** or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 38. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense ***,*** ~~[or]~~ an offense involving a pupil ***or sex trafficking*** shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 39. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense ***,*** ~~[or]~~ offense involving a pupil ***or sex trafficking*** voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 40. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 40.3 and 40.7 of this act.

Sec. 40.3. ***1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320.***

2. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

Sec. 40.7. ***1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 to pay restitution to the victim as provided in subsection 2.***

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320.

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 201.300 or 201.320 has been committed; or

(b) Who is the surviving child of such a person.

Sec. 41. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and sections 40.3 and 40.7 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "***Induce" means to persuade, encourage, inveigle or entice.***

4. "Prostitute" means a male or female person who for a fee ***, monetary consideration or other thing of value*** engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

~~[4.]~~ ***5.*** "Prostitution" means engaging in sexual conduct ***with another person in return*** for a fee ~~[.~~

~~5.]~~ ***, monetary consideration or other thing of value.***

6. "Sexual conduct" means any of the acts enumerated in subsection ~~[3.]~~ ***4.***

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 42. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~[:~~

~~(a) Induces, persuades, encourages, inveigles, entices or compels a person to]~~ ***, without physical force or the immediate threat of physical force, induces an adult to unlawfully*** become a prostitute or to continue to engage in prostitution ~~[;]~~ ***, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution***

~~[(b) By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;~~

~~(c) By threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;~~

~~(d) By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;~~

~~(e) Takes or detains a person with the intent to compel the person by force, threats, menace or duress to marry him or her or any other person; or~~

~~(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,~~

~~➥ is guilty of pandering.~~

~~2. A person who is found guilty of pandering:~~

~~(a) An adult:~~

~~(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(2) If no physical force or immediate threat of physical force is used upon the adult,~~**]** is guilty of ***pandering which is*** a category **[**D**]** ***C*** felony and shall be punished as provided in NRS 193.130.

~~**[**(b) A child:~~

~~(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.~~

~~(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.~~

~~3.~~**]** This ~~**[**section**]**~~ ***subsection*** does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3

years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than $20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than $10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.

Sec. 43. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or 201.320*** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 43.5. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~[to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed]~~ ***or 201.320*** are subject to forfeiture

pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~[10]~~ ***30*** days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution ***or for services to victims*** which are designated to receive such distributions by the district attorney of the county.

Sec. 44. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~[any provision]~~ ***subsection 2*** of NRS 201.300 ~~[to 201.340, inclusive, and]~~ ***or NRS 201.320,*** the victim of the violation is a child ~~[who is:~~

~~(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $100,000.~~

~~(b) Less than 14 years of age]~~ when the offense is committed ~~[,]~~ ***and physical force or violence or the immediate threat of physical force or violence is used upon the child,*** the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person is convicted of a violation of ~~[any provision]~~ ***subsection 2*** of NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or NRS 201.320,*** the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of ***subsection 2 of*** NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or NRS 201.320,*** the court may, in addition to the punishment prescribed by statute for the offense of a provision of ***subsection 2 of*** NRS 201.300 ~~[to 201.340, inclusive,]~~ ***or NRS 201.320*** and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 45. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.
15. Open or gross lewdness pursuant to NRS 201.210.
16. Lewdness with a child pursuant to NRS 201.230.
17. An offense involving pandering ***or sex trafficking in violation of NRS 201.300*** or prostitution in violation of NRS ~~[~~201.300,~~]~~ 201.320 **.** ~~[or 201.340.]~~
18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 46. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at $650 or more;
25. Embezzlement of money or property valued at $650 or more;
26. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 ***, 201.320*** or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

31. Any violation of NRS 205.506, 205.920 or 205.930;

32. Any violation of NRS 202.445 or 202.446; ~~[or]~~

33. Any violation of NRS 205.377 ~~[.]~~ ***;***

34. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

35. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 47. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; ~~[or]~~

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1) ~~[.]~~ ***; or***

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 48. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence ***,*** ~~[or]~~ sexual assault ~~[,]~~ ***or sex trafficking,*** the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

➥ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422.050 and 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 49. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating

relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. ***"Victim of human trafficking" means a person who is a victim of:***

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320.

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

~~[8.]~~ ***9.*** "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 50. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the Secretary of State to have a fictitious address designated by the Secretary of State serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, ***human trafficking,*** sexual assault or stalking before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the Secretary of State may contact the applicant;

(d) A question asking whether the person wishes to:

(1) Register to vote; or

(2) Change the address of his or her current registration;

(e) A designation of the Secretary of State as agent for the adult, child or incompetent person for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the Secretary of State.

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The Secretary of State shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incompetent person has been a victim of domestic violence, ***human trafficking,*** sexual assault or stalking before the filing of the application.

5. The Secretary of State shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

Sec. 51. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, ***human trafficking,*** sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address;

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 52. NRS 432.153 is hereby amended to read as follows:

432.153 It is the intent of the Legislature that law enforcement agencies in this State give a high priority to the investigation of crimes concerning missing ***and exploited*** children.

Sec. 53. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children; ~~[and]~~

(c) Recommend legislation concerning missing or exploited children ~~[.]~~ ***; and***

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 or a violation of NRS 201.320.

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the

Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive.

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 201.310, 201.330 and 201.340 are hereby repealed.

Sec. 56. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 912 to Assembly Bill No. 67.

Remarks by Assemblyman Frierson.

ASSEMBLYMAN FRIERSON:

Thank you, Madam Speaker. Amendment 912 took out some unintended provisions dealing with living off the earnings to focus on trafficking itself.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Aizley, Elliot Anderson, and Fiore as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 98.

Madam Speaker appointed Assemblymen Bustamante Adams, Healey, and Ellison as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 349.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 505, 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Ways and Means, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 505, 507; Senate Bills Nos. 56, 395, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 1:10 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Horne moved that Assembly Bill No. 474, just reported out of committee, be placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 943.

AN ACT making appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Account; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the:

1. Stale Claims Account created by NRS 353.097 the sum of $3,000,000 to restore the balance in the Account.

2. Emergency Account created by NRS 353.263 the sum of $100,000 to restore the balance in the Account.

3. Reserve for Statutory Contingency Account created by NRS 353.264 the sum of $3,000,000 to restore the balance in the Account.

4. Contingency Account created by NRS 353.266 the sum of ~~[$5,800,000]~~ **$8,300,000** to restore the balance in the Account.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Senate Bill No. 395.

Bill read second time and ordered to third reading.

Senate Bill No. 56.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that, upon return from the printer, Assembly Bill No. 474 be placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 505 and 507 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 510—AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; requiring employees of the State to take a certain number of days of unpaid furlough leave during the 2013-2015 biennium; providing exceptions to the furlough requirement; making appropriations from the State General Fund and State Highway Fund for the salaries of certain employees of the State; extending the temporary suspension of the semiannual payment of longevity pay during the 2013-2015 biennium; extending the temporary suspension of merit pay increases during Fiscal Year 2013-2014; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. I rise in support of Assembly Bill 423. Assembly Bill 423 requires the Division of Parole and Probation of the Department of Public Safety to disclose the factual content of a presentence investigation report and the division's recommendations to the sentencing court to the defendant, the court, the defendant's attorney, and the prosecuting attorney not later than a certain number of days before sentencing, unless the defendant waives that minimum period. For the period beginning on October 1, 2013, and ending February 28, 2014, disclosure must take place at least seven days prior to sentencing. For the period beginning March 1, 2014, and ending September 30, 2014, the disclosure must take place at least 14 days before sentencing. After October 1, 2014, the disclosure must take place at least 21 days before sentencing.

Assembly Bill 423 hopes to clarify some of the confusion that was brought up by the Supreme Court decision in the Stockmeyer case, and it will be a benefit all around to both sides of the bar—the criminal defense bar and the prosecution bar—because there will be less doubt as to the accuracy of presentence investigation reports.

Roll call on Assembly Bill No. 423:

YEAS—42.

NAYS—None.

Assembly Bill No. 423 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. Assembly Bill 428 makes changes to renewable energy incentive programs. It places statewide limits on the incentives paid for the solar, wind, and waterpower programs and extends the prospective expiration of those programs from December 31, 2021, to December 31, 2025. The bill requires the Public Utilities Commission of Nevada to adopt regulations relating to market-based incentives for the Solar Energy Systems Incentive Program. Incentives for the Program must be performance-based, and the bill requires the participant to prove that the solar energy system has been installed and energized before receiving any incentive payment. The bill requires the PUCN to establish customer categories participating in the Program and authorizes the agency to adopt criteria and capacity limitations for participation in the Program. Program participants are required to participate in net metering in order to be eligible.

Similarly, A.B. 428 requires the PUCN to establish the categories for the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. The bill limits the total amount paid to program participants and establishes a maximum nameplate capacity of 500 kilowatts. The wind program incentive is based on the performance and amount of energy generated by the system. Eligibility for either program requires participation in net metering.

Assembly Bill 428 further requires each electric utility to create a Lower Income Solar Energy Pilot Program. The measure authorizes a utility to assess certain charges against net metering participants, and it requires the PUCN to open an investigatory docket to evaluate the costs and benefits attributable to net metering. Additionally, A.B. 428 requires the Consumer's Advocate to publish a report containing certain information if the office declines to represent the public interest in a proceeding to review a proposed rate of an electric utility. Finally, the bill establishes the Legislative Committee on Energy and sets out the membership, duties, powers, and responsibilities of the Committee.

When the history of this session is written, this will be one of the bills most talked about in terms of energy. This Legislature is considering a lot of big policy proposals this session and in particular, I'm confident the Legislative Committee on Energy section of this bill will prove to be very important as we move Nevada into an energy future that is beneficial to all its citizens. This Legislative Committee on Energy provides the necessary policy oversight—not regulatory oversight—of all the various proposals that we are potentially enacting this session relating to energy.

I also want to mention that the distributive generation piece to this is many years in the making. Similar proposals actually went into a bill last session that was vetoed by the Governor, not because of the distributive generation pieces, but because of other matters that went into the bill late in the session. I'm very proud and thankful for all of the participants, industry advocates, and the utility for coming together and working through this language. I urge passage.

Roll call on Assembly Bill No. 428:

YEAS—36.

NAYS—Duncan, Ellison, Fiore, Hansen, Livermore, Wheeler—6.

Assembly Bill No. 428 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Thank you, Madam Speaker. Assembly Bill 502 authorizes the expenditure of $1,262,000 by the Board of Regents from the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education for the design and construction of two buildings on the principal campus of the Nevada State College in Henderson, Nevada. Assembly Bill 502 allows for the expenditure of the balance of estate tax receipts held by the Nevada System of Higher Education on behalf of Nevada State College to either defer or reduce the impact of the Special Building Fee approved by the students of Nevada State College for the design and construction of those student activity buildings.

Assembly Bill 502 is effective upon passage and approval. It will allow some relief for students who will be paying these fees but not getting the benefits of those buildings in the future so, in essence, by using these dollars we can lower students' fees.

Roll call on Assembly Bill No. 502:

YEAS—42.

NAYS—None.

Assembly Bill No. 502 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Thank you, Madam Speaker. Senate Bill 44 revises various provisions concerning grants or loans from the Disaster Relief Account. Specifically, the bill removes the requirement that a federal agency making a grant to the state DRA must be a disaster assistance agency, which will allow money granted or loaned from the DRA to be used to match a grant from any federal agency. The bill makes a similar change with respect to money from a local government fund established to mitigate a natural disaster, and it expands the purposes for which grant money may be used to include the removal of debris from publicly or privately owned land and waterways undertaken because of the disaster.

Roll call on Senate Bill No. 44:

YEAS—42.

NAYS—None.

Senate Bill No. 44 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Thank you, Madam Speaker. Senate Bill 164 requires the State Board of Education and the board of trustees of each school district to include certain information about bullying incidents in their annual accountability reports, including incidents of bullying, cyber-bullying, harassment, and intimidation. The measure also requires each school to develop a plan for instructional delivery for the annual "Week of Respect" proclaimed by the Governor.

The measure further provides additional requirements for the training of school personnel, as well as for members of school boards of trustees. School site administrators are required to receive training at least every three years from a program established by the Department of Education. Finally, parents are to be notified concerning incidents of bullying, cyber-bullying, harassment, and intimidation involving their child.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 430.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
Thank you, Madam Speaker. I rise in support of Senate Bill 430. It enables a new technology to be used to track and report on taxis. A technology fee will be by regulation—a tariff on each trip of the taxi. It has the parameters of the technology. I will defer to other colleagues in this room if there are any questions on the exact technology and would be happy to try to answer any questions. It has been a very well vetted bill.

Roll call on Senate Bill No. 430:
YEAS—41.
NAYS—Fiore.
Senate Bill No. 430 having received a two-thirds majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 5 p.m.
Motion carried.

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 5:31 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:
Your Committee on Education, to which was referred Senate Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
ELLIOT T. ANDERSON, *Chair*

Madam Speaker:
Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 452, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
MARILYN DONDERO LOOP, *Chair*

Madam Speaker:
Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
JAMES OHRENSCHALL, *Chair*

Madam Speaker:
Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 202, Senate Amendments Nos. 673, 829, 867, and requests a conference, and appointed Senators Segerblom, Ford and Brower as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 262, Senate Amendment No. 639, and requests a conference, and appointed Senators Ford, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 313, Senate Amendments Nos. 740, 888, and requests a conference, and appointed Senators Segerblom, Kihuen and Brower as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 378, Senate Amendment No. 754, and requests a conference, and appointed Senators Segerblom, Kihuen and Hutchison as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 415, Senate Amendment No. 706, and requests a conference, and appointed Senators Ford, Jones and Hammond as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 261, 500, 516.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendments Nos. 648, 797 to Senate Bill No. 252.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Atkinson, Jones and Hardy as a Conference Committee concerning Senate Bill No. 49.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Jones, Smith and Kieckhefer as a Conference Committee concerning Senate Bill No. 176.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Smith, Parks and Kieckhefer as a Conference Committee concerning Senate Bill No. 185.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Jones, Segerblom and Hardy as a Conference Committee concerning Senate Bill No. 450.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Ohrenschall, Diaz, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 202.

Madam Speaker appointed Assemblymen Cohen, Ohrenschall, and Fiore as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 262.

Madam Speaker appointed Assemblymen Diaz, Carrillo, and Fiore as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 313.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 335, 506, 509; Senate Bills Nos. 390, 407, 452, 502, just reported out of committee, be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Frierson, Diaz, and Fiore as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 415.

Madam Speaker appointed Assemblymen Dondero Loop, Bustamante Adams, and Duncan as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 378.

SECOND READING AND AMENDMENT

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 917.

AN ACT relating to public improvements; creating and providing for the dissolution of the University of Nevada, Las Vegas, Campus Improvement Authority; providing for the appointment of a Board of Directors thereof and prescribing the powers and duties of the Authority and the Board; providing for **the Board to study the feasibility of and** the financing ~~[~~**,**~~construction and operation of]~~ **alternatives for** a large events center and certain other

public improvements; ~~[exempting the property and transactions of the Authority from state and local taxation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill sets forth the University of Nevada, Las Vegas, Campus Improvement Authority Law. **Section 16** of this bill creates the Authority as a political subdivision of this State whose boundaries are the same as the boundaries of the ~~[tax increment]~~ **Authority** area described in **section ~~[13]~~ 4.5** of this bill, which consists essentially of property that is owned or leased by the Nevada System of Higher Education and that is a part of or in the vicinity of the University of Nevada, Las Vegas, campus**.** ~~[or is administered by that University. Section 31 of this bill exempts the property and transactions of the Authority from state and local taxation to the same extent as the property and transactions of the Nevada System of Higher Education.]~~ **Sections 17 and 18** of this bill set forth the qualifications and the procedure for the appointment of the members of the Board of Directors of the Authority.

Section 23 of this bill prescribes the general powers of the Board of Directors of the Authority. Those powers include the authority to ~~[construct and operate a large events center in and otherwise develop the tax increment area, and to impose various fees and charges for any services or facilities furnished in connection with that undertaking, if those actions are allowed under a lease or management agreement made with the Nevada System of Higher Education.]~~ **enter into contracts and other agreements necessary to conduct the business of the Authority, except that such contracts and agreements may not include contracts or agreements relating to the construction, acquisition, lease, lease-purchase, gift, equipment, maintenance, insurance, operation, management, promotion or advertising of any undertaking or any part thereof. Section 24.5 of this bill prescribes the duties of the Board of Directors of the Authority. Those duties include studying the need for, feasibility of and financing alternatives for a large events center and other required infrastructure and supporting improvements in the Authority area. The Board of Directors must also prepare a report of the results of the study of the Board, including any recommendations for legislation, for transmittal to the 78th Session of the Nevada Legislature. Section 24.7 of this bill authorizes the University of Nevada, Las Vegas to use not more than 2 percent of any money received from the issuance of certain bonds by the Board of Regents of the University of Nevada to provide money to the Authority to carry out the provisions of the University of Nevada, Las Vegas, Campus Improvement Authority Law.**

~~[Section 25 of this bill generally exempts such an undertaking from laws requiring competitive bidding or specifying procedures for the procurement of goods or services, and from the statutory provisions governing public works projects, except that the pertinent construction contracts must comply with the statutory prevailing wage provisions and, if the Authority determines that a contract can be competitively bid without affecting the quality of the project, must be competitively bid in accordance with procedures established by the Authority.~~

~~Section 26 of this bill requires the deposit into a tax increment account of the amounts by which certain taxes collected in or paid with respect to any property or activities in the tax increment area for each fiscal year beginning on or after July 1, 2014, exceed the amounts of those taxes for the fiscal year beginning on July 1, 2012. Pursuant to section 8 of this bill, those taxes consist of all property taxes, the payroll taxes imposed on financial institutions and other businesses, the live entertainment tax, the state sales and use tax, the sales and use tax imposed pursuant to the City-County Relief Tax Law, the slot tax imposed on restricted gaming operations and all room taxes. Section 29 of this bill authorizes the Board of Directors of the Authority to issue securities to pay the cost of its undertakings which are payable solely from the taxes deposited in the tax increment account and various other revenues of the Authority described in section 9 of this bill. Section 34 of this bill authorizes the refunding of those securities by Clark County pursuant to the County Bond Law.~~

~~Section 24 of this bill prohibits the Board of Directors of the Authority from using any money in the tax increment account unless the Board has entered into a lease or management agreement with the Nevada System of Higher Education which authorizes a specific undertaking. If the Board fails to enter into such an agreement on or before June 30, 2017, section 40 of this bill terminates the further deposit of taxes into the tax increment account and section 35 of this bill requires the Board to return the taxes already deposited in the tax increment account for distribution in the same manner as if those taxes had not been deposited into that account, and to dissolve the Authority.]~~

Section 40 of this bill will cause this bill to expire by limitation on August 31, 2013, if the Board of Regents of the University of Nevada does not make its appointments to the membership of the Board of Directors of the Authority ~~[by]~~ **on or before** that date. Otherwise, this bill will expire by limitation ~~[upon the dissolution of the Authority.]~~ **on October 1, 2015.**

Pursuant to **section 35** of this bill, the assets of the Authority **, to the extent that such assets are not needed to satisfy any outstanding obligations of the Authority,** become the property of the Nevada System of Higher Education upon the dissolution of the Authority **.** ~~[, except that if the dissolution occurs before the Authority uses any money in the tax increment~~

~~account, that money must be returned for distribution in the same manner as if those taxes had not been deposited into that account.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act may be known and cited as the University of Nevada, Las Vegas, Campus Improvement Authority Law.

Sec. 2. The Legislature hereby finds and declares that:

1. The provisions of this act are necessary to carry out the following public purposes:

(a) ~~[Alleviating]~~ **Considering facilities located in the Authority area that may assist in alleviating** the effect of the recent economic downturn on the largest tourism market in this State.

(b) ~~[Satisfying the substantial]~~ **Studying the** need for **and feasibility of** a large events center in the ~~[Las Vegas]~~ **Authority** area to:

(1) Attract and retain large sports and entertainment events in the largest tourism market in this State; ~~[and]~~

(2) Assist the Las Vegas area in its continuing competition to remain a premier center for entertainment in the world ~~[.]~~ **; and**

~~[(c) Benefitting]~~

(3) Benefit the University of Nevada, Las Vegas, and the University community by providing a large events center for use by the University and others at a location that is convenient for the University community.

~~[(d) Satisfying]~~

(c) Studying the need for ~~[the]~~ **and feasibility of** new development of space on the campus of the University of Nevada, Las Vegas, to enhance campus living, increase the quantity and quality of residences available on the campus, and to further develop other nonclassroom improvements and activities on the campus.

~~[(e)]~~ **(d)** Providing synergy and cost savings to carry out the purposes described in paragraphs (a) ~~[to (d), inclusive,]~~ **, (b) and (c)** by taking action on those purposes through a single, coordinated approach.

~~[(f) Alleviating the financial difficulties facing the University and the economy of this State as a result of the national economic recession.]~~

2. A general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities set forth in this act because of the great variety of atypical factors and special conditions relating thereto.

3. The powers, rights, privileges, immunities, liabilities, duties and disabilities set forth in this act comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provision.

~~[4. In adopting this act, it is the intention of the Legislature that the University of Nevada, Las Vegas, Campus Improvement Authority, any construction or project manager of the Authority and any contractor or subcontractor of either of them:~~

~~(a) Should provide for the preferential hiring of Nevada residents to the extent otherwise required by law; and~~

~~(b) Should not be allowed to use the provisions of this act to:~~

~~(1) Engage in or allow any bid-shopping; or~~

~~(2) Avoid or circumvent any legal requirements pertaining to the payment of prevailing wages with regard to any undertaking authorized by this act.]~~

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, **the** terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions set forth in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.

Sec. 4. "Authority" means the University of Nevada, Las Vegas, Campus Improvement Authority.

Sec. 4.5. **"Authority area" means the area that consists of:**

1. All of the property within the area bounded by Maryland Parkway, Tropicana Avenue, Swenson Street and Flamingo Avenue in Clark County which is either:

(a) Owned by the System or a related entity on the effective date of this act; or

(b) Being leased to the System or a related entity on the effective date of this act under a lease with a term of at least 20 years remaining after the effective date of this act;

2. All other parcels of property that are administered by the University or constitute a part of the campus of the University which are:

(a) Contiguous, except for any public or utility rights-of-way, to the property described in subsection 1; and

(b) Either:

(1) Owned by the System or a related entity on the effective date of this act; or

(2) Being leased to the System or a related entity on the effective date of this act under a lease with a term of at least 20 years remaining after the effective date of this act; and

3. Any public or utility rights-of-way located within or immediately adjacent to any of the property described in subsections 1 and 2.

Sec. 5. "Board of Directors" means the Board of Directors of the Authority.

Sec. 6. "Board of Regents" means the Board of Regents of the University of Nevada.

Sec. 7. "County" means Clark County, Nevada.

Sec. 8. ~~[~~"Designated taxes" means:

~~1. The taxes imposed pursuant to chapter 361 of NRS;~~

~~2. The tax imposed by NRS 363A.130;~~

~~3. The tax imposed by NRS 363B.110;~~

~~4. The tax imposed by NRS 368A.200;~~

~~5. The taxes imposed by the Sales and Use Tax Act;~~

~~6. The taxes imposed pursuant to the City-County Relief Tax Law;~~

~~7. The fees required by NRS 463.373; and~~

~~8. The taxes imposed on revenue from the rental of transient lodging pursuant to the laws of this State.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~[~~"Pledged revenues" means:

~~1. Any of the designated taxes deposited in the tax increment account pursuant to this act.~~

~~2. Any of the following to the extent that they are lawfully made available to the Authority for expenditure upon or to pledge for the financing of any undertakings or other activities of the Authority pursuant to this act:~~

~~(a) Any fees imposed in lieu of any of the designated taxes which are imposed to make up for any of those taxes that are not collected as a result of any property, transaction or activity in the tax increment area being wholly or partially exempt from the particular tax and which:~~

~~(1) The Authority imposes on property, transactions or activities located or occurring on property owned or leased by the Authority; or~~

~~(2) The Board of Regents, in its sole discretion, determines to impose and, in accordance with a cooperative agreement between the System and the Authority entered into pursuant to chapter 277 of NRS, to make available for the pledge of and use by the Authority for a designated period.~~

~~(b) Any revenue from any undertaking wholly owned by the Authority.~~

~~(c) Any money provided to the Authority by the Federal Government, any other governmental entity or any other person or entity.~~

~~(d) Any money received by the Authority pursuant to any contract or other agreement between the Authority and the System, any related entity or any other person or entity pertaining to any undertaking or securities authorized pursuant to this act.~~

~~3. All or any designated portion of the revenue from any designated project or facility located in the tax increment area, other than any undertaking wholly owned by the Authority, which:~~

~~(a) The Board of Regents, in its sole discretion, determines to make available, in accordance with a cooperative agreement between the System~~

~~and the Authority entered into pursuant to chapter 277 of NRS, for the pledge of and use by the Authority for a designated period;~~

~~(b) Is not pledged for the payment of any securities of the System; and~~

~~(c) The Board of Regents determines in writing:~~

~~(1) Is not needed for the payment of any outstanding or contemplated securities of the System; and~~

~~(2) Can be made available for the pledge of or use by the Authority on a subordinate or similar basis in a manner that:~~

~~(I) Does not violate any covenants concerning any revenues that are pledged for the payment of any securities of the System;~~

~~(II) Does not violate any contract of the System; and~~

~~(III) Will not prevent the System from continuing to issue securities with the same pledge of revenues as that being made to the holders of the System's currently outstanding securities.~~**]** **(Deleted by amendment.)**

Sec. 10. "Related entity" means:

1. The Board of Regents;
2. The University;
3. Any university foundation, as defined in NRS 396.405, which is organized and operated primarily for the purpose of fundraising in support of the University; and
4. Any nonprofit corporation formed pursuant to NRS 396.801.

Sec. 11. "System" means the Nevada System of Higher Education.

Sec. 12. **[**~~"Tax increment account" means the special account created pursuant to section 22 of this act.~~**]** **(Deleted by amendment.)**

Sec. 13. **[**~~1. "Tax increment area" means, except as otherwise provided in subsection 2, the area that consists of:~~

~~(a) All of the property within the area bounded by Maryland Parkway, Tropicana Avenue, Swenson Street and Flamingo Avenue in Clark County which is either:~~

~~(1) Owned by the System or a related entity on the effective date of this act; or~~

~~(2) Being leased to the System or a related entity on the effective date of this act under a lease with a term of at least 20 years remaining after the effective date of this act;~~

~~(b) All other parcels of property that are administered by the University or constitute a part of the campus of the University which are:~~

~~(1) Contiguous, except for any public or utility rights of way, to the property described in paragraph (a); and~~

~~(2) Either:~~

~~(I) Owned by the System or a related entity on the effective date of this act; or~~

~~(II) Being leased to the System or a related entity on the effective date of this act under a lease with a term of at least 20 years remaining after the effective date of this act;~~

~~(c) Any property added to the tax increment area after the effective date of this act pursuant to section 28 of this act; and~~

~~(d) Any public or utility rights of way located within or immediately adjacent to any of the property described in paragraphs (a), (b) and (c).~~

~~2. "Tax increment area" does not include any property in any area or district described in section 30 of this act.]~~ **(Deleted by amendment.)**

Sec. 14. "Undertaking" means any enterprise to acquire, construct, improve, equip, operate or maintain, or any combination thereof, a large events center that serves to carry out the purposes described in ~~[paragraphs]~~ **paragraph** (b) ~~[and (c)]~~ of subsection 1 of section 2 of this act and such other projects, improvements or facilities deemed by the Authority to be necessary or desirable to the development or redevelopment of the ~~[tax increment]~~ **Authority** area, and which are located in or serve property in the ~~[tax increment]~~ **Authority** area, and all necessary or desirable appurtenances or incidentals thereof, which enterprise is authorized under the terms of any lease, ground lease or management agreement between the Authority and the System that relates to all or any portion of the location of the enterprise.

Sec. 15. "University" means the University of Nevada, Las Vegas.

Sec. 16. 1. The University of Nevada, Las Vegas, Campus Improvement Authority is hereby created.

2. The Authority constitutes:

(a) A body corporate and politic; and

(b) A political subdivision of this State, the boundaries of which are conterminous with the boundaries of the ~~[tax increment]~~ **Authority** area.

Sec. 17. 1. The Authority must be governed by a Board of Directors consisting of ~~[nine]~~ **11** members to be appointed as follows:

(a) Four members must be appointed by the Board of Regents. One of these members must be either a member of the Board of Regents or an officer of the University and the remainder must be members of the Board of Regents.

(b) One member must be appointed by the Governor.

(c) One member must be appointed by the **Majority Leader of the Senate.**

(d) One member must be appointed by the Speaker of the Assembly.

(e) One member must be appointed by the Board of County Commissioners of the County and must be either a member of the Board of County Commissioners or an officer of the County.

~~[(d)]~~ **(f)** One member must be appointed by the County Fair and Recreation Board of the County and must be a member of the County Fair

and Recreation Board who is not also a member of the Board of County Commissioners of the County.

~~[(e)]~~ **(g)** Two members must be appointed by the members appointed pursuant to paragraphs (a) to ~~[(d),]~~ **(f),** inclusive ~~[.]~~ **, from a list of nominees prepared by the County Fair and Recreation Board of the County.** Each of these members must be employed in an executive position in the County by a business in the tourism, hotel and gaming industry. **If the members appointed pursuant to paragraphs (a) to (f), inclusive, find the nominees on a list submitted pursuant to this paragraph unacceptable, they shall request a new list of nominees from the County Fair and Recreation Board, and the Board shall prepare such a list.**

2. A vacancy in the Board of Directors occurs when a member:

(a) Dies or resigns;

(b) Is removed, with or without cause, by the person or entity who appointed that member; or

(c) ~~[Ceases]~~ **Except as otherwise provided in subsection 3, ceases** to be qualified for appointment as a member pursuant to the pertinent provisions of paragraph (a), ~~[(c), (d) or]~~ (e) **, (f) or (g)** of subsection 1.

3. A vacancy in the Board of Directors must be filled for the remainder of the unexpired term in the same manner as the original appointment pursuant to subsection 1, except that, notwithstanding any provision of this section to the contrary, a member appointed pursuant to paragraph ~~[(e)]~~ **(g)** of subsection 1 whose position becomes vacant as the result of his or her cessation of employment in an executive position in the County by a business in the tourism, hotel and gaming industry may be reappointed to serve the remainder of his or her unexpired term.

4. No member of the Board of Directors may receive any compensation for serving as a member or officer of the Board or as an employee of the Board or the Authority.

5. The members of the Board of Directors constitute public officers for the purposes of chapter 281A of NRS.

Sec. 18. 1. On or before August 31, 2013, the Board of Regents may appoint ~~[:~~

~~(a) Two]~~ **four** of the members of the Board of Directors pursuant to paragraph (a) of subsection 1 of section 17 of this act to ~~[initial]~~ terms that commence on October 1, 2013, and expire on September 30, 2015 **.** ~~[; and~~

~~(b) Two of the members of the Board of Directors pursuant to paragraph (a) of subsection 1 of section 17 of this act to initial terms that commence on October 1, 2013, and expire on September 30, 2017.~~

~~"]~~ The provisions of this subsection do not require the Board of Regents to make the appointments authorized by this subsection. Any determination by

the Board of Regents to make those appointments is in the sole discretion of the Board of Regents.

2. If the Board of Regents makes the appointments authorized by subsection 1:

(a) The Governor shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph (b) of subsection 1 of section 17 of this act to ~~[an initial]~~ **a** term that commences on October 1, 2013, and expires on September 30, 2015;

(b) **The Majority Leader of the Senate shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph (c) of subsection 1 of section 17 of this act to a term that commences on October 1, 2013, and expires on September 30, 2015;**

(c) The Speaker of the Assembly shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph (d) of subsection 1 of section 17 of this act to a term that commences on October 1, 2013, and expires on September 30, 2015;

(d) The Board of County Commissioners of the County shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph ~~[(c)]~~ **(e)** of subsection 1 of section 17 of this act to an initial term that commences on October 1, 2013, and expires on September 30, ~~[2017,]~~ **2015; and**

~~[(c)]~~ **(e)** The County Fair and Recreation Board of the County shall, on or before September 30, 2013 ~~[, appoint]~~ **:**

(1) Appoint the member of the Board of Directors pursuant to paragraph ~~[(d)]~~ **(f)** of subsection 1 of section 17 of this act to an initial term that commences on October 1, 2013, and expires on September 30, ~~[2017,]~~ **2015;** and

~~[(d)]~~ **(2) Prepare a list of not less than two nominees to be appointed pursuant to paragraph (g) of subsection 1 of section 17 of this act and submit the list to the members of the Board of Directors appointed pursuant to subsection 1 and paragraphs (a) to (d), inclusive, of subsection 2.**

3. The members of the Board of Directors appointed pursuant to subsection 1 and paragraphs ~~[(a), (b) and (c)]~~ **(a) to (e), inclusive, of subsection 2** shall, on or before October 31, 2013, appoint ~~[:~~

~~(1) One]~~ **two** of the members of the Board of Directors pursuant to paragraph ~~[(e)]~~ **(g)** of subsection 1 of section 17 of this act to an initial term that expires on September 30, 2015 **.** ~~[; and~~

~~(2) One of the members of the Board of Directors pursuant to paragraph (e) of subsection 1 of section 17 of this act to an initial term that expires on September 30, 2017.~~

~~3. After the initial terms, each member of the Board of Directors must be appointed for a 4-year term that begins on October 1 of an odd-numbered year.~~

~~4. The successor to each of the members of the Board of Directors appointed pursuant to:~~

~~(a) Paragraphs (a) to (d), inclusive, of subsection 1 of section 17 of this act must be appointed not later than September 30 of the year in which the member's term expires; and~~

~~(b) Paragraph (e) of subsection 1 of section 17 of this act must be appointed at the first meeting of the Board of Directors held during October of the year in which the member's term expires.~~**]**

Sec. 19. 1. The Board of Directors shall hold an organizational meeting during October of ~~**[**each odd-numbered year.~~**]** **2013.** At that meeting:

(a) The members of the Board appointed pursuant to paragraphs (a) to ~~**[**(d),~~**]** **(f),** inclusive, of subsection 1 of section 17 of this act shall appoint any other members required to be appointed by those members; and

(b) After the provisions of paragraph (a) have been carried out, the Board shall appoint:

(1) One of its members as Chair;

(2) One of its members as Vice Chair; and

(3) A Secretary and a Treasurer, who may be members of the Board and may be one person.

2. The Vice Chair of the Board of Directors shall serve as Chair when the position of Chair is vacant or when the Chair is absent from any meeting.

3. The Board of Directors shall meet regularly in the ~~**[**tax increment~~**]** **Authority** area at such times and places as it designates. Special meetings may be held at the call of the Chair, upon notice to each member of the Board, as often as the needs of the Board require.

4. Except as otherwise provided in subsection 5 of NRS 281A.420:

(a) ~~**[**Six~~**]** **Eight** of the members of the Board of Directors constitute a quorum at any meeting of the Board.

(b) The Board of Directors may take action only by a motion or resolution adopted with the approval of at least ~~**[**six~~**]** **eight** members of the Board.

5. The Board of Directors constitutes a public body for the purposes of chapter 241 of NRS.

Sec. 20. 1. The Secretary of the Board of Directors shall keep:

(a) Audio recordings or transcripts of all meetings of the Board;

(b) Minutes of all the meetings of the Board;

(c) A record of all the proceedings and actions of the Board;

(d) Any certificates issued or received by the Board;

(e) Any contracts made by the Board; and

(f) Any bonds required by the Board from its employees.

➥ Except as otherwise provided in NRS 241.035, the records and information required by this subsection must be open to inspection by any interested person at any reasonable time and place.

2. The Treasurer of the Board of Directors shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board.

~~[3. The Secretary and Treasurer of the Board of Directors do not constitute a part of the staff of the Board for the purposes of section 21 of this act.]~~

Sec. 21. ~~[1. The Board of Directors may retain such staff as it determines to be necessary to conduct the activities of the Authority. The Board may:~~

~~(a) Hire the members of its staff as employees;~~

~~(b) Contract with any governmental entity or other person to provide the persons to serve as its staff; or~~

~~(c) Retain the members of its staff using any combination of the methods described in paragraphs (a) and (b).~~

~~2. The Board of Directors:~~

~~(a) Shall specify:~~

~~(1) The powers and duties of the members of its staff; and~~

~~(2) The amount and basis of compensation for the members of its staff; and~~

~~(b) May delegate any of its powers and duties to any member of its staff as it determines to be appropriate, except that the Board shall not delegate:~~

~~(1) Any of the specific obligations or responsibilities of the Board imposed by sections 1 to 22, inclusive, paragraph (d) or (e) of subsection 1 of section 23, subsection 2 of section 23 or sections 24 to 29, inclusive, of this act; or~~

~~(2) Any ability to bind the Authority to a contract that could require an expenditure by the Authority in excess of such an amount as the Board determines to be appropriate, which amount must not exceed the sum $200,000, as adjusted by the percentage change between the effective date of this act and July 1 of the fiscal year the delegation is made in the Consumer Price Index for All Urban Consumers, U.S. City Average (All Items), published by the United States Department of Labor.]~~ **(Deleted by amendment.)**

Sec. 22. The Board of Directors ~~[:~~

~~1. Shall adopt a seal;~~

~~2. May]~~ **may** adopt, and from time to time amend or repeal, as it determines to be necessary or desirable, appropriate bylaws, rules and regulations, not inconsistent with the provisions of this act, for carrying on the business and affairs of the Board of Directors and the Authority**.** ~~[.~~

~~3. Shall create a tax increment account to carry out the provisions of this act; and~~

~~4. Shall, not later than January 1, 2014, adopt a resolution more particularly describing the area described in paragraphs (a) and (b) of subsection 1 of section 13 of this act. The description need not be a legal description or be given by metes and bounds, but must be sufficient in detail that the various tracts of real property may be identified and determined to be within or without the tax increment area.~~**]**

Sec. 23. 1. ~~**[**Except as otherwise provided in section 24 of this act, the~~**]** **The** Board of Directors, on behalf of the Authority, may:

(a) Enter into any contracts and other agreements with any person or other entity that the Board determines to be necessary or desirable to conduct the business of the Authority.

(b) Sue and be sued.

~~**[** (c) Proceed with any undertaking and enter into any contracts or other agreements that the Board determines to be necessary or desirable therefor.~~**]**

2. The contracts and other agreements authorized by ~~**[**this~~ subsection ~~**[**~~**]** **1.**

~~**[**(1)~~**]** **(a)** May **not** include ~~**[**, without limitation,~~**]** contracts or other agreements relating to the construction, acquisition, lease, lease-purchase, gift, equipment, maintenance, insurance, operation, management, promotion or advertising of any undertaking or any part thereof; and

~~**[**(2)~~**]** **(b)** Are ~~**[**not~~**]** subject to the limitations of subsection 1 of NRS 354.626.

~~**[** (d) Enter into a lease, ground lease or management agreement with the System authorizing the Authority to lease from the System any portion of the land in the tax increment area owned by the System and any improvements thereon, or to manage any such land or improvements for the System, on such terms as may be acceptable to the Board of Directors and the Board of Regents and which do not violate any covenants concerning any securities issued by the Board of Regents, provided that:~~

~~(1) The property subject to the lease, ground lease or management agreement is limited to:~~

~~(I) Land and improvements that will be developed and used to carry out the purposes described in paragraphs (b), (c) or (d) of subsection 1 of section 2 of this act; and~~

~~(II) Any other land, improvements and appurtenances that the Board of Regents determines to be necessary or desirable to carry out any of those purposes;~~

~~(2) The Board of Regents is entitled to limit any uses, rates, charges or other factors pertaining to the property subject to the lease, ground lease or management agreement by including the limitations in the agreement; and~~

~~(3) After any indebtedness incurred to improve the property subject to the lease, ground lease or management agreement has been retired or defeased and any other contracts and obligations of the Authority pertaining to that property have been satisfied and terminated, the improvements will become the property of the System and will no longer be subject to the lease, ground lease or management agreement. This paragraph applies separately to:~~

~~(I) Any property which is designated in the lease, ground lease or management agreement as being leased or managed to carry out the purposes described in paragraphs (b) and (c) of subsection 1 of section 2 of this act; and~~

~~(II) Any property which is designated in the lease, ground lease or management agreement as being leased or managed to carry out the purposes described in paragraph (d) of subsection 1 of section 2 of this act.~~

~~(e) Enter into, with any person or other entity:~~

~~(1) One or more subleases of all or any portion of any land or improvement leased to the Authority;~~

~~(2) One or more management agreements to provide for the management by that person or other entity of any land or improvement that the Authority is authorized to manage, control or occupy;~~

~~(3) One or more leases or management agreements pertaining to any undertaking or any facility owned by the Authority; or~~

~~(4) Any combination of the agreements described in subparagraphs (1), (2) and (3),~~

~~→ on such terms as may be acceptable to the Board of Directors and which are not inconsistent with the terms of the lease, ground lease or management agreement with the System pursuant to which the Authority has possession or control of the subject property. The leases, subleases and management agreements authorized by this subsection are not subject to the limitations of subsection 1 of NRS 354.626.~~

~~(f) Fix, and from time to time increase or decrease, fees, rates, tolls, rents or charges for services or facilities furnished in connection with any undertaking and take such action as may be necessary or desirable to effect their collection or, by contract or other agreement described in paragraph (d) or (e), authorize another person or entity to fix, from time to time increase or decrease, and collect all or any designated portion of such fees, rates, tolls, rents or charges. Such fees, rates, tolls, rents or charges must be consistent with or allowed by the lease, ground lease or management agreement with the System pursuant to which the Authority has possession or control of the land or improvements upon which the undertaking is located.~~

~~(g) Receive, control, invest and order the expenditure of pledged revenues and any other money pertaining to or derived from any undertaking,~~

~~including, without limitation, any grants from the Federal Government, the State, the County or any incorporated cities in the County, or from any other person or entity, for the purposes described in section 27 of this act.~~

~~(h) Except as otherwise provided in this act, exercise all or any part or combination of the powers and duties of the Authority set forth in this act.~~

~~(i) Perform any other acts that may be necessary, convenient, desirable or appropriate to carry out the purposes and provisions of this act.~~

~~2. If the Authority has no indebtedness or other financial obligations, the Board of Directors, by an affirmative vote of at least six of its members, may dissolve the Authority.~~**]**

3. Except as otherwise provided in paragraph (b) of subsection 2, the Authority is not subject to the provisions of NRS 354.470 to 354,626, inclusive, the Local Government Budget and Finance Act.

Sec. 24. ~~**[**1.**]**~~ The ~~**[**Board of Directors and any person to whom the Board of Directors delegates any of its powers or duties shall not:~~

~~(a) Expend or authorize the expenditure of any money in the tax increment account unless the Board of Directors has entered into a lease, ground lease or management agreement with the System pursuant to paragraph (d) of subsection 1 of section 23 of this act which authorizes a specific undertaking.~~

~~(b) Proceed with any undertaking or issue any securities to defray in whole or in part any cost of any undertaking unless the Board of Directors has entered into a lease, ground lease or management agreement with the System pursuant to paragraph (d) of subsection 1 of section 23 of this act which authorizes that undertaking.~~

~~2. The~~**]** Authority shall not own any land ~~**[**, but may own improvements on land located in the tax increment area if the Board of Regents, in its sole discretion, allows that ownership.**]**~~ **or improvements to any land.**

Sec. 24.5. **The Board of Directors:**

1. Shall study the need for, feasibility of and financing alternatives for a large events center and other required infrastructure and supporting improvements in the Authority area.

2. Upon determination pursuant to subsection 1 that a large events center is needed and feasible, the Board may develop recommendations for such a large events center including, without limitation, the type and general design of the center and the approximate seats to be included in the center. To the extent money is available for this purpose, the Board may also calculate a preliminary cost for construction of such a center and other required infrastructure and supporting improvements, basing such a calculation on the use of the State Public Works Board as the building official having jurisdiction over the project.

3. May study the need for, feasibility of and financing alternatives for any other undertaking.

4. Shall prepare a report which provides the results, conclusions and recommendations of its study or studies conducted pursuant to subsections 1 and 2. The report must be submitted to the Director of the Legislative Counsel Bureau by September 30, 2014, for transmittal to and consideration by the 78th Session of the Nevada Legislature. The report may include recommendations for legislation to carry out the recommendations of the Board.

5. May, if so provided in an agreement with the System, assist the System in planning and designing any improvements to the Thomas and Mack Center that are financed:

(a) Wholly or in part with state general obligation bonds payable from the tax on slot machines imposed by NRS 463.385; and

(b) Before the dissolution of the Authority.

6. May accept gifts, grants and other contributions from any source, including, without limitation, the Federal Government, the State and any local government for the purposes of carrying out the provisions of this section and defraying the expenses of the Board. If so provided in an agreement between the Authority and the System, contributions pursuant to this subsection may be made through a university foundation which is organized to support the University pursuant to NRS 396.405.

Sec. 24.7. **Notwithstanding the provisions of section 2 of Assembly Bill No. 501 of this session, the University of Nevada, Las Vegas is authorized to us not more than 2 percent of any money received by the University from bonds issued by the Board of Regents of the University of Nevada pursuant to section 2 of Assembly Bill No. 501 of this session to provide money to the Authority for the purpose of carrying out the provisions of this act.**

Sec. 25. ~~[1. Except as otherwise provided in this act and notwithstanding any other provision of law to the contrary:~~

~~(a) Any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement entered into pursuant to this act by the Authority, the System or any related entity relating to any undertaking financed in whole or in part pursuant to this act, and any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement that provides for the design, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation or maintenance of such an undertaking or any portion thereof, or the provision of materials or services for such an undertaking are exempt from any law:~~

~~(1) Requiring competitive bidding or otherwise specifying procedures for the award of agreements of a type described in this paragraph;~~

~~(2) Specifying procedures for the procurement of goods or services; or~~

~~(3) Limiting the term of any agreements of a type described in this paragraph.~~

~~(b) The provisions of chapter 341 of NRS do not apply to any undertaking financed in whole or in part pursuant to this act or to any agreement of a type described in paragraph (a), except that the provisions of paragraph (a) of subsection 9 of NRS 341.100 and of NRS 341.105 apply to any such undertaking.~~

~~(c) The provisions of chapter 338 of NRS do not apply to any undertaking financed in whole or in part pursuant to this act or to any agreement of a type described in paragraph (a), except that:~~

~~(1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement pertaining to such an undertaking even if the estimated cost of the construction work is not greater than $100,000 or the construction work does not qualify as a public work, as defined in subsection 16 of NRS 338.010;~~

~~(2) Any person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of such an undertaking shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive; and~~

~~(3) The Authority, any contractor who is awarded a contract or enters into an agreement to perform the construction, alteration, repair or remodeling of such an undertaking and any subcontractor on the undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the State had undertaken the project or had awarded the contract.~~

~~2. The Authority and any prime contractor, construction manager or project manager selected by the Authority shall competitively bid all subcontracts involving construction which the Authority determines can be competitively bid without affecting the quality of the project. Any determination by the Authority that such a subcontract can or cannot be competitively bid without affecting the quality of the project is conclusive in the absence of fraud or a gross abuse of discretion. The Authority shall establish one or more procedures for competitive bidding which:~~

~~(a) Must prohibit bidders from engaging in bid shopping;~~

~~(b) Must not permit subcontractors to avoid or circumvent the provisions of paragraph (c) of subsection 1; and~~

~~(c) Must provide a preference for Nevada subcontractors in a manner that is similar to, and with a preference that is equivalent to, the preference provided in NRS 338.1389.~~

~~.Any determination by the Authority regarding the establishment of one or more procedures for competitive bidding, and any determination by the Authority or its prime contractor, construction manager or project manager regarding the award of a contract to any bidder is conclusive in the absence of fraud or a gross abuse of discretion.~~] **(Deleted by amendment.)**

Sec. 26. [~~1. Notwithstanding any other law to the contrary:~~

~~(a) The designated taxes collected in or paid with respect to any property or activities in the original tax increment area for each fiscal year beginning on or after July 1, 2014, must be divided as follows:~~

~~(1) That portion of each of the designated taxes equal to the dollar amount collected in or paid with respect to any property or activities in the original tax increment area for the fiscal year beginning on July 1, 2012, must be distributed in the same manner as it was for that prior fiscal year.~~

~~(2) Except as otherwise provided in subsection 4, that portion of each of the designated taxes collected in or paid with respect to any property or activities in the original tax increment area in excess of the amount determined pursuant to subparagraph (1) must be deposited in the tax increment account.~~

~~(b) The designated taxes collected in or paid with respect to any property or activities in any supplemental area for each fiscal year beginning after the fiscal year in which the resolution is adopted adding that supplemental area to the tax increment area must be divided as follows:~~

~~(1) That portion of each of the designated taxes equal to the dollar amount collected in or paid with respect to any property or activities in that supplemental area for the fiscal year in which the resolution is adopted adding that supplemental area to the tax increment area must be distributed in the same manner as it was for that prior fiscal year.~~

~~(2) Except as otherwise provided in subsection 4, that portion of each of the designated taxes collected in or paid with respect to any property or activities in that supplemental area in excess of the amount determined pursuant to subparagraph (1) must be deposited in the tax increment account.~~

~~2. The amount of the designated taxes to be allocated to the tax increment account pursuant to paragraph (b) of subsection 1 must be computed separately for each supplemental area added to the tax increment area by a separate resolution adopted pursuant to section 28 of this act.~~

~~3. The amount, if any, of the:~~

~~(a) Basic city-county relief tax which is required to be distributed to the tax increment account pursuant to this section, including any portion of that amount retained by the Department of Taxation pursuant to subsection 4, must be deducted from the amount otherwise required to be deposited pursuant to NRS 377.055 into the County's subaccount in the Local Government Tax Distribution Account.~~

~~(b) Supplemental city-county relief tax which is required to be distributed to the tax increment account pursuant to this section, including any portion of that amount retained by the Department of Taxation pursuant to subsection 4, must be deducted from the amount otherwise required to be deposited pursuant to NRS 377.057 into the County's subaccount in the Local Government Tax Distribution Account.~~

~~4. The Board of Directors shall enter into an agreement with each of the governmental agencies or entities that collect the designated taxes which sets forth the details of the disbursement of the designated taxes to the tax increment account in accordance with this section. That disbursement must be made not later than 3 months after each of the designated taxes required to be distributed to the tax increment account is collected by the pertinent governmental agency or entity, except that the initial disbursement to the tax increment account need not be made before January 1, 2015. Each governmental agency or entity that collects any of the designated taxes is entitled to retain, out of the amount of the designated taxes it collects for distribution to the tax increment account, 1 percent of that amount as an administrative fee for its services in collecting and remitting those designated taxes.~~

~~5. The Nevada Tax Commission may adopt such regulations as may be necessary to determine for the purposes of this section whether any of the designated taxes is collected in or paid with respect to any property or activities in the original tax increment area or in any supplemental area.~~

~~6. As used in this section:~~

~~(a) "Original tax increment area" means the tax increment area as it exists on the effective date of this act.~~

~~(b) "Supplemental area" means any area added to the tax increment area pursuant to section 28 of this act after the effective date of this act.~~**] (Deleted by amendment.)**

Sec. 27. ~~[Any money deposited in the tax increment account and any other money of the Authority must be used as follows:~~

~~1. First, to support the repayment of and any covenants concerning any securities issued pursuant to section 29 of this act, including, if applicable, any covenants to expend money to operate, maintain or promote any undertaking;~~

~~2. Second, to defray in whole or in part any other cost of any undertaking; and~~

~~3. Third, for any other purpose regarding which the Board of Directors is authorized by law to expend money.~~**] (Deleted by amendment.)**

Sec. 28. ~~[1. If the Board of Regents deems it necessary or desirable to expand the boundaries of the tax increment area, it must adopt a resolution describing the area proposed to be added to the tax increment area, so that the~~

~~various tracts of real property may be identified and determined to be within or without the proposed addition to the tax increment area, except that the description need not describe in minute detail each tract of real property proposed to be added to the tax increment area.~~

~~2. If the Board of Regents determines to:~~

~~(a) Expand the boundaries of the tax increment area in accordance with the description set forth in a resolution adopted pursuant to subsection 1, the Board of Regents must, at any meeting of the Board held within 1 year after the meeting at which the Board adopted that resolution, adopt a resolution adding the described area to the tax increment area; or~~

~~(b) Revise the description of the area proposed to be added to the tax increment area set forth in a resolution adopted pursuant to subsection 1, the Board of Regents must adopt another resolution pursuant to subsection 1 which sets forth the revised description of the proposed addition and supersedes the previous resolution.~~

~~3. The Board of Regents may add property to the tax increment area only if the property:~~

~~(a) Is administered by the University or constitutes a part of the campus of the University;~~

~~(b) Is either:~~

~~(I) Owned by the System or a related entity on the date of the resolution adding the property to the tax increment area; or~~

~~(II) Being leased to the System or a related entity on the date of the resolution adding the property to the tax increment area under a lease with a term of at least 20 years remaining after the date of the resolution adding the property to the tax increment area; and~~

~~(c) Is not included in any area or district described in section 30 of this act.~~

~~4. No land may be removed from the tax increment area.~~

~~5. Any decision to add any land to the tax increment area pursuant to this section is in the sole discretion of the Board of Regents and must not be delegated, by contract or otherwise, to any other entity.~~

~~6. Any person or other entity may, within 30 days after the Board of Regents adopts a resolution pursuant to paragraph (a) of subsection 2 expanding the boundaries of the tax increment area, commence an action in a court of competent jurisdiction to correct or set aside that expansion on the ground that the Board of Regents acted in violation of this act, but not for any other reason. After the expiration of that 30-day period, all actions attacking the validity of the proceedings expanding the boundaries of the tax increment area are perpetually barred.~~**]** **(Deleted by amendment.)**

Sec. 29. ~~[1. To defray in whole or in part any cost of any undertaking, the Board of Directors may, except as otherwise provided in section 24 of~~

~~this act, issue securities that are special obligations payable solely from and secured solely by all or any portion of the pledged revenues as described by the Board.~~

~~2. The securities authorized by this act must be issued pursuant to the Local Government Securities Law, except that, notwithstanding any provision of the Local Government Securities Law to the contrary:~~

~~(a) The Authority may grant security interests, including deeds of trust and mortgages, in any improvements it owns and in its interest in any property it leases, subject to the terms of the lease, ground lease or management agreement with the System pursuant to which the Authority has possession or control of the property;~~

~~(b) The provisions of subsections 1 and 2 of NRS 350.569 do not apply to the Board of Directors or the Authority; and~~

~~(c) The provisions of subsection 2 of NRS 350.614 and subsection 1 of NRS 350.630 do not apply to any securities authorized pursuant to this act.~~

~~3. The provisions of NRS 350.0015 to 350.490 do not apply to the Board of Directors, the Authority or any securities authorized pursuant to this act.~~

~~4. None of the securities authorized pursuant to this act may be made payable from or secured by any student fees paid by students to attend the University. Any pledge or use of pledged revenues to secure or pay any securities authorized pursuant to this act must not:~~

~~(a) Violate any covenants concerning revenues that are pledged to any securities of the System; or~~

~~(b) Prevent the System from continuing to issue securities with the same pledge of revenues as that being made for the benefit of the holders of any outstanding securities of the System.~~

~~5. Any securities authorized pursuant to this act may be sold at a public sale or negotiated sale, as determined by the Board of Directors, at such a price or prices as the Board may determine, and bear interest at such a rate or rates as the Board may determine. The Board may delegate to one of its officers or employees the authority to specify, subject to any requirements or limitations specified by the Board:~~

~~(a) The price at which the securities will be sold;~~

~~(b) The rate or rates of interest on the securities;~~

~~(c) The dates on which and the prices at which the securities may be called for redemption before maturity; and~~

~~(d) The principal amount of the securities and the amount of principal maturing in any particular year.~~

~~6. The final maturity date of any securities or other obligations authorized pursuant to this act, and the termination date of any contracts entered into pursuant to this act, including, without limitation, any cooperative agreements, that are secured by or payable from any pledged~~

~~revenues described in subsection 1 of section 9 of this act or paragraph (a) of subsection 2 of section 9 of this act, including refunding securities that are secured by or payable from any pledged revenues described in subsection 1 of section 9 of this act or paragraph (a) of subsection 2 of section 9 of this act, must be not later than July 1, 2065. The Board of Directors and the Authority shall not enter into any agreement that is secured by or payable from any pledged revenues described in subsection 1 of section 9 of this act or paragraph (a) of subsection 2 of section 9 of this act for a term that extends beyond July 1, 2065.~~ **(Deleted by amendment.)**

Sec. 30. ~~[The property in the tax increment area must not be included in:~~

~~1. Any improvement district established pursuant to chapter 271 of NRS for which any revenue is pledged pursuant to NRS 271.650;~~

~~2. Any tourism improvement district established pursuant to chapter 271A of NRS;~~

~~3. Any other tax increment area established pursuant to chapter 278C of NRS or any special or local act; or~~

~~4. Any redevelopment area established pursuant to chapter 279 of NRS.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[1. The property and transactions of the Authority are exempt from taxation by the State and each political subdivision of the State to the same extent as are the property and transactions of the System.~~

~~2. If so provided in an agreement with the Authority, any construction or project manager of the Authority and any contractor or subcontractor of the Authority or of its construction or project manager may acquire materials needed or desirable for the construction or other improvement of an undertaking on behalf of the Authority which, immediately upon that acquisition, become the property of the Authority and do not as a result of that acquisition become the property of the construction or project manager, contractor or subcontractor who directly or indirectly acquires those materials on behalf of the Authority. It is the intent of this subsection that materials acquired by the Authority under an agreement described in this subsection will not be subject to any transaction tax, including, without limitation, any sales or use tax, imposed by the State or any political subdivision of the State.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[Except as otherwise provided in a cooperative agreement between the System and the Authority described in subsection 3 of section 9 of this act, the Board of Regents shall not, prior to the dissolution of the Authority, pledge or otherwise use any pledged revenues unless:~~

~~1. The pledge or other use is authorized pursuant to a written agreement with the Authority; and~~

~~2. The pertinent pledged revenues can be so pledged or otherwise used without violating any covenants concerning those pledged revenues set forth in any securities or contracts of the Authority.~~] **(Deleted by amendment.)**

Sec. 33. [~~1. Except as otherwise provided in this section, the State hereby covenants that it will not, before July 1, 2065, repeal or otherwise modify, or allow or require any other entity to repeal or otherwise modify, in any manner that is detrimental to the Authority, the System, any undertaking pursuant to this act, any financing of any undertaking pursuant to this act, or any of the bondholders or other lenders, persons or entities with whom the Authority or the System enters into any agreements, either directly or through agreements with others, regarding any undertaking:~~

~~(a) Any of the designated taxes;~~

~~(b) Any of the exemptions from any taxes or fees provided pursuant to the provisions of this act or title 32 of NRS, whether the exemption is express or implied, that:~~

~~(1) Applies to the property of the System or of the Authority; or~~

~~(2) Applies to:~~

~~(I) The System or any component thereof;~~

~~(II) The Authority; or~~

~~(III) Any other entity, including, without limitation, any nonprofit or other corporation, governmental entity or other person,~~

~~*~~ ~~with respect to any property of the System or of the Authority, any activity that takes place in the tax increment area, or any business, event or transaction of the System or of the Authority or which is located on any property of the System or of the Authority; or~~

~~(c) The provisions of this section.~~

~~2. If the State, before July 1, 2065, repeals or otherwise modifies any of the designated taxes in a manner that would reduce the pledged revenues, or allows or requires another entity to repeal or so modify any of the designated taxes, the State hereby covenants that it:~~

~~(a) Will:~~

~~(1) Increase one or more of the designated taxes;~~

~~(2) Impose or increase, or require the imposition or increase, of one or more substitute taxes or fees and amend section 8 of this act to include those substitute taxes or fees;~~

~~(3) Amend section 8 of this act to include one or more existing substitute taxes or fees; or~~

~~(4) Take any combination of the actions described in subparagraphs (1), (2) and (3); and~~

~~(b) Will amend section 9 of this act as necessary to ensure that any actions taken pursuant to paragraph (a) will produce an amount of pledged revenues that equals or exceeds the amount by which the pledged revenues would have~~

~~been reduced, as a result of the repeal or other modification of the designated tax, from the date of that repeal or other modification until July 1, 2065.~~

~~— 3. If the State, before July 1, 2065, repeals or otherwise modifies the method of collecting, basis for calculating or rate of any tax or fee regarding which there is any exemption described in paragraph (b) of subsection 1, and that repeal or other modification would reduce the amount that the Board of Regents or the Authority would otherwise be entitled to receive before that date under an existing agreement to receive payments in lieu of that tax or fee, the State hereby covenants that it will take such action as may be necessary to ensure that the Board of Regents or the Authority will receive a substitute amount that is equal to or greater than the amount of that reduction in those payments that the Board of Regents or the Authority would otherwise have been entitled to receive under that agreement before July 1, 2065.~~

~~— 4. Subsections 1, 2 and 3 do not apply to any tax imposed by a local government which is not required by law to be imposed on the effective date of this act.~~

~~— 5. The provisions of this section shall be deemed, until July 1, 2065, to constitute a contract between the State and the Authority, the System, the holders of any bonds or other obligations issued under this act and any other lenders, persons or entities with whom the Authority or the System enters into any agreements, either directly or through agreements with others, regarding any undertaking. The State hereby covenants that it will not, before July 1, 2065, amend the provisions of this section in any manner that, directly or indirectly, materially impairs any such bonds or other obligations, other loans or other agreements. The provisions of this section are in addition to, and not a substitute for, the provisions of NRS 350.610.~~

~~— 6. For the purposes of this section, "substitute taxes or fees" means any taxes or fees other than those specified in section 8 of this act.~~**] (Deleted by amendment.)**

Sec. 34. **[**~~For the purposes of the County Bond Law:~~

~~— 1. The definition of "infrastructure project" set forth in NRS 244A.034 shall be deemed to include, for the University of Nevada, Las Vegas, Campus Improvement Authority, an undertaking, as defined in section 14 of this act.~~

~~— 2. The definition of "municipal securities" set forth in NRS 244A.0345 shall be deemed to include any notes, warrants, interim debentures, bonds and temporary bonds issued by the University of Nevada, Las Vegas, Campus Improvement Authority which are special obligations of the University of Nevada, Las Vegas, Campus Improvement Authority, as described in section 29 of this act.~~

~~3. The definition of "municipality" set forth in NRS 244A.0347 shall be deemed to include the University of Nevada, Las Vegas, Campus Improvement Authority created by section 16 of this act.~~

~~4. The provisions of NRS 244A.064 shall be deemed to authorize Clark County, in connection with any lending project, to refund any municipal securities issued by the University of Nevada, Las Vegas, Campus Improvement Authority, in addition to or in combination with the authority granted to the County pursuant to paragraph (b) of subsection 6 of that section, if the County and the municipality agree to the disposition of any savings resulting from the refund.~~ **(Deleted by amendment.)**

Sec. 35. 1. ~~If the~~ **Except as otherwise provided in subsection 2, the** Board of Directors ~~does not, on or before June 30, 2017, enter into a lease, ground lease or management agreement with the System pursuant to paragraph (d) of subsection 1 of section 23 of this act which authorizes a specific undertaking, the Board of Directors shall, notwithstanding any other provision of this act to the contrary:~~

~~(a) Remit each of the designated taxes deposited in the tax increment account to the governmental agency or entity that collected the designated tax for distribution and use in the same manner as if the money had not been deposited in the tax increment account; and~~

~~(b) Wind~~ **shall wind** up the affairs of the Authority and dissolve the Authority ~~pursuant to subsection 2 of section 23 of this act.~~ **on September 30, 2015.**

2. **The Board of Directors may, by an affirmative vote of at least eight members, wind up the affairs of the Authority and dissolve the Authority before September 30, 2015, if the Authority has no outstanding obligations as of the date of dissolution.**

3. Upon the dissolution of the Authority:

(a) ~~Before the Board of Directors or any person to whom the Board of Directors delegates any of its powers or duties expends or obligates the expenditure of any money in the tax increment account:~~

~~(1) Each of the designated taxes deposited in the tax increment account must be remitted to the governmental agency or entity that collected the designated tax for distribution and use in the same manner as if the money had not been deposited in the tax increment account; and~~

~~(2) All the remaining~~ **All money and other** assets of the ~~Board of Directors and the~~ Authority**, to the extent such money and other assets are not needed to satisfy outstanding obligations of the Authority,** become the property of the System.

(b) ~~After the Board of Directors or any person to whom the Board of Directors delegates any of its powers or duties expends or obligates the expenditure of any money in the tax increment account, all the assets of the~~

~~Board of Directors and the Authority, including any money deposited in the tax increment account, become the property of the System.]~~ **All obligations of the Authority that cannot be satisfied with the money and other assets of the Authority on the date of its dissolution are void as of the date of dissolution and are not liabilities of the System or this State.**

Sec. 36. The provisions of this act do not:

1. Require the Board of Regents of the University of Nevada to enter into any ~~[lease, ground lease, management]~~ agreement **with the Authority** or **take** any other ~~[contract or agreement.]~~ **action.**

2. Limit the conditions or other provisions which the Board of Regents of the University of Nevada may, in its sole discretion, determine to include in any ~~[lease, ground lease, management]~~ agreement ~~[or any other contract or agreement.]~~ **with the Authority.**

Sec. 37. ~~[1. The powers conferred by this act are in addition to and supplemental to, and the limitations imposed by this act do not affect, the powers conferred by any other law, whether general or special.~~

~~2. Securities may be issued in accordance with this act without regard to the procedure required by any other law, except as otherwise provided in this act or in the Local Government Securities Law.~~

~~3. Insofar as the provisions of this act are inconsistent with the provisions of any other law, whether general or special, the provisions of this act are controlling.]~~ **(Deleted by amendment.)**

Sec. 38. ~~[This act being necessary to secure and preserve the public health, safety, convenience and welfare must be liberally construed to effect its purposes.]~~ **(Deleted by amendment.)**

Sec. 39. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, such invalidity does not affect the provisions or application of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are hereby declared to be severable.

Sec. 40. 1. This act becomes effective upon passage and approval.

2. Except as otherwise provided in ~~[subsections]~~ **subsection** 3 ~~[and 4, sections 1 to 34, inclusive, of this act expire by limitation upon the dissolution of the University of Nevada, Las Vegas, Campus Improvement Authority.]~~ **, this act expires by limitation on October 1, 2015.**

3. ~~[Sections 1 to 34, inclusive, of this act expire]~~ **This act expires** by limitation on August 31, 2013, unless, on or before that date, the Board of Regents of the University of Nevada makes the appointments authorized by subsection 1 of section 18 of this act.

~~[4. Section 26 of this act expires by limitation on June 30, 2017, if:~~

~~(a) That section did not expire by limitation before that date pursuant to subsection 2 or 3; and~~

~~(b) The Board of Directors of the University of Nevada, Las Vegas, Campus Improvement Authority does not, on or before that date, enter into a lease, ground lease or management agreement with the Nevada System of Higher Education pursuant to paragraph (d) of subsection 1 of section 23 of this act which authorizes a specific undertaking.]~~

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Senate Bill No. 390.

Bill read second time and ordered to third reading.

Senate Bill No. 407.

Bill read second time and ordered to third reading.

Senate Bill No. 452.

Bill read second time and ordered to third reading.

Senate Bill No. 502.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 261.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 500.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 516.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess in order to pay tribute to Assemblymen Pierce, Grady, and Horne.

Assembly in recess at 5:46 p.m.

REMARKS FROM THE FLOOR

Madam Speaker requested that the following tribute for Assemblywoman Pierce be entered in the Journal.

Motion carried.

TRIBUTE HONORING ASSEMBLYWOMAN PIERCE

Peggy Pierce originally hailed from Milton, Massachusetts. Her father was an Episcopal priest and her mother was an elementary school teacher. Peggy had five sisters and two brothers, so there was always a lot going on. As a teenager, her family lived in the Midwest. Peggy struck out on her own and moved to San Francisco in the early 1970s. Peggy lived in the City-by-the-Bay for 16 years, soaking up the fog. She worked in the food service industry doing everything from washing dishes to managing a cafeteria. In 1988, she moved to Las Vegas where she primarily was a food server at the Desert Inn until it closed in 2000. Shortly after that time, she went to work at the Culinary Union, where she served as the community liaison until September 2005. She then went to work for the United Labor Agency of Nevada and continues to work there as its resources coordinator.

Peggy Pierce was first elected to the Nevada Assembly in November 2002. Because of Nevada's constitutional term limits, 2013 will be her last regular session and her current term of office will expire in November 2014. She served as the Co-Chief Deputy Majority Whip in 2011, and as the Assembly Senior Chief Deputy Majority Whip in 2013. During her six regular sessions, Assemblywoman Pierce's committee work primarily focused on three Assembly standing committees: Government Affairs (all sessions); Health and Human Services (all sessions); and Taxation (all sessions except for 2005). She also served on the Assembly committees on: Elections, Procedures, Ethics, and Constitutional Amendments; Growth and Infrastructure; and Natural Resources, Agriculture, and Mining. She was the primary sponsor of successful legislation on topics such as: elder abuse; permanent total disabilities; the employees of senior housing facilities; hospice care; motor vehicles; the protection of personal identifying information; statutory liens; fire protection; guardianships; recycling; safety in children's products; prevailing wage; and warnings concerning the hazards of smoking during pregnancy.

During the interim period between legislative sessions, Assemblywoman Pierce has served on a number of study committees and task forces. Among others, she served on: the Advisory Board for the Nevada Task Force for Technological Crime; the Advisory Board on Maternal and Child Health; the Legislative Committee for Local Government Taxes and Finance; the Subcommittee of the Legislative Committee on Public Lands to Study Wilderness Areas and Wilderness Study Areas; and the Legislative Committee on Health Care. From 2003 to February 2012, she was a member of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System and chaired that important committee in 2007 and 2008.

Peggy notes that because her parents were active in the civil rights movement of the early sixties, she came from a tradition of community and political activism. Among other organizations, she has been active in the Sierra Club, concentrating on air quality and energy development. Further, Peggy was a member of the Clark County Air Quality Hearing Board in 2001. Peggy also notes that she is a high school graduate who picked up a college credit here and there, but mostly is self-educated. She reads widely, mostly non-fiction, history, and public

policy, and loves the desert landscape of Nevada, taking hikes in nearby areas when time permits.

Assemblywoman Peggy Pierce has been a thoughtful and dedicated member of the Assembly for the past 11 years. The Nevada Legislature stresses the value of being a "citizen legislature," which allows for diversity among its members and wide-ranging interests and areas of expertise. Assemblywoman Peggy Pierce certainly provides an excellent example of the type of member that keeps Nevada's legislative institution strong.

Madam Speaker requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. Peggy and I came in together as freshmen, as everyone knows, and we hit it off right away, mostly because of her passion for what she believes in, even though we would give her a hard time about the black helicopters. She would come to us and say, "You've got to sign this bill." "Okay, Peggy, what's the bill?" "It's a great bill; it's a great bill. I need you to sign it." And when you started reading it, the bill is about some kind of conspiracy, and we got to get something going. "Peggy, I love you, but I ain't signing that bill. I won't stand up and talk against your bill, but I am not signing that bill, Peggy." We would still be good; we still loved each other and laughed. Anyone who served with her knows her remarks can be very colorful. For those of you who don't have the privilege to sit in our caucus, they become really colorful.

My best memory was in 2007 when I was going through my divorce. We were doing our typical thing in the hallways, going from committee to committee and whatnot. I was outside of Commerce and Labor and Peggy was walking somewhere and saw me there. It wasn't anything in particular, but she walked over to me and gave me the greatest hug, and she said, "You're going to get through it. I know you are." And that was it. She just had this sense about me and what I was going through at that time, and she picked up on it right away and just came over and comforted me. That is what I will always remember about Peggy, because despite political differences, in her heart, she really cares about people. If she knows you and loves you, you can times that by infinity, because that's the type of person she is, and I'll never forget that.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker. It is appropriate that my friend Assemblyman Horne and my friend Peggy Pierce and I came in here together, and we are leaving together. I remember our first year was a very difficult session, especially the end. Peggy was so mad at us. We heard the colorful language; we understood the colorful language. And she stayed mad at us until the start of the 2005 Session, and then we kind of made up. I can tell you, I think we found out what friendship is all about. It has been my pleasure, my honor to serve with you, Peggy. We argued in some committees—Natural Resources when you had some bills. It's kind of like the Majority Leader said—Peggy, I love you, but I can't vote for this bill. But we stayed friends, and I wish you the very best because you are just a wonderful lady.

ASSEMBLYMAN ELLIOT ANDERSON:

Thank you, Madam Speaker. I couldn't pass up the opportunity to say a few words about my colleague. We have been friends since 2007, long before I was in this body. Everything that everyone has said already today applies as far back as I can remember. I'll never forget her taking a chance on me when I first ran for this body, and I really want to thank her for that. But even more than that, I want to thank her for being our party's conscience in this building. I think that is important, because sometimes it is not always easy to say what you think in this building, and Peggy never had a problem with that. And that, to me, is an example of what a good legislator is—never being afraid to speak your mind. It's very, very important.

It's very hard for me—as the Majority Leader said. It is hard to see her in the shape that she is in because I know what her heart still looks like. It is still fierce, it is still fighting, and Peggy, no matter what happens in my legislative career, I can tell you that I am always going to be asking myself, "What would Peggy say? What would Peggy do?" I think that is important for all of us.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. The Majority Leader has no idea what it is like to disagree with Peggy Pierce. I've sat in several committees with her, from sewer laterals in Health and Human Services to Lake Tahoe in Government Affairs, and this past session I've had the honor of sitting next to her. Once in a great while—I can't think of any specific instances—we did agree. We had a little banter that went on between us while other things were going on, and we would kind of dig at each other, she being a softhearted liberal and me being a hard hearted conservative—I hope Chuck Muth is listening. This banter went on for a while, and I soon realized that I was no match for Peggy. She has a very quick wit, and I'm sort of a halfwit, so I finally kind of gave up. But I was so sad when she became ill and was not able to come to the sessions. Pardon me to the chair of Government Affairs, but it became kind of boring after Peggy left. But, you know, she's going to bounce back, and I wouldn't be surprised if in a couple of years she was running for the Senate. Peggy, I love you, I respect you, and we always know where you stand, and we'll always love you.

ASSEMBLYWOMAN SWANK:

Thank you, Madam Speaker. I know I'm only a freshman, and I didn't get to meet Peggy before I was elected, however, this is a great story. It was right after the election. We were having dinner at someone's house. It was all of the women who had been elected. I had never had a conversation with Peggy before, and we had a very nice conversation. I won't recount all of it, but there was a mention of muskets, and I rather liked that, and I decided at that point that when I grow up, I want to be Peggy Pierce. Thank you, Peggy.

ASSEMBLYWOMAN DIAZ:

Thank you, Madam Speaker. In Spanish when people are small, we say sometimes that they are—especially referring here to my colleague from Assembly District 3—chiquita pero picosa. That basically means she is a little hot habanero. She really knows how to turn the heat on—and fast. Everybody has been talking about how great Peggy's heart is. I was able to be a recipient of a lot of that love last session as a freshman. She held my hand, me being pregnant and all, and I'm very grateful she came by and she visited my son and I. I hope that I get to grow up to be a true stateswoman, like my colleague here. She really stays true to her convictions. No matter how highly contentious the subject is, she votes what she truly feels is the right way to vote, and she never caves, and that is the legacy that I will have to live up to the rest of the time I get to serve, too.

ASSEMBLYMAN BOBZIEN:

Madam Speaker, thank you for doing this—and not on the last night. I think it's wonderful that we've got a little bit of time, and it is a really good idea, and here is why. For the freshmen, you may not know that this is coming, but many of you in two nights are going to be finished with the session, and you are going to swear that you don't ever want to come back. I think we are definitely on track, Madam Speaker, but a number of us that have been here and have served a session have had that experience at least once. Certainly my brush with that was the most severe last session with the storied battle over Tahoe; finishing that up and having Peggy as a comrade in arms in that; finishing that night and feeling completely hung out, run over, and dejected; and feeling like I didn't ever want to talk to anybody ever again. And there was Peggy who treated it like this is just going to keep going: This is not over; this is not done. And I remember thinking at the time, Who is this that she has this strength and understanding of

justice, knowing that things are always bigger than you and that the arc of history bends towards justice? She is our long arc in this Legislature, and that's something that I'll never forget.

I feel a special obligation to finish out the Majority Leader's reference to black helicopters because it really is a good story if you don't remember it. Everyone knows that both caucuses have their chats. We tend to have a lot of fun on those chats. We are also doing business and planning things, but we also have some fun. That bill in particular, I think, dealt with a resolution about the World Trade Organization or something, and I remember having the same response that William did where I was like, "Peggy, what?" And I don't know—did I sign onto it? Maybe I did, maybe I didn't, but all throughout the session, it was all about the black helicopters, and I remember that that was the first time that our chat humor spilled out onto the floor for everyone to see when former Assemblyman Tick Segerblom, now Senator, got up during the floor debate and flat out said to the bill sponsor, "I'd like to ask you about the black helicopters." And everybody just busted up laughing, and I think the best part about it was that nobody was laughing harder than Peggy. It's the humor that you have to have and the spirit that you have to have in this building that Peggy exemplifies.

ASSEMBLYWOMAN CARLTON:

Thank you, Madam Speaker. We have told the license plate story many, many times, but I think, on its anniversary, I should mention the fight of 2003, the most hard fought battle that has ever happened in this building, in that hallway, right outside those doors with Peggy Pierce, myself, and Senator Bill Raggio, over a license plate bill. So we have done one in our history; we never did another. We have kept that pledge to each other. But in memory of Assembly Bill 207, which actually didn't pass because Senator Raggio killed it. Peggy and I amended our bill into his so that it would have to pass—so now you have, thanks to Peggy and me, a Ducks Unlimited plate and a naturalized citizenship plate. The citizenship plate is the prettiest plate, the most effective plate, and the proudest plate in this state. In honor of that, we have for Ms. Pierce, two citizenship plates with her name, one signed by the Senate, one by the Assembly. I apologize; not all signatures are there, so please stop by Peggy's desk to put your signatures on the back of those plates. We weren't able to get to everyone.

Peggy, I remember sitting in Washington, D.C. at the Washington Hilton having a single scotch in a glass and talking about you running for office. It was the best conversation we ever had. Thank you for doing it. The state is a better place because of you. Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I'll finish up. You know, I have a lot of great stories about Peggy, but what I'll tell you is that she is a harder worker than me, and people never even realized that. She served as my vice chair, and no disrespect for anybody else, but she will always be my favorite vice chair because when times were tough or days were long, she would come by and say, "Hey, girlfriend. What can I do to help you?" She was always there to give me a bright spot in my day. This session especially, times were tough for a lot of folks in the building, but each day Peggy would come by and say, "What can I do to help you?" She has been my inspiration the entire session because she never stopped caring about this building. She never stopped caring about any one of you in here, and she will always be remembered for making sure we got through this session. So Peggy, I thank you for keeping us all going this session. You will still always be the best vice chair around. So with that, I'd like to give you applause from all of us and say thank you for your service to our state.

Madam Speaker requested that the following tribute for Assemblyman Grady be entered in the Journal.

Motion carried.

TRIBUTE HONORING ASSEMBLYMAN GRADY

Tom Grady was born in Tonopah, Nevada, and received his high school diploma from Bishop Manogue High School in Reno. He continued his education at the University of Nevada, Reno. His first professional career was in agriculture banking, where he worked for 30 years serving northern Nevada. During that time, he furthered his education at the Washington State Bankers School at Washington State University in Pullman, Washington.

Tom Grady lived in Fallon, Nevada, between 1968 and 1973, where he served as Assistant Secretary, Treasurer, and Office Manager of the Truckee River Irrigation District. In 1973, he relocated to Yerington, Nevada, where he has lived over the past 40 years. Between 1973 and 1993, he was Vice President of Agricultural Banking with the Pioneer Citizens Bank of Nevada. Tom was an elected member of the Yerington City Council between 1979 and 1981. He was elected Mayor of the City of Yerington in 1981 and served in that post for the next 12 years. Following his years in banking, and as an elected officer in Yerington from 1993 to 2001, Tom was the Executive Director of the Nevada League of Cities and Municipalities. Among many other duties and responsibilities, he ably represented local governments as a lobbyist at five regular and one special session of the Nevada Legislature.

In 2002, at the urging of many, Tom decided to embark on another career as a member of the Nevada Legislature. He was elected to Assembly District No. 38 in November 2002, and will have served for 12 years in that capacity when his current term expires in November 2014. For his first ten years in office, Assembly District No. 38 included all of Lyon and Storey Counties and portions of Carson City and Churchill County. Following redistricting by Nevada's First Judicial District Court in 2011, the boundaries of District 38 were changed to include all of Churchill County and a portion of Lyon County. As a former Churchill County resident, and a 40-year resident of Lyon County, Tom has been an ideal person to represent these counties in the Assembly.

As a member of the Nevada Assembly, Tom served as co-Minority Whip at the regular sessions of 2011 and 2013. He served as a member of the Assembly Committee on Ways and Means for the 2007, 2009, 2011, and 2013 Sessions, and likewise was a member of the Interim Finance Committee from 2007 until the present time. Other standing committees on which Tom Grady served include: Commerce and Labor; Elections, Procedures, Ethics, and Constitutional Amendments; Government Affairs; Growth and Infrastructure; Legislative Affairs and Operations; Taxation; and Natural Resources, Agriculture, and Mining. During his years of service in the Assembly, Tom Grady was the primary sponsor of successful legislation on a variety of topics, including: unemployment compensation; public administrators; meetings of boards of county commissioners; general improvement districts; veterans; county and city boundaries; fire protection; community water and sewerage systems; farm equipment; water conservation; local government airports; irrigation districts; and rural housing.

Among other awards, positions, and honors, Tom Grady was: Fallon Lions Club Lion of the Year, 1971-1972; Yerington Lions Club Lion of the Year, 1981-1982; President (1986-1987) and Public Official of the Year (1987), Nevada League of Cities; and Member of the Board of Directors, National League of Cities. As a member of the Nevada Assembly, Tom Grady will be remembered as a strong advocate of rural Nevada and Nevada's cities and local governments. Tom and his wife Patricia are the proud parents of Tina Cordes, Tim Grady, and Tami Harmon, and the equally proud grandparents of seven grandchildren. His good-natured and collegial approach to lawmaking, as well as his expertise in banking, local governments, and many other topics, will be missed when Tom Grady leaves the Assembly in November 2014.

Madam Speaker requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HICKEY:

Thank you, Madam Speaker. Tom, it's a pleasure to have this time, before we end, for all of us to be educated in all that you've done and all you've been. I remember when I served here in the 1990s, and I think you were with the League of Cities at that time. I hope everyone remembers hearing that you were the mayor of Yerington when Speaker Joe Dini was here. Those are all experiences for us to reflect on—what you have done as a representative of the rurals and what the rurals have meant to this state. At times when we fight between the north and the south, those colleagues of ours from the rurals represent kind of a bridge of reality that I think helps keep it real because, Tom, you're one of the many that had such a rich career before coming here and therefore brought so much to us. Certainly I felt that way as a leader and being our whip and really an elder in our caucus—that when things got bouncing around, I could always walk into Tom's office and sit down. You've seen it all before. There is nothing new under the sun.

I know the one person that really inspired Tom Grady last session was Senator Horsford. When Senator Horsford would get preaching on Ways and Means—and he could—I think it was a good thing that Tom Grady was on the edge of that committee chair because Tom was just about to get Pentecostal sometimes when the Senator got going. It's been great having you, Tom. It's an honor. We would love to have you come back. I know you're going to peek through the glass and laugh at us. It's a whimsical time, but you deserve this honor. You've been a good friend and a good example to many of us.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. There are just a couple of brief things I want to share with everyone, particularly the new members of the body, about what you can take away about Tom. Over the years, for sure, we've had disagreements on policy and debates on the floor, in committee, et cetera. The thing you remember, and I hope everyone takes away from this, is that with Tom—at the end, have you noticed that when you walk out of the committee room, you walk off this floor, he's always got a smile for you? He's always ready to have a joke with you or laugh with you, no matter how heated it has gotten, because he remembers and he knows that this place will be here long after you're gone. It was here before you got here. You can have some true respect for each other and have some long-lasting friendships here, and that's what I have taken with Tom. It's not worth staying mad at each other, and that's refreshing. I hope a lot of people take that away from their experiences here with Tom. I have appreciated serving with you, Tom.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker. For me, I have been privileged to have the opportunity to work under the tutelage of Mr. Grady. I have known Mr. Grady for a longer time than I've been here in the session. I used to be a city councilman myself, and he was kind of running this state in the League of Cities for quite some time. He has always had a sense of humor. To have them let me hang out with him and Pete Goicoechea has been a great opportunity—to be favored to have that opportunity and be in that circle. They have quite the sense of humor. People in this room right here think that they are running this building. I have to let you know that everything is done at 6:30 in the morning in another room, and the Speaker comes in and makes sure that we're going in the right direction. It's fun to sit there. I've seen another side of Tom that I think most of you don't get to see. He can get mad, and when he does, you kind of just back off and leave him alone. The other day I put my arm around him and said, "Mr. Grady, I love you man." He said, "Cresent, you can't have my damn gin." Anyway, I appreciate him and appreciate the lessons he's taught and wish everybody had that opportunity. I truly believe he will be standing back there next session with his hands on his ears waving at us because he enjoys life and enjoys harassment. Thank you for your time and thank you for that circle.

ASSEMBLYWOMAN PIERCE:

Thank you, Madam Speaker. I just want to sort of double up on the remarks of the Majority Leader. It comes as no surprise to anyone that I don't have a nonpartisan bone in my body. I try, but it just doesn't happen. Being in this chamber and knowing people on the other side of the aisle for as long as we do and as closely as we do, even someone like me knows that there are very decent people on both sides of the aisle, and you are one of them. You've brought a whole lot of experience to these chambers from your time in local government, and you clearly care very much about the people that you serve, and that's always very inspirational. It's been a real honor to serve with you, and I think that maybe you and I are the only two people around who swear that our names will never appear on a ballot again. So I will be thinking of you every election night from now on when we're not biting our nails. Thank you.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I just agreed with Peggy again. Tom has always been a real friend to me. When I came here, I didn't know anything about northern Nevada. I think all you need to know about northern Nevada and the type of people that are here is to know Tom Grady. I had a little problem last session with some folks, and Tom was there for me and I will never forget that. He's got many titles: of mayor, of Assemblyman, of husband to his dear wife. If you want to know what a great marriage is, look at Tom and Pat. To me the greatest title he has is friend, and I will always remember him as a friend.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. Tom, it's been great to serve with you. I remember when we were first elected. I was pretty partisan back then, and I remember we Democrats were disappointed that the Dini family didn't hold onto the seat, but that was before I got to know you. The more I got to know you, the more I realized that you look at the issue. It doesn't matter if it's a Democrat or a Republican issue. I really think you stand in the tradition of some of the great rural legislators like John Carpenter, Dean Rhoads, Mike McGinness. You are part of that great tradition. This session I was really lucky to get to sit next to you on Commerce and Labor. Just the chats we had about issues and about witnesses and whether they sounded smart or sounded stupid or sounded funny, I really enjoyed that, and you really are a tribute to this body.

ASSEMBLYMAN ELLISON:

Thank you, Madam Speaker. I was just told to be good. I stand in front of you and my colleagues, my friend from District 38, my friend from District 34, and my friend from District 3. These are some of the greatest people in the world, even though I've only known some for four or five years, and I have known my colleague here for many, many years. He was at one time known as "Gentleman Tom." He's kind of used some of the unspoken language at me in the building and told me, "What the hell were you thinking of?" So I'm learning. And Ms. Pierce—I love her to death even though I know the mind will not fit where I sit—and Mr. Horne—I have the most respect for these three individuals. I just want you to please stand and give them all a big hand at once.

ASSEMBLYMAN ELLIOT ANDERSON:

Thank you, Madam Speaker. Tom, I just wanted to briefly say I've appreciated working with you on all the different veterans' issues. Remember, I was even talking to you about them in 2009, and so I've appreciated all we've been able to do together on that. I have never thought a bad word about you and just wanted to say thank you.

ASSEMBLYMAN LIVERMORE:

Thank you, Madam Speaker. I stand on Carson City's behalf. Mr. Grady, Tom our friend, has represented Carson City for five of his terms here. Only this year do I represent all of Carson City. Tom willed that to me last year, and hopefully I will continue to represent all of

Carson City. Tom, I love you very much. It was very interesting this year when you brought forth a couple of bills that were very interesting: Don't feed the horses and you need insurance for your irrigation ditches. But I knew Tom a little bit from when I was a county official and he worked at the League of Cities. It was always good to see him. As a supervisor, sometimes people called me if they didn't know who their Assembly person was and they were looking for somebody in Carson City, so that encouraged me to run for this seat, Mr. Grady. Tom lives in that wonderful town, Yerington, and he lives at the edge of the golf course that doesn't have any golfers anymore. Maybe he can take up putting or maybe he can try to figure out what the best angles are out there on that golf course. Tom, I will always remember the pen that you have and how you kept order as the whip in the Republican caucus. He had a knack of tapping his pen on the table that made the largest noise. It was like a big mallet. I stand here today to thank you for your service to Nevada. Thank you for your service to Carson City. It's been a pleasure working here with you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

As I came into my first session, Mr. Grady and Mr. Sullivan kind of invited me into the cowboy caucus in the morning. I had to prove my way into that caucus because Mr. Carpenter, who was here, and Mr. Grady and Mr. Goicoechea weren't so sure of some wild child, city slicker that was coming in to have coffee with them in the morning. So it took a couple of weeks. I was pretty consistent showing up, and they started to lighten up a little. It was okay that I came in and had coffee with them. Really where Tom and I started, we agreed the most on a particular issue on rural housing where the two of us agreed that the person who was in charge probably wasn't the best friend of many. We worked together to pass a lot of legislation to ensure that rural housing worked for the benefit of the state and the folks in the rurals. We had some great laughs over others' misfortunes, but it was good for the state. I served with you for a long time. It was a pleasure. I was glad to be in the cowboy caucus. I still show up. I do also want to thank you for your service, and I hope that you have brought someone up along that we can count on next session. We know what we don't want, so we want you to bring us someone good that we can work with. With that, Mr. Grady, thank you for your service to the state and the rurals; you will be sadly missed in this building.

Madam Speaker requested that the following tribute for Assemblyman Horne be entered in the Journal.

Motion carried.

TRIBUTE HONORING ASSEMBLYMAN HORNE

William C. Horne was born in Wichita Falls, Texas. As part of an Air Force family, William moved frequently as a child. But his roots in southern Nevada are very deep. He lived in Las Vegas through most of his schooling, attending Lois Craig Elementary, Madison Sixth Grade Center, Gibson Junior High, and graduating from Western High School. During these years in school, William pursued the goal of becoming an Air Force fighter pilot, and was active in the Cub Scouts, Webelos, Boy Scouts, and the Junior ROTC. However, at the age of 16, William learned he could not follow in his father's footsteps in the military due to a health-related condition. For William, service to country and community would have to come in another form.

Once William's father passed away, the burden of raising the family fell on William's mother, Mary. It wasn't until years later that William learned how much his mother sacrificed, saved, and went without so William and his sisters, Tracy and Toni, could have clothes, books, and money for after school activities. William finished his freshman year at the University of Nevada, Las Vegas, then left school to work in the airline industry for the next 15 years. William credits his mother as the inspiration to return to college at UNLV, where he went on to

receive his Bachelor of Arts degree in Criminal Justice, and later his law degree from the William S. Boyd School of Law. After receiving his law degree, William was working as a law clerk at the time of his first election to the Nevada Assembly in November 2002. Since his passage of the Nevada Bar, William has operated a private law practice in Clark County.

As a member of the Nevada Assembly, William Horne has now served in six regular sessions and eight special sessions. Following his first regular session, William was named the Outstanding Freshman Assemblyman at the 2003 Session. In 2005, William was again recognized for his hard work, being named one of the most effective legislators in the Assembly. As his seniority in the Assembly increased, William's leadership responsibilities also increased. He was selected to serve as co-Assistant Majority Whip in the 2007 and 2009 Regular Sessions, as the Majority Whip for the 2011 Session, and as the Assembly Majority Floor Leader at the 2013 Session. His committee assignments for the 2013 Session included the Assembly standing committees on Commerce and Labor, Taxation, and Ways and Means. During prior sessions, he served on several other standing committees, including the Assembly Committee on Judiciary. He was a member of that important committee during his first 10 years in the Assembly, and chaired it during the 2011 Regular Session.

William was the author of many excellent pieces of legislation over the years. In the 2013 Session alone, he sponsored bills approved by the Legislature concerning interactive gaming, the servitude of a minor, bidder preferences on public works, electronic messaging signs along highways, private investigators, the victims of crime, and hoax bombs. During earlier sessions, he was the primary sponsor of enacted bills dealing with methamphetamines, community redevelopment, eminent domain, medical research, real estate appraisals, the victims of domestic violence and sexual assault, child prostitution, condominium hotels, the crime of battery, post-conviction genetic marker analysis, and child abduction prevention.

During the interim periods between sessions, William has continued his legislative service as a member of a number of statutory and interim study committees. For example, during the 2005 2006 interim period, he chaired the Legislative Commission's Subcommittee to Study Sentencing and Pardons, and Parole and Probation. Other interim legislative study committees on which he served include those on gaming policy, courts of chancery, high-level radioactive waste, and education. He also has served on: the Nevada Commission on Homeland Security; the Nevada Mental Health Plan Implementation Commission; the Nevada State Council on Interstate Juvenile Supervision; and the Advisory Commission on the Administration of Justice. Additionally, William is now a member of the Legislature's Interim Finance Committee and the Legislative Commission, and will continue that service until the end of his current term of office. He also continues to serve on the National Conference of Commissioners on Uniform State Laws, a body on which he has served since 2005.

William lives in the western part of Las Vegas and is the proud father of Kayla, Chelsey, Henry, and Chloe, and is the equally proud grandfather of Sarah. He has been a stalwart member of the Assembly since the 2003 Session, and his intelligence, wide ranging expertise, integrity, and service as both a mentor and leader will be missed in the sessions to come. We extend our thanks to William C. Horne for his excellent service in this body, and wish him all the best in his future endeavors.

Madam Speaker requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN FRIERSON:

Thank you, Madam Speaker. Our Majority Leader and I go way back. We went to law school together. I actually went to college with his sister as an undergrad. I have learned a great deal from William, even starting back then. I learned how to canvas through canvassing for the Majority Leader. I learned how to run from dogs while canvassing with the Majority Leader. I

learned how to run from dogs and duck constituent water hoses while working for the Majority Leader. We probably had more fun than should be allowed in law school, but that was because it was a new school over at Paradise Elementary School. I worked in the library, so I could usher people in and out. We didn't have any books in the library, but I worked there. It gave me an opportunity to get to know him very well. We served in student government together. He has been a servant that long, that entire time, and I've learned so much from him, but not just politically. Him practicing as a criminal defense attorney and then being able to chair Judiciary and separate that is something that I think folks underestimate until they get there. To be here and do what you think is the right thing, independent of what your job is, I was able to learn from our Majority Leader. There is so much more—and I'm learning this so if I snap at any of you, know it's because I was overwhelmed. I wouldn't have been able to get through this session if I hadn't been paying attention to the example that I had before me. For me, the greatest things were keeping a sense of humor, and as he mentioned earlier, recognizing that this place was here long before we got here and is going to be here long after we leave, and also recognizing that the most important thing out there is real life. I learned about being a great dad—it's funny when I look at that picture because it reminds me that I want to have a daughter—but those are the important things. Obviously for us, because we are friends, it's not like I'm going to miss him because he will be here asking me to pass a bill sometime next session, I'm sure. I loved lobbying before and serving with William, and of all the lessons I've learned, I hope I can be just as committed of a dad and leave here with a plan of making a whole lot of money like he makes very clear he is going to do. I really appreciate you, William. You're my friend, you're my brother, and we will always be friends. Good luck and congratulations because you had a great career and you have a wonderful legacy.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. Continuing on the dads front, you hear a lot about the unexpected friendships that you forge in this building. I remember when I was freshman and people started telling me that, and I'm thinking, Okay, yeah, these old timers, whatever, I don't know what they are thinking. It really kind of hit me this last summer just how much of a friend William is. We were meeting all the time, going through campaign stuff, and doing all the things we have to do for our caucus and all the things we do when we are in campaign mode. We were having lunch in Reno one day, and I started asking him some questions about things that were going on in my life, and he just sat and listened—no judgment, just offered his perspectives. He had had similar challenges, and it really kind of came down to, through it all, you have to love your kids and you have to be there for them. It's such an obvious lesson, but it's one of those ones that when you see it and you see someone who has done so much with his service and has done so much professionally and is so involved and is so busy with everything but just loves his kids so much and is so proud of what they do, it's just a wonderful model for all of us, and for me in particular. Fast forward to a couple weeks back, we are in the midst of the session, everything is going on, we are tracking bills, we are trying to see what's going on, see where things are going, and William calls me to his office. I'm thinking, Oh jeez, what did I do now? Something is going to happen. He just wanted to check in. "How are you doing?" It just blew me away. So I never expected to have this friendship, but William is a mentor, he is like a big brother, like a really big brother, a lot bigger than I am. I appreciate the friendship and I look forward to the next chapter in that friendship when he leaves this building because I know he is going to keep doing great thin

ASSEMBLYWOMAN FLORES:

Thank you, Madam Speaker. Oh, where do I start? William and I met back in 2009 when I was a quiet, scared, legal extern. William was actually one of the first people who encouraged me to run for office, so now you know who you can thank. We worked together on that post-conviction DNA bill that was mentioned earlier. It didn't take much convincing because he has always just been that way about justice and fairness and things that are the right thing to do.

Despite the fact that he was working with a second year law student, he never treated me any differently. He treated me like a professional and was incredibly helpful and gracious. You might not think I was scared, but I really was because I was just a second year law student and I was here with all these legislators. They were really scary, and I thought William was going to be scary, too, but he was actually the opposite. That's when I got to know that he has one of the biggest hearts of anyone I've met.

We know you are not leaving because you're going to be back. Anyone who follows him on Twitter knows he has made the funny things that happen here popular. But one of the other funny things that happens here in this building is that you develop lifelong friends. I'm not only going to miss you, William, because you have kept me endlessly entertained and have been brutally honest in every way, shape, or form and have been a mentor to me and always there for me, more than any of you will ever know. And you've let me eat all of your food that you have stashed away all session, so I really appreciate that. If any of you have gotten the opportunity to experience what I know many of us have, you'll agree that you are really lucky to leave this place with the kind of friendship that we have developed. Truly I will miss you.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker. For me, last session I didn't get an opportunity to really get to know Mr. Horne. This opportunity, being in leadership, has changed my whole perspective on Mr. Horne. It actually changed in the interim. He may not remember this, but I had a constituent that was in pretty grave need of some help. Financially, she could not afford certain things, and I didn't know where to turn to on the state side. I happened to have Mr. Horne's phone number. I called him to ask him how to approach the situation she was in, and he said "Send her to me. I'll deal with it." I don't know if she ever got with him or not; it doesn't matter. He was willing to do it for nothing. I think that is the important key. Now along with that, I learned something else during the session. Some of us have judgmental attitudes, and we walk into situations where we are not really trusting. And I've got to tell you that Mr. Horne helped me put that barrier down. I saw that "Trust Me, William" up there, and I went to ask him a question, working in leadership, and it is terrifying to trust a Democrat, I've got to tell you. I put myself in a situation on a vote that kind of went that direction. But do you know what? He stood up, he covered my backside, and I appreciated that. So I appreciated his sense of humor and getting to know him.

ASSEMBLYWOMAN NEAL:

Thank you, Madam Speaker. I just want to say that it has been an interesting two sessions for me getting to know William. I know he thinks I don't listen to him and he thinks I only listen to him on full moons, but I do. I just use his information when I want to. But I listen to him. I think the Speaker and William tag team me with almost the same message. It sinks in. I beat to my own drum. I've appreciated you mentoring me and trying to tell me how I should grow—and to be nicer. He forces me to smile. That second row of Jason, Lucy, and William are the ones who have harassed me all session and drove me to the fits of laughter where I couldn't control myself. But they did it on purpose because they were like, if you would just smile sometimes, it would be a better world. I appreciate that because in the interim, I would always have to send him a text and say, "Okay, what's going on? Help me frame this. Help me get my mind around this, the Legislature. It's a unique thing that you take on. He has really tried to mentor me. I think when he and Kelvin met me, they scouted me out to try to find out how weird I may be, and then they got to know me a little bit and said, "I think we like her." I appreciated them accepting me because I didn't know who I should accept, and they really tried to mentor me. I love you, and you know we talked earlier, and I appreciate everything you have said to me, even if I never used it. I still have it in me. I'm going to use it one day. I'm going to grow up.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I never had much interaction with William until several weeks ago on a cold night at the Carson City Courthouse when we were there as a committee to consider expelling one of our members for the first time in the history of Nevada. I'll never forget the night that I looked into the character of William Horne, and I saw that he had such great respect for this institution and such great respect for individual people. I'll never forget what I learned that night from him, I will always respect him for that, and I wish him well.

ASSEMBLYWOMAN PIERCE:

Thank you, Madam Speaker. William, it's been a wonderful six sessions here with you. You know, everyone has talked about your big heart. It's tremendous. You know I especially witnessed it the two times I've had to tell you that I was sick again, and you were one of the first people that I told. I'll never forget your instant love that enveloped me when I had to tell you that. But I think the thing that sticks out to me the most, which is something that other people have mentioned, is the laughing. We had some very funny folks in the 2003 Session, and we laughed a lot. If I think back over the hundred times in this building that I laughed so hard that I thought I was going to do myself injury, you were the guy that was making me laugh, and that's a tremendous thing. I have been so honored to work with you. Your integrity and your passion about your work and this institution and the people of Nevada is an inspiration. Thank you and we will see you next time.

ASSEMBLYMAN ELLIOT ANDERSON:

Thank you, Madam Speaker. William, I wanted to get up and speak a little bit about your character, too, and how you have helped me in my short time here. The one thing that I always really appreciate about you is your directness. This doesn't always happen in this building. You don't always know when you are messing up and you need to be corrected, and you don't always get that. I've always appreciated you being up front with me, good or bad, not even just during the session but before. I've also appreciated your advice in dealing, as David was talking about, with things coming up in his life, and the same goes for me. I know it is not goodbye because I work in the same building as you back in Las Vegas. I'm looking forward to working in the legal field with you some more and seeing you up here. So thank you very much.

ASSEMBLYMAN EISEN:

Thank you, Madam Speaker. Mr. Horne, I've had the great privilege during my freshman session to serve as your vice chair on the Education and CIP Subcommittee in Ways and Means. I was really touched at how much deference you gave to my opinions. You listened to me, you took those things into consideration, you left me hanging to chair a committee when you left town for a day—that's okay, I'm alright with that. It really was a great learning opportunity for me as we sat in briefings together to try to focus in on the things that were really important, things that really mattered to Nevada. I've been continually impressed with how much of a premium you put on what is best for Nevada and not necessarily what is easy. That has been a great lesson for me. One thing I do want to share because there are some folks here in the room that may not realize this—one of my colleagues earlier mentioned our chat and some jokes that may go back and forth on chat sometimes. One of things I've found that William will do on chat is he will lurk a little bit. We will be in a committee hearing and chat will be going, and he will be working intensely on the subject matter at hand, I'm sure, but he won't be engaged in the chat very much. Someone will make a joke, and then suddenly from out of the blue will come a message from William, and he invariably takes the joke one step too far—Funny, but one step too far. I am proud to say—and I assure you I will not repeat it here—I am proud to say that I topped him one evening this session. I will not repeat the joke anywhere that there is a recording device, ever, but I really look forward to the opportunity to see you in the future and work with you in a different capacity and lay down the challenge to you to try to top that one. I'm open anytime. Thank you very much. It's been an honor to be able to serve with you.

ASSEMBLYWOMAN DIAZ:

I, too, like my colleague from Assembly District 19, have called 1-800-call W. Horne for free legal advice, and he has never said, "Go see a lawyer." He has always given me the advice that I need. It's not for me; it's usually for a constituent or a family member. You know how that goes in our community.

My first experience working with the Majority Leader was as a freshman on the Judiciary Committee. It was a great first year. There was a lot to learn, a steep learning curve for me, but he carried that committee with a lot of class and a lot of charisma, and boy does he have a quick wit. I always saw him as a champion for justice and fairness in our state, so much so that when it came time when I was still pregnant and we were touring the state prison facilities, he said that he did not want my child to be born there, so he excused me from it, and I will always be grateful because you just never know when you are going to go into labor.

He has been a rock for our caucus, no doubt about it, especially this session with everything, and he carried so much of it for us. I will be eternally grateful to him because he, in the most difficult moments of this session, has been the rock and the pillar that kept a lot of us focused on the work that we are here to accomplish on behalf of our constituents.

I admire him as the statesman that he is—and he has faithfully served our state for these 12 years—but mostly as a father. When I saw him bring Chloe and Chloe was sitting on his lap last session while he was chairing the committee, and every time I see him with his children, I truly know that he is a wonderful dad, and he is a great statesman. We're going to miss you, but I will come and seek advice and guidance and mentoring from you, so don't think you are getting away from us.

ASSEMBLYMAN GRADY:

Kicking around these halls for 20 years on both sides of the glass, you learn to really respect what we are here for and the offices that some of the folks hold. I've got to tell you a little story first. The other night, we were at an awards dinner, and my friend from District 42 was giving out the gifts and she said, "Tom. Who is Tom?" And we kind of laughed and she said, "I didn't know your name was Tom. I always thought it was Mr. Grady." And she's the same with Mr. Stewart. It's "Mr. Stewart." I feel the same way about many of the folks here. I have a hard time calling the Speaker by her name. She is the Speaker, and I feel the same way about Mr. Horne. He walks in in the morning many times to our cowboy coffee, and the first thing I think when he comes through the door is, "Good morning, boss. How are you?" He gives you that smile, and that's what starts the day because he is a statesman, and he knows how to handle people.

At the beginning of this session, I had never seen, in my time here, a person who took his responsibilities more to heart. It was very, very difficult—the task that was laid upon his shoulders. He handled it not only professionally, but very delicately, and he made us all look like professionals. Mr. Horne, you are a professional, and it has been a pleasure for these last 11-plus years to work with you. I wish you the best.

ASSEMBLYMAN THOMPSON:

April 18 this year, I arrived at the Reno airport and talked to Mr. Horne, and he said, "As soon as you get here, make sure the Legislative Police bring you directly to my office." I was thinking, Okay, what is that all about? When I got here, the Legislative Police brought me directly to him, and I knew what he was talking about because I don't know if you guys remember, but I came on the floor, and the media—and we love our media—but they swarmed me. William stepped up and he said, "Hey, I'm his mentor. Let him breathe." I really can appreciate him for being that mentor and that big brother that I never had. He is the true epitome of the type of lawmaker that I want to be. You get up very early, extremely early in the morning, and you head to the office. You're here late at night. You have what we call in the 'hood "swag," and I want to be able to have that kind of swag like you have as a lawmaker. I definitely want to have that wit, that humor, and that ability to engage a diverse group of people.

I've known you and Senator Atkinson for numerous years, and I remember you always tried to encourage me to run for office. I said, "Yeah, I'll get there. I'll get there eventually." I just thank you. I've watched you this year. You've gone through some challenges, brother, but you came out looking stellar. I thank you so much. God bless you with the rest of your career. I just want to let you know that I don't take mentoring lightly because once you're a mentor, you're always a mentor. I've got your phone number, so sorry, you're stuck with me. I appreciate you and God bless.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

As I was sitting here listening to everybody talk about his warm heart, I was trying to remember when I first found that warm heart, because I don't know that we quite had that in the beginning. It's great, though, because William and I were cordial to each other years ago. Last session I did something without checking with him, and boy, did I get the wrath of William. I was reminiscing when everybody was talking about his warm heart. I was thinking, Dang, how come I have never seen that warm heart? I saw him come racing up to my office and saying, "You didn't check with me, and you can't use the conference committee, and don't you know how this building works?" And I was thinking, Huh? William, you and I have had a session to remember—Mr. Ralston—to remember. We have been through some challenges, but not one day went by when we forgot to stop, talk to each other, work on policy, and have quite a few laughs when times were tough. We would just stand there and laugh. You know, one of my favorite memories this session was a certain day when William and I went out, stayed out, but got back first thing in the morning. Let me tell you, we were the first two in the office, 6:30 a.m., and we were still kind of tired, but it was a busy day. Our attachés—love them both—but for some reason, they sent us to the wrong place, and we literally stood on the fourth floor and just laughed. We sat on the ground and just laughed because we had no idea where we were supposed to be, we were late, and we didn't even know who to go ask because if our attachés didn't know where we supposed to be, we were in trouble.

I have to tell you, William, I'm amazed we made it through. We had a great session, and I did see your warm heart. We went through some pretty rough times, shared some tears, and I am glad I got to experience that warm heart. I hope you will come back because we passed some good policy, we made everybody laugh, we kept the building light, and we worked together across the aisle to make this state a better place. I am thankful that you were the Majority Leader this session. I think we will have a great next couple of days, and I look forward to seeing you in the future. Thank you.

ASSEMBLY IN SESSION

At 7:46 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 407 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Bills Nos. 464, 465, 467, 481, 490, 515, 518; Senate Joint Resolution No. 8, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 9, 14, 18, 91, 131, 146, 176, 218, 246, 264, 286, 312, 363, 386, 391, 422, 440, 445, 453, 481, 482, 486; Assembly Resolution No. 14; Senate Bills Nos. 36, 72, 170, 210, 217, 244, 266, 302, 312, 313, 321, 327, 442, 456, 508.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Schulein.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Aden Medley, Aren Medley, Kathleen Medley, Richard Medley, and Mike Koon.

Assemblyman Horne moved that the Assembly adjourn until Sunday, June 2, 2013, at 3 p.m.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved the Assembly reconsider the action whereby the Assembly adjourned until Sunday, June 2, 2013, at 3 p.m.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 511—AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; requiring employees of the State to take a certain number of days of unpaid furlough leave during the 2013-2015 biennium; providing exceptions to the furlough requirement; making appropriations from the State General Fund and State Highway Fund for the salaries of certain employees of the State; extending the temporary suspension of the semiannual payment of longevity pay during the 2013-2015 biennium; extending the temporary suspension of merit pay increases during Fiscal Year 2013-2014; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that the Assembly adjourn until Sunday, June 2, 2013, at 3 p.m.

Motion carried.

Assembly adjourned at 8:10 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 2, 2013

Assembly called to order at 4:07 p.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Almighty God,

The giver of true freedom, awaken in us a new appreciation for our Nation and our state, that we may apply ourselves to keeping alive a real sense of liberty.

Thank You for our Nation's founders, their ideals, their principles, and their sacrifices. Thank You, Lord, for the long progression of statesmen and patriots who have guarded our rights and healed our land.

We thank You for the members of this Assembly, the staff who serve behind the scenes and work into the evening sustaining our well-being. In an hour where great issues are at stake, may those who serve rise to meet the challenges and strive to be faithful.

We pray in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Frierson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 511; Senate Bill No. 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 38, 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 58, 151, 213, 294, 309, 336, 454, 464.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 139, Amendment No. 916; Assembly Bill No. 153, Amendment No. 934; Assembly Bill No. 226, Amendment No. 928; Assembly Bill No. 435, Amendment No. 927, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day receded from its action on Assembly Bill No. 95, Senate Amendments Nos. 766.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 223, Senate Amendment No. 764, and requests a conference, and appointed Senators Parks, Spearman and Hammond as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 339, Senate Amendment No. 653, and requests a conference, and appointed Senators Atkinson, Jones and Hutchison as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendments Nos. 899, 910 to Senate Bill No. 164; Assembly Amendments Nos. 629, 784 to Senate Bill No. 262; Assembly Amendment No. 703 to Senate Bill No. 428; Assembly Amendment No. 702 to Senate Bill No. 429.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Jones, Ford and Hutchison as a Conference Committee concerning Senate Bill No. 38.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Manendo, Jones and Hardy as a Conference Committee concerning Senate Bill No. 179.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Kihuen, Hammond and Jones as a Conference Committee concerning Senate Bill No. 280.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Spearman, Parks and Hammond as a Conference Committee concerning Senate Bill No. 364.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Segerblom, Kihuen and Hammond as a Conference Committee concerning Senate Bill No. 389.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Segerblom, Ford and Brower as a Conference Committee concerning Senate Bill No. 425.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 38, 239, and 325, just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Frierson moved that Assembly Bills Nos. 474, 505, and 507 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Carlton moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Assembly Bill No. 511 be declared an emergency measure under the constitution and placed on third reading and final passage.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 512—AN ACT relating to statutes; making technical corrections to certain measures passed by the 77th Legislative Session; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Benitez-Thompson, Healey, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 223.

Madam Speaker appointed Assemblymen Daly, Diaz, and Livermore as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 339.

GENERAL FILE AND THIRD READING

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 511. This is known as our pay bill. This establishes the maximum allowable salaries for employees in the unclassified and classified-medical service. Assembly Bill 511 requires that the salary of each employee in all departments of state

government be restored by 2.5 percent. The bill requires 48 hours of unpaid furlough leave each year for full-time employees of all branches of state government, including the Nevada System of Higher Education and the Public Employees' Retirement System, but holds employees harmless in the accumulation of retirement service credit for time taken as furlough leave. This bill also provides an exception to the requirement of furlough leave for employees identified by their employing agency as critical in the protection of public health, safety, and welfare, with approval of the appropriate governing body. In lieu of furlough leave, these exempt employees will incur a 2.3 percent reduction in pay.

This bill makes appropriations from the General Fund and Highway Fund to provide for the difference in funding approved for the departments, commissions and agencies of the state and the actual salaries of each state employee, excluding any previous salary reductions.

The bill authorizes for the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to $5,000 annually for unclassified Gaming employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in a qualifying position as electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering, or computer science.

Finally, the bill temporarily suspends four semi-annual longevity payments over the 2013-2015 biennium and merit pay salary increases in 2014 to state employees who would otherwise be entitled to a salary increase during the period beginning July 1, 2013, to June 30, 2014. At the end of the suspension, beginning in the following fiscal year, the merit pay increases will go back into effect.

In essence, to break it down very simply, the biggest discussion points in the pay bill were restoration of the 2.5 percent, still 6 furlough days each year, and in the second year of the biennium the one step will come back to all employees who have had that suspended since the beginning when we first started doing this. I'd be happy to stand for any questions, and any members of the body that would like copies of any floor statements that I do, please contact me and I will be happy to provide them to anyone who would like to keep them for their file.

Roll call on Assembly Bill No. 511:

YEAS—40.

NAYS—Fiore.

EXCUSED—Horne.

Assembly Bill No. 511 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 474. Assembly Bill 474, as amended, provides General Fund appropriations to restore fund balances in various accounts authorized in Chapter 353 of the NRS. The General Fund appropriations include $3 million to restore the balance of the Stale Claims Account, $100,000 to restore the balance of the Emergency Account, $3 million to restore the balance of the Reserve for Statutory Contingency Account, and $8.3 million to restore the balance of the Contingency Account.

Assembly Bill 474, as amended, becomes effective upon passage and approval.

Roll call on Assembly Bill No. 474:

YEAS—40.

NAYS—Fiore.

EXCUSED—Horne.

Assembly Bill No. 474 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblywomen Carlton, Fiore, and Madam Speaker.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 505 provides for the implementation of the 2013 CIP as approved by the money committees. The bill includes funding in the amount of approximately $102.7 million for the Capital Improvement Program. The bill includes the following major funding sources to support the program: $55.5 million in general obligation bonds, $22.9 million in excess funding reallocated from projects approved in prior CIP, $7.4 million in state Highway Funds for Department of Motor Vehicles projects, $5.0 million from the Special Higher Education Capital Construction Fund, $3.8 million in federal funds for the Office of the Military and the Department of Health and Human Services projects, and $3.5 million in General Fund appropriations. I could go through and list a number of the different projects, Madam Speaker, but in my humble opinion, A.B. 505 is a jobs bill; we're putting people to work.

ASSEMBLYWOMAN FIORE:

So I get the 40 to Fiore—it's actually okay, I like it—but I really like time reading these bills, so without actually carefully going through them, that is why I'm voting no on these bills.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

That's fine, but they have been on the desk for two days, and we didn't rush them. In all fairness, I did put them out there.

Roll call on Assembly Bill No. 505:

YEAS—39.

NAYS—Fiore, Wheeler—2.

EXCUSED—Horne.

Assembly Bill No. 505 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Remarks by Assemblywoman Carlton and Madam Speaker.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 507, known as our General Appropriations Act, is the final result of the long deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Appropriations Act and other appropriations bills considered throughout the session delineate the amount of General Fund support approved by the money committees for the operation of Nevada state government for the 2013-15 biennium. The General Fund

appropriations included in the General Appropriations Act total $1,978,031,300 in 2014 and $2,027,586,257 in 2015, or $4.0 billion over the 2013-15 biennium, an increase of approximately $163.8 million when compared to General Fund appropriations approved by the 2011 Legislature for the 2011-13 biennium. The Act includes Highway Fund appropriations totaling $114,199,810 in 2014 and $140,423,192 in 2015, a reduction of approximately $27.5 million from the previous biennium.

I have before me a floor statement that is approximately 14 pages long and touches upon every area of state government. I can tell you that the Committee on Ways and Means, along with the big bills and budgets, worked on approximately 168 other bills, and we are into 1,000 hours of hearings on all these budget issues. We are working jointly with the Senate to close these appropriations so that we don't have any closing resolution problems, so we did do a lot of this in joint session, either full or through subcommittee, and I would be happy to address any area of government. I have a breakdown of each area, and I'll be happy to provide this document to all members of the body for their future reference on funding of state government.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

What I would say to the body is that the state law, I believe, requires us to leave it on the desk for 24 hours. I'm about transparency, and I just want to point out that folks had the opportunity to read this. If there are any questions, now would be the time for us to ask.

ASSEMBLYWOMAN CARLTON:

I would be happy to hit any of the pertinent highlights, Madam Speaker, that you would like me to hit. Division of Child and Family Services, the Department of Corrections, et cetera.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Can you just go through a couple of them? Maybe Health and Human Services, because we had so many changes there this session? The education budget will come later today once we move this stuff to the Senate. You can come to committee hearings to hear that, but we must pass education first before anything else. Can you just hit a couple of the highlights?

ASSEMBLYWOMAN CARLTON:

Sure, Madam Speaker, I would be happy to. Under the Division of Health Care Financing and Policy, which was one of our biggest tasks this session, the money committees approved the Governor's recommendation to implement the second phase of the Medicaid Management Information System replacement project, including one new position to assist in the development of the procurement. Additionally, the money committees approved the Governor's recommendation to add four positions dedicated to various requirements of the Affordable Care Act and four positions to expand fraud, waste, and abuse activities within the division. The money committees also approved the FMAP, the Federal Medical Assistance Percentage rate, as amended, for the 2013-2015 biennium, which increased for 2015 by 0.65 percent compared to the rate used in the Executive Budget—and that's a classic adjustment that we make when we receive our new numbers.

The money committees also approved the Governor's amended caseload projections for the Medicaid and Nevada Check Up programs, decreasing projected General Fund appropriations by approximately $2.8 million in 2014 and $7.7 million in 2015. This includes caseload increases resulting from annual caseload growth, the implementation of the Affordable Care Act, and expansion of Medicaid to include adults ages 19 to 64 with household incomes up to 138 percent of the federal poverty level.

The money committees also approved the Governor's recommendation to extend the primary care provider rate increases mandated by the ACA for Medicaid providers through 2015 and include the rate increases for Nevada Check Up providers for the 2013-2015 biennium.

Additionally, the money committees approved the Governor's recommendation, as amended, to restore provider rate reductions imposed during the previous biennium in the Medicaid and Nevada Check Up accounts. The provider rate increases include a 15 percent rate increase for free-standing ambulatory surgery centers and ambulance services; approximately 6.86 percent rate increase, or partial restoration, for partial anesthesia services, a 28 percent increase for non-primary care obstetric services; and a 30 percent increase—which is a partial restoration—to the enhancement rate for pediatric surgical services.

The increase in provider rates required General Fund support of approximately $6.0 million in 2014 and $14.2 million in 2015.

The money committees also approved the Governor's recommendation to reduce the county contribution to the County Match Program and increase the General Fund appropriation by approximately $1.3 million over the 2013-2015 biennium.

A subset of this would be the Division of Welfare and Supportive Services, and we could go through a portion of that, Madam Speaker, if you'd like.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Is there anybody in the body who's feeling uncomfortable at this point? Thank you.

Roll call on Assembly Bill No. 507:

YEAS—40.

NAYS—Fiore.

EXCUSED—Horne.

Assembly Bill No. 507 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 38.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 945.

AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property purchased by a new or expanded business; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210) **Section 2** of this bill repeals those qualifications that apply solely to a business that furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product. **Sections 3, 4, 8 and 9** of this bill make various changes

to those qualifications, including changes in the number of employees required and a requirement that any employees or capital investments used to qualify for the abatement must be retained at the location of the business for the first 5 years. **Sections 6.5, 7.3, 8, 9 and 9.5 of this bill establish the maximum duration and amount of the property tax and sales and use tax abatements available to a business that is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community. Section 5** of this bill, which expires by limitation on June 30, 2017, temporarily extends the maximum duration and amount of the property tax abatement available to a business that is or will be located in ~~[a]~~ **an activated** foreign trade zone in this State.

Existing law authorizes the Office of Economic Development to grant to a new or expanded business in this State a deferment of the payment of sales and use taxes due on purchases of capital goods for a sales price of $100,000 or more. (NRS 372.397, 374.402) **Sections 6 and 7** of this bill make various changes to the qualifications for such a deferment, including an increase in the required sales price to $1 million and a requirement to retain the property at the location of the business in this State for the 5-year duration of the deferment, and require the taxpayer to begin making partial payments of the deferred taxes within 1 year after the deferment is granted.

Existing law authorizes the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant a partial abatement of property taxes and local sales and use taxes to certain renewable energy facilities that locate in this State and meet certain qualifications for the abatement. (NRS 701A.300-701A.390) **Section 10** of this bill revises those qualifications to require that the capital investments used to qualify for the abatement must be retained at the location of the facility for the first 5 years.

Section 13 of this bill causes the tax abatements authorized pursuant to the amendatory provisions of this bill to cease to be effective on July 1, 2032.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of ~~[capital goods]~~ ***eligible property*** pursuant to NRS 372.397 or 374.402; or

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 2. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4,]~~ ***becomes effective,*** continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

~~[(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.~~

~~(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8.]~~

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), ~~[(e), (f) or (g)]~~ ***(e) or (f)*** of subsection 2;

(2) Make the requirements set forth in paragraph (d), ~~[(e), (f) or (g)]~~ ***(e) or (f)*** of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph ~~[(d), (e) or (g)]~~ ***(d) or (e)*** of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which ~~[a certificate of eligibility for the abatement is issued pursuant to subsection 4,]~~ ***the abatement becomes effective,*** continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have ~~[75]~~ ***50*** or more full-time employees on the payroll of the business by the fourth ***calendar*** quarter ~~[that it is in operation.]~~ ***following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) Establishing the business will require the business to make ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** a capital investment of at least $1,000,000 in this State ~~[.]~~ ***in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have ~~[15]~~ ***10*** or more full-time employees on the payroll of the business by the fourth ***calendar*** quarter ~~[that it is in operation.]~~ ***following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) Establishing the business will require the business to make ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** a capital investment of at least $250,000 in this State ~~[.]~~ ***in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) ~~[The]~~ ***For a business in:***

(I) A county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000 or a city whose population is less than 60,000, the business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** increase the number of employees on its payroll ***in that county or city*** by 10 percent more than it employed in the ~~[immediately preceding]~~ fiscal year ***immediately preceding the fiscal year in which the abatement becomes effective*** or by six employees, whichever is greater ~~[.]~~ ***, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) The business will expand by making a capital investment in this State ***, not later than the date which is 2 years after the date on which the***

abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the ~~[immediately preceding]~~ fiscal year ~~[.]~~ ***immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.*** The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will ***, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective,*** provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e) or (f) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e) or (f) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3.5. NRS 360.757 is hereby amended to read as follows:

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330 or 360.750 or any other specific statute unless the Office:

(a) Takes that action at a public ~~[~~hearing~~]~~ ***meeting*** conducted for that purpose; and

(b) At least 30 days before the ~~[~~hearing,~~]~~ ***meeting,*** provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the ~~[~~hearing~~]~~ ***meeting*** at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 4. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** make a capital investment in the county ***or city*** of ~~[~~at~~]~~ ***:***

(I) At least $50,000,000 if the business is an industrial or manufacturing business ***;*** or ~~[~~at~~]~~

(II) At least $5,000,000 if the business is not an industrial or manufacturing business ~~[,]~~ ***,***

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will ***, not later than the date which is 2 years after the date on which the abatement becomes effective,*** make a capital investment in the county ***or city*** of ~~[at]~~ ***:***

(I) At least $5,000,000 if the business is an industrial or manufacturing business ***;*** or ~~[at]~~

(II) At least $500,000 if the business is not an industrial or manufacturing business ~~[,]~~ ***,***

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is ***or will be*** located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the

business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 5. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

(I) At least ~~[$50,000,000]~~ ***$5,000,000*** if the business is an industrial or manufacturing business; or

(II) At least ~~[$5,000,000]~~ ***$1,000,000*** if the business is not an industrial or manufacturing business,

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

(I) At least ~~[$5,000,000]~~ ***$1,000,000*** if the business is an industrial or manufacturing business; or

(II) At least ~~[$500,000]~~ ***$250,000*** if the business is not an industrial or manufacturing business,

➥ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as

established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in ***subsection 4 and*** NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is or will be located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

4. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750 for a business which is or will be located in a foreign trade zone in this State, the partial abatement must:

(a) Be for a duration of at least 1 year but not more than ~~[15]~~ 5 years; and

(b) Not exceed ~~[60]~~ 75 percent of the taxes on personal property payable by a business each year pursuant to this chapter.

5. As used in this section, "foreign trade zone" means ~~[a]~~ an activated foreign trade zone established, operated and maintained in accordance with chapter 237A of NRS and any applicable federal laws.

Sec. 6. NRS 372.397 is hereby amended to read as follows:

372.397 1. ~~[~~Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:~~

~~(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.~~

~~(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.~~

~~(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.~~

~~(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.~~

~~(e) One million dollars or more, the tax must be paid within 60 months.~~

~~➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.~~

~~2.~~ A person may apply to the Office of Economic Development for ~~[~~such~~]~~ a deferment ~~[.]~~ ***of the payment of the tax on the sale of eligible property for a sales price of $1,000,000 or more for use by the person in a business in this State.*** If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

~~[3.]~~ ***2.*** The Office of Economic Development shall certify the person's eligibility for a deferment ***pursuant to this section*** if:

(a) ***The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to chapter 374 of NRS;***

(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and

~~[(b)]~~ ***(c)*** The Office determines that ~~[the]~~ ***:***

(1) The deferment is a significant factor in the decision of the person to locate or expand a business in this State ~~[.]~~ ***; and***

(2) The eligible property will be retained at the location of the person's business in this State until at least the date which is 5 years after the date on which the Office certifies the person's eligibility for the deferment.

➥ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.

~~[4.]~~ ***3.*** Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid ***,*** ~~[and]~~ the date of the sale and ~~[assign]~~ the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

~~[5.]~~ ***4. If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:***

(a) Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60-month period beginning on the date the Office makes that certification; and

(b) Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace ~~[capital equipment;]~~ ***eligible property;*** and

(b) The period within which such purchases may be aggregated.

6. As used in this section, "eligible property" does not include any of the following capital assets:

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 6.5. **Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person who maintains a business or intends to locate a business in a historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 in this State may, pursuant to the applicable provisions of NRS 274.310, 274.320 or 274.330, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 274.310, 274.320 or 274.330.

2. If an application for an abatement is approved pursuant to NRS 274.310, 274.320 or 274.330:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for:

(1) Except as otherwise provided in subparagraph (2), a duration of not less than 1 year but not more than 5 years; or

(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective, a minimum of $200,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established

pursuant to 24 C.F.R. Part 597, a duration of not less than 1 year but not more than 10 years.

(b) The abatement must be administered and carried out in the manner set forth in the applicable provisions of NRS 274.310, 274.320 or 274.330.

3. As used in this section, unless the context otherwise requires:

(a) "Data center" has the meaning ascribed to it in section 7.3 of this act.

(b) "Eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(1) Buildings or the structural components of buildings;

(2) Equipment used by a public utility;

(3) Equipment used for medical treatment;

(4) Machinery or equipment used in mining; or

(5) Machinery or equipment used in gaming.

Sec. 7. NRS 374.402 is hereby amended to read as follows:

374.402 1. ~~[~~Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:

~~(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.~~

~~(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.~~

~~(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.~~

~~(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.~~

~~(e) One million dollars or more, the tax must be paid within 60 months.~~

~~➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.~~

~~2.~~] A person may apply to the Office of Economic Development for ~~[~~such~~]~~ a deferment ~~[.]~~ ***of the payment of the tax on the sale of eligible property for a sales price of $1,000,000 or more for use by the person in a business in this State.*** If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

~~[3.]~~ ***2.*** The Office of Economic Development shall certify the person's eligibility for a deferment ***pursuant to this section*** if:

(a) ***The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to this chapter;***

(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and

~~[(b)]~~ ***(c)*** The Office determines that ~~[the]~~ ***:***

(1) The deferment is a significant factor in the decision of the person to locate or expand a business in this State ~~[.]~~ ***; and***

(2) The eligible property will be retained at the location of the person's business in this State until at least the date which is 5 years after the date on which the Office certifies the person's eligibility for the deferment.

➥ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.

~~[4.]~~ ***3.*** Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid ***,*** ~~[and]~~ the date of the sale and ~~[assign]~~ the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

~~[5.]~~ ***4. If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:***

(a) Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60-month period beginning on the date the Office makes that certification; and

(b) Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace ~~[capital equipment;]~~ ***eligible property;*** and

(b) The period within which such purchases may be aggregated.

6. As used in this section, "eligible property" does not include any of the following capital assets:

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 7.3. **Chapter 274 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Data center" means one or more buildings located at one physical location which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to a particular business and includes the associated telecommunications and storage systems at the location.

Sec. 7.7. **NRS 274.010 is hereby amended to read as follows:**

274.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 274.020 to 274.080, inclusive, ***and section 7.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4:]~~ ***becomes effective:***

(1) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital ~~[.]~~ ***assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.***

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. ***If the Office of Economic Development approves an application for a partial abatement pursuant to this section:***

(a) The partial abatement must:

(1) Except as otherwise provided in subparagraph (2), be for a duration of not less than 1 year but not more than 5 years; or

(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of $200,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 10 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~[6.]~~ ***7.*** The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

~~[7.]~~ ***8.*** An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4:]~~ ***becomes effective:***

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment ~~[.]~~ ***that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.***

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. ***If the Office of Economic Development approves an application for a partial abatement pursuant to this section:***

(a) The partial abatement must:

(1) Except as otherwise provided in subparagraph (2), be for a duration of not less than 1 year but not more than 5 years; or

(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of $200,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 10 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section.

Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~[6.]~~ ***7.*** The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

~~[7.]~~ ***8.*** An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9.5. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4:]~~ ***becomes effective:***

(1) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. ***If the Office of Economic Development approves an application for a partial abatement pursuant to this section:***

(a) The partial abatement must:

(1) Except as otherwise provided in subparagraph (2), be for a duration of not less than 1 year but not more than 5 years; or

(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of $200,000,000 in the enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 10 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of

the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~[6.]~~ ***7.*** The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

~~[7.]~~ ***8.*** An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~[8.]~~ ***9.*** As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 10. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to NRS 701A.370,]~~ ***becomes effective,*** continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State ~~[;]~~ ***in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;***

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the

Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State ~~[.]~~ ***in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;***

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 11. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any

other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 12. 1. The amendatory provisions of sections 1 to 10, inclusive, of this act do not apply to or otherwise affect any abatement of taxes or deferment of the payment of taxes approved by the Office of Economic Development or the Director of the Office of Energy before July 1, 2013.

2. The expiration of section 5 of this act by limitation pursuant to section 15 of this act does not affect any abatement of taxes approved by the Office of Economic Development before July 1, 2017.

Sec. 13. Notwithstanding the provisions of NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210 and 701A.300 to 701A.390, inclusive, a person is not, after June 30, 2032, entitled to any abatement of taxes approved by the Office of Economic Development or the Director of the Office of Energy pursuant to those provisions on or after July 1, 2013, and before July 1, 2032.

Sec. 14. The provisions of NRS 218D.355 do not apply to this act.

Sec. 15. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2013, for all other purposes.

2. Section 5 of this act expires by limitation on June 30, 2017.

3. Sections 3, 4, **6.5, ~~[8, 9]~~** and **7.3 to** 10 **, inclusive,** of this act expire by limitation on June 30, 2032.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 239.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 944.

AN ACT relating to energy; authorizing the Director of the Office of Energy to charge and collect certain fees from applicants for certain energy-related tax incentives; revising provisions relating to eligibility for and approval of applicants for certain energy-related tax incentives; **revising permissible uses of money in the Renewable Energy Fund;** revising provisions relating to **land use planning and** the granting **by local governments** of permits for the construction of certain utility projects; establishing the Economic Development Electric Rate Rider Program;

requiring the Public Utilities Commission of Nevada, in consultation with the Office of Economic Development, to administer the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Office of Energy to grant partial abatements of certain taxes to eligible applicants. (NRS 701A.110, 701A.115, 701A.360, 701A.390) **Sections 1, 2 and 7** of this bill authorize the Director to charge and collect a fee from each applicant in an amount not to exceed the actual cost to the Director of processing the application. **Section 3** of this bill removes from the list of persons who are eligible for a partial abatement of certain taxes a person who operates a facility for the transmission of electricity generated from renewable energy or geothermal resources. **Section 4** of this bill ~~[deletes]~~ **revises** the authority of a board of county commissioners **relating** to ~~[approve]~~ **the approval of** an application for a partial abatement of taxes submitted by a person who operates a facility for the generation of electricity from ~~[geothermal resources. Section 5 of this bill revises the amount of the partial abatement of property taxes for which certain applicants may be eligible.]~~ **renewable energy. Section 4 additionally revises provisions governing the wages and benefits that must be provided to employees working on the construction of such a facility. Section 6** of this bill removes the requirement that a certain percentage of the property taxes collected from a person who is receiving a partial abatement of taxes which would otherwise be allocated and distributed to local governments be deposited in the Renewable Energy Fund. **Section 7.5 of this bill revises the permissible uses by the Director of money in the Renewable Energy Fund.**

Sections 10-21 of this bill establish the Economic Development Electric Rate Rider Program, a 5-year program to encourage the location or relocation of new commercial and industrial businesses in this State by providing discounted rates for electricity to eligible participants. **Section 14** requires the Public Utilities Commission of Nevada, in consultation with the Office of Economic Development, to administer the Program. **Section 14** additionally requires **the Commission to establish an amount of electric generating capacity, not to exceed 50 megawatts,** that each electric utility in this State **is required to** set aside ~~[50 megawatts of capacity]~~ for allocation pursuant to the Program. **Section 15** authorizes a person who, in anticipation of the incentive provided pursuant to the Program, locates or intends to locate a new commercial or industrial business in this State to submit an application to the Office of Economic Development to participate in the Program. **Section 15** requires an applicant to obtain initial approval and a letter of eligibility from the Office. Once an applicant has obtained initial approval and a letter of eligibility from the Office, **section 16** requires the Commission

to establish the discounted rates for electricity available to the applicant and to establish and approve the terms of the contract which the applicant must enter into with an electric utility. **Section 17** provides that an electric utility ~~[may]~~ **is required to** recover the amount of the discount provided to a participant from the deferred energy account of the electric utility. **Section 21** requires the Commission to prepare and submit a report to the Legislature concerning the Program.

Section 21.5 of this bill provides that a public utility is not required to include a utility facility, the construction of which has been approved by the Commission, in the integrated resource plan of the utility if the facility is not intended to serve customers in this State and the cost of the facility will not be included in the rates charged by the utility.

Existing law requires a person who wishes to obtain a permit for a utility facility to file certain applications with the Commission if a federal agency is required to conduct an environmental analysis of the proposed utility facility. (NRS 704.870) **Sections 23 and 24** of this bill require such a person to file a notice with the Commission not later than the date on which the person files with the appropriate federal agency.

Sections ~~[9 and 27]~~ 27.1-27.9 of this bill revise provisions relating to land use permits ~~[to provide that the Commission is the sole authority for the granting of a land use permit]~~ for the construction of certain utility projects. ~~[Section 9 requires the Commission to adopt regulations providing for the issuance of such permits.]~~ **Section 27.5 requires a planning commission or governing body that is required to prepare and adopt a master plan to include in the master plan an aboveground utility plan. Section 27.7 requires each governing body of a local government to establish a process for the issuance of: (1) permits for the construction of aboveground utility projects; (2) special use permits for the construction of aboveground utility projects which are to be constructed outside of the corridors identified in the master plan; and (3) special use permits for the construction of renewable energy generation projects with a nameplate capacity of 10 megawatts or more. Section 27.9 provides that an applicant for such a special use permit may appeal certain decisions of the planning commission or governing body concerning the application to the Public Utilities Commission of Nevada.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director, in consultation with the Office of Economic Development, shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter

361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director, in consultation with the Office of Economic Development, shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

3. The Director may, with the assistance of the Chief of the Budget Division and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local government. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

(d) Must not be for an existing building or structure that is renovated.

5. If a partial abatement terminates pursuant to paragraph (c) of subsection 4, the owner of the property to which the partial abatement applied shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the date of that termination. The owner shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Director, in consultation with the Office of Economic Development, shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

7. The Director shall:

(a) Cooperate with the Office of Economic Development in carrying out the provisions of this section; and

(b) Submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

8. ***The Director may charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to this section. The amount of the fee must not exceed the actual cost to the Director for processing the application and evaluating the proof submitted by the applicant pursuant to subsection 1 and making the determination concerning eligibility for the partial abatement required by subsection 2.***

9. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 2. NRS 701A.115 is hereby amended to read as follows:

701A.115 1. Except as otherwise provided in this section, the Director of the Office of Energy shall grant a partial abatement from the portion of taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on an existing building or other structure which is renovated for use by a manufacturer if:

(a) The building or other structure is determined after the renovation to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100.

(b) The applicant:

(1) Is a manufacturer who intends to locate a new manufacturing business in this State;

(2) Employs at least 25 full-time employees at the new manufacturing business in this State during the entire period in which the applicant will receive the tax abatement; and

(3) The average hourly wage that will be paid by the manufacturer to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) No funding is provided by any governmental entity in this State for the acquisition, design, construction or renovation of the building or other structure or for the acquisition of any land therefore. For the purpose of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(d) The manufacturer:

(1) Submits an application for the abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

2. As soon as practicable after the Director receives an application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (d) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration not to exceed 1 year, and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (d) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. ***The Director may charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to this section. The amount of the fee must not exceed the actual cost to the Director for processing the application and evaluating the proof submitted by the applicant pursuant to subsection 1 and making the determination concerning eligibility for the partial abatement required by subsection 2.***

7. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling, even if the building or other structure is used for more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Manufacturer" means a person engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(d) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 2.5. **NRS 701A.340 is hereby amended to read as follows:**

701A.340 1. "Renewable energy" means:

(a) Biomass;

(b) Fuel cells;

(c) ***Geothermal energy;***

(d) Solar energy;

~~[(d)]~~ ***(e)*** Waterpower; or

~~[(e)]~~ ***(f)*** Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel ~~[, geothermal energy]~~ or nuclear energy.

Sec. 3. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy ~~[,]~~ ***or*** a wholesale facility for the generation of electricity from renewable energy ~~[,]~~ ~~*for a facility for the generation of electricity from geothermal resources*~~ ~~[or a facility for the transmission of electricity produced from renewable energy or geothermal resources]~~ in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed

pursuant to chapter 361 of NRS. ***An applicant may submit a copy of the application to the board of county commissioners at any time after the applicant has submitted the application to the Director.***

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 4. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. Except as otherwise provided in subsection 2, the ~~*[The]*~~ Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the

acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least ~~[30]~~ ***50*** percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) ~~[The]~~ ***Except as otherwise provided in subsection 6, the*** average hourly wage of the employees working on the construction of the facility will be at least ~~[150]~~ ***175*** percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that ***is provided by a third-party administrator and*** includes ~~[an option for]~~ health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least ~~[30]~~ ***50*** percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established

by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) ~~[~~The~~]~~ ***Except as otherwise provided in subsection 6, the*** average hourly wage of the employees working on the construction of the facility will be at least ~~[~~150~~]~~ ***175*** percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that ***is provided by a third-party administrator and*** includes ~~[an option for]~~ health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by ***a facility for the generation of process heat from solar renewable energy or*** a ***wholesale*** facility for the generation of electricity from ~~[~~geothermal resources~~]~~ ***renewable energy*** unless the application is approved ***or deemed approved*** pursuant to this subsection. The board of county commissioners of a county must ***provide notice to the Director that the board intends to consider an application and, if such notice is given, must*** approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners ~~[~~must~~]~~ ***:***

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue

that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility ~~[for the generation of electricity from geothermal resources]~~ agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility ~~[.]~~ ***; and***

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives ***from the Director a copy of*** the application, the application shall be deemed ~~[denied.]~~ ***approved.***

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. ~~*[3.]*~~ The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. ~~*[4.]*~~ The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages" has the meaning ascribed to it in NRS 338.010.

Sec. 5. ~~[NRS 701A.370 is hereby amended to read as follows:~~

~~701A.370 1. If the Director approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of:~~

~~(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:~~

~~(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;~~

~~(2) [Be] *If the facility:*~~

~~*(I) Has a generating capacity of 10 megawatts or more but less than 49 megawatts, be not more than 55 percent of the taxes on real and personal property payable by the facility each year; or*~~

~~*(II) Has a generating capacity of 49 megawatts or more, be* equal to 55 percent of the taxes on real and personal property payable by the facility each year; and~~

~~(3) Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.~~

~~(b) Local sales and use taxes:~~

~~(1) The partial abatement must:~~

~~(I) Be for the 3 years beginning on the date of approval of the application;~~

~~(II) Be equal to that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds 0.25 percent; and~~

~~(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.~~

~~(2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.25 percent.~~

~~2. Upon approving an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, the Director shall immediately forward a certificate of eligibility for the abatement to:~~

~~(a) The Department of Taxation;~~

~~(b) The board of county commissioners;~~

~~(c) The county assessor;~~

~~(d) The county treasurer; and~~

~~(e) The Office of Economic Development.~~**] (Deleted by amendment.)**

Sec. 6. NRS 701A.385 is hereby amended to read as follows:

701A.385 Notwithstanding any statutory provision to the contrary, if the Director approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of ~~[~~:

~~1. Property taxes imposed pursuant to chapter 361 of NRS, the amount of all the property taxes which are collected from the facility for the period of the abatement must be allocated and distributed in such a manner that:~~

~~(a) Forty five percent of that amount is deposited in the Renewable Energy Fund created by NRS 701A.450; and~~

~~(b) Fifty five percent of that amount is distributed to the local governmental entities that would otherwise be entitled to receive those taxes in proportion to the relative amount of those taxes those entities would otherwise be entitled to receive.~~

~~2. Local~~ ***local*** sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the facility for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.

Sec. 7. NRS 701A.390 is hereby amended to read as follows:

701A.390 The Director:

1. Shall adopt regulations:

(a) Prescribing the minimum level of benefits that a facility must provide to its employees if the facility is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;

(b) Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, as will ensure that all information and other documentation necessary for the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director;

(c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, to file annually with the Director such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and

(d) Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive.

3. May charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive. The amount of the fee must not exceed the actual cost to the Director for processing and approving the application.

Sec. 7.5. **NRS 701A.450 is hereby amended to read as follows:**

701A.450 1. The Renewable Energy Fund is hereby created.

2. The Director of the Office of Energy appointed pursuant to NRS 701.150 shall administer the Fund.

3. The interest and income earned on the money in the Fund must be credited to the Fund.

4. Not less than 75 percent of the money in the Fund must be used to offset the cost of electricity to ***or the use of electricity by*** retail customers of a public utility that is subject to the portfolio standard established by the Public Utilities Commission of Nevada pursuant to NRS 704.7821.

5. The Director of the Office of Energy may establish other uses of the money in the Fund by regulation.

Sec. 8. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to ~~[21,]~~ **21.5,** inclusive, of this act.

Sec. 9. ~~*[1. The Commission shall by regulation establish a process for the issuance of a land use permit to a person who intends to construct a utility project in this State. The regulations must provide that the Commission will issue an order granting or denying an application for a land use permit for a utility project not later than 150 days after the date on which an applicant submits a completed application to the Commission.*~~

~~*2. A person shall not construct a utility project in this State unless the person has first obtained a land use permit from the Commission in the manner provided by the regulations adopted pursuant to this section.*~~

~~*3. As used in this section, "utility project" has the meaning ascribed to it in NRS 278.0195.]*~~ **(Deleted by amendment.)**

Sec. 10. ***As used in sections 10 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Electric utility" has the meaning ascribed to it in NRS 704.187.***

Sec. 12. ***"Participant" means an applicant who has received initial approval and a letter of eligibility from the Office of Economic Development pursuant to section 15 of this act and who enters into a contract approved by the Commission pursuant to section 16 of this act.***

Sec. 13. ***"Program" means the Economic Development Electric Rate Rider Program established by section 14 of this act to carry out the provisions of sections 10 to 21, inclusive, of this act.***

Sec. 14. ***1. The Economic Development Electric Rate Rider Program is hereby established for the purpose of attracting new commercial and industrial businesses to this State. The Commission, in consultation with the Office of Economic Development, shall administer the Program.***

2. Each electric utility in this State shall set aside ~~[50 megawatts]~~ an amount of capacity determined by the Commission for allocation to new customers pursuant to the Program ~~[.]~~ , but the total amount of capacity that the Commission may require to be set aside by all electric utilities in this State pursuant to this subsection must not exceed 50 megawatts.

Sec. 15. *1. A person who, in anticipation of the incentive provided pursuant to the Program, locates or intends to locate a new commercial or industrial business in this State may apply to the Office of Economic Development to participate in the Program.*

2. An application to participate in the Program must be submitted on a form approved by the Office of Economic Development and must include:

(a) The name, business address and telephone number of the applicant;

(b) The location or proposed location of the applicant's facility and a detailed description of the facility;

(c) Proof satisfactory to the Office of Economic Development that the applicant satisfies the criteria for eligibility set forth in subsection 3;

(d) An attestation, on a form approved by the Office of Economic Development, that but for the incentive provided pursuant to the Program, the applicant would not have located or intended to locate the business in this State; and

(e) Any other information required by the Office of Economic Development.

3. To be eligible for participation in the Program, an applicant must demonstrate that:

(a) The applicant is or intends to be a new commercial or industrial customer of an electric utility in this State;

(b) The applicant is not, and has not been during the immediately preceding 12 months, a customer of any other electric utility in this State;

(c) The new load to be served by the electric utility is more than 300 kilowatts;

(d) The electric utility has determined that the applicant's use of the load is not for a project, purpose or facility which carries an abnormal risk or is seasonal, intermittent or temporary; and

(e) The applicant has applied for each economic incentive, including, without limitation, any abatement or partial abatement of taxes, offered by the State or any local government for which the applicant is eligible.

4. Upon the receipt of a completed application, the Office of Economic Development shall consider the application and make a determination of whether the applicant satisfies the criteria for eligibility. If the Office of Economic Development determines that the applicant satisfies the criteria for eligibility, the Office of Economic Development may give initial approval to the applicant.

5. If the Office of Economic Development gives initial approval to an applicant, the Office of Economic Development shall:

(a) Provide notice of the initial approval to the applicant;

(b) Issue to the applicant a letter of eligibility; and

(c) Forward a copy of the applicant's application and letter of eligibility to the Commission.

Sec. 16. *1. Upon receipt of an application and letter of eligibility pursuant to paragraph (c) of subsection 5 of section 15 of this act, the Commission shall:*

(a) Review the application;

(b) Establish the rates which may be charged to the applicant by the electric utility that will serve the load of the applicant; and

(c) In addition to the terms required by subsection 3, establish any additional terms which must be included in the contract between the applicant and the electric utility.

2. Before any applicant enters into a contract with an electric utility pursuant to the Program, the applicant shall:

(a) Provide to the electric utility that will serve the load of the applicant access to the applicant's facility or plans for the facility for the purpose of the electric utility making recommendations concerning the energy efficiency of the facility; and

(b) Provide proof satisfactory to the Commission that the new load under the contract will have an annual load factor of 50 percent or more for each year of the term of the contract.

3. An applicant may participate in the Program pursuant to a contract which is entered into by the applicant and the electric utility that will serve the load of the applicant and which is approved by the Commission. A contract entered into pursuant to this section must include provisions setting forth:

(a) The term of the contract, which must be 5 years;

(b) The term of the discounts applicable under the Program, which must be 4 years;

(c) The rates to be paid for electricity by the participant;

(d) That the discount approved by the Commission does not apply to up-front costs, the base tariff general rate, any otherwise applicable tariff or any taxes, surcharges, amortization or program rate elements;

(e) The deposit requirements, which must be based on the rates applicable under the second year of the contract;

(f) That the participant ceases to be eligible for any discounted rates for electricity if the participant fails to satisfy any requirements set forth in the contract or sections 10 to 21, inclusive, of this act or any regulations adopted pursuant thereto; and

(g) Any additional requirements prescribed by the Commission.

4. An electric utility shall prepare a contract to be entered into by the electric utility and a participant and submit the contract to the Commission for approval. Upon approval of the contract by the Commission, the electric utility and the applicant may enter into the contract and the applicant may participate in the Program. The Commission shall forward a copy of the approved contract to the Office of Economic Development.

Sec. 17. *Notwithstanding any other provision of this chapter, an electric utility that enters into a contract with a participant pursuant to section 16 of this act ~~[may,]~~ shall, in the manner provided pursuant to the regulations adopted by the Commission pursuant to paragraph (c) of subsection 1 of section 20 of this act, recover through a deferred energy accounting adjustment application an amount equal to the discount provided to the participant pursuant to the contract.*

Sec. 18. *If the Commission determines that a participant in the Program has failed to fulfill any requirement of the contract or carry out any duty imposed pursuant to the Program, the Commission shall issue an order requiring the participant to pay to the electric utility an amount equal to the rate which would have been charged but for the participant's participation in the Program.*

Sec. 19. *The Office of Economic Development shall not accept an application or give initial approval to any applicant for participation in the Program, and the Commission shall not approve an applicant for participation in the Program, after the earlier of December 31, 2017, or the date on which the capacity set aside for allocation pursuant to the Program is fully allocated.*

Sec. 20. *The Commission, in consultation with the Office of Economic Development:*

1. Shall adopt regulations:

(a) Establishing the discounted electric rates that may be charged by an electric utility pursuant to the Program, which must be established as a percentage of the base tariff energy rate and for which:

(1) In the first year of a contract entered into pursuant to section 16 of this act, the reduction in the rates as a result of the discount must not exceed 30 percent of the base tariff energy rate;

(2) In the second year of a contract entered into pursuant to section 16 of this act, the reduction in the rates as a result of the discount must not exceed 20 percent of the base tariff energy rate;

(3) In the third year of a contract entered into pursuant to section 16 of this act, the reduction in the rates as a result of the discount must not exceed 20 percent of the base tariff energy rate; and

(4) In the fourth year of a contract entered into pursuant to section 16 of this act, the reduction in the rates as a result of the discount must not exceed 10 percent of the base tariff energy rate;

(b) Prescribing the form and content of the contract entered into pursuant to section 16 of this act;

(c) Prescribing the procedure by which an electric utility ~~[may]~~ is authorized to recover through a deferred energy accounting adjustment application the amount of the discount provided to a participant in the Program; and

(d) Prescribing any additional information which must be submitted by an applicant for participation in the Program.

2. May adopt any other regulations it determines are necessary to carry out the provisions of sections 10 to 21, inclusive, of this act.

Sec. 21. ***The Commission shall, on or before December 31, 2014, prepare a written report concerning the Program and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Legislature. The report must include, without limitation, information concerning:***

1. The number of participants in the Program;

2. The amount of electricity allocated pursuant to the Program;

3. The total amount of the discounts provided pursuant to the Program; and

4. The remaining amount of electricity available for allocation pursuant to the Program.

Sec. 21.5. If the Commission approves an application submitted by a public utility pursuant to NRS 704.820 to 704.900, inclusive, for a utility facility which is not intended to serve customers in this State and the cost of which will not be included in the rates of that public utility, the public utility is not required to include the utility facility in any plan filed pursuant to NRS 704.741.

Sec. 22. NRS 704.848 is hereby amended to read as follows:

704.848 1. "Other permitting entity" means any state or local entity:

(a) That is responsible for the enforcement of environmental laws and whose approval is required for the construction of a utility facility, including, without limitation, the State Environmental Commission, the State Department of Conservation and Natural Resources and a local air pollution control board; or

(b) Whose approval is required for granting any variance, special use permit, conditional use permit or other special exception under NRS 278.010 to 278.319, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** or 278.640 to 278.675, inclusive, or any regulation or ordinance

adopted pursuant thereto, that is required for the construction of a utility facility.

2. The term does not include the Commission or the State Engineer.

Sec. 23. NRS 704.870 is hereby amended to read as follows:

704.870 1. Except as otherwise provided in subsection 2, a person who wishes to obtain a permit for a utility facility must file with the Commission an application, in such form as the Commission prescribes, containing:

(a) A description of the location and of the utility facility to be built thereon;

(b) A summary of any studies which have been made of the environmental impact of the facility; and

(c) A description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility.

➥ A copy or copies of the studies referred to in paragraph (b) must be filed with the Commission and be available for public inspection.

2. If a person wishes to obtain a permit for a utility facility and a federal agency is required to conduct an environmental analysis of the proposed utility facility, the person must:

(a) Not later than the date on which the person files with the appropriate federal agency an application for approval for the construction of the utility facility, file with the Commission and each other permitting entity ~~[an application,]~~ ***a notice,*** in such a form as the Commission or other permitting entity prescribes ***;*** ~~[, containing:~~

~~(1) A general description of the proposed utility facility; and~~

~~(2) A summary of any studies which the applicant anticipates will be made of the environmental impact of the facility;]~~ and

(b) Not later than 30 days after the issuance by the appropriate federal agency of ~~[a]~~ ***either the*** final environmental assessment or ***final*** environmental impact statement ***, but not the record of decision or similar document,*** relating to the construction of the utility facility:

(1) File with the Commission an ~~[amended]~~ application that complies with the provisions of subsection 1; and

(2) File with each other permitting entity an ~~[amended]~~ application for a permit, license or other approval for the construction of the utility facility.

3. A copy of each application ~~[and amended application]~~ filed with the Commission must be filed with the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

4. Each application ~~[and amended application]~~ filed with the Commission must be accompanied by:

(a) Proof of service of a copy of the application ~~[or amended application]~~ on the clerk of each local government in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed; and

(b) Proof that public notice thereof was given to persons residing in the municipalities entitled to receive notice pursuant to paragraph (a) by the publication of a summary of the application ~~[or amended application]~~ in newspapers published and distributed in the area in which the utility facility is proposed to be located.

5. Not later than 5 business days after the Commission receives an application ~~[or amended application]~~ pursuant to this section, the Commission shall issue a notice concerning the ~~[application or amended]~~ application. Any person who wishes to become a party to a permit proceeding pursuant to NRS 704.885 must file with the Commission the appropriate document required by NRS 704.885 within the time frame set forth in the notice issued by the Commission pursuant to this subsection.

Sec. 24. NRS 704.8905 is hereby amended to read as follows:

704.8905 1. Except as otherwise required to comply with federal law:

(a) Not later than 150 days after a person has filed an application regarding a utility facility pursuant to subsection 1 of NRS 704.870:

(1) The Commission shall grant or deny approval of that application; and

(2) Each other permitting entity shall, if an application for a permit, license or other approval for the construction of the utility facility was filed with the other permitting entity on or before the date on which the applicant filed the application pursuant to subsection 1 of NRS 704.870, grant or deny the application filed with the other permitting entity.

(b) Not later than 120 days after a person has filed an ~~[amended]~~ application regarding a utility facility pursuant to subsection 2 of NRS 704.870:

(1) The Commission shall grant or deny approval of the ~~[amended]~~ application; and

(2) Each other permitting entity shall, if an application for a permit, license or other approval for the construction of the utility facility was filed with the other permitting entity on or before the date on which the applicant filed with the appropriate federal agency an application for approval for the construction of the utility facility, grant or deny the ~~[amended]~~ application filed with the other permitting entity.

2. The Commission or other permitting entity shall make its determination upon the record and may grant or deny the application as filed, or grant the application upon such terms, conditions or modifications of the construction, operation or maintenance of the utility facility as the Commission or other permitting entity deems appropriate.

3. The Commission shall serve a copy of its order and any opinion issued with it upon each party to the proceeding before the Commission.

Sec. 25. NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

Sec. 26. NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

Sec. 27. Chapter 278 of NRS is hereby amended by adding thereto ~~[a~~ ~~new section to read as follows:~~

~~*Notwithstanding any other provision of law, the Public Utilities Commission of Nevada has exclusive authority pursuant to section 9 of this act to issue a land use permit for the construction of a utility project in this State.]~~ **the provisions set forth as sections 27.1 to 27.9, inclusive, of this act.**

Sec. 27.1. ***As used in sections 27.1 to 27.9, inclusive, of this act, unless the context otherwise requires, "aboveground utility" means an aboveground electric transmission line which is designed to operate at 200 kilovolts or more and which has been approved for construction after October 1, 1991, by the State or Federal Government or a governing body.***

Sec. 27.5. ***1. A planning commission or governing body that is required to prepare and adopt a master plan pursuant to the provisions of this chapter shall develop and include in that plan an aboveground utility plan as described in subsection 2. The aboveground utility plan must:***

(a) In a county whose population is 700,000 or more, conform with the comprehensive regional policy plan developed pursuant to NRS 278.02528; and

(b) In a county whose population is 100,000 or more but less than 700,000, conform with the comprehensive regional plan developed pursuant to NRS 278.0272.

2. An aboveground utility plan developed by a planning commission or governing body pursuant to this section must:

(a) Provide a process for the designation of corridors for the construction of aboveground utility projects;

(b) Be consistent with any transmission plan prepared by the Office of Energy;

(c) To ensure the continuity of transmission corridors, be consistent with the aboveground utility plan of each adjacent jurisdiction; and

(d) Be consistent with any resource management plan prepared by the Bureau of Land Management applicable to the jurisdiction of the planning

commission or governing body, including, without limitation, by ensuring that the aboveground utility plan developed by the planning commission or governing body provides for connectivity between any noncontiguous transmission corridors identified in the plan prepared by the Bureau of Land Management.

3. In developing an aboveground utility plan, a planning commission or governing body shall:

(a) Cooperate with the Bureau of Land Management, the Office of Energy and the planning commission or governing body of each adjacent jurisdiction to ensure that the aboveground utility plan adopted by the planning commission or governing body is consistent with any resource management plan prepared by the Bureau of Land Management, any transmission plan adopted by the Office of Energy and the aboveground utility plan developed by the planning commission or governing body of each adjacent jurisdiction; and

(b) Submit a copy of the aboveground utility plan, including all maps and exhibits adopted as part of the plan, to the Public Utilities Commission of Nevada and the Office of Energy.

Sec. 27.7. Each governing body:

1. Shall establish a process for the issuance of a permit for the construction of an aboveground utility project which is located in a corridor for the construction of aboveground utility projects identified in the master plan adopted by the planning commission or governing body.

2. Shall establish a process for the issuance of a special use permit for the construction of an aboveground utility project which is not located in a corridor for the construction of aboveground utility projects identified in the master plan adopted by the planning commission or governing body. The process adopted by the governing body must include, without limitation, provisions:

(a) Requiring the planning commission or the governing body to review each completed application at a public hearing;

(b) Requiring the applicant to provide proof satisfactory to the planning commission or the governing body that the construction of the aboveground utility project does not conflict with any existing or planned infrastructure or other utility projects; and

(c) Authorizing the planning commission or the governing body to issue or deny the issuance of a special use permit for the construction of an aboveground utility project based on the proximity of the proposed site of the aboveground utility project to any school, hospital or urban residential area with a dwelling density greater than 2 units per gross acre.

3. Shall establish a process for the issuance of a special use permit for the construction of a renewable energy generation project with a

nameplate capacity of 10 megawatts or more which must include, without limitation, provisions:

(a) Establishing the required contents of an application;

(b) Establishing the criteria by which the planning commission or the governing body will evaluate an application; and

(c) Requiring the planning commission or the governing body to review each completed application at a public hearing not later than 65 days after receiving the complete application.

4. May establish an expedited process for the issuance of a permit or special use permit described in subsections 1, 2 and 3 if the governing body determines that:

(a) The project will be located in an isolated or rural area; and

(b) There is minimal risk of disturbance to residents as a result of the construction of the project.

Sec. 27.9. 1. An applicant for the issuance of a special use permit for the construction of any utility project or for the construction of a renewable energy generation project with a nameplate capacity of 10 megawatts or more who:

(a) Believes that the decision of the planning commission or governing body to approve or deny the applicant's application was not timely; or

(b) Disagrees with any conditions imposed by the special use permit issued by the planning commission or governing body,

↳ may, in the manner prescribed by the Public Utilities Commission of Nevada by regulation, petition the Public Utilities Commission of Nevada to review the decision of the planning commission or governing body.

2. A petition submitted to the Public Utilities Commission of Nevada pursuant to this section must include:

(a) The name, mailing address and telephone number of the petitioner;

(b) The name of the planning commission or governing body to whom the petitioner applied for a special use permit;

(c) A statement of the decision of the planning commission or governing body from which review is sought;

(d) A statement of the resolution sought by the petitioner;

(e) A statement of the legal basis for the resolution sought by the petitioner;

(f) A copy of the application and all supporting documents submitted by the petitioner to the planning commission or governing body;

(g) A copy of each document issued by the planning commission or governing body relating to the application; and

(h) Any other information required by the Public Utilities Commission of Nevada.

3. In any proceeding before the Public Utilities Commission of Nevada concerning a petition submitted pursuant to this section, the parties:

(a) Must include:

(1) The petitioner;

(2) The planning commission or governing body whose decision is the subject of the petition; and

(3) The Regulatory Operations Staff of the Public Utilities Commission of Nevada; and

(b) May include:

(1) The Bureau of Consumer Protection in the Office of the Attorney General, upon the filing by the Bureau of Consumer Protection of a notice to intervene; and

(2) Any other person or entity that participated in any proceeding before the planning commission or governing body relating to the application for the issuance of a special use permit, if the person or entity petitions the Public Utilities Commission of Nevada for, and is granted, leave to intervene.

4. Not later than 150 days after receiving a petition to review the decision of a planning commission or governing body, the Public Utilities Commission of Nevada shall issue an order:

(a) Approving the decision of the planning commission or governing body;

(b) Directing the planning commission or governing body to issue a special use permit with such terms and conditions as the Public Utilities Commission of Nevada determines are reasonable; or

(c) Directing the planning commission or governing body to modify the terms and conditions of a special use permit in the manner prescribed by the Public Utilities Commission of Nevada.

5. An order issued by the Public Utilities Commission of Nevada pursuant to this section is final for the purposes of judicial review.

6. The Public Utilities Commission of Nevada shall adopt such regulations as it determines necessary to carry out the provisions of this section.

Sec. 28. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 29. NRS 278.016 is hereby amended to read as follows:

278.016 "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010

to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

Sec. 30. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within 3 working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a description of the additional information required; and

(2) If requested by the applicant, provide to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

Sec. 31. NRS 278.0233 is hereby amended to read as follows:

278.0233 1. Any person who has any right, title or interest in real property, and who has filed with the appropriate state or local agency an application for a permit which is required by statute or an ordinance, resolution or regulation adopted pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** before that person may improve, convey or otherwise put that property to use, may bring an action against the agency to recover actual damages caused by:

(a) Any final action, decision or order of the agency which imposes requirements, limitations or conditions upon the use of the property in excess of those authorized by ordinances, resolutions or regulations adopted pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** in effect on the date the application was filed, and which:

(1) Is arbitrary or capricious; or

(2) Is unlawful or exceeds lawful authority.

(b) Any final action, decision or order of the agency imposing a tax, fee or other monetary charge that is not expressly authorized by statute or that is in excess of the amount expressly authorized by statute.

(c) The failure of the agency to act on that application within the time for that action as limited by statute, ordinance or regulation.

2. An action must not be brought under subsection 1:

(a) Where the agency did not know, or reasonably could not have known, that its action, decision or order was unlawful or in excess of its authority.

(b) Based on the invalidation of an ordinance, resolution or regulation in effect on the date the application for the permit was filed.

(c) Where a lawful action, decision or order of the agency is taken or made to prevent a condition which would constitute a threat to the health, safety, morals or general welfare of the community.

(d) Where the applicant agrees in writing to extensions of time concerning his or her application.

(e) Where the applicant agrees in writing or orally on the record during a hearing to the requirements, limitations or conditions imposed by the action, decision or order, unless the applicant expressly states in writing or orally on the record during the hearing that a requirement, limitation or condition is agreed to under protest and specifies which paragraph of subsection 1 provides cause for the protest.

(f) For unintentional procedural or ministerial errors of the agency.

(g) Unless all administrative remedies have been exhausted.

(h) Against any individual member of the agency.

Sec. 32. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 33. NRS 278.024 is hereby amended to read as follows:

278.024 1. In the region of this State for which there has been created by NRS 278.780 to 278.828, inclusive, a regional planning agency, the powers conferred by NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** upon any other authority are subordinate to the powers of such regional planning agency, and may be exercised only to the extent that their exercise does not conflict with any ordinance or plan adopted by such regional planning agency. The powers conferred by NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** shall be exercised whenever appropriate in furtherance of a plan adopted by the regional planning agency.

2. Upon the adoption by a regional planning agency created by NRS 278.780 to 278.828, inclusive, of any regional plan, any plan adopted

pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** shall cease to be effective as to the territory embraced in such regional plan. Each planning commission and governing body whose previously adopted plan is so affected shall, within 90 days after the effective date of the regional plan, initiate any necessary procedure to revise its plan and any related zoning ordinances which affect adjacent territory.

Sec. 34. NRS 278.025 is hereby amended to read as follows:

278.025 1. In any region of this State for which there has been created by interstate compact a regional planning agency, the powers conferred by NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** are subordinate to the powers of such regional planning agency, and may be exercised only to the extent that their exercise does not conflict with any ordinance or plan adopted by such regional planning agency. The powers conferred by NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** shall be exercised whenever appropriate in furtherance of a plan adopted by the regional planning agency.

2. Upon the adoption by a regional planning agency created by interstate compact of any regional plan or interim plan, any plan adopted pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** shall cease to be effective as to the territory embraced in such regional or interim plan. Each planning commission and governing body whose previously adopted plan is so affected shall, within 90 days after the effective date of the regional or interim plan, initiate any necessary procedure to revise its plan and any related zoning ordinances which affect adjacent territory.

Sec. 35. NRS 278.02788 is hereby amended to read as follows:

278.02788 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

Sec. 36. NRS 278.130 is hereby amended to read as follows:

278.130 1. If the governing body of a city or county collaborates in the creation of a regional planning commission and does not create a separate city or county planning commission, the regional planning commission shall perform for the city or county all the duties and functions delegated to a city or county planning commission by the terms of NRS 278.010 to 278.630, inclusive **~~[.]~~** ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

2. If a regional planning commission has duties and functions pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** which parallel the duties and functions of a city or county planning commission, the city or county planning commission has the responsibility for making decisions pertaining to planning which have a local effect, and the regional planning commission has the responsibility for making decisions pertaining to planning which have a regional or intergovernmental effect.

Sec. 37. NRS 278.140 is hereby amended to read as follows:

278.140 1. The formation of regional planning districts is authorized and a regional planning commission may be created, in accordance with the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** in lieu of separate city or county planning commissions as may be required or authorized by NRS 278.010 to 278.630, inclusive **~~[.]~~** ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

2. Regional planning districts shall consist of a portion of a political subdivision, two or more contiguous political subdivisions or contiguous portions of two or more political subdivisions.

3. All territory embraced within a regional planning district shall be contiguous, except where the regional district is composed of two or more municipalities such territories need not be contiguous.

4. In a regional planning district, a regional planning commission shall function in all respects in accordance with the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** except that the plans of the regional planning commission shall coordinate the plans of any city or county planning commission within the region.

5. Reports required by NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** to be made to a governing body of a city or a county shall be made to the governing body of each city or county within the region, and the procedure set forth in NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** for action with respect to maps or subdivisions shall not be followed by the regional planning commission for subdivisions which lie within any territory in which there exists a functioning county or city planning commission.

Sec. 38. ~~[NRS 278.145 is hereby amended to read as follows:~~

~~278.145 1. Each public utility which owns an interest in or is engaged in the construction or operation of a utility project, or on whose behalf the utility project is constructed, which is located in a region or county whose population is 100,000 or more shall, within 60 days after the utility project has been approved for construction~~ ***~~[,] by the Public Utilities Commission of Nevada pursuant to the regulations adopted pursuant to section 9 of this act,~~*** ~~report the location of the utility project to the planning commission of each city, county or region in which it is located.~~

~~2. The planning commission of each city, county or region shall maintain a record of each report it receives from a public utility pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 39. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3 and 4, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion a conservation plan, a housing plan and a population plan as provided in NRS 278.160.

4. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the subjects set forth in subsection 1 of NRS 278.160.

Sec. 40. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historic neighborhood preservation plan. The plan:

(1) Must include, without limitation:

(I) A plan to inventory historic neighborhoods.

(II) A statement of goals and methods to encourage the preservation of historic neighborhoods.

(2) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(e) Historical properties preservation plan. An inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(f) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(g) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable:

(I) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(h) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(i) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(j) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(k) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(l) Rural neighborhoods preservation plan. In any county whose population is 700,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(m) Safety plan. In any county whose population is 700,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(o) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(p) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(q) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts

and grade separations. The plan may also include port, harbor, aviation and related facilities.

(t) Aboveground utility plan. Showing corridors designated for the construction of aboveground utilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 41. NRS 278.190 is hereby amended to read as follows:

278.190 1. The commission shall endeavor to promote public interest in and understanding of the master plan and of official plans and regulations relating thereto. As a means of furthering the purpose of a master plan, the commission shall annually make recommendations to the governing body for the implementation of the plan.

2. It also shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens generally with relation to the carrying out of such plans.

3. The commission, and its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

4. In general, the commission shall have such power as may be necessary to enable it to fulfill its functions and carry out the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

Sec. 42. NRS 278.200 is hereby amended to read as follows:

278.200 The master plan shall be a map, together with such charts, drawings, diagrams, schedules, reports, ordinances, or other printed or published material, or any one or a combination of any of the foregoing as may be considered essential to the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

Sec. 43. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.*** Within the zoning district, it may regulate and restrict the erection,

construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 44. NRS 278.300 is hereby amended to read as follows:

278.300 1. The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.

(b) To hear and decide, in accordance with the provisions of any such regulation, requests for variances, or for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by any such regulation to pass.

(c) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

(d) To hear and decide requests for special use permits or other special exceptions, in such cases and under such conditions as the regulations may prescribe.

2. The majority vote of the board of adjustment is necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant.

Sec. 45. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this State or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive.

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

4. Except as otherwise provided in subsection 5, this chapter, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the

division, exchange or transfer of land for agricultural purposes if each parcel resulting from such a division, exchange or transfer:

(a) Is 10 acres or more in size, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;

(b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;

(c) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;

(d) Qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and

(e) Is accessible:

(1) By way of an existing street, road or highway;

(2) Through other adjacent lands owned by the same person; or

(3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.

5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair, reconstruction, renovation or replacement of preexisting buildings or dwelling units that are:

(1) Dilapidated;

(2) Dangerous;

(3) At risk of being declared a public nuisance;

(4) Damaged or destroyed by fire, flood, earthquake or any natural or man-made disaster; or

(5) Otherwise in need of expansion, repair, reconstruction, renovation or replacement.

Sec. 46. NRS 278.325 is hereby amended to read as follows:

278.325 1. If a subdivision is proposed on land which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. Except as otherwise provided in subsection 4, a boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in NRS 625.340. Any conveyance of such a parcel must contain a legal description of the parcel that is independent of the record of survey.

4. The provisions of subsection 3 do not apply to a boundary or line that is created entirely within an existing industrial or commercial building. A certificate prepared by a professional engineer or registered architect certifying compliance with the applicable law of this State in effect at the time of the preparation of the certificate and with the building code in effect at the time the building was constructed must be attached to any document which proposes to subdivide such a building.

5. A certificate prepared pursuant to subsection 4 for a building located in a county whose population is 700,000 or more must be reviewed, approved and signed by the building official having jurisdiction over the area within which the building is situated.

Sec. 47. NRS 278.326 is hereby amended to read as follows:

278.326 1. Local subdivision ordinances shall be enacted by the governing body of every incorporated city and every county, prescribing regulations which, in addition to the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** govern matters of improvements, mapping, accuracy, engineering and related subjects, but shall not be in conflict with NRS 278.010 to 278.630, inclusive ***~~[.]~~ , and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

2. The subdivider shall comply with the provisions of the appropriate local ordinance before the final map is approved.

Sec. 48. NRS 278.327 is hereby amended to read as follows:

278.327 Approval of any map pursuant to the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** does not in itself prohibit the further division of the lots, parcels, sites, units or plots described, but any such further division shall conform to the applicable provisions of those sections.

Sec. 49. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, unless:

(a) The required map thereof, in full compliance with the appropriate provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections***

27.1 to 27.9, inclusive, of this act, and any local ordinance, has been recorded in the office of the recorder of each county in which the subdivision or land divided is located; or

(b) The person is contractually obligated to record the required map before title is transferred or possession is delivered, whichever is earlier, as provided in paragraph (a).

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than $300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation of any provision of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act*** is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

Sec. 50. NRS 278.630 is hereby amended to read as follows:

278.630 1. When there is no final map, parcel map or map of division into large parcels as required by the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** then the county assessor shall:

(a) Determine any apparent discrepancies with respect to the provisions of NRS 278.010 to 278.630, inclusive ~~[;]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act;***

(b) Report his or her determinations to the governing body of the county or city in which such apparent violation occurs in writing, including, without limitation, by noting such determinations in the appropriate parcel record of the county assessor; and

(c) Not place on the tax roll or maps of the county assessor any land for which the county assessor has determined that a discrepancy exists with respect to the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act.***

2. Upon receipt of the report, the governing body shall cause an investigation to be made by the district attorney's office when such lands are within an unincorporated area, or by the city attorney when such lands are within a city, the county recorder and any planning commission having jurisdiction over the lands in question.

3. If the report shows evidence of violation of the provisions of NRS 278.010 to 278.630, inclusive, ***and ~~[section 27]~~ sections 27.1 to 27.9, inclusive, of this act,*** with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or

person, firm or corporation with respect to violation of the provisions of those sections, the district attorney of each county in this State shall prosecute all such violations in respective counties in which the violations occur.

Sec. 50.5. **Each planning commission, as defined in NRS 278.013, and governing body, as defined in NRS 278.015, shall adopt the aboveground utility plan required by section 27.5 of this act on or before December 31, 2014.**

Sec. 51. The Public Utilities Commission of Nevada shall adopt the regulations required by sections ~~[9 and]~~ 20 **and 27.9** of this act on or before December 31, 2013.

Sec. 52. Notwithstanding any other provision of law to the contrary, any application for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS submitted by an applicant pursuant to NRS 701A.360 on or after the effective date of this section is subject to the provisions of NRS 701A.360, 701A.365, 701A.370, 701A.385 and 701A.390 as amended by sections 3 to 7, inclusive, of this act, and the Director of the Office of Energy shall not, before July 1, 2013, approve any such application submitted on or after the effective date of this section but before July 1, 2013.

Sec. 52.5. **The provisions of sections 27.1 to 27.9, inclusive, of this act and the amendatory provisions of sections 28 to 50, inclusive, of this act do not apply to an application for the issuance of a special use permit for the construction of a utility project, as that term is defined in NRS 278.0195, or for the construction of a renewable energy generation project, as that term is defined in NRS 278.01735, with a nameplate capacity of 10 megawatts or more which is submitted by an applicant to a planning commission or the governing body of a local government before July 1, 2013.**

Sec. 53. 1. This section and section 52 of this act become effective upon passage and approval.

2. Sections 1 to 51, inclusive, **and 52.5** of this act become effective on July 1, 2013.

3. Sections 10 to 21, inclusive, of this act expire by limitation on June 30, 2018.

4. Sections ~~[3]~~ **2.5** to 7, inclusive, of this act expire by limitation on June 30, 2049.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 325 authorizes a court, before sentencing a defendant who has been convicted of a felony and has never been sentenced to prison as an adult for than six months, to commit the defendant to the Department of Corrections for a complete evaluation. The commitment may not exceed 90 days but may be extended once for an additional 60 days at the request of the department. The bill requires the department to evaluate the defendant's previous delinquency or criminal record; social background and capability; and emotional, mental, and physical health, as well as suitable programs and resources that are available to him or her for rehabilitation. Not later than the end of the period of the commitment, the department must report the results of its evaluation to the court, including any recommendations that may help the court determine the proper sentence. Upon receiving the report, A.B. 325 requires the court to sentence the defendant to probation or an appropriate term of imprisonment.

Roll call on Assembly Bill No. 325:

YEAS—42.

NAYS—None.

Assembly Bill No. 325 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 167 requires a nonresident entity that owns a vehicle operated in this state by an employee, independent contractor, or any other person for the purpose of engaging in the business of the nonresident owner to apply for a nonresident business permit from the Department of Motor Vehicles within ten days after commencing such operation. The bill requires the nonresident owner to pay a fee of $200 for the first vehicle permit and $150 for each additional permitted vehicle. The nonresident owner must also submit proof that the vehicle is currently registered, insured, and tested for emissions in the state, country, or other place the owner is a resident.

Assembly Bill 167 requires the DMV to issue an indicator to a nonresident owner who properly permits a vehicle. The indicator must be displayed on the vehicle, is nontransferable, and expires after one year. A person who violates the provisions of the bill is guilty of a misdemeanor and shall be punished by a fine of no more than $500 for the first offense and $750 for the second and each subsequent offense.

Finally, A.B. 167 does not apply to vehicles rented or leased on a short-term basis.

Roll call on Assembly Bill No. 167:

YEAS—42.

NAYS—None.

Assembly Bill No. 167 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 335 creates the University of Nevada, Las Vegas Campus Improvement Authority. The duties of the Authority include studying the need for, feasibility of, financing alternative for a large events center, financing alternative for a large events center and other required infrastructure, and supporting improvements in the Authority area.

It establishes and defines an 11-member Board of Directors consisting of 4 members appointed by the Board of Regents who are either Regents or an officer of the University, 1 member appointed by the Governor, 1 member appointed by the Majority Leader of the Senate, 1 member appointed by the Speaker of the Assembly, 1 member appointed by the Board of County Commissioners who is either a Commissioner or an officer of the County, 1 member appointed by the County Fair and Recreation Board who is a member of the County Fair and Recreation Board but who is not a County Commissioner, and 2 members appointed by the other Authority members from a list of nominees prepared by the County Fair and Recreation Board who are employed in an executive position in the County by a business in the tourism, hotel and gaming industry.

In Section 18, if the Board of Regents determines it shall make its authorized appointments to the Authority, the Board of Regents must do so on or before August 31, 2013.

It goes into the issuance of the bonds and other matters relating to the establishment of this Authority. It is a good bill, Madam Speaker.

Roll call on Assembly Bill No. 335:

YEAS—42.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 940.

AN ACT relating to gaming; revising provisions governing ~~[the taxation of]~~ **interactive** gaming; ~~[providing certain restrictions governing restricted licenses to operate gaming;]~~ revising provisions governing the ~~[operation of race books and sports pools;]~~ **registration of persons who hold an ownership interest in certain entities which hold a gaming license; revising provisions relating to the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems, mobile gaming systems and interactive gaming systems; revising provisions relating to the regulation of independent testing laboratories; providing for an interim study of certain issues concerning the impact of technology upon the regulation of gaming and upon the**

distinction between restricted and nonrestricted gaming licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a nonrestricted gaming licensee is responsible to pay certain fees and taxes, including certain fees based on the gross revenue of the licensee. (NRS 463.370) Existing law further provides that a restricted gaming licensee and an operator of a slot machine route are required to pay certain fees and taxes. (Chapter 463 of NRS)]~~ **Section 1** of this bill ~~[requires a person who controls more than 500 slot machines to pay the same fees and taxes as a person who operates a nonrestricted operation.~~

~~Existing law: (1) prohibits certain actions relating to gaming without procuring and maintaining the required licensure; and (2) provides that a single establishment may not contain more than one licensed operation unless the establishment holds a nonrestricted gaming license. (NRS 463.160, 463.245) Existing law also defines: (1) "race book" as the business of accepting pari-mutuel wager upon the outcome of an event held at a track; and (2) "sports pool" as the business of accepting wagers on sporting events by any system or method of wagering. (NRS 463.01858, 463.0193) Section 3 of this bill provides that a separate license is required for each location of a race book or sports pool, and further provides that certain activities relating to the acceptance and payment of wagers and transactions in person or through mechanical means, such as a kiosk or similar device, are considered within the operation of a race book or sports pool. Section 5 of this bill clarifies that the exception to the single license at one establishment only applies to those nonrestricted licenses at an establishment with 16 or more slot machines, at an establishment with any number of slot machines together with any other game, gaming device, race book or sports pool or for a mobile gaming system.~~

~~Existing law: (1) defines a "restricted license" as a state gaming license to operate not more than 15 slot machines at an establishment in which the operation of slot machines is incidental to the primary business of the establishment; and (2) provides that such a license may only be granted to the operator of the primary business or to a licensed operator of a slot machine route. (NRS 463.0189, 463.161) Section 4 of this bill provides that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), a restricted license may only be granted at certain establishments if the establishment contains: (1) a minimum of 2,500 square feet of space available for patrons; (2) a permanent, physical bar; and (3) a restaurant which meets certain requirements.~~

~~Section 6 of this bill provides that the provisions of this bill prohibiting the granting of restricted licenses, unless the establishment meets certain criteria, apply prospectively to new restricted licenses issued on or after January 1,~~

~~2014. Section 6 also provides that the provisions of this bill pertaining to the licensure of race books and sports pools apply to all race books, sports pools and associated equipment in existence on January 1, 2014.]~~ **provides that the Nevada Gaming Commission may, upon the recommendation of the State Gaming Control Board, adopt regulations allowing promotional schemes to be conducted by licensed operators of interactive gaming in direct association with a licensed interactive gaming activity, contest or tournament that includes a raffle, drawing or other similar game of chance.**

Under existing law, the Commission and the Board are required to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) Sections 2-5 of this bill revise the definitions of the terms "cashless wagering system," "gaming employee," "gross revenue" and "wagering credit" for the purposes of the statutory provisions governing the licensing and control of gaming.

Existing law requires audits of the financial statements of all nonrestricted licensees whose annual gross revenue is $5,000,000 or more, and requires the amount of annual gross revenue to be increased or decreased annually in an amount determined by the Commission and corresponding to the Consumer Price Index. (NRS 463.159) Section 6 of this bill requires the Board to make such a determination.

Existing law also requires a limited partner holding a 5 percent or less ownership interest in a limited partnership or a member holding a 5 percent or less ownership interest in a limited-liability company, who holds or applies for a state gaming license, to register with the Board and submit to the Board's jurisdiction within 30 days after the person acquires a 5 percent or less ownership interest. (NRS 463.569, 463.5735) Sections 7 and 8 of this bill remove the requirement to register with the Board after acquiring such an ownership interest, and instead require a person to register upon seeking to hold a 5 percent or less ownership interest.

Existing law requires the Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of the registration of such independent testing laboratories. (NRS 463.670) Section 9 of this bill: (1) extends the requirement of registration to additional persons that own, operate or have significant involvement with an independent testing laboratory; (2) provides that a person who is registered pursuant to section 9 is subject to the same investigatory and disciplinary procedures

as all other gaming licensees; and (3) authorizes the Commission to require a registered independent testing laboratory and certain persons associated with a registered independent testing laboratory to file an application for a finding of suitability.

Assembly Bill No. 114 of this session, which was enacted by the Legislature and approved by the Governor and which became effective on February 21, 2013: (1) required the Commission, by regulation, to authorize the Governor, on behalf of the State of Nevada, to enter into agreements with other states, or authorized agencies thereof, to enable patrons in the signatory states to participate in interactive gaming; (2) required the regulations adopted by the Commission to be adopted in accordance with the Nevada Administrative Procedure Act; and (3) required the regulations to set forth provisions for any potential arrangements to share revenue. Sections 11 and 12 of this bill amend the provisions of Assembly Bill No. 114 to: (1) allow agreements for interactive agreements to be made with governmental units of other nations, states or local bodies exercising governmental functions; (2) provide that the regulations adopted by the Commission are not required to be adopted in accordance with the Nevada Administrative Procedure Act; and (3) authorize the Commission to include specific requirements for the agreements entered into by the State of Nevada and another government.

Senate Bill No. 416 of this session enacted certain requirements for the issuance of restricted licenses for certain businesses, which were to become effective on July 1, 2013. Sections 13 and 14 of this bill change the effective date of those provisions to January 1, 2014.

Section 15 of this bill requires the Legislative Commission to create a committee to conduct an interim study concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 through 16:

Section 1. **Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Commission may, upon the recommendation of the Board, adopt regulations that allow promotional schemes to be conducted by licensed operators of interactive gaming in direct association with a licensed interactive gaming activity, contest or tournament that includes a raffle, drawing or other similar game of chance.

Sec. 2. **NRS 463.014 is hereby amended to read as follows:**

463.014 "Cashless wagering system" means a method of wagering and accounting:

1. In which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained by a computer operated and maintained by a licensee which maintains a record of each transaction involving the wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made. The term includes computerized systems which facilitate electronic transfers of money directly to or from a game or gaming device; or

2. Used in a race book or sports pool in which the validity and value of a wagering instrument ***or wagering credits*** are determined, monitored and retained on a computer that maintains a record of each transaction involving the wagering instrument ***or wagering credits*** and is operated and maintained by a licensee.

Sec. 3. **NRS 463.0157 is hereby amended to read as follows:**

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service; ~~[and]~~

(z) ***Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and***

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks ~~[,]~~ ***or*** bartenders ~~[,]~~ ***whose duties do not involve gaming activities,*** cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 4. **NRS 463.0161 is hereby amended to read as follows:**

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game **, *or any contest or tournament in conjunction with interactive gaming,*** in which the licensee is not party to a wager,

➥ less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system ***or interactive gaming*** may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system **[;] *or interactive gaming;***

(f) Uncollected baccarat commissions; or

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 5. **NRS 463.01963 is hereby amended to read as follows:**

463.01963 "Wagering credit" means a representative of value, other than a chip, token or wagering instrument, that is used for wagering at a game **, [or]** gaming device **, *race book or sports pool*** and is obtained by the payment of cash or a cash equivalent, the use of a wagering instrument or the electronic transfer of money.

Sec. 6. **NRS 463.159 is hereby amended to read as follows:**

463.159 1. The Commission shall by regulation require audits of the financial statements of all nonrestricted licensees whose annual gross revenue is $5,000,000 or more.

2. The Commission may require audits, compiled statements or reviews of the financial statements of nonrestricted licensees whose annual gross revenue is less than $5,000,000.

3. The amounts of annual gross revenue provided for in subsections 1 and 2 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. On or before December 15 of each year, the ~~[Commission]~~ ***Board*** shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts of annual gross revenue in effect for the succeeding calendar year. The audits, compilations and reviews provided for in subsections 1 and 2 must be made by independent accountants holding permits to practice public accounting in the State of Nevada.

4. Except as otherwise provided in subsection 5, for every audit required pursuant to this section:

(a) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the Nevada State Board of Accountancy, but the preparation of statements without audit does not constitute compliance.

(b) The examination and audit must disclose whether the accounts, records and control procedures maintained by the licensee are as required by the regulations published by the Commission pursuant to NRS 463.156 to 463.1592, inclusive.

5. If the license of a nonrestricted licensee is terminated within 3 months after the end of a period covered by an audit, the licensee may submit compiled statements in lieu of an additional audited statement for the licensee's final period of business.

Sec. 7. **NRS 463.569 is hereby amended to read as follows:**

463.569 1. Every general partner of, and every limited partner with more than a 5 percent ownership interest in, a limited partnership which holds a state gaming license must be licensed individually, according to the provisions of this chapter, and if, in the judgment of the Commission, the public interest will be served by requiring any other limited partners or any or all of the limited partnership's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed, the limited partnership shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing. Publicly traded corporations which are limited partners of limited partnerships are not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive. A person who is

required to be licensed by this section as a general or limited partner shall not receive that position until the person secures the required approval of the Commission. A person who is required to be licensed pursuant to a decision of the Commission shall apply for a license within 30 days after the Commission requests the person to do so.

2. All limited partners ~~[holding]~~ ***seeking to hold*** a 5 percent or less ownership interest in a limited partnership, other than a publicly traded limited partnership, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a limited partner holding a 5 percent or less ownership interest in a limited partnership.]~~

3. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 8. **NRS 463.5735 is hereby amended to read as follows:**

463.5735 1. Every member and transferee of a member's interest with more than a 5 percent ownership interest in a limited-liability company, and every director and manager of a limited-liability company which holds or applies for a state gaming license, must be licensed individually according to the provisions of this chapter.

2. All members ~~[holding]~~ ***seeking to hold*** a 5 percent or less ownership interest in a limited-liability company, other than a publicly traded limited-liability company, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a member holding a 5 percent or less ownership interest in a limited-liability company.]~~

3. If, in the judgment of the Commission, the public interest will be served by requiring any members with a 5 percent or less ownership interest in a limited-liability company, or any of the limited-liability company's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed:

(a) The limited-liability company shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing; and

(b) Those persons shall apply for a license within 30 days after being requested to do so by the Commission.

4. A publicly traded corporation which is a member of a limited-liability company is not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive.

5. No person may become a member or a transferee of a member's interest in a limited-liability company which holds a license until the person secures the required approval of the Commission.

6. A director or manager of a limited-liability company shall apply for a license within 30 days after assuming office.

7. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 9. **NRS 463.670 is hereby amended to read as follows:**

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every ***game or*** gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the ***game or*** gaming device is put into play.

(b) In this State for use outside this State, before the gaming device is shipped out of this State.

4. The Board may inspect every ***game or*** gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, ***every inter-casino linked system,*** every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories ~~[.]~~ ***and of each person that owns, operates or has significant involvement with an independent testing laboratory,*** specify the form of the application required for such registration ***, set forth the qualifications required for such registration*** and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any ***game,*** gaming device, associated equipment, cashless wagering system, ***inter-casino linked system,*** mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any ***game,*** gaming device, associated equipment, cashless wagering system, ***inter-casino linked system,*** mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. ***The Commission shall retain jurisdiction over any person registered pursuant to this section, and any regulations adopted pursuant thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.***

9. A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

10. The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the ~~[~~Commission~~]~~ ***Board*** to inspect and certify ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems ~~[~~and~~]~~ ***or*** interactive gaming systems, and any components thereof ~~[~~,~~]~~ ***and modifications thereto,*** and to perform such other services as the Board and Commission may request.

Sec. 10. **NRS 465.094 is hereby amended to read as follows:**

465.094 The provisions of NRS 465.092 and 465.093 do not apply to a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

4. Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

5. Any other person or establishment that is licensed to engage in wagering in another ~~[state]~~ ***jurisdiction*** and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to section 6 of Assembly Bill No. 114 of this session.

Sec. 11. **NRS 233B.039 is hereby amended to read as follows:**

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765 , ~~[and section 6 of this act,]~~ the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are

subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 12. **Section 6 of Assembly Bill No. 114 of this session is hereby amended to read as follows:**

Sec. 6. 1. ~~[The]~~ ***Upon recommendation of the*** Commission**,** ~~[shall, by regulation, authorize]~~ the Governor, on behalf of the State of Nevada, ***is authorized*** to:

(a) Enter into agreements ***, in accordance with the requirements of this section,*** with other ~~[states, or authorized agencies thereof, to enable patrons]~~ ***governments whereby persons who are physically located*** in ~~[the]~~ ***a*** signatory ~~[states to]~~ ***jurisdiction may*** participate in interactive

gaming ~~[offered by licensees in those]~~ ***conducted by one or more operators licensed by one or more of the*** signatory ~~[states;]~~ ***governments;*** and

(b) Take all necessary actions to ensure that any agreement entered into pursuant to this section becomes effective.

2. ~~[Any regulations adopted pursuant to subsection 1 must:~~

~~(a) Set forth provisions for any potential arrangements to share revenue between this State and any other state or agency within another state.~~

~~(b) Be adopted in accordance with the provisions of chapter 233B of NRS.]~~ ***The Commission may:***

(a) Make recommendations to the Governor to enter into agreements pursuant to this section.

(b) Upon the recommendation of the Board, adopt regulations relating to agreements pursuant to this section.

3. The regulations adopted by the Commission pursuant to this section may include, without limitation, provisions prescribing:

(a) The form, length and terms of an agreement entered into by this State and another government, including, without limitation, provisions relating to how:

(1) Taxes are to be treated by this State and another government;

(2) Revenues are to be shared and distributed; and

(3) Disputes with patrons are to be resolved.

(b) The information to be furnished to the Board and the Commission by a government that proposes to enter into an agreement with this State pursuant to this section.

(c) The information to be furnished by the Board to the Commission to enable the Commission to carry out the purposes of this section.

(d) The manner and procedure for hearings conducted by the Board and Commission pursuant to this section, including, without limitation, the need for any special rules or notices.

(e) The information to be furnished by the Commission to the Governor that supports the recommendations of the Commission made pursuant to this section.

(f) Any other procedures to be followed by the Board or Commission to carry out the purposes of this section.

4. The Governor may not enter into an agreement pursuant to this section unless the agreement includes provisions:

(a) For any potential arrangement for the sharing of revenues by this State and a government.

(b) That permit the effective regulation of interactive gaming by this State, including, without limitation, provisions relating to licensing of entities and natural persons, technical standards to be followed, resolution of disputes by patrons, requirements for bankrolls, enforcement, accounting and maintenance of records.

(c) That each government that is a signatory to the agreement agrees to prohibit operators of interactive gaming, service providers and manufacturers or distributors of interactive gaming systems from engaging in any activity permitted by the agreement unless such operators of interactive gaming, service providers or manufacturers or distributors of interactive gaming systems are licensed or found suitable:

(1) In this State; or

(2) In the signatory jurisdiction pursuant to requirements that are materially consistent with the corresponding requirements of this State.

(d) That no variation or derogation from the requirements of the agreement is permitted for any signatory government absent the consent of this State and all signatory governments.

(e) That prohibit any subordinate or side agreements, except with respect to sharing of revenues, among any subset of governments that are signatories to the agreement.

(f) That, if the agreement allows persons physically located in this State to participate in interactive gaming conducted by another government or an operator of interactive gaming licensed by another government, require that government to establish and maintain regulatory requirements governing interactive gaming that are materially consistent with the requirements of this State in all material respects.

5. As used in this section:

(a) "Government" means any governmental unit of a national, state or local body exercising governmental functions, other than the United States Government. The term includes, without limitation, national and subnational governments, including their respective departments, agencies and instrumentalities and any department, agency or authority of any such governmental unit that has authority over gaming or gambling activities.

(b) "Jurisdiction" means the country, state or other geographic area over which a government exercises legal authority.

Sec. 13. **Section 7 of Senate Bill No. 416 of this session is hereby amended to read as follows:**

Sec. 7. 1. Except as otherwise provided in this section, the amendatory provisions of section 3 of this act apply to the issuance of a restricted license on or after ~~[July 1, 2013.]~~ **January 1, 2014.**

2. Except as otherwise provided in subsection 3, an establishment that has been granted a restricted license by the Nevada Gaming Commission before ~~[July 1, 2013,]~~ **January 1, 2014,** but which is not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act, must come into compliance with those provisions upon the earlier of:

(a) A change of ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest in the entity owning the business; or

(b) July 1, 2015.

3. An establishment which was granted a gaming license before December 22, 1990, and which has been operating at the same location since that date is not required to comply with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.

4. An establishment that has been granted a restricted license by the Commission before ~~[July 1, 2013,]~~ **January 1, 2014,** but which is not in compliance with the provisions of paragraph (a) or (c) of subsection 2 of NRS 463.161, as amended by section 3 of this act, is not required to come into compliance with those provisions unless the establishment ceases gaming operations for 18 or more consecutive months.

5. The Commission shall not renew the restricted license of an establishment that does not come into compliance with the amendatory provisions of section 3 of this act within the time required by this section.

6. This act applies to all race books, sports pools and associated equipment in existence on July 1, 2013.

Sec. 14. **Section 8 of Senate Bill No. 416 of this session is hereby amended to read as follows:**

Sec. 8. ~~[This]~~ **1. This section and sections 1, 2, 4 and 7 of this** act ~~[becomes]~~ **become** effective on July 1, 2013.

2. Section 3 of this act becomes effective on January 1, 2014.

Sec. 15. **1. The Legislative Commission shall create a committee to conduct an interim study concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees.**

2. The committee created by the Legislative Commission to conduct the study must be composed of six voting members and seven nonvoting members, appointed and designated as follows:

(a) The Legislative Commission shall appoint three voting members of the Senate, at least one of whom must be a member of the minority political party.

(b) The Legislative Commission shall appoint three voting members of the Assembly, at least one of whom must be a member of the minority political party.

(c) The Legislative Commission shall appoint five nonvoting members, with one member representing each of the following:

(1) Manufacturers or developers of gaming technology;

(2) Entities engaged in the business of interactive gaming;

(3) Restricted gaming licensees;

(4) Nonrestricted gaming licensees; and

(5) Operators of race books and sports pools.

(d) The Chair of the Nevada Gaming Commission and the Chair of the State Gaming Control Board serve *ex officio* as nonvoting members of the committee.

3. The Legislative Commission shall appoint a Chair from among the voting members of the committee.

4. The committee shall study, without limitation:

(a) The impact of modern and evolving technology upon gaming and the regulation of gaming;

(b) Interactive gaming in Nevada and other jurisdictions, and any proposed or enacted federal legislation in this area;

(c) The regulatory distinction between restricted and nonrestricted licensure, and the impact of technology upon this distinction;

(d) The determination of whether the operation of slot machines is incidental to the primary business of a restricted gaming licensee, and minimum requirements that are or should be imposed upon such businesses;

(e) The effect of expanding capability of personal and portable electronic devices upon gaming and the regulation of gaming;

(f) The potential effects and consequences of authorizing the acceptance of race book and sports pool wagers made by an entity; and

(g) The effect of legislation approved by the 77th Session of the Nevada Legislature with regard to gaming and the regulation of gaming.

5. The Legislative Commission shall submit a report of the findings of the committee, including, without limitation, any recommendations for legislation, to the 78th Session of the Nevada Legislature.

6. For each day or portion of a day during which a member of the committee who is a Legislator attends a meeting of the committee or is otherwise engaged in the business of the committee, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of the committee who are Legislators must be paid from the Legislative Fund.

Sec. 16. **This act becomes effective upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 506.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 506 provides that consideration is not received for the complimentary portion of any food, meals, or nonalcoholic drinks provided on a complimentary basis, in whole or in part, to the employees, patrons or guests of a retailer and, thus, the sales tax would not apply to the complimentary portion of such food, meals, or nonalcoholic drinks.

It also provides that the complimentary portion of any food, meals, or nonalcoholic drinks provided on a complimentary basis, in whole or in part, to the employees, patrons, or guests of a retailer does not lose its status as food for human consumption and, thus, is exempt from the use tax.

I just wanted to let the body know that this was an issue that was prevalent in our state, and all of the parties involved have come to great compromise. I want to thank everyone who did participate in bringing it to fruition and ask your support.

Roll call on Assembly Bill No. 506:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 506 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 509 adds references to the newly granted power of the Nevada Legislature to call special sessions under the provisions in Article 4, Section 2A of the *Nevada Constitution*. The measure updates and consolidates provisions related to the investigative powers of the Legislature and its interim and session committees, including the power to issue subpoenas. Finally, various redundant provisions are repealed.

Roll call on Assembly Bill No. 509:
YEAS—41.
NAYS—None.
EXCUSED—Hogan.
Assembly Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:58 p.m.

ASSEMBLY IN SESSION

At 5:11 p.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 360 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 360.
Bill read third time.
The following amendment was proposed by Assemblyman Horne:
Amendment No. 947.
AN ACT relating to gaming; revising provisions governing interactive gaming; revising provisions governing the registration of persons who hold an ownership interest in certain entities which hold a gaming license; revising provisions relating to the inspection of games, gaming devices, associated equipment, cashless wagering systems, inter-casino linked systems, mobile gaming systems and interactive gaming systems; revising provisions relating to the regulation of independent testing laboratories; providing for an interim study of certain issues concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Section 1 of this bill provides that the Nevada Gaming Commission may, upon the recommendation of the State Gaming Control Board, adopt regulations allowing promotional schemes to be conducted by licensed operators of interactive gaming in direct association with a licensed

interactive gaming activity, contest or tournament that includes a raffle, drawing or other similar game of chance.

Under existing law, the Commission and the Board are required to administer state gaming licenses and manufacturer's, seller's and distributor's licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) **Sections 2-5** of this bill revise the definitions of the terms "cashless wagering system," "gaming employee," "gross revenue" and "wagering credit" for the purposes of the statutory provisions governing the licensing and control of gaming. **Section 14.5 of this bill repeals a provision contained in section 3 of Senate Bill No. 9 of this session that also revised the definition of the term "gross revenue."**

Existing law requires audits of the financial statements of all nonrestricted licensees whose annual gross revenue is $5,000,000 or more, and requires the amount of annual gross revenue to be increased or decreased annually in an amount determined by the Commission and corresponding to the Consumer Price Index. (NRS 463.159) **Section 6** of this bill requires the Board to make such a determination.

Existing law also requires a limited partner holding a 5 percent or less ownership interest in a limited partnership or a member holding a 5 percent or less ownership interest in a limited-liability company, who holds or applies for a state gaming license, to register with the Board and submit to the Board's jurisdiction within 30 days after the person acquires a 5 percent or less ownership interest. (NRS 463.569, 463.5735) **Sections 7 and 8** of this bill remove the requirement to register with the Board after acquiring such an ownership interest, and instead require a person to register upon seeking to hold a 5 percent or less ownership interest.

Existing law requires the Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of the registration of such independent testing laboratories. (NRS 463.670) **Section 9** of this bill: (1) extends the requirement of registration to additional persons that own, operate or have significant involvement with an independent testing laboratory; (2) provides that a person who is registered pursuant to **section 9** is subject to the same investigatory and disciplinary procedures as all other gaming licensees; and (3) authorizes the Commission to require a registered independent testing laboratory and certain persons associated with a registered independent testing laboratory to file an application for a finding of suitability.

Assembly Bill No. 114 of this session, which was enacted by the Legislature and approved by the Governor and which became effective on February 21, 2013: (1) required the Commission, by regulation, to authorize

the Governor, on behalf of the State of Nevada, to enter into agreements with other states, or authorized agencies thereof, to enable patrons in the signatory states to participate in interactive gaming; (2) required the regulations adopted by the Commission to be adopted in accordance with the Nevada Administrative Procedure Act; and (3) required the regulations to set forth provisions for any potential arrangements to share revenue. **Sections 11 and 12** of this bill amend the provisions of Assembly Bill No. 114 to: (1) allow agreements for interactive agreements to be made with governmental units of other nations, states or local bodies exercising governmental functions; (2) provide that the regulations adopted by the Commission are not required to be adopted in accordance with the Nevada Administrative Procedure Act; and (3) authorize the Commission to include specific requirements for the agreements entered into by the State of Nevada and another government.

Senate Bill No. 416 of this session enacted certain requirements for the issuance of restricted licenses for certain businesses, which were to become effective on July 1, 2013. **Sections 13 and 14** of this bill change the effective date of those provisions to January 1, 2014.

Section 15 of this bill requires the Legislative Commission to create a committee to conduct an interim study concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

The Commission may, upon the recommendation of the Board, adopt regulations that allow promotional schemes to be conducted by licensed operators of interactive gaming in direct association with a licensed interactive gaming activity, contest or tournament that includes a raffle, drawing or other similar game of chance.

Sec. 2. NRS 463.014 is hereby amended to read as follows:

463.014 "Cashless wagering system" means a method of wagering and accounting:

1. In which the validity and value of a wagering instrument or wagering credits are determined, monitored and retained by a computer operated and maintained by a licensee which maintains a record of each transaction involving the wagering instrument or wagering credits, exclusive of the game or gaming device on which wagers are being made. The term includes computerized systems which facilitate electronic transfers of money directly to or from a game or gaming device; or

2. Used in a race book or sports pool in which the validity and value of a wagering instrument ***or wagering credits*** are determined, monitored and retained on a computer that maintains a record of each transaction involving the wagering instrument ***or wagering credits*** and is operated and maintained by a licensee.

Sec. 3. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems, interactive gaming systems or equipment associated with interactive gaming;

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee

is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service; ~~[and]~~

(z) ***Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and***

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks ~~[,]~~ ***or*** bartenders ~~[,]~~ ***whose duties do not involve gaming activities,*** cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 4. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game ***, or any contest or tournament in conjunction with interactive gaming,*** in which the licensee is not party to a wager,

➥ less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system ~~***[for interactive gaming]***~~ may be deducted to the extent

of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system ; ~~*[or interactive gaming;]*~~

(f) Uncollected baccarat commissions; or

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 5. NRS 463.01963 is hereby amended to read as follows:

463.01963 "Wagering credit" means a representative of value, other than a chip, token or wagering instrument, that is used for wagering at a game **,** ~~**[**or**]**~~ gaming device ***, race book or sports pool*** and is obtained by the payment of cash or a cash equivalent, the use of a wagering instrument or the electronic transfer of money.

Sec. 6. NRS 463.159 is hereby amended to read as follows:

463.159 1. The Commission shall by regulation require audits of the financial statements of all nonrestricted licensees whose annual gross revenue is $5,000,000 or more.

2. The Commission may require audits, compiled statements or reviews of the financial statements of nonrestricted licensees whose annual gross revenue is less than $5,000,000.

3. The amounts of annual gross revenue provided for in subsections 1 and 2 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. On or before December 15 of each year, the ~~**[**Commission**]**~~ ***Board*** shall determine the amount of the increase or decrease required by this subsection

and establish the adjusted amounts of annual gross revenue in effect for the succeeding calendar year. The audits, compilations and reviews provided for in subsections 1 and 2 must be made by independent accountants holding permits to practice public accounting in the State of Nevada.

4. Except as otherwise provided in subsection 5, for every audit required pursuant to this section:

(a) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the Nevada State Board of Accountancy, but the preparation of statements without audit does not constitute compliance.

(b) The examination and audit must disclose whether the accounts, records and control procedures maintained by the licensee are as required by the regulations published by the Commission pursuant to NRS 463.156 to 463.1592, inclusive.

5. If the license of a nonrestricted licensee is terminated within 3 months after the end of a period covered by an audit, the licensee may submit compiled statements in lieu of an additional audited statement for the licensee's final period of business.

Sec. 7. NRS 463.569 is hereby amended to read as follows:

463.569 1. Every general partner of, and every limited partner with more than a 5 percent ownership interest in, a limited partnership which holds a state gaming license must be licensed individually, according to the provisions of this chapter, and if, in the judgment of the Commission, the public interest will be served by requiring any other limited partners or any or all of the limited partnership's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed, the limited partnership shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing. Publicly traded corporations which are limited partners of limited partnerships are not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive. A person who is required to be licensed by this section as a general or limited partner shall not receive that position until the person secures the required approval of the Commission. A person who is required to be licensed pursuant to a decision of the Commission shall apply for a license within 30 days after the Commission requests the person to do so.

2. All limited partners ~~[holding]~~ ***seeking to hold*** a 5 percent or less ownership interest in a limited partnership, other than a publicly traded limited partnership, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's

jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a limited partner holding a 5 percent or less ownership interest in a limited partnership.]~~

3. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 8. NRS 463.5735 is hereby amended to read as follows:

463.5735 1. Every member and transferee of a member's interest with more than a 5 percent ownership interest in a limited-liability company, and every director and manager of a limited-liability company which holds or applies for a state gaming license, must be licensed individually according to the provisions of this chapter.

2. All members ~~[holding]~~ ***seeking to hold*** a 5 percent or less ownership interest in a limited-liability company, other than a publicly traded limited-liability company, which hold or apply for a state gaming license, must register in that capacity with the Board and submit to the Board's jurisdiction. Such registration must be made on forms prescribed by the Chair of the Board. The Chair of the Board may require a registrant to apply for licensure at any time in the Chair's discretion. ~~[A person who is required to be registered by this section shall apply for registration within 30 days after the person becomes a member holding a 5 percent or less ownership interest in a limited-liability company.]~~

3. If, in the judgment of the Commission, the public interest will be served by requiring any members with a 5 percent or less ownership interest in a limited-liability company, or any of the limited-liability company's lenders, holders of evidence of indebtedness, underwriters, key executives, agents or employees to be licensed:

(a) The limited-liability company shall require those persons to apply for a license in accordance with the laws and requirements in effect at the time the Commission requires the licensing; and

(b) Those persons shall apply for a license within 30 days after being requested to do so by the Commission.

4. A publicly traded corporation which is a member of a limited-liability company is not required to be licensed, but shall comply with NRS 463.635 to 463.645, inclusive.

5. No person may become a member or a transferee of a member's interest in a limited-liability company which holds a license until the person secures the required approval of the Commission.

6. A director or manager of a limited-liability company shall apply for a license within 30 days after assuming office.

7. The Commission may, with the advice and assistance of the Board, adopt such regulations as it deems necessary to carry out the provisions of subsection 2.

Sec. 9. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter.

(b) That the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.

3. The Board may inspect every ***game or*** gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the ***game or*** gaming device is put into play.

(b) In this State for use outside this State, before the gaming device is shipped out of this State.

4. The Board may inspect every ***game or*** gaming device which is offered for play within this State by a state gaming licensee.

5. The Board may inspect all associated equipment, every cashless wagering system, ***every inter-casino linked system,*** every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a state gaming licensee and at any time while the state gaming licensee is using the equipment or system.

6. In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each

manufacturer, seller, distributor or independent testing laboratory which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories ~~[.]~~ ***and of each person that owns, operates or has significant involvement with an independent testing laboratory,*** specify the form of the application required for such registration ***, set forth the qualifications required for such registration*** and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any ***game,*** gaming device, associated equipment, cashless wagering system, ***inter-casino linked system,*** mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any ***game,*** gaming device, associated equipment, cashless wagering system, ***inter-casino linked system,*** mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

(f) Provide the standards and procedures relating to the filing of an application for a finding of suitability pursuant to this section and the remedies should a person be found unsuitable.

(g) Provide any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

8. ***The Commission shall retain jurisdiction over any person registered pursuant to this section, and any regulations adopted pursuant thereto, in all matters relating to a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, even if the person ceases to be registered.***

9. A person registered pursuant to this section is subject to the investigatory and disciplinary proceedings that are set forth in

NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

10. The Commission may, upon recommendation of the Board, require the following persons to file an application for a finding of suitability:

(a) A registered independent testing laboratory.

(b) An employee of a registered independent testing laboratory.

(c) An officer, director, partner, principal, manager, member, trustee or direct or beneficial owner of a registered independent testing laboratory or any person that owns or has significant involvement with the activities of a registered independent testing laboratory.

11. If a person fails to submit an application for a finding of suitability within 30 days after a demand by the Commission pursuant to this section, the Commission may make a finding of unsuitability. Upon written request, such period may be extended by the Chair of the Commission, at the Chair's sole and absolute discretion.

12. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the ~~[~~Commission~~]~~ ***Board*** to inspect and certify ***games,*** gaming devices, associated equipment, cashless wagering systems, ***inter-casino linked systems,*** mobile gaming systems ~~[~~and~~]~~ ***or*** interactive gaming systems, and any components thereof ~~[~~,~~]~~ ***and modifications thereto,*** and to perform such other services as the Board and Commission may request.

Sec. 10. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. A person who is licensed to operate a mobile gaming system pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

4. Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

5. Any other person or establishment that is licensed to engage in wagering in another ~~[state]~~ ***jurisdiction*** and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to section 6 of Assembly Bill No. 114 of this session.

Sec. 11. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765 **,** ~~[and section 6 of this act,]~~ the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 12. Section 6 of Assembly Bill No. 114 of this session is hereby amended to read as follows:

Sec. 6. 1. ~~[The]~~ ***Upon recommendation of the*** Commission ***,*** ~~[shall, by regulation, authorize]~~ the Governor, on behalf of the State of Nevada, ***is authorized*** to:

(a) Enter into agreements ***, in accordance with the requirements of this section,*** with other ~~[states, or authorized agencies thereof, to enable patrons]~~ ***governments whereby persons who are physically located*** in ~~[the]~~ ***a*** signatory ~~[states to]~~ ***jurisdiction may*** participate in interactive gaming ~~[offered by licensees in those]~~ ***conducted by one or more operators licensed by one or more of the*** signatory ~~[states;]~~ ***governments;*** and

(b) Take all necessary actions to ensure that any agreement entered into pursuant to this section becomes effective.

2. ~~[Any regulations adopted pursuant to subsection 1 must:~~

~~(a) Set forth provisions for any potential arrangements to share revenue between this State and any other state or agency within another state.~~

~~(b) Be adopted in accordance with the provisions of chapter 233B of NRS.~~] ***The Commission may:***

(a) Make recommendations to the Governor to enter into agreements pursuant to this section.

(b) Upon the recommendation of the Board, adopt regulations relating to agreements pursuant to this section.

3. The regulations adopted by the Commission pursuant to this section may include, without limitation, provisions prescribing:

(a) The form, length and terms of an agreement entered into by this State and another government, including, without limitation, provisions relating to how:

(1) Taxes are to be treated by this State and another government;

(2) Revenues are to be shared and distributed; and

(3) Disputes with patrons are to be resolved.

(b) The information to be furnished to the Board and the Commission by a government that proposes to enter into an agreement with this State pursuant to this section.

(c) The information to be furnished by the Board to the Commission to enable the Commission to carry out the purposes of this section.

(d) The manner and procedure for hearings conducted by the Board and Commission pursuant to this section, including, without limitation, the need for any special rules or notices.

(e) The information to be furnished by the Commission to the Governor that supports the recommendations of the Commission made pursuant to this section.

(f) Any other procedures to be followed by the Board or Commission to carry out the purposes of this section.

4. The Governor may not enter into an agreement pursuant to this section unless the agreement includes provisions:

(a) For any potential arrangement for the sharing of revenues by this State and a government.

(b) That permit the effective regulation of interactive gaming by this State, including, without limitation, provisions relating to licensing of entities and natural persons, technical standards to be followed, resolution of disputes by patrons, requirements for bankrolls, enforcement, accounting and maintenance of records.

(c) That each government that is a signatory to the agreement agrees to prohibit operators of interactive gaming, service providers and manufacturers or distributors of interactive gaming systems from

engaging in any activity permitted by the agreement unless such operators of interactive gaming, service providers or manufacturers or distributors of interactive gaming systems are licensed or found suitable:

(1) In this State; or

(2) In the signatory jurisdiction pursuant to requirements that are materially consistent with the corresponding requirements of this State.

(d) That no variation or derogation from the requirements of the agreement is permitted for any signatory government absent the consent of this State and all signatory governments.

(e) That prohibit any subordinate or side agreements, except with respect to sharing of revenues, among any subset of governments that are signatories to the agreement.

(f) That, if the agreement allows persons physically located in this State to participate in interactive gaming conducted by another government or an operator of interactive gaming licensed by another government, require that government to establish and maintain regulatory requirements governing interactive gaming that are materially consistent with the requirements of this State in all material respects.

5. As used in this section:

(a) "Government" means any governmental unit of a national, state or local body exercising governmental functions, other than the United States Government. The term includes, without limitation, national and subnational governments, including their respective departments, agencies and instrumentalities and any department, agency or authority of any such governmental unit that has authority over gaming or gambling activities.

(b) "Jurisdiction" means the country, state or other geographic area over which a government exercises legal authority.

Sec. 13. Section 7 of Senate Bill No. 416 of this session is hereby amended to read as follows:

Sec. 7. 1. Except as otherwise provided in this section, the amendatory provisions of section 3 of this act apply to the issuance of a restricted license on or after January 1, 2014.

2. Except as otherwise provided in subsection 3, an establishment that has been granted a restricted license by the Nevada Gaming Commission before January 1, 2014, but which is not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act, must come into compliance with those provisions upon the earlier of:

(a) A change of ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest in the entity owning the business; or

(b) July 1, 2015.

3. An establishment which was granted a gaming license before December 22, 1990, and which has been operating at the same location since that date is not required to comply with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.

4. An establishment that has been granted a restricted license by the Commission before January 1, 2014, but which is not in compliance with the provisions of paragraph (a) or (c) of subsection 2 of NRS 463.161, as amended by section 3 of this act, is not required to come into compliance with those provisions unless the establishment ceases gaming operations for 18 or more consecutive months.

5. The Commission shall not renew the restricted license of an establishment that does not come into compliance with the amendatory provisions of section 3 of this act within the time required by this section.

6. This act applies to all race books, sports pools and associated equipment in existence on July 1, 2013.

Sec. 14. Section 8 of Senate Bill No. 416 of this session is hereby amended to read as follows:

Sec. 8. 1. This section and sections 1, 2, 4 and 7 of this act become effective on July 1, 2013.

2. Section 3 of this act becomes effective on January 1, 2014.

Sec. 14.5. **Section 3 of Senate Bill No. 9 of this session is hereby repealed.**

Sec. 15. 1. The Legislative Commission shall create a committee to conduct an interim study concerning the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licensees.

2. The committee created by the Legislative Commission to conduct the study must be composed of six voting members and seven nonvoting members, appointed and designated as follows:

(a) The Legislative Commission shall appoint three voting members of the Senate, at least one of whom must be a member of the minority political party.

(b) The Legislative Commission shall appoint three voting members of the Assembly, at least one of whom must be a member of the minority political party.

(c) The Legislative Commission shall appoint five nonvoting members, with one member representing each of the following:

(1) Manufacturers or developers of gaming technology;

(2) Entities engaged in the business of interactive gaming;

(3) Restricted gaming licensees;

(4) Nonrestricted gaming licensees; and

(5) Operators of race books and sports pools.

(d) The Chair of the Nevada Gaming Commission and the Chair of the State Gaming Control Board serve *ex officio* as nonvoting members of the committee.

3. The Legislative Commission shall appoint a Chair from among the voting members of the committee.

4. The committee shall study, without limitation:

(a) The impact of modern and evolving technology upon gaming and the regulation of gaming;

(b) Interactive gaming in Nevada and other jurisdictions, and any proposed or enacted federal legislation in this area;

(c) The regulatory distinction between restricted and nonrestricted licensure, and the impact of technology upon this distinction;

(d) The determination of whether the operation of slot machines is incidental to the primary business of a restricted gaming licensee, and minimum requirements that are or should be imposed upon such businesses;

(e) The effect of expanding capability of personal and portable electronic devices upon gaming and the regulation of gaming;

(f) The potential effects and consequences of authorizing the acceptance of race book and sports pool wagers made by an entity; and

(g) The effect of legislation approved by the 77th Session of the Nevada Legislature with regard to gaming and the regulation of gaming.

5. The Legislative Commission shall submit a report of the findings of the committee, including, without limitation, any recommendations for legislation, to the 78th Session of the Nevada Legislature.

6. For each day or portion of a day during which a member of the committee who is a Legislator attends a meeting of the committee or is otherwise engaged in the business of the committee, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of the committee who are Legislators must be paid from the Legislative Fund.

Sec. 16. **1.** This **section and section 14.5 of this** act ~~[becomes]~~ **become effective on June 1, 2013.**

2. Sections 1 to 14, inclusive, and 15 of this act become effective upon passage and approval.

TEXT OF REPEALED SECTION

Section 3 of Senate Bill No. 9 of this Session:

Sec. 3. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game ***, or any contest or tournament in conjunction with interactive gaming,*** in which the licensee is not party to a wager,

➥ less the total of all cash paid out as losses to patrons, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system ***or interactive gaming*** may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system ~~[,]~~ ***or interactive gaming;***

(f) Uncollected baccarat commissions; or

(g) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Elliot Anderson moved that Senate Bill No. 407 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 407.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 948.

AN ACT relating to education; revising provisions governing the policies for the evaluation of teachers and school-based administrators; requiring the State Board of Education to prescribe the pupil achievement data to be used in the evaluation of teachers and school-based administrators; requiring the Teachers and Leaders Council of Nevada to make recommendations to the State Board concerning the evaluation of counselors, librarians and other licensed educational personnel; temporarily delaying the implementation of a program of performance pay and enhanced compensation for teachers and administrators by school districts; temporarily delaying the implementation of the statewide performance evaluation system and providing for a validation study of the system for teachers and school-based administrators and a validation study for counselors, librarians and other licensed educational personnel; authorizing a school district to submit an application to the Department of Education to opt out of the delay of the implementation of the statewide performance evaluation system for its teachers and school-based administrators; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for licensed teachers and administrators and requires each board to implement the program commencing with the 2014-2015 school year. (NRS 391.168)

Section 2 of this bill delays the implementation of the program to the 2015-2016 school year.

Existing law requires that, effective July 1, 2013, the policies for the evaluation of teachers and administrators must: (1) designate an employee's overall performance as "highly effective," "effective," "minimally effective" or "ineffective"; and (2) provide that certain information on pupil achievement data maintained by the automated system of accountability information for Nevada must account for at least 50 percent of the evaluation. (NRS 391.3125, 391.3127) **Sections 4, 5 and 10** of this bill change the source of the pupil achievement data, upon which 50 percent of the evaluation is based, to data prescribed by the State Board of Education. **Sections 4 and 5** also set forth an observation schedule for the evaluation of teachers and administrators based upon the evaluation designation of the employee in the immediately preceding school year. In addition, **sections 4 and 5** provide that pupil achievement data must not be used in the evaluation of a probationary teacher or probationary administrator in his or her initial year of employment, with the exception of a postprobationary teacher or administrator who is deemed to be a probationary employee. **Section 5** further provides that the policy for the evaluation of administrators applies only to those administrators who primarily provide administrative services at the school level and who do not primarily provide direct instructional services to pupils.

Under existing law, the Teachers and Leaders Council of Nevada is required to make recommendations to the State Board for the establishment of the statewide performance evaluation system for teachers and administrators. (NRS 391.450-391.465) **Section 9** of this bill requires the Council to also: (1) make recommendations to the State Board for the evaluation of school counselors, librarians and other licensed educational personnel; and (2) develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel. **Section 16** of this bill makes an appropriation to the Teachers and Leaders Council of Nevada for costs associated with the work of the Council.

Sections 16.3-22 of this bill address the period during which the new statewide performance evaluation system will be implemented. **Section 19** provides for a validation study of the statewide performance evaluation system for the 2013-2014 school year, with a representative sample of teachers and school-based administrators selected by the Department of Education in consultation with the participating school districts. **Sections 17-18.7** provide that for the 2013-2014 school year, all teachers and administrators who are employed by school districts that participate in the validation study and all counselors, librarians and other licensed educational personnel employed by each school district will be evaluated in accordance

with the system for evaluations pursuant to which employees are designated as "satisfactory" or "unsatisfactory." **Section 16.5** authorizes a school district to submit an application to the Department of Education to opt out of the delay of the statewide performance evaluation system and implement the system for its teachers and administrators commencing with the 2013-2014 school year. **Section 16.5** further provides that if such an application is approved by the Department, the school district ~~[must not]~~ **is not required to** participate in the validation study for its teachers and school-based administrators ~~[.]~~ **but may, upon approval of the Department, participate in a portion of the validation study.** **Section 16.3** authorizes the Department of Education to request a work program revision to transfer, in the second year of the biennium, money that is in the Reserve Category to the Regional Professional Development Category for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system. **Section 16.3** also requires the Department of Education, on or before August 1, 2014, to submit a report of the results of the validation study and the Department's determination of whether all school districts are prepared to implement the statewide performance evaluation system for the 2014-2015 school year. **Section 16.3** further requires the Interim Finance Committee to make a determination whether all school districts are prepared to implement the statewide performance evaluation system for the 2014-2015 school year. If the Interim Finance Committee determines that all school districts are prepared: (1) all school districts that participated in the validation study shall implement the statewide performance evaluation system for its teachers and school-based administrators commencing with the 2014-2015 school year; and (2) the Department of Education may request a work program revision to transfer not more than $1,315,000 for use by the regional training programs. If the Interim Finance Committee determines that all school districts are not prepared: (1) a second validation study of the statewide performance evaluation system for teachers and school-based administrators must be conducted for the 2014-2015 school year; and (2) the Department of Education may request a work program revision to transfer not more than $986,250 for use by the regional training programs. **Section 16.7** authorizes a school district that participated in the validation study for the 2013-2014 school year to submit an application to the Department of Education to opt out of the delay of the statewide performance evaluation system and implement the system for its teachers and school-based administrators commencing with the 2014-2015 school year. For the 2014-2015 school year, the Department of Education, in consultation with the 17 school districts, is required to select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, to

undergo evaluations under the new statewide performance evaluation system in addition to being evaluated under the "satisfactory" or "unsatisfactory" system. Commencing with the 2015-2016 school year, all counselors, librarians and other licensed educational personnel are required to be evaluated pursuant to the new statewide performance evaluation system. **Sections 19 and 21** prohibit the basing of any decisions regarding an employee's suspension, demotion, dismissal or refusal to reemploy upon the evaluations conducted as part of either validation study.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. ~~[The information]~~ ***Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465,*** must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 1.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer evaluations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph (f) of subsection 2 of NRS 391.465, including, without

limitation, any recommendations for revisions to the process of peer evaluations.

Sec. 2. NRS 391.168 is hereby amended to read as follows:

391.168 1. The board of trustees of each school district shall:

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS; and

(b) Commencing with the ~~[2014-2015]~~ ***2015-2016*** school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

Sec. 3. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.3125 and 391.3128 applies to a probationary teacher.

(b) A new employee who is employed as a probationary administrator ~~[.]~~ ***primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.*** The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to ***such*** a probationary administrator.

3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator ***primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal,*** with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to ***such*** a probationary administrator.

4. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them.

Sec. 4. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an employee's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 9, the*** policy must require that ~~[~~the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650~~]~~ ***pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465,*** account for at least 50 percent of the evaluation. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be

evaluated **.** ~~[on forms developed specifically for their respective specialties.]~~ A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. ~~[A conference and a written evaluation for a probationary employee must be concluded not later than:~~

~~(a) December 1;~~

~~(b) February 1; and~~

~~(c) April 1,~~

~~➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60 minute evaluation period consisting of at least 45 consecutive minutes.~~

~~4. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year.]~~ ***The person charged with the evaluation of a teacher pursuant to this section shall hold a conference with the teacher before and after each scheduled observation of the teacher during the school year.***

4. A probationary teacher must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the teacher during the school year as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

5. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school year ~~[. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.]~~ ***in accordance with the observation schedule set forth in subsection 4.*** If a

postprobationary teacher is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

~~[5.]~~ ***6. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:***

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

7. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

8. The evaluation of a probationary teacher or a postprobationary teacher ***pursuant to this section*** must ***comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must*** include, without limitation:

(a) An evaluation of the ~~[~~~classroom management skills of the teacher;~~

~~(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;~~

~~(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;~~

~~(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;~~

~~(e)]~~ ***instructional practice of the teacher in the classroom;***

(b) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection 9, an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;

~~[(f) If necessary, recommendations]~~

(e) Recommendations for improvements in the performance of the teacher;

~~[(g)]~~ ***(f)*** A description of the action that will be taken to assist the teacher in ~~[correcting any deficiencies reported in the evaluation;]~~ ***the areas of instructional practice, professional responsibilities and the performance of pupils;*** and

~~[(h)]~~ ***(g)*** A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

~~[6.]~~ ***9. The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include e an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.***

10. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to ~~[correct those deficiencies]~~ ***improve his or her performance based upon the recommendations*** reported in the evaluation of the teacher ***.*** ~~[for which the teacher requests assistance.]~~

Sec. 5. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. ***The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal.*** The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~[The]~~ ***Except as***

otherwise provided in subsection 8, the policy must require that ~~[the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650]~~ ***pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465,*** account for at least 50 percent of the evaluation. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. ~~[Each administrator must be evaluated in writing at least once a year.~~

~~3.]~~ ***The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.***

3. A probationary administrator must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the probationary administrator during the school year as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

4. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must be evaluated three times in the immediately succeeding school year in accordance with the observation schedule set forth in subsection 3. If a postprobationary administrator is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary administrator may request that the third evaluation be conducted by another administrator. If a postprobationary administrator requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

5. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must be evaluated one time in the

immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

7. The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional leadership practices of the administrator at the school;

(b) An evaluation of the professional responsibilities of the administrator to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection 8, an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the administrator employs practices and strategies to involve and engage the parents and families of pupils enrolled in the school;

(e) Recommendations for improvements in the performance of the administrator; and

(f) A description of the action that will be taken to assist the administrator in the areas of instructional leadership practice, professional responsibilities and the performance of pupils.

8. The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

9. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

~~[4.]~~ ***10.*** Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is

to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 6. NRS 391.3128 is hereby amended to read as follows:

391.3128 1. If a written evaluation of a probationary teacher **,** or ***a*** probationary administrator ***who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,*** designates the overall performance of the teacher or administrator as "minimally effective" or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a 'minimally effective' or 'ineffective' evaluation on the first or second evaluation, or both evaluations for this school year, ~~[and if you have another evaluation remaining this school year,]~~ you may request that the ***third*** evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in ~~[correcting the deficiencies]~~ ***improving your performance based upon the recommendations*** reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in ~~[correcting those deficiencies."]~~ ***improving your performance."***

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator ***to which subsection 1 applies*** requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator ***to which subsection 1 applies*** requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

3. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

5. A new employee who is employed as an administrator ***to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,*** or a postprobationary teacher who is employed as an administrator ***to provide those administrative services*** shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

6. An administrator who has completed his or her probationary period pursuant to subsection 5 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

7. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 8.5. NRS 391.450 is hereby amended to read as follows:

391.450 As used in NRS 391.450 to 391.465, inclusive, ***and section 1.5 of this act,*** "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

Sec. 9. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers ***,*** ~~[and]~~ administrators ***who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, counselors, librarians and other licensed educational personnel*** employed by school districts are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS ~~[386.650 and]~~ 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers ***,*** ~~[and]~~ administrators ***, counselors, librarians and other licensed educational personnel*** throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers ***,*** ~~[and]~~ administrators ***to which paragraph (a) applies, counselors, librarians and other licensed educational personnel*** and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers ***,*** ~~[and]~~

administrators ~~[.]~~ ***, counselors, librarians and other licensed educational personnel;*** and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 10. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) ~~[~~Require~~]~~ ***Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require*** that ~~[~~the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650~~]~~ ***pupil achievement data*** account for at least 50 percent of the evaluation.

(d) ***Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c).***

(e) Include an evaluation of whether the teacher ***,*** or administrator ***who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,*** employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without

limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

Sec. 11. Section 22 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby amended to read as follows:

Sec. 22. The board of trustees of each school district shall:

1. Commencing with the ~~[2013-2104]~~ ***2013-2014*** school year, implement and carry out the policies for evaluations of teachers and administrators required by NRS 391.3125, as amended by section 14 of this act, NRS 391.3127, as amended by section 16 of this act, NRS 391.3197, as amended by section 19.5 of this act, and section 20 of this act.

2. Commencing with the 2013-2014 school year, implement and carry out section 20.5 of this act **.** ~~[if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.]~~

3. Commencing with the ~~[2014-2015]~~ ***2015-2016*** school year, implement and carry out the program of performance pay and enhanced compensation established by the board of trustees pursuant to section 8 of this act.

Sec. 12. Section 23 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby amended to read as follows:

Sec. 23. 1. This section and sections 1 to 7, inclusive, 9 to 13, inclusive, 15, 17, 18, 19, 19.6, 19.7, 19.8, 21 and 22 of this act become effective on July 1, 2011.

2. Sections 8, 14, 16, 19.5 ~~[and]~~ **,** 20 ***and 20.5*** of this act become effective on July 1, 2013.

~~[3. Section 20.5 of this act becomes effective on July 1, 2013, if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.]~~

Sec. 13. Section 12 of chapter 487, Statutes of Nevada 2011, at page 3095, is hereby amended to read as follows:

Sec. 12. On or before ~~[June 1,]~~ ***August 15,*** 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 14. (Deleted by amendment.)

Sec. 15. Section 21 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby repealed.

Sec. 16. 1. There is hereby appropriated from the Educational Trust Account in the State General Fund created by NRS 120A.610 to the Department of Education for the costs associated with the work of the Teachers and Leaders Council of Nevada created by NRS 391.455 required by the provisions of this act the following sums:

For the Fiscal Year 2013-2014 ..... $50,000

For the Fiscal Year 2014-2015 ..... $50,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2015, by the Department of Education or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the Department of Education or the entity to which the money was subsequently granted or transferred, and must be reverted to the Educational Trust Account in the State General Fund on or before September 18, 2015.

Sec. 16.3. 1. On or before August 1, 2014, the Department of Education shall submit a report to the Interim Finance Committee which includes, without limitation:

(a) An assessment of the results of the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act;

(b) The effectiveness of each school district that participated in the validation study in implementing the statewide performance evaluation system; and

(c) The determination of the Department whether all school districts that participated in the validation study are prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for all of its teachers and administrators.

2. On or before August 15, 2014, the Interim Finance Committee shall review the report submitted by the Department of Education pursuant to subsection 1 and make a determination whether all school districts that participated in the validation study are prepared to implement the statewide performance evaluation system for all of its teachers and administrators commencing with the 2014-2015 school year.

3. If the Interim Finance Committee determines that all school districts which participated in the validation study are prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) All school districts that participated in the validation study shall implement the statewide performance evaluation system adopted by the State

Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for its teachers and administrators commencing with the 2014-2015 school year and each school year thereafter.

(b) The Department of Education may request a work program revision pursuant to NRS 353.220 to transfer not more than $1,315,000 from the Reserve Category to the Regional Professional Development Category in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

4. If the Interim Finance Committee determines that all school districts that participated in the validation study are not prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) Except as otherwise provided in section 16.7 of this act, all school districts that participated in the validation study shall comply with the policies for the evaluations of teachers and administrators prescribed by sections 17 and 18 of this act for the 2014-2015 school year and also participate in a second validation study of the statewide performance evaluation system for that school year pursuant to section 19 of this act.

(b) The Department of Education may request a work program revision pursuant to NRS 353.220 to transfer not more than $986,250 from the Reserve Category to the Regional Professional Development Category in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

5. On or before September 1, 2014, the Department of Education shall provide notice to the board of trustees of each school district concerning the determination made by the Interim Finance Committee pursuant to subsection 2.

6. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 16.5. 1. The board of trustees of a school district that is prepared, commencing with the 2013-2014 school year, to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the

school district is prepared to implement the statewide performance evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2013-2014 school year and each school year thereafter.

3. A school district whose application is approved by the Department pursuant to subsection 2 ~~[must not]~~ **is not required to** participate in the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act during the 2013-2014 school year and, if applicable, the 2014-2015 school year. **Upon the request of such a school district, the Department may authorize the school district to participate in a portion of the validation study.**

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 16.7. 1. If the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study pursuant to section 19 of this act are not prepared to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, the board of trustees of a school district that participated in the validation study and that is prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2014-2015 school year.

3. A school district whose application is approved by the Department pursuant to subsection 2 ~~[must not]~~ **is not required to** participate in the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act for the 2014-2015 school year. **Upon the**

request of such a school district, the Department may authorize the school district to participate in a portion of the validation study.

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 17. 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district. Except as otherwise provided in section 16.5 of this act, for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of teachers, counselors, librarians and other licensed educational personnel, except for administrators, as set forth in this section. For the 2014-2015 school year, the board of trustees of each school district shall comply with the policy for the evaluation of counselors, librarians and other licensed educational personnel, except for teachers and administrators, as set forth in this section.

2. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system pursuant to section 19 of this act are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the 2014-2015 school year, comply with the policy for the evaluation of teachers as set forth in this section.

3. Each board of trustees, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board of trustees. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board of trustees must be filed with the Department of Education. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

4. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board of trustees. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

5. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year. If a postprobationary teacher receives an unsatisfactory evaluation, the postprobationary teacher must be evaluated three times in the immediately succeeding school year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes. If a postprobationary teacher is evaluated three times in a school year and he or she receives an unsatisfactory evaluation on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled

in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 18. 1. Except as otherwise provided in section 16.5 of this act, for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of administrators as set forth in this section. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system pursuant to section 19 of this act are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the 2014-2015 school year, comply with the policy for the evaluation of administrators as set forth in this section.

2. Each board of trustees, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board of trustees. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board of trustees must be filed with the Department of Education and made available to the Commission on Professional Standards in Education.

3. Each administrator must be evaluated in writing at least once a year.

4. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

5. Before a superintendent of a school district transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board of trustees by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board of trustees shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board of trustees is final.

Sec. 18.5. 1. If a written evaluation of a probationary teacher or probationary administrator who is employed by a school district that conducts evaluations pursuant to sections 17 and 18 of this act for the 2013-2014 school year or the 2014-2015 school year, or both, designates the overall performance of the teacher or administrator as "unsatisfactory":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive an 'unsatisfactory' evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable

effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 18.7. 1. The provisions of this section apply to probationary employees who are employed by a school district that conducts evaluations pursuant to sections 17 and 18 of this act for the 2013-2014 school year or the 2014-2015 school year, or both, for each school year that the school district conducts evaluations pursuant to those sections.

2. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

3. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, not later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

4. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "satisfactory" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee who is employed as an administrator or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 6, the administrator must serve the remainder of his or her probationary period pursuant to subsection 6 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 19. 1. Except as otherwise provided by section 16.5 of this act, each school district shall participate in the validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for the 2013-2014 school year. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system for the 2013-2014 school year are not prepared to implement the evaluation system, those school districts must participate in a second validation study of the evaluation system for the 2014-2015 school year.

2. On or before August 1, 2013, and, if applicable, on or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the school districts that do not have an application approved by the Department to opt out of the delay of the implementation of the statewide performance evaluation system pursuant to section 16.5 or 16.7 of this act, as applicable, select a representative sample of teachers and administrators for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act. **In addition, if the Department has approved a school district that opted out of the delay of the implementation of the statewide performance evaluation system to participate in a portion of the validation study, the Department shall, in consultation with that school district, select a representative sample of teachers and administrators for the portion of the validation study the Department has approved for the school district's participation.** The administrators selected for the validation study must provide primarily administrative services at the school level and not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal. ~~[Each school district shall participate in the validation study.]~~

3. For the 2013-2014 school year and, if applicable, for the 2014-2015 school year:

(a) Some evaluations of teachers and administrators pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by sections 17 and 18 of this act, as applicable.

(b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

4. ~~[The]~~ **For those school districts that have not opted out of the delay of the implementation of the statewide performance evaluation system, the** teachers who are selected for the validation study must be evaluated in accordance with section 17 of this act and in accordance with the policy for evaluations set forth in NRS 391.3125, as amended by section 4 of this act.

5. ~~[The]~~ **For those school districts that have not opted out of the delay of the implementation of the statewide performance evaluation system, the** administrators who are selected for the validation study must be evaluated in accordance with section 18 of this act and in accordance with the policy for evaluations set forth in NRS 391.3127, as amended by section 5 of this act.

Sec. 20. 1. If a validation study is not conducted pursuant to section 19 of this act for the 2014-2015 school year, each postprobationary teacher and administrator who is employed by a school district that **did not opt out of the delay of the implementation of the statewide performance evaluation system and that** participated in the validation study during the 2013-2014 school year must be evaluated during the 2014-2015 school year pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, and must, as part of the evaluation, be observed at least two times as follows:

(a) The first observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2015-2016 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in NRS 391.3125 or 391.3127, as applicable, based upon the designation of the overall performance of the employee for the 2014-2015 school year.

Sec. 20.5. 1. If a validation study is conducted pursuant to section 19 of this act for the 2014-2015 school year, each postprobationary teacher and administrator who is employed by a school district that **did not opt out of the delay of the implementation of the statewide performance evaluation system and that** participated in the validation study for that school year must be evaluated during the 2015-2016 school year pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, and must, as part of the evaluation, be observed at least two times as follows:

(a) The first observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2016-2017 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in NRS 391.3125 or 391.3127, as applicable, based upon the designation of the overall performance of the employee for the 2015-2016 school year.

Sec. 21. 1. On or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the 17 school districts, select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act. Each school district shall participate in the validation study.

2. For the 2014-2015 school year:

(a) The evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by section 17 of this act.

(b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

3. The counselors, librarians and other licensed educational personnel who are selected for the validation study must be evaluated in accordance with section 17 of this act and in accordance with the policy for evaluations set forth in NRS 391.3125, as amended by section 4 of this act.

Sec. 22. Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by NRS 391.3125, as amended by section 4 of this act.

Sec. 23. 1. This section and section 16 of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, and 16.3 to 22, inclusive, of this act become effective on July 1, 2013.

TEXT OF REPEALED SECTION

Section 21 of chapter 379, Statutes of Nevada 2011:

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.

2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.

3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:19 p.m.

ASSEMBLY IN SESSION

At 9:26 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 125, 130.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 145, Amendment No. 932; Assembly Bill No. 412, Amendments Nos. 924, 942, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 379, Senate Amendment No. 757, and requests a conference, and appointed Senators Manendo, Spearman and Gustavson as a Conference Committee to meet with a like committee of the Assembly.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 293, 521.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 172, 204, 486.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 915 to Senate Bill No. 44.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 172.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 204.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 293.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 486.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 521.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:37 p.m.

ASSEMBLY IN SESSION

At 11:34 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 123, 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 273, 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 522.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 174, 391, 400.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all measures reported out of committee, including Senate Bills Nos. 3, 374, and 516, be declared emergency measures under the constitution and placed on third reading and final passage.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 174.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 391.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 400.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 522.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 56 amends provisions relating to certain state financial data that the State Controller is required to make available to the public on the Controller's website. The bill requires that information relating to expenditures and revenues of the state be made available for the current fiscal year and the immediately preceding fiscal year rather than for the current biennium and the immediately preceding biennium. The bill also changes the designation of various "funds" to "accounts" and provides that money remaining in certain accounts at the end of the fiscal year does not revert to the State General Fund.

Roll call on Senate Bill No. 56:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 56 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Remarks by Assemblymen Carrillo and Bobzien.

ASSEMBLYMAN CARRILLO:

Senate Bill 390 requires the Division of Minerals of the Commission on Mineral Resources and the Nevada Division of Environmental Protection of the State Department of Conservation and Natural Resources to jointly develop a hydraulic fracturing program on or before July 1, 2014. The program must assess the effects of hydraulic fracturing on the waters of Nevada, require disclosure of chemicals used in hydraulic fracturing, and provide for public notice concerning fracturing activities. Finally, S.B. 390 requires the Commission on Mineral

Resources to adopt regulations implementing the hydraulic fracturing program on or before January 1, 2015.

ASSEMBLYMAN BOBZIEN:

I rise in support of Senate Bill 390. This is an emerging issue for Nevada, and it is an emerging issue for this Legislature. I am encouraged by the work that was done with all parties on this bill this session. I look forward to seeing the results and how this will play out during the interim. I look forward to further conversations next legislative session to see if we need to make any adjustments.

Roll call on Senate Bill No. 390:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 390 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 395 requires the Advisory Commission on the Administration of Justice to identify and study the provisions of existing law imposing or authorizing a collateral consequence of conviction and any provisions of existing law allowing relief from those collateral consequences.

Roll call on Senate Bill No. 395:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 395 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 452 allows the Board of Trustees for the Fund for Hospital Care to Indigent Persons to enter into an agreement with the Division of Health Care Financing and Policy of the Department of Health and Human Services to transfer money from the Fund to the Division to be used to provide enhanced rates of reimbursement for hospital care provided to recipients of Medicaid, to make supplemental payments to a hospital for care through increased federal financial participation, and to satisfy any portion of a county obligation to pay the nonfederal share of certain expenditures relating to long-term care.

Once such an agreement is entered into and any enhanced rate of reimbursement or supplemental payments are approved by the federal government, the measure requires the Board

to continue to provide money pursuant to the agreement until the federal government approves reverting to the previous rate of reimbursement or payments.

In addition, S.B. 452 creates within the Fund the Hospital Assessment Account, which is to be administered by the Board. If an agreement is entered into between the Board and the Division, certain hospitals may be required to pay an annual assessment for deposit into the Account. Uncommitted funds that remain in the Account at the end of a fiscal year are to be reimbursed to each hospital proportionally based on the assessment amount each paid. Finally, the measure revises the allocation and use of certain funding provided by counties and certain hospitals to support indigent care.

Roll call on Senate Bill No. 452:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 452 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 464 renames the Division of Measurement Standards within the State Department of Agriculture as the Division of Consumer Equitability and renames the State Sealer of Weights and Measures as the State Sealer of Consumer Equitability.

Testimony indicates the renaming of the division better describes the duties performed by the division and will assist the State Department of Agriculture in its efforts to reorganize. Madam Speaker, you heard the other day from the two chicken cluckers from Assembly Districts 18 and 32. We don't have a chicken clucker, but we do have a sticker that will go on the gas pump.

Roll call on Senate Bill No. 464:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 464 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 465.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 465 increases the maximum rate the State Department of Agriculture may set for stock cattle, dairy cattle, hogs, pigs, and goats.

Roll call on Senate Bill No. 465:

YEAS—38.

NAYS—Ellison, Fiore, Wheeler—3.

EXCUSED—Pierce.

Senate Bill No. 465 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 467 removes the requirement that the Superintendent of Public Instruction hold a master's degree in an education field, authorizes the appointment of deputy superintendents as required by the Superintendent, and transfers certain duties from the Superintendent to the Department of Education. Additionally, the bill revises the allowable uses of money in the Account for Programs for Innovation and the Prevention of Remediation.

Roll call on Senate Bill No. 467:

YEAS—40.

NAYS—Wheeler.

EXCUSED—Pierce.

Senate Bill No. 467 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 481.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 481, as amended, temporarily waives the minimum amount of money that school districts, charter schools, and university schools for profoundly gifted pupils must expend each fiscal year on textbooks, instructional supplies, and instructional software and hardware. The bill also temporarily waives the minimum amount of money school districts must expend each school year on library books, software for computers, the purchase of equipment relating to instruction, and the maintenance and repair of equipment, vehicles, and buildings and facilities. A waiver from the minimum expenditure requirements was approved by the 26th Special Session in 2010 for the 2009 2011 biennium and again by the 76th Session in 2011 for the current biennium. Senate Bill 481 extends the waiver through the 2013-2015 biennium.

This temporary waiver is becoming a little too long, and I would truly hope that next biennium we can address things like textbooks, software, and library books. I think they are very important to education, just as other things that we have funded this session are very important to education.

Roll call on Senate Bill No. 481:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 481 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 490 transfers powers and duties relating to the Supplemental Food Program, including use of the Donated Commodities Account, from the Administrator of the Purchasing Division of the Department of Administration to the Director of the State Department of Agriculture. The bill also allows the Director to donate commodities that have reached the end of their useful lives to organizations created for religious, charitable, or educational purposes.

Roll call on Senate Bill No. 490:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 490 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 502.

Bill read third time.

Remarks by Assemblyman Hambrick.

ASSEMBLYMAN HAMBRICK:

Senate Bill 502 authorizes the Health Division of the Department of Health and Human Services to establish a secure Internet website to allow certain entities to conduct required background investigations using the website, and to charge fees for its use. Information accessible by entities using the website must be limited to that necessary for the background check. To paraphrase my colleague from District 12, this is a really neat bill.

Roll call on Senate Bill No. 502:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 502 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 515 authorizes the State Board of Finance, upon the request of the Administrator of the Employment Security Division, to issue special obligation bonds to fund the repayment of federal advances and interest thereon and to establish adequate balances in the state's Unemployment Trust Fund. The bonds will not be applied against the state's constitutional debit limit.

For each year there are outstanding bonds, the Treasurer shall notify the Employment Security Division Administrator of the amount due. The Administrator shall assess all employers subject to the provisions of NRS 612.535 with a proportionate share of the debt service amount.

Collection of all special assessments shall be deposited to the Unemployment Compensation Bond Fund created by Senate Bill 515 and administered by the State Treasurer. The Administrator shall cease charging additional bond contribution assessments when there are no bonds outstanding. Any funds remaining in the Unemployment Compensation Bond Fund shall be deposited to Nevada's Unemployment Trust Fund account with the United States Treasury.

This bill becomes effective upon passage and approval.

Roll call on Senate Bill No. 515:

YEAS—40.

NAYS—Fiore.

EXCUSED—Pierce.

Senate Bill No. 515 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 518.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 518, as amended, establishes the following state contributions for active employee and retiree group health insurance for the 2013-2015 biennium. The active employees for 2014 is $688.37 per person per month; in 2015, it is $695.35 per person per month. Non-Medicare retirees and $452.26 per month and $462.20 per month in 2015. For those Medicare-eligible retirees who retired before January 1, 1994, the contribution is $165 per month. For those Medicare retirees who retired after January 1, 1994, the base contribution is $11 per month per year of service credit. For both pre-1994 retirees and post-1994 retirees, the bill establishes a one-time additional contribution of $2 per month per year of service credit for both 2014 and 2015.

This bill becomes effective on July 1, 2013.

Roll call on Senate Bill No. 518:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 518 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblymen Flores, Stewart, and Elliot Anderson.

ASSEMBLYWOMAN FLORES:

Senate Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to provide for annual regular legislative sessions, limited in odd-numbered years to not more than 90 legislative days within 120 calendar days and in even-numbered years to not more than 30 legislative days within 45 calendar days. The measure proposes to remove the current constitutional provisions that limit payment of legislator salaries to the first 60 days of a regular session and the first 20 days of a special session and proposes instead that legislators be compensated at regular intervals as set by law. The measure also proposes to remove the restriction of $60 per session for office

expenses, such as postage and stationery, and to appropriate funds for actual expenses that members may incur for each legislative session.

ASSEMBLYMAN STEWART:

I rise in opposition to this measure. I was on the committee that discussed this and I was in favor of the measure if we kept it at 90 calendar days on the odd-numbered years and 30 calendar days on the even years. The way this is, we would be up here for 120 days and 45 days, and folks, that is way too long.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support. For me, what this comes down to is we have an Executive Branch that works year-round, and I believe in a government that has separate and equal powers. I believe in checks and balances, as well. Also, I don't know how we can really hope to do the best that we can for our budget when we are having to forecast two years in advance. I think history has shown that it is very difficult to do that, and this is a good step in the right direction.

Roll call on Senate Joint Resolution No. 8:

YEAS—23.

NAYS—Paul Anderson, Carlton, Daly, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—18.

EXCUSED—Pierce.

Senate Joint Resolution No. 8 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 38.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 38, as amended, makes the following changes relating to abatements or deferments of taxes allowed under law, including, removing provisions allowing abatements to be granted to businesses that further the development and refinement of intellectual property, patents, or copyrights into commercial projects; changing or clarifying conditions that must be met to qualify for abatements; allowing businesses locating within an activated foreign trade zone to receive a partial abatement of up to 75 percent of personal property taxes for up to ten years; increasing the minimum sales price to receive a deferral of sales taxes from $100,000 to $1 million and adding additional conditions that must be met in order to become eligible to receive the deferral; specifying limits on the partial abatements that may be received for new or expanding businesses locating in certain zones for economic development; and providing additional abatements from property and sales taxes for data centers locating in those zones for economic development.

Assembly Bill 38, as amended, becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act and on July 1, 2013, for all other purposes.

The provisions of the bill relating to the abatements in an activated foreign trade zone expire by limitation on June 30, 2017. The provisions changing or clarifying provisions relating to certain existing abatements expire by limitation on June 30, 2032.

Roll call on Assembly Bill No. 38:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 239 establishes the Economic Development Electric Rate Rider Program, which is a five-year program to encourage the location or relocation of new commercial and industrial businesses in the state by providing discounted rates for electricity to eligible participants.

The bill, as amended, requires the Economic Development Rate Rider Program to be administered by the Public Utilities Commission in consultation with the Governor's Office of Economic Development, persons wishing to apply to the program to submit an application to the Governor's Office of Economic Development and obtain approval and a letter of eligibility, the PUC to establish the discounted rates for electricity available to the applicant and the terms of the contract between the applicant and electric utility, and the Public Utilities Commission to submit a written report to the next Legislature detailing the program including the number of participants, the amount of electricity allocated, the amount of discounts provided, and the remaining amount of electricity available for allocation.

The bill, as amended, modifies the provisions of partial abatement for local sales, local use, and property taxes by allowing the Director of the Governor's Office of Energy to charge and collect a fee from applicants who submit an application for a partial abatement of local sales, local use, and property taxes, requiring this fee to not exceed the actual cost to process the application and evaluate the proof submitted by the applicant, adding geothermal energy to the definition of renewable energy and allowing applicants to seek abatements, and removing a person who operates a facility for the transmission of electricity generated from renewable energy or geothermal resources from the list of persons eligible for partial abatement.

Roll call on Assembly Bill No. 239:

YEAS—40.

NAYS—None.

EXCUSED—Pierce, Sprinkle—2.

Assembly Bill No. 239 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 360 authorizes the Governor, upon recommendation of the Nevada Gaming Commission, to enter into agreements with other governments allowing persons physically located in those jurisdictions to participate in interactive gaming conducted by one or more

licensed operators of the signatory governments. The bill prohibits the Governor from entering into those agreements unless it provides for any potential arrangement for revenue-sharing, permits effective regulations of interactive gaming, and meets other requirements. As used in the bill, *government* means any governmental unit other than United States government. Assembly Bill 360 revises definitions of various terms relating to the regulation of gaming by repeal and replaces section 3 of Senate Bill 9, and it transfers from the Commission to the State Gaming Control Board responsibility for determining the annual adjustments to financial reporting thresholds for non-restricted licensees. The bill requires a person seeking to hold 5 percent or less interest in certain gaming licenses to register with the Board. It revises provisions relating to independent testing laboratories. The measure also requires the Legislative Commission to conduct an interim study concerning the impact of technology on the regulation of gaming and the distinction between restricted and non-restricted gaming licensees. Finally, Assembly Bill 360 revises the dates on which the mandatory provisions of Senate Bill 416 of this legislative session apply to certain gaming licensees. The measure is effective upon passage and approval.

Roll call on Assembly Bill No. 360:

YEAS—39.

NAYS—None.

EXCUSED—Hardy, Pierce, Sprinkle—3.

Assembly Bill No. 360 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 407.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 407 revises the timetable for implementation of the teachers and leaders performance evaluation system to delay implementation of the evaluation system and the associated performance pay program for an additional year.

This is a piece delaying the evaluation system we passed last session. It's not ready to go yet. The State Board of Education and the State Superintendent support this measure, and it's important we get it through for them.

Roll call on Senate Bill No. 407:

YEAS—39.

NAYS—None.

EXCUSED—Hardy, Pierce, Sprinkle—3.

Senate Bill No. 407 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 960.

AN ACT relating to real property; ~~[creating the Contingency Account for the Foreclosure Mediation Program;]~~ revising provisions governing enrollment in the Foreclosure Mediation Program; revising provisions governing the foreclosure of liens by an association of a common-interest community; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) One such restriction requires the trustee under the deed of trust to include with the copy of the notice of default and election to sell which is mailed to the homeowner: (1) a notice provided by the Foreclosure Mediation Program Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation under rules adopted by the Nevada Supreme Court; and (2) a form on which a homeowner may request such mediation. Under existing law, a homeowner must elect to participate by: (1) completing and returning to the trustee a form upon which the homeowner elects to enter into mediation; and (2) paying his or her share of the fee established under the rules adopted by the Nevada Supreme Court. (NRS 107.080, 107.086)

This bill revises provisions governing enrollment in the Foreclosure Mediation Program. Under **sections 2 and 3** of this bill, a trustee under a deed of trust concerning owner-occupied housing must, in addition to including certain information concerning the Foreclosure Mediation Program with the copy of the notice of default and election which is mailed to the homeowner, send that information to the homeowner concurrently with, but separately from, the copy of the notice of default and election to sell. **Section 3** further provides that a homeowner will be enrolled in the Foreclosure Mediation Program unless: (1) he or she elects to waive mediation; or (2) fails to pay his or her share of the fee established under the rules adopted by the Nevada Supreme Court. If the homeowner waives mediation, fails to pay his or her share of the fee or, if the homeowner is enrolled in the Foreclosure Mediation Program, fails to appear at a scheduled mediation, the Mediation Administrator must provide to the trustee a certificate authorizing the continuation of the process to exercise the power of sale. **Section 3** also establishes deadlines by which the Mediation Administrator must provide certain information to the trustee.

~~[Section 1 of this bill creates the Contingency Account for the Foreclosure Mediation Program. Under section 1, the Supreme Court administers the~~

~~Contingency Account and money in the Contingency Account must be expended only to carry out the Foreclosure Mediation Program.]~~

Section 4 of this bill prohibits a homeowners' association from foreclosing its lien on a unit constituting owner-occupied housing while the unit's owner is eligible to participate or is participating in the Foreclosure Mediation Program.

Section 4.5 of this bill makes an appropriation of $100 from the State General Fund to the Account for Foreclosure Mediation to support the Foreclosure Mediation Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Contingency Account for the Foreclosure Mediation Program is hereby created in the State General Fund.*~~

~~*2. The Supreme Court shall administer the Contingency Account. The money in the Contingency Account must be expended only for the purpose of carrying out the provisions of NRS 107.086 and any rules adopted by the Supreme Court to carry out the provisions of NRS 107.086.*~~

~~*3. The Supreme Court may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.*~~

~~*4. The interest and income earned on money in the Contingency Account, after deducting any applicable charges, must be credited to the Contingency Account.*~~

~~*5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund and the balance in the Contingency Account must be carried forward to the next fiscal year.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

[~~YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!~~**]**

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

~~[State of Nevada Foreclosure Mediation Program _____]~~
Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 3. NRS 107.086 is hereby amended to read as follows:

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record ~~[has the right to seek]~~ ***will be enrolled to participate in*** mediation pursuant to this section ~~[;]~~ ***if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 9;*** and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election ~~[to enter into mediation or]~~ to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the

grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) ***In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;***

(c) Serves a copy of the notice upon the Mediation Administrator; and

~~[(c)]~~ ***(d)*** Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[3]~~ ***4*** or ~~[6]~~ ***7*** which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[7]~~ ***8*** which provides that mediation has been completed in the matter.

3. ~~[The]~~ ***If the*** grantor or the person who holds the title of record ***elects to waive mediation, he or she*** shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee ***and the Mediation Administrator*** by certified mail, return receipt requested. If the grantor or the person who holds the title of record ~~[indicates on the form an election to enter into mediation, the trustee]~~ ***does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080, pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9. Upon receipt of the share of the fee established pursuant to subsection 9 owed by the grantor or the person who holds title of record, the Mediation Administrator*** shall notify the ~~[beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090,]~~ ***trustee,*** by certified mail, return receipt requested, of the ~~[election of the grantor or the person who holds the title of record to enter into]~~ ***enrollment of the grantor or person who holds the title of record to participate in*** mediation ***pursuant to this section*** and ~~[file the form with the Mediation Administrator, who]~~ shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[No]~~ ***The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to***

participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form ***described in subparagraph (4) of paragraph (a) of subsection 2*** an election to waive mediation or fails to ~~[return the form to the trustee]~~ ***pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9,*** as required by ~~[this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service,]~~ ***subsection 3,*** the Mediation Administrator shall ***, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier,*** provide to the trustee a certificate which provides that no mediation is required in the matter.

~~[4.]~~ ***5.*** Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection ~~[8.]~~ ***9.*** The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or ~~[a]~~ ***his or her*** representative ***,*** ~~[shall attend the mediation if the grantor elected to enter into mediation,]~~ or the person who holds the title of record or ~~[a]~~ ***his or her*** representative ***,*** shall attend the mediation ***.*** ~~[if the person who holds the title of record elected to enter into mediation.]~~ The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

~~[5.]~~ ***6.*** If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection ~~[4]~~ ***5*** or does not have the authority or access to a person with the authority required by subsection ~~[4,]~~ ***5,*** the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the

representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

~~[6.]~~ ***7.*** If the grantor or the person who holds the title of record ~~[elected to enter into mediation and]~~ ***is enrolled to participate in mediation pursuant to this section but*** fails to attend the mediation, the Mediation Administrator shall ***, not later than 30 days after the scheduled mediation,*** provide to the trustee a certificate which states that no mediation is required in the matter.

~~[7.]~~ ***8.*** If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall ***, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated,*** provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

~~[8.]~~ ***9.*** The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

~~[9.]~~ ***10.*** Except as otherwise provided in subsection ~~[11,]~~ ***12,*** the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an

order closing or dismissing the case or granting relief from a stay of foreclosure.

~~[10.]~~ ***11.*** A noncommercial lender is not excluded from the application of this section.

~~[11.]~~ ***12.*** The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~[12.]~~ ***13.*** As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection ~~[8.]~~ ***9.***

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

Sec. 4. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and 5,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. The association may not foreclose a lien by sale if:

(a) The unit is owner-occupied housing encumbered by a deed of trust;

(b) The beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee has recorded a notice of default and election to sell with respect to the unit pursuant to subsection 2 of NRS 107.080; and

(c) The trustee of record has not recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (d) of subsection 2 of NRS 107.086.

➥ ***As used in this subsection, "owner-occupied housing" has the meaning ascribed to it in NRS 107.086.***

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the Account for Foreclosure Mediation created by NRS 107.080**

the sum of $100 for the purpose of supporting the program of foreclosure mediation established by Supreme Court Rule.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 5. The amendatory provisions of this act apply only with respect to trust agreements for which a notice of default and election to sell is recorded on or after October 1, 2013.

Sec. 6. **1. This section and section 4.5 of this act become effective on July 1, 2013.**

2. Sections 1 to 4, inclusive, and 5 of this act become effective on October 1, 2013.

Assemblyman Eisen moved the adoption of the amendment.

Remarks by Assemblyman Eisen,

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 367.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 955.

AN ACT relating to constructional defects; prohibiting a controlling party from seeking indemnification from a subcontractor, supplier, design professional or other person providing a service to a development project **[.]** **except under certain circumstances;** providing that certain indemnification and insurance provisions in certain contracts are void and unenforceable; revising **[**~~provisions governing certain cross-claims arising under a claim for a~~**]** **the definition of a** constructional defect; **[**~~making an appropriation for a study;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before an owner of a residence or appurtenance or certain other persons may commence a civil action against a contractor, subcontractor, supplier or design professional for certain defects in the residence or appurtenance, the claimant must provide notice of the defect to the contractor. (NRS 40.645) Under existing law, not later than 30 days after

the date on which the contractor receives the notice, the contractor must forward a copy of the notice to each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice. (NRS 40.646) The subcontractor, supplier or design professional who receives the notice must inspect the alleged constructional defect and may elect to repair the defect. (NRS 40.646, 40.647)

With respect to claims relating to certain defects in residential construction, **section 1** of this bill: (1) prohibits a controlling party for a development project from seeking indemnification from a subcontractor, supplier, design professional or any other person providing a service to the development project **[,]** **except under certain circumstances;** and (2) provides that any provision or clause of a contract that causes or is intended to cause any person to be responsible for the actions of another person is against public policy and is void and unenforceable. **[**~~Section 1 further provides that certain cross-claims which arise under a claim for a defect in certain residential construction must be governed only by the Nevada Rules of Civil Procedure and not by existing law governing claims for a constructional defect.~~**]** Under **section 4** of this bill, the provisions of **section 1** apply only if the notice of a constructional defect which existing law requires a claimant to provide to the contractor is provided to the contractor on or after October 1, 2013.

[~~This bill also makes an appropriation for a study of the effect of indemnification clauses in construction contracts on the litigation of claims relating to defects in residential construction.~~**]** **Section 2.5 of this bill revises the existing definition of "constructional defect" to provide that a constructional defect is a defect: (1) which is done in violation of law and which adversely impacts the structural integrity or safety, or materially affects the fair market value, of the residence, an appurtenance or the real property to which the residence or appurtenance is affixed; (2) which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed; (3) which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping; or (4) which presents an unreasonable risk of injury to a person or property.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[With]~~ Except as otherwise provided in this subsection, with respect to a claim governed by this section and NRS 40.600 to 40.695, inclusive, a controlling party shall not enter into any indemnification agreement with, or seek indemnification for a constructional defect from , a subcontractor, supplier, design professional or any other person providing a service for a development project. A controlling party may enter into an indemnification agreement with a subcontractor, supplier, design professional or any other person providing a service for a development project and may enforce that indemnification agreement to the extent that the underlying injury or damage is attributable to the negligent or otherwise wrongful act or omission, including, without limitation, breach of a specific contractual duty, of the promisor or the promisor's independent contractors, agents, employees or delegates.

2. With respect to a claim governed by this section and NRS 40.600 to 40.695, inclusive, any provision of a contract or subcontract, any indemnification clause or agreement and any provision or clause of an agreement requiring a person to add another person as an additional insured in a policy of insurance that causes or is intended to cause any person to be responsible for the actions of another person is against public policy and is void and unenforceable.

3. ~~[Any cross-claim between a controlling party and a subcontractor, supplier, design professional or any other person providing a service for a development project, or between any subcontractor, supplier, design professional or any other person providing a service for a development project and any other subcontractor, supplier, design professional or other person providing a service for a development project, which arises in the context of a claim governed by this section and NRS 40.600 to 40.695, inclusive:~~

~~(a) Is governed only by the Nevada Rules of Civil Procedure; and~~

~~(b) Is not governed by this section and NRS 40.600 to 40.695, inclusive.~~

~~4.]~~ Any provision of a contract or subcontract, any indemnification clause or agreement and any provision or clause of an agreement requiring a person to add another person as an additional insured in a policy of insurance which is void and unenforceable pursuant to this section is void and unenforceable only to the extent provided in this section, and the remainder of the provision, clause or agreement is enforceable, unless the provision, clause or agreement cannot, standing alone, be given legal effect.

~~[5.]~~ 4. As used in this section:

(a) "Controlling party" means any person that:

(1) Is responsible for the planning, oversight, supervision, management or selection of the design professionals or the first-tier subcontractors for a development project; or

(2) Receives, or controls the allocation of, the receipts or profits for a development project.

(b) "Development project" means the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance.

Sec. 2. NRS 40.600 is hereby amended to read as follows:

40.600 As used in NRS 40.600 to 40.695, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 40.603 to 40.634, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 40.615 is hereby amended to read as follows:**

40.615 "Constructional defect" means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:

1. Which is done in violation of law, including, without limitation, in violation of local codes or ordinances ~~[:]~~ ***, and which:***

(a) Adversely impacts the structural integrity or safety of the residence, an appurtenance or the real property to which the residence or appurtenance is affixed; or

(b) Materially affects the fair market value of the residence, an appurtenance or the real property to which the residence or appurtenance is affixed;

2. Which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed;

3. Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping; or

4. Which presents an unreasonable risk of injury to a person or property.

Sec. 3. NRS 40.635 is hereby amended to read as follows:

40.635 NRS 40.600 to 40.695, inclusive ~~[:]~~ ***, and section 1 of this act:***

1. Apply to any claim that arises before, on or after July 1, 1995, as the result of a constructional defect, except a claim for personal injury or wrongful death, if the claim is the subject of an action commenced on or after July 1, 1995.

2. Prevail over any conflicting law otherwise applicable to the claim or cause of action.

3. Do not bar or limit any defense otherwise available, except as otherwise provided in those sections.

4. Do not create a new theory upon which liability may be based, except as otherwise provided in those sections.

Sec. 4. This act applies to any claim for which a notice is filed pursuant to NRS 40.645 on or after October 1, 2013.

Sec. 5. ~~[1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of contracting with a consultant to conduct a study of the effect of indemnification clauses in construction contracts on the litigation of claims relating to defects in residential construction.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.~~] **(Deleted by amendment.)**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 3 and 374 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 950.

SUMMARY— ~~[Provides the maximum amount of money that a county may be required to pay]~~ **Revises provisions relating to payments by counties** for certain medical assistance to indigent persons. (BDR 38-263)

AN ACT relating to indigent persons; ~~[providing the maximum amount that a county may be required to pay]~~ **revising provisions relating to payments by certain smaller counties** for certain medical assistance to indigent persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of county commissioners of each county is required to establish a tax rate of at least 6 cents and not more than 10 cents on each $100 of assessed valuation for deposit into a fund for medical assistance to indigent persons. Existing law designates the equivalent of 1 cent of the amount collected to be credited to the Supplemental Account for Medical Assistance to Indigent Persons. (NRS 428.275, 428.285) This bill requires ~~[each]~~ **a** board of county commissioners **in a county whose population is less than 100,000 (currently all counties other than Clark County and Washoe County)** to remit money ~~[from its fund for medical assistance to indigent persons]~~ to the State Controller in an amount determined by the Director of the Department of Health and Human Services to be adequate to include in the State Plan for Medicaid the payment of the nonfederal share of certain expenditures relating to long-term care. **In addition, this bill limits the amount that such counties may be required to remit to not more than the equivalent of the amount collected from 8 cents on each $100 of assessed valuation of all taxable property in the county.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 428.285 is hereby amended to read as follows:

428.285 1. The board of county commissioners of each county shall establish a tax rate of at least 6 cents on each $100 of assessed valuation for the purposes of the tax imposed pursuant to subsection 2. A board of county commissioners may increase the rate to not more than 10 cents on each $100 of assessed valuation.

2. In addition to the levies provided in NRS 428.050 and 428.185 and any tax levied pursuant to NRS 450.425, the board of county commissioners shall levy a tax ad valorem at a rate necessary to produce revenue in an amount equal to an amount calculated by multiplying the assessed valuation of all taxable property in the county by the tax rate established pursuant to subsection 1, and subtracting from the product the amount of unencumbered money remaining in the fund on May 1 of the current fiscal year.

3. For each fiscal year beginning on or after July 1, 1989, the board of county commissioners of each county shall remit to the State Controller from the money in the fund an amount of money equivalent to ***the amount collected from*** 1 cent on each $100 of assessed valuation of all taxable property in the county for credit to the Supplemental Account.

4. ***For each fiscal year beginning on or after July 1, 2013, in a county whose population is less than 100,000, the board of county commissioners***

~~[of each county]~~ shall , pursuant to an interlocal agreement with the State, remit to the State Controller ~~[from the money in the fund]~~ an amount of money determined by the Director of the Department of Health and Human Services to be adequate for the State Plan for Medicaid to include the payment of the nonfederal share of expenditures set forth in NRS 422.272. ~~[The]~~ In such a county, the amount of money that ~~[a]~~ the board of county commissioners may be required to remit , as determined by the Director pursuant to this subsection , must not exceed an amount of money equivalent to the amount collected from 8 cents on each $100 of assessed valuation of all taxable property in the county.

5. The tax so levied and its proceeds must be excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 374.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 961.

SENATORS SEGERBLOM ~~[,]~~ **HUTCHISON;** AND MANENDO

SUMMARY—Provides for the registration of medical marijuana establishments authorized to cultivate or dispense marijuana or manufacture **edible marijuana** products ~~[containing marijuana]~~ **or marijuana-infused products** for sale to persons authorized to engage in the medical use of marijuana. (BDR 15-89)

AN ACT relating to medical marijuana; **making it a crime to counterfeit or forge, or attempt to counterfeit or forge, a registry identification card for the medical use of marijuana; making it a crime for a person to grow, harvest or process more than 12 marijuana plants;** providing for the registration of medical marijuana establishments authorized to cultivate or dispense marijuana or manufacture **edible marijuana** products ~~[containing marijuana]~~ **or marijuana-infused products** for sale to persons authorized to engage in the medical use of marijuana; **providing for the registration of agents who are employed by or volunteer at medical marijuana establishments;** setting forth the manner in which such establishments must register and operate; **creating the Subcommittee on the Medical Use of Marijuana of the Advisory Commission on the Administration of Justice; requiring the Health Division of the**

Department of Health and Human Services to adopt regulations; imposing an excise tax on each sale of marijuana, edible marijuana products and marijuana-infused products; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State of Nevada provides immunity from state and local prosecution for possessing, delivering and producing marijuana in certain limited amounts for patients with qualifying medical conditions, and their designated primary caregivers, who apply to and receive from the Health Division of the Department of Health and Human Services a registry identification card. Existing law does not specify the manner in which qualifying patients and their designated primary caregivers are to obtain marijuana. (Chapter 453A of NRS)

~~[This bill: (1) states that it is an unlawful act, punishable as a category E felony, to forge, counterfeit or attempt to forge or counterfeit a registry identification card; (2) provides for the registration of medical marijuana establishments, the three types of which are cultivation facilities, facilities for the production of edible marijuana products and medical marijuana dispensaries; (3) provides for the registration of medical marijuana establishment agents; (4) sets forth the crimes and acts which disqualify a person from serving as the owner, officer, board member or agent of such an establishment; (5) enumerates the acts for which a medical marijuana establishment registration certificate and a medical marijuana establishment agent registration card are immediately revocable; (6) establishes that it is a privilege and not a right to hold a medical marijuana establishment registration certificate or a medical marijuana establishment agent registration card; (7) sets forth the maximum fees which may be charged by the Health Division for the initial issuance and renewal of such certificates and cards; (8) sets forth the basic requirements for operating a medical marijuana establishment; and (9) directs the Health Division to adopt necessary regulations. This bill also increases the amounts of usable marijuana and live marijuana plants that a holder of a registry identification card and his or her designated primary caregiver are allowed to possess at any one time, matching the amounts allowed under the laws of the State of Arizona. This bill further authorizes the Director of the Department of Health and Human Services to request a temporary advance from the State General Fund to pay the costs of carrying out the registration requirements of this bill until sufficient revenues from registration fees are collected.]~~

Section 1 of this bill makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana.

Section 1.7 of this bill makes it a crime, punishable as a category E felony, for a person to grow, harvest or process more than 12 marijuana plants, and also makes such a person liable for costs of cleanup and disposal.

Sections 3.5, 7.3, 7.5, 8 and 8.3 of this bill define what is meant by a "medical marijuana establishment," which includes: (1) cultivation facilities; (2) facilities for the production of edible marijuana products or marijuana-infused products; (3) independent testing laboratories; and (4) medical marijuana dispensaries.

Section 1.4 of this bill creates the Subcommittee on the Medical Use of Marijuana of the Advisory Commission on the Administration of Justice. The Subcommittee is tasked with considering, evaluating, reviewing and reporting on the medical use of marijuana, the dispensation of marijuana for medical use and laws providing for the dispensation of marijuana for medical use.

Sections 10-11.7 of this bill set forth the manner in which a person may apply to obtain a registration certificate to operate a medical marijuana establishment. Section 10 mandates background checks for persons proposed to be owners, officers or board members of medical marijuana establishments, and requires such establishments to be sited at least 1,000 feet from existing schools and at least 300 feet from certain existing community facilities. Section 10.5 requires that medical marijuana establishments be located in accordance with local governmental ordinances on zoning and land use, and be professional in appearance. Section 11 limits, by the size of the population of each county, the number of medical marijuana establishments that may be certified in each county, and also limits the Division to accepting applications for the certification of the establishments to not more than 10 business days in any one calendar year. Section 11.5 imposes limits to prevent the overconcentration of medical marijuana establishments in one part of a county and to prevent situations of ownership that are geographically monopolistic. Section 11.7 sets forth the merit-based criteria to be used by the Health Division of the Department of Health and Human Services in determining whether to issue a registration certificate for the operation of a medical marijuana establishment, including such criteria as financial solvency, experience in running businesses, knowledge of medical marijuana and financial contributions by way of the payment of taxes or otherwise to the State of Nevada and its political subdivisions.

Section 13 of this bill sets forth the procedure to apply for a medical marijuana establishment agent registration card, including background checks, and specifies that the application shall be deemed conditionally

approved if the Division does not act upon the application within 30 days, but the conditional approval is limited to the period until such time as the Division acts upon the application.

Section 12 of this bill provides the maximum fees to be charged by the Division for the initial issuance and renewal of medical marijuana establishment registration certificates and medical marijuana establishment agent registration cards. Section 12 also imposes, in the case of applications to operate a medical marijuana establishment, a nonrefundable application fee of $5,000. Section 13.5 states that the registration certificates and registration cards are nontransferable.

Sections 14 and 15 of this bill, in accordance with federal law, outline the procedure for the suspension of medical marijuana establishment registration certificates and medical marijuana establishment agent registration cards in the event that the holder fails to comply with certain requirements pertaining to the payment of child support. Sections 16 and 17 of this bill set forth the acts that are immediate grounds for the Division to revoke a registration certificate or registration card. Section 18 of this bill provides that it is a privilege to hold a registration certificate or registration card and holding such an instrument conveys no vested rights.

Section 19 of this bill sets forth requirements for the secure and lawful operation of medical marijuana establishments. Sections 19.1 and 19.2 of this bill, respectively, require medical marijuana establishments to maintain an electronic verification system and an inventory control system. Both systems are intended to work together to ensure that marijuana cultivated for medical use is dispensed only in accordance with chapter 453A of NRS and only to persons authorized to engage in the medical use of marijuana.

Sections 19.3 and 20 of this bill require medical marijuana dispensaries to use an independent testing laboratory to ensure that the products sold to end users are tested for content, quality and potency. Section 19.4 of this bill sets forth that medical marijuana establishments are to use certain security protocols.

Sections 19.5 and 24.9 of this bill provide for the dispensation of marijuana and related products to persons who are not residents of this State. From April 1, 2014, through March 31, 2016, a nonresident purchaser must sign an affidavit attesting to the fact that he or she is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residency. On and after April 1, 2016, the requirement for such an affidavit is replaced by computer cross-checking between the State of Nevada and other jurisdictions.

Sections 19.6, 22.35, 22.4 and 22.45 of this bill allow a registry identification cardholder and his or her designated primary caregiver, if any, to choose a particular medical marijuana dispensary to be his or her designated medical marijuana dispensary. The designation of a medical marijuana dispensary may be changed not more than once every 30 days.

Section 19.7 of this bill requires that marijuana, edible marijuana products and marijuana-infused products be labeled and packaged in a safe manner.

Section 19.8 of this bill allows the seizure of certain property possessed by a medical marijuana establishment under certain strictly prescribed circumstances.

Section 19.9 of this bill requires the Division to prescribe standards for the operation of independent testing laboratories.

Section 20 of this bill authorizes the Division to adopt any regulations the Division determines to be necessary or advisable to carry out the program of dispensing marijuana and related products to persons authorized by law to engage in the medical use of marijuana.

Sections 22 and 22.3 of this bill increase the amounts of marijuana, edible marijuana products and marijuana-infused products that may be possessed collectively by a registry identification cardholder and his or her designated primary caregiver, if any. The increased amounts are derived, in substantial part, from the limits established by the State of Arizona. Sections 22 and 22.3 also provide a 2-year period, beginning on April 1, 2014, and ending on March 31, 2016, during which persons who are authorized to engage in the medical use of marijuana and who were cultivating, growing or producing marijuana on or before July 1, 2013, are "grandfathered" to continue such activity until March 31, 2016. On and after April 1, 2016, self-cultivation, self-growing and self-production is prohibited unless the person engaging in such activity qualifies for one of the compassionate exceptions from the prohibition, including illness that precludes travel to a medical marijuana dispensary, and the lack of a medical marijuana dispensary within 25 miles of the person's residence.

Section 22.4 of this bill stipulates that a registry identification card must indicate whether or not the holder is authorized to engage in the self-cultivation, self-growing or self-production of marijuana for medical purposes.

Section 24 of this bill reduces by 50 percent the fees currently charged by the Division to provide an applicant with an application for a registry identification card, and to process the application and issue the card.

Section 24.4 of this bill: (1) imposes an excise tax of 2 percent on each wholesale sale of marijuana, edible marijuana products and marijuana-infused products between medical marijuana establishments; (2) imposes an excise tax of 2 percent on the retail sale of marijuana and such products from a medical marijuana dispensary to an end user; and (3) makes clear that the 2 percent excise tax on retail sales is in addition to the state and local sales and use taxes that are otherwise imposed on the sale of tangible personal property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person to counterfeit or forge or attempt to counterfeit or forge a registry identification card.

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 1.3. **NRS 207.360 is hereby amended to read as follows:**

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

18. Battery with intent to commit a crime in violation of NRS 200.400;

19. Assault with a deadly weapon;

20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, ***except a violation of section 1.7 of this act,*** or ***NRS*** 453.375 to 453.401, inclusive;

21. Receiving or transferring a stolen vehicle;

22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

24. Receiving, possessing or withholding stolen goods valued at $650 or more;

25. Embezzlement of money or property valued at $650 or more;

26. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;

27. Perjury or subornation of perjury;

28. Offering false evidence;

29. Any violation of NRS 201.300 or 201.360;

30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

31. Any violation of NRS 205.506, 205.920 or 205.930;

32. Any violation of NRS 202.445 or 202.446; or

33. Any violation of NRS 205.377.

Sec. 1.4. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created the Subcommittee on the Medical Use of Marijuana of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:

(a) At least four Legislators, who may or may not be members of the Commission.

(b) A representative of the Health Division of the Department of Health and Human Services.

(c) A patient who holds a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS.

(d) An owner or operator of a cultivation facility that is certified to operate pursuant to chapter 453A of NRS.

(e) An owner or operator of a facility for the production of edible marijuana products or marijuana-infused products that is certified to operate pursuant to chapter 453A of NRS.

(f) An owner or operator of a medical marijuana dispensary that is certified to operate pursuant to chapter 453A of NRS.

(g) A representative of the Attorney General.

(h) A representative of a civil liberties organization.

(i) A representative of an organization which advocates for persons who use marijuana for medicinal purposes.

(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.

(k) A representative of a law enforcement agency located within the jurisdiction of Washoe County.

(l) A representative of local government.

3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall:

(a) Consider issues concerning the medical use of marijuana, the dispensation of marijuana for medical use and the implementation of provisions of law providing for the dispensation of marijuana for medical use; and

(b) Evaluate, review and submit a report to the Commission with recommendations concerning such issues.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 1.45. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 1.4 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 1.5. **NRS 391.311 is hereby amended to read as follows:**

391.311 As used in NRS 391.311 to 391.3197, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, ***except an act forbidden by section 1.7 of this act, NRS*** 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.3129.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.3197; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.3129.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 1.7. **Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or chapter 453A of NRS.

2. Unless a greater penalty is provided in NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. In addition to any punishment imposed pursuant to subsection 2, the court shall order a person convicted of a violation of subsection 1 to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana.

Sec. 2. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 20, inclusive, of this act.

Sec. 3. ***"Crime of violence" means any felony:***

1. Involving the use or threatened use of force or violence against the person or property of another; or

2. For which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 3.5. ***"Cultivation facility" means a business that:***

1. Is registered with the Division pursuant to section 10 of this act; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

(a) Medical marijuana dispensaries;

(b) Facilities for the production of edible marijuana products ~~[;]~~ or marijuana-infused products; or

(c) Other cultivation facilities.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. ***"Edible marijuana products" means products that:***

1. Contain marijuana or an extract thereof;

2. Are intended for human consumption ~~[;]~~ by oral ingestion; and

3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

Sec. 5.5. ***"Electronic verification system" means an electronic database that:***

1. Keeps track of data in real time; and

2. Is accessible by the Division and by registered medical marijuana establishments.

Sec. 6. ***"Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of section 19.4 of this act and is equipped with locks or other security devices which allow access only by a medical marijuana establishment agent and the holder of a valid registry identification card.***

Sec. 7. ***1. "Excluded felony offense" means:***

(a) A crime of violence; or

(b) A violation of a state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted.

2. The term does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ~~[within the]~~ more than 10 ~~[previous]~~ years ~~[,]~~ before; or

(b) An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to sections 10 to 20, inclusive, of this act, except that the conduct occurred before ~~[January]~~ April 1, 2014, or was prosecuted by an authority other than the State of Nevada.

Sec. 7.3. *"Facility for the production of edible marijuana products ~~[."]~~ or marijuana-infused products" means a business that:*

1. Is registered with the Division pursuant to section 10 of this act; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

Sec. 7.5. "Independent testing laboratory" means a facility described in section 19.9 of this act.

Sec. 7.7. *"Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for medical purposes from the point of cultivation to the end consumer.*

Sec. 7.9. 1. "Marijuana-infused products" means products that:

(a) Are infused with marijuana or an extract thereof; and

(b) Are intended for use or consumption by humans through means other than inhalation or oral ingestion.

2. The term includes, without limitation, topical products, ointments, oils and tinctures.

Sec. 8. *"Medical marijuana dispensary" means a business that:*

1. Is registered with the Division pursuant to section 10 of this act; and

2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

Sec. 8.3. *"Medical marijuana establishment" means:*

1. An independent testing laboratory;

2. A cultivation facility;

~~[2.]~~ 3. A facility for the production of edible marijuana products ~~[,~~ ~~3.]~~ or marijuana-infused products;

4. A medical marijuana dispensary; or

~~[4.]~~ 5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections ~~[1,]~~ 2 , ~~[and]~~ 3 ~~[.]~~ and 4.

Sec. 8.5. "Medical marijuana establishment agent" means an owner, officer, board member, employee or volunteer of a medical marijuana establishment.

Sec. 8.6. "Medical marijuana establishment agent registration card" means a registration card that is issued by the Division pursuant to section 13 of this act to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 8.7. "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the Division pursuant to section 10 of this act to authorize the operation of a medical marijuana establishment.

Sec. 8.8. "THC" means delta-9-tetrahydrocannabinol, which is the primary active ingredient in marijuana.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. Each medical marijuana establishment must register with the Division.

2. A person who wishes to operate a medical marijuana establishment ~~[:~~

~~(a) Must]~~ must submit to the Division an application on a form prescribed by the Division . ~~[; and~~

~~(b) Must have been a resident of the State of Nevada for at least 2 years immediately preceding the date on which he or she submits the application.]~~

3. Except as otherwise provided in sections 11 , 11.5, 11.7 and 16 of this act, not later than 90 days after receiving an application to operate a medical marijuana establishment, the Division shall register the medical marijuana establishment and issue a medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical marijuana establishment has submitted to the Division all of the following:

(1) The application fee, as set forth in section 12 of this act;

(2) An application, which must include:

(I) The legal name of the proposed medical marijuana establishment;

(II) The physical address where the proposed medical marijuana establishment will be located and the physical address of any co-owned additional or otherwise associated medical marijuana establishments, the locations of which may not be within 1,000 feet of a public or private

school that provides formal education traditionally associated with preschool or kindergarten through grade 12 ~~[,]~~ and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division;

(III) Evidence that the applicant controls not less than ~~[$150,000]~~ $250,000 in liquid assets to cover the initial expenses of opening the proposed medical marijuana establishment and complying with the provisions of sections 10 to 20, inclusive, of this act;

(IV) Evidence that the applicant owns the property on which the proposed medical marijuana establishment will be located or has the written permission of the property owner to operate the proposed medical marijuana establishment on that property;

(V) For the applicant and each person who ~~[will]~~ is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(VI) The name, address and date of birth of each person who ~~[will]~~ is proposed to be an owner, officer or board member of the proposed medical marijuana establishment; and

(VII) The name, address and date of birth of each person who ~~[will]~~ is proposed to be employed by or otherwise provide labor at the proposed medical marijuana establishment as a medical marijuana establishment agent;

(3) Operating procedures consistent with rules of the Division for oversight of the proposed medical marijuana establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to sections 19.1 and 19.2 of this act;

(4) If the proposed medical marijuana establishment will sell or deliver edible marijuana products ~~[,]~~ or marijuana-infused products, proposed operating procedures for handling such products which must be preapproved by the Division;

(5) If the city, town or county in which the proposed medical marijuana establishment will be located has enacted zoning restrictions, ~~[a sworn statement]~~ proof of licensure with the applicable local governmental authority or a letter from the applicable local governmental authority

certifying that the proposed medical marijuana establishment is in compliance with those restrictions ~~[.]~~ and satisfies all applicable building requirements; and

(6) Such other information as the Division may require by regulation;

(b) None of the persons who ~~[would]~~ are proposed to be owners, officers or board members of the proposed medical marijuana establishment have been convicted of an excluded felony offense;

(c) None of the persons who ~~[would]~~ are proposed to be owners, officers or board members of the proposed medical marijuana establishment have:

(1) Served as an owner, officer or board member for a medical marijuana establishment that has had its medical marijuana establishment registration certificate revoked; or

(2) Previously had a medical marijuana establishment agent registration card revoked; and

(d) None of the persons who ~~[would]~~ are proposed to be owners, officers or board members of the proposed medical marijuana establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who ~~[would]~~ is proposed to be an owner, officer or board member of a proposed medical marijuana establishment, the Division shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. ~~[If]~~ Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in section 12 of this act.

6. In determining whether to issue a medical marijuana establishment registration certificate pursuant to this section, the Division shall consider the criteria of merit set forth in section 11.7 of this act.

7. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 10.5. *Each medical marijuana establishment must:*

1. Be located in a separate building or facility [,] that is located in a commercial or industrial zone or overlay;

2. Comply with all local [zoning] ordinances and rules [,] pertaining to zoning, land use and signage;

3. Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

4. Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

Sec. 11. *1. Except as otherwise provided in this section [,] and section 11.5 of this act, the Division shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to section 10 of this act:*

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, 10 certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, 2 certificates; and

(d) In each other county, 1 certificate.

2. Notwithstanding the provisions of subsection 1, the Division shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Division may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this subsection if to do so is necessary to ensure that the Division issues at least one medical marijuana establishment registration certificate in each county of this State in which the Division has approved an application for such an establishment to operate.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Division has granted medical marijuana establishment registration certificates.

4. The Division shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 11.5. 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the Division shall ensure that not more than 25 percent of the total number of medical marijuana dispensaries that may be certified in the county, as set forth in section 11 of this act, are located in any one local governmental jurisdiction within the county. The board of county commissioners of the county may increase the percentage described in this subsection if it determines that to do so is necessary to ensure that the more populous areas of the county have access to sufficient distribution of marijuana for medical use.

2. To prevent monopolistic practices, the Division shall ensure, in a county whose population is 400,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical marijuana establishment registration certificate; or

(b) More than 10 percent of the medical marijuana establishment registration certificates otherwise allocable in the county.

3. In a local governmental jurisdiction that issues business licenses, the issuance by the Division of a medical marijuana establishment registration certificate shall be deemed to be provisional until such time as:

(a) The establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) The local government has issued a business license for the operation of the establishment.

4. As used in this section, "local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

Sec. 11.7. In determining whether to issue a medical marijuana establishment registration certificate pursuant to section 10 of this act, the Division shall, in addition to the factors set forth in that section, consider the following criteria of merit:

1. The total financial resources of the applicant, both liquid and illiquid;

2. The previous experience of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment at operating other businesses or nonprofit organizations;

3. The educational achievements of the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment;

4. Any demonstrated knowledge or expertise on the part of the persons who are proposed to be owners, officers or board members of the proposed

medical marijuana establishment with respect to the compassionate use of marijuana to treat medical conditions;

5. Whether the proposed location of the proposed medical marijuana establishment would be convenient to serve the needs of persons who are authorized to engage in the medical use of marijuana;

6. The likely impact of the proposed medical marijuana establishment on the community in which it is proposed to be located;

7. The adequacy of the size of the proposed medical marijuana establishment to serve the needs of persons who are authorized to engage in the medical use of marijuana;

8. Whether the applicant has an integrated plan for the care, quality and safekeeping of medical marijuana from seed to sale;

9. The amount of taxes paid to, or other beneficial financial contributions made to, the State of Nevada or its political subdivisions by the applicant or the persons who are proposed to be owners, officers or board members of the proposed medical marijuana establishment; and

10. Any other criteria of merit that the Division determines to be relevant.

Sec. 12. *1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:*

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	*~~[$20,000]~~ $30,000*
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	*5,000*
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	*3,000*
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	*1,000*
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	*~~[2,000]~~ 3,000*
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	*~~[750]~~ 1,000*
For the initial issuance of a medical marijuana establishment agent registration card	*~~[500]~~ 75*

For the renewal of a medical marijuana establishment agent registration card.....~~[500]~~ 75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory.....5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory.....3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Division:

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the Division in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Division in carrying out the provisions of sections 10 to 20, inclusive of this act; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 13. *1. ~~[A]~~ Except as otherwise provided in this section, a person shall not volunteer or work at a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Division pursuant to this section.*

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the Division an application on a form prescribed by the Division. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the

Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in section 12 of this act; and

(f) Such other information as the Division may require by regulation.

3. A medical marijuana establishment shall notify the Division within 10 days after a medical marijuana establishment agent ceases to be employed by or volunteer at the medical marijuana establishment.

4. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➥ shall not serve as a medical marijuana establishment agent.

5. The Division shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

6. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Division at the time the establishment was registered with the Division.

7. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person a medical marijuana establishment agent registration card. If the Division does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Division acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in section 12 of this act.

Sec. 13.5. The following are nontransferable:

1. A medical marijuana establishment agent registration card.

2. A medical marijuana establishment registration certificate.

Sec. 14. ***1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate shall:***

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the medical marijuana establishment agent registration card or medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the Division.

3. A medical marijuana establishment agent registration card or medical marijuana establishment registration certificate may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 15. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate, the Division shall deem the card or certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Division shall reinstate a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 16. *The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:*

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

Sec. 17. *The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:*

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 18. *The purpose for registering medical marijuana establishments and medical marijuana establishment agents is to protect the public health and safety and the general welfare of the people of this State. Any medical marijuana establishment registration certificate issued pursuant to section 10 of this act and any medical marijuana establishment agent registration card issued pursuant to section 13 of this act is a revocable privilege and the holder of such a certificate or card, as applicable, does not acquire thereby any vested right.*

Sec. 19. *1. The operating documents of a medical marijuana establishment must include procedures:*

(a) For the oversight of the medical marijuana ~~[dispensary;]~~ establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of sections 19.1 and 19.2 of this act.

2. ~~[A]~~ Except as otherwise provided in this subsection, a medical marijuana establishment :

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards by way of those patients' designated primary caregivers.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card if he or she qualifies for nonresident reciprocity pursuant to section 19.5 of this act.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a patient who holds a valid registry identification card, or the designated primary caregiver of such a patient. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the

designated primary caregiver of such a patient, may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

Sec. 19.1. *1. Each medical marijuana establishment, in consultation with the Division, shall maintain an electronic verification system.*

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) ~~[Whether a]~~ In the case of a medical marijuana dispensary, for each person who holds a valid registry identification card ~~[, including, without limitation:]~~ and who purchased marijuana from the dispensary in the immediately preceding 60-day period:

(1) The number of the card;

(2) The date on which the card was issued; and

~~[(2)]~~ (3) The date on which the card will expire . ~~[; and~~

~~(3) The name and contact information of the attending physician who advised the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;~~

~~(b) Whether a]~~

(b) For each medical marijuana establishment agent ~~[holds a valid]~~ who is employed by or volunteers at the medical marijuana establishment , the number of the person's medical marijuana establishment agent registration card . ~~[;~~

~~(c) Whether another medical marijuana establishment is registered validly in accordance with sections 10 to 20, inclusive, of this act;~~

~~(d) Whether the registry identification card, or equivalent thereof, possessed or presented by a person who is not a resident of Nevada, is genuine and valid; and~~

~~(e)]~~ (c) In the case of a medical marijuana dispensary, such information as may be required by the Division by regulation regarding persons who are not residents of this State and who have purchased marijuana from the dispensary.

(d) Verification of the identity of a person to whom marijuana, edible marijuana products or marijuana-infused products are sold or otherwise distributed.

(e) Such other information as the Division may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 19.2. *1. Each medical marijuana establishment, in consultation with the Division, shall maintain an inventory control system.*

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products ~~*[,]*~~ *or marijuana-infused products;*

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products or marijuana-infused products sold, measured both by weight and potency; and

(d) Such other information as the Division may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 19.3. *Each medical marijuana dispensary shall ensure all of the following:*

1. The weight, concentration and content of THC in all marijuana, ~~*[and]*~~ *edible marijuana products and marijuana-infused products that the dispensary sells is clearly and accurately stated on the product sold.*

2. That the dispensary does not sell to a person, in any one 14-day period, an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

4. That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

Sec. 19.4. *1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.*

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the marijuana;

(b) Only immediately before the marijuana is dispensed; and

(c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

Sec. 19.5. *1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:*

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The ~~[state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity and validity of the nonresident card;~~

~~(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);~~

~~*(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and*~~

~~*(g)]*~~ *holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and*

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Sec. 19.6. *1.* ~~*[Each]*~~ *A patient who holds a valid registry identification card and his or her designated primary caregiver, if any, may select one medical marijuana dispensary* ~~*[shall, at the time of making a sale of marijuana or edible marijuana products, or both, collect a flat fee of $10 for deposit in the State General Fund.*~~

~~*2. The fee described in subsection 1 is to be applied in addition to any overhead or administrative costs of the medical marijuana dispensary in making the sale, and in addition to any profit made by the]*~~ *to serve as his or her designated medical marijuana dispensary* ~~*[on the sale.*~~

~~*3. As used in this section, "sale" means a single completed purchase, regardless of the number of individual items included in the purchase.]*~~ *at any one time.*

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 19.7. *Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:*

1. Are labeled clearly and unambiguously as medical marijuana.

2. Are not presented in packaging that is appealing to children.

3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 19.8. *1. If a law enforcement agency legally and justly seizes evidence from a medical marijuana establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a crime has been committed, the relevant provisions of NRS 179.1156 to 179.121, inclusive, apply insofar as they do not conflict with the provisions of this chapter.*

2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

Sec. 19.9. 1. The Division shall establish ~~[or cause to be established an]~~ standards for and certify one or more private and independent testing ~~[laboratory,]~~ laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. ~~[The]~~ Such an independent testing laboratory must be able to determine ~~[,]~~ accurately, with respect to marijuana, ~~[and]~~ edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) Whether the tested material is organic or non-organic.

(c) The presence and identification of molds and fungus.

(d) The presence and concentration of fertilizers and other nutrients.

3. ~~[The cost of establishing the]~~ To obtain certification by the Division on behalf of an independent testing laboratory , an applicant must ~~[be paid from the revenues described in paragraph (a) of subsection 3 of]~~ :

(a) Apply successfully as required pursuant to section 10 of this act.

(b) Pay the fees required pursuant to section 12 of this act.

Sec. 20. *The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 10 to 20, inclusive, of this act. Such regulations are in addition to any requirements set forth in statute and must, without limitation:*

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to sections 10 and 13 of this act.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card has chosen the dispensary as his or her designated medical marijuana dispensary, as described in section 19.6 of this act.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in section 12 of this act may be reduced over time:

(a) To ensure that the fees imposed pursuant to section 12 of this act are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.220. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by sections 10 to 20, inclusive, of this act.

Sec. 21. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and sections 3 to 9, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21.5. NRS 453A.100 is hereby amended to read as follows:

453A.100 ~~[~~"Drug paraphernalia" has the meaning ascribed to it in NRS 453.554.~~]~~ ***"Paraphernalia" means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.***

Sec. 22. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of ~~[~~drug~~]~~ paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of ~~[~~drug~~]~~ paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of ~~[~~drug~~]~~ paraphernalia is an element.

2. In addition to the provisions of ~~[~~subsection~~]~~ ***subsections*** 1 ~~[~~,~~]~~ ***and 5,*** no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) ~~[~~One ounce~~]~~ ***Two and one-half ounces*** of usable marijuana ~~[~~;~~]~~ ***in any one 14-day period;*** ~~***[and]***~~

(2) ~~[~~Three mature~~]~~ ***Twelve*** marijuana plants ~~[~~; and

~~(3) Four immature marijuana plants.~~] ***, irrespective of whether the marijuana plants are mature or immature*** ~~***[.]***~~ ***; and***

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ ***The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed,*** ~~***[locked facility pursuant to the requirements of section 19.4 of this act.]***~~ ***secure location.***

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid medical marijuana establishment agent registration card

issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use [.] (b) of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary [.] ; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products [.] and marijuana-infused products.

Sec. 22.3. **NRS 453A.200 is hereby amended to read as follows:**

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued

to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) ~~[The person who holds the registry identification card or his or her designated primary caregiver, if any, was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;~~

~~(b)]~~ All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated primary caregiver, if any, close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

~~[(c)]~~ ***(b)*** Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary; or

~~[(d)]~~ ***(c)*** No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 22.35. **NRS 453A.210 is hereby amended to read as follows:**

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician; ~~[and]~~

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver ~~[.]~~ ***; and***

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is under 18 years of age if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➥ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance

with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4. ~~[A person may not be deemed to hold a registry identification card for a period of more than 30 days after the date on which the Division received the application.]~~

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 22.4. **NRS 453A.220 is hereby amended to read as follows:**

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a serially numbered registry identification card to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any; ~~[and]~~

(d) ***The name of the applicant's designated medical marijuana dispensary, if any;***

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver; ~~[and]~~

(d) ***The name of the designated primary caregiver's designated medical marijuana dispensary, if any;***

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

4. Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 22.45. **NRS 453A.230 is hereby amended to read as follows:**

453A.230 1. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, ***designated medical marijuana dispensary,*** attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number ***, designated medical marijuana***

dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card issued to the person shall be deemed expired. If the registry identification card of a person to whom the Division or its designee issued the card pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 22.5. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing **[**~~drug~~**]** paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or **[**~~drug~~**]** paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 23. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, ***a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to section 10 of this act or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to section 13 of this act*** does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, ~~[drug]~~ paraphernalia or other related property from a person engaged ***in, facilitating*** or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, ~~[drug]~~ paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, ~~[drug]~~ paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon a determination by the district attorney of the county in which the marijuana, ~~[drug]~~ paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, ~~[drug]~~ paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, ~~[drug]~~ paraphernalia or other related property that was seized.

➥ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:

(a) A decision not to prosecute;

(b) The dismissal of charges; or

(c) Acquittal.

Sec. 24. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. ~~[Criteria for determining whether a marijuana plant is a mature marijuana plant or an immature marijuana plant.~~

~~3.]~~ Fees for:

(a) Providing to an applicant an application for a registry identification card, which fee must not exceed ~~[$50;]~~ ***$25;*** and

(b) Processing and issuing a registry identification card, which fee must not exceed ~~[$150.]~~ ***$75.***

Sec. 24.3. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to ~~[accommodate]~~ ***allow*** the medical use of marijuana in the workplace.

3. Require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not ~~[pose]~~ :

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer ~~[.]~~ ; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

Sec. 24.4. **Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.

3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana-infused products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the medical marijuana dispensary.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

(c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.

4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:

(a) Seventy-five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(b) Twenty-five percent must be expended to pay the costs of the Health Division of the Department of Health and Human Services in carrying out the provisions of sections 10 to 20, inclusive, of this act.

5. The Department shall review regularly the rates of the excise taxes imposed pursuant to subsections 1, 2 and 3 and make recommendations to the Legislature, as appropriate, regarding adjustments that the Department determines would benefit the residents of this State.

6. As used in this section:

(a) "Cultivation facility" has the meaning ascribed to it in section 3.5 of this act.

(b) "Edible marijuana products" has the meaning ascribed to it in section 5.3 of this act.

(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in section 7.3 of this act.

(d) "Marijuana-infused products" has the meaning ascribed to it in section 7.9 of this act.

(e) "Medical marijuana dispensary" has the meaning ascribed to it in section 8 of this act.

(f) "Medical marijuana establishment" has the meaning ascribed to it in section 8.3 of this act.

Sec. 24.5. NRS 372A.060 is hereby amended to read as follows:

372A.060 1. This chapter does not apply to ~~[any]~~ ***:***

(a) Any person who is registered or exempt from registration pursuant to NRS 453.226 or any other person who is lawfully in possession of a controlled substance ~~[.]~~ ***; or***

(b) ~~[Any]~~ Except as otherwise provided in section 24.4 of this act, any person who acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana for the medical use of marijuana as authorized pursuant to chapter 453A of NRS.

2. Compliance with this chapter does not immunize a person from criminal prosecution for the violation of any other provision of law.

Sec. 24.7. NRS 372A.070 is hereby amended to read as follows:

372A.070 1. A person shall not sell, offer to sell or possess with the intent to sell a controlled substance unless he or she first:

(a) Registers with the Department as a dealer in controlled substances and pays an annual fee of $250; and

(b) Pays a tax on:

~~(1) [Each gram of marijuana, or portion thereof, of $100;~~

~~(2)]~~ Each gram of ~~[any other]~~ ***a*** controlled substance, or portion thereof, of $1,000; and

~~[(3)]~~ ***(2)*** Each 50 dosage units of a controlled substance that is not sold by weight, or portion thereof, of $2,000.

2. For the purpose of calculating the tax imposed by ~~[subparagraphs]~~ ***subparagraph*** (1) ~~[and (2)]~~ of paragraph (b) of subsection 1, the controlled substance must be measured by the weight of the substance in the dealer's possession, including the weight of any material, compound, mixture or preparation that is added to the controlled substance.

3. The Department shall not require a registered dealer to give his or her name, address, social security number or other identifying information on any return submitted with the tax.

4. Any person who violates subsection 1 is subject to a civil penalty of 100 percent of the tax in addition to the tax imposed by subsection 1. Any civil penalty imposed pursuant to this subsection must be collected as part of the tax.

5. The district attorney of any county in which a dealer resides may institute and conduct the prosecution of any action for violation of subsection 1.

6. Property forfeited or subject to forfeiture pursuant to NRS 453.301 must not be used to satisfy a fee, tax or penalty imposed by this section.

7. As used in this section ~~***[, "controlled]***~~ ***:***

(a) "Controlled substance" does not include marijuana ~~***[.]***~~ ***, edible marijuana products or marijuana-infused products.***

(b) "Edible marijuana products" has the meaning ascribed to it in section 5.3 of this act.

(c) "Marijuana-infused products" has the meaning ascribed to it in section 7.9 of this act.

Sec. 24.9. **Section 19.5 of this act is hereby amended to read as follows:**

Sec. 19.5 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The ~~[holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and~~

~~(e)]~~ ***state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity or validity of the nonresident card;***

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card, as determined by the Division.

Sec. 25. On or before ~~[January]~~ **April** 1, 2014, the Health Division of the Department of Health and Human Services shall adopt the regulations required pursuant to section 20 of this act.

Sec. 25.5. 1. If the Director of the Department of Health and Human Services determines that the revenues from the fees collected pursuant to section 12 of this act are not sufficient in Fiscal Year 2013-2014 or Fiscal Year 2014-2015 to pay authorized expenditures necessary to carry out sections 10 to 20, inclusive of this act, the Director of the Department of Health and Human Services may request from the Director of the Department of Administration a temporary advance from the State General Fund for the

payment of authorized expenditures to carry out sections 10 to 20, inclusive of this act.

2. The Director of the Department of Administration shall provide written notification to the State Controller and to the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau if the Director of the Department of Administration approves a request made pursuant to subsection 1. The State Controller shall draw a warrant upon receipt of the approval by the Director of the Department of Administration.

3. Any money which is temporarily advanced from the State General Fund to the Director of the Department of Health and Human Services pursuant to this section must be repaid on or before the last business day in August immediately following the end of Fiscal Year 2013-2014 and Fiscal Year 2014-2015, respectively.

Sec. 26. 1. This section and section 25.5 of this act become effective upon passage and approval.

2. Sections 1 to ~~[25,]~~ **22, inclusive, 22.35 to 24.7,** inclusive **, and 25** of this act become effective upon passage and approval for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on ~~[January]~~ **April** 1, 2014, for all other purposes.

3. **Sections 22.3 and 24.9 of this act become effective on April 1, 2016.**

4. Sections 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12.
Assemblyman Horne moved the adoption of the resolution.
Remarks by Assemblyman Horne.
Resolution adopted and ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 a.m.

ASSEMBLY IN SESSION

At 12:52 a.m.
Madam Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bill No. 224.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 185, 364, 410, 425; Senate Joint Resolution No. 9.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 367.
Bill read third time.
Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 367, as amended, prohibits a controlling party from entering into an indemnification agreement with or seeking indemnification from a design professional, subcontractor, supplier, or other service provider for a development project with regard to a construction defects claim, except as otherwise provided under the provisions of the *Nevada Revised Statutes* that relate to actions resulting from the constructional defect.

Assembly Bill 367, as amended, also allows a controlling party to enter into an indemnification agreement with a design professional, subcontractor, supplier, or other service provider for a development project with regard to a construction defects claim to the extent that the underlying injury or damage is due to negligent or otherwise wrongful act or omission, including without limitation, breach of a specific contractual duty of the promisor or the promisor's independent contractors, agents, employees, or delegates.

Assembly Bill 367, as amended, declares that any such indemnification clause and any clause requiring a person to add another person as an additional insured in an insurance policy with the intent of making any person responsible for the actions of another is against public policy, void, and unenforceable.

Additionally, Assembly Bill 367, as amended, defines a "constructional defect" to include violations that adversely impact the structural integrity or safety of the residence, and appurtenance or the real property to which the residence or appurtenance is affixed or materially affect the fair market value of the residence, an appurtenance, or the real property to which the residence or appurtenance is affixed. Assembly Bill 367, as amended, becomes effective October 1, 2013, and applies to any claim for which a notice to a contractor of a construction defect is filed on or after October 1, 2013.

Assembly Bill 367 is a construction defect bill that we hope is not related to any other issues and various things; it's just about the policy. It does change the indemnification provisions so that subcontractors that didn't have anything to do with the lawsuit or the issues are not roped into the lawsuit by contract. It also tries to narrow the definition of a construction defect to get rid of some of the smaller "ticky-tack" things, if you will. Additionally, the bill is prospective only; it will only apply to contracts that are executed after the date that it goes into effect. It applies to residential construction only. It doesn't get into the commercial building. With that, I urge everyone's support.

Roll call on Assembly Bill No. 367:

YEAS—34.

NAYS—Duncan, Grady, Hickey, Horne, Kirner, Oscarson—6.

EXCUSED—Hardy, Pierce—2.

Assembly Bill No. 367 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 24.

The following Senate amendment was read:

Amendment No. 874.

AN ACT relating to motor vehicles; providing for the limited issuance of special license plates to commemorate the 150th anniversary of Nevada's admission into the Union; imposing a fee for the issuance or renewal of such license plates; revising provisions relating to the number of characters required to be contained on a license plate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the issuance of a special license plate to commemorate the 150th anniversary of Nevada's admission into the Union. Existing law provides that the regular fees for the initial issuance and renewal of a special license plate are $35 and $10, respectively, exclusive of any additional fees which may be added to generate funds for a particular cause. (NRS 482.265) Unlike the fees set forth in existing law, the fee set forth in this bill for the initial issuance of a special license plate to commemorate the 150th anniversary (sesquicentennial) of Nevada's admission into the Union is $7.50 and there is no basic charge for the renewal of the special license plates, other than the fee that is required to be distributed to the Nevada

Cultural Affairs Foundation. Existing law also requires $35 of the fee received by the Department of Motor Vehicles for the initial issuance of a special license plate, exclusive of any additional fees which may be added to generate funds for a particular cause, to be deposited in the State Highway Fund for credit to the Revolving Account for the Issuance of Special License Plates. (NRS 482.1805) This bill requires the Department to deposit the $7.50 received for the initial issuance of the sesquicentennial license plate with the State Treasurer for credit to that Revolving Account. This bill also requires that an annual report concerning the revenues received and expenditures made in connection with the issuance of the commemorative license plates be submitted to the Director of the Legislative Counsel Bureau, and provides that in no event may the commemorative license plates be issued by the Department after October 31, 2016. **For a person who is a Legislator of this State, this bill allows the commemorative license plates to be combined with special legislative license plates issued to the Legislator pursuant to NRS 482.374.**

This bill also provides that the additional fees collected for the issuance of the plate must be deposited in the State General Fund. The State Treasurer is required to distribute those additional fees, on a quarterly basis, to the Nevada Cultural Affairs Foundation. This bill exempts these special license plates from: (1) the provisions that require a minimum number of applications for the plates; (2) the requirement that the Commission on Special License Plates approve or disapprove the plates; and (3) the limit on the number of separate designs of special license plates that may be issued by the Department at any one time.

Section 5 of this bill deletes the requirement that a redesign of license plates ordered by the Director of the Department: (1) be in colors that are predominately blue and silver; and (2) contain letters and numbers that are of the same size. **Sections 6 and 11-19** of this bill delete the requirement that a license plate contain a certain finite number of characters and provide instead that the Director will determine the number of characters to be contained on each license plate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 8, the Department, in cooperation with the Nevada Cultural Affairs Foundation or its successor, shall design, prepare and issue license plates which commemorate the 150th anniversary of Nevada's admission into the Union, using any colors and designs that the Department deems appropriate.

2. The Department shall issue the commemorative license plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that ~~[personalized]~~ :

(a) Special legislative license plates issued to a Legislator pursuant to NRS 482.374 be combined with the commemorative license plates if that person:

(1) Qualifies for special legislative license plates issued pursuant to NRS 482.374; and

(2) Pays the fees for the special legislative license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4; or

(b) Personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is $7.50, in addition to all other applicable registration and license fees and governmental services taxes. The Department shall deposit the fee collected pursuant to this subsection with the State Treasurer for credit to the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.

4. Except as otherwise provided in this subsection, in addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates a fee of $20, to be distributed pursuant to subsection 5. The fees otherwise required to be paid pursuant to this subsection must not be charged after the date announced by the Director pursuant to subsection 8.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. For the duration of the collection of such fees, the State Treasurer shall, on a quarterly basis, distribute the fees to the Nevada Cultural Affairs Foundation or its successor to be used for:

(a) A celebration of the 150th anniversary of Nevada's admission into the Union;

(b) Projects relating to the commemoration of Nevada's admission to the Union, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings and structures;

(c) Education relating to the history of the State of Nevada; and

(d) Other projects relating to preserving and protecting the heritage of the State of Nevada.

6. On or before January 1 of each calendar year, the Division of Museums and History of the Department of Tourism and Cultural Affairs shall produce a report of:

(a) Revenues received from the issuance of the commemorative license plates issued pursuant to the provisions of this section; and

(b) Associated expenditures,

➥ and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature or the Legislative Commission, as appropriate.

7. If, during a registration year, the holder of the commemorative license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

8. The Director shall determine and, by public proclamation, announce the last date on which the Department will issue the commemorative license plates. The Department shall publish the announcement on its Internet website. In no case may the date that is determined and announced to be the last date on which the Department will issue the commemorative license plates be after October 31, 2016. The Department shall not issue:

(a) The commemorative license plates after the date announced by the Director pursuant to this subsection.

(b) Replacement commemorative license plates for those license plates more than 5 years after the date announced by the Director pursuant to this subsection.

Sec. 2. NRS 482.1805 is hereby amended to read as follows:

482.1805 1. The Revolving Account for the Issuance of Special License Plates is hereby created as a special account in the State Highway Fund. An amount equal to $35 of the fee received by the Department for the initial issuance of a special license plate, not including any additional fee which may be added to generate financial support for a particular cause or charitable organization, must be deposited in the State Highway Fund for credit to the Account.

2. The Department shall use the money in the Account to:

(a) Pay the expenses involved in issuing special license plates; and

(b) Purchase improved and upgraded technology, including, without limitation, digital technology for the production of special license plates, to ensure that special license plates are produced in the most efficient manner possible.

3. Money in the Account must be used only for the purposes specified in subsection 2.

4. At the end of each fiscal year, the State Controller shall transfer from the Account to the State Highway Fund an amount of money equal to the balance in the Account which exceeds $50,000.

5. The provisions of this section do not apply to section 1 of this act.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[,]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to section 1 of this act.

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates **.** **[**~~with colors that are predominately blue and silver. The Director may substitute white in place of silver when no suitable material is available.~~**]**

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the

registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, ***or section 1 of this act*** without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. ~~[Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.~~

~~7.]~~ Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (e) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for ~~[coloring,]~~ lettering and design that are set forth in this section.

Sec. 6. NRS 482.272 is hereby amended to read as follows:

482.272 Each license plate for a motorcycle may contain ~~[up to six]~~ ***a number of*** characters, including numbers and letters ~~[.]~~ ***, as determined necessary by the Director.*** Only one plate may be issued for a motorcycle.

Sec. 7. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of $5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection ~~[7]~~ ***6*** of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige

license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 8. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[.]~~ ***or section 1 of this act.***

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 9. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, ***or section 1 of this act,*** a license plate that ~~[~~:

~~(1) Is~~~~]~~ ***is*** approved by the Legislature after July 1, 2005 ***.*** ~~[~~~~; and~~

~~(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.~~~~]~~

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. ~~[~~~~Except as otherwise provided in subsection 6, if,~~~~]~~ ***If,*** on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than

the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 10. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be

designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 ~~[.]~~ ***or section 1 of this act.***

Sec. 11. NRS 482.3672 is hereby amended to read as follows:

482.3672 1. An owner of a motor vehicle who is a resident of this State and who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A letter from the news director, editor or publisher of the periodical or station by whom the person is employed,

➥ be issued license plates upon which is inscribed PRESS with ~~[three consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section leaves the service of the newspaper or station which has provided the letter required by subsection 1, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to members of the press.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 12. NRS 482.3675 is hereby amended to read as follows:

482.3675 1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

➥ be issued a set of license plates upon which is inscribed CONSULAR CORPS with ~~[three consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Sec. 13. NRS 482.3755 is hereby amended to read as follows:

482.3755 1. An owner of a motor vehicle who is a resident of this State and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed "CIVIL AIR PATROL" with ~~[four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.*** The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker is $10.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. If a member is dishonorably discharged, he or she shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 14. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L GUARD with ~~[four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.*** The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of $5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

Sec. 15. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor required by the Department.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. The fee for a set of special license plates issued pursuant to this section is $25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is $5.

Sec. 16. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates inscribed with the words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran, and **[**~~three or four consecutive numbers.~~**]** ***a number of characters, including numbers and letters, as determined necessary by the Director.***

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and ***a number of characters, including numbers and letters, as determined necessary by the Director.*** **[**~~three or four consecutive numbers.~~**]**

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 17. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 18. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 19. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and ~~[three or four consecutive numbers.]~~ ***a number of characters, including numbers and letters, as determined necessary by the Director.***

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 20. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act,*** and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that

is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.*** The term includes the successor, if any, of a charitable organization.

Sec. 21. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	50
For every other decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, ***and section 1 of this act,*** a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 22. Notwithstanding the provisions of subsection 6 of section 1 of this act, the report of revenues and associated expenditures that is required to be submitted to the Director of the Legislative Counsel Bureau pursuant to those provisions must be submitted by the Nevada Sesquicentennial Commission, established by the Governor pursuant to executive order, for the period from the effective date of this act through January 1, 2015.

Sec. 23. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 874 to Assembly Bill No. 24.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Amendment 874, which was adopted by the Senate, provides that a legislator may obtain a commemorative license plate that is combined with a special legislative license plate if the legislator pays the fees for the special legislative license plates in addition to the fees for the commemorative license plates.

The amendment also allows for the Director of the Department of Motor Vehicles to determine the number of characters that may be included in the design of the ex-prisoner of war license plate.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 145.

The following Senate amendment was read:

Amendment No. 932.

AN ACT relating to transportation; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or

renewing the registration of a vehicle at a kiosk or via the Internet to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the board of county highway commissioners is authorized to construct, repair and maintain public highways and roads within the county. (NRS 403.090) Existing law also provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) **Section 5** of this bill allows a regional transportation commission to adopt a policy for a Complete Streets program, which means a program for the retrofitting of streets or highways under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities that provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. **Section 4.8** of this bill allows the board of county commissioners, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and in which a regional transportation commission does not exist, to adopt a Complete Streets program. **Section 9** of this bill allows the board of county highway commissioners, in a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to adopt a Complete Streets program.

Sections 2 and 3 of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration that is completed at a kiosk or via the Internet notice of a **nonrefundable and** voluntary $2 contribution to be made to the Complete Streets program in the county where the vehicle is to be registered ~~[unless]~~ **if** the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt ~~[out of]~~ **in to** making the contribution. **Section 1** of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties. **Section 1 also authorizes the Department to retain 1 percent of the money collected as reimbursement for the costs of collecting and distributing the money.**

Sections 4.8, 5 and 9 require that a board of county commissioners, regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

Section 16.5 of this bill requires the Director of the Department of Motor Vehicles to determine when sufficient resources are available for the Department to carry out the provisions of this bill, and to provide notice of that fact. **Section 17** of this bill provides that this bill becomes effective: (1) upon passage and approval, for the purpose of adopting regulations and performing other preparatory administrative tasks; and (2) for all other purposes, upon the earlier of October 1, 2015, or the date on which the Director provides notice that sufficient resources are available for the Department to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Any]~~ Except as otherwise provided in subsection 3, any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:

(a) In a county in which a regional transportation commission exists, to the regional transportation commission.

(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.

(c) In a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.

2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its agents during the preceding month, and that the money has been distributed as provided in this section.

3. The Department shall deduct and withhold 1 percent of the contributions collected pursuant to subsection 1 to reimburse the Department for its expenses in collecting and distributing the contributions.

4. As used in this section, "regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 2. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant ~~[can]~~ must indicate his or her intention to opt in or opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 3. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of

registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of $2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets program is

nonrefundable and voluntary and is in addition to any fees required for registration.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets program, if any, created pursuant to subsection 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant ~~[can]~~ must indicate his or her intention to opt in or opt out of making such a contribution.

~~[~~4.~~]~~ *5.* An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 4. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

11. For each vehicle for which the registered owner has ~~[not]~~ indicated his or her intention to opt ~~[out of]~~ in to making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or subsection 4 of NRS 482.280, a contribution of $2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.

Sec. 4.2. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.

Sec. 4.4. ***As used in this section and sections 4.6 and 4.8 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.***

Sec. 4.6. ***1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:***

(a) Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county commissioners shall administer the Complete Streets fund.

4. The board of county commissioners may accept gifts and donations for deposit in the Complete Streets fund.

Sec. 4.8. ***1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.***

2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.

2. Any money received by a commission pursuant to paragraph (a) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 6. NRS 277A.240 is hereby amended to read as follows:

277A.240 The commission ***:***

1. Except as otherwise provided in subsection 2, may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

2. Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:

(a) Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.

3. May accept gifts and donations for deposit in the Complete Streets fund.

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.5, 8 and 9 of this act.

Sec. 7.5. ***As used in this section and sections 8 and 9 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.***

Sec. 8. ***1. The board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:***

(a) Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county highway commissioners shall administer the Complete Streets fund.

4. The board of county highway commissioners may accept gifts and donations for deposit in the Complete Streets fund.

Sec. 9. ***1. A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.***

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 10. NRS 403.160 is hereby amended to read as follows:

403.160 1. If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

2. The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

3. Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

4. A board of road commissioners shall:

(a) Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but ***, except as otherwise provided in section 9 of this act,*** no board of road commissioners shall contract for any amount of work in excess of the

funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

Sec. 11. NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing ***,*** ~~[or]~~ graveling ~~[,]~~ ***or retrofitting pursuant to section 9 of this act,*** and shall have been declared by the board of county highway commissioners to be standard county roads, then they shall be termed and designated as standard county roads.

2. When the board of county highway commissioners shall have declared and designated any road to be a standard county road, then ***, except as otherwise provided in section 9 of this act,*** the cost of maintaining such road shall be paid out of the county general fund in the same manner as provided in NRS 403.460.

Sec. 12. NRS 403.435 is hereby amended to read as follows:

403.435 The board of county commissioners of any county is hereby authorized to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than state highways. The share of any county in the cost of such cooperative road project shall be paid ***:***

1. For a project that is a part of a Complete Streets program pursuant to section 9 of this act, from the Complete Streets fund created pursuant to section 8 of this act; or

2. For any other project, from county road funds; but donations may be accepted in lieu of appropriations from county road funds.

Sec. 13. NRS 403.460 is hereby amended to read as follows:

403.460 1. If, at a primary, general or special election, a majority of the voters of the county vote against the issuance of the bonds for roads and bridges, and no special county road and bridge fund is thereby created, or if for any other reason the fund is not created, ***except as otherwise provided in section 9 of this act,*** the cost of all county road and bridge work performed must be paid out of the county general fund by order of the board, if that work was performed by the order of and under the direction of the board of county highway commissioners or the county road supervisor, and according to the provisions of this chapter.

2. All claims presented to the board of county highway commissioners must be sworn and subscribed to and attested by the county road supervisor.

Sec. 14. NRS 403.470 is hereby amended to read as follows:

403.470 All money appropriated or expended by the board of county highway commissioners, whether it be appropriated or expended out of the county road and bridge fund which may be created by this chapter, ***the Complete Streets fund created pursuant to section 8 of this act,*** or out of the county general fund as provided in NRS 403.460, must be expended by the board of county highway commissioners for the purposes hereinafter named and for no other purposes:

1. For laying out, grading, draining, graveling or macadamizing, maintaining, and, when deemed necessary, sprinkling or oiling roads.

2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

5. The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.

Sec. 15. NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~[The]~~ ***Except as otherwise provided in section 8 of this act, the*** county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.

Sec. 16. NRS 403.590 is hereby amended to read as follows:

403.590 ***1.*** Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~[1. Cause]~~

(a) Except as otherwise provided in subsection 2, cause all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~[2.]~~ ***(b)*** Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.

2. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 8 of this act to be used for a purpose other than those set forth in section 9 of this act.

Sec. 16.5. As soon as practicable after January 1, 2014, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 17. This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. For all other purposes, on:

(a) October 1, 2015; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 16.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act,

➥ whichever occurs first.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 932 to Assembly Bill No. 145.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Amendment 932 makes four changes to Assembly Bill 145. First, it authorizes the DMV to retain a 1 percent commission to cover the cost of collecting and allocating donations to each county for the Complete Streets Program. Second, it provides that the $2 voluntary contributions are nonrefundable. Third, it provides the option to opt in or opt out of the voluntary donation. Finally, it provides for the acceptance of gifts and donations for deposit in the Complete Streets Fund.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 139.

The following Senate amendment was read:

Amendment No. 916.

AN ACT relating to business; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring certain persons who are not required to obtain a state business license to obtain a certificate of exemption from the Secretary of State; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; **removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances;** revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; **repealing certain provisions;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 1** of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 1** further requires state and local agencies and health districts to: (1) integrate their electronic application processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; and (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal. **However, section 1 also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or**

federal law relating to the confidentiality of the information. Under **section 9** of this bill: (1) a state or local agency or health district is required to accept common business registration information via the state business portal on or before January 1, 2014, unless the State Board of Examiners extends that deadline; and (2) a state or local agency or health district which believes it cannot comply with certain requirements relating to the state business portal must, with the assistance of the Secretary of State, submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation setting forth: (1) the reasons that it cannot timely comply with the requirements; and (2) a timeline for integration into the state business portal.

Under existing law, certain persons are excluded from the definition of "business" for the purposes of state business licenses and, thus, are not required to obtain a state business license. (NRS 76.020) **Section 2** of this bill requires these persons to obtain annually from the Secretary of State a certificate of exemption from the requirement to obtain a state business license. Under **section 2**, a person required to obtain a certificate of exemption must post the certificate conspicuously at his or her establishment or place of business and is subject to a penalty of not more than $50 if the person fails to do so. **Section 3** of this bill provides that a person required to obtain a state business license must post the state business license conspicuously at his or her establishment or place of business and is subject to a penalty of not more than $50 if the person fails to do so.

Section 4 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person issued a state business license or a certificate of exemption from the requirement to obtain a state business license. Under **section 1**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require applicants for such a license, certificate, registration or permit to include the business identification number on the application. **Sections 2 and 3** require that a state business license or certificate of exemption include the business identification number assigned to the holder of the license or certificate.

Sections 5 and 6 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. **Section ~~[7]~~ 7.3** of this bill ~~[provides that the affidavit required by existing law to obtain a local business license to sell certain retail merchandise must include a statement that the~~

~~applicant has a current state business license, or a certificate of exemption from the requirements for a state business license, and the applicant's business identification number.~~] **removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. Section 7.5** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal. **Section 8 of this bill repeals certain provisions relating to: (1) the coordination of the collection of certain information and forms from businesses by state agencies and local governments; and (2) the affidavit required to be filed by an applicant who wishes to obtain a local business license to sell certain retail merchandise.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~[,]~~ ***and consultation with representatives of state agencies, local governments, health districts and businesses,*** the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) ***Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;***

(f) For the purpose of coordinating the collection of common information from businesses using the state business portal:

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to provide the common business registration information to state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ ***(h)*** Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. Each state or local agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State shall:

(a) To the extent practicable:

(1) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(2) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(3) Integrate into the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this subparagraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating ~~*[any]*~~ ***information*** ~~*[required for the authorization]*~~ ***to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.***

(b) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(c) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

4. The provisions of subsection 3 do not require a state or local agency or health district to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

5. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 4 of this act to an entity organized pursuant to this title or to a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption from the requirement to obtain a state business license pursuant to section 2 of this act.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the same common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

(c) "Health district" means a health district created pursuant to NRS 439.362 or 439.370.

Sec. 2. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is not required to obtain a state business license pursuant to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020 must obtain a certificate of exemption from the Secretary of State pursuant to this section.

2. An application for a certificate of exemption must be made upon a form prescribed by the Secretary of State and include any information that the Secretary of State deems necessary to determine whether the applicant is exempt from the requirements to obtain a state business license pursuant to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a certificate of exemption is defective in any respect, the Secretary of State may return the application for correction.

5. A certificate of exemption issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 4 of this act.

6. A certificate of exemption must be renewed annually. A person who applies for the renewal of a certificate of exemption must submit the application for renewal:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the certificate of exemption occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting an activity for which a certificate of exemption must be obtained.

7. Every person required to obtain a certificate of exemption pursuant to this section shall post the certificate of exemption conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the certificate of exemption has expired or the person is no longer required to obtain a certificate of exemption. Any person who fails to post or keep posted a certificate of exemption as required by this section is subject to a penalty of not more than $50 to be imposed by the Secretary of State.

8. If the Secretary of State discovers that a person has violated the requirements of subsection 7, the Secretary of State shall send a written notice of the violation to the person. The written notice must state that the person may request a hearing by filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.

Sec. 3. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $100; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. ***A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to section 4 of this act.***

6. Every person required to obtain a state business license pursuant to this section shall post such license conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the license has expired or the person ceases to transact such business.

Any person who fails to post or keep posted a license as required by this section is subject to a penalty of not more than $50 to be imposed by the Secretary of State.

7. If the Secretary of State discovers that a person has violated the requirements of subsection 6, the Secretary of State shall send a written notice of the violation to the person. The written notice must state that the person may request a hearing by filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.

8. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

~~[6.]~~ ***9.*** For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

~~[7.]~~ ***10.*** As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 4. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act, the Secretary of State shall assign a unique business identification number to each entity organized pursuant to title 7 of NRS or to any person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act.

Sec. 5. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.***

4. ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

Sec. 6. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.***

4. ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit ~~[or attestation]~~ required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

Sec. 7. ~~[NRS 364.110 is hereby amended to read as follows:~~

~~364.110 No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:~~

~~1. *That the applicant or applicants:*~~

~~*(a) Maintain an active state business license issued pursuant to chapter 76 of NRS; or*~~

~~*(b) Have a certificate of exemption from the requirement to obtain a state business license pursuant to section 2 of this act; and*~~

~~*2. The business identification number assigned to the applicant or applicants by the Secretary of State pursuant to section 4 of this act.*~~

~~*3.* Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.~~

~~**[**2.**]** *4.* Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.~~**]** (Deleted by amendment.)**

Sec. 7.3. **NRS 602.020 is hereby amended to read as follows:**

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~4.]~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~[~~"Foreign artificial person" means an artificial person that is not organized under the laws of this State.~~

~~(c)~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 7.5. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~[and]~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[.]~~ ***; and***

(f) The Secretary of State for the purpose of verifying that data submitted electronically via the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300 satisfies the requirements established by the Division and, as necessary, for the purpose of maintaining the technical integrity and functionality of the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

➥ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security

number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 8. NRS 237.180 ~~[is]~~ **, 364.110 and 364.120 are** hereby repealed.

Sec. 9. 1. A state or local agency or health district is required to use the state business portal to accept common business registration information from the state business portal as required by subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, on or before January 1, 2014, unless the State Board of Examiners extends this deadline pursuant to subsection 2.

2. If a state or local agency or health district believes that it cannot comply with the requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, on or before January 1, 2014, the state or local agency or health district may submit to the State Board of Examiners a written request to extend the deadline which sets forth the reason for requesting the extension. Upon receipt of a written request to extend the deadline, the State Board of Examiners may extend the deadline set forth in subsection 1 as it deems necessary. The State Board of Examiners shall report to the Legislative Commission each deadline extension approved by the State Board of Examiners pursuant to this subsection.

3. If a state or local agency or health district complies with the requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, on or before January 1, 2014, but believes that it cannot comply with any other requirement of subsection 3 of NRS 75A.100, as amended by section 1 of this act, the state or local agency or health district, with the assistance of the Secretary of State, shall submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation of the status of the integration of the state or local agency or health district into the state business portal which sets forth the reasons that the state or local agency or health district cannot timely comply with the other requirements of subsection 3 of NRS 75A.100 and, to the extent practicable, a projected timeline for integration into the state business portal.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. This act becomes effective on July 1, 2013.

TEXT OF REPEALED ~~[SECTION]~~ SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms; report of annual meeting.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their

collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. On or before February 15 of each year, the Executive Director of the Department of Taxation shall submit a report to the Director of the Legislative Counsel Bureau for presentation to the Legislature. The report must include a summary of the annual meeting held during the immediately preceding year and any recommendations for proposed legislation.

5. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class

of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed $3 for the filing of the affidavit required to be filed by NRS 364.110.

Assemblywoman Benitez-Thompson moved that the Assembly do not concur in the Senate Amendment No. 916 to Assembly Bill No. 139.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

The following Senate amendment was read:

Amendment No. 934.

AN ACT relating to alcoholic beverages; providing for the licensing and operation of craft distilleries in this State; setting forth the conditions under which spirits manufactured at such craft distilleries may be sold; **removing the limitation on the number of barrels of malt beverages that an operator of one or more brew pubs may manufacture in any calendar year; requiring certain notice to be provided for bulk sales of liquor;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the operation of brew pubs and instructional wine-making facilities. (NRS 597.230, 597.245) Under existing law, facilities such as brew pubs and instructional wine-making facilities must be licensed, a fee is imposed for the license, and a person who engages in business in this State without having the appropriate permit or license for the business is guilty of a misdemeanor. (NRS 360.490, 369.180, 369.300) **Sections 1 , 2-4 and ~~[2-8]~~ 6-8** of this bill: (1) authorize the operation of craft distilleries in Nevada; (2) set forth the permissible scope of operation for those craft distilleries; (3) require that the craft distilleries be licensed; and (4) impose a licensing fee of $75.

Existing law prohibits a supplier of malt beverages, distilled spirits and wines from unilaterally terminating or refusing to continue a franchise with a

wholesaler or causing a wholesaler to resign from a franchise without first establishing good cause. (NRS 597.160) **Section 1.5** of this bill revises an exception to that provision so that suppliers who sell less than 2,000 rather than 2,500 barrels of malt beverage in any calendar year are excluded from that requirement.

Existing law prohibits a person who operates one or more brew pubs in a county whose population is 700,000 or more (currently Clark County) from manufacturing more than 15,000 barrels of malt beverages for all the brew pubs the person operates in that county in any calendar year. Additionally, a person who operates one or more brew pubs in a county whose population is less than 700,000 (currently all counties other than Clark County) is prohibited from manufacturing more than 5,000 barrels of malt beverages for all the brew pubs the person operates in that county in any calendar year. (NRS 597.230) Section 4.5 of this bill provides that a person who operates one or more brew pubs in any county is prohibited from manufacturing more than 15,000 barrels of malt beverages for all the brew pubs the person operates in any calendar year.

Section 5.5 of this bill requires a retailer of intoxicating liquors to provide certain advance notice to certain wholesalers of a bulk sale or transfer of liquor which is not in the ordinary course of the retailer's business.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may operate a craft distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

(b) Complies with the requirements of this ~~[section;]~~ chapter; and

(c) Complies with any other applicable governmental requirements.

2. A person who operates a craft distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the craft distillery shall ensure that none of the spirits manufactured at the craft distillery are derived from neutral or distilled spirits manufactured by another manufacturer.

(b) In any calendar year, ~~[manufacture for sale]~~ sell and transport in Nevada not more than a combined total of 10,000 cases of spirits at all the craft distilleries the person operates ~~[.]~~ to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

(c) In any calendar year, manufacture for exportation to another state, not more than a combined total of 20,000 cases of spirits at all the craft distilleries the person operates.

(d) On the premises of the craft distillery, serve samples of the spirits manufactured at the craft distillery. Any such samples must not exceed, per person, per day, 2 fluid ounces in volume.

(e) On the premises of the craft distillery, sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, ~~[one half of a case]~~ 2 bottles of spirits. Spirits purchased on the premises of a craft distillery must not be resold by the purchaser or any retail liquor store.

3. As used in this section ~~[, "case]~~ :

(a) "Bottle of spirits" means a bottle containing 750 milliliters of distilled spirits.

(b) "Case of spirits" means 12 bottles ~~[, each containing 750 milliliters]~~ of ~~[distilled]~~ spirits.

Sec. 1.5. NRS 597.160 is hereby amended to read as follows:

597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises.

2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than ~~[~~2,500~~]~~ ***2,000*** barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.

3. A wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier.

4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.

Sec. 2. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.250, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. ***"Craft distillery" means an establishment which:***

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell ~~[and distribute]~~ those distilled spirits pursuant to the provisions of ~~[section 1 of this act.]~~ this chapter.

4. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

5. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

~~[4.]~~ ***6.*** "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

~~[5.]~~ ***7.*** "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

~~[6.]~~ ***8.*** "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

~~[7.]~~ ***9.*** "Supplier" has the meaning ascribed to it in NRS 597.140.

~~[8.]~~ ***10.*** "Wine" has the meaning ascribed to it in NRS 369.140.

Sec. 3. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in ***subsection 2 and*** NRS 597.240, a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not ~~[engage]~~ ***:***

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages ~~[.]~~ ***; or***

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 4. NRS 597.220 is hereby amended to read as follows:

597.220 1. ~~[Any]~~ ***Except as otherwise provided in ~~[subsection 3,]~~ section 1 of this act, a*** person who is engaged in the business of importing or wholesaling alcoholic beverages in the State of Nevada shall not engage in the business of retailing alcoholic beverages in this state.

2. For the purposes of this section, a person who transfers or receives alcoholic beverages in the manner described in NRS 369.4865 must not be considered to be engaged in the business of wholesaling alcoholic beverages based solely upon those transfers.

~~***[3. This section does not prohibit a person from operating a craft distillery pursuant to section 1 of this act.]***~~

Sec. 4.5. **NRS 597.230 is hereby amended to read as follows:**

597.230 1. In ~~[a county whose population is 700,000 or more,]~~ ***any county,*** a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685, inclusive;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➥ A person who operates one or more brew pubs may not manufacture more than 15,000 barrels of malt beverages for all the brew pubs he or she operates in that county in any calendar year.

2. ~~[In a county whose population is less than 700,000, a person may operate a brew pub:~~

~~(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685, inclusive;~~

~~(b) In any historic district established in that county pursuant to NRS 384.005;~~

~~(c) In any retail liquor store as that term is defined in NRS 369.090; or~~

~~(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.~~

~~4. A person who operates one or more brew pubs may not manufacture more than 5,000 barrels of malt beverages for all brew pubs he or she operates in that county in any calendar year.~~

~~3.~~ The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

~~[~~4.~~]~~ ***3.*** A person who operates a brew pub pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of the brew pub and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Sell at retail malt beverages manufactured on or off the premises of the brew pub for consumption on the premises.

(c) Sell at retail in packages sealed on the premises of the brew pub, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

Sec. 5. NRS 597.250 is hereby amended to read as follows:

597.250 The license of any person who violates the provisions of NRS 597.210, 597.220, 597.230 or 597.245 ***or section 1 of this act*** must be suspended or revoked in the manner provided in chapter 369 of NRS.

Sec. 5.5. **Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A retailer who intends to make a bulk sale of liquor shall, at least 30 days before the proposed bulk sale, provide notice to:

(a) A wholesaler who currently sells liquor to the retailer; and

(b) A wholesaler who has sold liquor to the retailer within the immediately preceding 12 months.

2. The notice provided pursuant to subsection 1 must state:

(a) That a sale of liquor which may constitute a bulk sale will be made;

(b) The prospective date of the bulk sale;

(c) The individual, partnership or corporate names and addresses of the retailer and the purchaser of the bulk sale; and

(d) The address to which inquiries about the bulk sale may be made, if different from the retailer's address.

3. If the retailer owes a debt to the wholesaler associated with the purchase of the liquor that will be sold or transferred through the bulk sale, the notice provided pursuant to subsection 1 must be accompanied by:

(a) A signed affidavit of the retailer which states that the debt owed to the wholesaler will be paid by the retailer to the wholesaler from the proceeds of the bulk sale; or

(b) A signed assumption of the debt by the purchaser of the bulk sale, assuming all the debt owed by the retailer to the wholesaler.

4. Any bulk sale subject to the provisions of this section is void if the retailer fails to satisfy the requirements of subsection 2 or 3, as applicable.

5. As used in this section, "bulk sale" means the sale or transfer to a purchaser in bulk, and not in the ordinary course of the retailer's business, of 50 percent or more of the liquor sold by a wholesaler to the retailer and in the retailer's possession.

Sec. 6. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. ***A person who holds a license for a craft distillery:***

(a) May engage in any activity authorized by section 1 of this act.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

4. As used in this section:

(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.

(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

(c) ***"Craft distillery" has the meaning ascribed to it in NRS 597.200.***

(d) "Malt beverage" has the meaning ascribed to it in NRS 597.200.

Sec. 7. NRS 369.300 is hereby amended to read as follows:

369.300 The following is a schedule of fees to be charged for licenses:

Importer's wine, beer and liquor license	$500
Importer's beer license	150
Wholesale wine, beer and liquor license	250
Wholesale beer dealer's license	75
Wine-maker's license	75
License for an instructional wine-making facility	75
Brew pub's license	75
Brewer's license	75
Craft distiller's license	***75***

Sec. 8. NRS 369.382 is hereby amended to read as follows:

369.382 ~~***[1.]***~~ Except as otherwise provided in ~~***[subsection 2,]***~~ NRS 369.386 ***,*** ~~**[and]**~~ 369.415 ~~**[,]**~~ ***and section 1 of this act,*** a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

~~***[2. This section does not prohibit a person from operating a craft distillery pursuant to section 1 of this act.]***~~

Sec. 9. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 934 to Assembly Bill No. 153.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Current law provides that in counties with a population over 700,000, a brew pub may not manufacture more than 15,000 barrels of malt beverages for a facility, and in counties under 700,000, that maximum figure is 5,000. This amendment makes it 15,000 barrels statewide. The shackles are off, Madam Speaker. For that we are grateful, especially in Washoe County.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 226.

The following Senate amendment was read:

Amendment No. 928.

AN ACT relating to insurance; requiring an insurer to request certain information from its insureds, annuity holders and retained asset account holders; requiring an insurer to perform a comparison of the insurer's life insurance policies, annuities, benefit contracts and retained asset accounts against the Death Master File from the Social Security Administration or other approved database; requiring an insurer to perform certain actions if a comparison with the Death Master File results in a match with an insured, annuity holder or retained asset account holder; requiring an insurer to notify the State Treasurer of certain unclaimed benefits which revert by escheat to the State and to transfer the unclaimed benefit to the State Treasurer; authorizing the Commissioner of Insurance to issue certain orders relating to certain duties of an insurer; providing that certain violations may constitute an unfair trade practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the business of conducting insurance in this State. (Title 57 of NRS) Existing law further regulates the duties of insurers who issue policies of life insurance and annuities in this State. (Chapter 688A of NRS) This bill sets forth new provisions concerning establishing the identity and death of an insured or beneficiary and the payment of death benefits under a policy of life insurance, annuity or retained asset account.

Sections 2.5-6 of this bill define the terms "benefit contract," "Death Master File," "insured," "policy of life insurance" and "retained asset account" for the purposes of this bill. **Section 7** of this bill requires an insurer, on or before the effective date of a life insurance policy, annuity or benefit contract or on or before the date a retained asset account is established, to request from its insureds, annuity contract holders and retained asset account holders sufficient information to ensure that all benefits are distributed to the correct person upon the death of the insured, annuity holder or retained asset account holder. With certain exceptions, **section 8** of this bill requires an insurer, at least semiannually, to perform a comparison of the names on the Death Master File from the Social Security Administration with its insureds' life insurance policies, annuities, benefit contracts and retained asset accounts to identify potential matches. If an insurer identifies a potential match through a search of the Death Master File, **section 8** requires an insurer to: (1) make a reasonable effort to confirm the death of the insured, annuity holder or retained asset account holder; and (2) determine whether death benefits are due in accordance with the applicable policy or contract. If benefits are due, **section 8** also requires an insurer to: (1) make a reasonable effort to locate each beneficiary; **and** (2) provide each beneficiary with the appropriate claim forms and instructions that detail the procedure for making a claim**.** ~~**[**; and (3) process any claims received~~

~~accordingly.]~~ **Section 9.3** of this bill requires an insurer to notify the State Treasurer upon the reversion by escheat of a benefit under a policy of life insurance or an annuity and transfer to the State Treasurer the unclaimed benefit as soon as practicable after providing notice. **Section 9.5** of this bill authorizes the Commissioner of Insurance to issue certain orders modifying the duties of an insurer under the provisions of this bill. **Section 9.7** provides that the failure of an insurer to comply with the provisions of this bill may constitute an unfair trade practice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Benefit contract" has the meaning ascribed to it in NRS 695A.003.***

Sec. 3. ***"Death Master File" means the Death Master File from the Social Security Administration or any other database or service which is at least as comprehensive as the Death Master File from the Social Security Administration and which is acceptable to the Commissioner for determining that a person has reportedly died.***

Sec. 4. ***"Insured" means:***

1. A person covered by a policy of life insurance;

2. A holder of a retained asset account;

3. An annuitant or other owner of an annuity, when the annuity provides for benefits to be paid or other money to be distributed upon the death of the annuitant or other owner of the annuity; or

4. A person covered by a benefit contract under which contractual death benefits are payable to a beneficiary pursuant to NRS 695A.180.

Sec. 5. ***1. "Policy of life insurance" means any policy, contract or certificate of life insurance that provides a death benefit.***

2. The term does not include:

(a) A policy or certificate of life insurance that is used to fund a preneed contract or sales agreement for funeral or burial services pursuant to chapter 689 of NRS; ~~[or]~~

(b) A policy or certificate of credit life insurance or credit accident and health insurance pursuant to chapter 690A of NRS ~~[.]~~ ; or

(c) A policy or certificate of accidental death insurance.

Sec. 6. *"Retained asset account" means any account or other mechanism by which the settlement of any proceeds payable under a policy of life insurance is accomplished by the insurer or a person acting on behalf of the insurer by depositing the proceeds into an account with draft or check writing privileges, where the proceeds are retained by the insurer, pursuant to a supplementary contract not involving annuity benefits.*

Sec. 6.5. *The provisions of this chapter do not apply to any policy of life insurance, annuity or benefit contract that is used to fund or otherwise provide a death benefit under an employee benefit program which is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.*

Sec. 7. *On or before the effective date of a policy of life insurance, annuity or benefit contract or on or before the date of the establishment of a retained asset account, and upon any change in an insured, an owner or a beneficiary, an insurer shall request information sufficient to ensure that all benefits are distributed to the appropriate beneficiary upon the death of the insured.*

Sec. 8. *1. Except as otherwise provided by order of the Commissioner pursuant to section 9.5 of this act, each insurer shall, at least semiannually, for the purpose of paying death benefits to a beneficiary, perform a comparison against the Death Master File of the policies of life insurance, annuities, benefit contracts and retained asset accounts of its insureds* ~~*[whose contracts]*~~ *which are in force .* ~~*[at the time the insurer performs the comparison.]*~~ *For the purposes of this subsection, a policy of life insurance, annuity, benefit contract or retained asset account is in force if, at the time of the death of the insured, the policy, annuity, contract or account has not lapsed, has not been cancelled or has not been terminated, and benefits are payable to a beneficiary or beneficiaries under the policy, annuity, contract or account.*

2. Each insurer shall implement reasonable procedures to account for common variations in data that may otherwise preclude an exact match with the Death Master File.

3. Within 90 days after identifying a potential match resulting from a comparison of the Death Master File performed pursuant to subsection 1, the insurer shall:

(a) Make a reasonable effort to confirm the death of the insured against any other available records and information;

(b) Determine whether the deceased insured had purchased any other products of the insurer; and

(c) Determine whether death benefits are due in accordance with the applicable policy of life insurance, annuity or benefit contract and, if death benefits are due:

(1) Make a reasonable effort to locate each beneficiary; and

(2) Provide to each beneficiary who is located the appropriate claim forms and instructions for making a claim under the policy of life insurance, annuity or benefit contract.

4. If the insurer determines that death benefits are due in accordance with the applicable policy, annuity or benefit contract, the insurer shall keep a complete record of all efforts made to locate each beneficiary.

5. ~~[The insurer shall process all claims and make prompt payments in accordance with NRS 686A.310, 688A.140, 688A.410 and 688B.100 and chapter 695A of NRS, as applicable, and any regulations adopted or order issued by the Commissioner.~~

~~6.]~~ If an insurer is unable to locate a beneficiary pursuant to this section, but is otherwise able to reasonably determine the death of an insured and determine that a death benefit is due in accordance with the applicable policy of life insurance, annuity or benefit contract, the death benefit, other than a death benefit payable pursuant to subsection 3 of NRS 695A.210, shall be ~~[deemed]~~ presumed abandoned ~~[pursuant to]~~ in accordance with the provisions of NRS 120A.500.

~~[7.]~~ 6. To the extent permitted by law, the insurer may disclose minimum necessary personal information about the insured or beneficiary to a person who the insurer reasonably believes may be able to assist the insurer in locating the beneficiary or a person otherwise entitled to payment of the claims proceeds.

~~[8.]~~ 7. With respect to a policy of group life insurance delivered or issued for delivery pursuant to chapter 688B of NRS, an insurer is required to confirm the possible death of an insured pursuant to this chapter if the insurer maintains at least the following information for the insured under such a policy:

(a) Social security number or name and date of birth;

(b) Beneficiary designation information;

(c) Coverage eligibility;

(d) Benefit amount; and

(e) Premium payment status.

Sec. 9. *An insurer shall not charge or collect from an insured or a beneficiary any fees or costs associated with any search or verification conducted pursuant to this chapter.*

Sec. 9.3. *1. An insurer shall notify the State Treasurer upon the reversion by escheat of a benefit under a policy of life insurance or an annuity. The notice must state that:*

(a) The beneficiary under the policy or annuity has failed to submit a claim with the insurer; and

(b) The insurer has complied with section 8 of this act and, after a good faith effort which has been documented pursuant to section 8 of this act, has been unable to contact any beneficiary of the policy or annuity.

2. As soon as practicable after providing notice pursuant to subsection 1, an insurer shall transfer to the State Treasurer the amount of the unclaimed benefit owed under the policy of life insurance or annuity, including any accrued interest thereon.

3. The provisions of this section do not apply to a death benefit which vests under a benefit contract and which is payable pursuant to subsection 3 of NRS 695A.210.

Sec. 9.5. ***The Commissioner may, after notice and a hearing, issue an order:***

1. Authorizing an insurer to limit its comparison against the Death Master File pursuant to section 8 of this act to its files that are searchable electronically.

2. Approving a timeline by which an insurer must convert its files into a form that is searchable electronically.

3. Exempting an insurer from any requirement of section 8 of this act, including authorizing an insurer to perform a comparison against the Death Master File less frequently than semiannually, upon a demonstration of financial hardship by the insurer.

4. Approving the plan of an insurer to comply with the requirements of this chapter during the period and in the manner set forth in the plan.

Sec. 9.7. ***Except as otherwise provided in section 9.5 of this act, the failure of an insurer to comply with any provision of this chapter may constitute an unfair trade practice for the purposes of chapter 686A of NRS.***

Sec. 10. ***The Commissioner may adopt regulations to carry out the provisions of this chapter.***

Sec. 11. (Deleted by amendment.)

Sec. 12. This act becomes effective on July 1, 2014.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 928 to Assembly Bill No. 226.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment provides for a definition of an account being in force for purposes of the bill. This is one of my favorite Commerce and Labor bills of the session, giving rise to the term Death Master File.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Healey, Carrillo, and Ellison as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 379.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:12 a.m.

ASSEMBLY IN SESSION

At 1:13 a.m.
Madam Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 512.
Bill read third time.
Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:
Assembly Bill 512 makes technical corrections to bills previously passed during this legislative session—the 77th Legislative Session, if you didn't realize that. The corrections are necessary to avoid conflicts between bills and to adjust effective dates as necessary and appropriate. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 512:
YEAS—40.
NAYS—None.
EXCUSED—Hardy, Pierce—2.
Assembly Bill No. 512 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 21, 123, 328, 479, 516, 521, be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 84, 207, 212, 225, 240, 377, 395, 465; Assembly Concurrent

Resolution No. 7; Senate Bills Nos. 9, 83, 92, 142, 164, 252, 262, 362, 416, 428, 429, 430, 436, 493; Senate Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to John Wall.

Assemblyman Horne moved that the Assembly adjourn until Monday, June 3, 2013, at 8:30 a.m.

Motion carried.

Assembly adjourned at 1:15 a.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

BEGUN ON MONDAY, THE FOURTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE THIRD DAY OF JUNE

VOLUME 6

THE ONE HUNDRED AND TWENTIETH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS

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THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 3, 2013

Assembly called to order at 9:43 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord,

For many years in these sessions, I prayed with the Psalmist, "How long, O'Lord, how long?" Well, they say that today is it! Are we really almost done? That being so, Father, we owe You lots of thanks.

I thank You for these people who have spent these four months serving You by serving the people of Nevada. But we thank You, too, for these precious servants behind the front desk, and all those behind the scenes who have done the paperwork, leg work, tech, maintenance, cleaning, feeding, and protecting.

Without all, none of this could have happened. Thank You, Lord! May we always be people who serve.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 165 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that the Assembly dispense with the reprinting of all bills and resolutions for this legislative day.

Motion carried.

Assemblyman Bobzien moved that Senate Bill No. 123 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 165.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 964.

AN ACT relating to taxation; authorizing the Office of Economic Development to approve and issue a certificate of transferable tax credits to a producer that produces a qualified film or other production in this State under certain circumstances; providing for the calculation of the transferable tax credits; requiring the Office to provide notice of certain hearings; requiring a producer to return any portion of transferable tax credits to which he or she is not entitled; authorizing the governing body of a city or county to grant abatements of certain permitting and licensing fees imposed or charged by the city or county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill authorizes a producer that produces a film, television or other media production in this State to apply, on or before December 31, 2017, to the Office of Economic Development for a certificate of transferable tax credits. **Section 8** requires the Office to approve transferable tax credits for such a producer if, in addition to certain other requirements: (1) the production is in the economic interest of this State; (2) at least 60 percent of the total qualified expenditures and production costs for the production will be incurred in this State; and (3) the production costs of the qualified production exceed $500,000. Upon approval of transferable tax credits and a determination of the amount of tax credits by the Office, **section 8** requires the Office to issue to the producer a certificate of transferable tax credits. **Section 8** also sets forth the fees and taxes to which the transferable tax credits may be applied. Additionally, **section 8** requires that, at the completion of the qualified production, the producer provide the Office with an audit of the qualified production that is certified by an independent certified public accountant in this State who is approved by the Office. **Section 9** of this bill sets forth the types of qualified expenditures and production costs that may serve as a basis for transferable tax credits, and **sections 10-12** of this bill provide for the calculation of the transferable tax credits. **Section 12** prohibits the Office from approving any applications for transferable tax credits received on or after January 1, 2018. **Section 14** of this bill requires the Office to meet certain notice requirements before holding a hearing to approve or disapprove an application for

transferable tax credits. **Section 16** of this bill requires a producer to repay any portion of transferable tax credits to which the producer is not entitled if the producer becomes ineligible for the tax credits after receiving the tax credits.

Section 15.5 of this bill authorizes the governing body of a city or county to grant to the producer of a qualified production an abatement of all or any percentage of the amount of certain permitting fees and licensing fees imposed by the city or county if the governing body provides by ordinance for a pilot project for the abatement of such fees.

Section 19 of this bill provides that this bill expires on June 30, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Above-the-line personnel" means a producer, director, writer, actor, other than an extra, or other similar personnel whose compensation is negotiated before the start of the qualified production. The term does not include below-the-line personnel.***

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ***"Below-the-line personnel" means a person employed to work on a qualified production after production begins and before production is completed, including, without limitation, a best boy, boom operator, camera loader, camera operator, assistant camera operator, compositor, dialogue editor, film editor, assistant film editor, focus puller, Foley operator, Foley editor, gaffer, grip, key grip, lighting crew, lighting board operator, lighting technician, music editor, sound editor, sound effects editor, sound mixer, steadicam operator, first assistant camera operator, second assistant camera operator, digital imaging technician, camera operator working with a director of photography, electric best boy, grip best boy, dolly grip, rigging grip, assistant key for makeup, assistant key for hair, assistant script supervisor, set construction foreperson, lead set dresser, assistant key for wardrobe, scenic foreperson, assistant propmaster, assistant audio mixer, assistant boom person, assistant key for special effects and other similar personnel. The term does not include above-the-line personnel.***

Sec. 4. ***"Nevada business" means a proprietorship, corporation, partnership, company, association, trust, unincorporated organization or other enterprise that:***

1. Has a physical location and at least one full-time equivalent employee in this State; and

2. Is licensed to transact business in this State.

Sec. 5. *"Nevada resident" means a bona fide resident as that term is defined in NRS 361.015.*

Sec. 6. *"Producer" means a natural person or business that finances, arranges to finance or supervises the production of a qualified production.*

Sec. 7. *1. "Qualified production" includes preproduction, production and postproduction and means:*

(a) A theatrical, direct-to-video or other media motion picture.

(b) A made-for-television motion picture.

(c) Visual effects or digital animation sequences.

(d) A television pilot program.

(e) Interstitial television programming.

(f) A television, Internet or other media series, including, without limitation, a comedy, drama, miniseries, soap opera, talk show or telenovela.

(g) A national or regional commercial or series of commercials.

(h) An infomercial.

(i) An interstitial advertisement.

(j) A music video.

(k) A documentary film or series.

(l) Other visual media productions, including, without limitation, video games and mobile applications.

2. The term does not include:

(a) A news, weather or current events program.

(b) A production that is primarily produced for industrial, corporate or institutional use.

(c) A telethon or any production that solicits money, other than a production which is produced for national distribution.

(d) A political advertisement.

(e) A sporting event.

(f) A gala or awards show.

(g) Any other type of production that is excluded by regulations adopted by the Office of Economic Development pursuant to section 8 of this act.

Sec. 8. *1. A producer of a qualified production that is produced in this State in whole or in part may, on or before December 31, 2017, apply to the Office of Economic Development for a certificate of eligibility for transferable tax credits for any qualified expenditures and production costs identified in section 9 of this act. The transferable tax credits may be applied to:*

(a) Any tax imposed by chapters 363A and 363B of NRS;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed pursuant to chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. The Office shall approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the producer of the qualified production qualifies for the transferable tax credits pursuant to subsection 3 and shall calculate the estimated amount of the transferable tax credits pursuant to sections 10, 11 and 12 of this act.

3. To be eligible for transferable tax credits pursuant to this section, a producer must:

(a) Submit an application that meets the requirements of subsection 4;

(b) Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;

(c) Provide proof satisfactory to the Office that 50 percent or more of the funding for the qualified production has been placed in an escrow account or trust account for the benefit of the qualified production;

(d) Provide proof satisfactory to the Office that at least 60 percent of the total qualified expenditures and production costs for the qualified production, including preproduction and postproduction, will be incurred in this State;

(e) At the completion of the qualified production, provide the Office with an audit of the qualified production that includes an itemized report of qualified expenditures and production costs which:

(1) Shows that the qualified production incurred qualified expenditures and production costs in this State of $500,000 or more; and

(2) Is certified by an independent certified public accountant in this State who is approved by the Office;

(f) Pay the cost of the audit required by paragraph (e); and

(g) Meet any other requirements prescribed by regulation pursuant to this section.

4. An application submitted pursuant to subsection 3 must contain:

(a) A script, storyboard or synopsis of the qualified production;

(b) The names of the producer, director and proposed cast;

(c) An estimated timeline to complete the qualified production;

(d) A detailed budget for the entire production, including projected expenses incurred outside of Nevada;

(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;

(f) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;

(g) The business address of the producer, which must be an address in this State;

(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance;

(i) Proof that the producer has secured all licenses required to do business in each location in this State at which the qualified production will be produced; and

(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.

5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to section 10 of this act to:

(a) The applicant;

(b) The Department; and

(c) The State Gaming Control Board.

6. Within 14 business days after receipt of an audit provided by the producer pursuant to paragraph (e) of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the producer that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the producer shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the eligible producer ~~a~~ ***certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the producer. The producer shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the State Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any transferable tax credits transferred.***

7. An applicant for transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.

8. The Office:

(a) Shall adopt regulations prescribing:

(1) Any additional requirements to receive transferable tax credits;

(2) Any additional qualified expenditures or production costs that may serve as the basis for transferable tax credits pursuant to section 9 of this act;

(3) Any additional information that must be included with an application pursuant to subsection 4;

(4) The application review process;

(5) Any type of qualified production which, due to obscene or sexually explicit material, is not eligible for transferable tax credits; and

(6) The requirements for notice pursuant to section 14 of this act; and

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 17, inclusive, of this act.

9. The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which transferable tax credits will be administered.

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 17, inclusive, of this act.

Sec. 9. *1. Qualified expenditures and production costs that may serve as a basis for transferable tax credits issued pursuant to section 8 of this act must be purchases of tangible personal property or services from a Nevada business on or after the date on which an applicant submits an application for the transferable tax credits, must be customary and reasonable and must relate to:*

(a) Set construction and operation;

(b) Wardrobe and makeup;

(c) Photography, sound and lighting;

(d) Filming, film processing and film editing;

(e) The rental or leasing of facilities, equipment and vehicles;

(f) Food and lodging;

(g) Editing, sound mixing, special effects, visual effects and other postproduction services;

(h) The payroll for Nevada residents or other personnel who provided services in this State;

(i) Payment for goods or services provided by a Nevada business;

(j) The design, construction, improvement or repair of property, infrastructure, equipment or a production or postproduction facility;

(k) State and local government taxes to the extent not included as part of another cost reported pursuant to this section;

(l) Fees paid to a producer who is a Nevada resident; and

(m) Any other transaction, service or activity authorized in regulations adopted by the Office of Economic Development pursuant to section 8 of this act.

2. Expenditures and costs:

(a) Related to:

(1) The acquisition, transfer or use of transferable tax credits;

(2) Marketing and distribution;

(3) Financing, depreciation and amortization;

(4) The payment of any profits as a result of the qualified production;

(5) The payment for the cost of the audit required by section 8 of this act; and

(6) The payment for any goods or services that are not directly attributable to the qualified production;

(b) For which reimbursement is received, or for which reimbursement is reasonably expected to be received;

(c) Which provide a pass-through benefit to a person who is not a Nevada resident; or

(d) Which have been previously claimed as a basis for transferable tax credits,

➥ are not eligible to serve as a basis for transferable tax credits issued pursuant to section 8 of this act.

Sec. 10. *1. Except as otherwise provided in subsection 3 and sections 11 and 12 of this act, the base amount of transferable tax credits issued to an eligible producer pursuant to section 8 of this act must equal 15 percent of the cumulative qualified expenditures and production costs.*

2. Except as otherwise provided in subsection 3 and section 12 of this act, in addition to the base amount calculated pursuant to subsection 1, transferable tax credits issued to an eligible producer pursuant to section 8 of this act must include credits in an amount equal to:

(a) An additional 2 percent of the cumulative qualified expenditures and production costs if more than 50 percent of the below-the-line personnel of the qualified production are Nevada residents; and

(b) An additional 2 percent of the cumulative qualified expenditures and production costs if more than 50 percent of the filming days of the qualified production occurred in a county in this State in which, in each of the 2 years immediately preceding the date of application, qualified productions incurred less than $10,000,000 of direct expenditures.

3. The Office may:

(a) Reduce the cumulative amount of transferable tax credits that are calculated pursuant to this section by an amount equal to any damages incurred by the State or any political subdivision of the State as a result of a qualified production that is produced in this State; or

(b) Withhold the transferable tax credits, in whole or in part, until any pending legal action in this State against a producer or involving a qualified production is resolved.

Sec. 11. *1. In calculating the base amount of transferable tax credits pursuant to subsection 1 of section 10 of this act:*

(a) Wages and salaries, including fringe benefits, paid to above-the-line personnel who are not Nevada residents must be included in the calculation at a rate of ~~[17]~~ 12 percent.

(b) Wages and salaries, including fringe benefits, paid to below-the-line personnel ~~[,]~~ who are not Nevada residents:

(1) For the period beginning January 1, 2014, and ending December 31, 2015, must be included in the calculation at a rate of ~~[17]~~ 12 percent.

(2) For the period beginning January 1, 2016, and ending December 31, 2016, must be included in the calculation at a rate of ~~[12]~~ 10 percent.

(3) For the period beginning January 1, 2017, and ending December 31, 2017, must be included in the calculation at a rate of ~~[7]~~ 8 percent.

2. As used in this section, "fringe benefits" means employee expenses paid by an employer for the use of a person's services, including, without limitation, payments made to a governmental entity, union dues, health insurance premiums, payments to a pension plan and payments for workers' compensation insurance.

Sec. 12. *1. Except as otherwise provided in this subsection, the Office of Economic Development shall not approve any application for transferable tax credits:*

(a) If approval of the application would cause the total amount of transferable tax credits approved pursuant to section 8 of this act for the current fiscal year to exceed $20,000,000. If the Office does not approve $20,000,000 of transferable tax credits during any fiscal year, the remaining amount of transferable tax credits must be carried forward and made available for approval during the immediately following 2 fiscal years.

(b) Received on or after January 1, 2018.

2. The transferable tax credits issued to any producer for any qualified production pursuant to section 8 of this act:

(a) Must not exceed a total amount of $6,000,000; and

(b) Expire 4 years after the date on which the transferable tax credits are issued to the producer.

3. For the purposes of calculating qualified expenditures and production costs:

(a) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.

(b) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the

qualified production that was expended in or attributable to any expenses incurred in this State.

(c) The compensation payable to any employee, independent contractor or any other person paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed $750,000.

Sec. 13. (Deleted by amendment.)

Sec. 14. ***1. An application for a certificate of eligibility for transferable tax credits submitted pursuant to section 8 of this act must be submitted not earlier than 90 days before the date of commencement of principal photography of the qualified production, if any. The Office of Economic Development shall prescribe by regulation the procedure for determining the date of commencement of qualified productions that do not include photography for the purposes of this section.***

2. If the Office of Economic Development receives an application for transferable tax credits pursuant to section 8 of this act, the Office shall, not later than 30 days before a hearing on the application, provide notice of the hearing to:

(a) The applicant;

(b) The Department; and

(c) The State Gaming Control Board.

3. The notice required by this section must set forth the date, time and location of the hearing on the application. The date of the hearing must be not later than 60 days after the Office receives the completed application.

4. The Office shall issue a decision on the application not later than 30 days after the conclusion of the hearing on the application.

5. The producer of a qualified production shall submit all accountings and other required information to the Office and the Department not later than 30 days after completion of the qualified production. Production of the qualified production must be completed within 1 year after the date of commencement of principal photography. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the producer shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

6. The Office shall give priority to the approval and processing of an application submitted by the producer of a qualified production that promotes tourism in the State of Nevada.

Sec. 15. (Deleted by amendment.)

Sec. 15.5. ***1. For the purpose of encouraging local economic development, the governing body of a city or county may, on or before***

December 31, 2017, grant to a producer of a qualified production for which a certificate of eligibility for transferable tax credits has been approved pursuant to section 8 of this act an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 or 268 of NRS.

2. Before granting any abatement pursuant to this section, the governing body of the city or county must provide by ordinance for a pilot project for granting abatements to producers of qualified productions for which a certificate of eligibility for transferable tax credits has been approved pursuant to section 8 of this act.

3. A governing body of a city or county that grants an abatement pursuant to this section shall, on or before October 1 of each year in which such an abatement is granted, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

(a) The number of qualified productions produced within the jurisdiction of the governing body for which a certificate of eligibility for transferable tax credits was approved;

(b) The number and dollar value of the abatements granted by the governing body pursuant to this section;

(c) The number of persons within the jurisdiction of the governing body that were employed by each qualified production and the amount of wages paid to those persons; and

(d) The period during which each qualified production was produced within the jurisdiction of the governing body.

Sec. 16. ***1. A producer that is found to have submitted any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits or who otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to section 8 of this act shall repay to the Department or the State Gaming Control Board, as applicable, any portion of the transferable tax credits to which the producer is not entitled.***

2. Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.

Sec. 17. ***The Office of Economic Development shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:***

1. The number of applications submitted for transferable tax credits;

2. The number of qualified productions for which transferable tax credits were approved;

3. The amount of transferable tax credits approved;

4. The amount of transferable tax credits used;

5. The amount of transferable tax credits transferred;

6. The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;

7. The total amount of the qualified expenses and production costs incurred by each qualified production and the portion of those expenses and costs that were incurred in Nevada;

8. The number of persons in Nevada employed by each qualified production and the amount of wages paid to those persons; and

9. The period during which each qualified production was in Nevada and employed persons in Nevada.

Sec. 18. The Office of Economic Development, the Nevada Gaming Commission and the Nevada Tax Commission shall each adopt such regulations as are respectively required to implement the provisions of sections 2 to 17, inclusive, of this act on or before December 31, 2013.

Sec. 19. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

2. This act expires by limitation on June 30, 2023.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 273.

Bill read third time.

Remarks by Assemblyman Eisen.

ASSEMBLYMAN EISEN:

Assembly Bill 273 requires the trustee of a deed of trust to provide certain information, including the notice for the Foreclosure Mediation Program, to the borrower, both with and separately from the notice of default, before exercising the power of sale on owner-occupied housing. This bill also revises the notice informing the borrower that he or she will be enrolled in mediation unless the borrower waives mediation or fails to pay his or her share of the mediation fee. If the borrower elects to not waive mediation and pays for his or her share of the mediation fee, the trustee may not exercise the power of sale until the mediation is complete. The measure also prohibits a homeowners' association from foreclosing by sale the association's lien on owner-occupied housing for which the lender has recorded a notice of default and the

trustee has not notified the administrator that no mediation is required or that mediation has been completed. Finally, the bill makes a $100 appropriation from the State General Fund to the Account for Foreclosure Mediation.

This bill is intended to streamline the process through the Foreclosure Mediation Program by setting timelines for the completion of the various steps. It also automatically enrolls an owner of owner-occupied housing in the Foreclosure Mediation Program upon the service of notice of default. If after 90 days the homeowners have not paid their share of the mediation fee, then mediation is not required, and the lender may proceed with foreclosure of the lien by sale. There has been a lot of work that has gone into this bill trying to make sure we are fair to all parties involved, and I urge its passage.

Roll call on Assembly Bill No. 273:

YEAS—42.

NAYS—None.

Assembly Bill No. 273 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 3 requires the board of county commissioners in counties with a population of less than 100,000—currently all counties other than Clark and Washoe Counties—to remit money for medical assistance to indigent persons in an amount determined by the Director of the Department of Health and Human Services to be adequate for the State Plan for Medicaid to include the payment of the nonfederal share of certain expenditures relating to long-term care. However, the maximum amount remitted must not exceed an amount equivalent to 8 cents for each $100 of assessed valuation of all taxable property in the county making the allocation.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 21 requires the State Controller to pay certain state officers and employees through an electronic payment system and requires, with some exceptions, those officers and employees to receive their pay electronically. The Board of Regents of the University of Nevada is authorized to create a similar system for academic staff and employees.

The bill provides a uniform interest rate applicable to debts assigned by state agencies to the Controller for collection. It also prohibits certain licensing agencies from renewing licenses, certifications, registrations, permits, or other authorizations that grant the authority to engage in certain professions or occupations if: (1) the person owes a debt to a state agency that has been assigned to the State Controller for collection, or (2) the person has not provided required

information to those licensing agencies. These provisions do not apply to professions or occupations regulated by the Department of Motor Vehicles, the Division of Insurance, the Commissioner of Insurance, or local governments.

This bill also revises costs and fees debtors must pay for collection of a debt owed to the state.

Roll call on Senate Bill No. 21:

YEAS—42.

NAYS—None.

Senate Bill No. 21 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 328 requires the Executive Officer of the State Board for Career and Technical Education to appoint a person to oversee career and technical education programs in the public schools of this state.

The measure also requires that before allocating any state money to provide leadership and training activities, 30 percent of the state money must be awarded as competitive grants to school districts and charter schools, and 5 percent of the state money must be distributed to certain pupil organizations for career and technical education. Following these distributions, the Board may authorize no more than 7.5 percent of the state funds appropriated in any one fiscal year to be used to provide leadership and training activities, with the balance of state funding being allocated as grants. The bill also sets forth criteria to be used in awarding these grants. The Board may request that the industry sector councils appointed by the Governor's Workforce Investment Board name a representative from each council to review and make recommendations to the Executive Officer concerning career and technical grant applications.

Finally, the bill provides for an evaluation of the effectiveness of the programs and requires that the results of the review be reported to the Board.

Roll call on Senate Bill No. 328:

YEAS—42.

NAYS—None.

Senate Bill No. 328 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblymen Martin and Hickey.

ASSEMBLYMAN MARTIN:

Senate Bill 374 provides for the registration by the Health Division of the Department of Health and Human Services of three types of medical marijuana establishments: cultivation facilities, facilities for the production of edible products, and dispensaries.

The measure requires revenues generated from fees to be used to support the costs of the Division in implementing the bill, including certification of an independent testing laboratory.

Any excess revenues must be paid to the State Treasurer for credit to the State Distributive School Account. The measure also imposes a 2 percent excise tax on retail and wholesale sales, three-quarters of which is directed to the State Distributive School Account and one-quarter to defray program costs.

The measure authorizes the Division to issue not more than 40 registration certificates for dispensaries in a county whose population is 700,000 or more, currently Clark County; 10 in a county whose population is 100,000 or more but less than 700,000, currently Washoe County; 2 in a county whose population is 55,000 or more but less than 100,000, currently Carson City; and 1 in each other county.

The measure provides for the security and oversight of an establishment and for the immediate revocation of a registration certificate under certain circumstances. Finally, S.B. 374 requires the Advisory Commission on the Administration of Justice to appoint a subcommittee on the medical use of marijuana, which must include legislative and non-legislative members, to evaluate and review various issues concerning the use and dispensation of marijuana for medical purposes.

It is truly an honor to carry the floor statement on this bill. I have seen how medical marijuana has touched many people's lives in the course of my professional occupation advising people, and I urge its passage.

ASSEMBLYMAN HICKEY:

I rise in opposition to Senate Bill 374. For those of you that know me, you know I am not a cynical person—I really am not, and I accept reality. I rather suspect that this is going to pass. I will agree with the proponents of this that there are economic benefits, and a lot of what I have been hearing, and probably members of this body who have been lobbied on it are hearing, is just that. But unfortunately to me, one of the economic benefits is going to be that unscrupulous doctors and physicians are going to find a new clientele, and we are also going to have a number of willing participants in that, many of them young, who will take advantage of this bill. For that, I am going to vote against it, and for some other reasons. But I hope we can do it right, and I think the dispensaries, the way they are set up, are a model. I acknowledge that and I acknowledge that there will be financial gains from this, but I worry terribly, as someone from that generation, and have contemporaries who have taken advantage of legislation like this in California and other places for alleged chronic problems that don't exist. So I'm sorry; I don't mean to sound cynical, but I am going to vote against this. But I congratulate those who got it passed, if it does.

Roll call on Senate Bill No. 374:

YEAS—26.

NAYS—Paul Anderson, Carlton, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Hickey, Horne, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—16.

Senate Bill No. 374 having failed to receive a two-thirds majority, Madam Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved the Assembly reconsider the vote whereby Senate Bill No. 374 was this day refused passage.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 374 be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 479.
Bill read third time.
Remarks by Assemblyman Hardy.

ASSEMBLYMAN HARDY:
Senate Bill 479 authorizes an insurer to carry forward credits against the premium tax paid for its policies of industrial insurance. The credits do not expire and may be carried forward into subsequent years until entirely used.

Roll call on Senate Bill No. 479:
YEAS—42.
NAYS—None.
Senate Bill No. 479 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 516.
Bill read third time.
Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:
I rise in support in support of Senate Bill 516. The bill, as amended, revises and expands the procedures and licensing requirements of wholesale dealers, nonparticipating manufacturers, and the Office of the Attorney General related to the statutory enforcement of the tobacco Master Settlement Agreement. Specifically, Senate Bill 516, as amended, requires the Department of Taxation to notify wholesale dealers when a manufacturer or brand of cigarettes is added to or removed from the directory of cigarette manufacturers and stipulates that a wholesale dealer shall not purchase cigarettes for resale from a manufacturer not listed in the directory.

It also expands the provisions governing the importation of cigarettes and provides that an importer is jointly and severely liable for certain escrow deposits. It also authorizes the state to enter into an agreement with an Indian tribe to enforce and administer provisions related to the licensing, taxing, and manufacturing of tobacco products, and it defines qualified tribal land and requires that each cigarette package sold on qualified tribal land bear a tribal stamp issued by the Department of Taxation. It also authorizes the state to release to an Indian tribe, pursuant to a compact with that tribe, not more than 50 percent of the amounts deposited in a qualified escrow fund in accordance with the MSA—the Master Settlement Agreement—for cigarettes sold on or after January 1, 2015, from a retailer on the qualified tribal land for the purposes of public safety and social services. It also authorizes the Department of Taxation to temporarily suspend or permanently revoke a license of a wholesale dealer if the dealer fails to file or inaccurately files its monthly report to the Department of Taxation or fails to pay certain taxes or cure certain liabilities; sells unauthorized cigarettes; or imports or exports any unauthorized cigarettes.

Sections 17, 31, 33, and 34 of Senate Bill 516, as amended, become effective on January 1, 2014. The remaining sections of Senate Bill 516, as amended, become effective July 1, 2013. Yes, this is a very important bill for us to get these issues settled. That's why I thought it was appropriate to read the whole floor statement and make sure everybody understands where we're going with this.

Roll call on Senate Bill No. 516:
YEAS—42.
NAYS—None.
Senate Bill No. 516 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 521
Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:13 a.m.

ASSEMBLY IN SESSION

At 10:20 a.m.
Madam Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Senate Bill No. 521 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Horne moved that Senate Bill No. 374 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 374.
Bill read third time.
Roll call on Senate Bill No. 374:
YEAS—28.
NAYS—Paul Anderson, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—14.
Senate Bill No. 374 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 1 p.m.
Motion carried.

Assembly in recess at 10:25 a.m.

ASSEMBLY IN SESSION

At 1:38 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 320, 391, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 221, 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 46, 138, 423, 424, 472.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 338, Amendment No. 946, and respectfully requests your honorable body to concur in said amendment.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 322, 357, 475.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 33, 503; Senate Bill No. 406, be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 521 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 522, just reported out of committee, be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 522.

Bill read third time.

Remarks by Assemblymen Carlton, Wheeler, and Hickey.

ASSEMBLYWOMAN CARLTON:

This is our "education first" bill. Senate Bill 522 appropriates $1.135 billion in the first year and $1.11 billion in the second year of the 2013-15 biennium from the State General Fund to the Distributive School Account. In addition, there are $282.8 million and $294.2 million of other revenues authorized to be received and expended for the state support of public education in Fiscal Year 2014 and Fiscal Year 2015, respectively. These other revenues include an annual excise tax on slot machines, sales tax collected on out of state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and room tax revenues from the legislatively approved 2009 Initiative Petition 1.

The statewide average basic support per pupil increases over the upcoming biennium from the $5,374 in the current year to $5,590 in Fiscal Year 2014 and $5,676 in Fiscal Year 2015. Enrollment is projected to increase slightly by 0.61 percent, from a weighted enrollment of 429,718 pupils in Fiscal Year 2013 to 432,346 pupils in Fiscal Year 2014, and increase by 0.39 percent to 434,023 pupils in Fiscal Year 2015.

State funding for special education continues to be allocated on the basis of special education units. Total funding for the units amounts to $126.9 million for 3,049 units of $41,608 in Fiscal Year 2014 and $130.3 million for 3,049 units of $42,475 in Fiscal Year 2015. As in the past, 40 of those units will be reserved for the State Board of Education to assign to districts that have unexpected needs and to charter schools. There are another two to three pages going through class-size reduction, flexibility for school districts, other educational program accounts, state educational programs, early childhood, and all of the other components that now make up what I believe is one of the best DSA budgets I have seen in my history in this building.

ASSEMBLYMAN WHEELER:

Since we started this session and long before, we've heard of many, many things that are for the children—many taxes, many different ideas. Everything from marijuana to mining is for the

children. Today we will be approving all-day kindergarten for schools that do not have the facilities nor the specially trained teachers that we need for these. For years I have heard that modulars are not the answer, but here in this budget we will be approving modulars. We pay our teachers in some cases what I consider to be a miserable wage, while we pay some of our administrators a very bloated wage. We mandate class size to 25 people, then we give waivers because we actually don't have the facilities to keep it at or below 25 people. I know my vote today will pretty much be a protest vote. What I'd like you to think about over the next 19 months is when we come back here, let's look at some real ways to save the people's money and actually improve our education system. Let's look at something that helps the most important commodity in this state—actually in this world—our children.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 522. This budget—unprecedented, as my colleague previously referred to—represents a commitment that began when the discussion began for this body at the State of the State when we convened here with a commitment from our Governor. It represents spending more on education—almost $500 million more than we did last biennium. I would also say that this added commitment is not just the result of what the Governor laid out, but also this body—and my colleagues from the other side of the aisle have certainly been the most vocal in saying what we need to spend and where the priorities ought to be. While there are always ways when we spend this much money to be concerned if there are accompanying reforms and commitments from all the people involved in this, whether it be teachers, parents, or community, this decision by us to approve this budget represents what the citizens of this state—our businesses, the public, parents, and all of us—have contributed. By putting more into education than we ever have, I think it represents, as Nevadans, that we know what is most important, and I rise in support of that. Like my colleague from Gardnerville said, I do hope we find ways going forward to make this money well spent, but I think it is money that is being spent, and we have done our job for those of us who can support this budget, both Democrats and Republicans, and I'm proud to be among those.

Roll call on Senate Bill No. 522:

YEAS—38.

NAYS—Ellison, Fiore, Hambrick, Wheeler—4.

Senate Bill No. 522 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 521.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 521. This is the appropriate time to move this bill. This is the authorizations act. It allows us to fund what we need to fund. It is a collaborative work over months of different agencies and the Legislature working together through thousands of hours of hearings and multiple layers of minutes on the discussion points that we have had, and this is the final product that we present before you today.

Roll call on Senate Bill No. 521:

YEAS—40.

NAYS—Fiore, Hambrick—2.

Senate Bill No. 521 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 970.

AN ACT relating to energy; revising provisions governing the partial abatement of certain property taxes for certain buildings and structures which meet certain energy efficiency standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy to grant a partial abatement of certain property taxes for the: (1) construction of a building or other structure that meets certain energy efficiency standards under the Green Building Rating System adopted by the Director; or (2) renovation by certain manufacturers of an existing building or other structure to bring the building or other structure into compliance with such energy efficiency standards. Existing law provides that the Green Building Rating System adopted by the Director must include standards and ratings equivalent to those provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System. (NRS 701A.100, 701A.110, 701A.115) **Section 1** of this bill provides that the Green Building Rating System adopted by the Director must include standards and ratings equivalent to those provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System or an equivalent rating system. **Section 1** additionally revises provisions relating to the Green Building Rating System used by the Director to determine the eligibility of a building or other structure for certain tax abatements.

Section 4 of this bill repeals the provisions which authorize partial abatements of property taxes specifically for certain manufacturers who renovate existing buildings. **Section 2** of this bill provides that a partial abatement for a building or other structure that qualifies for the abatement under the Leadership in Energy and Environmental Design "Existing Buildings: Operations and Maintenance" rating system, or an equivalent rating system, must be for a period of not more than 5 years. **Section 2 also** prohibits the Director from granting a partial abatement **unless the application for the partial abatement has been approved or deemed approved by the board of county commissioners. Section 2 further prohibits the Director from granting a partial abatement** for a building or

structure that qualifies under such a rating system in an amount which exceeds $100,000 annually.

Section 3.5 of this bill provides that this bill does not apply to a building or other structure for which a partial abatement has been received or for which an application for a partial abatement has otherwise been submitted pursuant to NRS 701A.110 before the effective date of this act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.100 is hereby amended to read as follows:

701A.100 1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to NRS 701A.110 **.** ~~[and 701A.115.]~~

2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System ~~[,]~~ ***or an equivalent rating system,*** except that the standards adopted by the Director:

(a) Except as otherwise provided in paragraphs (b) and (c), must not include:

(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System ***or the equivalent rating system*** for at least 2 years; or

(2) Standards for homes;

(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and

(c) Must require a building or other structure to obtain:

(1) At least ~~[3]~~ ***5*** points ~~[of]~~ ***in the Optimize Energy Performance*** credit ~~[for energy conservation]~~ ***, or its equivalent,*** to meet the equivalent of the silver level;

(2) At least ~~[5]~~ ***7*** points ~~[of]~~ ***in the Optimize Energy Performance*** credit ~~[for energy conservation]~~ ***, or its equivalent,*** to meet the equivalent of the gold level; and

(3) At least ~~[8]~~ ***11*** points ~~[of]~~ ***in the Optimize Energy Performance*** credit ~~[for energy conservation]~~ ***, or its equivalent,*** to meet the equivalent of the platinum level.

3. As used in this section, "home" means a building or other structure for which the principal use is as a residential dwelling for not more than four families.

Sec. 2. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director, in consultation with the Office of Economic Development, shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design ***,*** ~~[or]~~ construction ***or renovation*** of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. ***The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to this section by the owner of the property unless the application is approved or deemed approved by the board of county commissioners pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:***

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the building or other structure for which the abatement is received will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from any employment resulting from the use of the building or other structure and from capital investments by the owner of the building or other structure in the county will not exceed the projected loss of tax revenue that will result from the abatement; and

(c) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application pursuant to this subsection within 30 days after the board receives a copy of the application, the application shall be deemed approved.

3. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director, in consultation with the Office of Economic Development, shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

~~[3.]~~ ***4.*** The Director may, with the assistance of the Chief of the Budget Division and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on

each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local government. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to subsection ~~[2,]~~ ***3,*** the Department of Taxation shall forward a copy of the certificate to each affected local government.

~~[4.]~~ ***5.*** The partial abatement ~~[:]~~ ***for:***

(a) ~~[Must]~~ ***A building or other structure must, except as otherwise provided in paragraph (b),*** be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~[payable]~~ ***owed*** for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~[payable]~~ ***owed*** for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~[payable]~~ ***owed*** for the building or other structure, excluding the associated land.

(b) ~~[Does]~~ ***A building or other structure that qualifies for an abatement under the Leadership in Energy and Environmental Design "Existing Buildings: Operations and Maintenance" rating system, or its equivalent, must be for a duration of not more than 5 years and in an annual amount that equals, except as otherwise provided in subsection ~~[5,]~~ 6, for a building or other structure that meets the equivalent of:***

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the building or other structure, excluding the associated land.

~~[5.]~~ ***6.*** ***The Director shall not grant a partial abatement of more than $100,000 in any year for a building or other structure that qualifies for an abatement pursuant to paragraph (b) of subsection*** ~~[4.~~ ~~6.]~~ ***5.***

7. ***A partial abatement granted pursuant to this section:***

(a) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

~~[~~(c)~~]~~ ***(b)*** Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

~~[(d) Must not be for an existing building or structure that is renovated.~~

~~5.]~~ ~~[7.]~~ ***8.*** If a partial abatement terminates pursuant to paragraph ~~[(c)]~~ ***(b)*** of subsection ~~[4,]~~ ~~[6,]~~ ***7,*** the owner of the property to which the partial abatement applied shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the date of that termination. The owner shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~[6.]~~ ~~[8.]~~ ***9.*** The Director, in consultation with the Office of Economic Development, shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for ***and the duration of*** the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

~~[7.]~~ ~~*[9.]*~~ ***10.*** The Director shall:

(a) Cooperate with the Office of Economic Development in carrying out the provisions of this section; and

(b) Submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

~~[8.]~~ ~~*[10.]*~~ ***11.*** As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 3. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 3.5. **The amendatory provisions of this act do not apply to a building or other structure for which an abatement has been received or for which an application for an abatement has otherwise been submitted pursuant to NRS 701A.110 before the effective date of this act.**

Sec. 4. 1. NRS 701A.115 is hereby repealed.

2. Section 21 of chapter 298, Statutes of Nevada 2011, at page 1656, is hereby repealed.

Sec. 5. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION OF NRS AND TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

701A.115 Partial abatement of certain property taxes for certain buildings or structures which are renovated for use by manufacturer and which meet certain standards under Green Building Rating System; requirements and limitations; regulations.

1. Except as otherwise provided in this section, the Director of the Office of Energy shall grant a partial abatement from the portion of taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on an existing building or other structure which is renovated for use by a manufacturer if:

(a) The building or other structure is determined after the renovation to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100.

(b) The applicant:

(1) Is a manufacturer who intends to locate a new manufacturing business in this State;

(2) Employs at least 25 full-time employees at the new manufacturing business in this State during the entire period in which the applicant will receive the tax abatement; and

(3) The average hourly wage that will be paid by the manufacturer to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) No funding is provided by any governmental entity in this State for the acquisition, design, construction or renovation of the building or other structure or for the acquisition of any land therefore. For the purpose of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(d) The manufacturer:

(1) Submits an application for the abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

2. As soon as practicable after the Director receives an application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (d) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration not to exceed 1 year, and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public

education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (d) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling, even if the building or other structure is used for more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Manufacturer" means a person engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(d) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Section 21 of chapter 298, Statutes of Nevada 2011:

Sec. 21. An application for a partial abatement of taxes requested pursuant to NRS 701A.110 submitted on or after the effective date of this section must not be granted if the application is for a partial abatement of taxes for an existing building or other structure which is being renovated.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:53 p.m.

ASSEMBLY IN SESSION

At 1:54 p.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblymen Carlton, Grady, and Hickey.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 973.

AN ACT relating to local financial administration; revising temporarily provisions governing the use by a local government of money in an enterprise fund; requiring the Committee on Local Government Finance to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the use by a local government of money in an enterprise fund, money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund under certain circumstances. (NRS 354.613) **Section 1** of this bill authorizes temporarily the governing body of a local government to loan or transfer such money if the ending fund balance of the general fund of the local government at the end of a fiscal year is less than ~~[10]~~ **9** percent of the total expenditures of the local government **from the general fund** during that fiscal year. **Any such loan or transfer requires the prior approval of the Committee on Local Government Finance.** Any money loaned or transferred by the governing body pursuant to **section 1** must be used only ~~[:]~~ **, in order of priority:** (1) to restore police **and fire** services; (2) to restore ~~[fire services; (3) to restore]~~ the operation of libraries, parks and other recreational services; ~~[(4)]~~ **and (3)** to settle any legal claim outstanding on the date on which the loan or transfer is made **.** ~~[; or (5) for any combination of those uses.]~~ **Section 1** requires the governing body of a local government that loans or transfers money pursuant to that section to make certain **quarterly** reports to the Committee on Local Government Finance concerning the loan or transfer **.** ~~[and]~~ **Section 1 also** requires the Committee to adopt regulations specifying the ~~[content and frequency of such reports.]~~ **procedure for obtaining the approval of the Committee required by that section.**

Section 9.5 of this bill requires the governing body of any local government which makes such a loan or transfer to report certain information to the Director of the Legislative Counsel Bureau on or before January 15, 2015, for transmittal to the Audit Division of the Bureau and to the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Notwithstanding]~~ Except as otherwise provided in this section and notwithstanding any provision of NRS 354.613 to the contrary, if the ending fund balance of the general fund of a local government at the end of a fiscal year is less than ~~[10]~~ 9 percent of the total expenditures of the local government from the general fund during that fiscal year, as reflected in the report of the annual audit prepared for the local government pursuant to NRS 354.624, the governing body of the local government may, during the following fiscal year, by resolution ~~[,]~~ and with the prior approval of the Committee on Local Government Finance, loan or transfer

money from an enterprise fund, money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund.

2. Any money loaned or transferred by the governing body of a local government pursuant to subsection 1 may be used only ~~[:]~~ for the purposes listed in this subsection, in the following order of priority:

(a) To restore police and fire services;

(b) To restore ~~[fire services;~~

~~(c) To restore]~~ the operation of libraries, parks and other recreational services; and

~~[(d)]~~ (c) To settle any legal claim outstanding on the date on which the loan or transfer authorized by subsection 1 is made . ~~[; or~~

~~(e) For any combination of the uses described in paragraphs (a), (b), (c) and (d).]~~

3. The governing body of a local government that loans or transfers any money pursuant to subsection 1 shall ~~[, at such times as may be specified by regulations of the Committee on Local Government Finance but not less frequently than annually on or before August 1 of the fiscal year following the fiscal year in which the governing body of a local government loans or transfers any money pursuant to subsection 1,]~~ submit a quarterly report to the Committee on Local Government Finance which includes all of the information required ~~[by the regulations adopted by the Committee]~~ pursuant to ~~[subsection 4.]~~ subsections 4 and 5.

4. Each report submitted by the governing body of a local government pursuant to subsection 3 must include, without limitation:

(a) Information about any increase in a fee described in subsection 1 imposed by the local government;

(b) Any change to salaries or benefits paid to employees of the local government;

(c) Any change to a collective bargaining agreement negotiated pursuant to chapter 288 of NRS to which the local government is a party; and

(d) Any information prescribed by regulation of the Committee on Local Government Finance pursuant to subsection 6.

5. In addition to the requirements set forth in subsection 4, if, for any fiscal year, the difference between budgeted and actual general fund revenues or expenditures for the local government is more than 5 percent for any category of revenues or expenditures, as provided in the report of the annual audit prepared for the local government pursuant to NRS 354.624, in addition to the requirements set forth in subsection 4, the first quarterly report submitted to the Committee on Local Government

Finance after the audit report is submitted to the local government must include an explanation of the difference.

6. The Committee on Local Government Finance ~~[shall]~~ :

(a) Shall adopt regulations specifying ~~[:~~

~~(a) The]~~ the procedure for obtaining the approval of the Committee required by subsection 1; and

(b) May prescribe by regulation any additional information which must be included in the reports submitted by the governing body of a local government pursuant to subsection 3 . ~~[; and~~

~~(b) The frequency of the reports.]~~

7. The provisions of this section:

(a) Apply only to a local government which has, during each of the 5 fiscal years immediately preceding the effective date of this act, loaned or transferred:

(1) Money from an enterprise fund;

(2) Money collected from fees imposed for the purpose for which an enterprise fund was created; or

(3) Any income or interest earned on money in an enterprise fund.

(b) Do not apply to an enterprise fund created for an airport owned and operated by a local government.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.472 is hereby amended to read as follows:

354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.

(b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues, expenditures and tax levies.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** must be broadly and liberally construed.

Sec. 4. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive **~~[.]~~** ***, and section 1 of this act:***

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 5. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 354.590 is hereby amended to read as follows:

354.590 Whenever the terms of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** require or refer to action of a governing body by resolution, the governing body may at its discretion act by ordinance, if it is otherwise authorized by law to adopt ordinances.

Sec. 7. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 8. NRS 354.613 is hereby amended to read as follows:

354.613 1. Except as otherwise provided in this section ~~[,]~~ ***and section 1 of this act,*** the governing body of a local government may, on or after July 1, 2011, loan or transfer money from an enterprise fund, money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund only if the loan or transfer is made:

(a) In accordance with a medium-term obligation issued by the recipient in compliance with the provisions of chapter 350 of NRS, the loan or transfer is proposed to be made and the governing body approves the loan or transfer under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and:

(1) The money is repaid in full to the enterprise fund within 5 years; or

(2) If the recipient will be unable to repay the money in full to the enterprise fund within 5 years, the recipient notifies the Committee on Local Government Finance of:

(I) The total amount of the loan or transfer;

(II) The purpose of the loan or transfer;

(III) The date of the loan or transfer; and

(IV) The estimated date that the money will be repaid in full to the enterprise fund;

(b) To pay the expenses related to the purpose for which the enterprise fund was created;

(c) For a cost allocation for employees, equipment or other resources related to the purpose of the enterprise fund which is approved by the governing body under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body; or

(d) Upon the dissolution of the enterprise fund.

2. Except as otherwise provided in this section, the governing body of a local government may increase the amount of any fee imposed for the purpose for which an enterprise fund was created only if the governing body approves the increase under a nonconsent item that is separately listed on the

agenda for a regular meeting of the governing body, and the governing body determines that:

(a) The increase is not prohibited by law;

(b) The increase is necessary for the continuation or expansion of the purpose for which the enterprise fund was created; and

(c) All fees that are deposited in the enterprise fund are used solely for the purposes for which the fees are collected.

3. Upon the adoption of an increase in any fee pursuant to subsection 2, the governing body shall, except as otherwise provided in this subsection, provide to the Department of Taxation an executed copy of the action increasing the fee. This requirement does not apply to the governing body of a federally regulated airport.

4. The provisions of subsection 2 do not limit the authority of the governing body of a local government to increase the amount of any fee imposed upon a public utility in compliance with the provisions of NRS 354.59881 to 354.59889, inclusive, for a right-of-way over any public area if the public utility is billed separately for that fee. As used in this subsection, "public utility" has the meaning ascribed to it in NRS 354.598817.

5. This section must not be construed to:

(a) Prohibit a local government from increasing a fee or using money in an enterprise fund to repay a loan lawfully made to the enterprise fund from another fund of the local government; or

(b) Prohibit or impose any substantive or procedural limitations on any increase of a fee that is necessary to meet the requirements of an instrument that authorizes any bonds or other debt obligations which are secured by or payable from, in whole or in part, money in the enterprise fund or the revenues of the enterprise for which the enterprise fund was created.

6. The Department of Taxation shall provide to the Committee on Local Government Finance a copy of each report submitted to the Department on or after July 1, 2011, by a county or city pursuant to NRS 354.6015. The Committee shall:

(a) Review each report to determine whether the governing body of the local government is in compliance with the provisions of this section; and

(b) On or before January 15 of each odd-numbered year, submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

7. A fee increase imposed in violation of this section must not be invalidated on the basis of that violation. The sole remedy for a violation of this section is the penalty provided in NRS 354.626. Any person who pays a fee for the enterprise for which the enterprise fund is created may file a

complaint with the district attorney or Attorney General alleging a violation of this section for prosecution pursuant to NRS 354.626.

8. For the purposes of paragraph (c) of subsection 1, the Committee on Local Government Finance shall adopt regulations setting forth the extent to which general, overhead, administrative and similar expenses of a local government of a type described in paragraph (c) of subsection 1 may be allocated to an enterprise fund. The regulations must require that:

(a) Each cost allocation makes an equitable distribution of all general, overhead, administrative and similar expenses of the local government among all activities of the local government, including the activities funded by the enterprise fund; and

(b) Only the enterprise fund's equitable share of those expenses may be treated as expenses of the enterprise fund and allocated to it pursuant to paragraph (c) of subsection 1.

9. Except as otherwise provided in subsections 10 and 11, if a local government has subsidized its general fund with money from an enterprise fund for the 5 fiscal years immediately preceding the fiscal year beginning on July 1, 2011, the provisions of subsection 1 do not apply until July 1, 2021, to transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund if the local government:

(a) Does not increase the amount of the transfers to subsidize the general fund in any fiscal year beginning on or after July 1, 2011, above the amount transferred in the fiscal year ending on June 30, 2011, except for loans and transfers that comply with the provisions of subsection 1; and

(b) Does not, on or after July 1, 2011, increase any fees for any enterprise fund used to subsidize the general fund except for increases described in paragraph (b) of subsection 5.

10. On or before July 1, 2012, a local government to which the provisions of subsection 9 apply shall adopt a plan to eliminate, on or before the fiscal year beginning on July 1, 2021, all transfers from any enterprise funds to subsidize the general fund that are not made in compliance with subsection 1. A copy of the plan must be filed with the Department of Taxation on or before July 15, 2012.

11. On and after July 1, 2012, the provisions of subsection 9 do not apply to a local government that fails to comply with the provisions of subsection 10.

Sec. 9. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts

appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing

fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 9.5. **1. The governing body of any local government that loans or transfers money from an enterprise fund pursuant to section 1 of this act on or before December 1, 2014, shall, on or before January 15, 2015, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Audit Division of the Bureau. The report must include:**

(a) A copy of the audit report prepared for the local government pursuant to NRS 354.624 for the fiscal years ending on June 30, 2013, and June 30, 2014; and

(b) A copy of each quarterly report previously submitted by the governing body to the Committee on Local Government Finance pursuant to section 1 of this act.

2. The Audit Division shall review the report submitted by the governing body pursuant to subsection 1 and transmit the report, with the comments of the Audit Division, to the 78th Session of the Legislature.

Sec. 10. This act becomes effective upon passage and approval and expires by limitation on June 30, 2017.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 406.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 963.

AN ACT relating to tourism improvement districts; prohibiting, with limited exceptions, the pledge of the proceeds of certain taxes to finance a project within a tourism improvement district created or revised on or after July 1, 2013; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; revising provisions relating to certain reports prepared by the Department of Taxation; prohibiting, with limited exceptions, the financing or reimbursement from the proceeds of certain taxes that are collected from any retail facilities of a retailer that, on or after July 1, 2013, locate within the boundary of a tourism improvement district; making various other changes relating to tourism improvement districts; providing that prevailing wage requirements apply to certain contracts and agreements relating to tourism improvement districts; **revising the duties of a contractor or developer who enters into a subcontract for the construction, improvement, repair, demolition or reconstruction of certain projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) **Section 1** of this bill prohibits, with limited exceptions, a municipality from pledging the proceeds of the Local School Support Tax to finance a project within a TID created or revised on or after July 1, 2013. **Sections 1.5, 2.3, 2.7 and 3.5** of this bill make conforming changes.

Section 1 also eliminates provisions which prohibit a city or county from creating after October 1, 2009, a TID that includes within its boundaries any property included within the boundaries of a redevelopment area. In the case of a TID created after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area, **section 1** prohibits a redevelopment agency and the governing body of a county or city from providing financing or reimbursement pursuant to the financing and reimbursement mechanisms of both a TID and a redevelopment area.

Existing law requires the Department of Taxation to prepare and submit to the Legislature and a municipality that creates a TID semiannual reports

regarding businesses within the TID. (NRS 271A.105) **Section 2** of this bill requires the report to provide information separately for each TID within the municipality unless the reporting of information separately for each TID would disclose or result in the disclosure of information about an individual business, in which case **section 2** requires the report to provide information in the aggregate. **Section 2** also provides that the Department of Taxation is not required to prepare and submit a semiannual report if the report cannot be prepared and submitted in a manner which would not disclose or lead to the disclosure of information about an individual business.

Section 3 prohibits any financing or reimbursement from the proceeds of the Local School Support Tax that are collected from retail facilities that, on or after July 1, 2013, locate within the boundary of the TID. **Section 3** further provides an exception to this prohibition if the governing body of the municipality, with respect to any district created before July 1, 2013, obtains an opinion from independent bond counsel stating that the applicability of the provision would impair an existing contract for the sale of bonds that were issued before July 1, 2013.

Section 3 also requires an owner of a project to provide, upon request, to the Department of Taxation information that identifies the retail facilities which open or close within the project.

Section 3.2 of this bill provides that prevailing wage requirements (chapter 338 of NRS) apply to the construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building that will be leased to a tenant who has entered into an agreement to receive financing or reimbursement through the financing or reimbursement mechanisms of a TID.

Section 3.4 of this bill provides that existing duties relating to subcontracts also apply to those contracts or agreements **[.] and revises the procedure for the solicitation of bids for such contracts and subcontracts.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be

owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. ***The governing body of a municipality may not include in an ordinance adopted to create or revise the boundaries of a district pursuant to paragraph (a) of subsection 1 on or after July 1, 2013, the pledge of any proceeds described in subparagraph (2) of paragraph (c) of subsection 1. The provisions of this subsection do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if the governing body obtains an opinion from independent bond counsel stating that the applicability of this provision would impair an existing contract for the sale of bonds which were issued before July 1, 2013.***

3. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

~~[3.]~~ ***4.*** If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

~~[4. The]~~

5. If the governing body of a municipality ~~[shall not, after October 1, 2009, create]~~ ***creates*** a tourism improvement district ***:***

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

(b) After October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~[.]~~ ***, the governing body and an agency:***

(1) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(2) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

6. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 1.5. NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body ~~[,]~~ ***and*** to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, ~~[and to the board of trustees of the school district in which the tourism improvement district is or will be located,]~~ as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

➥ The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.

4. ~~[The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:~~

~~(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and~~

~~(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services, including education.~~

~~➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.~~

~~5.]~~ If the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located,

the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

~~[6.]~~ ***5.*** The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

~~[7.]~~ ***6.*** The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection ~~[6]~~ ***5*** will be attributable to transactions with tourists who are not residents of this State.

~~[8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:~~

~~(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism~~

~~improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide an appropriate fiscal report; and~~

~~(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to NRS 271A.070. The payments may be provided pursuant to agreements with owners of property within the district authorized by NRS 271A.110 or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to NRS 271A.070.~~

~~9.~~ *7.* If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS 271.650 and 271A.070 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

➥ Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

Sec. 2. NRS 271A.105 is hereby amended to read as follows:

271A.105 1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:

(a) On or before April 1 and October 1 of each year, ***except as otherwise provided in subsection 3,*** prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:

(1) The amount of revenue from the taxable sales made each month by ~~[each business]~~ ***the businesses*** within the district;

(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

(3) The amount of the wages paid each month by ~~[each business]~~ ***the businesses*** within the district; and

(4) The number of full-time and part-time employees employed each month by ~~[each business]~~ ***the businesses*** within the district.

➥ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business, in which case the report must provide the information in the aggregate.

(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).

3. ~~[Except as otherwise provided in subsection 2 or another specific statute, the]~~ ***The*** Department of Taxation ~~[shall not disclose any information reported to the Department pursuant to subsection 2.]~~ ***is not required to prepare and submit a report pursuant to paragraph (a) of subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business.***

4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.

Sec. 2.3. NRS 271A.110 is hereby amended to read as follows:

271A.110 1. The governing body of a municipality may, except as otherwise provided in subsection 2, enter into an agreement with one or more of the owners of any interest in property within a district, pursuant to which that owner would agree to make payments to the municipality or to another local government that provides services in the district, or to both, to defray, in whole or in part, the cost of local governmental services during the term of

the use of any money pledged pursuant to NRS 271A.070. Such an agreement must specify the amount to be paid by the owner of the property interest, which may be stated as a specified amount per year or as an amount based upon any formula upon which the municipality and owner agree.

2. The governing body of a municipality shall not enter into an agreement pursuant to subsection 1 unless ~~[~~**[**:

~~(a) The~~**]** ***the*** governing body has made a written finding pursuant to subsection 3 of NRS 271A.080 that the project and the use of any money pledged pursuant to NRS 271A.070 will not have a positive fiscal effect on the provision of local governmental services **.** ~~[; or~~

~~(b) The Governor requires a commitment from the municipality for the provision of specified payments to the school district in which the district is located during the term of the use of any money pledged pursuant to NRS 271A.070.~~**]**

Sec. 2.7. NRS 271A.120 is hereby amended to read as follows:

271A.120 1. Except as otherwise provided in this section, if the governing body of a municipality adopts an ordinance pursuant to NRS 271A.070, the municipality may:

(a) Issue, at one time or from time to time, bonds or notes as special obligations under the Local Government Securities Law to finance or refinance projects for the benefit of the district. Any such bonds or notes may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof.

(b) Enter into an agreement with one or more governmental entities or other persons to reimburse that entity or person for the cost of acquiring, improving or equipping, or any combination thereof, any project, which may contain such terms as are determined to be desirable by the governing body of the municipality, including the payment of reasonable interest and other financing costs incurred by such entity or other person. Any such reimbursements may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. Such an agreement is not subject to the limitations of subsection 1 of NRS 354.626 and may, at the option of the governing body, be binding on the municipality beyond the fiscal year in which it was made, only if the agreement pertains solely to one or more projects that are owned by the municipality or another governmental entity.

2. The governing body of a municipality shall not, with respect to any district created before, on or after July 1, 2011, provide any financing or reimbursement pursuant to this section:

(a) Except as otherwise provided in this paragraph, to any governmental entity for any project within the district if any nongovernmental entity is or was entitled to receive any financing or reimbursement from the municipality pursuant to this section under the original financing agreements for the initial projects within the district. This paragraph does not prohibit the provision of such financing or reimbursement to ~~[~~:

~~(1) A school district; or~~

~~(2) A~~~~]~~ ***a*** governmental entity that is or was entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

(b) To any person or other entity for any project within the district, other than a person or other entity that is or was entitled to receive such financing or reimbursement from the municipality under the original financing agreements for the initial projects within the district, without the consent of all the persons and other entities that were entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

3. Before the issuance of any bonds or notes pursuant to this section, the municipality must obtain the results of a feasibility study, commissioned by the municipality, which shows that a sufficient amount will be generated from money pledged pursuant to NRS 271A.070 to make timely payment on the bonds or notes, taking into account the revenue from any other revenue-producing projects also pledged for the payment of the bonds or notes, if any. A failure to make payments of any amounts due:

(a) With respect to any bonds or notes issued pursuant to subsection 1; or

(b) Under any agreements entered into pursuant to subsection 1,

➥ because of any insufficiency in the amount of money pledged pursuant to NRS 271A.070 to make those payments shall be deemed not to constitute a default on those bonds, notes or agreements.

4. No bond, note or other agreement issued or entered into pursuant to this section may be secured by or payable from the general fund of the municipality, the power of the municipality to levy ad valorem property taxes, or any source other than any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. No bond, note or other agreement issued or entered into pursuant to this section may ever become a general obligation of the municipality or a charge against its general credit or

taxing powers, nor may any such bond, note or other agreement become a debt of the municipality for purposes of any limitation on indebtedness.

5. Any bond or note issued pursuant to this section, including any bond or note issued to refund any such bond or note, must mature on or before, and any agreement entered pursuant to this section must automatically terminate on or before, the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs.

Sec. 3. NRS 271A.125 is hereby amended to read as follows:

271A.125 ~~[~~The~~]~~

1. ***The*** governing body of a municipality:

~~[~~1.~~]~~ ***(a)*** Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.

~~[~~2.~~]~~ ***(b)*** Shall not ~~[~~, with~~]~~ ***:***

(1) With respect to any district created on or after July 1, 2011, provide any financing or reimbursement pursuant to NRS 271A.120 for:

~~[~~(a)~~]~~ ***(I)*** Any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.

~~[~~(b)~~]~~ ***(II)*** Any project that includes the relocation on or after July 1, 2011, to the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, 2011, relocates any of its retail facilities to the district from another location outside of and within 3 miles of the boundary of the district.

(2) Provide any financing or reimbursement pursuant to NRS 271A.120 from the proceeds of the taxes described in subparagraph (2) of paragraph (c) of subsection 1 of NRS 271A.070 that are collected from any retail facilities of a retailer which, on or after July 1, 2013, locates within the boundary of a district.

2. The provisions of subparagraph (2) of paragraph (b) of subsection 1 do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if the governing body obtains an opinion from independent bond counsel stating that the applicability of those provisions would impair an existing contract for the sale of bonds that were issued before July 1, 2013.

3. The owner of a project shall, upon request, provide to the Department of Taxation information that identifies the retail facilities that open or close within the project.

Sec. 3.2. NRS 271A.130 is hereby amended to read as follows:

271A.130 1. Except as otherwise provided in this section and NRS 271A.140 and notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.

2. The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. Except as otherwise provided in subsection 4, a person who enters into any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120,

➥ shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The governing body of the municipality, the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body of the municipality had undertaken the project or had awarded the contract.

4. The provisions of subsection 3 do not apply to a contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any improvement to a building leased to a tenant that is paid for, in whole or in part, or which benefits from the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120 or pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120 and which is entered into after completion of the original construction:

(a) For any subsequent improvement to the building by the original tenant or a subsequent tenant.

(b) For any improvement to the building by the original tenant which is undertaken more than 60 months after the building is first made available for lease.

5. The ***provisions of NRS 338.013 to 338.090, inclusive, apply to a contract or other agreement for the construction of, improvement of, repair to, demolition of or reconstruction of an improvement to any building that will be leased to a tenant who has entered into an agreement to receive financing or reimbursement pursuant to NRS 271A.120. The owner of the building or proposed building and the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The owner of the building or proposed building and the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement, shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body of a municipality had undertaken the construction, improvement, repair, demolition or reconstruction or had awarded the contract. The tenant shall ensure that the owner and each contractor and developer to whom the provisions of NRS 271A.140 apply complies with those provisions.***

6. Except as otherwise provided in subsection 5, the governing body of the municipality shall ensure that each contractor and developer to whom the provisions of NRS 271A.140 apply complies with those provisions.

~~[6.]~~ ***7.*** As used in this section:

(a) "Original construction" means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of a project paid for, in whole or in part, or which benefits:

(1) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(2) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(b) "Original tenant" means the first tenant of any leased property after the property is first made available for lease.

Sec. 3.4. NRS 271A.140 is hereby amended to read as follows:

271A.140 1. Except as otherwise provided in subsection ~~[2,]~~ ***4,*** a contractor or developer who enters into a contract to which the provisions of subsection 3 ***or 5*** of NRS 271A.130 apply shall:

(a) Advertise for at least 7 calendar days for bids on each subcontract for the performance of any portion of the contract;

(b) At least 2 business days before the first day of that advertisement, provide notice of that advertisement to the governing body of the municipality;

(c) Make available to all prospective bidders on the subcontract a written set of plans and specifications for the pertinent work;

(d) Provide public notice of the name and address of each person who submits a bid on the subcontract; and

(e) ~~[After]~~ ***Except as otherwise provided in subsection 2, after*** closing the period for the solicitation of bids and receiving at least three timely and responsive bids, select any subcontractor from those timely and responsive bids that the contractor or developer, in his or her sole discretion, determines to be appropriate ***.*** ~~[, except that the]~~

2. If the contractor or developer does not receive at least three timely and responsive bids during the period for the solicitation of bids, the contractor or developer shall repeat the process set forth in paragraphs (a) to (d), inclusive, of subsection 1. After closing the second period for the solicitation of bids prescribed by this subsection, the contractor or developer shall select any subcontractor from the timely and responsive bids received pursuant to this subsection or subsection 1 that the contractor or developer, in his or her sole discretion, determines to be appropriate, regardless of whether the contractor or developer received at least three timely and responsive bids.

3. The contractor or developer shall ensure that each subcontractor who will perform any portion of the contract is appropriately licensed pursuant to chapter 624 of NRS.

~~[2.]~~ ***4.*** The provisions of ~~[subsection]~~ ***subsections*** 1 ***, 2 and 3*** do not apply to:

(a) Any contract which is awarded by a municipality; or

(b) Any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

~~[3.]~~ ***5.*** A governing body of a municipality that receives a notice of an advertisement for bids pursuant to paragraph (b) of subsection 1 ~~[,]~~ ***or subsection 2:***

(a) Shall, upon such receipt, post notice of the advertisement on an Internet website maintained by the municipality; and

(b) May otherwise provide notice of the advertisement to local trade organizations and the general public.

Sec. 3.5. NRS 360.855 is hereby amended to read as follows:

360.855 1. The State Controller, acting upon the collection data furnished by the Department, shall remit to the governing body of a municipality that adopts an ordinance pursuant to NRS 271A.070, in the manner provided pursuant to an agreement made pursuant to NRS 271A.100:

(a) From the State General Fund the amount of money pledged pursuant to the ordinance in accordance with subparagraph (1) of paragraph (c) of subsection 1 of NRS 271A.070, which amount is hereby appropriated for that purpose; and

(b) From the Sales and Use Tax Account in the State General Fund the amount of the proceeds pledged pursuant to the ordinance in accordance with subparagraphs (2) and (3) of paragraph (c) of subsection 1 of NRS 271A.070.

2. Except as otherwise provided in subsection 3, the governing body of a municipality that adopts an ordinance pursuant to NRS 271A.070 shall at the end of each fiscal year remit to the State Controller any amount received pursuant to this section in excess of the amount required to make payments due during that fiscal year of the principal of, interest on, and other payments or security-related costs with respect to, any bonds or notes issued pursuant to NRS 271A.120 and payments due during that fiscal year under any agreements made pursuant to NRS 271A.120. The State Controller shall deposit any money received from a governing body of a municipality pursuant to this subsection in the appropriate account in the State General Fund for distribution and use as if the money had not been pledged by an ordinance adopted pursuant to NRS 271A.070, in the following order of priority:

(a) First, to the credit of the county school district fund for the county in which the improvement district is located to the extent that the money would have been transferred to that fund, if not for the pledge of the money pursuant to that ordinance, pursuant to paragraph (e) of subsection 3 of NRS 374.785 for the fiscal year in which the State Controller receives the money;

(b) Second, to the State General Fund to the extent that the money would not have been appropriated, if not for the pledge of the money pursuant to that ordinance, pursuant to paragraph (a) of subsection 1 for the fiscal year in which the State Controller receives the money; and

(c) Third, to the credit of any other funds and accounts to which the money would have been distributed, if not for the pledge of the money pursuant to that ordinance, for the fiscal year in which the State Controller receives the money.

3. The provisions of subsection 2 do not require a governing body to remit to the State Controller any money received pursuant to this section and expended for the purpose of prepaying, defeasing or otherwise retiring all or a portion of any bonds or notes issued pursuant to NRS 271A.120 or of prepaying amounts due under any agreements entered into pursuant to NRS 271A.120, or any combination thereof, with respect to a tourism improvement district if that use of the money has been:

(a) Authorized by the governing body in the ordinance creating the district pursuant to NRS 271A.070, or in an amendment thereto; and

(b) Approved by the governing body ~~[,]~~ ***and the*** Commission on Tourism ~~[and Governor]~~ in the manner required to satisfy the requirements of subsections ***5 and*** 6 ~~[, 7 and 8]~~ of NRS 271A.080,

➥ and after the provision of notice to and an opportunity to make comments ~~[by the board of trustees of the school district in which the tourism improvement district is located in accordance with subsection 4 of NRS 271A.080 and, if applicable,]~~ by the board of county commissioners of the county in which the tourism improvement district is located in accordance with subsection ~~[5]~~ ***4*** of NRS 271A.080.

4. The Nevada Tax Commission may adopt such regulations as it deems appropriate to ensure the proper collection and distribution of any money pledged by an ordinance adopted pursuant to NRS 271A.070.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:03 p.m.

ASSEMBLY IN SESSION

At 2:06 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 322.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 357.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 475.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 33, 503; Senate Bill No. 406 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 33 revises provisions relating to rating systems adopted by the Director of the Office of Energy for purposes of granting partial tax abatements. The measure also repeals the partial tax abatement for certain buildings or structures renovated for use by manufacturers and instead allows any building or structure that has been newly constructed or renovated under certain rating standards to qualify for a partial tax abatement. Additionally, A.B. 33 revises the requirements for the board of county commissioners in reviewing an application for a partial tax abatement for renewable generation facilities. The bill requires a board to make a recommendation to the Director of the Office of Energy regarding the abatement, and an application may only be denied if it is determined the projected cost of the services to support the project will exceed the revenue the local government would receive as a result of the abatement or if the projected financial benefits to the county from any employment opportunities and capital investments will not exceed the projected lost tax revenue.

Finally, these provisions do not apply to a building or other structure for which a partial abatement has been received or for which an application for partial abatement has otherwise been submitted before the effective date of this act.

Roll call on Assembly Bill No. 33:

YEAS—41.

NAYS—Daly.

Assembly Bill No. 33 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 503 authorizes a local government's governing body to loan or transfer money in an enterprise fund if the ending balance of the general fund of the local government at the end of the fiscal year is less than 9 percent of the local government's total expenditures from the general fund during the past fiscal year. The main loan or transfer must be used exclusively for the purposes listed in the following order of priority: (1) to restore fire and police services; (2) to restore the operation of libraries, parks, and other recreational services; and (3) to settle any outstanding legal claims on the date in which the loan or transfer is authorized.

The authority to use an enterprise fund for these purposes applies only to a local government that has, during each of the five fiscal years immediately preceding the effective date of this act, made certain loans or transfers relative to an enterprise fund. Any local government that loans or transfers the money in an enterprise fund as authorized in this measure must provide certain information at least quarterly in a report to the Committee on Local Government Finance as prescribed by regulation of that committee.

Roll call on Assembly Bill No. 503:

YEAS—41.

NAYS—Livermore.

Assembly Bill No. 503 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 406, in its third reprint, makes various changes to provisions governing tourism improvement districts and Sales Tax Anticipated Revenue—otherwise known as STAR—bonds, including specifying that a tourism improvement district created within a redevelopment district on or after October 1, 2009, may utilize the financing mechanisms allowed for either the tourism improvement district or the redevelopment district, and not both; specifying that a developer may not provide financing or reimbursement in a new district for facilities that relocate into the district on or after July 1, 2013; and specifying that prevailing wage requirements in Chapter 338 of NRS apply to certain projects within the district. The bill also clarifies the information that must be provided in certain reports currently required to be prepared by the Department of Taxation.

Roll call on Senate Bill No. 406:

YEAS—38.

NAYS—Ellison, Fiore, Livermore, Wheeler—4.

Senate Bill No. 406 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 496.

The following Senate amendment was read:

Amendment No. 676.

AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County of one-quarter of 1 percent to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department, and allows the imposition of an increase in that tax of not more than one-quarter of 1 percent if the date on which the increased rate is first imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate. (Clark County Sales and Use Tax Act of 2005) **Section 3** of this bill provides the legislative approval required for the imposition of an increase in that tax of not more than fifteen-hundredths of 1 percent on or after October 1, 2013, if the increase is approved by two-thirds of the members of the Board of County Commissioners of Clark County **[.]** **and if the increased rate expires on or before September 30, 2017.**

Section 1 of this bill amends the Clark County Sales and Use Tax Act of 2005 to suspend temporarily certain provisions of the Act which require a governing body to approve expenditures by a police department of proceeds received from the taxes imposed pursuant to the Act if the governing body determines that the proposed expenditure will not replace or supplant existing funding for the police department. **Section 1** also requires that certain periodic reports required by the Act include a separate detailed description of any expenditures as a result of the temporary suspension of those provisions of the Act. **Additionally, section 1 requires that a copy of the separate detailed description be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.** **Section 2** of this bill amends the Act to specify the method for calculating the base fiscal year for certain purposes of the Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.3, immediately following section 13, to read as follows:

Sec. 13.3. 1. The provisions of paragraph (b) of subsection 1 and subsections 3 to 8, inclusive, of section 13 of this act do not apply to any

expenditure of proceeds from any sales and use tax imposed pursuant to this act on or after July 1, 2013, but before July 1, 2016.

2. In addition to the requirements of section 13.5 of this act ~~[, the]~~ :

(a) The periodic reports required by that section must include, with respect to the period covered by the report, a separate detailed description of the expenditure of any proceeds from the sales and use tax imposed pursuant to this act as a result of the provisions of subsection 1 ~~[.]~~ ; and

(b) A governing body that is required to submit a report pursuant to section 13.5 of this act shall submit a copy of the separate detailed description required by paragraph (a) for the period covered by the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee on or before the date by which the governing body is required to submit the report for that period to the Department pursuant to section 13.5 of this act.

Sec. 2. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.7, immediately following section 13.5, to read as follows:

Sec. 13.7. Notwithstanding the provisions of subsection 8 of section 13 of this act, for Fiscal Year 2015-2016, the base fiscal year for each body must be adjusted for the purposes of section 13 of this act as provided in this section, and that adjusted base fiscal year must be used as the base fiscal year for all purposes, including future calculations of base fiscal years. To determine the adjusted base fiscal year for Fiscal Year 2015-2016, any expenditures authorized as a result of the provisions of subsection 1 of section 13.3 of this act must not be included when calculating the amount of money received or expended in that fiscal year.

Sec. 3. The Legislature hereby approves an increase, pursuant to paragraph (b) of subsection 1 of section 10 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, in the rate of the tax imposed pursuant to that Act in the amount of not more than fifteen-hundredths of 1 percent, if:

1. The increase authorized by this section is enacted by an ordinance approved by a two-thirds majority of the members of the Board of County Commissioners of Clark County; ~~[and]~~

2. The date on which that increased rate is first imposed is on or after October 1, 2013 ~~[.]~~ **; and**

3. That increased rate expires on or before September 30, 2017.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Sections 1 and 2 of this act expire by limitation on October 1, 2025.

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 676 to Assembly Bill No. 496.

Remarks by Assemblywoman Bustamante Adams.
Motion carried.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 221 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.
Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:26 p.m.

ASSEMBLY IN SESSION

At 2:31 p.m.
Madam Speaker presiding.
Quorum present.

Remarks by Assemblymen Frierson, Wheeler, Diaz, Bobzien, Hansen, Carrillo, Horne, and Fiore.

ASSEMBLYMAN FRIERSON:
Senate Bill 221 requires that a person who wishes to transfer a firearm to another person who does not hold a permit to carry a concealed firearm must coordinate with the holder of a federal firearms license to perform a background check on the person who wishes to acquire the firearm. A fee of not more than $30 may be charged for the background check. The bill also specifies certain types of firearms and circumstances of transfer that are not subject to the provisions of the bill.

A person who fails to comply with the provisions of the bill is prohibited from possessing a firearm for two years after the date of conviction

This measure also prohibits a person from owning or possessing a firearm if he or she is prohibited by federal law from possessing a firearm or in a court of law, has been found or entered a plea of guilty but mentally ill, or has been acquitted by reason of insanity.

Lastly, S.B. 221 requires that mental health professionals take certain steps to report an explicit, specific, and imminent threat reported by persons under their care, and in these circumstances, the measure provides such professionals with certain protections from civil or criminal liability.

ASSEMBLYMAN WHEELER:
I rise in opposition to Senate Bill 221. As most of you in this body know, there were some really good parts to Senate Bill 221, but those good parts, as said by my colleague on the other side of the house, were put into S.B. 38 yesterday. All the parts to do with mental health reporting and all of the parts to do with criminal reporting are now in S.B. 38, which we will vote to concur on in just a few moments. So what that leaves in this bill is not so much policy

anymore, but politics. The background check portion of this bill, as we heard in our committee, does lead to a de facto gun registration. We know this. We've seen it. We also know that the people that were flown in here from outside interests probably would not have been helped by one of these background checks. I ask you to vote no on Senate Bill 221. I ask you to send the outside interests a message from Nevada—a strong message—that says, "Please don't interfere in our politics here. This is our policy we're talking about: you play politics outside."

ASSEMBLYWOMAN DIAZ:

I rise in support of S.B. 221. I had to deliberate on my decision as to whether I was going to be supportive of S.B. 221. In my research in the area, I did find out that about 60 percent of gun owners do acquire their firearms in a legal way through a gun store, pawn shop, or other licensed retailers, but there is that 40 percent that is unaccounted for, by which they usually acquire it through a private sale. I believe that S.B. 221 is attempting to close some loopholes. Also, the white paper I read referenced that a lot of the firearms in the black market do come through the private sales aspect of it. While I am not naïve, I know that by enacting S.B. 221, we might not be preventing a Sandy Hook or what happened to Congresswoman Gabby Giffords, but I've been thinking long and hard that it could prevent a father taking the life of a mother; a mother taking the life of her children and of herself because she acquired that firearm through a private purchase. I received information that this takes maybe five to ten minutes if you go to an FFL and do that background check; is five to ten minutes too much to ask to save somebody's life?

ASSEMBLYMAN BOBZIEN:

I rise in support of S.B. 221. In my four sessions here in the Nevada Legislature, I've backed legislation supporting the rights of gun owners. I sponsored a bill that streamlined the qualification process for carrying concealed weapons permits. I'm an advocate for sportsmen, championing a bill creating Nevada's apprentice hunting program in recognition of the importance of our state's sporting traditions. Madam Speaker, I am a gun owner, and I have had shot guns all my life. I'm also the father of two small boys. When it comes to making laws, I believe we must be vigilant against legislation that exists solely as a knee-jerk response to the tragedies in the news, but I also believe that we have an obligation to be courageous representatives of our constituents and their interests.

While I represent many constituents who have serious misgivings about this bill, I've also had long conversations with others, many of whom are like me—fathers and gun owners who believe that we must have the courage to enact legislation to ensure commonsense, dual background checks cover more firearms transactions.

Madam Speaker, upon passage of this bill, gun violence will not cease; tragedies will not end. I believe in the use of firearms for protection. Guns are, and always will be, a part of our way of life in this state, but we can't let the perfect be the enemy of the good. By passing this bill, we will have taken an important step forward in engaging in a rational discussion of how to both protect our gun rights and the safety of our families and children.

ASSEMBLYMAN HANSEN:

I rise in opposition to S.B. 221. I, too, like my colleague from Reno, am a father of four sons and have been raised by gun owners all my life. I'm active in the National Rifle Association, and I can tell you right now the sportsmen's community is overwhelmingly opposed to S.B. 221. If we check our own policy, the polls clearly show the people in this state do not want this kind of legislation. Why don't they? They think that people who have mental issues should be allowed to have firearms? Of course not. This is commonsense thinking on the part of Nevadans. They recognize that people who disobey the laws aren't going to be forced to suddenly obey the laws because we pass something. All this is, like every gun control act in my lifetime—I've watched the Gun Control Act of 1968 and then the assault weapons ban in the 1990s—is another example of feel-good gun control legislation right here in Nevada that is

absolutely going to have zero impact on anybody but honest law-abiding citizens. All those other gun control acts have had no impact on reducing crime.

I asked the Senator from Las Vegas point blank during his testimony in front of our committee whether this was going to stop things like Sandy Hook. He said that it would not, even though the testimony was all about Sandy Hook. I think we need to recognize that this is a constitutional right. When you have somewhere between 300 million and 400 million firearms in the United States, there are going to be some people that abuse those kind of privileges. To punish all the law-abiding people—by forcing them through all these private party sales to go to a gun store and go through this background check when there is zero evidence that those things have stopped these sorts of situations—is unfair to the honest law-abiding Nevadan. I would urge my colleagues to vote no on S.B. 221.

ASSEMBLYMAN CARRILLO:

I rise in opposition. We started this whole thing 120 days ago, and this bill is something that should have been addressed a long time ago instead of on the 120th day—to feel that we're being put in a box to vote on something that we have convictions about. I myself—as a gun owner, as a father, as a grandfather—know what is important. I know we need to protect our children and our family members, but when it comes down to feeling like you're going to be threatened if you don't vote a certain way—and I hate to go this route, but I'm going there—I'm voting no on this just for that reason.

ASSEMBLYMAN HORNE:

I rise is support of Senate Bill 221. I'd like to remind the body that we don't pass laws here for perfect; we pass for better. I will disagree with my colleague from Sparks that no one wants this legislation in Nevada. Eighty-six percent plus in Nevada—poll after poll—say that they do want this. We probably couldn't get 86 percent of Nevadans to agree that today is Monday, but this they agree on. If we took the position that we are not going to pass something unless it absolutely stops what we are trying to prevent, we wouldn't have anything. We wouldn't have seatbelts in cars or airbags in cars. And by the way, the auto industry fought hard for years to stop that from happening, over and over again lobbying Washington that this was going to be a burden on us. What has that done today? Has it stopped fatalities on the road? No. But do we believe that it has saved lives? Yes, we do. Is this going to stop a criminal from committing a deadly act? No, we are going to have that. As long as we have guns, somebody is going to do that. But will it save some? I believe it will. Until you are that person who is that close to that type of crime, maybe you won't know. My oldest daughter—and thank God she is 26 years old today and pregnant with my second grandchild—when she was in school, a kid came to school with a gun and fired it in her classroom when she was there. And when I got the news from that, my heart sank. I can't imagine when you get the calls that there are shootings at schools and parents know it's their school and their child is there. I am not going to sit here and promise you that that's never going to happen again. But what I think I can promise you is that this law will be better than what we have today. It is not a punishment. It is no more a punishment for me to go and get a background check when I buy a firearm than it is a punishment when the government tells me that I have to obey the speed limit, because it is for the benefit of everybody. And there are people who are going to speed by me and are going to be reckless drivers. That doesn't mean I'm being punished because I'm asked to act responsibly on the roads. This bill is asking all of us gun owners, who are responsible gun owners, to ask everybody else to be responsible as well. That means when you go and buy a firearm, do a background check, and let's make it a little more difficult for those who would do harm with these firearms to get a hold of them. I urge your support.

ASSEMBLYWOMAN FIORE:

I was hesitating to even speak about this issue, because you all know how I feel about it. But since my colleague from the south got up and talked about how important this bill is, it was just

as important as a bill, A.B. 143, that he killed, and now this is revived. This is quite sneaky. It is 120 days, I don't appreciate it, and I urge us not to play politics in this Chamber and to vote no on this, because this just isn't right.

Roll call on Senate Bill No. 221:

YEAS—23.

NAYS—Paul Anderson, Carrillo, Daly, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Ohrenschall, Oscarson, Sprinkle, Stewart, Wheeler, Woodbury—19.

Senate Bill No. 221 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:50 p.m.

ASSEMBLY IN SESSION

At 6:52 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD CARRILLO, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 293, 461, 462, 475, 480, 484, 485, 486, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 123 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 165.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 165 provides for a transferable tax credit to be administered by the Governor's Office of Economic Development and granted to a producer of certain qualified productions who meet certain conditions.

The base amount for the transferable tax credit is 15 percent of specified qualified expenditures which are incurred in Nevada. Senate Bill 165 limits the amount of credits that may be granted for any single production to $6 million and limits the amount of credits that may be granted in a single fiscal year to $20 million. Any credits issued by the Office of Economic Development expire four years from the date on which they are issued.

Roll call on Senate Bill No. 165:

YEAS—27.

NAYS—Paul Anderson, Benitez-Thompson, Bobzien, Duncan, Ellison, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Oscarson, Wheeler, Woodbury—14.

EXCUSED—Pierce.

Senate Bill No. 165 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 391 requires the Legislative Commission to appoint a six-member committee to study methods of governance and financing for Nevada community colleges. The measure sets forth the scope of review of the committee, including the option of shifting the administration of the system to another governmental entity.

This is a bill that will help us study how to get more federal workforce grants into our community colleges and other options related to how we administer them. I urge your support.

Roll call on Senate Bill No. 391:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 391 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Remarks by Assemblymen Bustamante Adams, Grady, and Ellison.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 400 amends various provisions of existing law governing the taxation of mines, mining claims, and mineral extraction, contingent upon voter approval and ratification of Senate Joint Resolution 15 of the 76th Legislative Session at the November 4, 2014, General Election. The bill provides for the imposition of an excise tax upon mineral extraction for the privilege of engaging in mineral extraction in the state of Nevada and clarifies that the excise tax upon mineral extraction is not an ad valorem or property tax upon the value of the mineral extracted. Senate Bill 400 preserves, without change, the amounts appropriated to each local government or other local taxing entity from the revenue generated by the excise tax upon mineral extraction and royalties. The bill also preserves, without change, the existing tax rates applied to royalties and each extractive operation.

Senate Bill 400 maintains, with certain technical revisions, the methods, standards, and procedures used by the Department of Taxation to determine and certify the gross yield and net proceeds and to impose and collect the excise tax upon mineral extraction and royalties.

Finally, the bill makes conforming changes to existing law that become necessary because of the enactment of the excise tax upon mineral extraction and royalties and because of the repeal of the constitutional provisions governing the taxation of minerals proposed by S.J.R. 15 of the 76th Session.

The bill becomes effective only if S.J.R. 15 of the 76th Session is approved by the voters at the November 4, 2014, General Election. If S.J.R. 15 of the 76th Session is approved by the voters, it will become effective on the date of the canvass of the votes, November 25, 2014, and the bill will also become effective on that date.

ASSEMBLYMAN GRADY:

I guess for a long time in this house I've always wanted to say that I feel very strongly both ways about this bill. This is a bridge bill. It will keep local governments whole for the interim. The bill does not address future problems. The prepaid net proceeds will force the Legislature in 2015 to make some tough decisions. I appreciate the intent of the work for the rurals. Let's hope that the gold prices, declining in the last couple of months, and this legislation will not have a negative effect on employment in our rural counties. But we need this bill to get us through the next two years, and I would hope that we have the support of the body for the bill.

ASSEMBLYMAN ELLISON:

I stand in support of Senate Bill 400. This is a bill that has made a complete turnaround from S.B. 401 to what it is today. This bill helps my constituents by leaps and bounds for what it is going to do for the rural counties for the next two to three years. My biggest fear is what is going to happen in the future with S.J.R. 15 of the 76th Session. I can tell you that the hard work of the committees from the Senate to the Assembly helped make this bill happen today, and from my constituents to you, I say thank you. I ask for your support.

Roll call on Senate Bill No. 400:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 400 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 500 creates a 15-member Task Force on K-12 Public Education Funding, and it sets forth the goal of the Nevada Legislature to equitably fund public education and to base its funding formula on the individual educational needs and demographic characteristics of its pupils. Those characteristics include, among other factors, pupils with disabilities, pupils from low-income families, and pupils who have limited proficiency in the English language. The composition of the Task Force consists of key stakeholders, including the Superintendent of Public Instruction, representatives from the school boards' association, the school superintendents' association, teachers, parents, and legislators. To the extent possible, the appointing authorities will coordinate their selections to represent the geographic and ethnic diversity of the state. The Task Force will be staffed by the Legislative Counsel Bureau. The measure sets forth the duties of the Task Force to review the 2012 report titled "Study of a New Method of Funding for Public Schools in Nevada"; survey weighted funding formulas used by other states; develop a plan to implement a weighted formula in Nevada; and provide recommendations to the next session of the Legislature.

The bill also authorizes the appointment of subcommittees and requires the chair of the task force to appoint a technical advisory committee of school district personnel with knowledge, experience, or expertise in the area of K-12 public school finance. The task force must complete its work and provide sufficient detail to ensure the weighted formula will be used to prepare the school funding portion of the Executive Budget for the 2015-2017 biennium.

This bill is effective upon passage and approval for the purposes of appointing the members of the task force and on July 1, 2013, for all other purposes. The measure expires by limitation on June 30, 2015.

This bill is a product of deliberations during the 2011-2012 interim by the Legislative Commission's Committee to Study a New Method for Funding Public Schools. The consultant, American Institutes for Research, reported that Nevada's current funding system does not include funding adjustments for the additional costs associated with individual student needs and characteristics. Based on best practices, AIR recommended that the funding adjustments be incorporated into the state's current financial model to account for individual student needs and cost factors. This measure is designed to shift the Nevada plan for school finance to a weighted funding formula that considers the needs and characteristics of unique student populations.

Roll call on Senate Bill No. 500:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 500 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 519 authorizes the Director of the Department of Corrections, or his or her designee, to apply for a determination of eligibility for Medicaid on behalf of an offender, after informing the offender.

There was testimony today in your Judiciary Committee that this bill has the potential to save NDOC millions of dollars to try to help these inmates who are eligible for Medicaid benefits. I urge its passage.

Roll call on Senate Bill No. 519:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 519 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 293 makes an appropriation of $20,000 in Fiscal Year 2013-2014 and $20,000 in Fiscal Year 2014-2015 to the account for dependents of fallen officers so that they may get their college education.

Roll call on Senate Bill No. 293:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 293 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 322 removes the Attorney General from the Board of Directors of the Department of Transportation and adds a member from a highway district that includes a county whose population is 700,000 or more. If one of the three constitutional offices is vacant, the Secretary of State shall serve ex officio on the Board until the vacancy is filled.

Roll call on Senate Bill No. 322:

YEAS—40.

NAYS—Livermore.

EXCUSED—Pierce.

Senate Bill No. 322 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 461 makes a one-time General Fund appropriation of $29,553 in 2013 to replace computer equipment beyond its normal scheduled replacement. Replacement of equipment scheduled for the 2011-2013 biennium was deferred due to budget reductions. This appropriation is included in the Governor's recommended budget as a one-shot appropriation.

This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 461 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 462 makes a General Fund appropriation totaling $2,315,090 to the Central Repository for Nevada Records of Criminal History of the Department of Public Safety for the first phase of a multiyear project estimated to cost a total of $18.8 million over six years to modernize the Nevada Criminal Justice Information System. Funds appropriated to the Central Repository for Nevada Records of Criminal History for this purpose must be obligated by June 30, 2015, and any funds not spent prior to September 18, 2015, must be reverted to the General Fund.

Senate Bill 462 becomes effective upon passage and approval.

Roll call on Senate Bill No. 462:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 462 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 475.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 475, otherwise known as the sunset bill, revises the modified business tax on nonfinancial institutions by increasing the level of taxable wages that are exempt from the tax per quarter, from $62,500 to $85,000 through June 30, 2015. Effective July 1, 2015, the

modified business tax on nonfinancial institutions will revert to a flat rate of 0.63 percent on all taxable wages.

Senate Bill 475 continues the advance payment of the tax on the net proceeds of minerals and royalties for two years by extending the expiration date from June 30, 2013, to June 30, 2015, and also extends the expiration date for two years for which certain expenses are not allowed as deductions against gross proceeds.

Senate Bill 475 continues the $200 business license fee by continuing the $100 increase for two years by extending the expiration date from June 30, 2013, to June 30, 2015.

Senate Bill 475 continues the 2.6 percent sales tax rate by continuing the 0.35 percent increase in the Local School Support Tax for two years by extending the expiration date from June 30, 2013, to June 30, 2015. This act becomes effective upon passage and approval, and section 1 of this act expires by limitation by June 30, 2015. This is a two-year fix.

Roll call on Senate Bill No. 475:

YEAS—35.

NAYS—Duncan, Ellison, Fiore, Hambrick, Livermore, Wheeler—6.

EXCUSED—Pierce.

Senate Bill No. 475 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 480 makes a General Fund appropriation totaling $2,000,436 to the Gaming Control Board to convert from a COBOL-based technology system to a modern technology system. Funds appropriated to the Gaming Control Board for this purpose must be obligated by June 30, 2015, and any funds not spent prior to September 18, 2015, must be reverted to the General Fund. The act becomes effective upon passage and approval.

Madam Speaker, I hope this is the last time we hear the term COBOL for a very long time.

Roll call on Senate Bill No. 480:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 480 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 484, as amended, makes a General Fund appropriation of $126,000 to the Mental Health Information System Account for division-wide encryption and work group collaboration software. This funding is a one-shot appropriation included in the Executive Budget.

This bill, as amended, becomes effective upon passage and approval.

Roll call on Senate Bill No. 484:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 484 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 485 appropriates General Funds of $452,100 to the Division of Welfare and Supportive Services of the Department of Health and Human Services for the integration of eligibility rules for the Temporary Assistance for Needy Families program known as TANF, and the Supplemental Nutrition Assistance Program, SNAP, into the eligibility engine system. This funding is a one-shot appropriation included in the Executive Budget.

Senate Bill 485 also authorizes the expenditure of $10,547,900 not appropriated from the State General Fund or the State Highway Fund during the 2013-2015 biennium by the Division of Welfare and Supportive Services for the integration of eligibility rules for the TANF and SNAP programs into the eligibility engine system.

This bill becomes effective upon passage and approval.

Roll call on Senate Bill No. 485:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 485 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 486 appropriates $1.5 million for the costs of implementing a pilot program for an assessment of the school readiness of children in pre-kindergarten and kindergarten, including, without limitation, costs related to training and technical assistance and the improvement of technology.

Roll call on Senate Bill No. 486:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 486 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:28 p.m.

ASSEMBLY IN SESSION

At 7:39 p.m.

Madam Speaker presiding.

Quorum present.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 487 makes a $5 million appropriation to the Governor Guinn Millennium Scholarship Program created by NRS 396.296. It becomes effective upon passage and approval. This $5 million gets us through Fiscal Year 2017.

Roll call on Senate Bill No. 487:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Senate Bill No. 185, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 791 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

TERESA BENITEZ-THOMPSON	DEBBIE SMITH
MICHAEL SPRINKLE	DAVID PARKS
	BEN KIECKHEFER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA14.

SUMMARY—Revises ~~[the limitation on the principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects. (BDR S-914)]~~ **provisions relating to projects of the Nevada System of Higher Education. (BDR 28-914)**

AN ACT relating to the Nevada System of Higher Education; **eliminating certain exemptions for the System from the requirements relating to public works;** increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 3 of this bill eliminate certain exemptions in existing law for the Nevada System of Higher Education from the requirements relating to public works. (NRS 338.010, 338.018, 338.075)

Existing law authorizes the Board of Regents of the University of Nevada to issue bonds and other securities to finance certain projects at the University of Nevada, Reno, in a total principal amount not exceeding $348,360,000. ~~[This]~~ **Section 2 of this** bill increases the authorized amount of such bonds to $427,715,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 338.010 is hereby amended to read as follows:**

~~338.010~~ As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to

chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of [~~:~~

~~(a) A~~] ***a*** project financed in whole or in part from public money for:

[~~(1)~~] ***(a)*** Public buildings;

[~~(2)~~] ***(b)*** Jails and prisons;

[~~(3)~~] ***(c)*** Public roads;

[~~(4)~~] ***(d)*** Public highways;

[~~(5)~~] ***(e)*** Public streets and alleys;

[~~(6)~~] ***(f)*** Public utilities;

[~~(7)~~] ***(g)*** Publicly owned water mains and sewers;

[~~(8)~~] ***(h)*** Public parks and playgrounds;

[~~(9)~~] ***(i)*** Public convention facilities which are financed at least in part with public money; and

[~~(10)~~] ***(j)*** All other publicly owned works and property.

~~[(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.]~~

17. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

18. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

~~[Section 1.]~~ ***Sec. 2.*** Section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 179, Statutes of Nevada 2011, at page 817, is hereby amended to read as follows:

Sec. 5. 1. The board, on behalf and in the name of the university, is authorized by this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the university in a total principal amount not exceeding ~~[~~$348,360,000~~]~~ ***$427,715,000*** for ~~***[the construction of]***~~ facilities at the University of Nevada, Reno, and in a total principal amount not exceeding $422,155,000 for facilities at the University of Nevada, Las Vegas, $35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school;

(b) To issue such bonds and other securities in connection with the project in one series or more at any time or from time to time on or before January 1, 2029, as the board may determine, and consisting of special obligations of the university payable from the net pledged revenues authorized by this act and possibly subsequently other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitation in paragraph (a);

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, proceeds of securities authorized by this act; and

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by this act, except as otherwise expressly provided in this act.

2. If the board determines to sell the bonds authorized by subsection 1 at a discount from their face amount, the principal amount of bonds which the board is authorized to issue provided in subsection 1 is increased by an amount equal to the discount at which the bonds are sold.

3. This act does not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

Sec. 3. **NRS 338.018 and 338.075 are hereby repealed.**

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

338.018 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 16 of NRS 338.010.

338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to

338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 16 of NRS 338.010.

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 185.

Remarks by Assemblymen Carlton and Daly.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 205, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 612 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

ELLIOT ANDERSON
MAGGIE CARLTON
LYNN STEWART
Assembly Conference Committee

AARON FORD
BARBARA CEGAVSKE
Senate Conference Committee

Conference Amendment No. CA2.

AN ACT relating to education; requiring that a performance framework for a charter school be incorporated into the charter contract; revising provisions governing applications for authorization to sponsor charter schools by the board of trustees of a school district or a college or university within the Nevada System of Higher Education; revising the procedure for reviewing an application to form a charter school; setting forth requirements for the execution and renewal of charter contracts; setting forth the grounds for termination of a charter contract; revising provisions relating to the enrollment of pupils in charter schools; requiring the Department of Education to adopt regulations for the comprehensive review of sponsors of charter schools approved by the Department and for the revocation of the authorization to sponsor charter schools; making various other changes relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) **Section 3** of this bill requires that a written performance framework for a charter school be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to **section 8** of this bill. The performance framework must include performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and disparities in achievement among those pupils; (2) the attendance rate of

pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils. **This bill also addresses the period during which some charter schools will continue to operate under existing written charters until their expiration and potential renewal under the terms and conditions for the issuance of a charter contract.**

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) **Section 3.5** of this bill requires the sponsor of a charter school to **revoke the written charter or** terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the **revocation of the written charter or the** termination of a charter contract do not apply to termination on these grounds. **Section 3.5** also provides that a rating of a charter school based upon the performance of the charter school for any school year before the 2013-2014 school year pursuant to the statewide system of accountability must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) **Section 5** of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) **Section 12** of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Under existing law, the proposed sponsor of a charter school may request the Department to assist in the review of an application to form a charter school by determining whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the staff of the Department is required to meet with the applicant to confer on the method to correct the deficiencies in the application identified by the Department. (NRS 386.520) **Sections 6 and 7** of this bill remove the provisions relating to the review of an application to form a charter school by the Department.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. **Section 7** also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school **, on or after the effective date of this bill,** to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for **the revocation of a written charter and the** termination of a charter contract, which includes **, if the charter school holds a charter contract,** the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form

the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including **, for a charter school that it sponsors with a charter contract,** a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.5, inclusive, of this act.

Sec. 2. ***"Charter contract" means the contract executed between the governing body of a charter school and the sponsor of the charter school pursuant to NRS 386.527.***

Sec. 2.5. ***"Performance framework" means the performance framework for a charter school that is required to be incorporated into a charter contract pursuant to NRS 386.527.***

Sec. 3. ***1. The performance framework that is required to be incorporated into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:***

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school; and

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school.

(c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations.

2. In addition to the requirements for the performance framework set forth in subsection 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act.

3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school.

Sec. 3.5. ***1. The sponsor of a charter school shall revoke the written charter or terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.***

2. If a written charter is revoked or a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after revoking the written charter or terminating the charter contract.

3. The provisions of NRS 386.535 do not apply to the revocation of a written charter or termination of a charter contract pursuant to this section.

Sec. 4. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** the words and terms defined in NRS 386.495, 386.500 and 386.503 ***and sections 2 and 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district ~~[.]~~ ***in accordance with the regulations adopted by the Department pursuant to NRS 386.540.*** An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may ***submit an application to the Department to*** sponsor charter schools ~~[.]~~ ***in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.***

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing ~~[written charters]~~ ***charter contracts*** pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** and in accordance with the terms and conditions of the applicable ~~[~~written~~]~~ charter ~~[~~,~~]~~ ***contract,*** the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether ~~[~~each written~~]~~ ***the*** charter ***contract*** of a charter school that the entity sponsors merits renewal or whether the renewal of the ~~[~~written~~]~~ charter ***contract*** should be denied or ***whether*** the written ***charter should be revoked or the*** charter ***contract*** ~~[~~should be~~]~~ ~~[~~revoked~~]~~ ***terminated , as applicable,*** in accordance with NRS 386.530 or 386.535, ***or section 3.5 of this act,*** as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure ***and criteria*** for evaluating charter school applications in accordance with NRS 386.525 ~~[~~,~~]~~ ***and for the renewal of charter contracts pursuant to NRS 386.530;***

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for ***the*** charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 5.5. **NRS 386.515 is hereby amended to read as follows:**

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by

specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the ~~[written]~~ charter ***contract*** should be ~~[revoked or the charter contract]~~ terminated ~~[, as applicable,]~~ in accordance with NRS 386.530 or 386.535, or section 3.5 of this act, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for evaluating charter school applications in accordance with NRS 386.525 and for the renewal of charter contracts pursuant to NRS 386.530;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. ***The committee to form a charter school shall ensure that the completed application:***

(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.610, inclusive ~~[.]~~ ***, and sections 2 to 3.5, inclusive, of this act.***

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[5. The proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application is substantially complete and compliant. Upon such a request, the Department shall review an application to form a charter school to determine whether it is substantially complete and compliant. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.]~~

6. ~~[The Department shall provide written notice to the applicant and the proposed sponsor of the charter school of its determination whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. If the Department determines an~~

~~application is substantially complete and compliant, the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.~~

~~— 7.~~] As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. [~~Except as otherwise provided in this subsection, a committee to form a~~] ***A*** charter school may submit the application to the proposed sponsor of the charter school. [~~If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application was not substantially complete and compliant pursuant to that section, the application may not be submitted to the proposed sponsor for review pursuant to this section.~~] If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. ***The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:***

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than ~~[~~45~~]~~ ***60*** days after the receipt of the application, or a ***later*** period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. ~~[If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.]~~ The board of trustees, the college or the university, as applicable, shall review an application ~~[to determine whether the application:~~

~~(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~(b) Is complete in accordance with the regulations of the Department.~~

~~3.]~~ ***in accordance with the requirements for review set forth in subsections 2 and 3.***

5. ~~[The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application.]~~ The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of ~~[paragraphs (a) and (b) of]~~ subsection ~~[2.]~~ ***3.***

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~[4.]~~ If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[5.]~~ ***7.*** If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~[4,]~~ ***6,*** the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant

to this subsection must be accompanied by the application to form the charter school.

~~[6.]~~ ***8.*** If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~[5,]~~ ***7,*** it shall consider the application at a meeting which must be held not later than ~~[45]~~ ***60*** days after receipt of the application ~~[.]~~ ***or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority.*** ~~[If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.]~~ Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~[factors]~~ ***requirements for review*** set forth in ~~[paragraphs (a) and (b) of subsection]~~ ***subsections*** 2 ~~[.]~~ ***and 3.*** ~~[The Department shall assist the State Public Charter School Authority in the review of an application.]~~ The State Public Charter School Authority may approve an application ***only*** if it satisfies the requirements of ~~[paragraphs (a) and (b) of]~~ subsection ~~[2.]~~ ***3.*** Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~[7.]~~ ***9.*** If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~[adequately address objective criteria established by regulation of the Department or the State Board.]~~ ***satisfy the requirements of subsection 3.*** The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[8.]~~ ***10.*** If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~[7,]~~ ***9,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~[9.]~~ ***11.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 8. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the ~~[State Public Charter School Authority, the board of trustees of a school district or a college or university within the Nevada System of Higher Education]~~ ***proposed sponsor of a charter school*** approves an application to form a charter school, it shall ***, before the effective date of this act,*** grant a written ***charter to the governing body of the charter school or, on or after the effective date of this act, negotiate and execute a*** charter ~~[to]~~ ***contract with*** the ~~[applicant.]~~ ***governing body of the charter school. [The]*** ***A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:***

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The ~~[State Public Charter School Authority, the board of trustees, the college or the university, as applicable,]~~ ***sponsor of the charter school*** shall,

not later than 10 days after the ~~[approval]~~ ***execution*** of the ~~[application,]~~ ***charter contract,*** provide ~~[written notice]~~ to the Department ***:***

(a) Written notice of the ~~[approval]~~ ***charter contract*** and the date of ~~[the approval.]~~ ***execution; and***

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, ~~***[a charter contract,]***~~ the board of trustees shall be deemed the sponsor of the charter school.

~~[2.]~~ ***6.*** If the State Public Charter School Authority approves the application: ~~***[a charter contract:]***~~

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~[3.]~~ ***7.*** If a college or university within the Nevada System of Higher Education approves the application: ~~***[a charter contract:]***~~

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~[4.]~~ ***8.*** The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

~~[5. Except as otherwise provided in subsection 7, a written charter]~~

9. A written charter or a charter contract , as applicable, must be for a term of 6 years ***.*** ~~[unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 4 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Public Charter School Authority or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to~~

~~the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.~~

~~6.~~**]** ***The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.***

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter **[**~~of the~~**]** ***or*** charter **[**~~school.~~**]** ***contract ~~.~~] , as applicable.*** Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor ***and the governing body of the charter school*** may amend the written charter ***or charter contract , as applicable,*** in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

[~~7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:~~

~~(a) Period for which such a written charter is valid; and~~

~~(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.~~

~~➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.~~

~~8. The holder of a written charter that is issued pursuant to subsection 7~~**]**

11. A charter school shall not commence operation **[**~~of the charter school~~**]** and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements **[**~~adopted by the State Board pursuant to subsection 7~~**]** ***of this section*** have

been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 8.5. **NRS 386.527 is hereby amended to read as follows:**

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall **[**~~, before the effective date of this act, grant a written charter to the governing body of the charter school or, on or after the effective date of this act,~~**]** negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A ~~[written charter or a]~~ charter contract ~~[, as applicable,]~~ must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the ~~[written charter or]~~ charter contract ~~. [, as applicable.]~~ Such an amendment may include, without limitation, the expansion of instruction and other educational

services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the ~~[written charter or]~~ charter contract ~~[, as applicable,]~~ in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 9. NRS 386.530 is hereby amended to read as follows:

386.530 1. ~~[Except as otherwise provided in subsection 2,]~~ ***On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school during the term of the charter contract, including, without limitation:***

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 2; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act.

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal ~~[of a written charter may be submitted]~~ to the sponsor of the charter school ~~[not less than 120 days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:~~

~~(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and~~

~~(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.~~

~~➥ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.~~

~~2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:~~

~~(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and~~

~~(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.~~

~~➥ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.~~] ***on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:***

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 10. NRS 386.535 is hereby amended to read as follows:

386.535 ***Except as otherwise provided in section 3.5 of this act:***

1. The sponsor of a charter school may revoke ~~[the]~~ ***a*** written charter ~~[of the]~~ ***or terminate a*** charter ~~[school]~~ ***contract*** before the expiration of the charter ~~***[contract]***~~ if the sponsor determines that:

(a) The charter school, its officers or its employees ***:*** ~~[have failed to comply with:]~~

(1) ~~[The]~~ ***Committed a*** material ***breach of the*** terms and conditions of the written charter ~~[;~~

~~(2) Generally]~~ ***or charter contract;***

(2) Failed to comply with generally accepted standards of ~~[accounting and]~~ fiscal management; ~~[or]~~

(3) ~~[The]~~ ***Failed to comply with the*** provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** or any other statute or regulation applicable to charter schools; ***or***

(4) ~~[Has]~~ If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation ***or termination*** is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor revokes a written ***charter or terminates ~~[the]~~ a*** charter ~~[.]~~ ***contract,*** the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke ***the written charter or terminate*** the charter ~~[.]~~ ***contract.***

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke ***the written charter or terminate*** the ~~[written]~~ charter ~~[.]~~ ***contract.*** If the charter

school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke ***the written charter or terminate*** the ~~[~~written~~]~~ charter ***contract*** of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after revoking the written charter or terminating the charter contract.

Sec. 10.5. **NRS 386.535 is hereby amended to read as follows:**

386.535 Except as otherwise provided in section 3.5 of this act:

1. The sponsor of a charter school may ~~[~~revoke a written charter or~~]~~ terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the ~~[~~written charter or~~]~~ charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, or any other statute or regulation applicable to charter schools; or

(4) ~~[~~If the charter school holds a charter contract, has~~]~~ ***Has*** persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that ~~[~~revocation or~~]~~ termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor ~~[~~revokes a written charter or~~]~~ terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to ~~[revoke the written charter or]~~ terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to ~~[revoke the written charter or]~~ terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not ~~[revoke the written charter or]~~ terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the ~~[written charter is revoked or the]~~ charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after ~~[revoking the written charter or]~~ terminating the charter contract

Sec. 11. NRS 386.536 is hereby amended to read as follows:

386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily ***, if a charter contract is not renewed*** or upon revocation ***of a written charter or termination*** of ~~[its written]~~ ***a*** charter ~~[,]~~ ***contract,*** the governing body of the charter school shall appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 11.5. **NRS 386.536 is hereby amended to read as follows:**

386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily, if a charter contract is not renewed or upon ~~[revocation of a written charter or]~~ termination of a charter contract, the governing body of the charter school shall appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the

sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 12. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application ***pursuant to NRS 386.515*** by the board of trustees of a school district ***or a college or university within the Nevada System of Higher Education*** to the Department for authorization to sponsor charter schools ***,*** ~~[and]~~ the contents of the application ~~[.]~~ ***, the process for the Department to review the application and the timeline for review;***

(b) ***The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;***

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education, and the contents of the application;

~~[(c)]~~ ***(e)*** The process for submission of an application to renew a ~~[written]~~ charter ~~[.]~~ ***contract;***

~~[(d)]~~ ***(f)*** The criteria and type of investigation that must be applied by the board of trustees, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a ~~[written]~~ charter ***contract*** or a request for an amendment of a written charter ~~[.]~~ ***or a charter contract;*** and

~~[(e)]~~ ***(g)*** The process for submission of an amendment of a written charter ***or a charter contract*** pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 12.5. **NRS 386.540 is hereby amended to read as follows:**

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract;

(f) The criteria and type of investigation that must be applied by the board of trustees, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a ~~[written charter or a]~~ charter contract; and

(g) The process for submission of an amendment of a ~~[written charter or a]~~ charter contract pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 13. NRS 386.551 is hereby amended to read as follows:

386.551 The provisions of NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State. ~~[Upon the first renewal of a written charter and each renewal thereafter, the sponsor of a charter school shall not prescribe additional requirements or otherwise require a charter school to comply with additional terms or conditions unless the sponsor is specifically authorized by statute, regulation or the written charter.]~~

Sec. 14. NRS 386.561 is hereby amended to read as follows:

386.561 1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the written charter ***or charter contract*** of the charter school ~~[.]~~ ***, as applicable.***

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its ~~[written]~~ charter ***contract*** by the sponsor of the charter school or as a condition to renewal of the ~~[written]~~ charter ~~[.]~~ ***contract.***

Sec. 14.5. **NRS 386.561 is hereby amended to read as follows:**

386.561 1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the ~~[written charter or]~~ charter contract of the charter school ~~[, as applicable.]~~ .

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the

completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its charter contract by the sponsor of the charter school or as a condition to renewal of the charter contract.

Sec. 15. NRS 386.565 is hereby amended to read as follows:

386.565 The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the written charter ~~[,]~~ ***or charter contract, as applicable,*** NRS 386.490 to 386.610, inclusive, ***and sections 2 to 3.5, inclusive, of this act,*** and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 15.5. **NRS 386.565 is hereby amended to read as follows:**

386.565 The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the ~~[written charter or]~~ charter contract, ~~[as applicable,]~~ NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 16. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued ***or a charter contract executed*** pursuant to NRS 386.527, the governing body may submit an application to the Department for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The Department shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Account, the Department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 16.5. **NRS 386.578 is hereby amended to read as follows:**

386.578 1. If the governing body of a charter school has a ~~[written charter issued or a]~~ charter contract executed pursuant to NRS 386.527, the governing body may submit an application to the Department for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The Department shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Account, the Department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 17. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the

charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school ~~[that is dedicated to providing educational programs and opportunities to pupils who are at risk]~~ may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, ***free of charge and*** on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person ~~[employed in a full-time position]~~ ***who is:***

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor

the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 18. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the written charter ***[contract]*** of a charter school is revoked ***or a charter contract is terminated, as applicable,*** or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment

within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees

of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 18.5. **NRS 386.595 is hereby amended to read as follows:**

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the ~~[written charter of a charter school is revoked or a]~~ charter contract ***of a charter school*** is terminated ~~[, as applicable,]~~ or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees

offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 19. NRS 386.610 is hereby amended to read as follows:

386.610 ~~[1.]~~ On or before ~~[August 15]~~ ***October 1*** of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include :

~~[(a) An]~~

1. For each charter school that it sponsors with a written charter, an evaluation of the progress of ~~***[for]***~~ each ***such*** charter school ~~[that it sponsors]~~ in achieving the educational goals ~~***[***~~

~~***1. A]***~~ ***and objectives of the written charter.***

2. For each charter school that it sponsors with a charter contract, a summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and ~~[objectives of the charter school.~~

~~(b) A description of all administrative support and services provided by the sponsor to the charter school, including, without limitation, an itemized accounting for the costs of the support and services.~~

~~(c)~~**]** ***metrics set forth in the performance framework for the charter school.***

~~***[2.]***~~ ***3.*** An identification of each charter school approved by the sponsor:

~~[(1)]~~ ***(a)*** Which has not opened and the scheduled time for opening, if any;

~~[(2)]~~ ***(b)*** Which is open and in operation;

~~[(3)]~~ ***(c)*** Which has transferred sponsorship;

~~[(4)]~~ ***(d)*** Whose written charter ***has been revoked or whose charter contract*** has been ~~[revoked]~~ ***terminated*** by the sponsor;

~~[(5)]~~ ***(e)*** Whose ~~[written]~~ charter ***contract*** has not been renewed by the sponsor; and

~~[(6)]~~ ***(f)*** Which has voluntarily ceased operation.

~~[(d)]~~ ~~***[3.]***~~ ***4.*** A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

~~[(e)]~~ ~~***[4.]***~~ ***5.*** A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the

charter school pursuant to NRS 386.561, including an itemized accounting of the actual costs of those services.

~~[2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.]~~

~~[5.]~~ 6. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

Sec. 19.5. **NRS 386.610 is hereby amended to read as follows:**

386.610 On or before October 1 of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include:

1. ~~[For each charter school that it sponsors with a written charter, an evaluation of the progress of each such charter school in achieving the educational goals and objectives of the written charter.~~

~~2. For each charter school that it sponsors with a charter contract, a]~~ ***A*** summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

~~[3.]~~ ***2.*** An identification of each charter school approved by the sponsor:

(a) Which has not opened and the scheduled time for opening, if any;

(b) Which is open and in operation;

(c) Which has transferred sponsorship;

(d) Whose ~~[written charter has been revoked or whose]~~ charter contract has been terminated by the sponsor;

(e) Whose charter contract has not been renewed by the sponsor; and

(f) Which has voluntarily ceased operation.

~~[4.]~~ ***3.*** A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

~~[5.]~~ ***4.*** A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 386.561, including an itemized accounting of the actual costs of those services.

~~[6.]~~ ***5.*** The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such

distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

Sec. 19.7. **Section 3.5 of this act is hereby amended to read as follows:**

Sec. 3.5. 1. The sponsor of a charter school shall ~~[revoke the written charter or]~~ terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a ~~[written charter is revoked or a]~~ charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after ~~[revoking the written charter or]~~ terminating the charter contract.

3. The provisions of NRS 386.535 do not apply to the ~~[revocation of a written charter or]~~ termination of a charter contract pursuant to this section.

Sec. 20. 1. Except as otherwise provided in subsection 2, a charter school that is operating under a written charter issued before the effective date of this act shall continue to operate under the terms of the written charter until the expiration of the written charter, unless the written charter is revoked before the expiration of the current term. Before the expiration of the written charter, if the charter school seeks to continue operation, the charter school must apply to the sponsor of the charter school for a charter contract ~~[.]~~ **in the form and on the date prescribed by the sponsor.**

2. If a charter school that is operating under a written charter issued before the effective date of this act does not wish to continue operation under the written charter until its expiration, upon approval of the sponsor of the charter school, the charter school may apply to the sponsor for a charter contract ~~[.]~~ **in the form and on the date prescribed by the sponsor.**

3. **An application submitted pursuant to subsection 1 or 2 must include, without limitation:**

(a) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(b) Any information or data that the governing body of the charter school determines supports the renewal of the charter under the terms and conditions for the issuance of a charter contract;

(c) A description of any improvements to the charter school already undertaken or planned; and

(d) Any other requirements or information prescribed by the sponsor.

4. Upon receipt of an application pursuant to subsection 1 or 2, the sponsor of the charter school shall consider the application for a charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application not more than 60 days after receipt of the application. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the issuance and renewal of charter contracts based upon the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act; and

(b) Evidence of the performance of the charter school during the term of the written charter.

5. Upon approval of an application for a charter contract pursuant to subsection 1 or 2:

(a) A written performance framework for the charter school in accordance with section 3 of this act must be incorporated into the charter contract executed pursuant to paragraph (b).

(b) The sponsor of the charter school and the governing body of the charter school shall execute a charter contract pursuant to NRS 386.527, as amended by section 8 of this act.

Sec. 20.5. **The Legislative Counsel shall:**

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to the term "written charter" to include "or charter contract, as applicable" through January 1, 2020, and thereafter to refer only to a "charter contract."

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to the term "written charter" to include "or charter contract, as applicable" through January 1, 2020, and thereafter to refer only to a "charter contract."

Sec. 21. 1. This **section and sections 1 to 5, inclusive, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 20.5 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 5.5, 8.5, 10.5, 12.5, 14.5, 15.5, 16.5, 18.5, 19.5 and 19.7 become effective on January 1, 2020.

3. Section 11.5 of this act becomes effective on July 1, 2020.

Assemblyman Elliot Anderson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 205.

Remarks by Assemblyman Elliot Anderson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 66, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 675 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

IRENE BUSTAMANTE ADAMS	RUBEN KIHUEN
DINA NEAL	BEN KIECKHEFER
RANDY KIRNER	DAVID PARKS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA4.

SUMMARY—Revises the manner in which the State Board of Equalization must provide ~~[notice of a proposed increase]~~ **certain notices concerning increases** in the valuation of property**.** ~~[under certain circumstances.]~~ (BDR 32-301)

AN ACT relating to property tax; revising the manner in which the State Board of Equalization must provide ~~[notice of a proposed increase]~~ **certain notices concerning increases** in the valuation of property**;** ~~[under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Equalization is required to give 10 days' notice by registered or certified mail or by personal service to interested persons if the Board proposes to increase the valuation of any property on the assessment roll. (NRS 361.395) ~~[For notices of proposed increases in the valuation of property that relate to a fiscal year that began before July 1, 2013, this bill requires the Board to continue to provide the notice required under the current law. For]~~ **Section 1 of this bill maintains this requirement if the Board proposes to increase the valuation of any property on the assessment roll in a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403. However, for** notices of proposed increases in the valuation of **a class or group of** property that relate to a fiscal year that begins on or after July 1, 2013, ~~[this bill]~~ **section 1** requires the Board to give 30 days' notice **~~[:~~** ~~(1)]~~ by first-class mail to interested persons**.** ~~[if the Board proposes to increase the property values of a class or group of properties; and (2) by registered or certified mail or by personal service to interested persons if the Board proposes to increase property values in a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403.]~~

Under existing law, whenever the valuation of any property is raised by the Board, the Secretary of the Board is required to forward notice of the increased valuation by certified mail to the property owner or owners affected. (NRS 361.405) Section 1.5 of this bill: (1) maintains the

requirement that this notice be provided by certified mail if the Board increases the valuation in a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403; and (2) requires this notice to be provided by first-class mail to the property owner or owners affected if the Board increases the valuation of a class or group of properties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.395 is hereby amended to read as follows:

361.395 1. During the annual session of the State Board of Equalization beginning on the fourth Monday in March of each year, the State Board of Equalization shall:

(a) Equalize property valuations in the State.

(b) Review the tax rolls of the various counties as corrected by the county boards of equalization thereof and raise or lower, equalizing and establishing the taxable value of the property, for the purpose of the valuations therein established by all the county assessors and county boards of equalization and the Nevada Tax Commission, of any class or piece of property in whole or in part in any county, including those classes of property enumerated in NRS 361.320.

2. If the State Board of Equalization proposes to increase the valuation of any property on the assessment roll ~~[,]~~ ***:***

(a) Pursuant to paragraph (b) of subsection 1, it shall give 30 days' notice to interested persons by first-class mail.

(b) In a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403, it shall give 10 ~~*[30]*~~ days' notice to interested persons by registered or certified mail or by personal service. ~~[The]~~

➥ ***A*** notice ***provided pursuant to this subsection*** must state the time when and place where the person may appear and submit proof concerning the valuation of the property. A person waives the notice requirement if he or she personally appears before the Board and is notified of the proposed increase in valuation.

Sec. 1.5. **NRS 361.405 is hereby amended to read as follows:**

361.405 1. The Secretary of the State Board of Equalization forthwith shall certify any change made by the Board in the assessed valuation of any property in whole or in part to the county auditor of the county where the property is assessed, and whenever the valuation of any property is raised ~~[,]~~ **:**

(a) In a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403, the Secretary of the

~~[State]~~ Board ~~[of Equalization]~~ shall forward by certified mail to the property owner or owners affected, notice of the increased valuation.

(b) Pursuant to paragraph (b) of subsection 1 of NRS 361.395, the Secretary of the Board shall forward by first-class mail to the property owner or owners affected, notice of the increased valuation.

2. As soon as changes resulting from cases having a substantial effect on tax revenues have been certified to the county auditor by the Secretary of the State Board of Equalization, the county auditor shall:

(a) Enter all such changes and the value of any construction work in progress and net proceeds of minerals which were certified to him or her by the Department, on the assessment roll before the delivery thereof to the tax receiver.

(b) Add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment roll.

(c) Certify the results to the board of county commissioners and the Department.

3. The board of county commissioners shall not levy a tax on the net proceeds of minerals added to the assessed valuation pursuant to paragraph (a) of subsection 2, but, except as otherwise provided by specific statute, the net proceeds of minerals must be included in the assessed valuation of the taxable property of the county and all local governments in the county for the determination of the rate of tax and all other purposes for which assessed valuation is used.

4. As soon as changes resulting from cases having less than a substantial effect on tax revenue have been certified to the county tax receiver by the Secretary of the State Board of Equalization, the county tax receiver shall adjust the assessment roll or the tax statement or make a tax refund, as directed by the State Board of Equalization.

Sec. 2. The amendatory provisions of **section 1 of** this act apply only to notices of proposed increases in the valuation of property that relate to a fiscal year that begins on or after July 1, 2013.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblywoman Bustamante Adams moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 66.

Remarks by Assemblywoman Bustamante Adams.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Joint Resolution No. 9, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 691 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

DAVID BOBZIEN	JUSTIN JONES
RICHARD CARRILLO	MARK MANENDO
TOM GRADY	PETE GOICOECHEA
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA5.

SENATE JOINT RESOLUTION—Urging the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada.

WHEREAS, Outdoor recreation in Nevada generates $14.9 billion in consumer spending annually, creates 148,000 jobs and generates $4.8 billion in wages and salaries and $1 billion in state and local tax revenue; and

WHEREAS, Nevada has an abundance of federal public lands suitable for outdoor recreation that are managed by the Bureau of Land Management of the United States Department of the Interior; and

WHEREAS, Operators of outdoor recreation-related businesses are required to apply to the Bureau of Land Management for special recreation permits for commercial and competitive uses of those public lands; and

WHEREAS, ~~[Federal public lands in Nevada should be managed in a manner that preserves the environment; and~~

~~WHEREAS,]~~ The Bureau of Land Management has adopted regulations, 43 C.F.R. Part 2930, Subpart 2932, which set forth the procedure for applying for a special recreation permit; and

WHEREAS, The processing of special recreation permits by the Bureau of Land Management is often slow; and

WHEREAS, The slow processing of special recreation permits by the Bureau of Land Management deters outdoor recreation-related businesses from operating effectively and profitably; and

WHEREAS, Expedited processing of special recreation permits by the Bureau of Land Management would serve to create additional jobs for Nevadans and generate additional state and local tax revenue; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges:

1. The Director of the Bureau of Land Management to expedite the process of approving special recreation permits for commercial and competitive uses of federal public lands in Nevada for nonmotorized events;

2. The Director of the Bureau of Land Management to amend the provisions of 43 C.F.R. Part 2930, Subpart 2932, to further expedite the process of approving those special recreation permits; and

3. The Nevada Congressional Delegation to use its best efforts to encourage the Director of the Bureau of Land Management to expedite the process of approving those special recreation permits and to make any

necessary amendments to the provisions of 43 C.F.R. Part 2930, Subpart 2932; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved that the Assembly adopt the report of the Conference Committee concerning Senate Joint Resolution No. 9.

Remarks by Assemblyman Daly.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 181, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 651 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

DAVID BOBZIEN	KELVIN ATKINSON
JAMES HEALEY	JUSTIN JONES
TOM GRADY	MARK HUTCHISON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA1.

AN ACT relating to employment; **prohibiting employers from conditioning employment on a consumer credit report or other credit information; providing certain exceptions;** prohibiting employers from conditioning employment on access to an employee's social media account; ~~[~~prohibiting a person from requesting or considering a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze;~~]~~ providing civil remedies **~~[~~;~~]~~ and administrative penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS) ~~[This]~~

Section 1.6 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. Section 1.6 also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to submit a credit report or other credit information or on the results of such a report or information. Section 1.6 further prohibits an employer from taking certain employment actions where an employee or prospective employee

files a complaint, testifies in any legal proceeding or exercises his or her rights with respect to any violation committed by the employer. Section 1.7 of this bill provides certain exceptions to the preceding prohibitions, including, without limitation, an exception for circumstances in which the information contained in the consumer credit report or other credit information is reasonably related to the position of employment. Section 1.8 of this bill establishes the civil remedies available to a person affected by a violation committed by an employer, including employment of a prospective employee, reinstatement or promotion of an employee, payment of lost wages and benefits and the award of reasonable costs and attorney's fees. Section 1.9 of this bill authorizes the Labor Commissioner to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

Section 2 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. ~~[This bill]~~ **Section 2** also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to disclose such information. ~~[This bill]~~ **Section 2** further provides, however, that it is not unlawful for an employer to require an employee to disclose his or her user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system.

~~[Under existing law, a person who complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and chapter 598C of NRS is allowed to obtain a consumer report for purposes relating to the employment of the consumer. Sections 3 and 4 of this bill prohibit a person from requesting or considering a consumer report for purposes of evaluating a consumer for employment, promotion, reassignment or retention as an employee unless: (1) the use of the report is required or authorized by state or federal law; (2) the person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law and is likely to be reflected in the report; or (3) the information in the report is reasonably related to the position for which the consumer is being evaluated.~~

~~Existing law provides that if a consumer places a security freeze on his or her file maintained by a credit reporting agency, the agency is not allowed to release the consumer report without the consumer's consent except for certain purposes, which include certain purposes relating to employment of~~

~~the consumer. (NRS 598C.350, 598C.380) Section 5 of this bill revises the scope of that exception to conform with section 4.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections **1.1 to** 2 ~~[and 3]~~ **, inclusive,** of this act.

Sec. 1.1. ***As used in sections 1.1 to 1.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.2 to 1.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.2. ***"Consumer credit report" means any written, oral or other communication of information by a consumer reporting agency bearing on the credit worthiness, credit standing or credit capacity of a person.***

Sec. 1.3. ***"Consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.***

Sec. 1.4. ***"Credit information" means any information that is related to credit and derived from a consumer credit report or found on a consumer credit report. The term does not include information that is not related to credit, regardless of whether it is contained in a consumer credit report.***

Sec. 1.5. ***"Employer" has the meaning ascribed to it in subsection 1 of NRS 613.440.***

Sec. 1.6. ***Except as otherwise provided in section 1.7 of this act, it is unlawful for any employer in this State to:***

1. Directly or indirectly, require, request, suggest or cause any employee or prospective employee to submit a consumer credit report or other credit information as a condition of employment;

2. Use, accept, refer to or inquire concerning a consumer credit report or other credit information;

3. Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee:

(a) Who refuses, declines or fails to submit a consumer credit report or other credit information; or

(b) On the basis of the results of a consumer credit report or other credit information; or

4. Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, any employee or prospective employee who has:

(a) Filed any complaint or instituted or caused to be instituted any legal proceeding pursuant to sections 1.1 to 1.9, inclusive, of this act;

(b) Testified or may testify in any legal proceeding instituted pursuant to sections 1.1 to 1.9, inclusive, of this act; or

(c) Exercised his or her rights, or has exercised on behalf of another person the rights afforded to him or her pursuant to sections 1.1 to 1.9, inclusive, of this act.

Sec. 1.7. An employer may request or consider a consumer credit report or other credit information for the purpose of evaluating an employee or prospective employee for employment, promotion, reassignment or retention as an employee if:

1. The employer is required or authorized, pursuant to state or federal law, to use a consumer credit report or other credit information for that purpose;

2. The employer reasonably believes that the employee or prospective employee has engaged in specific activity which may constitute a violation of state or federal law; or

3. The information contained in the consumer credit report or other credit information is reasonably related to the position for which the employee or prospective employee is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer credit report or other credit information shall be deemed reasonably related to such an evaluation if the duties of the position involve:

(a) The care, custody and handling of, or responsibility for, money, financial accounts, corporate credit or debit cards, or other assets;

(b) Access to trade secrets or other proprietary or confidential information;

(c) Managerial or supervisory responsibility;

(d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;

(e) The care, custody and handling of, or responsibility for, the personal information of another person;

(f) Access to the personal financial information of another person;

(g) Employment with a financial institution that is chartered under state or federal law, including a subsidiary or affiliate of such a financial institution; or

(h) Employment with a licensed gaming establishment, as defined in NRS 463.0169.

Sec. 1.8. 1. An employer who violates the provisions of sections 1.1 to 1.9, inclusive, of this act is liable to the employee or prospective employee affected by the violation. The employer is liable for any legal or equitable relief as may be appropriate, including employment of a prospective

employee, reinstatement or promotion of an employee and the payment of lost wages and benefits.

2. An action to recover the liability pursuant to subsection 1 may be maintained against the employer by an employee or prospective employee:

(a) For or on behalf of the employee or prospective employee; and

(b) On behalf of other employees or prospective employees similarly situated.

➥ An action must not be commenced pursuant to this section more than 3 years after the date of the alleged violation.

3. In any action brought pursuant to this section, the court, in its discretion, may allow the prevailing party reasonable costs, including attorney's fees.

Sec. 1.9. 1. If any person violates sections 1.1 to 1.9, inclusive, of this act, the Labor Commissioner may impose against the person an administrative penalty of not more than $9,000 for each such violation.

2. In determining the amount of any administrative penalty to be imposed against the person, the Labor Commissioner shall consider the previous record of the person in terms of compliance with sections 1.1 to 1.9, inclusive, of this act and the severity of the violation. Any administrative penalty imposed against the person is in addition to any other remedy or penalty provided pursuant to this act.

3. The Labor Commissioner may bring a civil action pursuant to this section to restrain violations of sections 1.1 to 1.9, inclusive, of this act. A court of competent jurisdiction may issue, without bond, a temporary or permanent restraining order or injunction to require compliance with sections 1.1 to 1.9, inclusive, of this act, including any legal or equitable relief incident thereto as may be appropriate, such as employment of a prospective employee, reinstatement or promotion of an employee, and the payment of lost wages and benefits.

Sec. 2. *1. It is unlawful for any employer in this State to:*

(a) Directly or indirectly, require, request, suggest or cause any employee or prospective employee to disclose the user name, password or any other information that provides access to his or her personal social media account.

(b) Discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who refuses, declines or fails to disclose the user name, password or any other information that provides access to his or her personal social media account.

2. It is not unlawful for an employer in this State to require an employee to disclose the user name, password or any other information to an account or a service, other than a personal social media account, for the

purpose of accessing the employer's own internal computer or information system.

3. Nothing in this section shall be construed to prevent an employer from complying with any state or federal law or regulation or with any rule of a self-regulatory organization, as defined in NRS 90.300.

4. As used in this section, "social media account" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, electronic mail programs or services, online services or Internet website profiles.

Sec. 3. ~~***[1. Except as otherwise provided in section 4 of this act, a person shall not request or consider a consumer report for the purpose of evaluating any other person for employment, promotion, reassignment or retention as an employee.***~~

~~***2. As used in this section, "consumer report" has the meaning ascribed to it in NRS 598C.060.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***A person may request or consider a consumer report for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee if:***~~

~~***1. The person is required or authorized, pursuant to state or federal law, to use a consumer report for that purpose;***~~

~~***2. The person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law; or***~~

~~***3. The information contained in the consumer report is reasonably related to the position for which the consumer is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer report shall be deemed to be reasonably related to such an evaluation if the duties of the position involve:***~~

~~***(a) The care, custody and handling of or responsibility for money, financial accounts, corporate credit or debit cards, or other assets;***~~

~~***(b) Access to trade secrets or other proprietary or confidential information;***~~

~~***(c) Managerial or supervisory responsibility;***~~

~~***(d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency;***~~

~~***(e) The care, custody and handling of or responsibility for the personal information, as defined in NRS 603A.040, of another person;***~~

~~***(f) Access to the personal financial information of another person;***~~

~~***(g) Employment with a financial institution that is chartered under federal or state law; or***~~

~~*(h) Employment with a licensed gaming establishment, as defined in NRS 463.0169.]*~~ **(Deleted by amendment.)**

Sec. 5. **[**~~NRS 598C.380 is hereby amended to read as follows:~~

~~598C.380 Notwithstanding that a security freeze has been placed in the file of a consumer, a reporting agency may release the consumer report of the consumer to:~~

~~1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.~~

~~2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.~~

~~3. A person with whom the consumer has an account or contract or to whom the consumer has issued a negotiable instrument, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to that account, contract or negotiable instrument.~~

~~4. A person seeking to use information in the file of the consumer for the purposes of prescreening pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.~~

~~5. A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted pursuant to NRS 598C.350 for the purposes of facilitating the extension of credit.~~

~~6. A person seeking to provide the consumer with a copy of the consumer report or the credit score of the consumer upon the request of the consumer.~~

~~7. A person administering a credit file monitoring subscription service to which the consumer has subscribed.~~

~~8. A person requesting the consumer report pursuant to a court order, warrant or subpoena.~~

~~9. A federal, state or local governmental entity, agency or instrumentality that is acting within the scope of its authority, including, without limitation, an agency which is seeking to collect child support payments pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.~~

~~10. A person holding a license issued by the Nevada Gaming Commission pursuant to title 41 of NRS, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to any activities conducted pursuant to the license.~~

~~11. **[**An**]** ***If authorized pursuant to section 4 of this act, an*** employer, or the subsidiary, affiliate, agent, assignee or prospective assignee of that employer, for purposes of:~~

~~(a) Preemployment screenings relating to the consumer; or~~

~~(b) Decisions or investigations relating to the consumer's current or former employment with the employer.**]*** **(Deleted by amendment.)**

Assemblyman Bobzien moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 181.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 176, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 665 of the Assembly be concurred in.

ELLEN SPIEGEL	JUSTIN JONES
TYRONE THOMPSON	DEBBIE SMITH
JOHN HAMBRICK	BEN KIECKHEFER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Dondero Loop moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 176.

Remarks by Assemblywoman Dondero Loop.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 410, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 775 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

TERESA BENITEZ-THOMPSON	DAVID PARKS
ANDREW MARTIN	TICK SEGERBLOM
WESLEY DUNCAN	JOSEPH HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA8.

AN ACT relating to hypodermic devices; authorizing certain entities to establish a program for the safe distribution and disposal of hypodermic devices and certain other material; requiring the ~~[county board of health or district board of health for the county in which a sterile hypodermic device program operates]~~ **State Board of Health** to establish guidelines governing such a program; providing that the possession of a trace amount of a controlled substance is not a criminal offense in certain circumstances; removing hypodermic devices from the list of paraphernalia that is prohibited for delivery, sale, possession, manufacture or use in this State; providing that hypodermic devices may be sold or furnished without a prescription if not prohibited by federal law in certain circumstances; repealing a provision which makes it a crime to misuse a hypodermic device; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill authorizes a governmental entity, a tax-exempt nonprofit corporation, a public health program, a licensed medical facility or a person who has a tax-exempt nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. **Section 4.5** of this bill requires the ~~[county board of health or district board of health for the county in which a sterile hypodermic device program operates]~~ **State Board of Health** to establish guidelines governing such a program. **Sections 5-7** of this bill enact provisions governing the operation of a sterile hypodermic device program, including, without limitation, the training of the staff and volunteers of the program and the devices, material and information that a program may provide. **Section 8** of this bill provides that the State, any of its political subdivisions and a sterile hypodermic device program and its staff and volunteers are exempt from civil liability relating to the operation of a sterile hypodermic device program. **Section 9** of this bill: (1) provides for the confidentiality of any record which is obtained or created in the operation of a sterile hypodermic device program; (2) provides that such records are not discoverable or admissible in criminal proceedings; (3) prohibits the use of records obtained from a sterile hypodermic device program as a basis for initiating a criminal charge, or to substantiate a criminal charge, against a person who participates in the program; and (4) provides that the staff and volunteers of a sterile hypodermic device program cannot be compelled to provide evidence in criminal proceedings concerning information known to the staff member or volunteer through the program.

Existing law prohibits the possession of a controlled substance. (NRS 453.336) **Section 11** of this bill provides that a person does not violate this provision if he or she has a trace amount of a controlled substance that is in or on a hypodermic device that was obtained from a sterile hypodermic device program.

Existing law prohibits the delivery, sale, possession or manufacture of certain drug paraphernalia when the person engaging in the act reasonably should know that it will be used for an illegal purpose. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) **Section 12** of this bill removes hypodermic devices from the list of items that may be found to constitute drug paraphernalia.

Existing law authorizes the sale of hypodermic devices which are not restricted by federal law to being sold by prescription to be sold without a prescription for certain limited purposes. (NRS 454.480) **Section 15** of this bill removes the restrictions so that hypodermic devices may be sold or

furnished without a prescription for any purpose so long as the sale of such devices is not restricted by federal law.

Section 16 of this bill repeals a provision which makes it a misdemeanor to use or allow the use of a hypodermic device for a purpose other than that for which it was purchased, because the specific uses were removed in **section 15**.

WHEREAS, The human immunodeficiency virus, hepatitis and other infectious diseases that may be transmitted through the use of unsterile hypodermic devices such as syringes and needles pose a major health threat in the United States, causing thousands of deaths and millions of dollars in preventable health care costs each year; and

WHEREAS, The lack of availability of sterile hypodermic devices is a major cause of this serious health threat; and

WHEREAS, Hundreds of studies have demonstrated that making sterile hypodermic devices available to persons who inject drugs reduces the spread of infectious disease and does not encourage drug use; and

WHEREAS, The trend among states has been to deregulate the possession, sale and use of hypodermic devices and to make such devices more accessible; and

WHEREAS, Increasing access to sterile hypodermic devices is necessary to control the spread of life-threatening infectious diseases; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby declares that the purpose of sections 2 to 10, inclusive, of this act is to enable the use of sterile hypodermic devices and other related material for use among people who inject drugs for the purpose of reducing the intravenous transmission of diseases. The provisions of sections 2 to 10, inclusive, of this act are intended to:***

1. Ensure the availability and accessibility of sterile hypodermic devices by encouraging distribution of such devices by various means.

2. Provide for the effective operation of sterile hypodermic device programs that protect the human rights of people who use such programs.

3. Guarantee that sterile hypodermic devices and other sterile injection supplies are not deemed illegal.

4. Ensure that sterile hypodermic device programs operate in harmony with law enforcement activities.

Sec. 3. ***As used in sections 2 to 10, inclusive, of this act, "sterile hypodermic device program" or "program" means a program established***

pursuant to section 4 of this act for the safe distribution and disposal of hypodermic devices.

Sec. 4. ***1. A governmental entity, a nonprofit corporation that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), a public health program, a medical facility or a person who has a fiscal sponsor that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), may establish a sterile hypodermic device program in this State.***

2. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Public health program" has the meaning ascribed to it in NRS 454.00973.

Sec. 4.5. ***The ~~[county board of health or district board of health for the county in which a sterile hypodermic device program operates]~~ State Board of Health shall establish guidelines governing the operation of the program which provide for, without limitation:***

1. The recording of the quantities of hypodermic devices distributed and collected by the program; and

2. The procedures for the safe collection and disposal of used hypodermic devices.

Sec. 5. ***A sterile hypodermic device program shall:***

1. Establish and follow procedures for the safe collection and disposal of used hypodermic devices and other related material pursuant to guidelines established by the ~~[county board of health or district board of health for the county in which the program operates.]~~ State Board of Health.

2. Provide community outreach and educational programs concerning:

(a) The safer use of hypodermic devices to avoid disease and infection; and

(b) The safe disposal of hypodermic devices.

3. Report the quantities of hypodermic devices distributed and collected by the program to the State Board of Health at least semiannually.

Sec. 6. ***All staff and volunteers of a sterile hypodermic device program shall complete training which includes, without limitation, the following information:***

1. The policies and procedures of the program and relevant regulations, including, without limitation, emergency and safety policies and procedures;

2. Legal and law enforcement issues and policies regarding hypodermic devices;

3. Overdose prevention, recognition and response;

4. The risk of blood-borne diseases that may result from the use of hypodermic devices;

5. Methods for preventing the transmission or contraction of blood-borne diseases;

6. The dangers of injecting drugs and the manner in which to access treatment;

7. Information concerning the human immunodeficiency virus and hepatitis virus and the prevention of the spread of these viruses;

8. The safe disposal of hypodermic devices, including, without limitation, procedures concerning accidental needle sticks; and

9. Cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgendered individuals, racial and ethnic minorities, women, sex workers and any other participant population.

Sec. 7. *A sterile hypodermic device program may provide:*

1. Sterile hypodermic devices and other related material for safer injection drug use; and

2. Information concerning:

(a) The risks associated with the use of controlled substances;

(b) Drug dependence treatment services and other health services;

(c) Support services for people with drug dependence and their families;

(d) Methods for preventing the transmission or contraction of blood-borne diseases;

(e) Employment and vocational training services and centers; and

(f) Legal aid services.

Sec. 8. *The State, any political subdivision thereof, a sterile hypodermic device program and the staff and volunteers thereof are not subject to civil liability in relation to any act or failure to act in connection with the operation of a sterile hypodermic device program, if the act or failure to act was in good faith for the purpose of executing the provisions of sections 2 to 10, inclusive, of this act, and was not a reckless act or failure to act.*

Sec. 9. *1. Any record of a person which is created or obtained for use by a sterile hypodermic device program must be kept confidential and:*

(a) Is not open for public inspection or disclosure;

(b) Must not be shared with any other person or entity without the consent of the person to whom the record relates; and

(c) Must not be discoverable or admissible during any legal proceeding.

2. A record described in subsection 1 must not be used:

(a) To initiate or substantiate any criminal charge against a person who participates in the sterile hypodermic device program; or

(b) As grounds for conducting any investigation of a person who participates in the sterile hypodermic device program.

3. The staff and volunteers of a sterile hypodermic device program shall not be compelled to provide evidence in any criminal proceeding conducted pursuant to the laws of this State concerning any information that was entrusted to them or became known to them through the program.

4. The use of any personal information of any person who participates in a sterile hypodermic device program or of the staff or volunteers of the sterile hypodermic device program in research and evaluation must be done in such a manner as to guarantee the anonymity of the person.

5. Aggregate data from a sterile hypodermic device program, including, without limitation, demographic information, the number of clients contacted and the types of referrals may be made available to the public.

Sec. 10. ***No person shall be subject to any discrimination in the operation of a sterile hypodermic device program on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, national origin, residence, frequency of injection or controlled substance used.***

Sec. 11. NRS 453.336 is hereby amended to read as follows:

453.336 1. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. ***It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to sections 2 to 10, inclusive, of this act.***

6. As used in this section ~~[~~, "controlled~~]~~ ***:***

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Sterile hypodermic device program" has the meaning ascribed to it in section 3 of this act.

Sec. 12. NRS 453.554 is hereby amended to read as follows:

453.554 ~~[As]~~

1. Except as otherwise provided in subsection 2, as used in NRS 453.554 to 453.566, inclusive, unless the context otherwise requires, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting,

propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ~~[injecting,]~~ ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

~~[1.]~~ ***(a)*** Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

~~[2.]~~ ***(b)*** Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

~~[3.]~~ ***(c)*** Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

~~[4.]~~ ***(d)*** Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

~~[5.]~~ ***(e)*** Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

~~[6.]~~ ***(f)*** Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

~~[7.]~~ ***(g)*** Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

~~[8.]~~ ***(h)*** Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

~~[9.]~~ ***(i)*** Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

~~[10.]~~ ***(j)*** Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

~~[11.]~~ ***(k)*** Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

~~[(a)]~~ ***(1)*** Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

~~[(b)]~~ ***(2)*** Water pipes;

~~[(c)]~~ ***(3)*** Smoking masks;

~~[(d)]~~ ***(4)*** Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

~~[(e)]~~ ***(5)*** Cocaine spoons and cocaine vials;

~~[(f)]~~ ***(6)*** Carburetor pipes and carburetion tubes and devices;

~~[(g)]~~ ***(7)*** Chamber pipes;

~~[(h)]~~ ***(8)*** Electric pipes;

~~[(i)]~~ ***(9)*** Air-driven pipes;

~~[(j)]~~ ***(10)*** Chillums;

~~[(k)]~~ ***(11)*** Bongs; and

~~[(l)]~~ ***(12)*** Ice pipes or chillers.

2. The term does not include any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection.

Sec. 13. NRS 453.560 is hereby amended to read as follows:

453.560 Unless a greater penalty is provided in NRS 212.160, a person who delivers or sells, possesses with the intent to deliver or sell, or manufactures with the intent to deliver or sell any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, ~~[inject,]~~ ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 14. NRS 453.566 is hereby amended to read as follows:

453.566 Any person who uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, ~~[inject,]~~ ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter is guilty of a misdemeanor.

Sec. 15. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced practitioner of nursing who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold ***or furnished*** without ***a*** prescription **. [**~~for the following purposes:~~

~~(a) For use in the treatment of persons having asthma or diabetes.~~

~~(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.~~

~~(c) For use in an ambulance or by a fire fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.~~

~~(d) For the injection of drugs in animals or poultry.~~

~~(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.~~

~~(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.~~**]**

Sec. 16. NRS 454.520 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

454.520 Misuse of hypodermic device; penalty. Any person who has lawfully obtained a hypodermic device, as provided by NRS 454.480 to 454.530, inclusive, and uses, permits or causes, directly or indirectly, such a device to be used for any purpose other than that for which it was purchased is guilty of a misdemeanor.

Assemblywoman Dondero Loop moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 410.

Remarks by Assemblywoman Dondero Loop.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 450, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 776 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 17, which is attached to and hereby made a part of this report.

ANDY EISEN	JUSTIN JONES
ANDREW MARTIN	TICK SEGERBLOM
JAMES OSCARSON	JOSEPH HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA17.

AN ACT relating to public health; revising the qualifications for certain district health officers; **revising provisions relating to medical records;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment of a State Health Officer by the Director of the Department of Health and Human Services and establishes the qualifications for that position. (NRS 439.090, 439.100) Existing law further creates a health district in a county whose population is 700,000 or more. Such a health district has a health department consisting of a district health officer and a district board of health. (NRS 439.362) Existing law requires the district board of health in such a county to appoint a district health officer for the health district and establishes the qualifications for the district health officer. (NRS 439.368) ~~[This]~~ **Section 1 of this** bill revises the qualifications of the district health officer. **Section 2 of this bill allows a person who is serving as the district health officer of a county whose population is 700,000 or more (currently Clark County) on July 1, 2013, to continue to serve in that capacity until his or her successor is appointed.**

Existing law requires a provider of health care, including a facility that maintains the health care records of patients, to make the health care records of a patient available for inspection in certain circumstances. (NRS 629.021, 629.061) Section 1.2 of this bill extends the period of time within which a provider of health care must make health care records available for inspection in certain circumstances. Section 1.8 of this bill repeals a provision making it a misdemeanor for a physician licensed pursuant to chapter 630 of NRS to willfully fail or refuse to comply with this requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.368 is hereby amended to read as follows:

439.368 1. The district board of health shall appoint a district health officer for the health district who shall have full authority as a county health officer in the health district.

2. The district health officer must:

(a) Be licensed to practice medicine or osteopathic medicine in this State ~~[; and]~~ ***or be eligible for such a license and obtain such a license within 12 months after being appointed as district health officer;***

(b) Have at least ~~[the following additional education and experience:~~

~~(1) A master's degree in public health, health care administration, public administration, business administration or a related field; and~~

~~(2) Ten]~~ ***5*** years of management experience ~~[in an administrative position]~~ in a local, state or national public health department, program, organization or agency ***; and***

(c) Have:

(1) At least a master's degree in public health, health care administration, public administration, business administration or a related field;

(2) Work experience which is deemed to be equivalent to a degree described in subparagraph (1), which may include, without limitation, relevant work experience with a national organization which conducts research on issues concerning public health; or

(3) Obtained certification from or be eligible to be certified by the American Board of Preventive Medicine, the American Osteopathic Board of Preventive Medicine, a successor organization or, if there is no successor organization, by a similar organization designated by the district board of health.

3. The district health officer is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board.

4. Any clinical program of a district board of health which requires medical assessment must be carried out under the direction of a physician.

Sec. 1.2. **NRS 629.061 is hereby amended to read as follows:**

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

~~[~~2.~~]~~ ***2.*** The records ***described in subsection 1*** must be made available at a place within the depository convenient for physical inspection. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 3, if*** the records are located ~~[~~within~~]~~ ***:***

(a) Within this State, the provider shall make any records requested pursuant to this section available for inspection within ~~[~~5~~]~~ ***10*** working days after the request. ~~[~~If the records are located outside~~]~~

(b) Outside this State, the provider shall make any records requested pursuant to this section available in this State for inspection within ~~[10]~~ ***20*** working days after the request.

~~[2.]~~ ***3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f) or (g) of subsection 1 and the investigator, grand jury or authorized representative, as applicable, declares that exigent circumstances exist which require the immediate production of the records, the provider shall make any records which are located:***

(a) Within this State available for inspection within 5 working days after the request.

(b) Outside this State available for inspection within 10 working days after the request.

4. Except as otherwise provided in subsection ~~[3,]~~ ***5,*** the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

~~[3.]~~ ***5.*** The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the provider of health care for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The provider of health care shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the provider of health care shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

~~[4.]~~ ***6.*** Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➥ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

~~[5.]~~ ***7.*** Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

~~[6.]~~ ***8.*** Subsection ~~[5.]~~ ***7*** does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

~~[7.]~~ ***9.*** A provider of health care or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

~~[8.]~~ ***10.*** For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

(c) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

(d) "Personal representative" has the meaning ascribed to it in NRS 132.265.

Sec. 1.8. **NRS 630.405 is hereby repealed.**

Sec. 2. Notwithstanding the amendatory provisions of section 1 of this act, any person who, on July 1, 2013, is serving as the district health officer in a county whose population is 700,000 or more and who is otherwise qualified to serve as the district health officer on that date may continue to serve in that capacity until his or her successor is appointed by the district board of health.

Sec. 3. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

630.405 Penalty for failure to make records concerning health care available for inspection or copying. A physician licensed pursuant to this chapter who willfully fails or refuses to make the health care records of a patient available for physical inspection or copying as provided in NRS 629.061 is guilty of a misdemeanor.

Assemblywoman Dondero Loop moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 450.

Remarks by Assemblywoman Dondero Loop.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 202, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 673, 829, 867 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

JAMES OHRENSCHALL	TICK SEGERBLOM
OLIVIA DIAZ	AARON FORD
IRA HANSEN	GREG BROWER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA9.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; reducing the age at which a child **charged with murder or attempted murder** may be certified as an adult for criminal proceedings; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to

appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) **Section 1** of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was 16 years of age or older when he or she committed the offense. Under **section 11** of this bill, this provision becomes effective on October 1, 2014.

Under existing law, a child may be certified for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation if the child: (1) is charged with an offense that would have been a felony if committed by an adult; and (2) was 14 years of age or older at the time the child allegedly committed the offense. **Section 1.3** of this bill reduces the minimum age of such certification from 14 years of age to 13 years of age ~~[.]~~ **if the child is charged with murder or attempted murder.** Under **section 11**, this provision becomes effective on October 1, 2014.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under **section 11**, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ ***, if the person was 16 years of age or older when the murder or attempted murder was committed.***

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have

been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 1.3. NRS 62B.390 is hereby amended to read as follows:

62B.390 1. Except as otherwise provided in subsection 2 and NRS 62B.400, upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) ~~[Is]~~ ***Except as otherwise provided in paragraph (b), is*** charged with an offense that would have been a felony if committed by an adult ~~[.]~~ and ~~[~~

~~(b) Was]~~ ***was*** 14 ~~***[13]***~~ years of age or older at the time the child allegedly committed the offense ~~[.]~~ ***; or***

(b) Is charged with murder or attempted murder and was 13 years of age or older when the murder or attempted murder was committed.

2. Except as otherwise provided in subsection 3, upon a motion by the district attorney and after a full investigation, the juvenile court shall certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) Is charged with:

(1) A sexual assault involving the use or threatened use of force or violence against the victim; or

(2) An offense or attempted offense involving the use or threatened use of a firearm; and

(b) Was 16 years of age or older at the time the child allegedly committed the offense.

3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:

(a) The child is developmentally or mentally incompetent to understand the situation and the proceedings of the court or to aid the child's attorney in those proceedings; or

(b) The child has substance abuse or emotional or behavioral problems and the substance abuse or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court.

4. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.

5. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 or 2 and the child's case has been transferred out of the juvenile court:

(a) The court to which the case has been transferred has original jurisdiction over the child;

(b) The child may petition for transfer of the case back to the juvenile court only upon a showing of exceptional circumstances; and

(c) If the child's case is transferred back to the juvenile court, the juvenile court shall determine whether the exceptional circumstances warrant accepting jurisdiction.

Sec. 1.7. **[**~~NRS 62B.400 is hereby amended to read as follows:~~

~~62B.400 1. A child shall be deemed to be a prisoner who has escaped or attempted to escape from lawful custody in violation of NRS 212.090, and proceedings may be brought against the child pursuant to the provisions of this section, if the child:~~

~~(a) Is committed to or otherwise is placed in a public or private facility for the detention or correctional care of children, including, but not limited to, all state, regional and local facilities for the detention of children; and~~

~~(b) Escapes or attempts to escape from such a facility.~~

~~2. Upon a motion by the district attorney and after a full investigation, the juvenile court may certify the child for criminal proceedings as an adult pursuant to subsection 1 of NRS 62B.390 if the child was~~ **[**~~14~~**]** ***13*** ~~years of age or older at the time of the escape or attempted escape and:~~

~~(a) The child was committed to or placed in the facility from which the child escaped or attempted to escape because the child had been charged with or had been adjudicated delinquent for an unlawful act that would have been a felony if committed by an adult; or~~

~~(b) The child or another person aiding the child used a dangerous weapon to facilitate the escape or attempted escape.~~

~~3. If the child is certified for criminal proceedings as an adult pursuant to subsection 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the escape or attempted escape, regardless of the nature of the related offense.~~

~~4. If the child is not certified for criminal proceedings as an adult pursuant to subsection 2 or otherwise is not subject to the provisions of subsection 2, the escape or attempted escape shall be deemed to be a delinquent act, and proceedings may be brought against the child pursuant to the provisions of this title.~~ **] (Deleted by amendment.)**

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[(a)~~ ***:***

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[,]~~ ***; or***

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

(h) One member who is a mental health professional.

(i) One member who is a representative from an organization that advocates on behalf of juveniles.

(j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. Sections 1, 1.3 and 1.7 of this act become effective on October 1, 2014.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 202.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 223, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 764 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 21, which is attached to and hereby made a part of this report.

TERESA BENITEZ-THOMPSON	DAVID PARKS
JAMES HEALEY	PAT SPEARMAN
LYNN STEWART	SCOTT HAMMOND
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA21.

AN ACT relating to constables; revising provisions governing certain notice of a foreclosure sale required to be provided to a tenant; requiring a constable in certain townships to become certified as a category I or category II peace officer within a certain period after commencing his or her term of office; prohibiting a constable or deputy constable in certain smaller townships from making arrests in the course of his or her duties **~~[.]~~ unless he or she is certified as a category I or category II peace officer;** revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) **Section 1** of this bill provides that the affidavit of complaint for eviction of a tenant that a landlord or landlord's agent is authorized to file in justice court or district court applies to tenants of recreational vehicles.

Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) **Section 3** of this bill: (1) specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located; and (2) revises the date by which certain required notices must be provided.

Existing law provides that a constable is a peace officer in his or her township. (NRS 258.070) **Section 8.6** of this bill requires a constable of a township whose **~~[~~boundaries include a city whose~~]~~** population is **~~[~~150,000~~]~~ 15,000** or more **~~[~~(currently Henderson, Las Vegas, North Las Vegas and~~]~~**

~~Reno)~~ **or that has within its boundaries a city whose population is 15,000 or more** to become certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, extends the time. **Section 16.5** of this bill provides that this requirement does not apply to a constable who is in office on July 1, 2013, unless he or she is elected or appointed to a term of office on or after July 1, 2013.

Sections 7.5, 12 and 12.5 of this bill provide that a constable or deputy constable in a township ~~[that has within its boundaries a city]~~ whose population is less than ~~[150,000 (currently all cities other than Henderson, Las Vegas, North Las Vegas and Reno)]~~ **15,000 or that has within its boundaries a city whose population is less than 15,000** may not make an arrest in the course of performing his or her duties as a constable ~~[.]~~ **unless he or she is certified as a category I or category II peace officer.**

Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) **Section 10** of this bill provides that a person appointed as a deputy constable for a township whose ~~[boundaries include a city whose]~~ population is ~~[150,000]~~ **15,000** or more ~~[(currently Henderson, Las Vegas, North Las Vegas and Reno)]~~ **or that has within its boundaries a city whose population is 15,000 or more** must be certified as a **category I or** category II peace officer by the Commission before he or she commences employment as a deputy constable.

Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those clerks. (NRS 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. **Section 11** further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office.

Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) **Sections 12, 15**

and 16 of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued.

Section 8.8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. **Section 9** of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of

NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ***, recreational vehicle*** or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home ***, recreational vehicle*** or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of

the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than ~~[3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080.]~~ ***15 days before the date of sale.*** The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at

either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or ~~[the]~~ sheriff ~~[.]~~ ***of the county in which the property is located.***

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. NRS 171.124 is hereby amended to read as follows:

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070 ***,*** ~~[and]~~ 33.320 ~~[.]~~ ***and 258.070,*** a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 8. Chapter 258 of NRS is hereby amended by adding thereto the provisions set forth as sections 8.1 to 8.8, inclusive, of this act.

Sec. 8.1. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 8.2, 8.3 and 8.4 of this act have the meanings ascribed to them in those sections.***

Sec. 8.2. ***"Category I peace officer" has the meaning ascribed to it in NRS 289.460.***

Sec. 8.3. ***"Category II peace officer" has the meaning ascribed to it in NRS 289.470.***

Sec. 8.4. ***"Peace officer" has the meaning ascribed to it in NRS 289.010.***

Sec. 8.6. ***1. Each constable of a township*** ~~***[that has within its boundaries a city]***~~ ***whose population is*** ~~***[150,000]***~~ ***15,000 or more or a township that has within its boundaries a city whose population is 15,000 or more shall become certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.***

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 8.8. ***In addition to any fine imposed pursuant to NRS 258.200, a board of county commissioners may establish, by resolution or ordinance, penalties for the failure of the constable of a township in the county to file***

any report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission.

Sec. 9. NRS 258.020 is hereby amended to read as follows:

258.020 Each constable elected or appointed in this state shall, before entering upon the duties of office:

1. Take the oath prescribed by law. ***The oath must be filed and recorded in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office.***

2. Execute a bond to the State of Nevada, to be approved by the board of county commissioners, in the penal sum of not less than $1,000 nor more than $3,000, as may be designated by the board of county commissioners **.** ~~[,~~ ~~which]~~ ***The*** bond ~~[shall]~~ ***must*** be conditioned for the faithful performance of the duties of his or her office ~~[,]~~ and ~~[shall]~~ ***must*** be filed in the county clerk's office.

Sec. 10. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. ***A person who is appointed as a deputy constable in a township*** ~~***[that has within its boundaries a city]***~~ ***whose population is*** ~~***[150,000]***~~ ***15,000 or more or a township that has within its boundaries a city whose population is 15,000 or more may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer.*** The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded ***within 30 days after the appointment*** in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section ~~[.]~~ ***within 30 days after the revocation of the appointment.*** From the time of the

filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 11. NRS 258.065 is hereby amended to read as follows:

258.065 1. The ~~[board of county commissioners may appoint for the]~~ constable of a township ~~[a reasonable number of clerks]~~ ***may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff*** as the work of the constable requires **.** ~~[, and provide compensation therefor.]~~ ***The compensation of any person so appointed must be fixed by the board of county commissioners.***

2. ***A person who is employed as clerical or operational staff of a constable:***

(a) Does not have the powers of a peace officer; and

(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. A constable's clerk shall take the constitutional oath of office and give bond in the sum of $2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~[3.]~~ ***4.*** A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 12. NRS 258.070 is hereby amended to read as follows:

258.070 1. ~~[Each]~~ ***Subject to the provisions of subsection 2, each*** constable shall:

(a) Be a peace officer in his or her township.

(b) Serve all mesne and final process issued by a court of competent jurisdiction.

(c) Execute the process, writs or warrants that the constable is authorized to receive pursuant to NRS 248.100.

(d) Discharge such other duties as are or may be prescribed by law.

2. ***A constable or deputy constable elected or appointed in a township*** ~~***[that has within its boundaries a city]***~~ ***whose population is less than*** ~~***[150,000]***~~ ***15,000 or a township that has within its boundaries a city whose population is less than 15,000 may not arrest any person while carrying out the duties of the office of constable*** ~~***[.]***~~ ***unless he or she is certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer.***

3. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle ~~[that]~~ ***which is***

located in his or her township at the time the citation is issued and which is required to be registered in this State if the constable determines that the vehicle is not properly registered. The constable shall, upon the issuance of such citation, charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

~~[~~3.~~]~~ ***4.*** If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 12.5. NRS 258.110 is hereby amended to read as follows:

258.110 ~~[~~If~~]~~ ***Unless, pursuant to subsection 2 of NRS 258.070, a constable is prohibited from making an arrest,*** any constable ~~[~~shall~~]~~ ***who*** willfully ~~[~~refuse~~]~~ ***refuses*** to receive or arrest any person charged with a criminal offense ~~[~~, such constable~~]~~ is guilty of a gross misdemeanor and shall be removed from office.

Sec. 13. NRS 258.190 is hereby amended to read as follows:

258.190 1. ~~[~~On~~]~~ ***In each calendar year, on*** the first Monday of January, April, July and October, the constables who receive fees under the provisions of this chapter shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 14. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310 ***,*** ~~[~~and~~]~~ 4.353 ~~[~~,~~]~~ ***and 258.060, and section 8.6 of this act,*** a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6

months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

(e) Railroad police officers; and

(f) California correctional officers.

Sec. 14.5. NRS 482.231 is hereby amended to read as follows:

482.231 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection ~~[2]~~ ***3*** of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) Has failed to pay the fee charged by the constable pursuant to subsection ~~[2]~~ ***3*** of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

Sec. 15. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable ~~[,]~~ ***of the township in which the motor vehicle is located*** or a justice of the peace or ***a*** deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 16. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.

13. As used in this ~~[subsection,]~~ ***section,*** "peace officer" includes a constable.

Sec. 16.5. The provisions of section 8.6 of this act do not apply to a constable who is in office on July 1, 2013, unless the constable is elected or appointed to a term of office on or after July 1, 2013.

Sec. 17. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 223.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 262, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 639 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

LESLEY COHEN	AARON FORD
JAMES OHRENSCHALL	JUSTIN JONES
MICHELE FIORE	MARK HUTCHISON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA12.

SUMMARY—Revises provisions governing ~~[child custody and visitation.]~~ **the award of attorney's fees in certain domestic relations actions.** (BDR 11-951)

AN ACT relating to ~~[child custody;]~~ **domestic relations; revising the provisions governing the award of attorney's fees in actions for divorce;** authorizing a court to award costs and the reasonable fees of attorneys and experts to a party in certain actions concerning child custody or visitation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in an action for divorce, the court may award a reasonable attorney's fee to either party, if those fees are in issue under the pleadings. (NRS 125.150) Section 1 of this bill provides that in an action for divorce, the court may award a reasonable attorney's fee without the requirement that attorney's fees be in issue under the pleadings.

Existing law provides that in an action to determine the parentage of a child, the court may order that the reasonable fees of counsel, experts and the child's guardian ad litem, and other costs of the action, be paid in such proportions as determined by the court. (NRS ~~[126.171, 126.231) Existing law further provides that in an action for divorce, the court may award a reasonable attorney's fee to either party, if those fees are in issue under the pleadings. (NRS 125.150) This]~~ **126.171) Section 2 of this** bill provides that in an action to determine custody or visitation with respect to a child, the court may order that the reasonable fees of counsel and experts, and other costs of the action, be paid in proportions and at times determined by the court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 125.150 is hereby amended to read as follows:**

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce. ~~[if those fees are in issue under the pleadings.]~~

4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

8. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

9. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the

court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

10. If the court determines that alimony should be awarded pursuant to the provisions of subsection 9:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

11. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

~~[Section 1.]~~ ***Sec. 2.*** Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NRS 125C.180, in an action to determine legal custody, physical custody or visitation with respect to a child, the court may order reasonable fees of counsel and experts and other costs of the proceeding to be paid in proportions and at times determined by the court.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 262.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 378, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 754 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

MARILYN DONDERO LOOP	TICK SEGERBLOM
IRENE BUSTAMANTE ADAMS	RUBEN KIHUEN
WESLEY DUNCAN	
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA19.

AN ACT relating to spendthrift trusts; revising provisions governing self-settled spendthrift trusts; revising provisions governing the transfer of property to a spendthrift trust; revising provisions governing persons who act as a distribution trustee or distribution adviser of a spendthrift trust; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to create a spendthrift trust, which is a trust the terms of which provide that the interest of a beneficiary may not be transferred voluntarily or involuntarily to another person. (NRS 166.020, 166.040) Under existing law, a beneficiary of a spendthrift trust may not transfer his or her interest in the trust and a creditor of the beneficiary may not satisfy the creditor's claim from the beneficiary's interest in the trust. (NRS 166.120) Existing law further authorizes the creation of self-settled spendthrift trusts, which are spendthrift trusts in which the settlor is a beneficiary. Under existing law, a self-settled spendthrift trust may be created only if the trust is irrevocable, does not require any part of the income or principal to be distributed to the settlor and is not be intended to hinder, delay or defraud known creditors. (NRS 166.040)

Section 1.2 of this bill provides that **, under certain circumstances,** a transfer of property to a self-settled spendthrift trust is presumed to be made with actual intent to defraud an obligee named in a family support order and is void if: (1) the transfer is made after the commencement of a domestic relations proceeding; (2) the transfer is made less than 2 years before the commencement of such a proceeding; (3) the transfer is made while the settlor is subject to certain family support orders; or (4) a court order expressly requires the settlor to transfer the property to his or her child, spouse or former spouse, or a domestic partner or former domestic partner, or

for the benefit of such a person. **Section 1.2** further provides that under certain circumstances, a trustee of a self-settled spendthrift trust is required to provide written notice of certain distributions from the trust to an obligee named in a family support order. **Section 3** of this bill provides that the provisions of **section 1.2** apply only to: (1) family support orders issued on or after October 1, 2013; (2) transfers of property to a self-settled spendthrift trust made on or after October 1, 2013; and (3) distributions from a self-settled spendthrift trust made on or after October 1, 2013.

Section 1.5 of this bill enacts provisions governing: (1) the transfer of property owned jointly by spouses or domestic partners to a self-settled spendthrift trust, which apply to a transfer of property occurring on or after October 1, 2013; and (2) the division of a self-settled spendthrift trust established jointly by spouses or domestic partners into two separate spendthrift trusts upon a divorce, an annulment, a legal separation or the termination of a domestic partnership.

Section 1.9 of this bill prohibits the settlor, certain relatives and employees of the settlor, and business entities in which the settlor or certain relatives or employees of the settlor hold certain voting power, from acting as a distribution trustee or a distribution adviser of a self-settled spendthrift trust while the settlor is subject to a family support order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 ~~[and 1.2]~~ **to 1.5, inclusive,** of this act.

Sec. 1.1. ***As used in this chapter, unless the context otherwise requires, the ~~[term "domestic]~~ words and terms defined in sections 1.11 to 1.16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.11. "Distribution adviser" means a person other than a trustee in whose discretion a distribution to the settlor must be approved for that distribution to be in compliance with paragraph (g) of subsection 2 of NRS 166.040, regardless of the title of such person and whether such person is acting in a fiduciary or nonfiduciary capacity.

Sec. 1.12. "Distribution trustee" means a trustee in whose discretion a distribution to the settlor must be approved for that distribution to be in compliance with paragraph (g) of subsection 2 of NRS 166.040.

Sec. 1.13. "Domestic partner" means a person who is in a domestic partnership ~~[that]~~ which is registered pursuant to chapter 122A of NRS and ~~[that]~~ which has not been terminated pursuant to that chapter.

Sec. 1.14. "Jointly owned property" means property transferred to a self-settled spendthrift trust that was owned jointly by spouses or domestic partners at the time of the transfer, regardless of whether such property

was held in joint tenancy, as tenants by the entireties, as tenants in common or as community property, including all investments and reinvestments thereof.

Sec. 1.15. "Order" means an order issued by a court of competent jurisdiction of this State or an order granted by a court of competent jurisdiction outside of this State that is properly domesticated.

Sec. 1.16. "Self-settled spendthrift trust" means a spendthrift trust of which a settlor is a beneficiary.

Sec. 1.2. *1. Notwithstanding any other provision of law [,] and except as otherwise provided in subsection 2, a transfer of property to a self-settled spendthrift trust is presumed to be made with actual intent to defraud each obligee of a domestic relations order, and the transfer is presumed void as to each such obligee, if:*

(a) The transfer is made after the commencement of a domestic relations proceeding;

(b) The transfer is made within the 2 years immediately preceding the commencement of a domestic relations proceeding;

(c) The transfer is made while the settlor is subject to a family support order; or

(d) An order, judgment or decree of a court of competent jurisdiction expressly requires the settlor to transfer the property to his or her child, spouse or former spouse, or domestic partner or former domestic partner, or to a trust for the benefit of such a person.

2. The presumption set forth in subsection 1 does not apply to a self-settled spendthrift trust that is established jointly by spouses or domestic partners and to which the provisions of section 1.5 of this act apply.

3. Regardless of whether a court order restrains a transfer of the property, the presumption set forth in subsection 1 applies to all property of either spouse or domestic partner, unless a court order expressly excludes the application of the presumption to the property.

4. In an action to determine whether a transfer of property is void pursuant to paragraph (a) or (b) of subsection 1, the 2-year limitation period set forth in NRS 166.170 does not commence until a court enters a domestic relations order.

5. An action to determine whether a transfer of property is void pursuant to paragraph (c) of subsection 1 may be brought within the period described in paragraph (a) of subsection 1 of NRS 166.170 or, if the transfer was made while the settlor was delinquent in making payments required under a family support order, within 4 years after the transfer.

6. An action to determine whether a transfer of property is void pursuant to paragraph (d) of subsection 1 may be brought within the period described in paragraph (a) of subsection 1 of NRS 166.170 or, if the

transfer was made in violation of a property transfer order, within 4 years after the transfer.

7. If a transfer described in subsection 1 is determined to be void as to an obligee, the court having jurisdiction to enforce the domestic relations order may enforce the domestic relations order against the transferred property, and any investments or reinvestments thereof, as if such property were owned by the transferring settlor to the extent the court finds that the settlor has no other property or income from which the court may compel satisfaction of the domestic relations order.

8. Regardless of whether the self-settled spendthrift trust or the trustee of the self-settled spendthrift trust is a party to an action resulting in a family support order, the trustee shall, not later than 30 days before making a distribution of the income or principal of the self-settled spendthrift trust to a beneficiary who is a settlor, provide written notice of the distribution to each obligee named in the family support order, if the family support order expressly requires such notice. A written notice required by this subsection must:

(a) State:

(1) The date on which the distribution will be made;

(2) The amount of the distribution; and

(3) The manner in which payment of the distribution will be made.

(b) Unless a written agreement entered into by the obligee who is required to be provided the written notice provides otherwise, be sent by personal delivery, by certified mail, return receipt requested, or by any other delivery service for which a receipt for delivery is obtained to the address provided to the trustee by the obligee required to be provided the written notice.

~~[3.]~~ 9. If, after an obligee named in a family support order provides a copy of the family support order to the trustee and an address to which the written notice required by subsection ~~[2]~~ 8 is to be sent, the trustee makes a distribution of the income or principal of the self-settled spendthrift trust to a beneficiary who is a settlor and who is an obligor named in the family support order without sending the written notice required by subsection ~~[2,]~~ 8, the trustee is personally liable to the obligee for the lesser of:

(a) The amount of such distribution; and

(b) The amount due the obligee pursuant to the family support order,

➥ unless the trustee establishes to the satisfaction of the court having jurisdiction to enforce the family support order that the information required to be provided in the written notice would not have facilitated enforcement of the family support order.

~~[4.]~~ 10. This section does not make any property which was the subject of a transfer determined to be void subject to the enforcement of any debt other than a debt owed under a domestic relations order.

11. As used in this section:

(a) "Child" means a person to whom a settlor of a self-settled spendthrift trust owes a parental duty of support pursuant to:

(1) The laws of this State;

(2) A written agreement to which the settlor is a party; or

(3) The order of a court of competent jurisdiction.

(b) "Distribution" includes, without limitation, a distribution from a self-settled spendthrift trust to a person other than a beneficiary who is a settlor for the benefit of a beneficiary who is a settlor. The term does not include an authorization given by the trustee of a self-settled spendthrift trust for a beneficiary who is a settlor to use an asset of the self-settled spendthrift trust, the title to which remains in the trust, including, without limitation, a residence or vehicle.

(c) "Domestic relations order" means a family support order or a property transfer order.

(d) "Domestic relations proceeding" means a legal proceeding that may result in the issuance of a domestic relations order, including, without limitation, an action for divorce, annulment or separate maintenance pursuant to chapter 125 of NRS or any proceeding related to the termination of a domestic partnership that is registered pursuant to chapter 122A of NRS.

(e) "Family support order" means a judgment, decree or order of a court for the support or maintenance of a child, spouse or former spouse, or domestic partner or former domestic partner.

(f) "Obligee" means:

(1) With respect to a family support order, a child, spouse or former spouse, or domestic partner or former domestic partner to whom, or for whose benefit, a court has ordered the payment of support or maintenance.

(2) With respect to a property transfer order, a child, spouse or former spouse, or domestic partner or former domestic partner to whom, or for whose benefit, a court has ordered one or more property transfers.

(g) "Property transfer order" means an order, judgment or decree of a court which requires the transfer of property to a child, spouse or former spouse, or domestic partner or former domestic partner, or to a trust for the benefit of such a person.

~~[(h) "Self settled spendthrift trust" means a spendthrift trust of which a settlor is a beneficiary.]~~

Sec. 1.3. (Deleted by amendment.)

Sec. 1.5. 1. A transfer of jointly owned property to a spendthrift trust which is made on or after October 1, 2013, is presumed void, unless both spouses or domestic partners, whichever is applicable, jointly transfer the property.

2. Any transfer of jointly owned property to a self-settled spendthrift trust which is made on or after October 1, 2013, is presumed void unless both spouses or domestic partners, whichever is applicable, have signed a written agreement, declaration or transfer document in which each spouse or domestic partner, as applicable, expressly acknowledges that any transfer of such property to a self-settled spendthrift trust waives all property rights in the property being transferred to the self-settled spendthrift trust that are inconsistent with the rights of the spouse or domestic partner as a beneficiary under the terms of the trust agreement. An agreement, declaration or transfer document required by this subsection must meet the standards that govern the actions of persons occupying relations of confidence and trust toward each other and is subject to the following:

(a) Notwithstanding any provision of chapter 162A of NRS to the contrary, a spouse or domestic partner has no authority as an agent of his or her spouse or domestic partner, as applicable, under a power of attorney, to sign a document effectuating a transfer of jointly owned property or a written agreement, declaration or transfer document required by this subsection.

(b) If a guardian has been appointed for a spouse or domestic partner, the guardian may not sign on behalf of the ward a document effectuating a transfer of jointly owned property or a written agreement, declaration or transfer document required by this subsection unless an order of the court having jurisdiction over the guardianship proceeding expressly authorizes the guardian to sign such a document on behalf of the ward.

3. The only property interest of a beneficiary of a valid spendthrift trust is a beneficial interest in the spendthrift trust in accordance with the terms of the trust agreement and subject to the applicable laws of this State governing trusts. A self-settled spendthrift trust is not subject to termination in a domestic relations proceeding except in accordance with the terms of the trust agreement, but it may be divided into two separate trusts to the extent permitted under NRS 163.556.

4. Except as expressly provided otherwise in a trust agreement governing a self-settled spendthrift trust established jointly by spouses or domestic partners, when the settlors are divorced or legally separated, or terminate a domestic partnership, the trustee must divide the joint self-settled spendthrift trust into two separate spendthrift trusts with each

spouse or domestic partner, as applicable, as the settlor of a new spendthrift trust, subject to the following:

(a) Any jointly owned property in which the spouses or domestic partners had equal ownership must be divided equally between the two spendthrift trusts, on a pro rata or non-pro rata basis based on the current fair market value thereof.

(b) Any jointly owned property in which the spouses or domestic partners had unequal ownership must be divided between the two spendthrift trusts in proportion to the contribution of each spouse or domestic partner, on a pro rata or non-pro rata basis based on the current fair market value.

(c) Any trust property that was contributed to the self-settled spendthrift trust as a settlor's separate property, together with all investments and reinvestments thereof, must be allocated to the separate spendthrift trust for that settlor.

(d) The court having jurisdiction over the division of the property of the settlors in the action for divorce, annulment, separate maintenance or termination of domestic partnership has jurisdiction over the division of property between the two spendthrift trusts, but to avoid unintended consequences under federal tax laws, the division of property between the separate spendthrift trusts must be done independently from, and without regard to, the division of nontrust property.

(e) For the purposes of NRS 166.170, each new spendthrift trust must be deemed a continuation of the original trust, and each transfer of property to a new spendthrift trust relates back to the date the property was transferred to the original trust.

(f) The provisions of the new spendthrift trusts must be the same as the terms of the trust agreement of the self-settled spendthrift trust which is being separated, except as otherwise authorized by NRS 163.556. With respect to each new spendthrift trust, unless the former spouse or domestic partner who is not the beneficiary of the new spendthrift trust consents in writing:

(1) The former spouse or former domestic partner who is not the beneficiary of the new spendthrift trust does not have any right, power or benefit with respect to that trust as a beneficiary, trustee, trust protector, agent, adviser or any other right, power or benefit, except to the extent the terms of the trust agreement specifically indicate that any such rights, powers or benefits exist even if the party is no longer the spouse or domestic partner of the settlor; and

(2) The settlor may exercise unilaterally all of the powers reserved or rights given in the original trust agreement to either settlor or to the settlors acting jointly.

Sec. 1.6. (Deleted by amendment.)

Sec. 1.9. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust ~~[, at]~~ ***:***

(a) At least one trustee of a spendthrift trust must be:

~~[(a)]~~ ***(1)*** A natural person who resides and has his or her domicile in this State;

~~[(b)]~~ ***(2)*** A trust company that:

~~[(1)]~~ ***(I)*** Is organized under federal law or under the laws of this State or another state; and

~~[(2)]~~ ***(II)*** Maintains an office in this State for the transaction of business; or

~~[(c)]~~ ***(3)*** A bank that:

~~[(1)]~~ ***(I)*** Is organized under federal law or under the laws of this State or another state;

~~[(2)]~~ ***(II)*** Maintains an office in this State for the transaction of business; and

~~[(3)]~~ ***(III)*** Possesses and exercises trust powers.

(b) At any time ~~***[a settlor is subject to a family support order as defined in]***~~ ***the trustee is required to give notice of a distribution to a settlor pursuant to subsection 8 of section 1.2 of this act:***

(1) The following persons must not act as a distribution trustee or a distribution adviser:

(I) The settlor;

(II) The spouse or domestic partner of the settlor;

(III) Any person related to the settlor by blood, adoption or marriage within the second degree of consanguinity or affinity;

(IV) An employee of the settlor;

(V) A subordinate employee of the settlor or of a business entity in which the settlor is an executive; or

(VI) A business entity in which the settlor, or any person listed in sub-subparagraphs (II) to (V), inclusive, holds at least 30 percent of the total voting power of all interests entitled to vote.

(2) Notwithstanding any provision of the trust agreement, a distribution as defined in section 1.2 of this act must not be made to the settlor unless the distribution is subject to the discretion of a distribution trustee or a distribution adviser who is not prohibited from acting as a distribution trustee or distribution adviser pursuant to subparagraph (1).

(3) The trust is not made void by:

(I) The lack of a distribution trustee or a distribution adviser; or

(II) The appointment or existence of a distribution trustee or a distribution adviser who is unable to act as a distribution trustee or a distribution adviser pursuant to subparagraph (1).

Sec. 2. (Deleted by amendment.)

Sec. 3. The provisions of section 1.2 of this act apply only to:

1. A family support order, as defined in section 1.2 of this act, issued on or after October 1, 2013.

2. A transfer of property to a self-settled spendthrift trust, as defined in section ~~[1.2]~~ **1.16** of this act, made on or after October 1, 2013.

3. A distribution, as defined in section 1.2 of this act, from a self-settled spendthrift trust made on or after October 1, 2013.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 378.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 415, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 706 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

JASON FRIERSON	AARON FORD
OLIVIA DIAZ	JUSTIN JONES
MICHELE FIORE	
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA13.

AN ACT relating to criminal justice; revising provisions governing the crime of burglary; revising provisions governing the crime of vagrancy; authorizing the Advisory Commission on the Administration of Justice to apply for and accept certain money; requiring the Commission to study and report on certain issues; authorizing each county to establish a community court pilot project to provide an alternative to sentencing a person who is

charged with ~~[a misdemeanor;]~~ **certain misdemeanors;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who enters certain structures with the intent to commit grand or petit larceny, assault or battery, any felony or to obtain money by false pretenses is guilty of the crime of burglary. (NRS 205.060) Existing law also provides that a person commits the crime of petit larceny if the person intentionally steals, takes and carries, leads or drives away certain goods or property. (NRS 205.240) **Section 1** of this bill removes the crime of petit larceny from the underlying offenses which constitute burglary if the petit larceny was intended to be committed in a commercial establishment during business hours and the person has not: (1) twice previously been convicted of petit larceny within the previous 7 years; or (2) previously been convicted of a felony.

Existing law prohibits a person from lodging in any building, structure or place without certain permission. (NRS 207.030) **Section 1.5** of this bill further prohibits a person from lodging in such a place if the property is the subject of a notice of default and election to sell or is placed on a registry of vacant, abandoned or foreclosed property, unless the person is the owner, tenant or otherwise entitled to possession of the property.

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) **Section 3** of this bill authorizes the Chair of the Commission to apply for grants and accept grants, bequests, devises, donations and gifts. **Section 8** of this bill requires the Commission to include certain items relating to criminal justice on an agenda for discussion and to issue a report.

Existing law provides that a misdemeanor is punishable by a fine of not more than $1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment. (NRS 193.150) **Section 10** of this bill authorizes each county to establish a community court pilot project within any of its justice courts located in the county to provide an alternative to sentencing a person who is charged with ~~[a misdemeanor.]~~ **certain misdemeanors.** **Section 11** of this bill requires the community court to evaluate each defendant to determine whether services or treatment is likely to assist the defendant to modify behavior or obtain skills that may prevent the defendant from engaging in further criminal activity. The services or treatment that the community court may order the defendant to receive may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or any other services or treatment that the community court deems appropriate. **Section 11** provides that if the

defendant successfully completes all conditions imposed by the community court, the sentence to which the defendant agreed upon with the justice court must not be executed or recorded. If the defendant does not successfully complete the conditions imposed, the case will be transferred back to the justice court, and the sentence must be carried out.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.060 is hereby amended to read as follows:

205.060 1. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:

(a) Two or more times for committing petit larceny within the immediately preceding 7 years; or

(b) Of a felony.

Sec. 1.5. NRS 207.030 is hereby amended to read as follows:

207.030 1. It is unlawful to:

(a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;

(b) Offer or agree to engage in, engage in or aid and abet any act of prostitution;

(c) Be a pimp, panderer or procurer or live in or about houses of prostitution;

(d) Seek admission to a house upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

(e) Keep a place where lost or stolen property is concealed;

(f) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act; ***or***

(g) Lodge in any building, structure or place, whether public or private ~~[, without]~~ ***:***

(1) Where a notice of default and election to sell has been recorded, unless the person is the owner, tenant or entitled to the possession or control thereof;

(2) Which has been placed on a registry of vacant, abandoned or foreclosed property by a local government, unless the person is the owner, tenant or entitled to the possession or control thereof; or

(3) Without the permission of the owner or person entitled to the possession or in control thereof.

2. A person who violates a provision of subsection 1 shall be punished:

(a) For the first violation of paragraph (a), (b) or (c) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a misdemeanor.

(b) For the second violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for not less than 30 days nor more than 6 months and by a fine of not less than $250 nor more than $1,000.

(c) For the third or subsequent violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.

(d) For a violation of any provision of paragraphs (d) to (g), inclusive, of subsection 1, for a misdemeanor.

3. The terms of imprisonment prescribed by subsection 2 must be imposed to run consecutively.

4. A local government may enact an ordinance which regulates the time, place or manner in which a person or group of persons may beg or solicit alms in a public place or place open to the public.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of this section and NRS 176.0121 to 176.0129, inclusive.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to this section and NRS 176.0121 to 176.0129, inclusive.

Sec. 4. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 3 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123, shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:

(a) A review of sentencing for all criminal offenses for which a term of imprisonment of more than 1 year may be imposed.

(b) An evaluation of the current system of parole, including a review of whether the current system should be maintained, amended or abolished.

(c) An evaluation of potential legislation relating to offenders for whom traditional imprisonment is not considered appropriate. In evaluating such potential legislation, the Commission shall consider current practices governing sentencing and release from imprisonment and correctional resources, including, without limitation, the capacities of local and state correctional facilities and institutions.

2. Upon review of the issues pursuant to subsection 1, the Commission shall prepare a comprehensive report including the Commission's

recommended changes, the Commission's findings and any recommendations for proposed legislation. The report must be submitted to the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary not later than June 1, 2014.

Sec. 9. As used in sections 10 and 11 of this act, "community court" means the community court that is established as part of a pilot project pursuant to section 10 of this act.

Sec. 10. 1. Each county may establish a community court pilot project within any of the justice courts located in the county to provide an alternative to sentencing a person who is charged with a misdemeanor **~~[~~.~~]~~ , other than a misdemeanor constituting an act of domestic violence pursuant to NRS 33.018 or a violation of NRS 484C.110 or 484C.120.**

2. Notwithstanding any other provision of law, a defendant charged with a misdemeanor **, other than a misdemeanor constituting an act of domestic violence pursuant to NRS 33.018 or a violation of NRS 484C.110 or 484C.120,** may be transferred to the community court by the justice court if the defendant:

(a) Pleads guilty to the offense;

(b) Has not previously been referred to the community court;

(c) Agrees to comply with the conditions imposed by the community court; and

(d) Agrees to a sentence, including, without limitation, a period of imprisonment in the county jail, which must be carried out if the defendant does not successfully complete the conditions imposed by the community court.

3. When a defendant is transferred to the community court, sentencing must be postponed and, if the defendant successfully completes all conditions imposed by the community court, the sentence of the defendant must not be executed or appear on the record of the defendant. If the defendant does not successfully complete all conditions imposed by the community court, the sentence must be carried out.

4. A defendant who is transferred to the community court remains under the supervision of the community court and must comply with the conditions established by the community court.

5. Each county may collaborate with state and local governmental entities as well as private persons and entities to coordinate and determine the services and treatment that may be offered to defendants who are transferred to the community court.

6. A defendant does not have a right to be referred to the community court pursuant to this section. It is not intended that the establishment or operation of the community court creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of

Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees. The decision by the justice court of whether to refer a defendant to the community court is not subject to appeal.

Sec. 11. 1. The community court shall provide for the evaluation of each defendant transferred to the community court to determine whether services or treatment is likely to assist the defendant to modify his or her behavior or obtain skills which may prevent the defendant from engaging in further criminal activity. Such services or treatment may include, without limitation, treatment for alcohol or substance abuse, health education, treatment for mental health, family counseling, literacy assistance, job training, housing assistance or such other services or treatment as the community court deems appropriate.

2. The community court shall provide or refer a defendant to a provider of such services or treatment. The community court may enter into contracts with persons or private entities that are qualified to evaluate defendants and provide services or treatment to defendants.

3. A defendant who is ordered by the community court to receive services or treatment shall pay for the services or treatment to the extent of his or her financial resources.

4. The justice court shall not refuse to refer a defendant to the community court based on the inability of the defendant to pay any or all of the related costs.

5. The community court shall order a defendant to perform a specified amount of community service in addition to any services or treatment to which the defendant is ordered to receive. Such community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

6. Notwithstanding any other provision of law, if a defendant successfully completes the conditions imposed by the community court, the community court shall so certify to the justice court, and the sentence imposed pursuant to section 10 of this act must not be executed or recorded. If the defendant does not successfully complete the conditions imposed by the community court, the case must be transferred back to the justice court, and the sentence must be carried out.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 415.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 280, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 777 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

JASON FRIERSON	RUBEN KIHUEN
MAGGIE CARLTON	SCOTT HAMMOND
WESLEY DUNCAN	JUSTIN JONES
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA15.

AN ACT relating to common-interest communities; ~~[revising provisions governing an association's lien on a unit;]~~ **authorizing the establishment of an impound account for the payment of assessments under certain circumstances;** revising provisions governing the ~~[payment]~~ **collection** of **past due** financial obligations **owed** to an association; revising provisions governing the foreclosure of an association's lien by sale; requiring an association to provide a statement concerning certain amounts due to the association under certain circumstances; authorizing an association to charge a fee for such a statement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a homeowners' association has a lien on a unit for certain amounts due to the association. ~~[Generally, the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien."]~~ (NRS 116.3116) Existing law authorizes the association to foreclose its lien by sale and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168)

~~[This bill revises provisions governing the association's lien on a unit and the foreclosure of the association's lien. Section 10 of this bill provides that the association does not have a priority lien over the first security interest when the association forecloses its lien and, thus, the foreclosure of the association's lien does not extinguish the first security interest on the unit. However, under section 7 of this bill, if the holder of the first security interest forecloses on a unit, the association has a lien on the unit which is prior to the first security interest. This priority lien consists of the amounts included in the "super-priority lien" under existing law and the costs of collecting the assessments included in the "super-priority lien," unless the federal~~

~~regulations adopted by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Department of Veterans Affairs require a shorter period of priority or prohibit the inclusion of collection costs in the "super-priority lien." Section 7 also limits the amount of the costs of collecting included in the lien upon the foreclosure of the first security interest.~~**]**

Section 7 of this bill authorizes the establishment of an impound account for advance contributions for the payment of assessments. Under **section 8** of this bill, **[**~~the association may not foreclose its lien by sale based on unpaid collection costs. Section 9 of this bill requires that certain notice of the foreclosure of the association's lien be provided by certified or registered mail, return receipt requested, rather than by first-class mail.~~

~~Section 3 of this bill: (1) sets forth the order in which an association must apply a payment made by a unit's owner who is delinquent in the payment of assessments, unless a contract between the association and the unit's owner provides otherwise; and (2) prohibits the association or its agent from refusing to accept a partial payment from a unit's owner or any holder of a first security interest encumbering the interest of the unit's owner because the amount tendered is less than the amount owed.~~**]** **not earlier than 60 days after a unit's owner becomes delinquent on a payment owed to the association and before the association mails a notice of delinquent assessment or takes any other action to collect a past due obligation, the association must mail a notice to the unit's owner setting forth the fees that may be charged if the unit's owner fails to pay the past due obligation, a proposed repayment plan and certain information concerning the procedure for requesting a hearing before the executive board.**

Section 11 of this bill authorizes a unit's owner**, ~~[or]~~** the authorized agent of a unit's owner **or the holder of a security interest on the unit** to request from the association a statement concerning certain amounts owed to the association. Under **section 11**, the association may charge certain fees for such a statement. **Section 11** also revises provisions governing the resale package provided to a prospective purchaser of a unit and authorizes the association to charge a fee for providing in electronic format certain documents related to the resale package.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~[*As used in this section and NRS 116.3116 to 116.31168, inclusive, and section 3 of this act, unless the context otherwise requires, "first security interest" means a first security interest described in paragraph (b) of subsection 2 of NRS 116.3116.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. Unless the parties agree otherwise, the association shall apply any sums paid by a unit's owner who is delinquent in paying assessments in the following order:*~~

~~*(a) Unpaid assessments;*~~

~~*(b) Charges for late payment of assessments;*~~

~~*(c) Costs of collecting past due assessments charged to the unit's owner pursuant to NRS 116.310313; and*~~

~~*(d) All other unpaid fees, charges, fines, penalties, costs of collecting charged to a unit's owner pursuant to NRS 116.310313, interest and late charges.*~~

~~*2. The association or its agent shall not refuse to accept a partial payment from a unit's owner or any holder of a first security interest encumbering the interest of the unit's owner because the amount tendered is less than the amount owed.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 116.1203 is hereby amended to read as follows:~~

~~116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.~~

~~2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.~~

~~3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive,~~ ~~*and sections 2 and 3 of this act*~~ ~~and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.~~**]** **(Deleted by amendment.)**

Sec. 5. ~~[NRS 116.12075 is hereby amended to read as follows:~~

~~116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:~~

~~(a) This entire chapter applies to the condominium;~~

~~(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive,~~ ~~*and sections 2 and 3 of this act*~~ ~~apply to the condominium; or~~

~~(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, *and sections 2 and 3 of this act* apply to the condominium.~~

~~2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:~~

~~(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and~~

~~(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 116.31068 is hereby amended to read as follows:~~

~~116.31068 1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:~~

~~(a) Hand delivery to each unit's owner;~~

~~(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;~~

~~(c) Electronic means, if the unit's owner has given the association an electronic mail address; or~~

~~(d) Any other method reasonably calculated to provide notice to the unit's owner.~~

~~2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.~~

~~3. The provisions of this section do not apply:~~

~~(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive **[**;**]** *, and sections 2 and 3 of this act,* or~~

~~(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.~~**]** **(Deleted by amendment.)**

Sec. 7. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are

enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

~~[~~

~~3.]~~ The ~~[association has a]~~ lien ~~[which]~~ is also prior to all security interests described in paragraph (b) ~~[the first security interest]~~ to the extent of any ~~[:~~

~~(a) Any]~~ charges incurred by the association on a unit pursuant to NRS 116.310312 ~~[;]~~ and to the extent of ~~[~~

~~(b) Except as otherwise provided in this paragraph,]~~ the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. ~~[a trustee's sale or foreclosure sale of the unit to enforce the first security interest and the costs of collecting those assessments which are charged to a unit's owner pursuant to NRS 116.310313.]~~ If federal regulations adopted by the Federal Home Loan Mortgage Corporation ~~[,]~~ or the Federal National Mortgage Association ~~[or the Department of Veterans Affairs]~~ require a shorter period of priority for the lien , ~~[or prohibit the inclusion of costs of collecting in the lien,]~~ the period during which ~~[amount of]~~ the lien ~~[which]~~ is prior to all security interests described in paragraph (b) ~~[the first security interest pursuant to this paragraph]~~ must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does ~~[a trustee's sale or foreclosure sale of the unit to enforce the first security interest. The amount of the costs of collecting~~

~~*included in the lien pursuant to this paragraph must not exceed the amounts set forth in the regulations adopted by the Commission pursuant to NRS 116.310313, except that the amount included in the lien to recover the actual costs charged to the association or a person acting on behalf of the association to collect a past due obligation by a person who is not an officer, director, agent or affiliate of the community manager of the association or of an agent of the association, including, without limitation, the cost of a trustee's sale guarantee and other title costs, recording costs, posting and publishing costs, sale costs, mailing costs, express delivery costs and skip trace fees, must not exceed $500.*~~

~~*4. The provisions of subsections 2 and 3 do]*~~ not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. ~~*[5.]*~~ ***The holder of the ~~[first]~~ security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of ~~[the first]~~ that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.***

~~*[6.]*~~ ***4.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[4.]~~ ~~*[7.]*~~ ***5.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[5.]~~ ~~*[8.]*~~ ***6.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[6.]~~ ~~*[9.]*~~ ***7.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[7.]~~ ~~*[10.]*~~ ***8.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[8.]~~ ~~*[11.]*~~ ***9.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to

116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[9.]~~ ~~*[12.]*~~ ***10.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~[10.]~~ ~~*[13.]*~~ ***11.*** In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 8. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale

has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. ***An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless, not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:***

(a) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(b) A proposed repayment plan; and

(c) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing.

5. The association may not foreclose a lien by sale based on a ~~it~~

~~*(a) The costs of collecting charged to a unit's owner pursuant to NRS 116.310313.*~~

~~*(b) A]*~~ fine or penalty for a violation of the governing documents of the association unless:

(a) ~~*[(1)]*~~ The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) ~~*[(2)]*~~ The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

Sec. 9. NRS 116.311635 is hereby amended to read as follows:

116.311635 1. The association or other person conducting the sale shall also, after the expiration of the 90 days and before selling the unit:

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit's owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by ~~[first class mail]~~ ***certified or registered mail, return receipt requested,*** to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under NRS 116.31163;

(2) The holder of a recorded security interest or the purchaser of the unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

Sec. 10. **[**~~NRS 116.31164 is hereby amended to read as follows:~~

~~116.31164 1. The sale must be conducted in the county in which the common interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.~~

~~2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid~~

~~assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.~~

~~3. After the sale, the person conducting the sale shall:~~

~~(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~(c) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.~~

~~*4. The foreclosure by sale of the association's lien does not extinguish the rights of the holder of the first security interest.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner. ~~[~~The statement remains effective for the period specified in the statement, which must not be less than 15 working days from the date of delivery by the association to the unit's owner or his or her agent. If the association becomes aware of an error in the statement during the period in which the statement is effective but before the consummation of the resale, the association must deliver a replacement

~~statement to the unit's owner or his or her agent and obtain an acknowledgment in writing by the unit's owner or his or her agent before that consummation. Unless the unit's owner or his or her agent receives a replacement statement, the unit's owner or his or her agent may rely upon the accuracy of the information set forth in a statement provided by the association for the resale.~~**]**

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format ~~[at no charge]~~ to the unit's owner **.** ~~[or, if]~~ ***The association may charge the unit's owner a fee, not to exceed $20, to provide such documents in electronic format. If*** the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the purchaser is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner , ~~[or]~~ the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 days after receipt of a written request from ~~[a]~~ the unit's owner , ~~[or]~~ the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the ~~[unit's owner or the authorized agent.]~~ person who requested the statement. The association may charge a fee of not more than $150 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than $100 to furnish a statement of demand within 3 days after receipt of a written request for a statement of demand. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner ~~[or]~~ , the authorized agent of the unit's owner ~~[,]~~ or the holder of a security interest on the unit, whichever is applicable.

8. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the ~~[unit's owner or the authorized agent of the unit's owner]~~ person who requested the statement of demand. Unless the ~~[unit's owner or the authorized agent of the unit's owner]~~ person who requested the statement of demand receives a replacement statement of demand, the ~~[unit's owner or authorized agent]~~ person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 280.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 389, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 749 of the Assembly be concurred in.

IRENE BUSTAMANTE ADAMS	TICK SEGERBLOM
SKIP DALY	RUBEN KIHUEN
IRA HANSEN	SCOTT HAMMOND
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 389.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 283, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 866 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

SKIP DALY	PAT SPEARMAN
TERESA BENITEZ-THOMPSON	DAVID PARKS
IRA HANSEN	PETE GOICOECHEA
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA3.

AN ACT relating to public works; extending the authority for the Department of Transportation to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways through June 30, 2017; amending certain requirements governing contractors involved in public works; amending certain requirements governing bidding for public works when a public body decides to contract with a construction manager at risk; prospectively repealing provisions relating to construction managers at risk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain prime contractors who submit bids for a public work to include with the bid a list that discloses the first tier subcontractors who will perform a certain portion of the work on the public work. (NRS 338.141) **Section 6** of this bill amends the provisions prescribing which subcontractors must be named on the list. **Section 6** also requires the prime contractor to include on the list: (1) a description of the labor or portion of the work that the prime contractor will perform; or (2) a statement that the prime contractor will perform all work other than that being performed by a subcontractor named on the list.

Existing law allows a public body to contract with a construction manager at risk, which is a construction manager who is required to construct a public work within a guaranteed maximum price, a fixed price or a fixed price plus reimbursement for certain costs. (NRS 338.169, 338.1696) **Section 7.5** of this bill limits to two per year the number of public works for which each public body in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) may enter into contracts with a construction manager at risk.

Section 8 of this bill requires a request for proposals for a construction manager at risk to include a list of the selection criteria and the relative weight thereof that will be used to rank applicants for a construction manager at risk.

Existing law requires a proposal for a construction manager at risk to include an explanation of the experience that the applicant has with projects of similar size and scope. **Section 8** specifies that the explanation may include an explanation of experience by any delivery method, regardless of whether that method was the use of a construction manager at risk, and including design-build, design-assist, negotiated work or value-engineered work. **Section 8** also requires the public body or its authorized representative to make available to the public the name of each applicant who submits a proposal for a public work to be performed by a construction manager at risk.

Section 10 of this bill requires a construction manager at risk who has entered into a contract with a public body for services related to construction that are provided before actual construction begins to provide to the public body, before entering into a contract for construction of the public work, a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed a certain percentage of the estimated cost of the public work.

Existing law requires a public body to appoint a panel of at least three persons, with at least two having experience in the construction industry, to rank proposals and interview the top applicants for a public work. (NRS 338.1693) **Section 9** of this bill limits such a panel to seven members and requires that a majority of the panel have experience in the construction industry. **Section 9** also authorizes the public body to appoint another panel, similarly comprised, to interview the top applicants.

Section 11 of this bill provides that if a public work involves predominantly horizontal construction, a construction manager at risk who enters into a contract for the construction of the public work shall perform construction work equal in value to at least 25 percent of the estimated cost of construction himself or herself, or using his or her own employees. **Section 2** of this bill defines the term "horizontal construction."

Sections 12 and 13 of this bill modify requirements governing the procedure that a construction manager at risk is required to use when selecting and contracting with subcontractors.

Under existing law, the Department of Transportation may award a contract for the construction, reconstruction, improvement and maintenance of a highway to a construction manager at risk on or before June 30, 2013. **Sections 5 and 5.3** of this bill authorize the Department to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways through June 30, 2017. **Section 5** also specifies the circumstances under which the provisions of chapter 338 of NRS apply to such contracts.

Section 14.3 of this bill requires the Department to conduct a study on the benefits to this State of entering into contracts with construction managers at risk for the construction, reconstruction, improvement or maintenance of highways and to submit that report on or before January 31, 2017, for transmittal to the 79th Session of the Legislature. **Section 14.5** of this bill requires each public body to submit annually, to the Legislature or the Legislative Commission, a report on each public work for which the public body enters into a contract with a construction manager at risk. The report must include a description of the public work, the name of the construction manager at risk and a report on the progress of the public work or, if the public work has been completed, an explanation of whether the public body is satisfied with the public work and with the contractual arrangement with the construction manager at risk.

Section 14.7 of this bill repeals all of the provisions relating to construction managers at risk effective July 1, 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that the provisions of this section and NRS 338.169 to 338.16995, inclusive, relating to contracts involving construction managers at risk, are intended:

1. To promote public confidence and trust in the contracting and bidding procedures for public works established therein;

2. For the benefit of the public, to promote the philosophy of obtaining the best possible value as compared to low-bid contracting; and

3. To better equip public bodies to address public works that present unique and complex construction challenges.

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ***"Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.***

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[13.]~~ ***14.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[14.]~~ ***15.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[15.]~~ ***16.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[16.]~~ ***17.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[17.]~~ ***18.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[18.]~~ ***19.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[19.]~~ ***20.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[20.]~~ ***21.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[21.]~~ ***22.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

~~[22.]~~ ***24.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[23.]~~ ***25.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.3. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ~~[~~"Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

13.~~]~~ "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[~~14.~~]~~ ***13.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[~~15.~~]~~ ***14.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[16.]~~ ***15.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[17.]~~ ***16.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[18.]~~ ***17.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[19.]~~ ***18.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[20.]~~ ***19.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[21.]~~ ***20.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[22.]~~ ***21.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.~~

~~24.]~~ ***22.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[25.]~~ ***23.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.5. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, ~~[subsection 3 of NRS 338.1693,]~~ subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages only as provided in subsections 5 and 6.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-

build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, liquidated damages as described in subsection 6 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor or supplier and each contract between a subcontractor and a subcontractor or supplier must provide that:

(a) If a party to the contract causes a material breach of the contract between the contractor, applicant or design-build team and the public body as a result of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, the party is liable to the public body for liquidated damages in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that causes the material breach; and

(c) No other party to the contract is liable to the public body for liquidated damages.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a

preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Sec. 3. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 3.5. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[17]~~ ***16*** of NRS 338.010.

Sec. 4. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[16]~~ ***17*** of NRS 338.010.

Sec. 4.5. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~[17]~~ ***16*** of NRS 338.010.

Sec. 5. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16995, inclusive ~~[;]~~ ***, and section 1 of this act;*** or

(d) NRS 338.1711 to 338.173, inclusive.

2. ***Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of***

Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ~~[, 338.169 to 338.16995, inclusive,]~~ and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

Sec. 5.3. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive; ***or***

(c) ~~[NRS 338.169 to 338.16995, inclusive, and section 1 of this act; or (d)]~~ NRS 338.1711 to 338.173, inclusive.

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

Sec. 5.5. NRS 338.1381 is hereby amended to read as follows:

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ~~[or 338.16991]~~ or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as

applicable, files a written request for a hearing with the Division or the local government, the State Public Works Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

(a) Administer oaths;

(b) Take testimony;

(c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;

(d) Require the production of related books, papers and documents; and

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Sec. 5.7. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is

printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; ***or***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435 **. [**~~; or~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.~~**]**

Sec. 6. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 **, [**~~or~~**]** paragraph (a) of subsection 1 of NRS 338.143 ***or NRS 408.327*** applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing ~~[the]~~ ***:***

(1) The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding ***$250,000.***

(2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding $250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or $50,000, whichever is greater ***.*** ~~[, and]~~

(3) For each first tier subcontractor whose name is listed pursuant to subparagraph (1) or (2), the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) or (b) of subsection 1 ***.*** ~~[if, as the prime contractor,]~~ ***If*** the prime contractor will perform any ~~[of the]~~ work ~~[required to be]~~ ***which is more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor*** listed pursuant to paragraph (a) or (b) of subsection 1 ~~[.]~~ ***, the prime contractor shall also include on the list:***

(a) A description of the labor or portion of the work that the prime contractor will perform; or

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor **,** ~~[indicated pursuant to subsection 3 that he or she would perform a portion of work on the public work and,]~~ after the submission of the bid, substitutes a subcontractor to perform ~~[such work,]~~ ***the work indicated pursuant to subsection 3 that the prime contractor would perform,*** the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 6.5. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the

authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; ***or***

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435 **.** ~~[~~**,** ~~or~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.~~**]**

Sec. 7. (Deleted by amendment.)

Sec. 7.5. NRS 338.169 is hereby amended to read as follows:

338.169 ~~[~~A~~]~~

1. Subject to the provisions of subsection 2, a public body may construct a public work by:

~~[~~1.~~]~~ ***(a)*** Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and

~~[~~2.~~]~~ ***(b)*** Entering into separate contracts with a construction manager at risk:

~~[~~(a)~~]~~ ***(1)*** For preconstruction services, including, without limitation:

~~[~~(1)~~]~~ ***(I)*** Assisting the public body in determining whether scheduling or constructability problems exist that would delay the construction of the public work;

~~[~~(2)~~]~~ ***(II)*** Estimating the cost of the labor and material for the public work; and

~~[~~(3)~~]~~ ***(III)*** Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

~~[~~(b)~~]~~ ***(2)*** To construct the public work.

2. A public body in a county whose population is less than 100,000 may enter into contracts with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for the construction of not more than two public works in a calendar year that are discrete projects.

Sec. 8. NRS 338.1692 is hereby amended to read as follows:

338.1692 1. A public body or its authorized representative shall advertise for proposals for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which proposals must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a proposal;

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work;

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to ~~[evaluate]~~ ***rank*** proposals ~~[,]~~ ***pursuant to subsection 2 of NRS 338.1693;***

(i) A list of the selection criteria and relative weight of the selection criteria that will be used to rank applicants pursuant to subsection 7 of NRS 338.1693; and

~~[(i)]~~ ***(j)*** A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including, without limitation, the terms and general conditions of the contract, is available from the public body.

3. A proposal must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors ~~[,]~~ ***by any delivery method, whether or not that method was the use of a construction manager at risk, and*** including, without limitation, ~~[an explanation of the~~

~~experience that the applicant has in assisting in the design of such projects~~] ***design-build, design-assist, negotiated work or value-engineered work,*** and an explanation of the experience that the applicant has in such projects in Nevada;

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(d) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

(f) The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;

(g) The safety programs established and the safety records accumulated by the applicant;

(h) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS;

(i) The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work [~~.~~] and ***which includes, if the public work involves predominantly horizontal construction, a statement that the applicant will perform construction work equal in value to at least 25 percent of the estimated cost of construction; and***

(j) If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 9. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three ***but not more than seven*** members, [~~at least two~~] ***a majority*** of whom must have experience in the

construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel ***appointed pursuant to subsection 1*** shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel ***appointed pursuant to subsection 1*** shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel ***appointed pursuant to subsection 1*** ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection ~~[5,]~~ ***8,*** select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the ~~[public body or its authorized representative]~~ ***panel conducting the interview*** may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. ***All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.***

7. After conducting such interviews, the panel ***that conducted the interviews*** shall rank the applicants by using a ranking process that is separate from the process used to rank ~~[proposals]~~ ***the applicants*** pursuant to

subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.

~~[5.]~~ ***When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.***

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

~~[6.]~~ ***9.*** Upon receipt of the final rankings of the applicants from the panel ~~[,]~~ ***that conducted the interviews,*** the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to ~~[subsections 2, 3 and 4]~~ ***the provisions of this section*** for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

~~[7.]~~ ***10.*** The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants ***, as determined by the panel that conducted the interviews,*** and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 10. NRS 338.1696 is hereby amended to read as follows:

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, after the public body has finalized the design for the public work, or any portion thereof sufficient to determine the provable cost of that portion, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work or the portion thereof for the public body for:

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work or portion thereof.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work or portion thereof, the public body shall terminate negotiations with that applicant and:

(a) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive; and

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

3. Before entering into a contract with the public body to construct a public work or a portion thereof pursuant to subsection 1, the construction manager at risk shall:

(a) Provide the public body with a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work; and

(b) Select each subcontractor who is to provide labor or a portion of the work which is estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work in accordance with NRS 338.16991 and 338.16995 and provide the names of each selected subcontractor to the public body.

4. Except as otherwise provided in subsection 13 of NRS 338.16995, a public body shall not interfere with the right of the construction manager at risk to select the subcontractor whom the construction manager at risk determines to have submitted the best proposal pursuant to NRS 338.16995.

Sec. 11. NRS 338.16985 is hereby amended to read as follows:

338.16985 A construction manager at risk who enters into a contract for the construction of a public work pursuant to NRS 338.1696:

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves ~~[the]~~ ***predominantly horizontal*** construction **,** ~~[of a fixed work that is described in subsection 2 of NRS 624.215,]~~ shall perform ~~[not less than 25]~~ ***construction work equal in value to at least 25*** percent of the ***estimated cost of*** construction ~~[of the fixed work]~~ himself or herself **,** or using his or her own employees.

3. If the public work involves ~~[the]~~ ***predominantly vertical*** construction **,** ~~[of a building or structure that is described in subsection 3 of NRS 624.215,]~~ may perform himself or herself or using his or her own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that the construction manager at risk or his or her own employees have performed on similar projects.

Sec. 12. NRS 338.16991 is hereby amended to read as follows:

338.16991 1. To be eligible to provide labor, materials or equipment on a public work, the contract for which a public body has entered into with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Qualified pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.

2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph (b) of subsection 1.

3. ***Not earlier than 30 days after a construction manager at risk has been selected pursuant to NRS 338.1693*** ~~[~~After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to apply to qualify to submit a meaningful and responsive proposal for the provision of labor, materials or equipment on the public work~~]~~ and not later than ~~[21]~~ ***10 working*** days before the date by which ~~[such]~~ an application must be submitted, the construction manager at risk shall advertise for ~~[such]~~ applications ***from subcontractors*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed

in the State of Nevada and has a general circulation in the county. ***The construction manager at risk may accept an application from a subcontractor before advertising for applications pursuant to this subsection.***

4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment must include, and must be limited to:

(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;

(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;

(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;

(d) The safety programs established and the safety records accumulated by the applicant;

(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;

(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;

(h) The principal personnel of the applicant;

(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and

(j) The truthfulness and completeness of the application.

5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.

6. The construction manager at risk shall notify each applicant and the public body in writing of a determination made pursuant to subsection 2.

7. A determination made pursuant to subsection 2 that an applicant is not qualified may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.

Sec. 13. NRS 338.16995 is hereby amended to read as follows:

338.16995 1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS 338.1696, the construction manager at risk may enter into a subcontract

for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work ~~[.]~~ ***or $50,000, whichever is greater.***

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to NRS 338.16991 to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) ~~[The]~~ ***If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is to be held, the*** date, time and place at which ~~[a]~~ ***the*** preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;

2. The proposal must be timely received;

3. ~~[The]~~ ***If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is held, the*** subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body **.** ~~[and]~~ ***The public body may require*** the architect or engineer responsible for the design of the public work ~~[but]~~ ***to attend the opening of the proposals. The opening of the proposals*** is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal **.** ~~[and the price of the proposal submitted by the subcontractor. The list must be made available to the public upon request.]~~

9. Not ~~[less]~~ ***more*** than 10 working days after opening the proposals ~~[,]~~ ***and before the construction manager at risk submits a guaranteed maximum price, a fixed price or a fixed price plus reimbursement pursuant to NRS 338.1696,*** the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. ***Subject to the provisions of subparagraphs (1), (2) and (3), if only one subcontractor submits a proposal, the construction manager at risk may select that subcontractor.*** The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting ~~[;]~~ ***regarding the scope of the work to be performed by the subcontractor, if such a preproposal meeting was held;***

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to

the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 13 ~~[.]~~ ***and 15,*** the construction manager at risk shall enter into a subcontract with a subcontractor selected pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. ***If a construction manager at risk substitutes a subcontractor for any subcontractor selected pursuant to subsection 9 without complying with the provisions of subsection 13, the construction manager at risk shall forfeit, as a penalty to the public body, an amount equal to 1 percent of the total amount of the contract.***

15. If a construction manager at risk does not select a subcontractor pursuant to subsection 9 to perform a portion of work on a public work, the construction manager at risk shall notify the public body that the construction manager at risk intends to perform that portion of work. If, after providing such notification, the construction manager at risk substitutes a subcontractor to perform the work, the construction manager at risk shall forfeit, as a penalty to the public body, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the construction manager at risk selected himself or herself to perform on the public work.

16. The construction manager at risk shall make available to the public ~~[, including, without limitation,]~~ ***the name of*** each subcontractor who submits a proposal ***.*** ~~[, the final rankings of the subcontractors and shall provide, upon request, an explanation to any subcontractor who is not selected of the reasons why the subcontractor was not selected.]~~

~~[15.]~~ ***17.*** If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

18. As used in this section, "general terms" has the meaning ascribed to it in NRS 338.141.

Sec. 13.5. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[338.16995,]~~ ***338.168,*** inclusive, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 14. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[12]~~ ***13*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 14.1. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to

otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[13]~~ ***12*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 14.3. The Department of Transportation shall:

1. Conduct a study on the benefits to this State of entering into contracts with construction managers at risk pursuant to NRS 338.169 to 338.16995, inclusive, for the construction, reconstruction, improvement or maintenance of highways; and

2. On or before January 31, 2017, submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 14.5. 1. On or before January 1 of each year, each public body that enters into a contract during the immediately preceding year with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for preconstruction services for or to construct a public work shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission if the report is submitted during an odd-numbered year.

2. The report required by subsection 1 must include, for each public work for which the public body enters into a contract with a construction manager at risk:

(a) A description of the public work;

(b) The name of the construction manager at risk;

(c) If the public work has not been completed at the time the report is submitted, a report on the progress of the public work; and

(d) If the public work has been completed at the time the report is submitted, an explanation of whether the public body is satisfied with the public work and with the contractual arrangement with the construction manager at risk.

3. As used in this section:

(a) "Public body" has the meaning ascribed to it in subsection 16 of NRS 338.010, as amended by section 2 of this act.

(b) "Public work" has the meaning ascribed to it in subsection 17 of NRS 338.010, as amended by section 2 of this act.

Sec. 14.7. NRS 338.169, 338.1691, 338.1692, 338.1693, 338.16935, 338.1696, 338.1697, 338.1698, 338.16985, 338.16991 and 338.16995 are hereby repealed.

Sec. 15. 1. This section and sections 1, 2, 3, 4, 5, 6, 7.5 to 13, inclusive, 14, 14.3 and 14.5 of this act become effective on July 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2017.

3. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of this act become effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

338.169 Public body authorized to construct public work by selecting and entering into contracts with construction manager at risk.

338.1691 Qualifications for construction manager at risk.

338.1692 Advertising for proposals for construction manager at risk; contents of request for proposals; requirements for proposals.

338.1693 Procedure for selection of most qualified applicants; minimum number of proposals required; negotiation of contract for preconstruction services; availability of certain information to applicants and public.

338.16935 Contract between construction manager at risk and subcontractor for certain preconstruction services.

338.1696 Negotiation of contract for construction of public work or portion thereof with construction manager at risk; awarding of contract if public body unable to negotiate satisfactory contract with construction manager at risk.

338.1697 Authorized provision in contract with construction manager at risk for construction of public work or portion thereof for guaranteed maximum price.

338.1698 Required and authorized provisions in contract for construction of public work or portion thereof awarded to construction manager at risk.

338.16985 Duties and powers of construction manager at risk who enters into contract for construction of public work or portion thereof.

338.16991 Contract between construction manager at risk and subcontractor to provide labor, materials or equipment on project: Eligibility; procedure for determination of qualification of subcontractor to submit proposal.

338.16995 Contract between construction manager at risk and subcontractor to provide labor, materials or equipment on project: Authority to enter into; procedure for awarding subcontracts of certain estimated value; substitution of subcontractor on such subcontracts; availability of certain information to applicants and public.

Assemblywoman Benitez-Thompson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 283.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 320 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblymen Bobzien, Hansen, Duncan, Carlton, Fiore, and Madam Speaker.

ASSEMBLYMAN BOBZIEN:

Senate Bill 123 requires certain electric utilities to file with the Public Utilities Commission of Nevada (PUCN) a comprehensive plan for emissions reductions from coal-fired electric generating plants and for the replacement of such plants with increased capacity from renewable energy facilities and other electric generating plants. The measure prescribes the minimum requirements of such plans, including the retirement or elimination of not less than 800 megawatts of coal-fired electric generating capacity on or before December 31, 2019; the construction or acquisition of, or contracting for, 350 megawatts of electric generating capacity from renewable energy facilities; and the construction or acquisition of 550 megawatts of electric capacity from other electric generating plants.

The measure provides for the recovery of certain costs incurred by an electric utility in carrying out an emissions reduction and capacity replacement plan. The bill prescribes the powers and duties of the Division of Environmental Protection of the State Department of Conservation and Natural Resources with respect to such a plan.

If the PUCN deems inadequate any portion of a utility's emissions reduction and capacity plan or an amendment to the plan, the PUCN may recommend a modification to the plan or amendment, and the utility may accept the modification or withdraw the proposed plan or amendment. The PUCN is required after a hearing to review and accept or modify such a plan. Finally, the bill requires that any order issued by the PUCN accepting an element of such a plan must authorize a utility to construct or acquire and own electric generating plants necessary to implement it.

The goal of this bill is to provide a means for replacing company-owned, retired coal-fired capacity with 550 megawatts of company-owned generating capacity. The Commission will determine when and how that happens through an emissions reduction capacity replacement plan. However, the bill does not replace the integrated resource plan (IRP) in process. The Commission will continue to supervise long-term resource planning and address other existing customer needs such as those met by existing contracts through that process. Number one, it addresses concerns raised by the PUCN and the independent power producers. The legislation should be construed to recognize that the Commission will use the IRP process to address existing capacity and energy needs such as those met by existing contracts. This means that the Commission has the authority to extend existing power purchase agreements to meet the need that they currently satisfy. When the Commission finds there is a need to replace existing coal-fired generating capacity that will be retired or that there is a need for new capacity, for instance to meet growth, then the Commission should authorize the company to acquire or construct and own the first 550 megawatts of capacity to replace company-owned generation retired by the plan.

Coal-fired power plants have long polluted our state and threatened the health of thousands of Nevadans. This session we are making the choice to move our state forward by moving away

from this form of production of energy. Nevada has a bright future with clean energy production and the finding of solutions for climate change. I urge passage.

ASSEMBLYMAN HANSEN:

Like you, I'd like to go home, too, but I think we need to really take a little bit of time and think about Senate Bill 123. I rise in opposition to it. As far as the policy of getting away from coal-powered plants, I have no problem, and I think everybody would agree that that's a good and noble thing.

I have to admit I've been highly disappointed in the whole dealings on S.B. 123, because this, if anything, should have been a very bipartisan effort. Normally, most of us are highly skeptical of big, giant corporations. Even in the free market, we recognize there is a need for regulation. In this case we are dealing with one of the biggest monopolies in the entire Western United States, yet we are moving away from regulation with this bill. In effect, the people don't have a lobbyist on this. I have to tell you that my involvement in this came about because some people came to me from the Consumer Protection Division and said, "Ira, we are desperate. We don't have anybody who is listening to us on this. We didn't get a fair hearing in the Senate." They wanted me to get involved in it, so I said, "Okay," and they had me get in touch with them and some staff members of the PUCN. From that, I drafted some amendments that we tried to introduce in Commerce and Labor, all of which were rejected.

It's been really fascinating to me to see this reaction, because what we have done is stripped the PUCN, by their own admission—their own staff people coming to our committee—of some absolutely vital things that we need to give to them to protect the consumer from this giant monopoly. So it is really strange that in this case, we are not having that kind of support. In effect, the 42 people here are the lobbyists for the people. There is nobody here defending the average ratepayer in the state. It is not happening. So when those amendments came up and I proposed them at the committee, I thought, frankly, we would get some support because we are moving in the wrong direction. We are taking away things that the PUCN staff wanted to have in the law. And why would they move away, and why were they intimidated? Well, frankly—and with your permission, Madam Speaker—I just want to comment on something that United States Senator Reid said after two PUCN staffers had testified in the neutral position in front of Commerce and Labor. This was the reaction from a United States Senator: "They raised hell here,"—talking about here in the Legislature—"because it was taking away their power. Well, I think we need to take power away from this little bureaucracy." That has a very, very chilling effect on people that we need to come here—staff people—and tell us the pros and cons of a piece of legislation like this. And I can tell you when we had our hearing on Sunday, one of those people was supposed to come and tell the technical parts of the amendment, and when I called him Sunday morning to make sure he was going to be there, he told me he'd been told not to come to the hearing. I was amazed by that. He was actually intimidated just to show up and testify on that. I don't know exactly who is running the show and telling these people they can't even show up to our hearings, but we need those people desperately to help us make these kinds of decisions.

If S.B. 123 is as good as everybody is pretending that it is, it should have been able to stand on its own merits. We should have had open, free, and fair discussions on these things. This thing has been ramrodded through the Senate, and I've been trying to hold it up and let everybody have a fair shake on this thing in our house. I've been getting pounded on it, as I suspect you have, too. But again, who has been lobbying on behalf of the consumer? We are talking about spending over $1 billion of other people's money, and the one agency between a giant monopoly and the ratepayer are the persons that in this bill we are basically taking some key powers away from. So I just don't understand it. This, to me, should have been a bipartisan effort. Some of you won't even shop at Walmart because you recognize the kind of threat that those big corporations have, yet here we are going to turn to Warren Buffet. And by the way, how many of you got a personal call from Warren Buffet? The chairman of the Senate Commerce and Labor Committee got a personal call from Warren Buffet. That, to me, is very

peculiar. Does that have any impact on this legislation? I would have to say it is hard for me to believe that it doesn't.

I am sorry if I seem to be rambling a little bit, but I'm honestly baffled. For once, I would think the Democrats and Republicans would recognize that we need serious regulation over a giant monopoly like this that's going to be doing some billion dollar business, and instead we are actually removing their power. I would like to urge this body to vote no on S.B. 123. All of the stuff with the coal power plants can be done now through regulation by the PUCN. The process is already in place for that sort of thing. I don't understand why we have to have the Legislature do this sort of a thing this late in the session and try to ramrod it through with a minimum amount of hearings and keep staff people away from our hearings so that we can't get the facts and try to make a good decision. Now I understand there is going to be an interim committee. I support that concept, but the interim committee, simply made up of legislators who meet part time, won't have the same knowledge or impact or ability to really judge the facts like the PUCN does. So between the Consumer Advocate's Office and the Public Utilities Commission, we should be giving these people more authority, certainly not restricting it, which is what this bill does.

So with that, Madam Speaker, I want to wind it up. Thank you for allowing me to have my say tonight. Please consider the needs of the consumer tonight and side with them. If we are going to make a mistake, let's make a mistake on the side of protecting the consumer, not on the side of protecting a giant monopoly.

ASSEMBLYMAN DUNCAN:

I rise in opposition to Senate Bill 123. I do so with my constituents in mind this evening. I do so with many of the elderly that I have living on Social Security, on fixed incomes, and thinking about what might be the possible ramifications of this bill in the future. I'll tell you that I, too, had some concerns, like my colleague from Sparks, that some of the amendments were not adopted. I know that there was a more robust discussion on our side of the house. There wasn't that much of a robust discussion on the Senate side. I know that definitely there were some consumer protections that I wish would have gone into the bill. I'll tell you that the ratepayers are going to be on the hook, according to the bill, for the cost of constructing new plants, underdepreciating and decommissioning costs for closing coal plants, and the stockpiles of coal. I also look at the context of the volatility of natural gas prices. Over the last ten years, according to the Department of Energy, natural gas prices have been anywhere from $2 per million BTUs all the way to $14. As other states continue to go towards more green energy and those things, there is going to be a higher demand. We also don't know what the federal government will do with fracking and all of those things as well. So I think we could see a rise in natural gas prices, and I do believe while it's a great policy goal to continue to have cleaner energy, I think one of the things we need to keep in mind is to have some diversity in that portfolio to try to cushion the ratepayers from some of these exorbitant costs.

One of the other things that I think about, too, is Nevada struggling to try to be extremely business friendly. Energy is one of those things that matters a lot when businesses take into account where they are going to relocate. Colorado had a similar plan that went through. It was estimated that their costs would only go up about the same amount that we are being told by Nevada Energy. Their costs have actually skyrocketed to a rise between 11 percent and 50 percent when they were told it would be about 2 percent. Ratepayers pay between $5 billion and $22 billion more cumulatively over the 2011 to 2020 period. It was a study by Bestec and Winling who did economic modeling there. So I just rise and have some concerns. As a policy, I know we want to continue to move towards clean energy. I just would have liked to see a little bit more prudence than that. So with my constituents in mind, I rise in opposition and I urge this body to do so as well.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 123. I just wanted to put a couple of things on the record and would like to clarify and hope that my colleague from Assembly District 32 wasn't trying to attribute any motive to anything that happened with Senate Bill 123, because I believe that that would be totally inappropriate to put words in other legislators' mouths as to what actually transpired with Senate Bill 123. To characterize it as a ramrod I believe is inaccurate. We didn't get the bill until day 113. Here we are on day 120 discussing the bill. The whole session, this bill has been a topic of discussion in many of its iterations. Let's clarify a couple of other things. The PUCN has a balanced interest. They are here to protect the consumer and the shareholders. This is a balancing act because it is a monopoly. The Consumer Advocate has another position in this issue to protect the public, but they have limited ways of doing that because of the way we define public interest. So we have to make sure we understand that. The PUCN testified neutral; the Consumer Advocate testified against.

In 1999 and 2001, there were numerous proposals to deregulate electricity, because we realized the electrical scheme in this state needed to be modernized. At that time total deregulation would have been unsound for Nevada. Right after that, we experienced the ENRON problems. Nevada was thrown into a tizzy because our constituents did not have the energy that they needed and NV Energy at the time had to go out onto the spot market and buy very, very expensive energy. We were put in a terrible position.

Let's think about where energy is going in the future. Our nuclear plants that are around this side of the country are not going to be around forever, and many of them have gone past their decommission date. One of these days, they are not going to be generating electricity anymore. The state to the west will be gobbling up electricity, and we will have to be prepared to take care of our constituents and our seniors to make sure electricity is available when they flip on the switch and that it is at a good, reasonable, regulated price. If anyone thinks the price of coal is not going to go up, everything goes up. Coal is going to be expensive and natural gas is going to be expensive. We have to be able to move forward, and we have to be able to modernize. Now, this may sound quite ironic this evening, because here you have one of the liberal Democrats arguing for modernization and adjusting regulation and you have some of our more conservative friends arguing for regulation. So I find it kind of an irony this evening. But after 12 years of looking at energy and where it is going, we need to do something and we need to move forward. We can't stand still. We are going to grow. It takes two to three years to get something online for us. We can't wait until the day that our constituents are suffering from brownouts to be able to address this problem. We have to be proactive, and we have to give all of the regulators all of the tools that they need to be able to accomplish this. I'm not totally comfortable with Senate Bill 123, but it is a good step in the right direction and we have oversight built into Assembly Bill 428, which gives me a much greater level of comfort in this and knowing that this is going to be a two-to three-year process. And this is our company. It's been in Nevada for over a hundred years. These are Nevadans, and this is what it is all about—taking care of Nevadans. So I would hope that you would support Senate Bill 123.

ASSEMBLYWOMAN FIORE:

I rise in opposition of the bill. I thought about this long and hard and met with the people behind the bill. As I listen to my colleague from Assembly District 32 and my colleague from Assembly District 37, we are the lobbyists for our constituents. And sometimes my colleague from Assembly District 32 says things, but sometimes the truth hurts.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker, for allowing me to rise for a second time. I have appreciated all the debate on this issue. It has been spirited, it has been very robust, and the conversations with the regulators, with the staff, with the interests, with the opposition about this bill have been very, very full. I think any insinuation that this debate has not been as full as it has been besmirches the work that we do here in this Legislature. We all represent our constituents. I,

myself, am concerned about the health impacts of coal, about the possible future costs of coal power that will hit us in the future under federal regulatory changes that might happen. This is planning. This is getting ready for the future. This is what's right for our environment, for the health of all Nevadans, and for our economy. I urge passage.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I will just take a personal point here, myself. I'm probably the biggest critic, and I care the most in my district about my seniors who have to endure the energy costs, and I have for years. Do I think this is perfect legislation? No. Do I think there are some real precautionary pieces in there until 2018, which is section 11 of the bill? Absolutely. I think there are some real points with the mitigation to ensure that the rates do not go over 5 percent. Do I think this is the last time that energy is going to be discussed in this building? No way. I'm just thankful that more of you are interested in it, because when I started, there were about three of us. So I think it is great that people are willing to have the debate, have the discussion, learn the details, and understand the pluses and the minuses of it.

Do I think by having the energy oversight committee and having a statutory committee for the long term is the direction we have to go? Absolutely, because now it is one of our seven sectors that we focus on. Most of you have heard me say that we either have to get into the energy business or get out of the energy business. I don't think this is going away, and I don't think what happens tomorrow is going to change. What I will tell you is what no one has talked about here. There is a rate case that comes before the PUCN which gives oversight, which will be coming. There are also regulations that must be adopted, and my good colleague from District 32—he and I go through everything with a fine toothed comb. So I do think that between now and the time that we get back, there will be a big focus on it. We should have a focus on it because it is one of the seven sectors of our state that we picked because folks said that is the direction we must go. I don't think anyone should feel that having the discussion is terrible. I think everybody should stay on it. It's easy to say in these Chambers, but when you go home in 30 days, still stay on it, because that is when people forget. I would just say to vote your conscience and do what you think is best for the state. I thank all of you for wanting to have the discussion on an important piece of what makes our state go.

Roll call on Senate Bill No. 123:

YEAS—31.

NAYS—Duncan, Ellison, Fiore, Grady, Hansen, Hardy, Kirner, Livermore, Stewart, Wheeler—10.

EXCUSED—Pierce.

Senate Bill No. 123 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 473, 488, 491, 502, 505, 507, 509, 511.

Also, it is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 288, Amendments Nos. 671, 949; Assembly Bill No. 428, Amendment No. 966, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Parks, Spearman and Goicoechea as a Conference Committee concerning Assembly Bill No. 139.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 504.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 900 to Senate Bill No. 467.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 697 to Senate Bill No. 508.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 176, 280, 389, 450.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 228.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 504.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 983.

AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for **[**~~those~~**]** **certain** grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the

State Board of Education for the next quarter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction, on or before August 1, November 1, February 1 and May 1 of each year, to apportion the State Distributive School Account in the State General Fund among the 17 county school districts in amounts approximating one-fourth of their respective yearly apportionments. (NRS 387.124) **Section 1** of this bill requires the board of trustees of each school district to report to the Department of Education on those same dates: (1) the average daily attendance of pupils and the ratio of pupils per licensed teacher for ~~[kindergarten and]~~ grades 1, 2 and 3; or (2) if the school district has an alternative class-size reduction plan approved by the State Board of Education, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades in elementary school that are required to comply with the alternative class-size reduction plan. **Section 1** also requires each school district to post the information reported to the Department on the school district's Internet website as well as information concerning any variances from the prescribed pupil-teacher ratios granted by the State Board for an elementary school within the school district.

Existing law provides that the ratio of pupils per licensed teacher in kindergarten and grades 1, 2 and 3 must not exceed 15 to 1. (NRS 388.700) In lieu of complying with these pupil-teacher ratios, a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) may request approval from the State Board for a plan to reduce pupil-teacher ratios: (1) in grades 1, 2 and 3, not to exceed 22 to 1; and (2) in grades 4 and 5 or grades 4, 5 and 6, as applicable for the elementary school, not to exceed 25 to 1. (NRS 388.720) During previous sessions, the Legislature has, within the limits of available funding, appropriated money for class-size reduction in amounts that authorized pupil-teacher ratios which were higher than the statutorily prescribed ratios. **Section 2** of this bill statutorily increases the prescribed ratios: (1) for kindergarten and grades 1 and 2, to 16 to 1; and (2) for grade 3, to 18 to 1. In addition, **section 2** requires a school district that exceeds the ratios statutorily prescribed in any quarter of a school year to request a variance for the next quarter from the State Board. **Section 2** further requires the State Board to provide a quarterly report to the Interim Finance Committee on each variance requested by a school district during the preceding quarter and, if a variance was granted, the specific justification for the variance. Finally, **section 2** provides that for purposes of determining compliance with the pupil-teacher ratios, a school district must not include the count of any teachers who teach one or two specific subject areas to more than one classroom of pupils.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before August 1, November 1, February 1 and May 1 of each year, the board of trustees of each school district shall report to the Department for the preceding quarter:

(a) Except as otherwise provided in paragraph (b), the average daily attendance of pupils and the ratio of pupils per licensed teacher for ~~[kindergarten and]~~ grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily attendance of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily attendance and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and

(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 2. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, ~~[after the last day of the first month of the school year,]~~ ***for each school quarter of a school year,*** the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 ~~[,]~~ ***and*** 2 ***, must not exceed 16 to 1,*** and ***in grade*** 3, must not exceed ~~[15]~~ ***18*** to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, ***teachers who teach one or two specific***

subject areas to more than one classroom of pupils, and counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class ~~[.]~~ ***if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.***

3. Each school district that ~~[does not meet]~~ ***includes one or more elementary schools which exceed*** the ratio of pupils per class ~~[.]~~ ***during any quarter of a school year*** ~~*[,]*~~ ***, as reported to the Department pursuant to section 1 of this act:***

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance ***for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,*** from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. ***The State Board shall, on a quarterly basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding quarter and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.***

6. The State Board shall, on or before February 1 of each odd-numbered year, ***submit a*** report to the Legislature on:

(a) Each variance ~~[granted by it]~~ ***requested by a school district pursuant to subsection 4*** during the preceding biennium ~~[, including]~~ ***and, if a variance was granted, an identification of each elementary school for which variance was granted and*** the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is

approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

~~[6.]~~ ***7.*** The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~[7.]~~ ***8.*** The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 412.

The following Senate amendment was read:

Amendment No. 924.

AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission and drafting of legislative measures; revising the number of legislative measures that certain persons and entities may request for drafting; restricting Legislators from requesting the drafting of legislative measures under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires newly elected Legislators to attend certain training before the beginning of their first legislative session. (NRS 218A.285) **Section 1** of this bill requires such training to include discussion of major policy issues that are likely to be considered during the ensuing regular session of the Legislature. **Section 1** also requires the Director of the Legislative Counsel Bureau to communicate in writing the dates for training to candidates for election to the Assembly and the Senate for the ensuing regular session of the Legislature.

Existing law requires the Director to provide an electronic copy of a training session to any Legislator who was unable to attend the training session. (NRS 218A.285) **Section 1** authorizes the Director to provide an alternate means of recording the information provided during certain training sessions and requires a Legislator who was unable to attend a training session to complete that session in the manner prescribed by the Director.

Existing law contains provisions governing requests for the drafting of legislative measures for a regular session. (NRS 218D.100-218D.215) This bill revises the number of legislative measures that various persons and entities may request for drafting and also revises the deadlines for making such requests.

Section 6 of this bill changes the number of legislative measures that Legislators and the chair of each standing committee may request by certain deadlines. **Section 6** also changes the deadlines for providing sufficient detail to allow complete drafting of a legislative measure. **Section 6** further: (1) prohibits a Legislator who has filed a declaration or an acceptance of candidacy for election to the House in which he or she is not currently sitting from requesting the drafting of legislative measures; and (2) provides that, if the Legislator is elected to the other House, any request that he or she submits before filing a declaration or an acceptance of candidacy for election counts against the applicable limitation for the House to which the Legislator was elected to serve. (NRS 218D.150)

Existing law allows each statutory legislative committee and interim study committee to request a certain number of legislative measures preceding a regular session. (NRS 218D.160) **Section 7** of this bill reduces the number of legislative measures that may be requested by the Chair of the Legislative Commission and moves up the deadline for statutory legislative committees and interim study committees to provide sufficient detail to allow complete drafting of their legislative measures.

Section 8 of this bill revises the deadlines by which the Governor or the Governor's designated representative must submit requests for the drafting of legislative measures and increases the number of legislative measures that the

Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General may request for drafting. (NRS 218D.175)

Section 9 of this bill reduces the number of legislative measures that may be requested by the city council of a city whose population is 150,000 or more but less than 500,000 (currently the cities of Henderson, North Las Vegas and Reno). (NRS 218D.205)

Existing law authorizes the following entities to submit their own requests for the drafting of legislative measures for each regular session: (1) a mental health consortium established to develop strategic plans for the provision of mental health services to children with emotional disturbance and their families (NRS 218D.215, 433B.333); and (2) an interagency committee created by the Director of the Department of Health and Human Services to evaluate the child welfare system in this State. (NRS 432B.178) **Sections 11 and 12** of this bill eliminate the authority of these entities to submit their own requests, but such entities still would be authorized by existing law to ask Legislators or legislative committees to submit and sponsor requests on behalf of the entities. (NRS 218D.150, 218D.155, 218D.160)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218A.285 is hereby amended to read as follows:

218A.285 1. A Legislator who is elected to the Assembly or the Senate and who has not previously served in either House shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must ~~[be recorded electronically and]~~ include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) ~~[Briefings on]~~ ***Discussion of major*** policy issues ~~[relevant to the State;]~~ ***that are likely to be considered during the ensuing regular session;*** and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session. The dates for the training must be ~~[~~determined~~]~~ ***:***

(a) Determined by the Speaker of the Assembly and the Majority Leader of the Senate ~~[~~and posted~~]~~ ***;***

(b) Posted on the public website of the Legislature on ~~[~~an~~]~~ ***the*** Internet ~~[~~website~~]~~ ***; and***

(c) Communicated in writing by the Director to the candidates for election to the Assembly and the Senate for the ensuing regular session,

➥ not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency, employment or other good cause as determined by the Speaker or Majority Leader.

7. ~~[~~The~~]~~ ***Except as otherwise provided in this subsection, the*** Director shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. ***If any training session is conducted in a manner that the Director determines cannot reasonably be recorded in an electronic format, the Director may provide for an alternate means of recording the information provided during that training session.*** To successfully complete the training required pursuant to this section, ~~[~~such~~]~~ a Legislator ~~[~~must view the~~]~~ ***who was unable to attend a*** training session ~~[~~electronically~~]~~ ***shall complete that session in the manner prescribed by the Director*** and submit the attestation to the Director.

8. The Director shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 2. NRS 218D.050 is hereby amended to read as follows:

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 4. NRS 218D.105 is hereby amended to read as follows:

218D.105 1. Upon a finding that exceptional circumstances so warrant, the Legislative Commission when the Legislature is not in a regular session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in a regular session, may grant a waiver to an authorized nonlegislative requester to submit a request for the drafting of a legislative measure after the time limits in NRS 218D.175 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive.

2. The request for the waiver must be submitted in writing to the Legislative Commission or standing committee, as appropriate, explaining the exceptional circumstances.

Sec. 5. NRS 218D.115 is hereby amended to read as follows:

218D.115 1. The Legislative Counsel shall assist authorized nonlegislative requesters in the drafting of the legislative measures which they are authorized to request pursuant to NRS 218D.175 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive.

2. To ensure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) Requests from each agency or officer of the Executive Department or from a county, school district or city must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Department has requested 10 legislative measures for a regular session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

3. The priority designated pursuant to this section must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Department and the counties, school districts and cities to ensure each agency and officer, and each county, school district and city, as nearly as is possible, an equal rank.

Sec. 6. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***this section,*** each:

(a) Incumbent member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~6~~]~~ ***4*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than ~~[~~2~~]~~ 1 legislative ~~[~~measures~~]~~ measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~12~~]~~ ***8*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(2) Not more than ~~[2]~~ 1 legislative ~~[measures]~~ measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of ~~[not]~~ ***:***

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. ***A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.***

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before ~~[September]~~ ***August*** 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[December]~~ ***November*** 1 preceding the regular session.

(b) After ~~[September]~~ ***August*** 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[4.]~~ ***(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting***

of the legislative measure must be submitted on or before the 15th day of the regular session.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~[15]~~ ***18*** legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~[5.]~~ ***6.*** If a request made pursuant to subsection ~~[4]~~ ***5*** is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[6.]~~ ***7.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 7. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than ~~[15]~~ ***10*** legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of

the legislative measure must be submitted on or before March 1 of the regular session.

4. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[~~December~~]~~ ***November*** 1 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 8. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of ~~[~~not~~]~~ ***:***

(a) Not more than ~~[~~100~~]~~ ***50*** legislative measures ***submitted to the Legislative Counsel on or before July 1 preceding the regular session; and***

(b) Not more than 50 legislative measures submitted to the Legislative Counsel after July 1 but on or before September 1 preceding the regular session,

➥ which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. ~~[~~The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.~~]~~

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor ..... **[~~1~~]** ***3***
Secretary of State ..... **[~~5~~]** ***[~~8~~]*** ***6***
State Treasurer..... **[~~2~~]** ***5***
State Controller ..... **[~~2~~]** ***5***
Attorney General .....[~~15~~]**]** ***20***

4. ***In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 1 preceding the regular session. Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.***

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Sec. 9. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is ~~[150,000]~~ ***500,000*** or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) ***Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.***

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 10. NRS 218D.575 is hereby amended to read as follows:

218D.575 1. A Legislator who will be a member of the next regular session may request the Legislative Counsel to prefile any bill or joint resolution that was requested by that Legislator for introduction in the next regular session.

2. A Legislator designated as a chair of a standing committee for the next regular session may request the Legislative Counsel to prefile on behalf of the committee any bill or joint resolution within the jurisdiction of the committee for introduction in the next regular session.

3. ~~[The]~~ ***All*** bills and joint resolutions ***requested by authorized nonlegislative requesters and*** submitted for prefiling pursuant to NRS 218D.175 to ~~[218D.215,]~~ ***218D.210,*** inclusive, must be ~~[:~~

~~(a) Randomly]~~ ***randomly*** divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.

~~[(b) Prepared]~~

4. The Legislative Counsel shall prepare all bills and joint resolutions submitted for prefiling in final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.]~~ ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A Legislator who is not a candidate for reelection until after the general election immediately preceding the regular session.

(b) A Legislator who is elected or reelected to legislative office at the general election immediately preceding the regular session until the Legislator is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

Sec. 11. NRS 432B.178 is hereby amended to read as follows:

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

(a) Each agency which provides child welfare services;

(b) The Department of Education;

(c) The juvenile justice system;

(d) Law enforcement; and

(e) Providers of treatment or services for persons in the child welfare system.

3. ~~[The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the~~

~~Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.~~

~~4.~~] The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 12. NRS 218D.215 is hereby repealed.

Sec. 13. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Assemblyman Ohrenschall moved that the Assembly do not concur in the Senate Amendment No. 924 to Assembly Bill No. 412.

Remarks by Assemblyman Ohrenschall.

Motion carried.

The following Senate amendment was read:

Amendment No. 942.

AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission and drafting of legislative measures; revising the number of legislative measures that certain persons and entities may request for drafting; restricting Legislators from requesting the drafting of legislative measures under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires newly elected Legislators to attend certain training before the beginning of their first legislative session. (NRS 218A.285) **Section 1** of this bill requires such training to include discussion of major policy issues that are likely to be considered during the ensuing regular

session of the Legislature. **Section 1** also requires the Director of the Legislative Counsel Bureau to communicate in writing the dates for training to candidates for election to the Assembly and the Senate for the ensuing regular session of the Legislature.

Existing law requires the Director to provide an electronic copy of a training session to any Legislator who was unable to attend the training session. (NRS 218A.285) **Section 1** authorizes the Director to provide an alternate means of recording the information provided during certain training sessions and requires a Legislator who was unable to attend a training session to complete that session in the manner prescribed by the Director.

Existing law contains provisions governing requests for the drafting of legislative measures for a regular session. (NRS 218D.100-218D.215) This bill revises the number of legislative measures that various persons and entities may request for drafting and also revises the deadlines for making such requests.

Section 6 of this bill changes the number of legislative measures that Legislators and the chair of each standing committee may request by certain deadlines. **Section 6** also changes the deadlines for providing sufficient detail to allow complete drafting of a legislative measure. **Section 6** further: (1) prohibits a Legislator who has filed a declaration or an acceptance of candidacy for election to the House in which he or she is not currently sitting from requesting the drafting of legislative measures; and (2) provides that, if the Legislator is elected to the other House, any request that he or she submits before filing a declaration or an acceptance of candidacy for election counts against the applicable limitation for the House to which the Legislator was elected to serve. (NRS 218D.150)

Existing law allows each statutory legislative committee and interim study committee to request a certain number of legislative measures preceding a regular session. (NRS 218D.160) **Section 7** of this bill reduces the number of legislative measures that may be requested by the Chair of the Legislative Commission and moves up the deadline for statutory legislative committees and interim study committees to provide sufficient detail to allow complete drafting of their legislative measures.

Section 8 of this bill revises the deadlines by which the Governor or the Governor's designated representative must submit requests for the drafting of legislative measures and increases the number of legislative measures that the **Governor,** Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General may request for drafting. (NRS 218D.175)

Section 9 of this bill reduces the number of legislative measures that may be requested by the city council of a city whose population is 150,000 or more but less than 500,000 (currently the cities of Henderson, North Las Vegas and Reno). (NRS 218D.205)

Existing law authorizes the following entities to submit their own requests for the drafting of legislative measures for each regular session: (1) a mental health consortium established to develop strategic plans for the provision of mental health services to children with emotional disturbance and their families (NRS 218D.215, 433B.333); and (2) an interagency committee created by the Director of the Department of Health and Human Services to evaluate the child welfare system in this State. (NRS 432B.178) **Sections 11 and 12** of this bill eliminate the authority of these entities to submit their own requests, but such entities still would be authorized by existing law to ask Legislators or legislative committees to submit and sponsor requests on behalf of the entities. (NRS 218D.150, 218D.155, 218D.160)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218A.285 is hereby amended to read as follows:

218A.285 1. A Legislator who is elected to the Assembly or the Senate and who has not previously served in either House shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must ~~[be recorded electronically and]~~ include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) ~~[Briefings on]~~ ***Discussion of major*** policy issues ~~[relevant to the State;]~~ ***that are likely to be considered during the ensuing regular session;*** and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session. The dates for the training must be ~~[determined]~~ ***:***

(a) Determined by the Speaker of the Assembly and the Majority Leader of the Senate ~~[and posted]~~ ***;***

(b) Posted on the public website of the Legislature on ~~[an]~~ ***the*** Internet ~~[website]~~ ***; and***

(c) Communicated in writing by the Director to the candidates for election to the Assembly and the Senate for the ensuing regular session,

➥ not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency, employment or other good cause as determined by the Speaker or Majority Leader.

7. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Director shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. ***If any training session is conducted in a manner that the Director determines cannot reasonably be recorded in an electronic format, the Director may provide for an alternate means of recording the information provided during that training session.*** To successfully complete the training required pursuant to this section, ~~[such]~~ a Legislator ~~[must view the]~~ ***who was unable to attend a*** training session ~~[electronically]~~ ***shall complete that session in the manner prescribed by the Director*** and submit the attestation to the Director.

8. The Director shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 2. NRS 218D.050 is hereby amended to read as follows:

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to ~~[218D.215,]~~ ***218D.210,*** inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 4. NRS 218D.105 is hereby amended to read as follows:

218D.105 1. Upon a finding that exceptional circumstances so warrant, the Legislative Commission when the Legislature is not in a regular session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in a regular session, may grant a waiver to an authorized nonlegislative requester to submit a request for the drafting of a legislative measure after the time limits in NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive.

2. The request for the waiver must be submitted in writing to the Legislative Commission or standing committee, as appropriate, explaining the exceptional circumstances.

Sec. 5. NRS 218D.115 is hereby amended to read as follows:

218D.115 1. The Legislative Counsel shall assist authorized nonlegislative requesters in the drafting of the legislative measures which they are authorized to request pursuant to NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive.

2. To ensure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) Requests from each agency or officer of the Executive Department or from a county, school district or city must, insofar as is possible, be acted

upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Department has requested 10 legislative measures for a regular session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

3. The priority designated pursuant to this section must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Department and the counties, school districts and cities to ensure each agency and officer, and each county, school district and city, as nearly as is possible, an equal rank.

Sec. 6. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***this section,*** each:

(a) Incumbent member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~6~~]~~ ***4*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~12~~]~~ ***8*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of ~~[not]~~ ***:***

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. ***A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.***

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before ~~[September]~~ ***August*** 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[December]~~ ***November*** 1 preceding the regular session.

(b) After ~~[September]~~ ***August*** 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[4.]~~ ***(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.***

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~[15]~~ ***18*** legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~[5.]~~ ***6.*** If a request made pursuant to subsection ~~[4]~~ ***5*** is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[6.]~~ ***7.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 7. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than ~~[15]~~ ***10*** legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.

4. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before **[**December**]** ***November*** 1 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 8. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not ~~*[:*~~ ~~*(a) Not]*~~ more than **[**100**]** ~~*[50]*~~ ***110*** legislative measures ~~**[***submitted to the Legislative Counsel on or before July 1 preceding the regular session; and*~~

~~*(b) Not more than 50 legislative measures submitted to the Legislative Counsel after July 1 but on or before September 1 preceding the regular session,*~~

~~➥**]**~~ which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before **[September]** ***August*** 1 preceding the regular session.

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In

addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor ..... ~~[1]~~ ***3***
Secretary of State ..... ~~[5]~~ ***6***
State Treasurer..... ~~[2]~~ ***5***
State Controller ..... ~~[2]~~ ***5***
Attorney General .....~~[15]~~ ***20***

4. ***In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 1 preceding the regular session. Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.***

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Sec. 9. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is ~~[150,000]~~ ***500,000*** or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) ***Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.***

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 10. NRS 218D.575 is hereby amended to read as follows:

218D.575 1. A Legislator who will be a member of the next regular session may request the Legislative Counsel to prefile any bill or joint resolution that was requested by that Legislator for introduction in the next regular session.

2. A Legislator designated as a chair of a standing committee for the next regular session may request the Legislative Counsel to prefile on behalf of the committee any bill or joint resolution within the jurisdiction of the committee for introduction in the next regular session.

3. ~~[The]~~ ***All*** bills and joint resolutions ***requested by authorized nonlegislative requesters and*** submitted for prefiling pursuant to NRS 218D.175 to ~~[218D.215,]~~ ***218D.210,*** inclusive, must be ~~[:~~

~~(a) Randomly~~] ***randomly*** divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.

~~[(b) Prepared~~]

4. The Legislative Counsel shall prepare all bills and joint resolutions submitted for prefiling in final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.~~] ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A Legislator who is not a candidate for reelection until after the general election immediately preceding the regular session.

(b) A Legislator who is elected or reelected to legislative office at the general election immediately preceding the regular session until the Legislator is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

Sec. 11. NRS 432B.178 is hereby amended to read as follows:

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

(a) Each agency which provides child welfare services;

(b) The Department of Education;

(c) The juvenile justice system;

(d) Law enforcement; and

(e) Providers of treatment or services for persons in the child welfare system.

3. ~~[The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this~~

~~subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.~~

~~— 4.]~~ The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 12. NRS 218D.215 is hereby repealed.

Sec. 13. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Assemblyman Ohrenschall moved that the Assembly do not concur in the Senate Amendment No. 942 to Assembly Bill No. 412.

Remarks by Assemblyman Ohrenschall.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Senate Bill No. 228, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 780 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

JAMES OHRENSCHALL	DAVID PARKS
SKIP DALY	PAT SPEARMAN
JAMES OSCARSON	JOSEPH HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA7.

AN ACT relating to public servants; revising provisions relating to public officers and employees; revising provisions relating to ethics in government

and the enforcement of such provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes to provisions relating to public officers and employees and the administration of the Nevada Ethics in Government Law by the Commission on Ethics. (Chapter 281A of NRS)

Sections 18-24 ~~[~~, 30 and 31~~]~~ and 30-32.5 of this bill enact and revise various definitions in the Ethics Law. **Section 19** revises and makes applicable throughout the Ethics Law the existing definition of "commitment in a private capacity to the interests of others" in NRS 281A.420.

Section 23 defines "pecuniary interest" for the Ethics Law, and **sections 40.3, ~~[~~and~~]~~ 41 and 42.5** of this bill require proof of a significant personal or pecuniary interest in defining various types of ethical conflicts, so that a de minimis or insignificant personal or pecuniary interest does not create a conflict of interest, require disqualification or abstention, or provide just or sufficient cause for an ethics investigation or violation. (NRS 281A.400, 281A.420~~.~~ ~~D~~~~]~~**, 281A.430)**

Sections 24.5 and 32.3 of this bill establish that a president of a state university, college or community college, a superintendent of a county school district, and a county manager or city manager are designated as public officers for the purposes of the Ethics Law. (NRS 281A.160)

Section 25 of this bill enacts provisions for computing periods of time prescribed or allowed under the Ethics Law. **Section 27** of this bill authorizes the Commission to apply for and accept grants, contributions, services and money for the purposes of carrying out the Ethics Law.

Section 27.3 of this bill requires the Commission, when disposing of a request for an opinion by stipulation, agreed settlement or consent order, to treat comparable situations in a comparable manner and ensure that the disposition of a request for an opinion bears a reasonable relationship to the severity of the violation or alleged violation of the Ethics Law. **Section 27.5** of this bill requires the Commission to consider various aggravating and mitigating factors when determining **whether a violation of the Ethics Law is a willful violation and, if so,** the amount of any civil penalty **to be** imposed for **such** a willful violation of the Ethics Law. **Section 27.5 also requires the Commission, when applying these factors, to treat comparable situations in a comparable manner and to ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation.**

Sections 33-37 of this bill make various changes concerning the operation of the Commission and the duties of the Executive Director of the Commission and the Commission Counsel. Those changes include: (1) adjusting the eligibility requirements for certain members of the

Commission; (2) requiring the Chair of the Commission to designate a qualified person to perform the duties of the Executive Director if the Executive Director is disqualified or unable to act on a particular matter; ~~[and]~~ (3) revising the administration of the assessments paid by cities and counties in semiannual installments to the Commission~~.~~ ~~[.]~~ **; and (4) authorizing the Commission to adopt procedural regulations that are necessary and proper to carry out the Ethics Law.** (NRS 281A.200, 281A.240, 281A.260, 281A.270, 281A.290)

Section 38 of this bill directs public officers and employees who request the issuance of a subpoena on their behalf in ethics proceedings to serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure and to pay the costs of such service. (NRS 281A.300)

Sections 40.3-44 of this bill make various changes to provisions in the Ethics Law, including provisions relating to conflicts of interests for public officers and employees, disclosures and abstentions, the rendering of opinions and conduct of investigations by the Commission and the duties of specialized and local ethics committees. (NRS 281A.400, 281A.410, 281A.420, **281A.430,** 281A.440, 281A.470)

Section 40.5 prohibits a member of a local legislative body from representing or counseling a private person for compensation before another local agency whose territorial jurisdiction includes any part of the same county in which the member serves. However, section 40.5 allows the Commission to provide the member with relief from strict application of the prohibition if certain conditions are met. (NRS 281A.410)

With certain exceptions, the Ethics Law prohibits a public officer or employee from bidding on or entering into a contract between a governmental agency and any business entity in which the public officer or employee has a significant pecuniary interest. Section 42.5 allows the Commission to provide a public officer or employee with relief from strict application of the prohibition if certain conditions are met. (NRS 281A.430)

Sections 42.5 and 62 of this bill move, revise and remove certain provisions of the Ethics Law that regulate when a member of a local legislative body may sell goods or services to his or her local agency as the sole source of supply within the area served by the local agency. (NRS 281A.430, 281A.530) Section 42.5 prohibits such a member from selling goods or services to his or her local agency unless certain conditions are met, but section 42.5 also allows the Commission to provide the member with relief from strict application of the prohibition. Section 62 repeals an existing provision of the Ethics Law

regulating such "sole source" transactions because under this bill, "sole source" transactions are regulated by section 42.5.

Sections 16.3, 16.5 and 57-61 of this bill make conforming changes to other provisions of existing law that restrict various public officers and employees from being personally interested in or benefiting from a contract with a governmental agency. (NRS 245.075, 268.384, 269.071, 269.072, 281.221, 281.230, 332.800)

Section 45 of this bill revises the "safe harbor" provision of the Ethics Law to provide that a public officer or employee does not commit a willful violation if **: (1)** the public officer or employee ~~[. (1)]~~ relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and (2) his or her ~~[action]~~ **act or failure to act** was not contrary to a prior published opinion issued by the Commission. (NRS 281A.480)

Section 46 of this bill provides new requirements relating to informing, educating and instructing public officers and employees concerning the statutory ethical standards and the duties of public officers and employees under the Ethics Law. (NRS 281A.500)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 16.3. **NRS 281.221 is hereby amended to read as follows:**

281.221 1. Except as otherwise provided in this section ~~[,]~~ ***and NRS 281A.430,*** it is unlawful for ~~[any]~~ ***a*** state officer **,** who is not a member of the Legislature ***subject to the restrictions set forth in NRS 218A.970,*** to:

(a) Become a contractor under any contract or order for supplies or other kind of contract authorized by or for the State or any of its departments, or the Legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so authorized.

(b) Be interested in any contract made by the officer or to be a purchaser or interested in any purchase under a sale made by the officer in the discharge of the officer's official duties.

2. ~~[Any]~~ ***A*** member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may supply or contract to supply, in the ordinary course of ~~[the member's]~~ ***his or her*** business, goods, materials or services to any state or local agency, except the board**,** ~~[or]~~ commission ***or body*** of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member in the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. A state officer, other than an officer described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the officer has not taken part in developing the contract plans or specifications and the officer will not be personally involved in opening, considering or accepting offers.

5. Any contract made in violation of this section may be declared void at the instance of the State or of any other person interested in the contract except an officer prohibited from making or being interested in the contract.

6. ~~[Any]~~ ***A*** person ~~[violating]~~ ***who violates*** this section is guilty of a gross misdemeanor and shall forfeit his or her office.

Sec. 16.5. **NRS 281.230 is hereby amended to read as follows:**

281.230 1. Except as otherwise provided in this section and NRS 218A.970, ~~[281A.530]~~ ***281A.430*** and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way directly interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board**_ , ~~[or]~~** commission ***or body*** of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the public officer or employee has not taken part in developing the contract plans or specifications and the public officer or employee will not be personally involved in opening, considering or accepting offers. If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose his or her interest in the contract and shall not vote on or advocate the approval of the contract.

5. A person who violates any of the provisions of this section shall be punished as provided in NRS 197.230 and:

(a) Where the commission, personal profit or compensation is $650 or more, for a category D felony as provided in NRS 193.130.

(b) Where the commission, personal profit or compensation is less than $650, for a misdemeanor.

6. A person who violates the provisions of this section shall pay any commission, personal profit or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district or quasi-municipal corporation as restitution.

Sec. 17. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 27.5, inclusive, of this act.

Sec. 18. ***"Agency" means any state agency or local agency.***

Sec. 19. *"Commitment in a private capacity," with respect to the interests of another person, means a commitment, interest or relationship of a public officer or employee to a person:*

1. Who is the spouse or domestic partner of the public officer or employee;

2. Who is a member of the household of the public officer or employee;

3. Who is related to the public officer or employee, or to the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. Who employs the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. With whom the public officer or employee has a substantial and continuing business relationship; or

6. With whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to a commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 20. *"Domestic partner" means a person in a domestic partnership.*

Sec. 21. *"Domestic partnership" means:*

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 22. *"Local agency" means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.*

Sec. 23. *"Pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:*

1. Anything of economic value; and

2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

Sec. 24. *"State agency" means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government.*

Sec. 24.5. *1. Any person who serves in one of the following positions is designated as a public officer for the purposes of this chapter:*

(a) A president of a university, state college or community college within the Nevada System of Higher Education.

(b) A superintendent of a county school district.

(c) A county manager or a city manager.

2. This section applies to such a person regardless of whether the person serves in the position:

(a) By appointment, contract or employment;

(b) With or without compensation; or

(c) On a temporary, interim or acting basis.

Sec. 25. *In computing any period prescribed or allowed by this chapter:*

1. If the period begins to run on the occurrence of an act or event, the day on which the act or event begins is excluded from the computation.

2. The last day of the period is included in the computation, except that if the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by the Governor or on a day on which the office of the Commission is not open for the conduct of business, the period is extended to the close of business on the next business day.

Sec. 26. (Deleted by amendment.)

Sec. 27. *The Commission may apply for and accept grants, contributions, services or money for the purposes of carrying out the provisions of this chapter only if the action is approved by a majority vote in an open public meeting of the Commission and the Commission complies with the provisions of the State Budget Act.*

Sec. 27.3. *In any matter in which the Commission disposes of a request for an opinion by stipulation, agreed settlement or consent order, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the ~~[request for an opinion]~~ matter bears a reasonable relationship to the severity of the violation or alleged violation.*

Sec. 27.5. *1. In determining whether a violation of this chapter is a willful violation and, if so, the amount of any civil penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480, the Commission shall consider:*

~~[1.]~~ (a) The seriousness of the violation, including, without limitation, the nature, circumstances, extent and gravity of the violation;

~~[2.]~~ (b) The number and history of previous warnings issued to or violations of the provisions of this chapter by the public officer or employee;

~~[3.]~~ (c) The cost to the Commission to conduct the investigation and any hearing relating to the violation;

[4.] ***(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation, any attempts to rectify the violation before any complaint is filed and any cooperation by the public officer or employee [or former public officer or employee] in resolving the complaint;***

[5.] ***(e) Any restitution or reimbursement paid to parties affected by the violation;***

[6.] ***(f) The extent of any financial gain resulting from the violation; and***

[7.] ***(g) Any other matter justice may require.***

2. In applying the factors set forth in this section, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.040 to 281A.170, inclusive, ***and sections 18 to 24, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 30. NRS 281A.100 is hereby amended to read as follows:

281A.100 "Household" means an association of persons who live in the same home or dwelling **[**, sharing its expenses,**]** and who are related by blood, adoption **, [**or**]** marriage ***or domestic partnership.***

Sec. 31. NRS 281A.125 is hereby amended to read as follows:

281A.125 "Member of a local legislative body" means a member of a board of county commissioners, a governing body of a city or a governing body of any other political subdivision who performs any function that involves introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy **. [**and which is not typically restricted to identifiable persons or groups.**]**

Sec. 32. (Deleted by amendment.)

Sec. 32.3. **NRS 281A.160 is hereby amended to read as follows:**

281A.160 1. "Public officer" means a person **[**elected**]** ***who is:***

(a) Elected or appointed to a position which:

[(a)**]** ***(1)*** Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and

[(b)**]** ***(2)*** Involves the exercise of a public power, trust or duty **[**.**]** ***; or***

(b) Designated as a public officer for the purposes of this chapter pursuant to section 24.5 of this act.

2. As used in this section, "the exercise of a public power, trust or duty" means:

~~[(1)]~~ ***(a)*** Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;

~~[(2)]~~ ***(b)*** The expenditure of public money; and

~~[(3)]~~ ***(c)*** The administration of laws and rules of the State or any county, city or other political subdivision.

~~[2.]~~ ***3.*** "Public officer" does not include:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

(d) A county health officer appointed pursuant to NRS 439.290.

~~[3.]~~ ***4.*** "Public office" does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

(d) A county health officer appointed pursuant to NRS 439.290.

Sec. 32.5. **NRS 281A.170 is hereby amended to read as follows:**

281A.170 "Willful violation" means a violation where ~~[the]~~ ***:***

1. The public officer or employee:

~~[1.]~~ ***(a)*** Acted intentionally and knowingly; or

~~[2.]~~ ***(b)*** Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter ~~[.]~~ ***; and***

2. The Commission determines, after applying the factors set forth in section 27.5 of this act, that the public officer's or employee's act or failure to act resulted in a sanctionable violation of this chapter.

Sec. 33. NRS 281A.200 is hereby amended to read as follows:

281A.200 1. The Commission on Ethics, consisting of eight members, is hereby created.

2. The Legislative Commission shall appoint to the Commission four residents of the State, at least two of whom ~~[are]~~ ***must be*** former public officers ~~[,]~~ ***or employees,*** and at least one of whom must be an attorney licensed to practice law in this State.

3. The Governor shall appoint to the Commission four residents of the State, at least two of whom must be former public officers or ~~[public]~~ employees, and at least one of whom must be an attorney licensed to practice law in this State.

4. Not more than four members of the Commission may be members of the same political party. Not more than four members ***of the Commission*** may be residents of the same county.

5. None of the members of the Commission may, while the member is serving on the Commission:

(a) Hold another public office;

(b) Be actively involved in the work of any political party or political campaign; or

(c) Communicate directly with a State Legislator or a member of a local legislative body on behalf of someone other than himself or herself or the Commission, for compensation, to influence:

(1) The State Legislator with regard to introducing or voting upon any matter or taking other legislative action; or

(2) The member of the local legislative body with regard to introducing or voting upon any ordinance or resolution, taking other legislative action or voting upon:

(I) The appropriation of public money;

(II) The issuance of a license or permit; or

(III) Any proposed subdivision of land or special exception or variance from zoning regulations.

6. After the initial terms, the terms of the members are 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

Sec. 34. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281A.440.

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation

of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair of the Commission shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 35. NRS 281A.260 is hereby amended to read as follows:

281A.260 1. The Commission Counsel is the legal adviser to the Commission. For each opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission, the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct **. [**~~within the time set forth in subsection 6 of NRS 281A.440.~~**]** The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:

(a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employ outside legal counsel.

Sec. 36. NRS 281A.270 is hereby amended to read as follows:

281A.270 1. Each county whose population is 10,000 or more and each city whose population is 15,000 or more and that is located within such a

county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to this chapter. The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be apportioned among each such city and county based on the proportion that the total population of the city or the total population of the unincorporated area of the county bears to the total population of all such cities and the unincorporated areas of all such counties in this State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out the provisions of this chapter and only to the extent authorized for expenditure by the Legislature; ~~[and]~~

(c) Does not revert to the State General Fund at the end of any fiscal year ~~[.]~~ ***; and***

(d) Does not revert to a city or county if:

(1) The actual expenditures by the Commission are less than the amount of the assessments approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period; or

(2) The budget of the Commission is modified after the amount of the assessments has been approved by the Legislature pursuant to subsection 1 and the city or county has already remitted its semiannual installment to the Commission for the billing period.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, the Executive Director shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of

the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 37. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations ~~[.]~~ ***that are necessary and proper to carry out the provisions of this chapter, including, without limitation:***

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. Prescribe, by regulation, forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that ~~[contains:~~

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and~~

~~(c) An abstract of~~] ***explains*** the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the ~~[abstracts and]~~ published opinions of the Commission.

Sec. 38. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair and Vice Chair of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of books and papers. Upon the request of the Executive Director or the public officer or ~~[~~public~~]~~ employee who is the subject of a request for an opinion, the Chair or, in the Chair's absence, the Vice Chair, may issue a subpoena to compel the attendance of a witness and the production of books and papers. ***A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.***

3. Before issuing a subpoena to a public officer or ~~[~~public~~]~~ employee who is the subject of a request for an opinion ~~[~~,~~]~~ ***to compel his or her attendance as a witness or his or her production of books or papers,*** the Executive Director shall submit a written request to the public officer or ~~[~~public~~]~~ employee requesting:

(a) The appearance of the public officer or ~~[~~public~~]~~ employee as a witness; or

(b) The production by the public officer or ~~[~~public~~]~~ employee of any books and papers relating to the request for an opinion.

4. Each written request submitted by the Executive Director pursuant to subsection 3 must specify the time and place for the attendance of the public officer or ~~[~~public~~]~~ employee or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or ~~[~~public~~]~~ employee fails or refuses to attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the request, the Chair may issue the subpoena. Failure of the public officer or ~~[~~public~~]~~ employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or ~~[~~public~~]~~ employee of the time set forth in subsections 4, 5 and 6 of NRS 281A.440.

5. If any witness refuses to attend, testify or produce any books and papers as required by the subpoena, the Chair of the Commission may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission, or has refused to answer questions propounded to the witness, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

6. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced the books or papers before the Commission. A certified copy of the order must be served upon the witness.

7. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the Commission, at the time and place fixed in the order, and testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 40.3. NRS 281A.400 is hereby amended to read as follows:

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. As used in this subsection ~~[~~:

~~(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281A.420.~~

~~(b) "Unwarranted"]~~ **, *"unwarranted"*** means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any business entity in which the public officer or employee has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further ~~[the]~~ ***a significant*** pecuniary ~~[interests]~~ ***interest*** of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other ***official*** document because it might tend to affect unfavorably ~~[the public officer's or employee's]~~ ***a significant*** pecuniary ~~[interests.]~~ ***interest of the public officer or employee.***

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit ~~[the public officer's or employee's]~~ ***a significant*** personal or ~~[financial]~~ ***pecuniary*** interest ~~[.]~~ ***of the public officer or employee.*** This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer ***or employee*** who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A State Legislator shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of the State Legislator's public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit ~~[the public officer's or employee's]~~ ***a significant*** personal or ~~[financial]~~ ***pecuniary*** interest ***of the public officer or employee*** through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of the public officer's or employee's official position.

Sec. 40.5. NRS 281A.410 is hereby amended to read as follows:

281A.410 In addition to the requirements of the code of ethical standards ~~[,]~~ ***and the other provisions of this chapter:***

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve. ~~[Any other]~~

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

~~[3.]~~ ***5.*** Not later than January 15 of each year, ***if*** any State Legislator ***, member of a local legislative body*** or other public officer ~~[who]~~ ***permitted by this section*** has, within the preceding year, represented or counseled a private person for compensation before a state agency of the Executive Department ***, he or she*** shall disclose for each such representation or counseling during the previous calendar year:

(a) The name of the client;

(b) The nature of the representation; and

(c) The name of the state agency.

~~[4.]~~ ***6.*** The disclosure required by subsection ~~[3]~~ ***5*** must be made in writing and filed with the Commission on a form prescribed by the Commission. For the purposes of this subsection, the disclosure is timely filed if, on or before the last day for filing, the disclosure is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the disclosure with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the disclosure with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

~~[5.]~~ ***7.*** The Commission shall retain a disclosure filed pursuant to ~~[subsections 3 and 4]~~ ***this section*** for 6 years after the date on which the disclosure was filed.

Sec. 41. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a ***significant*** pecuniary interest; or

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the ~~[interest of others,]~~ ***interests of another person,***

➥ without disclosing ~~[sufficient]~~ information concerning the gift ~~[,]~~ ***or*** loan, ***significant pecuniary*** interest or commitment ***in a private capacity to the interests of the person that is sufficient*** to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's ***significant*** pecuniary interest, or upon the ~~[persons]~~ ***person*** to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's ***significant*** pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's ***acceptance of a gift or loan, significant*** pecuniary interest or ~~[~~the public officer's~~]~~ commitment in a private capacity to the interests of ~~[~~others~~]~~ ***another person*** where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of ~~[~~others,~~]~~ ***another person,*** accruing to the other ~~[~~persons,~~]~~ ***person,*** is not greater than that accruing to any other member of ~~[~~the~~]~~ ***any*** general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the ***acceptance of a gift or loan, significant*** pecuniary interest or commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer has properly disclosed the public officer's acceptance of a gift or loan, ~~[~~the public officer's~~]~~ ***significant*** pecuniary interest or ~~[~~the public officer's~~]~~ commitment in a private capacity to the interests of ~~[~~others~~]~~ ***another person*** in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, ~~[~~the public officer's~~]~~ ***significant*** pecuniary interest or ~~[~~the public officer's~~]~~ commitment in a private capacity to the interests of ~~[~~others.~~]~~ ***another person.***

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section ~~[~~:

~~(a) "Commitment in a private capacity to the interests of others" means a commitment to a person:~~

~~(1) Who is a member of the public officer's or employee's household;~~

~~(2) Who is related to the public officer or employee by blood, adoption or marriage within the third degree of consanguinity or affinity;~~

~~(3) Who employs the public officer or employee or a member of the public officer's or employee's household;~~

~~(4) With whom the public officer or employee has a substantial and continuing business relationship; or~~

~~(5) Any other commitment or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (4), inclusive, of this paragraph.~~

~~(b) "Public~~**]** ***, "public*** officer" and "public employee" do not include a State Legislator.

Sec. 42. (Deleted by amendment.)

Sec. 42.5. **NRS 281A.430 is hereby amended to read as follows:**

281A.430 1. Except as otherwise provided in this section and NRS ~~[281A.530]~~ ***218A.970*** and 332.800, a public officer or employee shall not bid on or enter into a contract between ~~[a governmental]~~ ***an*** agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with ~~[any governmental]~~ ***an*** agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the

member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with ~~[a governmental]~~ ***an*** agency, or may benefit financially or otherwise from a contract between ~~[a governmental]~~ ***an*** agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. ~~[A]~~ ***Except as otherwise provided in subsection 2, 3 or 5, a*** public officer or employee ~~[, other than a public officer or employee described in subsection 2 or 3,]~~ may bid on or enter into a contract with ~~[a governmental]~~ ***an*** agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➥ If a public officer who is authorized to bid on or enter into a contract with ~~[a governmental]~~ ***an*** agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

5. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;

(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of NRS 281A.420; and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee requests an opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each agency affected by the matter; and

(3) The provisions of this chapter.

Sec. 43. NRS 281A.440 is hereby amended to read as follows:

281A.440 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving a request, on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as ~~[an]~~ ***a public*** officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester's future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. Upon receipt of a request for an opinion by the Commission or upon the motion of the Commission pursuant to subsection 2, the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a ***written*** recommendation relating to just and sufficient cause ***, including, without limitation, the specific evidence or reasons that support the recommendation,*** to the investigatory panel within 70 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. ~~[If, after the investigation, the Executive Director determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific evidence that supports the Executive Director's recommendation. If, after the investigation, the Executive Director determines that there is not just and sufficient cause for the Commission to render an opinion in the matter, the Executive Director shall state such a recommendation in writing, including, without limitation, the specific reasons for the Executive Director's recommendation.]~~

5. Within 15 days after the Executive Director has provided the ~~[Executive Director's]~~ ***written*** recommendation in the matter to the investigatory panel ~~[,]~~ ***pursuant to subsection 4,*** the investigatory panel shall ***conclude the investigation and*** make a final determination regarding

whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept **.** ~~[, and such a record must remain confidential until the investigatory panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter.]~~

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in ~~[this]~~ subsection ~~[, each document]~~ ***9, all information, communications, records, documents or other material*** in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, ~~[the Commission's copy of the request and all materials and information gathered in an investigation of the request, is]~~ ***the record of the proceedings of the investigatory panel made pursuant to subsection 5, are*** confidential ***and not public records pursuant to chapter 239 of NRS*** until ~~[the]~~ ***:***

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter ~~[. The]~~ ***and serves written notice of such a determination on the public officer or employee who is the subject***

of the request for an opinion submitted or initiated pursuant to subsection 2; or

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 ~~[~~may in writing authorize~~]~~ ***authorizes*** the Commission ***in writing*** to make its ~~[~~files, material and~~]~~ information ***, communications, records, documents or other material*** which are related to the request publicly available ~~[.]~~ ***,***

➥ whichever occurs first.

9. Except as otherwise provided in ~~[~~paragraphs (a) and (b), the proceedings of the investigatory panel are~~]~~ ***this section, the investigative file of the Commission is*** confidential ***.*** ~~[~~until~~]~~ ***At any time after being served with written notice of the determination of*** the investigatory panel ~~[~~determines whether there is~~]~~ ***regarding the existence of*** just and sufficient cause ***for the Commission*** to render an opinion in the matter ~~[~~. A person who:

~~(a) Requests an opinion from the Commission pursuant to paragraph (b) of subsection 2 may:~~

~~(1) At any time, reveal to a third party the alleged conduct of a public officer or employee underlying the request that the person filed with the Commission or the substance of testimony, if any, that the person gave before the Commission.~~

~~(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person requested an opinion from the Commission.~~

~~(b) Gives testimony before the Commission may:~~

~~(1) At any time, reveal to a third party the substance of testimony that the person gave before the Commission.~~

~~(2) After the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter, reveal to a third party the fact that the person gave testimony before the Commission.~~~~]~~ ***, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.***

10. Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

11. If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

12. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

(a) Submit all necessary information to the Commission; and

(b) Declare by oath or affirmation that the person will testify truthfully,

➥ the Commission may decline to render an opinion.

13. For good cause shown, the Commission may take testimony from a person by telephone or video conference.

14. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

15. A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

16. For the purposes of this section, the investigative file of the Commission which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information obtained by the Commission through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, regardless of whether such information, records, documents or other material are obtained by a subpoena.

Sec. 44. NRS 281A.470 is hereby amended to read as follows:

281A.470 1. Any ~~[~~~department, board, commission or other~~]~~ ***state*** agency ~~[~~~of the State~~]~~ or the governing body of a county or an incorporated

city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. ***The Secretary of State shall not approve the form unless the form contains all the information required to be included in a statement of financial disclosure pursuant to NRS 281.571.***

2. ***The Secretary of State is not responsible for the costs of producing or distributing a form for filing a statement of financial disclosure pursuant to the provisions of subsection 1.***

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

~~[3.]~~ ***4.*** Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 45. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law ~~[,]~~ ***and in accordance with the provisions of section 27.5 of this act,*** the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed $5,000 for a first willful violation of this chapter;

(b) Not to exceed $10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed $25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, the Commission may ***, upon its own motion or upon the motion of the person about whom an opinion was requested pursuant to NRS 281A.440,*** impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in

the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➥ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. ~~[An action taken]~~ ***Notwithstanding any other provision of this chapter, any act or failure to act*** by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of ~~[~~a provision of~~]~~ ~~[~~those sections~~]~~ ***this chapter*** if the public officer or employee establishes by sufficient evidence that ***:*** ~~[~~the public officer or employee satisfied all of the following requirements:~~]~~

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by ~~[~~the~~]~~ ***his or her*** public body ~~[~~which the public officer represents or by the~~]~~ ***, agency or*** employer ***;*** ~~[~~of the public employee or upon the manual published by the Commission pursuant to NRS 281A.290;

(b) The public officer or employee was unable, through no fault of the public officer or employee, to obtain an opinion from the Commission before the action was taken;~~]~~ and

~~[~~(c)~~]~~ ***(b)*** The ***act or failure to act by the*** public officer or employee ~~[~~took action that~~]~~ was not contrary to a prior published opinion issued by the Commission.

6. In addition to any other penalties provided by law, a public employee who commits a willful violation of this chapter is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 46. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. ***On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:***

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

~~[2.]~~ ***4.*** The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer ~~[takes]~~ ***swears or affirms the oath of*** office.

~~[3.]~~ ***5.*** Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not

have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer ~~[takes]~~ ***swears or affirms the oath of*** office in accordance with subsection ~~[2,]~~ ***4,*** shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

~~[4.]~~ ***6.*** For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

~~[5.]~~ ***(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.***

7. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a ~~[hard]~~ copy ~~[;]~~ ***of the standards;*** and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a ~~[hard]~~ ***printed*** copy of the statutory ethical standards from the Commission.

~~[6.]~~ ***8.*** Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a ~~[hard]~~ ***printed*** copy of the form for making the acknowledgment, a ~~[hard]~~ ***printed*** copy of the statutory ethical standards must be included with the form.

~~[7.]~~ ***9.*** The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~[8.]~~ ***10.*** Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.480; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~[9.]~~ ***11.*** As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 56.5. (Deleted by amendment.)

Sec. 57. **NRS 245.075 is hereby amended to read as follows:**

245.075 1. Except as otherwise provided in NRS 281.230, 281A.430 ~~[,~~ ~~281A.530]~~ and 332.800, it is unlawful for any county officer ***, directly or indirectly,*** to be interested in any contract made by the county officer or ***to*** be a purchaser or ~~[be]~~ interested in any purchase of a sale made by the county officer in the discharge of his or her official duties.

2. Any contract made in violation of ~~[subsection 1]~~ ***this section*** may be declared void at the instance of the county interested or of any other person interested in the contract except the officer prohibited from making or being interested in the contract.

3. Any person ~~[violating]~~ ***who violates*** this section ~~[, directly or indirectly,]~~ is guilty of a gross misdemeanor and shall forfeit his or her office.

Sec. 58. **NRS 268.384 is hereby amended to read as follows:**

268.384 1. Except as otherwise provided in NRS 281.230, 281A.430 ~~[,~~ ~~281A.530]~~ and 332.800, it is unlawful for any city officer ***, directly or indirectly,*** to be interested in any contract made by the city officer ~~[,]~~ or to be a purchaser or interested ~~[, directly or indirectly,]~~ in any purchase of a sale made by the city officer in the discharge of ***his or her*** official duties.

2. Any person ~~[violating]~~ ***who violates*** this section is guilty of a gross misdemeanor and shall forfeit his or her office.

Sec. 59. **NRS 269.071 is hereby amended to read as follows:**

269.071 1. ~~[It]~~ ***Except as otherwise provided in NRS 281.230, 281A.430 and 332.800, it*** is unlawful for any member of a town board or board of county commissioners acting for any town to become a contractor under any contract or order for supplies or any other kind of contract authorized by or for the board of which he or she is a member, or to be interested, directly or indirectly, as principal ~~[,]~~ in any kind of contract so authorized.

2. Any person ~~[violating subsection 1]~~ ***who violates this section*** is guilty of a gross misdemeanor and shall forfeit his or her office.

Sec. 60. **NRS 269.072 is hereby amended to read as follows:**

269.072 1. ~~[It]~~ ***Except as otherwise provided in NRS 281.230, 281A.430 and 332.800, it*** is unlawful for any town officer, directly or indirectly, to be interested in any contract made by the town officer ~~[,]~~ or ***to*** be a purchaser or ~~[be]~~ interested in any purchase under a sale made by the town officer in the discharge of ***his or her*** official duties.

2. Any person ~~[violating subsection 1]~~ ***who violates this section*** is guilty of a gross misdemeanor and shall forfeit his or her office.

Sec. 61. **NRS 332.800 is hereby amended to read as follows:**

332.800 1. Except as otherwise provided in NRS 281.230 ~~[,]~~ ***and*** 281A.430 **,** ~~[and 281A.530,]~~ a member of the governing body may not be interested, directly or indirectly, in any contract entered into by the governing body, but the governing body may purchase supplies, not to exceed $1,500 in the aggregate in any 1 calendar month **,** from a member of such governing body ~~[,]~~ when not to do so would be of great inconvenience due to a lack of any other local source.

2. An evaluator may not be interested, directly or indirectly, in any contract awarded by such governing body or its authorized representative.

3. A member of a governing body who furnishes supplies in the manner permitted by subsection 1 may not vote on the allowance of the claim for such supplies.

4. A ~~[violation of]~~ ***person who violates*** this section is ***guilty of*** a misdemeanor and, in the case of a member of a governing body, ***a violation is*** cause for removal from office.

Sec. 62. **NRS 281A.530 is hereby repealed.**

~~[Sec. 57.]~~ ***Sec. 63.*** ~~[This]~~

1. Except as otherwise provided in subsection 2, this act becomes effective upon passage and approval.

2. Sections 16.3, 16.5, 24.5, 32.3, 40.5, 42.5 and 57 to 62, inclusive, of this act become effective on January 1, 2014.

TEXT OF REPEALED SECTION

281A.530 Purchase of goods or services by local government from member of governing body not unlawful or unethical; conditions. The purchase of goods or services by a local government upon a two-thirds vote of its governing body from a member of the governing body who is the sole source of supply within the area served by the governing body is not unlawful or unethical if the public notice of the meeting specifically mentioned that such a purchase would be discussed.

Assemblyman Ohrenschall moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 228.

Remarks by Assemblyman Ohrenschall.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 288.

The following Senate amendment was read:

Amendment No. 671.

AN ACT relating to education; **requiring the State Board of Education to select a high school equivalency assessment for certain persons who are not enrolled in high school and have not graduated; providing for the recognition of a document equivalent to a general educational development certificate, general educational development credential and general equivalency diploma;** requiring the State Board ~~[of Education]~~ to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma by requiring pupils enrolled in grades 9 and 10 to pass end-of-course examinations for the courses of study prescribed by the State Board; eliminating the option for the issuance of a certificate of attendance indicating a pupil attended high school but did not satisfy the requirements for a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is 16 or 17 years of age, is not enrolled in high school and has not graduated from high school to take the tests of general educational development to obtain a general educational development certificate which demonstrates that the person has achieved an educational level which is an acceptable substitute for completing a high school education. (NRS 385.448) Section 12.3 of this bill removes the reference to the tests of general educational

development and requires the State Board of Education to select a high school equivalency assessment. Existing law also makes various references to a: (1) general educational development certificate; (2) general educational development credential; and (3) general equivalency diploma. (NRS 209.396, 209.433, 209.443, 209.446, 209.4465, 211.330, 213.315, 388.575, 389.810, 432B.595, 630.277, 641C.420, 652.127, 697.173) Sections 17.5, 33.5, 41.1-41.7 and 42.2-42.7 of this bill provide for the recognition of a document that is equivalent to such a certificate, credential or diploma.

Existing law requires the administration of examinations based upon the State's academic standards to pupils enrolled in grades 3 through 8 and requires pupils to pass the high school proficiency examination to receive a standard high school diploma. (NRS 389.015, 389.550) **Section 43** of this bill eliminates the high school proficiency examination. **Section 19** of this bill requires the State Board ~~[of Education]~~ to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public high schools commencing with the 2014-2015 school year. **Section 19** further requires a pupil enrolled in grade 11 to take the assessment to receive a standard high school diploma, but prohibits the use of the results of the assessment in determining the pupil's eligibility for such a diploma.

Existing law prescribes the requirements for a standard high school diploma, including passage of the high school proficiency examination. (NRS 389.805) **Section 33** of this bill eliminates the requirement of passage of the high school proficiency examination and instead requires the State Board to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that, commencing with the 2014-2015 school year, a pupil enrolled in grade 9 or 10 pass an end-of-course examination. **Section 33** also requires the State Board to adopt the courses of study in which pupils enrolled in grades 9 and 10 must pass such an examination, which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

Under existing law, a pupil who does not pass the high school proficiency examination may be issued a certificate of attendance in lieu of a diploma if he or she is 18 years of age. (NRS 389.015) **Section 33** of this bill prohibits the issuance to a pupil of a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for a standard high school diploma.

As a transition from the administration of the high school proficiency examination to the administration of end-of-course examinations, **sections 44-44.7** of this bill require the State Board of Education to prescribe the requirements which a pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year who has not passed the high school proficiency examination and

is required to pass the examination to receive a standard high school diploma must satisfy to receive a standard high school diploma. Such requirements may include the continuation of the administration of the high school proficiency examination to those pupils.

The remaining sections of this bill make conforming changes relating to the elimination of the high school proficiency examination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as

long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the ~~[examinations of general educational development.]~~ ***high school equivalency assessment selected by the State Board pursuant to NRS 385.448.***

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma **.** ~~[, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.]~~

(2) An adult diploma.

(3) An adjusted diploma.

~~[~~(4) A certificate of attendance.~~]~~

(cc) ~~[For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(dd)]~~ The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(ee)]~~ ***(dd)*** Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

~~[(ff)]~~ ***(ee)*** An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(gg)]~~ ***(ff)*** A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

~~[(hh)]~~ ***(gg)*** For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on

pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~[,]~~ ***or*** an adjusted diploma ***;*** ~~[or a certificate of attendance;]~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~[pass the high school proficiency examination. (ii)]~~ ***satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.***

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes,

without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance;

(5) Possession or use of alcohol; and

(6) Bullying, cyber-bullying, harassment or intimidation;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma; ***and***

(3) Adjusted diploma; **[**~~and~~

~~(4) Certificate of attendance;~~**]**

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) ~~[High school proficiency examination administered pursuant to NRS 389.015; and]~~ ***End-of-course examinations administered pursuant to NRS 389.805; and***

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 and ***389.805 and*** shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district,

including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the ~~[examinations of general educational development.]~~ ***high school equivalency assessment selected by the State Board pursuant to NRS 385.448.***

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma **.** ~~[, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.]~~

(2) An adult diploma.

(3) An adjusted diploma.

~~[~~(4) A certificate of attendance.~~]~~

(x) ~~[For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(y)]~~ The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[~~(z)~~]~~ ***(y)*** The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[~~(aa)~~]~~ ***(z)*** Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[~~(bb)~~]~~ ***(aa)*** Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[~~(cc)~~]~~ ***(bb)*** Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~[(dd)]~~ ***(cc)*** For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(ee)]~~ ***(dd)*** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(ff)]~~ ***(ee)*** For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~[,]~~ ***or*** an adjusted diploma ***;*** ~~[or a certificate of attendance;]~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~[pass the high school proficiency examination.~~ ~~(gg)]~~ ***satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.***

(ff) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(hh)]~~ ***(gg)*** Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~[(hh),]~~ ***(gg),*** inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a

charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies and practices which:

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic

achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the

plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before January 31 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 6. NRS 385.361 is hereby amended to read as follows:

385.361 1. The State Board shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the State Board, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable;

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the differentiated corrective actions, the consequences or the sanctions, or any combination thereof, based upon the identified needs of a public school, including, without limitation, the educational needs of English language learners, pupils with disabilities or other groups of pupils identified in paragraph (b) of subsection 1, that apply to the public school that has been designated as demonstrating need for improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

➥ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ***and 389.805*** will be reported.

Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 ~~[or the high school proficiency examination, as applicable;]~~ ***and, if applicable for the grade levels of the school, the end-of-course examinations administered pursuant to NRS 389.805;***

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school;

(7) Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (m) to (p), inclusive, of subsection 2 of NRS 385.347; and

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before December 15, the support team of a school other than a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before December 15, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the charter school;
(b) Sponsor of the charter school;
(c) Governing body of the charter school;
(d) Department; and
(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before July 31 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before July 31 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board

pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 10. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before August 15 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils in the group who were required to take the examinations.

4. If the number of pupils in a particular group who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school district who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

Sec. 11. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➥ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805,*** the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805,*** as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 12. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 and the ~~[high school proficiency examination that is]~~ ***examinations*** administered pursuant to NRS ~~[389.015,]~~ ***389.805,*** identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 12.3. **NRS 385.448 is hereby amended to read as follows:**

385.448 1. ***The State Board shall select an assessment which enables a person who satisfies the requirements of subsection 2 or 3, as applicable, to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education.***

2. A person who:

(a) Is 17 years of age or older;

(b) If he or she is at least 17 years of age but less than 18 years of age, submits to the State Board written permission signed by his or her parent or legal guardian;

(c) Has not graduated from a high school;

(d) Is not currently enrolled in a high school; and

(e) Satisfies any other requirements prescribed by the State Board,

➥ may take the ~~[tests of general educational development prescribed]~~ ***high school equivalency assessment selected*** by the State Board.

~~[2.]~~ ***3.*** The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the ~~[tests of general educational development prescribed]~~ ***high school equivalency assessment selected*** by the State Board to a person who:

(a) Resides in the school district;

(b) Is at least 16 years of age but less than 17 years of age;

(c) Submits to the board of trustees written permission signed by his or her parent or legal guardian;

(d) Has not graduated from a high school;

(e) Is not currently enrolled in a high school; and

(f) Satisfies any other requirements prescribed by the board of trustees.

~~[3.]~~ ***4.*** The State Board may adopt regulations to carry out the provisions of ~~[subsection 1.~~

~~4. As used in this section, "tests of general educational development" means examinations which enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which is an acceptable substitute for completing a high school education.]~~ ***this section.***

Sec. 12.5. **NRS 385.451 is hereby amended to read as follows:**

385.451 It is unlawful to disclose the questions contained in ~~[tests of general educational development]~~ ***the high school equivalency assessment selected by the State Board pursuant to NRS 385.448*** and the approved answers used for grading the ~~[tests]~~ ***assessment*** except:

1. To the extent that disclosure is required in the Department's administration of the ~~[tests.]~~ ***assessment.***

2. That a disclosure may be made to a state officer who is a member of the Executive or Legislative branch to the extent that it is related to the performance of that officer's duties.

Sec. 13. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the ~~[achievement and proficiency]~~ examinations administered pursuant to ~~[NRS 389.015 and the examinations required pursuant to]~~ NRS 389.550 ***and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act*** to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph

does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 14. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 386.540 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year ~~[who]~~ have ~~[completed the required course work for graduation have passed the high school proficiency examination,]~~ ***satisfied the criteria prescribed by the State Board pursuant to NRS 389.805,*** if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 15. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to

NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;

(d) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805;***

(f) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(i) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school;

(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(n) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 16. NRS 386.765 is hereby amended to read as follows:

386.765 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 386.745 or 386.750, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[.]~~ ***and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or

donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 17. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) ~~[The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;~~

~~(c)]~~ The requirements for graduation from high school with a diploma and the types of diplomas available;

~~[(d)]~~ ***(c)*** The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

~~[(e)]~~ ***(d)*** The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

5. ~~[If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to NRS 389.016, the pupil's academic plan must be revised in~~

~~consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in NRS 389.016.~~

~~—6.]~~ An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 17.5. **NRS 388.575 is hereby amended to read as follows:**

388.575 1. The Department of Education, after consulting with the Department of Corrections, shall:

(a) Adopt regulations that establish a statewide program of education for incarcerated persons; and

(b) Coordinate with and assist school districts in operating programs of education for incarcerated persons.

2. The statewide program may include courses of study for:

(a) A high school diploma;

(b) Basic literacy;

(c) English as a second language;

(d) General educational development;

(e) Life skills;

(f) Career and technical education; and

(g) Postsecondary education.

3. The statewide program does not include the programs of general education, vocational education and training established by the Board of State Prison Commissioners pursuant to NRS 209.389.

4. The statewide program must establish:

(a) Standards for each course of study that set forth the:

(1) Curriculum;

(2) Qualifications for entry; and

(3) Evaluation of incarcerated persons for placement; and

(b) Procedures to ensure that an incarcerated person who earns credits in a program of education for incarcerated persons operated by a school district at a facility or institution shall, if transferred to a different facility or institution, transfer those credits to the program operated by a school district at that facility or institution.

5. As used in this section, "general educational development" means preparation for and administration of the standardized examinations ***or other high school equivalency assessments*** that enable persons who have not graduated from high school to demonstrate that they have achieved an

educational level which denotes competency in core curriculum. The term includes programs for obtaining a general educational development certificate ~~[.]~~ ***or an equivalent document.***

Sec. 18. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the ~~[achievement and proficiency]~~ examinations required pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[;]~~ ***and 389.805;*** and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 19. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall select a college and career readiness assessment for administration, commencing with the 2014-2015 school year and each school year thereafter, to pupils who are enrolled in grade 11 in public high schools.

~~2.~~ ***Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.***

3. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 389.616 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 389.620. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

↪ and shall report to the State Board any instance of noncompliance.

4. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

5. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 20. NRS 389.004 is hereby amended to read as follows:

389.004 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations ***and assessments*** available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations ~~[.]~~ ***and assessments.*** The examinations ***and assessments*** posted must include, without limitation:

1. The ~~[high school proficiency]~~ ***college*** ~~[examination]~~ ***and career readiness assessment*** administered pursuant to ~~[NRS 389.015; and]~~ ***section 19 of this act.***

2. ***The examinations required pursuant to NRS 389.805.***

3. All ***other*** college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 21. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments ~~[, including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,]~~ that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 22. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 23. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the

National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the ~~[~~high school proficiency examination~~]~~ ***examinations*** administered pursuant to NRS ~~[~~389.015,~~]~~ ***389.805,*** the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the ~~[~~high school proficiency examination~~]~~ ***examinations*** administered pursuant to NRS ~~[~~389.015.~~]~~ ***389.805.***

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 24. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the ~~[~~high school proficiency examination~~]~~ ***end-of-course examinations required pursuant to NRS 389.805*** for pupils who are enrolled in ~~[~~junior high, middle school and high school,~~]~~ ***grades 9 and 10*** and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the ~~[~~examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of paragraph (b) of subsection 1 of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;~~]~~

~~(b) Subject areas tested on the examination;~~

~~(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;~~

~~(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;~~

~~(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;~~

~~(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;~~

~~(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and~~

~~(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.~~**]** ***end-of-course examinations;***

(b) Courses of study for which the end-of-course examinations are administered;

(c) Format for the end-of-course examinations, including, without limitation, the range of items that are contained on the examinations; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the **[**~~examination.~~**]** ***end-of-course examinations.***

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before **[**~~January 15,~~**]** ***October 1,*** the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in **[**~~a junior high, middle school or high school~~**]** ***grade 9 or 10*** of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled ***in grade 9 or 10*** in the charter school

~~[at a junior high, middle school or high school grade level]~~ and to the parents or legal guardians of such a pupil.

Sec. 25. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8 **.** ~~[and for the high school proficiency examination.]~~

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 26. NRS 389.604 is hereby amended to read as follows:

389.604 "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805 or the college and career readiness assessment pursuant to section 19 of this act*** in the manner intended by the person or entity that created the examination ~~[.]~~ ***or assessment.***

Sec. 27. NRS 389.608 is hereby amended to read as follows:

389.608 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[.]~~ ***or assessment.***

Sec. 28. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[.]~~ ***and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 29. NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations ~~[.]~~ ***and assessments.***

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination ~~[.]~~ ***or assessment.***

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➥ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations ***and assessments*** to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations ~~[,]~~ ***and assessments,*** all pupils who are required to take the examinations ***or assessments*** and all parents and legal guardians of such pupils. The written

notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) ***"Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to section 19 of this act.***

(b) "Examination" means:

(1) ~~[~~Achievement and proficiency~~]~~ ***The*** examinations that are administered to pupils pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805;*** and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

~~[~~(b)~~]~~ ***(c)*** "Irregularity in testing administration" means the failure to administer an examination ***or assessment*** in the manner intended by the person or entity that created the examination ~~[~~.

~~(c)~~~~]~~ ***or assessment.***

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~[~~,~~]~~ ***or assessment,*** including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[~~.~~]~~ ***or assessment.***

Sec. 30. NRS 389.624 is hereby amended to read as follows:

389.624 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act;*** or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805 or the***

college and career readiness assessment administered pursuant to section 19 of this act,

➥ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 31. NRS 389.628 is hereby amended to read as follows:

389.628 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** immediately report the incident to the Department orally or in writing

followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** requesting that the Department investigate the incident pursuant to NRS 389.624.

➥ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended,

testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 32. NRS 389.644 is hereby amended to read as follows:

389.644 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[.]~~ ***or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.*** Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or section 19 of this act,*** and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 33. NRS 389.805 is hereby amended to read as follows:

389.805 1. ~~[~~Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:

(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or

(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:

(1) Passes the subject areas of mathematics and reading on the proficiency examination;

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~

~~2.~~**]** A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

[~~3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of paragraphs (a) and (b) of subsection 1 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:~~

~~(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;~~

~~(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or~~

~~(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.~~

~~4.~~**]** ***2.*** ~~The~~ The State Board shall adopt regulations that prescribe the ~~[alternative criteria~~**]** ***:***

~~***(a) Criteria***~~ ***Criteria*** ~~for a pupil to receive a standard high school diploma [pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work,~~

~~➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.]~~ ***, which must include, without limitation, the requirement that:***

(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to section 19 of this act; and

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 9 or 10 who completes the required instruction in a course of study pass an end-of-course examination in that course of study.

(b) Courses of study in which pupils enrolled in grades 9 and 10 must pass the end-of-course examinations required by subparagraph (2) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to section 19 of this act.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 33.5. **NRS 389.810 is hereby amended to read as follows:**

389.810 1. Notwithstanding any provision of this title to the contrary, a person who:

(a) Left high school before graduating to serve in the Armed Forces of the United States during:

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;

(b) Was discharged from the Armed Forces of the United States under honorable conditions; and

(c) As a result of his or her service in the Armed Forces of the United States, did not receive a high school diploma,

➥ shall be deemed to have earned sufficient credits to receive a standard high school diploma.

2. A school district may, upon request, issue a standard high school diploma to any person who meets the requirements set forth in subsection 1. A school district may issue a standard high school diploma to such a person even if the person:

(a) Holds a general educational development credential or ~~[its]~~ ***an*** equivalent ~~[,]~~ ***document;*** or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the Office of Veterans Services shall work cooperatively to establish guidelines for identifying and issuing standard high school diplomas to persons pursuant to this section.

4. A person to whom a standard high school diploma is issued pursuant to this section shall not be deemed to be a pupil for the purposes of this title.

Sec. 34. NRS 389.900 is hereby amended to read as follows:

389.900 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ***or, if applicable, pursuant to NRS 389.805,*** and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 34.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Assessment" means the college and career readiness assessment administered to pupils in grade 11 pursuant to section 19 of this act.

Sec. 35. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs; ***and***

(e) ~~[The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and~~

~~(f)]~~ The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without

limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 36. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~[achievement and proficiency]~~ examinations that are administered

pursuant to NRS ~~[~~389.015,~~]~~ ***389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act;***

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations ***and assessments*** adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 37. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the ~~[~~achievement and proficiency~~]~~ examinations that are administered pursuant to NRS ~~[~~389.015.~~]~~ ***389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations ***and assessments*** adopted pursuant to NRS 389.616 or 389.620.

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 37.5. NRS 391.600 is hereby amended to read as follows:

391.600 As used in NRS 391.600 to 391.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 391.604 to 391.620, inclusive, ***and section 34.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means:

1. ~~[~~Achievement and proficiency~~]~~ ***The*** examinations that are administered to pupils pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805;*** and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 38.3. NRS 391.608 is hereby amended to read as follows:

391.608 "Irregularity in testing administration" means the failure to administer an examination ***or assessment*** in the manner intended by the person or entity that created the examination ~~[~~.~~]~~ ***or assessment.***

Sec. 38.7. NRS 391.612 is hereby amended to read as follows:

391.612 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~[~~,~~]~~ ***or assessment,*** including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[~~.~~]~~ ***or assessment.***

Sec. 38.9. **NRS 392.075 is hereby amended to read as follows:**

392.075 Attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the ~~[~~tests of general educational development~~]~~ ***high school equivalency assessment*** pursuant to NRS 385.448.

Sec. 39. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form

must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The

written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in ~~[the high school proficiency examination administered pursuant to NRS 389.015 and]~~ all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the

requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 40. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 392A.030;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~[successfully passes the high school proficiency examination]~~ ***satisfies the criteria prescribed by the State Board pursuant to NRS 389.805*** and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 41. NRS 392A.110 is hereby amended to read as follows:

392A.110 1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.

2. A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS ~~[389.015 and]~~ 389.550.

Sec. 41.1. **NRS 209.396 is hereby amended to read as follows:**

209.396 1. Except as otherwise provided in this section, an offender who is illiterate may not be assigned to an industrial or a vocational program unless:

(a) The offender is regularly attending and making satisfactory progress in a program for general education; or

(b) The Director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.

2. An offender whose:

(a) Native language is not English;

(b) Ability to read and write in his or her native language is at or above the level of literacy designated by the Board in its regulations; and

(c) Ability to read and write the English language is below the level of literacy designated by the Board in its regulations,

➥ may not be assigned to an industrial or a vocational program unless the offender is regularly attending and making satisfactory progress in a course which teaches English as a second language or the Director for good cause

determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.

3. Upon written documentation that an illiterate offender has a developmental, learning or other similar disability which affects his or her ability to learn, the Director may:

(a) Adapt or create an educational program or guidelines for evaluating the educational progress of the offender to meet his or her particular needs; or

(b) Exempt the offender from the required participation in an educational program prescribed by this section.

4. The provisions of this section do not apply to an offender who presents satisfactory evidence that the offender has a ~~[high]~~ ***:***

(a) High school diploma ***;*** or ~~[a general]~~

(b) General educational development certificate ~~[,]~~ ***or an equivalent document.***

5. As used in this section, "illiterate" means having an ability to read and write that is below the level of literacy designated by the Board in its regulations.

Sec. 41.2. **NRS 209.433 is hereby amended to read as follows:**

209.433 1. Every offender who was sentenced to prison on or before June 30, 1969, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed for his or her term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of the term, and pro rata for any part of a year where the sentence is for more or less than a year.

2. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits the credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 2 as determined by the Director.

Sec. 41.3. **NRS 209.443 is hereby amended to read as follows:**

209.443 1. Every offender who is sentenced to prison after June 30, 1969, for a crime committed before July 1, 1985, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence; and

(b) For the period the offender is in residential confinement,

➥ a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned for actual time served.

2. The credits earned by an offender must be deducted from the maximum term imposed by the sentence and, except as otherwise provided in subsection 5, must apply to eligibility for parole.

3. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits such credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

4. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 3 as determined by the Director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 41.4. **NRS 209.446 is hereby amended to read as follows:**

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 41.5. **NRS 209.4465 is hereby amended to read as follows:**

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 41.6. **NRS 211.330 is hereby amended to read as follows:**

211.330 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.340, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct 5 days from the prisoner's term of imprisonment for earning a general educational development certificate ~~[,]~~ or ~~[the equivalent thereof,]~~ ***an equivalent document*** by successfully completing an educational program for adults conducted jointly by the local detention facility in which the prisoner is incarcerated and the school district in which the facility is located.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 41.7. **NRS 213.315 is hereby amended to read as follows:**

213.315 1. Except as otherwise provided in this section, an offender who is illiterate is not eligible to participate in a program unless:

(a) The offender is regularly attending and making satisfactory progress in a program for general education; or

(b) The Director, for good cause, determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.

2. An offender whose:

(a) Native language is not English;

(b) Ability to read and write in his or her native language is at or above the level of literacy designated by the Board of State Prison Commissioners in its regulations; and

(c) Ability to read and write the English language is below the level of literacy designated by the Board of State Prison Commissioners in its regulations,

➥ may not be assigned to an industrial or a vocational program unless the offender is regularly attending and making satisfactory progress in a course which teaches English as a second language or the Director, for good cause, determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.

3. Upon written documentation that an illiterate offender has a developmental, learning or other similar disability which affects his or her ability to learn, the Director may:

(a) Adapt or create an educational program or guidelines for evaluating the educational progress of the offender to meet his or her particular needs; or

(b) Exempt the offender from the required participation in an educational program prescribed by this section.

4. The provisions of this section do not apply to an offender who:

(a) Presents satisfactory evidence that the offender has ~~[a]~~ ***:***

(1) A high school diploma ***;*** or ~~[a]~~

(2) A general educational development certificate ~~[,]~~ or ***an equivalent document; or***

(b) Is admitted into a program for the purpose of obtaining additional education in this state.

5. As used in this section, "illiterate" means having an ability to read and write that is below the level of literacy designated by the Board of State Prison Commissioners in its regulations.

Sec. 42. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school

districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~[~~389.015.~~]~~ ***389.550 or 389.805.*** In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 42.2. **NRS 432B.595 is hereby amended to read as follows:**

432B.595 1. If the court retains jurisdiction over a child pursuant to NRS 432B.594, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. Such a plan must include, without limitation, the following goals:

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the child has not graduated from high school or obtained a general equivalency diploma ~~[,]~~ ***or an equivalent document,*** that the child remain enrolled in high school or a program to obtain a general equivalency diploma ***or an equivalent document*** until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma ~~[,]~~ ***or an equivalent document,*** that the child:

(1) Enroll in a program of postsecondary or vocational education;

(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

(e) That the child have adequate income to meet his or her monthly expenses;

(f) That the child identify an adult who will be available to provide support to the child;

(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child; and

(h) If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, that the child have goals which are appropriate for the child based upon the needs of the child.

2. During the period in which the court retains jurisdiction over the child, the agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

Sec. 42.4. **NRS 630.277 is hereby amended to read as follows:**

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) Have ~~[a]~~ **:**

(1) A high school diploma **;** or

(2) A general equivalency diploma ~~[.]~~ ***or an equivalent document;***

(b) Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation for Respiratory Care or its successor organization;

(c) Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization;

(d) Be certified by the National Board for Respiratory Care or its successor organization; and

(e) Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself or herself out as qualified to practice respiratory care,

➥ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in paragraphs (a) and (b) of subsection 1 may practice respiratory care

pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 42.5. **NRS 641C.420 is hereby amended to read as follows:**

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has ~~[a]~~ **:**

(1) A high school diploma ***;*** or ~~[a]~~

(2) A general equivalency diploma ~~[,]~~ ***or an equivalent document;***

(d) Pays the fees required pursuant to NRS 641C.470;

(e) Submits proof to the Board that the person:

(1) Is enrolled in a program from which he or she will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; or

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 42.6. **NRS 652.127 is hereby amended to read as follows:**

652.127 To qualify for certification as an assistant in a medical laboratory, a person must be a high school graduate or have a general equivalency diploma ***or an equivalent document*** and:

1. Must complete at least 6 months of training approved by the Board and demonstrate an ability to perform laboratory procedures in the medical laboratory where he or she receives the training; or

2. Must:

(a) Complete a course of instruction that qualifies him or her to take an examination for certification in phlebotomy that is administered by:

(1) The American Medical Technologists;

(2) The American Society of Clinical Pathologists; or

(3) The National Certification Agency; and

(b) Pass an examination specified in paragraph (a).

Sec. 42.7. **NRS 697.173 is hereby amended to read as follows:**

697.173 1. Except as otherwise provided in subsection 2, a person is entitled to receive, renew or hold a license as a bail enforcement agent if the person:

(a) Is a natural person not less than 21 years of age.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has ~~[a]~~ **:**

(1) A high school diploma ~~[or a]~~ **;**

(2) A general equivalency diploma ***or an equivalent document;*** or ~~[has an]~~

(3) An equivalent education as determined by the Commissioner.

(d) Has complied with the requirements of subsection 4 of NRS 697.180.

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) Successfully completes the training required by NRS 697.177.

2. A person is not entitled to receive, renew or hold a license of a bail enforcement agent if the person:

(a) Has been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

(b) Has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 43. NRS 389.015, 389.016, 389.017, 389.0175 and 389.045 are hereby repealed.

Sec. 44. 1. The Legislature hereby recognizes that to receive federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., pupils enrolled in public high schools in this State must be administered an assessment at least one time while in high school based upon the State's academic and content standards. To continue to

receive federal money under the Act, the State Board of Education may, for the purposes set forth in subsection 2, continue to provide for the administration of the high school proficiency examination.

2. On or before August 1, 2013, the State Board of Education shall:

(a) Prescribe the requirements, in addition to any requirements prescribed by statute, that a pupil enrolled in grade 12 in the 2013-2014 school year, the 2014-2015 school year or the 2015-2016 school year must satisfy to receive a standard high school diploma, which may include, without limitation, passage of the high school proficiency examination pursuant to section 44.3 of this act;

(b) Provide timely notice to the board of trustees of each school district and the governing body of each charter high school of the requirements prescribed pursuant to paragraph (a); and

(c) Post notice of the requirements on the Internet website maintained by the Department of Education.

3. On or before September 1, 2013, the board of trustees of each school district and the governing body of each charter school shall:

(a) Provide timely notice to each pupil and the parent or legal guardian of each pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year of the requirements the pupil must satisfy to receive a standard high school diploma.

(b) Post notice of the requirements on the Internet website maintained by the board of trustees or the governing body of the charter school, as applicable.

4. If a pupil to whom the provisions of this section apply is retained in grade 10, 11 or 12, the requirements for receipt of a standard high school diploma prescribed by the State Board of Education pursuant to subsection 2 continue to apply to that pupil until he or she exits high school.

Sec. 44.3. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The board of trustees of each school district shall administer the high school proficiency examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The high school proficiency examination administered by the board of trustees and governing body must determine the achievement and proficiency of those pupils in:

(a) Reading;

(b) Mathematics;

(c) Science; and

(d) Writing.

2. The high school proficiency examination required by subsection 1 must be:

(a) Administered in each school district and each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma at the same time, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department of Education shall monitor the compliance of school districts and individual schools with the uniform procedures.

(b) Administered in accordance with the plan adopted pursuant to NRS 389.616 by the Department and the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the high school proficiency examination is administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the high school proficiency examination shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department of Education by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each applicable charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district at which the high school proficiency examination was administered pursuant to this section. Except as otherwise provided in this subsection, not more than 15 working days after each such school receives the results of the examinations, the principal of each such school and the governing body of each such charter school shall certify that the results for each pupil that took the examination have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or the administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the high school proficiency examination to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. A pupil who transfers during grade 12 to a school in this State from a school outside of this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

5. For the purposes of this section, the State Board shall prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science and, except for the writing portion, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The State Board, in consultation with the Council to Establish Academic Standards for Public Schools created by NRS 389.510, shall prescribe the writing portion of the high school proficiency examination. The questions contained in the high school proficiency examination and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the high school proficiency examination.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government, to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district, to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district, to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district, to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

6. The administrative regulations adopted by the State Board of Education for purposes of carrying out NRS 389.015 as of June 30, 2013, continue in effect if the high school proficiency examination is administered pursuant to this section.

Sec. 44.7. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The results of the high school proficiency examination administered pursuant to section 44.3 of this act must be reported for the applicable school year for each school, including, without limitation, each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, each school district and this State, as follows:

(a) The average score, as defined by the Department, of such pupils who took the high school proficiency examination under regular testing conditions; and

(b) The average score, as defined by the Department of Education, of such pupils who took the high school proficiency examination with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

2. The superintendent of schools of each school district and the governing body of each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, through the sponsor of the charter school, shall certify that the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who took the high school proficiency examination in the applicable school year is equal to the number of such pupils in each school in the school district or in the charter school who are required to take the high school proficiency examination in that school year.

3. In addition to the information required by subsection 2, the Superintendent of Public Instruction shall, for each applicable school year:

(a) Report the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who were absent from school on the day that the high school proficiency examination was administered; and

(b) Reconcile the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma with the number of such pupils who were absent from school on the day that the examination was administered.

Sec. 45. 1. This section and sections 44, 44.3, and 44.7 of this act become effective upon passage and approval.

2. Sections 1 to 43, inclusive, of this act become effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.

389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district.

389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information.

389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective.

Assemblyman Elliot Anderson moved that the Assembly concur in the Senate Amendment No. 671 to Assembly Bill No. 288.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

This amendment requires the State Board of Education to select a high school equivalency assessment for certain persons who are not enrolled in high school and have not graduated and provides for the recognition of other documents for a GED.

Motion carried.

The following Senate amendment was read:

Amendment No. 949.

AN ACT relating to education; requiring the State Board of Education to select a high school equivalency assessment for certain persons who are not

enrolled in high school and have not graduated; providing for the recognition of a document equivalent to a general educational development certificate, general educational development credential and general equivalency diploma; requiring the State Board to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma by requiring pupils ~~[enrolled in grades 9 and 10]~~ to pass end-of-course examinations for the courses of study prescribed by the State Board; eliminating the option for the issuance of a certificate of attendance indicating a pupil attended high school but did not satisfy the requirements for a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is 16 or 17 years of age, is not enrolled in high school and has not graduated from high school to take the tests of general educational development to obtain a general educational development certificate which demonstrates that the person has achieved an educational level which is an acceptable substitute for completing a high school education. (NRS 385.448) **Section 12.3** of this bill removes the reference to the tests of general educational development and requires the State Board of Education to select a high school equivalency assessment. Existing law also makes various references to a: (1) general educational development certificate; (2) general educational development credential; and (3) general equivalency diploma. (NRS 209.396, 209.433, 209.443, 209.446, 209.4465, 211.330, 213.315, 388.575, 389.810, 432B.595, 630.277, 641C.420, 652.127, 697.173) **Sections 17.5, 33.5, 41.1-41.7 and 42.2-42.7** of this bill provide for the recognition of a document that is equivalent to such a certificate, credential or diploma.

Existing law requires the administration of examinations based upon the State's academic standards to pupils enrolled in grades 3 through 8 and requires pupils to pass the high school proficiency examination to receive a standard high school diploma. (NRS 389.015, 389.550) **Section 43** of this bill eliminates the high school proficiency examination. **Section 19** of this bill requires the State Board to select a college and career readiness assessment for administration to pupils enrolled in grade 11 in public high schools commencing with the 2014-2015 school year. **Section 19** further requires a pupil enrolled in grade 11 to take the assessment to receive a standard high school diploma, but prohibits the use of the results of the assessment in determining the pupil's eligibility for such a diploma.

Existing law prescribes the requirements for a standard high school diploma, including passage of the high school proficiency examination. (NRS 389.805) **Section 33** of this bill eliminates the requirement of passage of the high school proficiency examination and instead requires the State Board to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that, commencing with the 2014-2015 school year, a pupil ~~[enrolled in grade 9 or 10]~~ pass ~~[an]~~ **at least four** end-of-course ~~[examination.]~~ **examinations. Section 33** also requires the State Board to adopt the courses of study in which pupils ~~[enrolled in grades 9 and 10]~~ must pass such ~~[an examination,]~~ **examinations,** which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

Under existing law, a pupil who does not pass the high school proficiency examination may be issued a certificate of attendance in lieu of a diploma if he or she is 18 years of age. (NRS 389.015) **Section 33** of this bill prohibits the issuance to a pupil of a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for a standard high school diploma.

As a transition from the administration of the high school proficiency examination to the administration of end-of-course examinations, **sections 44-44.7** of this bill require the State Board of Education to prescribe the requirements which a pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year who has not passed the high school proficiency examination and is required to pass the examination to receive a standard high school diploma must satisfy to receive a standard high school diploma. Such requirements may include the continuation of the administration of the high school proficiency examination to those pupils.

The remaining sections of this bill make conforming changes relating to the elimination of the high school proficiency examination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805*** ~~[,]~~ ***and the college and career readiness assessment administered pursuant to section 19 of this act,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805*** ~~[,]~~ ***and section 19 of this act,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the

professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide

program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the ~~[examinations of general educational development.]~~ ***high school equivalency assessment selected by the State Board pursuant to NRS 385.448.***

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district,

including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma **.** ~~[, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.]~~

(2) An adult diploma.

(3) An adjusted diploma.

~~[~~(4) A certificate of attendance.~~]~~

(cc) ~~[~~For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~(dd)~~] The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

[~~(ee)~~] ***(dd)*** Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

[~~(ff)~~] ***(ee)*** An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

[~~(gg)~~] ***(ff)*** A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

[~~(hh)~~] ***(gg)*** For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma [~~,~~] ***or*** an adjusted diploma ***;*** [~~or a certificate of attendance;~~] and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~[pass the high school proficiency examination. —(ii)]~~ ***satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.***

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[,]~~ ***and 389.805*** ~~[,]~~ ***and the college and career readiness assessment administered pursuant to section 19 of this act;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic

achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance;

(5) Possession or use of alcohol; and

(6) Bullying, cyber-bullying, harassment or intimidation;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma; ***and***

(3) Adjusted diploma; ~~[and~~

~~(4) Certificate of attendance;~~**]**

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) ~~[High school proficiency examination administered pursuant to NRS 389.015; and]~~ ***End-of-course examinations administered pursuant to NRS 389.805; and***

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information

required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 and ***389.805 and the college and career readiness assessment administered pursuant to section 19 of this act and*** shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations ***and assessments*** were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805 [,] and section 19 of this act,*** which may include

information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both,

and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the ~~[examinations of general educational development.]~~ ***high school equivalency assessment selected by the State Board pursuant to NRS 385.448.***

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a

whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma **.** ~~[, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.]~~

(2) An adult diploma.

(3) An adjusted diploma.

~~[~~(4) A certificate of attendance.~~]~~

(x) ~~[For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(y)]~~ The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[(z)]~~ ***(y)*** The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(aa)]~~ ***(z)*** Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[(bb)]~~ ***(aa)*** Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[(cc)]~~ ***(bb)*** Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~[(dd)]~~ ***(cc)*** For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by

this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(ee)]~~ ***(dd)*** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(ff)]~~ ***(ee)*** For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ~~[,]~~ ***or*** an adjusted diploma ***;*** ~~[or a certificate of attendance;]~~ and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to ~~[pass the high school proficiency examination.~~

~~(gg)]~~ ***satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.***

(ff) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~[(hh)]~~ ***(gg)*** Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School

Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~[(hh),]~~ ***(gg),*** inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report

by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in

paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies and practices which:

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805*** ~~*[,]*~~ ***and the college and career readiness assessment administered pursuant to section 19 of this act;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as

applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before January 31 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 6. NRS 385.361 is hereby amended to read as follows:

385.361 1. The State Board shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the State Board, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable;

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the differentiated corrective actions, the consequences or the sanctions, or any combination thereof, based upon the identified needs of a public school, including, without limitation, the educational needs of English language learners, pupils with disabilities or other groups of pupils identified in paragraph (b) of subsection 1, that apply to the public school that has been designated as demonstrating need for improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

➥ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ***and , if applicable for the grade levels of the pupils enrolled, the examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act*** will be reported.

Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 ~~[or the high~~

~~school proficiency examination, as applicable;~~] ***and, if applicable for the grade levels of the school, the end-of-course examinations administered pursuant to NRS 389.805;***

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school;

(7) Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (m) to (p), inclusive, of subsection 2 of NRS 385.347; and

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before December 15, the support team of a school other than a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before December 15, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the charter school;

(b) Sponsor of the charter school;

(c) Governing body of the charter school;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before July 31 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before July 31 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 10. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before August 15 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the

information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 or the ~~[high school proficiency examination,]~~ ***examinations administered pursuant to NRS 389.805,*** as applicable, is less than 95 percent of all pupils in the group who were required to take the examinations.

4. If the number of pupils in a particular group who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school district who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

Sec. 11. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to

NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and 389.805,*** including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➥ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805,*** the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805,*** as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 12. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 and ~~[the]~~ ~~[high school proficiency examination that is]~~ ~~*[examinations*~~ ~~administered pursuant to NRS]~~ ~~[389.015,]~~ ***389.805*** ~~*[,]*~~ ***and the college and career readiness assessment administered pursuant to section 19 of this act,*** identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 12.3. NRS 385.448 is hereby amended to read as follows:

385.448 1. ***The State Board shall select an assessment which enables a person who satisfies the requirements of subsection 2 or 3, as applicable, to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education.***

2. A person who:

(a) Is 17 years of age or older;

(b) If he or she is at least 17 years of age but less than 18 years of age, submits to the State Board written permission signed by his or her parent or legal guardian;

(c) Has not graduated from a high school;

(d) Is not currently enrolled in a high school; and

(e) Satisfies any other requirements prescribed by the State Board,

➥ may take the ~~[~~tests of general educational development prescribed~~]~~ ***high school equivalency assessment selected*** by the State Board.

~~[~~2.~~]~~ ***3.*** The board of trustees of a school district may, upon request and for good cause shown, grant permission to take the ~~[~~tests of general educational development prescribed~~]~~ ***high school equivalency assessment selected*** by the State Board to a person who:

(a) Resides in the school district;

(b) Is at least 16 years of age but less than 17 years of age;

(c) Submits to the board of trustees written permission signed by his or her parent or legal guardian;

(d) Has not graduated from a high school;

(e) Is not currently enrolled in a high school; and

(f) Satisfies any other requirements prescribed by the board of trustees.

~~[~~3.~~]~~ ***4.*** The State Board may adopt regulations to carry out the provisions of ~~[~~subsection 1.

~~4. As used in this section, "tests of general educational development" means examinations which enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which is an acceptable substitute for completing a high school education.~~]~~ ***this section.***

Sec. 12.5. NRS 385.451 is hereby amended to read as follows:

385.451 It is unlawful to disclose the questions contained in ~~[~~tests of general educational development~~]~~ ***the high school equivalency assessment selected by the State Board pursuant to NRS 385.448*** and the approved answers used for grading the ~~[~~tests~~]~~ ***assessment*** except:

1. To the extent that disclosure is required in the Department's administration of the ~~[~~tests.~~]~~ ***assessment.***

2. That a disclosure may be made to a state officer who is a member of the Executive or Legislative branch to the extent that it is related to the performance of that officer's duties.

Sec. 13. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the ~~[achievement and proficiency]~~ examinations administered pursuant to ~~[NRS 389.015 and the examinations required pursuant to]~~ NRS 389.550 ***and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act*** to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 14. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 386.540 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by

annual measurable objectives determined by the State Board, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year ~~[who]~~ have ~~[completed the required course work for graduation have passed the high school proficiency examination,]~~ ***satisfied the criteria prescribed by the State Board pursuant to NRS 389.805,*** if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 15. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;

(d) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the

pupils enrolled in the school and any special programs that will be offered for pupils;

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[,]~~ ***and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805*** ~~[,]~~ ***and the college and career readiness assessment administered pursuant to section 19 of this act;***

(f) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(i) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school;

(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(n) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 16. NRS 386.765 is hereby amended to read as follows:

386.765 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 386.745 or 386.750, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[.]~~ ***and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 17. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those

pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) ~~[The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;~~

~~(c)]~~ The requirements for graduation from high school with a diploma and the types of diplomas available;

~~[(d)]~~ ***(c)*** The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

~~[(e)]~~ ***(d)*** The charter schools within the school district.

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

5. ~~[If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to NRS 389.016, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in NRS 389.016.~~

~~6.]~~ An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations

of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 17.5. NRS 388.575 is hereby amended to read as follows:

388.575 1. The Department of Education, after consulting with the Department of Corrections, shall:

(a) Adopt regulations that establish a statewide program of education for incarcerated persons; and

(b) Coordinate with and assist school districts in operating programs of education for incarcerated persons.

2. The statewide program may include courses of study for:

(a) A high school diploma;

(b) Basic literacy;

(c) English as a second language;

(d) General educational development;

(e) Life skills;

(f) Career and technical education; and

(g) Postsecondary education.

3. The statewide program does not include the programs of general education, vocational education and training established by the Board of State Prison Commissioners pursuant to NRS 209.389.

4. The statewide program must establish:

(a) Standards for each course of study that set forth the:

(1) Curriculum;

(2) Qualifications for entry; and

(3) Evaluation of incarcerated persons for placement; and

(b) Procedures to ensure that an incarcerated person who earns credits in a program of education for incarcerated persons operated by a school district at a facility or institution shall, if transferred to a different facility or institution, transfer those credits to the program operated by a school district at that facility or institution.

5. As used in this section, "general educational development" means preparation for and administration of the standardized examinations ***or other high school equivalency assessments*** that enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which denotes competency in core curriculum. The term includes programs for obtaining a general educational development certificate ~~[.]~~ ***or an equivalent document.***

Sec. 18. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the ~~[~~achievement and proficiency~~]~~ examinations required pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[.]~~ ***and , if applicable for the grade levels of the pupils enrolled, the administration of the examinations pursuant to NRS 389.805 [,] and the college and career readiness assessment pursuant to section 19 of this act;*** and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 19. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall select a college and career readiness assessment for administration, commencing with the 2014-2015 school year and each school year thereafter, to pupils who are enrolled in grade 11 in public high schools.

~~2.~~ ***Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.***

3. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State

Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 389.616 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 389.620. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

↳ and shall report to the State Board any instance of noncompliance.

4. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

5. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 20. NRS 389.004 is hereby amended to read as follows:

389.004 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations ***and assessments*** available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations ~~[.]~~ ***and assessments.*** The examinations ***and assessments*** posted must include, without limitation:

1. The ~~[high school proficiency]~~ ***college*** ~~[examination]~~ ***and career readiness assessment*** administered pursuant to ~~[NRS 389.015; and]~~ ***section 19 of this act.***

2. ***The examinations required pursuant to NRS 389.805.***

3. All ***other*** college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 21. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments ~~[, including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,]~~ that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 22. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination

administered pursuant to NRS ~~[389.015 or]~~ 389.550 ***or 389.805*** even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 23. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the ~~[high school proficiency examination]~~ ***examinations*** administered pursuant to NRS ~~[389.015,]~~ ***389.805,*** the Department shall

prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the ~~[~~high school proficiency examination~~]~~ ***examinations*** administered pursuant to NRS ~~[~~389.015.~~]~~ ***389.805.***

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 24. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the ~~[~~high school proficiency examination~~]~~ ***end-of-course examinations required pursuant to NRS 389.805*** ***and the college and career readiness assessment administered pursuant to section 19 of this act*** for pupils who are enrolled in junior high, middle school and high school, ***[grades 9 and 10]*** and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the ~~[~~examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of paragraph (b) of subsection 1 of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;~~]~~

~~(b) Subject areas tested on the examination;~~

~~(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;~~

~~(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;~~

~~(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;~~

~~(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;~~

~~(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and~~

~~(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.~~**]** ***end-of-course examinations ~~[,]~~ and the importance of taking the college and career readiness assessment;***

(b) Courses of study for which the end-of-course examinations are administered ~~[,]~~ and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations ~~[,]~~ and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations ~~[,]~~ and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the **[**~~examination.~~**]** ***end-of-course examinations ~~[,]~~ and the college and career readiness assessment.***

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before **[**~~January 15,~~**]** ***October 1,*** the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school ***~~[grade 9 or 10]~~*** of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled ~~***[in grade 9 or 10]***~~ in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 25. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8 **.** ~~**[**and for the high school proficiency examination.**]**~~

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 26. NRS 389.604 is hereby amended to read as follows:

389.604 "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS ~~**[**389.015 or**]**~~ 389.550 ***or 389.805 or the college and career readiness assessment pursuant to section 19 of this act*** in the manner intended by the person or entity that created the examination ~~**[**.**]**~~ ***or assessment.***

Sec. 27. NRS 389.608 is hereby amended to read as follows:

389.608 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[.]~~ ***or assessment.***

Sec. 28. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS ~~[389.015 and]~~ 389.550 ~~[.]~~ ***and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 29. NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations ~~[.]~~ ***and assessments.***

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination ~~[.]~~ ***or assessment.***

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➥ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations ***and assessments*** to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations ~~[.]~~ ***and assessments,*** all pupils who are required to take the examinations ***or assessments*** and all parents and legal guardians of such pupils. The written

notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) ***"Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to section 19 of this act.***

(b) "Examination" means:

(1) ~~[~~Achievement and proficiency~~]~~ ***The*** examinations that are administered to pupils pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805;*** and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

~~[~~(b)~~]~~ ***(c)*** "Irregularity in testing administration" means the failure to administer an examination ***or assessment*** in the manner intended by the person or entity that created the examination ~~[~~.

(c)~~]~~ ***or assessment.***

(d) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~[~~,~~]~~ ***or assessment,*** including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[~~.~~]~~ ***or assessment.***

Sec. 30. NRS 389.624 is hereby amended to read as follows:

389.624 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act;*** or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805 or the***

college and career readiness assessment administered pursuant to section 19 of this act,

➥ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 31. NRS 389.628 is hereby amended to read as follows:

389.628 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** immediately report the incident to the Department orally or in writing

followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS ~~[389.015 or]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** requesting that the Department investigate the incident pursuant to NRS 389.624.

➥ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended,

testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 32. NRS 389.644 is hereby amended to read as follows:

389.644 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS ~~[~~389.015 and~~]~~ 389.550 ~~[.]~~ ***or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.*** Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or section 19 of this act,*** and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[,]~~ ***or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,*** receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 33. NRS 389.805 is hereby amended to read as follows:

389.805 1. ~~[~~Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:

~~(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or~~

~~(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~

~~2.~~**]** A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

[~~3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of paragraphs (a) and (b) of subsection 1 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:~~

~~(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;~~

~~(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or~~

~~(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.~~

~~4.~~**]** ***2.*** The State Board shall adopt regulations that prescribe the **[**~~alternative criteria~~**]** ***:***

(a) Criteria for a pupil to receive a standard high school diploma **[**~~pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work,~~

~~➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.~~**]** ***, which must include, without limitation, the requirement that:***

(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to section 19 of this act; ***[~~and~~]***

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enroll in the courses of study designed to ***[~~a pupil enrolled in grade 9 or 10 who completes the required instruction in a~~***

~~*course of study.]*~~ ***prepare the pupil for graduation from high school and for readiness for college and career; and***

(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass ~~*[an]*~~ ***at least four end-of-course*** ~~*[examination in that course of study.]*~~ ***examinations prescribed pursuant to paragraph (b).***

(b) Courses of study in which pupils ~~*[enrolled in grades 9 and 10]*~~ ***must pass the end-of-course examinations required by subparagraph*** ~~*[(2)]*~~ ***(3) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards*** ~~*[.]*~~ ***and which may include any other courses of study prescribed by the State Board.***

(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to section 19 of this act.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 33.5. NRS 389.810 is hereby amended to read as follows:

389.810 1. Notwithstanding any provision of this title to the contrary, a person who:

(a) Left high school before graduating to serve in the Armed Forces of the United States during:

(1) World War II and so served at any time between September 16, 1940, and December 31, 1946;

(2) The Korean War and so served at any time between June 25, 1950, and January 31, 1955; or

(3) The Vietnam Era and so served at any time between January 1, 1961, and May 7, 1975;

(b) Was discharged from the Armed Forces of the United States under honorable conditions; and

(c) As a result of his or her service in the Armed Forces of the United States, did not receive a high school diploma,

➥ shall be deemed to have earned sufficient credits to receive a standard high school diploma.

2. A school district may, upon request, issue a standard high school diploma to any person who meets the requirements set forth in subsection 1. A school district may issue a standard high school diploma to such a person even if the person:

(a) Holds a general educational development credential or ~~[its]~~ ***an*** equivalent ~~[,]~~ ***document;*** or

(b) Is deceased, if the family of the veteran requests the issuance of the diploma.

3. The State Board and the Office of Veterans Services shall work cooperatively to establish guidelines for identifying and issuing standard high school diplomas to persons pursuant to this section.

4. A person to whom a standard high school diploma is issued pursuant to this section shall not be deemed to be a pupil for the purposes of this title.

Sec. 34. NRS 389.900 is hereby amended to read as follows:

389.900 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS ~~[389.015 or]~~ 389.550 ***or*** ~~***[, if applicable, pursuant to NRS]***~~ ***389.805*** ~~***[,]***~~ ***or the college and career readiness assessment administered pursuant to section 19 of this act,*** and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 34.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

"Assessment" means the college and career readiness assessment administered to pupils in grade 11 pursuant to section 19 of this act.

Sec. 35. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs; ***and***

(e) ~~[The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and~~

~~(f)]~~ The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

Sec. 36. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~[~~achievement and proficiency~~]~~ examinations that are administered pursuant to NRS ~~[~~389.015;~~]~~ ***389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act;***

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations ***and assessments*** adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 37. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining

and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the ~~[~~achievement and proficiency~~]~~ examinations that are administered pursuant to NRS ~~[~~389.015.~~]~~ ***389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.***

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations ***and assessments*** adopted pursuant to NRS 389.616 or 389.620.

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 37.5. NRS 391.600 is hereby amended to read as follows:

391.600 As used in NRS 391.600 to 391.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 391.604 to 391.620, inclusive, ***and section 34.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means:

1. ~~[~~Achievement and proficiency~~]~~ ***The*** examinations that are administered to pupils pursuant to NRS ~~[~~389.015 or~~]~~ 389.550 ~~[~~,~~]~~ ***or 389.805;*** and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 38.3. NRS 391.608 is hereby amended to read as follows:

391.608 "Irregularity in testing administration" means the failure to administer an examination ***or assessment*** in the manner intended by the person or entity that created the examination ~~[~~.~~]~~ ***or assessment.***

Sec. 38.7. NRS 391.612 is hereby amended to read as follows:

391.612 "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination ~~[~~,~~]~~ ***or assessment,*** including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination ***or assessment*** in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~[~~.~~]~~ ***or assessment.***

Sec. 38.9. NRS 392.075 is hereby amended to read as follows:

392.075 Attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the ~~[~~tests of general

~~educational development~~] ***high school equivalency assessment*** pursuant to NRS 385.448.

Sec. 39. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in **[**~~the high school proficiency examination administered pursuant to NRS 389.015 and~~**]** all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such

examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 40. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 392A.030;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~[successfully passes the high school proficiency examination]~~ ***satisfies the criteria prescribed by the State Board pursuant to NRS 389.805*** and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 41. NRS 392A.110 is hereby amended to read as follows:

392A.110 1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.

2. A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS ~~[389.015 and]~~ 389.550.

Sec. 41.1. NRS 209.396 is hereby amended to read as follows:

209.396 1. Except as otherwise provided in this section, an offender who is illiterate may not be assigned to an industrial or a vocational program unless:

(a) The offender is regularly attending and making satisfactory progress in a program for general education; or

(b) The Director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.

2. An offender whose:

(a) Native language is not English;

(b) Ability to read and write in his or her native language is at or above the level of literacy designated by the Board in its regulations; and

(c) Ability to read and write the English language is below the level of literacy designated by the Board in its regulations,

➥ may not be assigned to an industrial or a vocational program unless the offender is regularly attending and making satisfactory progress in a course which teaches English as a second language or the Director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.

3. Upon written documentation that an illiterate offender has a developmental, learning or other similar disability which affects his or her ability to learn, the Director may:

(a) Adapt or create an educational program or guidelines for evaluating the educational progress of the offender to meet his or her particular needs; or

(b) Exempt the offender from the required participation in an educational program prescribed by this section.

4. The provisions of this section do not apply to an offender who presents satisfactory evidence that the offender has a ~~[high]~~ ***:***

(a) High school diploma ***;*** or ~~[a general]~~

(b) General educational development certificate ~~[.]~~ ***or an equivalent document.***

5. As used in this section, "illiterate" means having an ability to read and write that is below the level of literacy designated by the Board in its regulations.

Sec. 41.2. NRS 209.433 is hereby amended to read as follows:

209.433 1. Every offender who was sentenced to prison on or before June 30, 1969, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed for his or her term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of the term, and pro rata for any part of a year where the sentence is for more or less than a year.

2. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits the credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 2 as determined by the Director.

Sec. 41.3. NRS 209.443 is hereby amended to read as follows:

209.443 1. Every offender who is sentenced to prison after June 30, 1969, for a crime committed before July 1, 1985, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence; and

(b) For the period the offender is in residential confinement,

➥ a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned for actual time served.

2. The credits earned by an offender must be deducted from the maximum term imposed by the sentence and, except as otherwise provided in subsection 5, must apply to eligibility for parole.

3. In addition to the credits for good behavior provided for in subsection 1, the Board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits such credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

4. Each offender is entitled to the deductions allowed by this section if the offender has satisfied the conditions of subsection 1 or 3 as determined by the Director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 41.4. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no

serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 41.5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender,

and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate ~~[,]~~ ***or an equivalent document,*** 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 41.6. NRS 211.330 is hereby amended to read as follows:

211.330 1. In addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.340, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct 5 days from the prisoner's term of imprisonment for earning a general educational development certificate ~~[,]~~ or ~~[the equivalent thereof,]~~ ***an equivalent document*** by successfully completing an educational program for adults conducted jointly by the local detention facility in which the prisoner is incarcerated and the school district in which the facility is located.

2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.

Sec. 41.7. NRS 213.315 is hereby amended to read as follows:

213.315 1. Except as otherwise provided in this section, an offender who is illiterate is not eligible to participate in a program unless:

(a) The offender is regularly attending and making satisfactory progress in a program for general education; or

(b) The Director, for good cause, determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.

2. An offender whose:

(a) Native language is not English;

(b) Ability to read and write in his or her native language is at or above the level of literacy designated by the Board of State Prison Commissioners in its regulations; and

(c) Ability to read and write the English language is below the level of literacy designated by the Board of State Prison Commissioners in its regulations,

➥ may not be assigned to an industrial or a vocational program unless the offender is regularly attending and making satisfactory progress in a course which teaches English as a second language or the Director, for good cause, determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.

3. Upon written documentation that an illiterate offender has a developmental, learning or other similar disability which affects his or her ability to learn, the Director may:

(a) Adapt or create an educational program or guidelines for evaluating the educational progress of the offender to meet his or her particular needs; or

(b) Exempt the offender from the required participation in an educational program prescribed by this section.

4. The provisions of this section do not apply to an offender who:

(a) Presents satisfactory evidence that the offender has ~~[a]~~ ***:***

(1) A high school diploma ***;*** or ~~[a]~~

(2) A general educational development certificate ~~[,]~~ or ***an equivalent document; or***

(b) Is admitted into a program for the purpose of obtaining additional education in this state.

5. As used in this section, "illiterate" means having an ability to read and write that is below the level of literacy designated by the Board of State Prison Commissioners in its regulations.

Sec. 42. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~[389.015.]~~ ***389.550 or 389.805.*** In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 42.2. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. If the court retains jurisdiction over a child pursuant to NRS 432B.594, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. Such a plan must include, without limitation, the following goals:

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the child has not graduated from high school or obtained a general equivalency diploma ~~[,]~~ ***or an equivalent document,*** that the child remain enrolled in high school or a program to obtain a general equivalency diploma ***or an equivalent document*** until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma ~~[,]~~ ***or an equivalent document,*** that the child:

(1) Enroll in a program of postsecondary or vocational education;

(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

(e) That the child have adequate income to meet his or her monthly expenses;

(f) That the child identify an adult who will be available to provide support to the child;

(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child; and

(h) If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, that the child have goals which are appropriate for the child based upon the needs of the child.

2. During the period in which the court retains jurisdiction over the child, the agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

Sec. 42.4. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) Have ~~[a]~~ ***:***

(1) A high school diploma ***;*** or

(2) A general equivalency diploma ~~[,]~~ ***or an equivalent document;***

(b) Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation for Respiratory Care or its successor organization;

(c) Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization;

(d) Be certified by the National Board for Respiratory Care or its successor organization; and

(e) Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself or herself out as qualified to practice respiratory care,
➥ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in paragraphs (a) and (b) of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 42.5. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has ~~[a]~~ ***:***

(1) A high school diploma ***;*** or ~~[a]~~

(2) A general equivalency diploma ~~[.]~~ ***or an equivalent document;***

(d) Pays the fees required pursuant to NRS 641C.470;

(e) Submits proof to the Board that the person:

(1) Is enrolled in a program from which he or she will receive an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; or

(2) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree in a field of social science approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 1 year and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 42.6. NRS 652.127 is hereby amended to read as follows:

652.127 To qualify for certification as an assistant in a medical laboratory, a person must be a high school graduate or have a general equivalency diploma ***or an equivalent document*** and:

1. Must complete at least 6 months of training approved by the Board and demonstrate an ability to perform laboratory procedures in the medical laboratory where he or she receives the training; or

2. Must:

(a) Complete a course of instruction that qualifies him or her to take an examination for certification in phlebotomy that is administered by:

(1) The American Medical Technologists;

(2) The American Society of Clinical Pathologists; or

(3) The National Certification Agency; and

(b) Pass an examination specified in paragraph (a).

Sec. 42.7. NRS 697.173 is hereby amended to read as follows:

697.173 1. Except as otherwise provided in subsection 2, a person is entitled to receive, renew or hold a license as a bail enforcement agent if the person:

(a) Is a natural person not less than 21 years of age.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has ~~[a]~~ ***:***

(1) A high school diploma ~~[or a]~~ ***;***

(2) A general equivalency diploma ***or an equivalent document;*** or ~~[has an]~~

(3) An equivalent education as determined by the Commissioner.

(d) Has complied with the requirements of subsection 4 of NRS 697.180.

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) Successfully completes the training required by NRS 697.177.

2. A person is not entitled to receive, renew or hold a license of a bail enforcement agent if the person:

(a) Has been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

(b) Has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 43. NRS 389.015, 389.016, 389.017, 389.0175 and 389.045 are hereby repealed.

Sec. 43.5. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $1,500,000 for the costs associated with implementing the end-of-course examinations required by NRS 389.805, as amended by section 33 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 44. 1. The Legislature hereby recognizes that to receive federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., pupils enrolled in public high schools in this State must be administered an assessment at least one time while in high school based upon the State's academic and content standards. To continue to receive federal money under the Act, the State Board of Education may, for the purposes set forth in subsection 2, continue to provide for the administration of the high school proficiency examination.

2. On or before August 1, 2013, the State Board of Education shall:

(a) Prescribe the requirements, in addition to any requirements prescribed by statute, that a pupil enrolled in grade 12 in the 2013-2014 school year, the 2014-2015 school year or the 2015-2016 school year must satisfy to receive a standard high school diploma, which may include, without limitation, passage of the high school proficiency examination pursuant to section 44.3 of this act;

(b) Provide timely notice to the board of trustees of each school district and the governing body of each charter high school of the requirements prescribed pursuant to paragraph (a); and

(c) Post notice of the requirements on the Internet website maintained by the Department of Education.

3. On or before September 1, 2013, the board of trustees of each school district and the governing body of each charter school shall:

(a) Provide timely notice to each pupil and the parent or legal guardian of each pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year of the requirements the pupil must satisfy to receive a standard high school diploma.

(b) Post notice of the requirements on the Internet website maintained by the board of trustees or the governing body of the charter school, as applicable.

4. If a pupil to whom the provisions of this section apply is retained in grade 10, 11 or 12, the requirements for receipt of a standard high school diploma prescribed by the State Board of Education pursuant to subsection 2 continue to apply to that pupil until he or she exits high school.

Sec. 44.3. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The board of trustees of each school district shall administer the high school proficiency examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The high school proficiency examination administered by the board of trustees and governing body must determine the achievement and proficiency of those pupils in:

(a) Reading;

(b) Mathematics;

(c) Science; and

(d) Writing.

2. The high school proficiency examination required by subsection 1 must be:

(a) Administered in each school district and each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma at the same time, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department of Education shall monitor the compliance of school districts and individual schools with the uniform procedures.

(b) Administered in accordance with the plan adopted pursuant to NRS 389.616 by the Department and the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the high school proficiency examination is administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the high

school proficiency examination shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department of Education by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each applicable charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district at which the high school proficiency examination was administered pursuant to this section. Except as otherwise provided in this subsection, not more than 15 working days after each such school receives the results of the examinations, the principal of each such school and the governing body of each such charter school shall certify that the results for each pupil that took the examination have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or the administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the high school proficiency examination to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. A pupil who transfers during grade 12 to a school in this State from a school outside of this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

5. For the purposes of this section, the State Board shall prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science and, except for the writing portion, must be developed, printed and scored by a nationally recognized testing company in

accordance with the process established by the testing company. The State Board, in consultation with the Council to Establish Academic Standards for Public Schools created by NRS 389.510, shall prescribe the writing portion of the high school proficiency examination. The questions contained in the high school proficiency examination and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the high school proficiency examination.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government, to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district, to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district, to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district, to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

6. The administrative regulations adopted by the State Board of Education for purposes of carrying out NRS 389.015 as of June 30, 2013, continue in effect if the high school proficiency examination is administered pursuant to this section.

Sec. 44.7. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The results of the high school proficiency examination administered pursuant to section 44.3 of this act must be reported for the applicable school year for each school, including, without limitation, each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, each school district and this State, as follows:

(a) The average score, as defined by the Department, of such pupils who took the high school proficiency examination under regular testing conditions; and

(b) The average score, as defined by the Department of Education, of such pupils who took the high school proficiency examination with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

2. The superintendent of schools of each school district and the governing body of each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, through the sponsor of the charter school, shall certify that the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who took the high school proficiency examination in the applicable school year is equal to the number of such pupils in each school in the school district or in the charter school who are required to take the high school proficiency examination in that school year.

3. In addition to the information required by subsection 2, the Superintendent of Public Instruction shall, for each applicable school year:

(a) Report the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who were absent from school on the day that the high school proficiency examination was administered; and

(b) Reconcile the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma with the number of such pupils who were absent from school on the day that the examination was administered.

Sec. 45. 1. This section and sections ~~[44, 44.3, and]~~ **43.5 to** 44.7 **, inclusive,** of this act become effective upon passage and approval.

2. Sections 1 to 43, inclusive, of this act become effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.

389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district.

389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school

districts and certain schools; use of additional materials and information.

389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective.

Assemblyman Elliot Anderson moved that the Assembly concur in the Senate Amendment No. 949 to Assembly Bill No. 288.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

This amendment provides an appropriation to pay for the provisions of the bill and was added by the Senate Committee on Finance in line with the budget.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Benitez-Thompson, Daly, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 139.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Carrillo moved that the Assembly do not recede from its action on Amendment No. 697 to Senate Bill No. 508, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Carrillo.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Carrillo, Healey, and Wheeler as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 508.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:02 p.m.

ASSEMBLY IN SESSION

At 11:21 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 7, Amendment No. 980; Assembly Bill No. 260, Amendment No. 971; Assembly Bill No. 273, Amendment No. 979; Assembly Bill No. 287, Amendment No. 958; Assembly Bill No. 388, Amendment No. 968; Assembly Bill No. 404, Amendment No. 957; Assembly Bill No. 425, Amendment No. 967, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Kihuen, Parks and Hutchison as a Conference Committee concerning Assembly Bill No. 496.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 200.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 501.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 357, 470, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 200.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 501.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

Roll call on Assembly Bill No. 162:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 162 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 504 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 504 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 982.

AN ACT relating to economic development; directing the Southern Nevada Enterprise Community Board to develop additional neighborhood revitalization projects; revising the membership of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates certain areas in the urban core of the Las Vegas Valley as the Southern Nevada Enterprise Community. Existing law also establishes the Southern Nevada Enterprise Community Board and requires the Board to prepare, develop and carry out the Southern Nevada Enterprise Community Improvement Project to improve infrastructure in the Community. (Chapter 407, Statutes of Nevada 2007, pp. 1781-86)

Section 1 of this bill directs the Board, within the limits of available money, to develop additional neighborhood revitalization projects in the Community, which may include various projects relating to economic growth and sustainability, community revitalization and education. **Section 4** of this bill authorizes the Board to accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the additional neighborhood revitalization projects. **Section 3** of this bill revises the

qualifications for certain members of the Board and increases the membership of the Board by adding one member who is a trustee of the Clark County School District and one member who is a member of the Board of Regents of the University of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 407, Statutes of Nevada 2007, at page 1781, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:

Sec. 12.5. The Legislature hereby directs the Board, within the limits of available money, to develop additional neighborhood revitalization projects, which may include, without limitation, projects relating to:

1. Economic growth and sustainability within the Community, including, without limitation, projects which encourage and assist:

(a) The development of a promise neighborhood within the Community;

(b) The use of federal money and federal tax credits and participation in programs and awards available through the Federal Government;

(c) Public and private investment in the Community and collaboration among governmental entities, the private sector and nonprofit organizations to support the Community and economic development in the Community; and

(d) The development and expansion of job training and job placement programs.

2. Revitalization of the Community, including, without limitation:

(a) The construction, repair and refurbishment of educational facilities within the Community and the provision of assistance with issues relating to funding or bonding of such projects as necessary to improve access to education in the Community;

(b) The provision of assistance to persons applying for participation in revitalization programs and grant programs available through private and governmental entities;

(c) The construction and operation of community health centers and federally qualified health centers in the Community;

(d) The development of and assistance in the development of prisoner reentry programs;

(e) The development and support of programs that encourage community engagement and community leadership; and

(f) The development and support of initiatives to support the health and nutrition of the residents of the Community.

3. Education within the Community, including, without limitation, oversight and coordination of:

(a) Early childhood development programs, English language learner programs, K-12 education programs, programs designed to improve rates of high school graduation and college readiness programs;

(b) Programs designed to decrease rates of incarceration for youth in the Community;

(c) Programs designed to decrease gang violence;

(d) Programs designed to decrease teen pregnancy rates in the Community;

(e) Programs of adult care;

(f) Programs designed to address childhood obesity; and

(g) Programs designed to encourage faith-based and neighborhood partnerships which are dedicated to improving the Community.

Sec. 2. Chapter 407, Statutes of Nevada 2007, at page 1781, is hereby amended by adding thereto a new section to be designated as section 18.5, immediately following section 18, to read as follows:

Sec. 18.5. The Legislature hereby finds and declares that a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in the Southern Nevada Enterprise Community Infrastructure Improvement Act because of the number of atypical factors and special conditions relating thereto, including the economic and geographic diversity of the local governments of this State, the unique growth patterns occurring in Clark County, the special conditions experienced in the City of Las Vegas related to the need to revitalize specific areas of the City of Las Vegas to ensure that the residents of more densely populated urban areas are provided with a safe environment in which to live and work and the necessity to ameliorate hardships imposed on specific areas of the City of Las Vegas as a consequence of projects undertaken for the general benefit of the people of this State.

Sec. 3. Section 8 of chapter 407, Statutes of Nevada 2007, as amended by chapter 481, Statutes of Nevada 2009, at page 2771, is hereby amended to read as follows:

Sec. 8. 1. The Southern Nevada Enterprise Community Board is hereby created.

2. The Board consists of ~~[nine]~~ ***11*** members, appointed in consultation with residents of the Community, as follows:

(a) One member of the Nevada Congressional Delegation selected from among its membership or his designee;

(b) One member of the Assembly and one member of the Senate who represent the Community selected by the Legislative Commission;

(c) One member of the Clark County Board of County Commissioners selected from among its membership;

(d) One member of the Las Vegas City Council from among its membership;

(e) One member of the North Las Vegas City Council from among its membership;

(f) ***One member of the Board of Trustees of the Clark County School District from among its membership;***

(g) One member of the Board of Regents of the University of Nevada;

(h) Two residents of the Community, ~~[recommended and selected by the Stop the F Street Closure, LLC;]~~ ***which must include a representative of a local housing agency and a parent of a pupil enrolled in a school located in the Community;*** and

~~[(g)]~~ ***(i)*** A representative of the private sector appointed by the Chamber of Commerce established in the Community.

3. Each member of the Board serves for a term of 3 years. A vacancy on the Board must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chairman and Vice Chairman by majority vote. After the initial election, the Chairman and Vice Chairman shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the Board shall elect a Chairman or Vice Chairman, as appropriate, from among its members for the remainder of the unexpired term.

5. ~~[The City of Las Vegas shall provide administrative support for the Board.]~~ ***Clark County, the City of Las Vegas and the City of North Las Vegas shall each, on an annually rotating basis, provide administrative support for the Board. A member of the Board who is unable to attend a meeting of the Board may select a designee to attend the meeting in place of the member. A designee selected pursuant to this subsection may not vote on any matter before the Board.***

Sec. 4. Section 13 of chapter 407, Statutes of Nevada 2007, as amended by chapter 481, Statutes of Nevada 2009, at page 2772, is hereby amended to read as follows:

Sec. 13. The Board may accept any gifts, grants or donations for the purpose of preparing, developing and carrying out the Project ~~[.]~~ ***, or such additional projects as may be directed by the Legislature.***

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 357.

Bill read third time.

Roll call on Senate Bill No. 357:

YEAS—40.

NAYS—Daly.

EXCUSED—Pierce.

Senate Bill No. 357 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Roll call on Senate Bill No. 470:

YEAS—36.

NAYS—Ellison, Fiore, Hambrick, Livermore, Wheeler—5.

EXCUSED—Pierce.

Senate Bill No. 470 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

Roll call on Assembly Bill No. 308:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Assembly Bill No. 308 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 966.

AN ACT relating to energy; revising provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; requiring each electric utility in this State to create a Lower Income Solar Energy Pilot Program; requiring the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to publish certain reports; requiring the Commission to open an investigatory docket relating to the costs and benefits attributable to net metering; extending the prospective expiration of the Solar Program, the Wind Program and the Waterpower Program; establishing the Legislative Committee on Energy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 3** of this bill establishes the statewide capacity floor for the Solar Program and the limits on incentives paid for each renewable energy program. **Sections 5, 19 and 26** of this bill remove the concept of a "program year" with respect to the renewable energy programs.

Sections 5-7 of this bill require the Public Utilities Commission of Nevada to adopt regulations relating to the provision of market-based incentives under the Solar Program. **Section 7** requires the Commission to review the incentives and authorizes the Commission to adjust the incentives not more frequently than annually. **Section 7** also provides for an incentive to be paid to a qualified participant in the Solar Program in one installment upon proof that the participant has installed and energized the solar energy system and for an incentive to be paid to a qualified participant over time which must be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. **Section 7** also provides for the payment of performance-based incentives to a qualified participant in the Solar Program after December 31, 2021. **Section 9** of this bill requires the Commission to establish the categories for participation in the Solar Program. **Section 9** authorizes the Commission to establish the criteria and capacity limitations for each category. **Section 11** of this bill requires a participant in the Solar Program to participate in net metering.

Section 13 of this bill requires the Commission to establish the categories for participation in the Wind Program. **Section 14** of this bill requires the Commission to adopt regulations establishing a system of incentives for

participation in the Wind Program. **Section 14** further provides that the total amount of the incentive paid to a participant in the Wind Program with a nameplate capacity of not more than 500 kilowatts must be paid over time and be based on the performance and amount of electricity generated by the wind energy system. **Section 14** also provides for the payment of performance-based incentives to a qualified participant in the Wind Program after December 31, 2021. **Section 17** of this bill requires a participant in the Wind Program to participate in net metering.

Section 18 of this bill requires the Commission to adopt regulations to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts, and **section 20** of this bill prescribes certain limitations on such incentives. **Section 21** of this bill requires a participant in the Waterpower Program to participate in net metering.

Section 21.3 of this bill requires each electric utility in this State to create a Lower Income Solar Energy Pilot Program for the purpose of installing solar distributed generation systems within its service territory for the benefit of low-income customers.

Existing law authorizes certain qualified customers of a utility to participate in net metering. (NRS 704.766-704.775) **Section 24** of this bill authorizes a utility to assess certain charges against certain participants in net metering.

Existing law authorizes the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to represent the public interest in any proceeding, including a proceeding to review a proposed rate of an electric utility. **Section 25.5** of this bill requires the Consumer's Advocate to publish a report containing certain information if the Consumer's Advocate declines to represent the public interest in a proceeding to review a proposed rate of an electric utility.

Section 26.5 of this bill requires the Commission to open an investigatory docket to evaluate the costs and benefits attributable to net metering in this State.

Sections 25.6-25.9 of this bill extend the prospective expiration of the Wind Program, the Waterpower Program and the Solar Program from December 31, 2021, to December 31, 2025.

Sections 25.1-25.45 and 25.55 of this bill establish the Legislative Committee on Energy and set forth the membership, duties, powers and responsibilities of the Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 3.5, inclusive, of this act.

Sec. 1.5. ***1. As used in this chapter, unless the context otherwise requires, "installed cost" means the actual, documented cost of tangible materials and labor for the installation of a solar energy system, distributed generation system, wind energy system or waterpower energy system.***

2. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Solar energy system" has the meaning ascribed to it in NRS 701B.150.

(c) "Waterpower energy system" has the meaning ascribed to it in NRS 701B.800.

(d) "Wind energy system" has the meaning ascribed to it in NRS 701B.560.

Sec. 2. ***The Legislature hereby finds and declares that it is the policy of this State to:***

1. Expand and accelerate the development of solar distributed generation systems in this State; and

2. Establish a sustainable and self-sufficient solar renewable energy industry in this State in which solar energy systems are a viable mainstream alternative for homes, businesses and other public entities.

Sec. 3. ***1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsection 2, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.***

2. The Commission shall not authorize the payment of an incentive pursuant to:

(a) The Solar Energy Systems Incentive Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems and solar distributed generation systems to exceed $255,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.

(b) The Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed $40,000,000 for the period beginning on July 1, 2009, and ending

on December 31, 2025. The Commission shall by regulation determine the allocation of incentives for each Program.

3. The Commission may, subject to the limitations prescribed by subsection 2, authorize the payment of performance-based incentives for the period ending on December 31, 2025.

4. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, as applicable.

5. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Utility" means a public utility that supplies electricity in this State.

Sec. 3.5. ***A person who submits an application to a utility pursuant to this chapter shall not make any false or misleading statement in the application or in any material which is required to be submitted with the application. As used in this section, "utility" means a public utility that supplies electricity or natural gas in this State.***

Sec. 4. NRS 701B.040 is hereby amended to read as follows:

701B.040 "Category" means one of the categories of participation in the Solar Program as set forth in ~~[NRS 701B.240.]~~ ***regulations adopted by the Commission.***

Sec. 5. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, ***and section 2 of this act,*** including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives **.** ~~[, except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.]~~ ***The incentives must be market-based incentives that:***

(a) Do not exceed 50 percent of the installed cost of a solar energy system or distributed generation system, as determined by using the average installed cost of the solar energy systems or distributed generation systems, as applicable, installed in the immediately preceding year;

(b) Are designed to maximize the number of customer categories participating in the Solar Program based on demographics and location,

including, without limitation, categories for public entities, customers of lower socioeconomic status, nonprofit organizations and commercial, industrial and residential customers; and

(c) Provide for a sustainable Solar Program that maintains sufficient customer participation and that provides for the measured award of incentives to as many participants as possible on or before December 31, 2021.

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; ~~[and]~~

(f) ***Any other information that the Commission requires from the utility as part of the administration of the Solar Program; and***

(g) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems. ~~[pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~

Sec. 6. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in ~~[each applicable category of:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property; and]~~ ***the Solar Program.***

2. The form and content of the master application.

3. The process for accepting and approving applications, which must provide that applications are approved based on the order in which complete applications are submitted and not on a lottery process.

4. A requirement that an authorized representative of any public entity participating in the Solar Program, including participation through a third-party ownership structure, provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the solar energy system or distributed generation system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.

5. A process pursuant to which the utility must transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission which includes any redacted personal identifying information of a customer.

Sec. 7. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing ~~[an incentive]~~ ***the incentives*** for participation in the Solar Program ~~[.]~~ ***, shall consider whether such regulations ensure, to the extent practicable, the cost-effective use of such incentives and predictability for participants, rate payers and utilities and shall maximize to the extent practicable the number of customer categories participating in the Solar Program based on demographics and location, including, without limitation, categories for public entities, customers of lower socioeconomic status, nonprofit organizations and commercial, industrial and residential customers. The regulations must:***

(a) For a solar energy system that has a generating capacity of not more than 25 kilowatts, provide for an incentive that must be paid in one installment to a participant for a solar energy system upon proof that the participant has installed and energized the solar energy system;

(b) For a solar energy system that has a generating capacity of more than 25 kilowatts, provide for an incentive that must be paid to a participant over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;

(c) For a solar energy system that has a generating capacity of more than 25 kilowatts, provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) The period in which the participant will receive an incentive from the utility, which must not exceed 5 years;

(3) That the payments of an incentive to the participant must be made not more frequently than quarterly; and

(4) That a utility must not be required to issue any new incentive on or after January 1, 2021, or make an incentive payment after December 31, 2025;

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average installed cost of the systems, the cost to the utility of carrying out the Solar Program, the effect of the Solar Program on the rates paid by customers of the utility and the annual statistical data related to the amount of incentives granted and the number of participants;

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the installed costs of solar energy systems decrease and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require;

(f) Provide that the rate at which incentives decline over time will be published by the Commission, including publication on the Internet website maintained by the Commission, annually or on such other schedule as necessary to reflect changes in the market; and

(g) Provide that incentives must be made available only to solar energy systems with a nameplate capacity of not more than 500 kilowatts.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not more frequently than annually, as determined necessary by the Commission to reflect changes in the market for solar energy systems and demand for incentives.

3. A contract that is executed between a utility and a participant on or before December 31, 2021, providing for the payment to the participant of an incentive pursuant to paragraph (b) of subsection 1 may provide for the continued payment of such an incentive after December 31, 2021, in accordance with regulations adopted by the Commission.

Sec. 8. NRS 701B.230 is hereby amended to read as follows:

701B.230 1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying out and administering the Solar Program within its service area **.** ~~[for a program year.]~~

2. The Commission shall:

(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Solar Program.

3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the Commission.

4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 9. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The ~~[Solar Program must have three]~~ ***Commission:***

(a) Shall establish categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property.]~~ ***for participation in the Solar Program with the goal of maximizing to the extent practicable the number of customer categories participating in the Solar Program based on demographics and location.***

(b) May establish the criteria and capacity for each category.

3. ***For the purpose of establishing categories pursuant to subsection 2, the Commission may additionally establish subcategories which may include, without limitation, schools, public property, low-income customers and nonprofit organizations, and may establish the criteria and capacity for each subcategory.***

4. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255; ***and***

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board ***.*** ~~[; and~~

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.]~~

Sec. 10. NRS 701B.255 is hereby amended to read as follows:

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility ~~[may]~~ ***shall*** select the applicant for participation in the Solar Program ~~[.]~~ ***, subject to the limitations prescribed by section 3 of this act.***

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility ~~[may]~~ ***shall*** approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the ***installed*** cost of the project and a calculation of the expected system output.

5. Upon receipt of the ***completed*** incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount ***and type*** of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.]~~

Sec. 11. NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 12. NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind Demonstration Program ~~[as set forth in]~~ ***established by the Commission pursuant to subsection 2 of*** NRS 701B.580.

Sec. 13. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The ~~[Program must have four]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property.]~~ ***for participation in the Program.***

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590; ***and***

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board ***.*** ~~[; and~~

~~(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.]~~

Sec. 14. NRS 701B.590 is hereby amended to read as follows:

701B.590 ***1.*** The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

~~[1.]~~ ***(a)*** The capacity goals for the Program ***.*** ~~[, which must be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of wind energy systems in this State by 2012 and the goals for each category of the Program.~~

~~2.]~~ ***(b)*** A system of incentives that are based on rebates that decline as the ~~[capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.~~

~~3.]~~ ***installed cost of wind energy systems declines and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require. The system of incentives must provide:***

(1) Incentives for wind energy systems with a nameplate capacity of not more than 500 kilowatts;

(2) That the amount of the incentive for a participant must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(3) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(I) The amount of the incentive the participant will receive from the utility;

(II) The period in which the participant will receive an incentive from the utility, which must not exceed 5 years;

(III) That the payments of an incentive to the participant must be made not more frequently than quarterly; and

(IV) That a utility is not required to issue any new incentive on or after January 1, 2021, or make an incentive payment after December 31, 2025.

(c) Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average installed cost of the wind energy system, the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by customers of the utility.

(d) The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

(e) The period for accepting applications, which must include a period during which a utility must accept additional applications if a previously approved applicant fails to install and energize a wind energy system within the time allowed by NRS 701B.615.

(f) The total incentive paid to a participant in the Program, which must not exceed 50 percent of the total installed cost of the wind energy system of the participant.

(g) A requirement that an authorized representative of any public entity participating in the Program, including participation through a third-party ownership structure, must provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the wind energy system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.

(h) A process pursuant to which the utility shall transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission which includes any redacted personal identifying information of a customer.

2. A contract that is executed between a utility and a participant on or before December 31, 2021, providing for the payment to the participant of an incentive pursuant to subparagraph (2) of paragraph (b) of subsection 1

may provide for the continued payment of such an incentive after December 31, 2021, subject to the limitations prescribed by section 3 of this act and in accordance with regulations adopted by the Commission.

Sec. 15. NRS 701B.610 is hereby amended to read as follows:

701B.610 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area **.** ~~[for the following program year.]~~

2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 16. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the ***installed*** cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility

for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.]~~

Sec. 17. NRS 701B.650 is hereby amended to read as follows:

701B.650 ~~[If]~~ ***To be eligible for an incentive through the Wind Demonstration Program,*** a wind energy system ~~[used by a participant in the Wind Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 18. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must ~~[be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of waterpower energy systems in this State by 2016 and the goals for each category of the Program. The regulations must]~~ provide that not less than 1 megawatt of capacity ~~[must]~~ be set aside for the installation of waterpower energy systems with a nameplate capacity of 100 kilowatts or less.

2. ***A system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts.***

3. A system of incentives that are based on rebates that decline as the capacity goals for the Program ~~[and the goals for each category of the Program]~~ are met. The rebates must be based on predicted energy savings.

~~[3.]~~ ***4.*** The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

Sec. 19. NRS 701B.850 is hereby amended to read as follows:

701B.850 1. ~~[On]~~ ***Each year on*** or before ~~[February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***the utility's*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower Demonstration Program ***in its service area*** for the ~~[program year beginning July 1, 2008, and each subsequent year thereafter.]~~ ***immediately following 12-month period prescribed by the Commission.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year, the]~~ ***The*** Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation of the Commission ~~[.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 20. NRS 701B.865 is hereby amended to read as follows:

701B.865 1. An applicant who wishes to participate in the Waterpower Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the ***installed*** cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower Demonstration Program, except that ***:***

(a) An applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such~~

~~an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.]~~ ***; and***

(b) No payment may be made by a utility after December 31, 2025, or made if such payment would otherwise cause the utility to exceed the limitations prescribed by section 3 of this act.

8. The total incentive paid to a participant in the Waterpower Demonstration Program must not exceed 50 percent of the total installed cost of the waterpower energy system of the participant.

9. An authorized representative of any public entity participating in the Waterpower Demonstration Program, including participation through a third-party ownership structure, shall provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the waterpower energy system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.

10. The Commission shall adopt regulations prescribing a process pursuant to which the utility must transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission with any redacted personal identifying information of a customer.

Sec. 21. NRS 701B.880 is hereby amended to read as follows:

701B.880 ~~[If]~~ ***To be eligible for an incentive through the Waterpower Demonstration Program,*** the waterpower energy system ~~[used by a participant in the Waterpower Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 21.3. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each electric utility in this State shall create a Lower Income Solar Energy Pilot Program for the purpose of installing, before January 1, 2017, distributed generation systems with a cumulative capacity of at least 1 megawatt at locations throughout its service territory which benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and schools with significant populations of low-income pupils. Each electric utility shall submit the Program as part of its annual plan submitted pursuant to NRS 701B.230. The Commission shall approve the Program with such modifications and upon such terms and conditions as the Commission deems necessary or appropriate to enable the Program to meet the purposes set forth in this subsection.

2. The Office of Energy shall advise the Commission and each electric utility regarding grants and other sources of money available to defray the costs of the Program.

3. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 701B.055.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all net metering systems operating in this State is equal to ~~[2]~~ ***3*** percent of the total peak capacity of all utilities in this State.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) ~~[Shall]~~ ***Except as otherwise provided in subsection 5, shall*** not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c) ~~[.]~~ ***and subsection 5,*** may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this

subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

5. ***A utility shall assess against a customer-generator:***

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

6. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 25. (Deleted by amendment.)

Sec. 25.1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 25.2 to 25.45, inclusive, of this act.

Sec. 25.2. ***As used in sections 25.2 to 25.45, inclusive, of this act, unless the context otherwise requires, "Committee" means the Legislative Committee on Energy.***

Sec. 25.25. *1. The Legislative Committee on Energy, consisting of ~~[eight]~~ six legislative members, is hereby created. The membership of the Committee consists of:*

(a) ~~[Four]~~ Three members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

(b) ~~[Four]~~ Three members appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 25.3. *1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.*

2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Committee.

3. ~~[Five]~~ Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 25.4. ***1. The Committee may:***

(a) Evaluate, review and comment upon matters related to energy policy within this State, including, without limitation:

(1) Policies, plans or programs relating to the production, consumption or use of energy in this State;

(2) Legislative measures regarding energy policy;

(3) The effect of any policy, plan, program or legislation on rates or rate payers;

(4) The effect of any policy, plan, program or legislation on economic development in this State;

(5) The effect of any policy, plan, program or legislation on the environment;

(6) Any contracts or requests for proposals relating to the purchase of capacity;

(7) The effect of any policy, plan, program or legislation which provides for the construction or acquisition of facilities for the generation of electricity;

(8) The effect of any policy, plan, program or legislation on the development of a market in this State for electricity generated from renewable energy;

(9) The infrastructure and transmission requirements of any policy, plan, program or legislation; and

(10) Any other matters or topics that, in the determination of the Committee, affect energy policy in this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which energy policy may be implemented or improved.

2. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701.070.

Sec. 25.45. ***1. If the Committee conducts investigations or holds hearings pursuant to paragraph (b) of subsection 1 of section 25.4 of this act:***

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the

manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. Upon such a petition, the court shall:

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

Sec. 25.5. NRS 228.390 is hereby amended to read as follows:

228.390 ***1.*** Except as otherwise provided in NRS 704.110 and 704.7561 to 704.7595, inclusive:

~~[1.]~~ ***(a)*** The Consumer's Advocate has sole discretion to represent or refrain from representing the public interest and any class of customers in any proceeding.

~~[2.]~~ ***(b)*** In exercising such discretion, the Consumer's Advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his or her participation.

~~[3.]~~ ***(c)*** If the Consumer's Advocate determines that there would be a conflict between the public interest and any particular class of customers or any inconsistent interests among the classes of customers involved in a particular matter, the Consumer's Advocate may choose to represent one of the interests, to represent no interest, or to represent one interest through his or her office and another or others through outside counsel engaged on a case basis.

(d) If the Consumer's Advocate declines to represent the public interest in a proceeding to review a proposed rate of an electric utility, the Consumer's Advocate shall publish a report in support of the decision to decline such representation and make the report available to the public at the Bureau of Consumer Protection and on the Internet website maintained by the Bureau of Consumer Protection. The report must:

(1) Identify each element of the public interest, as may be applicable to the proceeding to review a proposed rate; and

(2) Specify the manner in which each element of the public interest, as identified pursuant to subparagraph (1), is sufficiently represented.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 25.55. Section 25.4 of this act is hereby amended to read as follows:

Sec. 25.4. 1. The Committee may:

(a) Evaluate, review and comment upon matters related to energy policy within this State, including, without limitation:

(1) Policies, plans or programs relating to the production, consumption or use of energy in this State;

(2) Legislative measures regarding energy policy;

(3) ***The progress made by this State in satisfying the goals and objectives of Senate Bill No. 123 of the 77th Session of the Nevada Legislature;***

(4) The effect of any policy, plan, program or legislation on rates or rate payers;

~~[(4)]~~ ***(5)*** The effect of any policy, plan, program or legislation on economic development in this State;

~~[(5)]~~ ***(6)*** The effect of any policy, plan, program or legislation on the environment;

~~[(6)]~~ ***(7)*** Any contracts or requests for proposals relating to the purchase of capacity;

~~[(7)]~~ ***(8)*** The effect of any policy, plan, program or legislation which provides for the construction or acquisition of facilities for the generation of electricity;

~~[(8)]~~ ***(9)*** The effect of any policy, plan, program or legislation on the development of a market in this State for electricity generated from renewable energy;

~~[(9)]~~ ***(10)*** The infrastructure and transmission requirements of any policy, plan, program or legislation; and

~~[(10)]~~ ***(11)*** Any other matters or topics that, in the determination of the Committee, affect energy policy in this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which energy policy may be implemented or improved.

2. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701.070.

Sec. 25.6. Section 113 of chapter 509, Statutes of Nevada 2007, as last amended by section 49 of chapter 412, Statutes of Nevada 2011, at page 2562, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to 75, inclusive, 77 to 82, inclusive, 85 to 94, inclusive, and 95 to 105, inclusive, of this act expire by limitation on December 31, ~~[~~2021,~~]~~ ***2025.***

Sec. 25.7. Section 13 of chapter 246, Statutes of Nevada 2009, as last amended by section 50 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on December 31, ~~[~~2021,~~]~~ ***2025.***

Sec. 25.8. Section 21 of chapter 321, Statutes of Nevada 2009, as last amended by section 51 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.85, 1.87, 1.92, 1.93, 1.95 and 4.3 to 9, inclusive, of this act expire by limitation on December 31, ~~[~~2021,~~]~~ ***2025.***

Sec. 25.9. Section 54 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 54. 1. This section and sections 1, 3 to 42, inclusive, 44, 45, 46, 48 to 51, inclusive, subsection 2 of section 52 and section 53 of this act become effective upon passage and approval.

2. Sections 2, 43, 47 and subsection 1 of section 52 of this act become effective on January 1, ~~[~~2022,~~]~~ ***2026.***

Sec. 26. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.260, 701B.490 and 701B.760 are hereby repealed.

Sec. 26.5. 1. As soon as practicable after the effective date of this act, the Public Utilities Commission of Nevada shall open an investigatory docket to examine the comprehensive costs of and benefits from net metering in this State, including, without limitation, the costs and benefits to:

(a) The State of Nevada;

(b) Customer-generators who participate in net metering;

(c) Customers of a utility who do not participate in net metering; and

(d) Each utility which offers net metering.

2. The investigatory docket shall engage a knowledgeable and independent third party to analyze all factors that the Commission deems necessary to determine the costs and benefits described in subsection 1.

3. The following parties may participate in the investigatory docket:

(a) Each utility in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;

(d) Any business operating in the State whose primary business is the installation of distributed generation systems; and

(e) Any other interested parties.

4. On or before October 1, 2014, the Commission shall:

(a) Prepare a written report of its findings and recommendations from the investigatory docket, including, without limitation, a calculation and determination of the total costs of and benefits from net metering.

(b) Submit the written report to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

5. If the report of the Commission concludes that there is a material net benefit or cost attributable to net metering, the Commission shall recommend a methodology for properly allocating and apportioning all of the costs and benefits of net metering among all persons who participate in, benefit from and pay for net metering.

6. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Net metering" has the meaning ascribed to it in NRS 704.769.

(c) "Utility" has the meaning ascribed to it in NRS 704.772.

Sec. 27. The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before April 30, 2014. The regulations must provide for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 7 of this act, NRS 701B.590, as amended by section 14 of this act, and NRS 701B.840, as amended by section 18 of this act, for the applicable participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program.

Sec. 28. 1. This section and sections 1 to 25, inclusive, 26 and 27 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations or performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

2. Sections 25.1 to 25.45, inclusive, of this act become effective on July 1, 2013.

3. Section 25.55 of this act becomes effective at 12:01 a.m. on July 1, 2013, if, and only if, Senate Bill No. 123 of this session is enacted by the Legislature and becomes effective.

4. Sections 1 to 23, inclusive, of this act expire by limitation on December 31, 2025.

LEADLINES OF REPEALED SECTIONS

701B.060 "Institution of higher education" defined.
701B.100 "Program year" defined.
701B.110 "Public and other property" defined.
701B.120 "Public entity" defined.
701B.130 "School property" defined.
701B.140 "Small business" defined.
701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.
701B.490 "Program year" defined.
701B.760 "Program year" defined.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 966 to Assembly Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 388.

The following Senate amendment was read:

Amendment No. 968.

AN ACT relating to renewable energy; revising provisions governing certain energy-related tax incentives; revising provisions governing portfolio energy systems; revising provisions governing jurisdiction of the courts of this State with respect to certain claims or actions relating to certain renewable energy projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the partial abatement of certain taxes for certain renewable energy facilities. (NRS 701A.300-701A.390) **Section 3** of this bill ~~[removes the requirement that an application for a partial abatement of certain taxes for certain geothermal facilities be approved by the board of county commissioners before the application can be approved by the Director of the Office of Energy.]~~ **revises the authority of a board of county commissioners relating to the approval of an application for a partial abatement of certain taxes submitted by a person who operates a facility for the generation of electricity from renewable energy.**

Under existing law, a provider of electric service is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure for the purpose of satisfying the renewable portfolio standard of the provider. (NRS 704.78215) **Section 4** of this bill revises provisions governing the calculation of the portfolio energy credits attributable to certain portfolio energy systems.

Section 5 of this bill clarifies that a court of this State has jurisdiction over a claim or action relating to a renewable energy project located upon certain Indian tribal land under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.340 is hereby amended to read as follows:

701A.340 1. "Renewable energy" means:

(a) Biomass;

(b) Fuel cells;

(c) ***Geothermal energy;***

(d) Solar energy;

~~[(d)]~~ ***(e)*** Waterpower; or

~~[(e)]~~ ***(f)*** Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel ~~[, geothermal energy]~~ or nuclear energy.

Sec. 2. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy ~~[, a facility for the generation of electricity from geothermal resources]~~ or a facility for the transmission of electricity produced from renewable energy ~~[or geothermal resources]~~ in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 3. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. ~~[Except as otherwise provided in subsection 2, the]~~ ***The*** Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the

Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by ***a facility for the generation of process heat from solar renewable energy or*** a ***wholesale*** facility for the generation of electricity from ~~[~~geothermal resources~~]~~ ***renewable energy*** unless the application is approved ***or deemed approved*** pursuant to this subsection. The board of county commissioners of a county must ***provide notice to the Director that the board intends to consider an application and, if such notice is given, must*** approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners ~~[~~must~~]~~ ***:***

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility ~~[~~for the generation of electricity from geothermal resources~~]~~ agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility ~~[~~.~~]~~ ***; and***

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed ~~[~~denied.~~]~~ ***approved.***

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. ~~[3.]~~ The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. ~~[4.]~~ The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 4. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012. For the purposes of this subsection, the amount of any electricity used by a portfolio energy system for its basic operations ~~*[does]*~~ ***:***

(a) Except as otherwise provided in paragraph (b), includes electricity used for the heating, lighting, air-conditioning and equipment of a building located on the site of the portfolio energy system, and for operating any other equipment located on such site.

(b) Does not include the electricity used by a portfolio energy system that generates electricity from geothermal energy for the extraction and transportation of geothermal brine ~~*[.]*~~ ***or used to pump or compress geothermal brine.***

Sec. 5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court of this State has jurisdiction pursuant to subsection 1 of NRS 14.065 with respect to any claim or action relating to a renewable energy project located upon Indian tribal land if:

(a) The Indian tribe occupying the tribal land has a reservation of not less than 60,000 acres;

(b) The Indian tribal land is located in a county whose population is 700,000 or more; and

(c) The governing body of the Indian tribe has expressly waived its sovereign immunity with respect to such claim or action in a written agreement, contract or other instrument which expressly states that the terms of the agreement, contract or other instrument must be governed by the applicable laws of this State.

2. As used in this section, "renewable energy project" means a project for the construction or installation of a facility for the generation of renewable energy, as defined in NRS 701.070.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 968 to Assembly Bill No. 388.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 150, Amendment No. 906, and respectfully requests your honorable body to concur in said amendment.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 385.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Senate Bill No. 425, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 751 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

WILLIAM HORNE
TYRONE THOMPSON
IRA HANSEN
Assembly Conference Committee

TICK SEGERBLOM
AARON FORD
Senate Conference Committee

Conference Amendment No. CA11.

SUMMARY—Authorizes the Nevada Gaming Commission to establish a study group relating to pari-mutuel wagering. (BDR ~~[41-1111)]~~ **S-1111)**

AN ACT relating to gaming; ~~[authorizing]~~ **requiring** the Nevada Gaming Commission to ~~[establish a]~~ study ~~[group]~~ **and review certain issues** relating to pari-mutuel wagering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is licensed to engage in off-track pari-mutuel wagering from: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or (3) increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager. (NRS 464.075) This bill ~~[authorizes]~~ **requires** the Nevada Gaming Commission to ~~[establish a]~~ study ~~[group to]~~ **and** review issues relating to the offering of rebates ~~[or]~~ **on** pari-mutuel wagers, including the feasibility of: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; and (3) increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager. **This bill further requires the Commission to adopt regulations exempting certain bets, refunds, rebates, payoffs or bonuses relating to off-track pari-mutuel wagering from the current prohibition under state law if, after studying and reviewing the issue, the Commission determines that it is in the best interests of this State and licensed gaming in this State.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. ~~[NRS 464.075 is hereby amended to read as follows:~~

~~464.075 1. Except as otherwise provided in subsection 4, a person who is licensed to engage in off-track pari-mutuel wagering shall not:~~

~~(a) Accept from a patron less than the full face value of an off-track pari-mutuel wager;~~

~~(b) Agree to refund or rebate to a patron any portion or percentage of the full face value of an off-track pari-mutuel wager; or~~

~~(c) Increase the payoff of, or pay a bonus on, a winning off-track pari-mutuel wager.~~

~~2. A person who is licensed to engage in off-track pari-mutuel wagering and who:~~

~~(a) Attempts to evade the provisions of subsection 1 by offering to a patron a wager that is not posted and offered to all patrons; or~~

~~(b) Otherwise violates the provisions of subsection 1,~~

~~→ is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.~~

~~3. The Nevada Gaming Commission shall adopt regulations to carry out the provisions of subsections 1 and 2~~ **. [**~~of this section.~~**]**

~~4. The Nevada Gaming Commission may, by regulation, exempt certain bets, refunds, rebates, payoffs or bonuses from the provisions of subsection 1 if the Commission determines that such exemptions are in the best interests of the State of Nevada and licensed gaming in this state. Any bets, refunds, rebates, payoffs or bonuses that would result in the amount of such bets, refunds, rebates, payoffs or bonuses being directly or indirectly deductible from gross revenue may not be exempt.~~

~~*5. The Commission may establish and appoint a study group to review issues relating to the offering of rebates on pari-mutuel wagers. The study group may:*~~

~~*(a) Be comprised of the members of the Off-Track Pari-Mutuel Wagering Committee established pursuant to NRS 464.020 and any other operators of a race book.*~~

~~*(b) Evaluate the feasibility of:*~~

~~*(1) Accepting less than the full face value of an off-track pari-mutuel wager;*~~

~~*(2) Agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or*~~

~~*(3) Increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager.*~~

~~*6. The Commission may consider any findings by the study group appointed pursuant to subsection 5 in determining whether to adopt regulations to exempt bets, refunds, rebates, payoffs or bonuses from the provisions of subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 3.5. **1. Not later than January 1, 2014, the Nevada Gaming Commission shall study and review issues relating to the offering of rebates on pari-mutuel wagers. The Commission shall evaluate the feasibility of:**

(a) Accepting less than the full value of an off-track pari-mutuel wager;

(b) Agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or

(c) Increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager.

2. If the Commission determines that exempting certain bets, refunds, rebates, payoffs or bonuses from the provisions of subsection 1 of NRS 464.075:

(a) Is in the best interests of the State and licensed gaming in this State, the Commission shall adopt regulations pursuant to subsection 4 of NRS 464.075 not later than April 1, 2014.

(b) Is not in the best interests of the State and licensed gaming in this State, the Commission shall, following the conclusion of the Commission's study and review, report its findings at the next regularly scheduled meeting of the Legislative Commission.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 425.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 7.

The following Senate amendment was read:

Amendment No. 980.

SUMMARY—Revises provisions relating to ~~[the Gaming Policy Committee.]~~ **gaming.** (BDR 41-333)

AN ACT relating to gaming; **revising the definition of "resort hotel";** revising provisions relating to the Gaming Policy Committee; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that the Nevada Gaming Commission is prohibited from approving a nonrestricted license for an establishment in a county whose population is 100,000 or more (currently Clark and Washoe Counties) unless the establishment is a resort hotel. (NRS 463.1605) Existing law defines "resort hotel" as any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has: (1) more than 200 rooms available for sleeping accommodations; (2) at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises; (3) at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and (4) a gaming area within the building or group of buildings. (NRS 463.01865) Section 1 of this bill revises the definition of "resort hotel" to provide that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), an establishment must have more than 300

rooms available for sleeping accommodations. Under section 3.5 of this bill, the revised definition of "resort hotel" does not apply to an establishment that holds a nonrestricted license on July 1, 2013, unless the establishment ceases gaming operations for 24 or more consecutive months.

Existing law establishes the Gaming Policy Committee and provides for the composition and duties of the Committee. (NRS 463.021) **Section ~~[1]~~ 1.5** of this bill: (1) adds to the Committee a representative of academia who possesses knowledge of matters related to gaming; (2) authorizes the Governor, as Chair of the Committee, to appoint an advisory committee on gaming education; and (3) specifies the duties of the advisory committee.

Sections 2 and 3 of this bill make appropriations to the State Gaming Control Board and the Nevada Gaming Commission for various travel, staffing and operating costs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 463.01865 is hereby amended to read as follows:**

463.01865 "Resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

1. ~~[More]~~ ***In a county whose population:***

(a) Is 700,000 or more, more than 200 rooms available for sleeping accommodations; ***or***

(b) Is 100,000 or more and less than 700,000, more than 300 rooms available for sleeping accommodations;

2. At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

3. At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

4. A gaming area within the building or group of buildings.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chair and ~~[10]~~ ***11*** members, is hereby created.

2. The Committee must be composed of:

(a) One member of the Commission, designated by the Chair of the Commission;

(b) One member of the Board, designated by the Chair of the Board;

(c) One member of the Senate appointed by the Legislative Commission;

(d) One member of the Assembly appointed by the Legislative Commission;

(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and

(f) ~~[~~Five~~]~~ ***Six*** members appointed by the Governor for terms of 2 years as follows:

(1) Two representatives of the general public;

(2) Two representatives of nonrestricted gaming licensees; ~~[~~and~~]~~

(3) One representative of restricted gaming licensees ~~[~~.~~]~~ ***; and***

(4) One representative of academia who possesses knowledge of matters related to gaming.

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. Except as otherwise provided in subsection 6, the Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are advisory and not binding on the Board or the Commission in the performance of their duties and functions.

6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (e) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.

7. The Governor, as Chair of the Committee, may appoint an advisory committee on gaming education. An advisory committee appointed pursuant to this subsection must:

(a) Contain not more than five members who serve at the pleasure of the Governor; and

(b) Be chaired by the person selected as chair by the Governor.

8. An advisory committee created pursuant to subsection 7 shall:

(a) Review and evaluate all gaming-related educational entities in this State, including, without limitation, the Culinary Academy of Las Vegas, the Institute for the Study of Gambling and Commercial Gaming of the University of Nevada, Reno, and the UNLV International Gaming Institute of the William F. Harrah College of Hotel Administration of the University of Nevada, Las Vegas, to determine how to align such entities with the needs of the gaming industry;

(b) Study and analyze the workforce and technology needs of the gaming industry to determine how the gaming-related educational entities may satisfy those needs;

(c) Study the potential for leveraging gaming-related competencies and technologies developed by gaming-related educational entities into other industries; and

(d) Report any findings and recommendations to the Committee.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the following sums for travel and operating costs:

For the Fiscal Year 2013-2014 ..... $15,208

For the Fiscal Year 2014-2015 ..... $15,208

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the State Gaming Control Board or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2014, and September 18, 2015, respectively, by either the State Gaming Control Board or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2014, and September 18, 2015, respectively.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Nevada Gaming Commission the following sums for staffing and operating costs:

For the Fiscal Year 2013-2014 ..... $54,673

For the Fiscal Year 2014-2015 ..... $55,083

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Nevada Gaming Commission or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2014, and September 18, 2015, respectively, by either the Nevada Gaming Commission or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2014, and September 18, 2015, respectively.

Sec. 3.5. **The amendatory provisions of section 1 of this act do not apply to an establishment that holds a nonrestricted license on July 1, 2013, unless the establishment ceases gaming operations for 24 or more consecutive months.**

Sec. 4. 1. This section and sections **1,** 2 **,** ~~[and]~~ 3 **and 3.5** of this act become effective on July 1, 2013.

2. Section ~~[1]~~ **1.5** of this act becomes effective on October 1, 2013.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 980 to Assembly Bill No. 7.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 139, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 916 of the Senate be concurred in.

TERESA BENITEZ-THOMPSON	DAVID PARKS
SKIP DALY	PAT SPEARMAN
LYNN STEWART	PETE GOICOECHEA
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Benitez-Thompson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 139.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 435.

The following Senate amendment was read:

Amendment No. 927.

AN ACT relating to insurance; revising the manner in which an assessment imposed on insurers in this State is calculated; revising requirements concerning reinsurance; exempting certain domestic insurers and prepaid limited health service organizations from a requirement to submit certain information to the Commissioner of Insurance; revising provisions governing the Nevada Life and Health Insurance Guaranty Association, the Interstate Insurance Product Regulation Compact, insurance holding companies and requirements that certain groups submit information to the Commissioner; **authorizing the Commissioner to approve a person who is not an insurer, a reinsurer or a captive insurer as a sponsor of a captive insurer;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the business of insurance in this State, including, without limitation, kinds of insurance, assets and liabilities of insurers, holding companies, captive insurers and liability risk retention. (Chapters 681A, 681B, 686C, 687C, 692C, 694C, 695E of NRS) This bill makes various changes to those provisions.

Existing law requires insurers authorized to transact business in this State to pay an assessment to fund a program to investigate unfair or fraudulent insurance practices. (NRS 679B.630, 679B.700) **Section 1** of this bill revises the way in which this assessment is calculated.

Sections 2-5 of this bill revise the requirements certain insurers must meet in order to be allowed credit when assuming reinsurance. **Section 6** of this bill authorizes the Commissioner of Insurance to exempt certain domestic insurers and prepaid limited health service organizations from the requirement to prepare and submit to the Commissioner a report of the level of risk-based capital of the insurer at the end of the immediately preceding calendar year.

Existing law requires all insurers who provide life and health insurance in this State to maintain membership in the Nevada Life and Health Insurance Guaranty Association and requires the Association to cover the policies and contracts of an insolvent insurer. (NRS 686C.130, 686C.152) **Section 7** of this bill provides that the Association is not required to cover certain policies and contracts for health care benefits pursuant to Medicare. **Section 8** of this bill revises the amounts of certain benefits the Association is required to cover.

Under existing law, this State prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products. (NRS 687C.030) **Section 9** of this bill deletes the prospective opt-out of this State. **Section 12** of this bill enacts certain requirements concerning the corporate governance of a domestic insurer.

Section 13 of this bill authorizes the Commissioner to convene a supervisory college, which is a forum for communication and cooperation between regulators, to ascertain the financial condition or legality of the conduct of certain insurers. **Sections 15 and 16** of this bill revise provisions relating to the investments of a domestic insurer. **Sections 17-21** of this bill revise provisions governing the acquisition of an insurer. **Sections 22 and 23** of this bill require an insurer to submit certain information to the Commissioner concerning the insurer's general financial condition and corporate governance. **Sections 24 and 25** of this bill revise provisions governing transactions by registered insurers with their affiliates.

Section 27 of this bill revises the method used to determine whether a dividend or distribution may be paid without requesting approval from the Commissioner. **Section 28** of this bill revises provisions governing the authority of the Commissioner to examine an insurer. **Sections 28.5 and 28.6 of this bill authorize the Commissioner to approve a person who is not an insurer, a reinsurer or a captive insurer as a sponsor of a captive insurer.** **Section 29** of this bill changes the date by which certain insurers are

required to submit to the Commissioner a report of the financial condition of the insurer. **Sections 30-34** of this bill revise information which certain groups that conduct business concerning insurance are required to submit to the Commissioner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.700 is hereby amended to read as follows:

679B.700 1. The Special Investigative Account is hereby established in the Fund for Insurance Administration and Enforcement created by NRS 680C.100 for use by the Commissioner. The Commissioner shall deposit all money received pursuant to this section with the State Treasurer for credit to the Account. Money remaining in the Account at the end of a fiscal year does not lapse to the State General Fund and may be used by the Commissioner in any subsequent fiscal year for the purposes of this section.

2. The Commissioner shall:

(a) In cooperation with the Attorney General, biennially prepare and submit to the Governor, for inclusion in the executive budget, a proposed budget for the program established pursuant to NRS 679B.630; and

(b) Authorize expenditures from the Special Investigative Account to pay the expenses of the program established pursuant to NRS 679B.630 and of any unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

3. The money authorized for expenditure pursuant to paragraph (b) of subsection 2 must be distributed in the following manner:

(a) Fifteen percent of the money authorized for expenditure must be paid to the Commissioner to oversee and enforce the program established pursuant to NRS 679B.630; and

(b) Eighty-five percent of the money authorized for expenditure must be paid to the Attorney General to pay the expenses of the unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

4. Except as otherwise provided in ~~[~~subsections~~]~~ ***subsection*** 5 ***,*** ~~[~~and 6,~~]~~ costs of the program established pursuant to NRS 679B.630 must be paid by the insurers authorized to transact insurance in this State. The Commissioner shall ~~[~~annually determine the total cost of the program and divide that amount among the insurers pro rata based upon the total amount of premiums charged to the insureds in this State by the insurer.

~~5. The annual amount so assessed on each reinsurer that has the authority to assume only reinsurance must not exceed $500. For all other insurers subject to the annual assessment, the~~~~]~~ ***collect an annual assessment from***

each insurer authorized to transact insurance in this State. The annual amount so assessed to each insurer:

(a) ~~[Must not exceed]~~ ***Is*** $500, if the total amount of the premiums charged to insureds in this State by the insurer is less than $100,000 ~~[,]~~ ***or if the insurer is a reinsurer that has the authority to assume only reinsurance;***

(b) ~~[Must not exceed]~~ ***Is*** $750, if the total amount of the premiums charged to insureds in this State by the insurer is $100,000 or more, but less than $1,000,000;

(c) ~~[Must not exceed]~~ ***Is*** $1,000, if the total amount of the premiums charged to insureds in this State by the insurer is $1,000,000 or more, but less than $10,000,000;

(d) ~~[Must not exceed]~~ ***Is*** $1,500, if the total amount of the premiums charged to insureds in this State by the insurer is $10,000,000 or more, but less than $50,000,000; and

(e) ~~[Must not exceed]~~ ***Is*** $2,000, if the total amount of the premiums charged to insureds in this State by the insurer is $50,000,000 or more.

~~[6.]~~ ***5.*** The provisions of this section do not apply to an insurer who provides only workers' compensation insurance and pays the assessment provided in NRS 232.680.

~~[7.]~~ ***6.*** The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, the ~~[calculation and]~~ collection of the assessment.

~~[8.]~~ ***7.*** As used in this section, "reinsurer" has the meaning ascribed to it in NRS 681A.370.

Sec. 2. NRS 681A.140 is hereby amended to read as follows:

681A.140 As used in NRS 681A.140 to 681A.240, inclusive, "qualified financial institution in the United States" means an institution that:

1. Is organized, or in the case of a branch or agency of a foreign banking organization in the United States licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; ~~[and]~~

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies ~~[.]~~ ***;***

3. Is determined:

(a) By the Commissioner to meet the standards of financial condition and standing prescribed by the Commissioner; or

(b) By the National Association of Insurance Commissioners to meet the standards of financial condition and standing prescribed by the National Association of Insurance Commissioners; and

4. Is determined by the Commissioner to be otherwise acceptable.

Sec. 3. NRS 681A.160 is hereby amended to read as follows:

681A.160 1. Except as otherwise provided in subsection 2, credit must be allowed if reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state. An accredited reinsurer is one which:

(a) Files with the Commissioner an executed form approved by the Commissioner as evidence of its submission to this state's jurisdiction;

(b) Submits to this state's authority to examine its books and records;

(c) Files with the Commissioner a certified copy of a certificate of authority or other evidence approved by the Commissioner indicating that it is licensed to transact insurance or reinsurance in at least one state, or in the case of a branch in the United States of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one state;

(d) Files annually with the Commissioner a copy of its annual statement filed with the Division of its state of domicile or entry and a copy of its most recent audited financial statement;

(e) Maintains a surplus as regards policyholders in an amount which is ~~[not]~~ ***:***

(1) Not less than $20,000,000 and whose accreditation ~~[:~~

~~(1) Has]~~ ***has*** not been denied by the Commissioner within 90 days after its submission; or

(2) ~~[Has]~~ ***Less than $20,000,000 and whose accreditation has*** been approved by the Commissioner; and

(f) Pays all applicable fees, including, without limitation, all applicable fees required pursuant to NRS 680C.110.

2. No credit may be allowed for a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the Commissioner after notice and a hearing.

Sec. 4. NRS 681A.180 is hereby amended to read as follows:

681A.180 1. Except as otherwise provided in subsection 4, credit must be allowed if reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified financial institution in the United States for the payment of the valid claims of its policyholders and ceding insurers in the United States, their assigns and successors in interest. The assuming insurer shall ~~[report]~~ ***:***

(a) Report annually to the Commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners' form of annual statement by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund ~~[.]~~ ***; and***

(b) Submit to the authority of the Commissioner to examine its books and records.

2. In the case of a single assuming insurer, the trust must consist of an account in trust equal to the assuming insurer's liabilities attributable to

business written in the United States and the assuming insurer shall maintain a surplus in trust of not less than $20,000,000.

3. In the case of a group of incorporated and individual unincorporated underwriters ~~[, the]~~ ***:***

(a) The trust must consist of an account in trust equal to the group's liabilities attributable to business written in the United States ***.*** ~~[and the]~~

(b) The group shall ~~[maintain]~~ ***:***

(1) Maintain a surplus in trust of which $100,000,000 must be held jointly for the benefit of ceding insurers in the United States to any member of the group ***;*** ~~[,]~~ and ~~[the group shall make]~~

(2) Make available to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants.

(c) The incorporated members of the group:

(1) Shall not engage in any business other than underwriting as a member of the group; and

(2) Must be subject to the same level of regulation and solvency control by the applicable regulatory agency of the state in which the group is domiciled as the individual unincorporated members of the group.

4. If the assuming insurer does not meet the requirements of NRS 681A.110, 681A.160 or 681A.170, credit must not be allowed unless the assuming insurer has agreed to the following conditions set forth in the trust agreement:

(a) Notwithstanding any provision to the contrary in the trust instrument, if the trust fund consists of an amount that is less than the amount required pursuant to this section, or if the grantor of the trust fund is declared to be insolvent or placed into receivership, rehabilitation, liquidation or a similar proceeding in accordance with the laws of the grantor's state or country of domicile, the trustee of the trust fund must comply with an order of the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in that state or country or a court of competent jurisdiction requiring the trustee to transfer to that commissioner or person all the assets of the trust fund;

(b) The assets of the trust fund must be distributed by and claims filed with and valued by the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in accordance with the laws of the state in which the trust fund is domiciled that are applicable to the liquidation of domestic insurers in that state;

(c) If the commissioner of insurance or other appropriate person with regulatory authority over the trust fund determines that the assets of the trust fund or any portion of the trust fund are not required to satisfy any claim of any ceding insurer of the grantor of the trust fund in the United States, the

assets must be returned by that commissioner or person to the trustee of the trust fund for distribution in accordance with the trust agreement; and

(d) The grantor of the trust must waive any right that:

(1) Is otherwise available to the grantor under the laws of the United States; and

(2) Is inconsistent with the provisions of this subsection.

Sec. 5. NRS 681A.240 is hereby amended to read as follows:

681A.240 A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of NRS 681A.110 or the regulations of the Commissioner concerning risk-based capital must be allowed in an amount not exceeding the liabilities carried by the ceding insurer and the reduction must be in the amount of assets held by or on behalf of the ceding insurer, including assets held in trust for the ceding insurer, under a contract of reinsurance with the assuming insurer as security for the payment of obligations thereunder, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified financial institution in the United States. The security may be in any of the following forms:

1. Cash.

2. Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets.

3. Irrevocable, unconditional letters of credit, each issued or confirmed by a qualified financial institution in the United States ~~[which has been determined by the Commissioner, or the Securities Valuation Office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary or appropriate to regulate the quality of financial institutions]~~ whose letters of credit are acceptable to the Commissioner, no later than December 31 of the year for which filing is made, and in the possession of the ceding company on or before the date of filing its annual statement. A letter of credit meeting applicable standards of acceptability of its issuer as of the date of its issuance or confirmation, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of acceptability, continues to be acceptable as security until its expiration, extension, renewal, modification or amendment, whichever first occurs.

4. Any other form of security acceptable to the Commissioner.

Sec. 6. NRS 681B.290 is hereby amended to read as follows:

681B.290 1. Except as otherwise provided in subsection 3, on or before March 1 of each year, each domestic insurer, and each foreign insurer domiciled in a state which does not have requirements for reporting risk-based capital, that transacts property, casualty, life or health insurance in this

state shall prepare and submit to the Commissioner, and to each person designated by the Commissioner, a report of the level of the risk-based capital of the insurer as of the end of the immediately preceding calendar year. The report must be in such form and contain such information as required by the regulations adopted by the Commissioner pursuant to this section.

2. The Commissioner shall adopt regulations concerning the amount of risk-based capital required to be maintained by each insurer licensed to do business in this state that is transacting property, casualty, life or health insurance in this state. The regulations must be consistent with the instructions for reporting risk-based capital adopted by the National Association of Insurance Commissioners, as those instructions existed on January 1, 1997. If the instructions are amended, the Commissioner may amend the regulations to maintain consistency with the instructions if the Commissioner determines that the amended instructions are appropriate for use in this state.

3. The Commissioner may exempt from the provisions of this section ~~[a]~~ ***:***

(a) A domestic insurer who:

~~[(a)]~~ ***(1)*** Does not transact insurance in any other state; ~~[and]~~

~~[(b)]~~ ***(2)*** Does not assume reinsurance that is more than 5 percent of the direct premiums written by the insurer ~~[.]~~ ***; and***

(3) Writes annual premiums of not more than $2,000,000.

(b) A prepaid limited health service organization that provides or arranges for the provision of limited health services to fewer than 1,000 enrollees.

4. As used in this section, "prepaid limited health service organization" has the meaning ascribed to it in NRS 695F.050.

Sec. 7. NRS 686C.035 is hereby amended to read as follows:

686C.035 1. This chapter does not provide coverage for:

(a) A portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the owner of the policy or contract.

(b) A policy or contract of reinsurance unless assumption certificates have been issued pursuant to that policy or contract.

(c) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate or similar factor determined by the use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(1) Averaged over the period of 4 years before the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting 2 percentage points from Moody's Corporate Bond Yield Average averaged for the same period, or for

the period between the date of issuance of the policy or contract and the date the association became obligated, whichever period is less; and

(2) On or after the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting 3 percentage points from Moody's Corporate Bond Yield Average as most recently available.

(d) A portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health or annuity benefits to its employees, members or other persons to the extent that the plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or other person under:

(1) A multiple employer welfare arrangement described in 29 U.S.C. § ~~[~~1144;~~]~~ ***1002(40);***

(2) A minimum-premium group insurance plan;

(3) A stop-loss group insurance plan; or

(4) A contract for administrative services only.

(e) A portion of a policy or contract to the extent that it provides for dividends, credits for experience, voting rights or the payment of any fee or allowance to any person, including the owner of a policy or contract, for services or administration connected with the policy or contract.

(f) A policy or contract issued in this state by a member insurer at a time when the member insurer was not authorized to issue the policy or contract in this state.

(g) A portion of a policy or contract to the extent that the assessments required by NRS 686C.230 with respect to the policy or contract are preempted by federal law.

(h) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer, including:

(1) Claims based on marketing materials;

(2) Claims based on side letters or other documents that were issued by the insurer without satisfying applicable requirements for filing or approval of policy forms;

(3) Misrepresentations of or regarding policy benefits;

(4) Extra-contractual claims; or

(5) A claim for penalties or consequential or incidental damages.

(i) A contractual agreement that establishes the member insurer's obligation to provide a guarantee based on accounting at book value for participants in a defined-contribution benefit plan by reference to a portfolio of assets owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer.

(j) A portion of a policy or contract to the extent that it provides for interest or other changes in value which are determined by the use of an

index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the rights of the owner of the policy or contract are subject to forfeiture, determined on the date the member insurer becomes an impaired or insolvent insurer, whichever occurs first. If the interest or changes in value of a policy or contract are credited less frequently than annually, for the purpose of determining the values that have been credited and are not subject to forfeiture, the interest or change in value determined by using procedures stated in the policy or contract must be credited as if the contractual date for crediting interest or changing values was the date of the impairment or insolvency of the insured member, whichever occurs first and is not subject to forfeiture.

(k) An unallocated annuity contract other than an annuity owned by a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively, or the trustees of such a plan.

(l) A policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to 42 U.S.C. §§ 1395w-21 et seq. and 1395w-101 et seq., and any regulations adopted pursuant thereto.

2. As used in this section, "Moody's Corporate Bond Yield Average" means the monthly average for corporate bonds published by Moody's Investors Service, Inc., or any successor average.

Sec. 8. NRS 686C.210 is hereby amended to read as follows:

686C.210 1. The benefits that the Association may become obligated to cover may not exceed the lesser of:

(a) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer;

(b) With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in death benefits from life insurance, but not more than $100,000 in net cash for surrender and withdrawal for life insurance; or

(2) ~~[One]~~ ***Two*** hundred ***fifty*** thousand dollars in the present value of benefits from annuities, including net cash for surrender and withdrawal;

(c) With respect to health insurance for any one ~~[natural person:]~~ ***life:***

(1) One hundred thousand dollars for coverages other than disability insurance, ***long-term care insurance,*** basic hospital, medical and surgical insurance or major medical insurance, including any net cash for surrender or withdrawal;

(2) Three hundred thousand dollars for disability ***insurance or long-term care*** insurance; or

(3) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance;

(d) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, ~~[~~$100,000~~]~~ ***$250,000*** in present value of benefits from the annuity in the aggregate, including any net cash for surrender or withdrawal; or

(e) With respect to each participant in a governmental retirement plan covered by an unallocated annuity contract which is owned by a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively, or the trustees of such a plan, and which is approved by the Commissioner, an aggregate of ~~[~~$100,000,~~]~~ ***$250,000 in present-value annuity benefits, including the value of net cash for surrender and net cash for withdrawal,*** regardless of the number of contracts.

2. In no event is the Association obligated to cover more than:

(a) With respect to any one life or person under paragraphs (b) ~~[~~and (c)~~]~~ ***to (e), inclusive,*** of subsection 1:

(1) An aggregate of $300,000 in benefits, excluding benefits for basic hospital, medical and surgical insurance or major medical insurance; or

(2) An aggregate of $500,000 in benefits, including benefits for basic hospital, medical and surgical insurance or major medical insurance.

(b) With respect to one owner of several nongroup policies of life insurance, whether the owner is a natural person or an organization and whether the persons insured are officers, managers, employees or other persons, more than $5,000,000 in benefits, regardless of the number of policies and contracts held by the owner.

3. The limitations set forth in this section are limitations on the benefits for which the Association is obligated before taking into account its rights to subrogation or assignment or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The cost of the Association's obligations under this chapter may be met by the use of assets attributable to covered policies, or reimbursed to the Association pursuant to its rights to subrogation or assignment.

4. In performing its obligation to provide coverage under NRS 686C.150 and 686C.152, the Association need not guarantee, assume, reinsure or perform, or cause to be guaranteed, assumed, reinsured or performed, the contractual obligations of the impaired or insolvent insurer under a covered policy or contract which do not materially affect the economic value or economic benefits of the covered policy or contract.

Sec. 9. NRS 687C.030 is hereby amended to read as follows:

687C.030 1. It is the policy of this State to opt out of and the Commissioner of Insurance shall by regulation opt out of any uniform standard adopted by the Interstate Insurance Product Regulation Commission which provides less protection than a law of this State or otherwise diminishes the rights of policyholders and persons applying for a policy of insurance in this State.

2. Upon determining, or upon becoming aware of a finding of a court of competent jurisdiction which found, that this State must opt out of a uniform standard pursuant to subsection 1, the Commissioner shall provide to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature notice of such determination or finding.

~~[3. This State prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products.]~~

Sec. 10. Chapter 692C of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.

Sec. 11. ***"Enterprise risk" means any activity, circumstance, event or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect on the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, without limitation, any activity, circumstance, event or series of events that may cause:***

1. The risk-based capital of the insurer to fall below the minimum amount of risk-based capital required by regulations adopted pursuant to NRS 681B.290; or

2. The insurer to be in a hazardous financial condition as set forth in regulations adopted pursuant to NRS 680A.205.

Sec. 12. ***1. If a domestic insurer is under the control of a foreign person, the officers and directors of the domestic insurer are not relieved of any obligations or liabilities to which they are subject by law. The domestic insurer must be managed in a manner that ensures its separate operating identity.***

2. The provisions of this section do not prohibit a registered domestic insurer and one or more other persons from having or sharing common management, participating as a cooperative or sharing employees, property or services in a manner authorized under NRS 692C.360.

3. Except as otherwise provided in subsections 6 and 7, at least one person in any quorum for the transaction of business at any meeting of the board of directors of a registered domestic insurer or any committee thereof must be a person who is not:

(a) An officer or employee of the domestic insurer or of any entity controlling, controlled by or under common control with the domestic insurer; or

(b) A beneficial owner of a controlling interest in the voting stock of the domestic insurer or entity.

4. Except as otherwise provided in subsections 6 and 7, not less than one-third of the members of the board of directors of a registered domestic insurer and not less than one-third of the members of each committee of the board of directors of any registered domestic insurer must be persons described in subsection 3.

5. Except as otherwise provided in subsections 6 and 7, the board of directors of a registered domestic insurer shall establish one or more committees consisting solely of persons described in subsection 3. Each committee shall:

(a) Nominate candidates for director for election by shareholders or policyholders;

(b) Evaluate the performance of each principal officer of the registered domestic insurer; and

(c) Make recommendations to the board of directors concerning the selection and compensation of each of those principal officers.

6. The provisions of subsections 3, 4 and 5 do not apply to a registered domestic insurer if the registered domestic insurer is controlled by an entity and the board of directors of the controlling entity and the committees thereof meet the requirements of subsections 3, 4 and 5.

7. A registered domestic insurer may apply to the Commissioner for a waiver of the provisions of this section if the registered domestic insurer has:

(a) Annual direct written and assumed premiums of less than $300,000,000, excluding any premiums reinsured with:

(1) The Federal Crop Insurance Corporation of the Risk Management Agency of the United States Department of Agriculture; and

(2) The National Flood Insurance Program of the Federal Emergency Management Agency of the United States Department of Homeland Security; or

(b) In any other circumstances determined by the Commissioner to warrant a waiver.

8. In considering whether or not to grant a waiver pursuant to subsection 7, the Commissioner may consider any relevant factors, including, without limitation:

(a) The type of business entity applying for the waiver;

(b) The volume of business written;

(c) The availability of persons specified in subsection 3 to serve on the board of directors; and

(d) The ownership or organizational structure of the registered domestic insurer or controlling person thereof.

Sec. 13. *1. The Commissioner may, for any registered insurer who is part of an insurance holding company system with international operations, convene a supervisory college or participate in a supervisory college convened by a state, federal or international regulatory agency with authority over any insurer who is part of the insurance holding company system:*

(a) To determine whether or not the registered insurer is in compliance with the provisions of this chapter;

(b) To assess the business strategy, financial position, legal and regulatory compliance, risk exposure, risk management and governance procedures of the registered insurer; or

(c) As part of an examination of the registered insurer pursuant to NRS 692C.410.

2. In convening a supervisory college pursuant to subsection 1, the Commissioner may, without limitation:

(a) Establish:

(1) The membership of the supervisory college;

(2) The functions of the supervisory college; and

(3) The role of each regulatory agency participating in the supervisory college;

(b) Designate a regulatory agency as supervisor of the supervisory college; and

(c) Coordinate the activities of the supervisory college, including, without limitation:

(1) Meetings;

(2) Supervisory activities; and

(3) The sharing of information among members of the supervisory college.

3. In convening or participating in a supervisory college pursuant to this section, the Commissioner may enter into agreements with other state, federal or international regulatory agencies concerning the governance of a supervisory college. Such an agreement must meet the confidentiality requirements of NRS 692C.420.

4. The provisions of this section must not be construed to:

(a) Limit the authority of the Commissioner; or

(b) Delegate to any supervisory college the authority of the Commissioner to regulate a registered insurer or any affiliate of a registered insurer pursuant to this title.

5. As used in this section, "supervisory college" means a temporary or permanent forum for communication and cooperation between regulators, including, without limitation, state, federal and international regulatory agencies which are charged with regulating and supervising an insurer.

Sec. 14. NRS 692C.020 is hereby amended to read as follows:

692C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 692C.025 to 692C.110, inclusive, ***and section 11 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 692C.140 is hereby amended to read as follows:

692C.140 In addition to making investments in common stock, preferred stock, debt obligations and other securities permitted under chapter 682A of NRS, a domestic insurer may invest:

1. In common stock, preferred stock, debt obligations and other securities of one or more subsidiaries, amounts which do not exceed the lesser of 10 percent of the insurer's assets or 50 percent of its surplus as regards policyholders, if the insurer's surplus as regards policyholders remains at a reasonable level in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments ~~[~~, the~~]~~ ***:***

(a) Any investment in a domestic or foreign insurance subsidiary or health maintenance organization must be excluded.

(b) The following must be included:

~~[~~(a)~~]~~ ***(1)*** Total ***net*** money or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of the subsidiary whether or not represented by the purchase of capital stock or issuance of other securities; and

~~[~~(b)~~]~~ ***(2)*** All amounts expended in acquiring additional common stock, preferred stock, debt obligations and other securities and all contributions to the capital or surplus of a subsidiary after its acquisition or formation.

2. Any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries ~~[~~,~~]~~ ***that are engaged exclusively in or organized to engage exclusively in the ownership and management of assets which are authorized as investments of the domestic insurer,*** if each subsidiary agrees to limit its investments in any asset so that those investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in subsection 1 or in chapter 682A of NRS. For the purpose of this subsection, "total investment of the insurer" includes any direct investment by the insurer in an asset and the insurer's proportionate share of any investment in an asset by any subsidiary of the insurer, which must be calculated by multiplying the

amount of the subsidiary's investment by the percentage of the insurer's ownership of the subsidiary.

3. Any amount in common stock, preferred stock, debt obligations or other securities of one or more subsidiaries, with the approval of the Commissioner, if the insurer's surplus as regards policyholders remains at a reasonable level in relation to the insurer's outstanding liabilities and adequate to its financial needs.

Sec. 16. NRS 692C.160 is hereby amended to read as follows:

692C.160 Whether or not any investment made pursuant to NRS 692C.140 meets the applicable requirements thereof is to be determined ~~[immediately after]~~ ***before*** such investment is made ~~[,]~~ ***by calculating the applicable investment limitations as though the investment has already been made,*** taking into account the then outstanding principal balance on all previous investments in debt obligations, ~~[and]~~ the value of all previous investments in equity securities as of the date they were made ~~[.]~~ ***and the net of any return of capital invested, not including dividends.***

Sec. 17. NRS 692C.180 is hereby amended to read as follows:

692C.180 1. No person other than the issuer may make a tender for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire or acquire in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, the person would directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of the insurer, nor may any person enter into an agreement to merge with or otherwise acquire control of a domestic insurer, unless, at the time any such offer, request or invitation is made or any such agreement is entered into, or before the acquisition of those securities if no offer or agreement is involved, the person has filed with the Commissioner and has sent to the insurer, and the insurer has sent to its shareholders, a statement containing the information required by NRS 692C.180 to 692C.250, inclusive, and ***, except as otherwise provided in subsection 4,*** the offer, request, invitation, agreement or acquisition has been approved by the Commissioner in the manner prescribed in this chapter.

2. ***The statement required by subsection 1 must be filed with the Commissioner at least 60 days before the proposed date of the acquisition. The statement must set forth, without limitation, the information required by NRS 692C.254. A person who fails to comply with this subsection is subject to the penalties set forth in subsections 6 and 7 of NRS 692C.258.***

3. A person controlling a domestic insurer who is seeking to divest his or her controlling interest in the domestic insurer shall file with the Commissioner, and send to the insurer, notice of the proposed divestiture at least 30 days before the proposed divestiture, unless a statement has been filed pursuant to subsection 1 concerning the proposed transaction. Notice

filed pursuant to this subsection is confidential until the conclusion, if any, of the divestiture unless the Commissioner determines that such confidentiality will interfere with the enforcement of this section.

4. Upon receiving a statement or notice pursuant to this section by a person seeking to acquire a controlling interest in a domestic insurer or divest a controlling interest in a domestic insurer, the Commissioner shall determine whether or not the person will be required to file for and obtain the approval of the Commissioner for the acquisition or divestiture. As soon as practicable after making that determination, the Commissioner shall notify the person of the results of the determination.

5. For purposes of this section, a domestic insurer includes any other person controlling a domestic insurer unless the other person is directly or through affiliates primarily engaged in a business other than the business of insurance. If a person is directly or through affiliates primarily engaged in a business other than the business of insurance, the person shall, at least 60 days before the proposed effective date of the acquisition, file a notice of intent to acquire with the Commissioner setting forth the information required by NRS 692C.254.

6. As used in this section, "person" does not include a securities broker who, in the regular course of business as a broker, holds less than 20 percent of the voting securities of an insurer or of any person who controls an insurer.

Sec. 18. NRS 692C.190 is hereby amended to read as follows:

692C.190 The statement to be filed with the Commissioner hereunder shall be made under oath or affirmation and shall contain the following:

1. The name and address of each person (hereinafter called the "acquiring party") by whom or on whose behalf the merger or other acquisition of control referred to in ***subsection 1 of*** NRS 692C.180 is to be effected and, if such person is:

(a) An individual, the individual's principal occupation and all offices and positions held by the individual during the past 5 years, and any conviction of crimes other than for minor traffic violations during the past 10 years.

(b) Not an individual, a report of the nature of its business operations during the past 5 years or for such lesser period as such person and any predecessors thereof shall have been in existence, together with an informative description of the business intended to be done by such person and such person's subsidiaries, and a list of all individuals who are or who have been selected to become directors or executive officers of such person or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph (a).

2. The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, but where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

3. Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding 5 fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement.

4. Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

5. The number of shares of any security referred to in ***subsection 1 of*** NRS 692C.180 which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement or acquisition referred to in ***subsection 1 of*** NRS 692C.180 and a statement as to the method by which the fairness of the proposal was determined.

6. The amount of each class of any security referred to in ***subsection 1 of*** NRS 692C.180 which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

7. A full description of any contracts, arrangements or understandings with respect to any security referred to in ***subsection 1 of*** NRS 692C.180 in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been made.

8. A description of the purchase of any security referred to in ***subsection 1 of*** NRS 692C.180 during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid therefor.

9. A description of any recommendations to purchase any security referred to in ***subsection 1 of*** NRS 692C.180 made during the 12 calendar months preceding the filing of the statement by any acquiring party, or by anyone based upon interviews with or at the suggestion of such acquiring party.

10. Copies of all tenders, offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection 1, and, if distributed, additional soliciting material relating thereto.

11. The terms of any agreement, contract or understanding made with any broker-dealer, as to solicitation of securities referred to in ***subsection 1 of*** NRS 692C.180, for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

12. Such additional information as the Commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policy holders and security holders of the insurer or for the protection of the public interest.

➥ If the person required to file the statement referred to in this section is a partnership, limited partnership, syndicate or other group, the Commissioner may require that the information required by ~~[subsections 1 to 12, inclusive, of]~~ this section, be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in ***subsection 1 of*** NRS 692C.180 is a corporation, the Commissioner may require that the information required by ~~[subsections 1 to 12, inclusive, of]~~ this section, be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10 percent of the outstanding voting securities of such corporation. If any material change occurs in the facts set forth in the statement filed with the Commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the Commissioner and sent to such insurer within 2 business days after the person learns of such change. Such insurer shall send each such amendment to its shareholders.

Sec. 19. NRS 692C.200 is hereby amended to read as follows:

692C.200 If any offer, request, invitation, agreement or acquisition referred to in ***subsection 1 of*** NRS 692C.180 is proposed to be made by means of a registration statement under the Securities Act of 1933, 15 U.S.C. §§ 77a to 77aa, inclusive, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 15 U.S.C. §§ ~~[77b]~~ ***78a*** et seq., or under any state law requiring similar registration or disclosure, the person required to file the statement referred to in ***subsection 1 of*** NRS 692C.180 may utilize such documents in furnishing the information called for by that statement.

Sec. 20. NRS 692C.210 is hereby amended to read as follows:

692C.210 1. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 5 ~~[~~,~~]~~ ***and 7,*** the Commissioner shall approve any merger or other acquisition of control referred to in ***subsection 1 of*** NRS 692C.180 unless, after a public hearing thereon, the Commissioner finds that:

(a) After the change of control, the domestic insurer specified in ***subsection 1 of*** NRS 692C.180 would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(b) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly;

(c) The financial condition of any acquiring party may jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining security holders who are unaffiliated with the acquiring party;

(d) The terms of the offer, request, invitation, agreement or acquisition referred to in ***subsection 1 of*** NRS 692C.180 are unfair and unreasonable to the security holders of the insurer;

(e) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer or not in the public interest;

(f) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer or of the public to permit the merger or other acquisition of control;

(g) If approved, the merger or acquisition of control would likely be harmful or prejudicial to the members of the public who purchase insurance; or

(h) The practices of the applicant in managing claims have evidenced a pattern in which the applicant has knowingly committed, or performed with such frequency as to indicate a general business practice of:

(1) Misrepresentation of pertinent facts or provisions of policies of insurance as they relate to coverages at issue;

(2) Failure to affirm or deny coverage of claims within a reasonable time after written proofs of loss have been furnished; or

(3) Failure to pay claims in a timely manner.

2. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 7, the*** public hearing specified in subsection 1 must be held within ~~[~~60~~]~~ ***30*** days after the statement required by ***subsection 1 of*** NRS 692C.180 has been filed, and at

least 20 days' notice thereof must be given by the Commissioner to the person filing the statement. Not less than 7 days' notice of the public hearing must be given by the person filing the statement to the insurer and to any other person designated by the Commissioner. The insurer shall give such notice to its security holders. The Commissioner shall make a determination within 60 days after the conclusion of the hearing. If the Commissioner determines that an infusion of capital to restore capital in connection with the change in control is required, the requirement must be met within 60 days after notification is given of the determination. At the hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent and any other person whose interests may be affected thereby may present evidence, examine and cross-examine witnesses, and offer oral and written arguments and, in connection therewith, may conduct discovery proceedings in the same manner as is presently allowed in the district court of this state. All discovery proceedings must be concluded not later than 3 days before the commencement of the public hearing.

3. The Commissioner may retain at the acquiring party's expense attorneys, actuaries, accountants and other experts not otherwise a part of the staff of the Commissioner as may be reasonably necessary to assist the Commissioner in reviewing the proposed acquisition of control.

4. The period for review by the Commissioner must not exceed the 60 days allowed between the filing of the notice of intent to acquire required pursuant to subsection ~~[2]~~ ***5*** of NRS 692C.180 and the date of the proposed acquisition if the proposed affiliation or change of control involves a financial institution, or an affiliate of a financial institution, and an insured.

5. When making a determination pursuant to paragraph (b) of subsection 1, the Commissioner:

(a) Shall require the submission of the information specified in subsection 2 of NRS 692C.254; ~~[and]~~

(b) ***Shall consider:***

(1) The standards set forth in the Horizontal Merger Guidelines issued by the United States Department of Justice and the Federal Trade Commission and in effect at the time the Commissioner receives the statement required pursuant to subsection 1 of NRS 692C.180; and

(2) The factors described in subsection 3 of NRS 692C.256; and

(c) May condition approval of the merger or acquisition of control in the manner provided in subsection 4 of NRS 692C.258.

6. If, in connection with a change of control of a domestic insurer, the Commissioner determines that the person who is acquiring control of the domestic insurer must maintain or restore the capital of the domestic insurer in an amount that is required by the laws and regulations of this state, the Commissioner shall make the determination not later than 60 days after the

notice of intent to acquire required pursuant to subsection ~~[2]~~ ***5*** of NRS 692C.180 is filed with the Commissioner.

7. If the proposed merger or other acquisition of control referred to in subsection 1 of NRS 692C.180 requires the approval of the commissioner of more than one state, the public hearing required pursuant to subsection 1 may, upon the request of the person who filed the statement required pursuant to subsection 1 of NRS 692C.180, be consolidated with the hearings required in other states. Not more than 5 days after receiving such a request, the Commissioner shall file with the National Association of Insurance Commissioners a copy of the statement that was filed with the Commissioner pursuant to subsection 1 of NRS 692C.180 by the person requesting a consolidated hearing. The Commissioner may opt out of a consolidated hearing and, if the Commissioner elects to do so, he or she shall provide notice to the person requesting the consolidated hearing not more than 10 days after receiving the statement filed pursuant to subsection 1 of NRS 692C.180. A consolidated hearing must be public and must be held within the United States before participating commissioners of the states in which the insurers are domiciled. Participating commissioners may hear and receive evidence at the hearing.

Sec. 21. NRS 692C.256 is hereby amended to read as follows:

692C.256 1. The Commissioner may issue an order pursuant to NRS 692C.258 relating to an acquisition if:

(a) The effect of the acquisition may substantially lessen competition in any line of insurance in this state or tend to create a monopoly; or

(b) The acquiring person fails to file sufficient materials or information pursuant to NRS 692C.254.

2. In determining whether to issue an order pursuant to subsection 1, the Commissioner shall consider the standards set forth in the Horizontal Merger Guidelines issued by the United States Department of Justice and the Federal Trade Commission and in effect at the time the Commissioner receives the notice required pursuant to NRS 692C.254.

3. The Commissioner shall, before issuing an order specified in subsection 1, consider:

(a) If:

(1) The acquisition creates substantial economies of scale or economies in the use of resources that may not be created in any other manner; and

(2) The public benefit received from those economies exceeds the public benefit received from not lessening competition; or

(b) If:

(1) The acquisition substantially increases the availability of insurance; and

(2) The public benefit received by that increase exceeds the public benefit received from not lessening competition.

4. The public benefits set forth in subparagraph 2 of paragraphs (a) and (b) of subsection 3 may be considered together, as applicable, in assessing whether the public benefits received from the acquisition exceed any benefit to competition that would arise from disapproving the acquisition.

5. The ~~[acquiring person]~~ ***Commissioner*** has the burden of establishing that the acquisition will ~~[not]~~ result in a violation of the competitive standard set forth in subsection 1.

Sec. 22. NRS 692C.270 is hereby amended to read as follows:

692C.270 Every insurer subject to registration shall file ~~[a]~~ ***:***

1. A registration statement on a form provided by the Commissioner, which must contain current information about:

~~[1.]~~ ***(a)*** The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer.

~~[2.]~~ ***(b)*** The identity of every member of the insurance holding company system.

~~[3.]~~ ***(c)*** The following agreements in force, relationships subsisting and transactions currently outstanding between the insurer and its affiliates:

~~[(a)]~~ ***(1)*** Loans, other investments or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates.

~~[(b)]~~ ***(2)*** Purchases, sales or exchanges of assets.

~~[(c)]~~ ***(3)*** Transactions not in the ordinary course of business.

~~[(d)]~~ ***(4)*** Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business.

~~[(e)]~~ ***(5)*** All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles.

~~[(f)]~~ ***(6)*** Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

~~[(g)]~~ ***(7)*** Any dividend or other distribution made to a shareholder.

~~[(h)]~~ ***(8)*** Any consolidated agreement to allocate taxes.

~~[4.]~~ ***(d)*** Any pledge of the insurer's stock, including the stock of any subsidiary or controlling affiliate of the insurer, for a loan made to any member of the insurance holding company system.

~~[5.]~~ ***(e)*** Any other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the Commissioner.

2. A statement verifying that:

(a) The board of directors of the insurer oversees the corporate governance and internal controls of the insurer; and

(b) Officers or senior management of the insurer have approved, implemented and continue to maintain and monitor the corporate governance and internal controls of the insurer.

3. Financial statements of the insurance holding company system and all affiliates, if requested by the Commissioner. This requirement may be satisfied by providing the most recent statement filed with the United States Securities and Exchange Commissioner pursuant to the Securities Act of 1933, 15 U.S.C. §§ 78a et seq., by the insurance holding company system or its parent corporation.

Sec. 23. NRS 692C.290 is hereby amended to read as follows:

692C.290 ***1.*** Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on forms provided by the Commissioner within 15 days after the end of the month in which it learns of each such change or addition, and not less often than annually, except that, subject to the provisions of NRS 692C.390, each registered insurer shall report all dividends and other distributions to shareholders within 5 business days following the declaration and 10 days before payment.

2. If the principal of a registered insurer does not file a report of enterprise risk with the commissioner of the lead state of the insurance company system, as determined by the most recent edition of the Financial Analysis Handbook, published by the National Association of Insurance Commissioners, in a calendar year, the principal shall file a report of enterprise risk with the Commissioner. The principal shall include in the report the material risks within the insurance holding company system that, to the best of his or her knowledge and belief, may pose enterprise risk to the registered insurer.

Sec. 24. NRS 692C.360 is hereby amended to read as follows:

692C.360 ***1.*** Material transactions by registered insurers with their affiliates are subject to all of the following standards:

~~[1.]~~ ***(a)*** The terms must be fair and reasonable.

~~[2.]~~ ***(b)*** Charges or fees for services performed must be reasonable.

~~[3.]~~ ***(c)*** Expenses incurred and payment received must be allocated to the insurer in conformity with customary accounting practices concerning insurance consistently applied.

~~[4.]~~ ***(d)*** The books, accounts and records of each party must be so maintained as to disclose clearly and accurately the precise nature and details of the transactions ~~[.~~

~~5.]~~ ***and must include any accounting information required to support the reasonableness of any charges or fees.***

(e) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

2. The Commissioner may adopt regulations governing agreements for sharing the cost of services or management between registered insurers and their affiliates.

Sec. 25. NRS 692C.363 is hereby amended to read as follows:

692C.363 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** domestic insurer shall not enter into any of the following transactions with an affiliate unless the insurer has notified the Commissioner in writing of its intention to enter into the transaction at least ~~[60]~~ ***30*** days previously, or such shorter period as the Commissioner may permit, and the Commissioner has not disapproved it within that period:

(a) A sale, purchase, exchange, loan or extension of credit, guaranty or investment if the transaction equals at least:

(1) With respect to an insurer other than a life insurer, the lesser of 3 percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders; or

(2) With respect to a life insurer, 3 percent of the insurer's admitted assets,

➥ computed as of December 31 next preceding the transaction.

(b) A loan or extension of credit to any person who is not an affiliate, if the insurer makes the loan or extension of credit with the agreement or understanding that the proceeds of the transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer if the transaction equals at least:

(1) With respect to insurers other than life insurers, the lesser of 3 percent of the insurer's admitted assets or 25 percent of surplus as regards policyholders; or

(2) With respect to life insurers, 3 percent of the insurer's admitted assets,

➥ computed as of December 31 next preceding the transaction.

(c) ~~[An]~~ ***A pooling agreement or other*** agreement for reinsurance or a modification thereto in which the premium for reinsurance or a change in the insurer's liabilities equals at least 5 percent of the insurer's surplus as regards policyholders as of December 31 next preceding the transaction, including an agreement which requires as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of those assets will be transferred to an affiliate of the insurer.

(d) An agreement for management, ***agreement to allocate taxes,*** contract for service, guarantee or arrangement to share costs.

(e) A guaranty made by a domestic insurer, ***regardless of whether the guaranty is quantifiable as to amount,*** except that a guaranty that is quantifiable as to amount is not subject to the provisions of this subsection unless the guaranty exceeds the lesser of one-half of 1 percent of the admitted assets of the domestic insurer or 10 percent of its surplus as regards policyholders as of December 31 next preceding the guaranty.

(f) Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a direct or indirect acquisition of or investment in a person who controls the domestic insurer or an affiliate of the domestic insurer in an amount that, when added to its present holdings, exceeds 2.5 percent of the domestic insurer's surplus to policyholders.

(g) A material transaction, specified by regulation, which the Commissioner determines may adversely affect the interest of the insurer's policyholders.

2. ***A domestic insurer shall not amend or modify any agreement with an affiliate to enter into a transaction subject to the provisions of subsection 1 unless the insurer notifies the Commissioner. The notice must be given not less than 30 days before the effective date of the amendment or modification and must include, without limitation, the reasons for the amendment or modification and the financial impact, if any, of the amendment or modification on the domestic insurer. Upon receipt of a notice pursuant to this subsection, the Commissioner shall determine whether the amendment or modification is subject to the provisions of subsection 1 and notify the domestic insurer of the Commissioner's determination within 30 days. If the Commissioner does not give such notice within 30 days after receiving the notice from the domestic insurer, the amendment or modification shall be deemed to be approved.***

3. This section does not authorize or permit any transaction which, in the case of an insurer not an affiliate, would be contrary to law.

~~[3.]~~ ***4.*** The provisions of paragraph (f) of subsection 1 do not apply to a direct or indirect acquisition of or investment in:

(a) A subsidiary acquired in accordance with this section or NRS 692C.140; or

(b) A nonsubsidiary insurance affiliate that is subject to the provisions of this chapter.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 692C.390 is hereby amended to read as follows:

692C.390 1. An insurer subject to registration under NRS 692C.260 to 692C.350, inclusive, shall not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until:

(a) Thirty days after the Commissioner has received notice of the declaration thereof and has not within that period disapproved the payment; or

(b) The Commissioner approves the payment within the 30-day period.

2. A request for approval of an extraordinary dividend or any other extraordinary distribution pursuant to subsection 1 must include:

(a) A statement indicating the amount of the proposed dividend or distribution;

(b) The date established for the payment of the proposed dividend or distribution;

(c) A statement indicating whether the proposed dividend or distribution is to be paid in the form of cash or property and, if it is to be paid in the form of property, a description of the property, its cost and its fair market value together with an explanation setting forth the basis for determining its fair market value;

(d) A copy of a work paper or other document setting forth the calculations used to determine that the proposed dividend or distribution is extraordinary, including:

(1) The amount, date and form of payment of each regular dividend or distribution paid by the insurer, other than any distribution of a security of the insurer, within the 12 consecutive months immediately preceding the date established for the payment of the proposed dividend or distribution;

(2) The amount of surplus, if any, as regards policyholders, including total capital and surplus, as of December 31 next preceding;

(3) If the insurer is a life insurer, the amount of any net gains obtained from the operations of the insurer for the 12-month period ending December 31 next preceding;

(4) If the insurer is not a life insurer, the amount of net income of the insurer less any realized capital gains for the 12-month period ending on the December 31 of the year next preceding and the two consecutive 12-month periods immediately preceding that period; and

(5) If the insurer is not a life insurer, the amount of each dividend paid by the insurer to shareholders, other than a distribution of any securities of the insurer, during the preceding 2 calendar years;

(e) A balance sheet and statement of income for the period beginning on the date of the last annual statement filed by the insurer with the Commissioner and ending on the last day of the month immediately preceding the month in which the insurer files the request for approval; and

(f) A brief statement setting forth:

(1) The effect of the proposed dividend or distribution upon the insurer's surplus;

(2) The reasonableness of the insurer's surplus in relation to the insurer's outstanding liabilities; and

(3) The adequacy of the insurer's surplus in relation to the insurer's financial requirements.

3. ***In determining whether a dividend or distribution is extraordinary, an insurer other than a life insurer may carry forward net income from the previous 2 calendar years that has not already been paid out as dividends. The amount the insurer may carry forward must be computed by taking the net income from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediately preceding calendar years.***

4. Each insurer specified in subsection 1 that pays an extraordinary dividend or makes any other extraordinary distribution to its shareholders shall, within 15 days after declaring the dividend or making the distribution, report that fact to the Commissioner. The report must include the information specified in paragraph (d) of subsection 2.

Sec. 28. NRS 692C.410 is hereby amended to read as follows:

692C.410 1. Subject to the limitation contained in this section and in addition to the powers which the Commissioner has under NRS 679B.230 to 679B.287, inclusive, relating to the examination of insurers, the Commissioner may ~~[order]~~ ***examine*** any insurer registered under NRS 692C.260 to 692C.350, inclusive, ~~[to produce such records, books or other information papers in its possession or in the possession of its affiliates as may be necessary to ascertain the financial condition or legality of conduct of such insurer.]~~ ***and any affiliate of the insurer to ascertain the financial condition of the insurer, including, without limitation, the enterprise risk posed to the insurer by a person controlling the insurer, any entity or combination of entities within the insurance holding company system or by the insurance holding company system. The Commissioner may order any insurer registered under NRS 692C.260 to 692C.350, inclusive, to produce any information not in the possession of the insurer if the insurer is able to obtain the information pursuant to any contractual or statutory requirement or any other method. If the insurer is unable to obtain any information requested by the Commissioner pursuant to this section, the insurer shall provide to the Commissioner a statement setting forth the reasons the insurer is unable to obtain the information and the identity of the holder of the information, if known to the insurer. Whenever it appears to the Commissioner that the detailed explanation is without merit, the Commissioner may require, after notice and hearing, the insurer to pay a penalty of $100 for each day the requested information is not produced or may suspend or revoke the license of the insurer.*** In the event such insurer

fails to comply with such order, the Commissioner may examine such affiliates to obtain such information.

2. The Commissioner shall exercise his or her power under ~~[subsection]~~ ***subsections*** 1 ***and 5*** only if the examination of the insurer under NRS 679B.230 to 679B.287, inclusive, is inadequate or the interests of the policyholders of such insurer may be adversely affected.

3. The Commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants and other experts not otherwise a part of the Commissioner's staff as may be reasonably necessary to assist in the conduct of the examination under ~~[subsection]~~ ***subsections*** 1 ~~[.]~~ ***and 5.*** Any persons so retained shall be under the direction and control of the Commissioner and shall act in a purely advisory capacity.

4. Each ~~[registered]~~ insurer producing for examination ***any information pursuant to subsection 1 or any*** records, books and papers pursuant to subsection ~~[1]~~ ***5*** shall be liable for and shall pay the expense of such examination in accordance with NRS 679B.290.

5. To carry out the provisions of this section and except as otherwise provided in subsection 2, the Commissioner may subpoena witnesses, compel their attendance, administer oaths, examine any person under oath concerning the subject of the examination and require the production of any books, papers, records, correspondence or any other documents which the Commissioner deems relevant to the examination. If any person fails to obey a subpoena or refuses to testify as to any matter relating to the subject of the examination, the Commissioner may file a written report describing the refusal and proof of service of the subpoena in any court of competent jurisdiction in the county in which the examination is being conducted, for such action as the court may determine. Failure by the person to obey an order of the court pursuant to this section is punishable as contempt of court.

6. A person subpoenaed under subsection 5 is entitled to witness fees and mileage as allowed for testimony in a court of record. The insurer or affiliate being examined must pay the witness fees and mileage, as well as any other expense incurred in securing the attendance of witnesses for the examination in accordance with NRS 679B.290.

Sec. 28.5. **NRS 694C.143 is hereby amended to read as follows:**

694C.143 "Sponsor" means an insurer licensed pursuant to the laws of any state, a reinsurer authorized or approved under the laws of any state, ~~[or]~~ a captive insurer formed or licensed pursuant to this chapter ***or a person*** that:

1. Meets the requirements of subsection 3 of NRS 694C.180 ~~[.]~~ ***or is approved as a sponsor by the Commissioner;*** and

2. Is approved by the Commissioner to provide all or part of the capital and surplus required by applicable law and to organize and operate a sponsored captive insurer.

Sec. 28.6. **NRS 694C.195 is hereby amended to read as follows:**

694C.195 1. One or more sponsors may form a sponsored captive insurer pursuant to this chapter.

2. A sponsored captive insurer formed or licensed pursuant to this chapter may establish and maintain one or more protected cells to insure the risks of one or more participants, subject to the following conditions:

(a) The shareholders of a sponsored captive insurer must be limited to its participants and sponsors, provided that the sponsored captive insurer may issue nonvoting securities to other persons on terms approved by the Commissioner;

(b) Each protected cell must be accounted for separately on the books and records of the sponsored captive insurer to reflect the financial condition and results of operations of that protected cell, including, but not limited to, the net income or loss, dividends, or other distributions to participants, and such other factors as may be set forth in the participant contract or required by the Commissioner;

(c) The assets of a protected cell must not be chargeable with liabilities arising out of any other insurance business which the sponsored captive insurer may conduct;

(d) A sponsored captive insurer shall not make a sale, exchange, transfer of assets, dividend or distribution between or among any of its protected cells without the consent of any participant for which the protected cells are maintained;

(e) A sponsored captive insurer shall not make a sale, exchange, transfer of assets, dividend or distribution from a protected cell to a sponsor or participant without the prior written approval of the Commissioner, and the Commissioner shall not give written approval if the sale, exchange, transfer, dividend or distribution would result in the insolvency or impairment of the protected cell;

(f) On or before March 1 of each year, a sponsored captive insurer must file with the Commissioner a report of its financial condition, including, but not limited to, accounting statements detailing the financial experience of each protected cell and any other information required by the Commissioner;

(g) A sponsored captive insurer must notify the Commissioner not more than 10 business days after a protected cell becomes insolvent or otherwise unable to meet its claims or expense obligations;

(h) A participant contract must not become effective without the prior written approval of the Commissioner;

(i) The addition of each new protected cell, the withdrawal of any participant of a protected cell or the termination of any existing protected cell constitutes a change in the business plan and requires the prior written approval of the Commissioner; and

(j) The business written by a sponsored captive insurer with respect to each protected cell must be:

(1) Fronted by an insurer licensed pursuant to the laws of any state;

(2) Reinsured by a reinsurer authorized or approved by the Commissioner; or

(3) Secured by a trust fund in the United States for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the Commissioner. The amount of security provided must not be less than the reserves associated with those liabilities, which are not fronted or reinsured pursuant to subparagraph (1) or (2), including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums for business written through the protected cell maintained for the participant. The Commissioner may require the sponsored captive insurer to increase the funding of any security arrangement established under this subsection. If the form of security is a letter of credit, the letter of credit must be established, issued or confirmed by a bank chartered in this State, a member of the Federal Reserve System or a bank chartered in another state if the bank is deemed acceptable by the Commissioner. A trust maintained pursuant to this subparagraph must be established in a form and under such terms that are approved by the Commissioner.

3. A sponsor of a sponsored captive insurer must:

(a) Be an insurer licensed pursuant to the laws of any state, a reinsurer authorized or approved under the laws of any state **, ~~[or]~~** a captive insurer formed or licensed pursuant to this chapter **~~[,]~~** ***or a person approved as a sponsor by the Commissioner;*** and

(b) Not be a risk retention group.

4. A participant in a sponsored captive insurer need not be a shareholder of the sponsored captive insurer or an affiliate of the sponsored captive insurer and:

(a) May be an association, corporation, limited-liability company, partnership, trust or other form of business organization;

(b) May be a sponsor of the sponsored captive insurer; and

(c) Must not be a risk retention group.

5. A participant in a sponsored captive insurer shall insure only its own risks through a sponsored captive insurer.

Sec. 29. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before ~~[June 30]~~ ***March 1*** of each year, a captive insurer shall submit to the Commissioner a report of its financial condition **.** ~~[, as prepared by a certified public accountant.]~~ A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by NRS 680A.270. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted ~~[:~~

~~(a) The~~ **,** ***the*** annual report is due not later than ~~[180]~~ ***60*** days after the end of each such fiscal year **.** ~~[; and~~

~~(b) The~~

3. ***A*** pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

~~[3.]~~ ***4.*** Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual statement as required by subsection 1 shall pay a penalty of $100 for each day the captive insurer fails to file the report, but not to exceed an aggregate amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

~~[4.]~~ ***5.*** Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 30. NRS 695E.080 is hereby amended to read as follows:

695E.080 "Plan of operation" means an analysis of the expected activities and results of a risk retention group, including:

1. The coverages, deductibles, limits of coverage, rates and systems of rating classification for each line of insurance the group intends to offer;

2. Historical and expected loss experience of the proposed members, and national experience of similar exposures to the extent that this experience is reasonably available;

3. Pro forma financial statements and projections;

4. Appropriate opinions by a qualified, independent casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent a hazardous financial condition;

5. Identification of management, underwriting procedures, policies for investment and methods for managerial oversight; ~~[and]~~

6. ***Identification of each state in which the group has obtained, or sought to obtain, a charter and a license, and a description of the status of the group in each of those states;***

7. Information that is deemed sufficient by the Commissioner to verify that members of the group are engaged in business activities similar or related with respect to the liability to which they are exposed because of any related, similar or common business, trade, product, service, premise or operation; and

8. Such other matters as are prescribed by the Commissioner for liability insurers authorized by the insurance laws of the state in which the risk retention group is chartered.

Sec. 31. NRS 695E.120 is hereby amended to read as follows:

695E.120 A purchasing group that intends to conduct business in this state shall register with the Commissioner and:

1. Furnish notice to the Commissioner that:

(a) Identifies the state in which the group is domiciled;

(b) Specifies the lines and classifications of liability insurance that the purchasing group intends to purchase;

(c) Identifies the insurer from which the group intends to purchase its insurance and the domicile of the insurer;

(d) Identifies the principal place of business of the group;

(e) Identifies all other states in which the group intends to do business; ~~[and]~~

(f) ***Specifies the method by which insurance will be offered to its members whose risks are resident, located or to be performed in this State;***

(g) Provides the name, address and telephone number of each person, if any, through whom insurance will be offered to its members whose risks are resident, located or to be performed in this State; and

(h) Provides such other information as the Commissioner requires to verify and determine:

(1) Its qualification as a purchasing group;

(2) Where the purchasing group is located; and

(3) The appropriate tax treatment of the purchasing group; and

2. Appoint the Commissioner as its agent solely to receive service of legal process, and pay the fee for filing a power of attorney required by

subsection 4 of NRS 680B.010, except that this subsection does not apply to a purchasing group that:

(a) Was domiciled before April 1, 1986, and on and after October 27, 1986, in any state;

(b) Before and after October 27, 1986, purchased its insurance from an insurer licensed in any state;

(c) Was a purchasing group under the requirements of the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

(d) Does not purchase insurance that was not authorized for an exemption under that act, as in effect before October 27, 1986.

Sec. 32. NRS 695E.140 is hereby amended to read as follows:

695E.140 1. A risk retention group seeking to be chartered in this State must obtain a certificate of authority pursuant to chapter 694C of NRS to transact liability insurance and, except as otherwise provided in this chapter, must comply with:

(a) All of the laws, regulations and requirements applicable to liability insurers in this State ~~[,]~~ ***, unless otherwise approved by the Commissioner;*** and

(b) The provisions of NRS 695E.150 to 695E.210, inclusive, to the extent that those provisions do not limit or conflict with the provisions with which the group is required to comply pursuant to paragraph (a).

2. ***A risk retention group applying to be chartered in this State must submit to the Commissioner in summary form:***

(a) The identities of:

(1) All members of the group;

(2) All organizers of the group;

(3) Those persons who will provide administrative services to the group; and

(4) Any person who will influence or control the activities of the group;

(b) The amount and nature of initial capitalization of the group;

(c) The coverages to be offered by the group; and

(d) Each state in which the group intends to operate.

3. Before it may transact insurance in any state, the risk retention group must submit to the Commissioner for approval by the Commissioner a plan of operation. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation within 10 days after the change. The group shall not offer any additional kinds of liability insurance, in this State or in any other state, until a revision of the plan is approved by the Commissioner.

~~[3.]~~ ***4. A risk retention group chartered in this State must file with the Commissioner on or before February 1 of each year a statement containing information concerning the immediately preceding year, which must be:***

(a) Submitted in a form prescribed by the National Association of Insurance Commissioners;

(b) Prepared in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Submitted on a diskette, if required by the Commissioner.

5. The Commissioner shall transmit to the National Association of Insurance Commissioners a copy of:

(a) All information submitted by a risk retention group to the Commissioner pursuant to subsections 2 and 4; and

(b) Any revisions to a plan of operation submitted to the Commissioner pursuant to subsection 3.

6. A risk retention group chartered in a state other than Nevada that is seeking to transact insurance as a risk retention group in this State must comply with the provisions of NRS 695E.150 to 695E.210, inclusive.

Sec. 33. NRS 695E.150 is hereby amended to read as follows:

695E.150 ***1.*** Before transacting insurance in this state, a risk retention group must submit to the Commissioner:

~~[1.]~~ ***(a)*** A statement of registration identifying:

~~[(a)]~~ ***(1)*** Each state in which the risk retention group is chartered or licensed as a liability insurer;

~~[(b)]~~ ***(2)*** The date of its charter;

~~[(c)]~~ ***(3)*** Its principal place of business; and

~~[(d)]~~ ***(4)*** Such other information, including information concerning its membership, as the Commissioner requires to verify its qualification as a risk retention group;

~~[2.]~~ ***(b)*** A copy of its plan of operation and any revisions of the plan submitted to its state of domicile, except with respect to any line or classification of liability that was:

~~[(a)]~~ ***(1)*** Defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

~~[(b)]~~ ***(2)*** Offered before that date by a risk retention group that had been chartered and operating for not less than 3 years before that date; and

~~[3.]~~ ***(c)*** A statement appointing the Commissioner as its agent for service of process pursuant to NRS 680A.250, together with the fee for filing a power of attorney required by subsection 4 of NRS 680B.010.

2. The Commissioner shall, upon receipt of any revisions of a plan of operation provided by a risk retention group pursuant to paragraph (b) of

subsection 1, transmit a copy of those revisions to the National Association of Insurance Commissioners.

Sec. 34. NRS 695E.170 is hereby amended to read as follows:

695E.170 1. A risk retention group and its agents and representatives are subject to the provisions of NRS 686A.010 to 686A.310, inclusive. Any injunction obtained pursuant to those sections must be obtained from a court of competent jurisdiction.

2. All premiums paid for coverages within this state to a risk retention group are subject to the provisions of chapter 680B of NRS. Each risk retention group shall report all premiums paid to it and shall pay the taxes on premiums and any related fines or penalties for risks resident, located or to be performed in the state.

3. Any person acting as an agent or a broker for a risk retention group pursuant to NRS 695E.210 shall:

(a) Report to the Commissioner each premium for direct business for risks resident, located or to be performed in this State which the person has placed with or on behalf of a risk retention group that is not chartered in this State.

(b) Maintain a complete and separate record of each policy obtained from each risk retention group. Each record maintained pursuant to this subsection must be made available upon request by the Commissioner for examination pursuant to NRS 679B.240, and must include, for each policy and each kind of insurance provided therein:

(1) The limit of liability;

(2) The period covered;

(3) The effective date;

(4) The name of the risk retention group which issued the policy;

(5) The gross annual premium charged; and

(6) The amount of return premiums, if any.

4. As used in this section, "premiums for direct business" means any premium written in this State for a policy of insurance. The term does not include any premium for reinsurance or for a contract between members of a risk retention group.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 927 to Assembly Bill No. 435.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 287.

The following Senate amendment was read:

Amendment No. 958.

AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; requiring a peace officer to take into custody and deliver a person to the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services in certain circumstances; ~~[removing the provision which generally requires a person and his or her responsible relatives to pay for certain costs relating to the person's involuntary admission to such a program;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the process for initiating a petition for the involuntary court-ordered admission to a mental health facility of a person who is alleged to have a mental illness. Additionally, existing law specifies that if a court finds that a person has a mental illness and is likely to harm himself or herself or others if not treated, the court must place the person in the most appropriate course of treatment. (NRS 433A.115-433A.330) This bill authorizes the court to order the involuntary admission of such a person to a program of community-based or outpatient services if such a program is an appropriate course of treatment for that person.

Section 3 of this bill requires that: (1) a plan of treatment be developed by persons who are qualified in the field of psychiatric mental health, in consultation with the person who will receive the treatment; (2) the plan contain certain information relating to the course of treatment; and (3) the developers of the plan submit the plan to the court in writing.

Section 3.5 of this bill sets forth the manner in which to address a person who has been involuntarily admitted to a program of community-based or outpatient services and who fails to participate in the program or otherwise fails to carry out the written plan of treatment developed for the person and submitted to the court.

Section 4 of this bill authorizes under certain circumstances both the conditional release of a person involuntarily admitted to a program of community-based or outpatient services and the revocation of such release, and **section 19** of this bill authorizes the unconditional release of such a person under certain circumstances.

Section 12 of this bill requires the counsel for a person who is judicially admitted to a program of community-based or outpatient services to represent the person until the person is released from the program. Section 12 also requires the court to serve notice upon such counsel of any action taken involving the person.

Section 13 of this bill sets forth the requirements for participation in a program of community-based or outpatient services, including that: (1) the person who is admitted to the program must be 18 years of age or older and have a history of noncompliance with treatment for mental illness; and (2) the court must approve the written plan of treatment which has been developed for the person and submitted to the court.

~~**[** Section 18 of this bill sets forth the process by which a professional responsible for providing or coordinating a program of community-based or outpatient services may petition the court to order a peace officer to take into custody and deliver a person who is involuntarily admitted to the program to the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the person fails to participate in the program or otherwise fails to carry out the written plan of treatment developed for the person and submitted to the court.**]**~~

Section 23 of this bill revises existing law which generally requires a person and his or her responsible relatives to pay for the actual cost of the treatment and services rendered during the person's involuntary admission to a division facility to require the same for an involuntary admission to a program of community-based or outpatient services. (NRS 433A.640) Responsible relatives include only the parent or legal guardian of a minor or the husband or wife of a person. (NRS 433A.610)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~**[**, 3 and**]**~~ **to** 4 **, inclusive,** of this act.

Sec. 2. ***"Program of community-based or outpatient services" means care, treatment and training provided to persons with mental illness, including, without limitation:***

1. A program or service for the treatment of abuse of alcohol;

2. A program or service for the treatment of abuse of drugs;

3. A program of general education or vocational training;

4. A program or service that assists in the dispensing or monitoring of medication;

5. A program or service that provides counseling or therapy;

6. A service which provides screening tests to detect the presence of alcohol or drugs;

7. A program of supervised living; or

8. Any combination of programs and services for persons with mental illness.

➥ ***The term does not include care, treatment and training provided to residents of a mental health facility.***

Sec. 3. ***If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:***

1. A description of the types of services in which the person will participate;

2. The medications, if any, which the person must take and the manner in which those medications will be administered;

3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and

4. Any other requirements which the court deems necessary.

Sec. 3.5. 1. When a person who is involuntarily admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to section 3 of this act, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the person to solicit the person's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:

(a) A copy of the order for involuntary admission;

(b) A copy of the plan of treatment submitted to the court pursuant to section 3 of this act;

(c) A list that sets forth the specific provisions of the plan of treatment which the person has failed to carry out; and

(d) A statement by the petitioner which explains how the person's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the person to harm himself or herself or others.

2. If the court determines that there is probable cause to believe that the person is likely to harm himself or herself or others if the person does not comply with the plan of treatment, the court may issue an order

requiring a peace officer to take into custody and deliver the person to an appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.

3. As used in this section, "appropriate location" does not include a jail or prison.

Sec. 4. *1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the ~~[conditional release is in the best interest of the person and will not be detrimental to the public welfare.]~~ person does not present a danger of harm to himself or herself or others. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.*

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program , to the attorney of the person and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an

emergency exists in which the person presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The ~~[professional responsible for providing or coordinating the program of community-based or outpatient services to]~~ court shall serve notice on the person who was ordered to resume participation in the program ~~[shall give written notice to that person]~~ and to his or her attorney ~~[, if the person is represented by legal counsel,]~~ of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

Sec. 5. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.018, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 433A.115 is hereby amended to read as follows:

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and sections 3 , 3.5 and 4 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, mental retardation, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical

debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 , 3.5 and 4 of this act*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 , 3.5 and 4 of this act*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 , 3.5 and 4 of this act*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and sections 3 , 3.5 and 4 of this act*** and adequate treatment is provided to him or her.

Sec. 7. NRS 433A.130 is hereby amended to read as follows:

433A.130 All applications and certificates for the admission of any person in the State of Nevada to a mental health facility ***or to a program of community-based or outpatient services*** under the provisions of this chapter shall be made on forms approved by the Division and the Office of the Attorney General and furnished by the clerks of the district courts in each county.

Sec. 8. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. Any person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to

NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission ***to a mental health facility*** is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 9. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition ***for the involuntary admission to a mental health facility or to a program of community-based or outpatient services*** with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[.]~~ ***or if not required to participate in a program of community-based or outpatient services;*** or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[.]~~ ***or if not required to participate in a program of community-based or outpatient services;*** and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 10. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. ***Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.***

5. Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.

Sec. 11. NRS 433A.250 is hereby amended to read as follows:

433A.250 1. The Administrator shall establish such evaluation teams as are necessary to aid the courts under NRS 433A.240 and 433A.310 ~~[.]~~ ***and ~~[section]~~ sections 3 and 3.5 of this act.***

2. Each team must be composed of a psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are representative of the Division, selected from personnel in the Division.

3. Fees for the evaluations must be established and collected as set forth in NRS 433.414 or 433B.260, as appropriate.

Sec. 12. NRS 433A.270 is hereby amended to read as follows:

433A.270 1. The person alleged to be a person with mental illness or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person with mental illness last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person with mental illness in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. ***If the person alleged to be a person with a mental illness is involuntarily admitted to a program of community-based or outpatient services, counsel shall continue to represent the person until the person is released from the program. The court shall serve notice upon such counsel of any action that is taken involving the person while the person is admitted to the program of community-based or outpatient services.***

5. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility ***or to a program of community-based or outpatient services*** in proceedings held pursuant to NRS 433A.200 or 433A.210.

Sec. 13. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person ***:*** ~~[to a public or private mental health facility:]~~

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services,*** the court shall enter its finding to that effect and the person must not be involuntarily ~~[detained in such a facility.]~~ ***admitted to a public or private mental health facility or to a program of community-based or outpatient services.***

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~[,]~~ ***or if not required to participate in a program of community-based or outpatient services,*** the court may order the involuntary admission of the person for the most appropriate course of treatment ~~[.]~~ ***, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services.*** The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. ***A court shall not admit a person to a program of community-based or outpatient services unless:***

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to

seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to section 3 of this act.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 ~~[.]~~ ***or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390.*** Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division ***,*** ~~[or]~~ any mental health facility that is not operated by the Division ***or a program of community-based or outpatient services*** may petition to renew the ~~[detention]~~ ***involuntary admission*** of the person for additional periods not to exceed 6 months each. For each renewal, the petition must ~~[set forth to the court specific reasons why further treatment would be in the person's own best interests.]~~

~~[3.]~~ ***include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.***

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment ***, including involuntary admission to a program of community-based or outpatient services,*** as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

~~[4.]~~ ***5.*** If the court issues an order involuntarily admitting a person to a public or private mental health facility ***or to a program of community-based or outpatient services*** pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[5.]~~ ***6.*** As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 14. NRS 433A.320 is hereby amended to read as follows:

433A.320 The order for involuntary court admission of any person to a ***public or private*** mental health facility ~~[, public or private, shall]~~ ***or to a program of community-based or outpatient services must*** be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

Sec. 15. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When ~~[any]~~ ***an*** involuntary court admission ***to a mental health facility*** is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private mental health facility.

2. No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 16. NRS 433A.350 is hereby amended to read as follows:

433A.350 1. Upon admission to any public or private mental health facility ~~[,]~~ ***or to a program of community-based or outpatient services,*** each consumer ~~[of the facility]~~ and the consumer's spouse and legal guardian, if any, must receive a written statement outlining in simple, nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a consumer by this chapter and chapters 433 and 433B of NRS and, if the consumer has no legal guardian, describing procedures provided by law for adjudication of incompetency and appointment of a guardian for the consumer.

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and ***in each location in which a program of community-based or outpatient services is provided and must be*** provided to each consumer ~~[of such a facility]~~ upon admission.

Sec. 17. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility **,** ~~[or]~~ private institution **,** ~~[or]~~ facility offering mental health services ~~[.]~~ ***or program of community-based or outpatient services.*** The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, ~~[or]~~ from treatment to competency in a private institution or facility offering mental health services ~~[.]~~ ***, or from a program of community-based or outpatient services.***

Sec. 18. ~~[~~NRS 433A.370 is hereby amended to read as follows:

~~433A.370 1. When a consumer committed by a court to a division facility on or before June 30, 1975, or a consumer who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS 433A.145 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted consumer has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the consumer to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.~~

2. When a consumer who is judicially admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to section 3 of this act, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer to solicit the consumer's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the consumer to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:

(a) A copy of the order for involuntary admission;

(b) A copy of the plan of treatment submitted to the court pursuant to section 3 of this act;

(c) A list that sets forth the specific provisions of the plan of treatment which the consumer has failed to carry out; and

(d) A statement by the petitioner which explains how the consumer's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the consumer to harm himself or herself or others.

3. If the court determines that there is probable cause to believe that the consumer is likely to harm himself or herself or others if the consumer does not comply with the plan of treatment, the court may issue an order

~~***requiring a peace officer to take into custody and deliver the consumer to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.***~~

~~***4.*** Any person appointed or designated by the Director of the Department to take into custody and transport ~~[~~to a division facility~~]~~ persons who have escaped ~~***,***~~ ~~[~~or~~]~~ failed to return ~~***or failed to participate in a program of treatment***~~ as described in ~~[~~subsection 1~~]~~ ~~***this section***~~ may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.~~]~~ **(Deleted by amendment.)**

Sec. 19. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility ***or to a program of community-based or outpatient services*** by court order, is released at the end of the ~~[~~time~~]~~ ***period*** specified pursuant to NRS 433A.310, written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility ***or the professional responsible for providing or coordinating the program of community-based or outpatient services*** shall notify the guardian before discharging the consumer from the facility ~~[~~.~~]~~ ***or program.*** The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team ~~[~~.~~]~~ ***or the professional responsible for providing or coordinating the program of community-based or outpatient services.*** If the legal guardian does not inform the facility ***or professional*** as to where the consumer will be released within 3 days after the date of notification, the facility ***or professional*** shall discharge the consumer according to its proposed discharge plan.

2. ~~[~~An involuntarily court admitted~~]~~ ***A*** consumer ***who is involuntarily admitted to a mental health facility*** may be unconditionally released before the period specified in NRS 433A.310 when:

(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the

consumer. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in NRS 433A.310 when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from an evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.

Sec. 20. NRS 433A.460 is hereby amended to read as follows:

433A.460 ~~[1.]~~ No person admitted to a public or private mental health facility ***or to a program of community-based or outpatient services*** pursuant to this chapter shall, by reason of such admission, be denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license, unless such person has been specifically adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.

~~[2. If the responsible physician of the mental health facility in which any person is detained ***or the professional responsible for providing or coordinating the program of community-based or outpatient services for a person*** is of the opinion that such person is unable to exercise any of the aforementioned rights, the responsible physician ***or other responsible professional, as applicable,*** shall immediately notify the person and the person's attorney, legal guardian, spouse, parents or other nearest known adult relative, and the district court of that fact.]~~

Sec. 21. NRS 433A.580 is hereby amended to read as follows:

433A.580 No person may be admitted to a private hospital ~~[or]~~ ***, a*** division mental health facility ***or a program of community-based or outpatient services*** pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital ***,*** ~~[or]~~ division facility ***or professional responsible for providing or coordinating a program of community-based or outpatient services*** and the consumer or person requesting his or her admission.

Sec. 22. NRS 433A.600 is hereby amended to read as follows:

433A.600 1. A person who is admitted to a ***division*** facility ***or to a program of community-based or outpatient services*** operated by the Division and not determined to be indigent and every responsible relative pursuant to NRS 433A.610 of the person shall be charged for the cost of treatment and is liable for that cost. If after demand is made for payment the person or his or her responsible relative fails to pay that cost, the administrative officer ***or professional responsible for providing or coordinating the program of community-based or outpatient services, as applicable,*** may recover the amount due by civil action.

2. All sums received ~~[by the administrative officer of a facility operated by the Division]~~ pursuant to subsection 1 must be deposited in the State Treasury and may be expended by the Division for the support of that facility ***or program*** in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Sec. 23. NRS 433A.640 is hereby amended to read as follows:

433A.640 1. Once a court has ordered the admission of a person to a division facility, the administrative officer shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

2. If a person is admitted to a division facility ***or program of community-based or outpatient services*** pursuant to a court order, that person and his or her responsible relatives are responsible for the payment of the actual cost of the treatment and services rendered during his or her admission to the division facility ***or program*** unless the investigation reveals that the person and his or her ***responsible*** relatives are not capable of paying the full amount of the costs.

3. Once a court has ordered the admission of a person to a program of community-based or outpatient services operated by the Division, the professional responsible for providing or coordinating the program shall make an investigation, pursuant to the provisions of this chapter, to

determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

Sec. 24. NRS 433A.650 is hereby amended to read as follows:

433A.650 Determination of ability to pay pursuant to NRS 433A.640 shall include investigation of whether the consumer has benefits due and owing to the consumer for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility ***or professional responsible for providing or coordinating a program of community-based or outpatient services*** may accept payment for the cost of a consumer's treatment from the consumer's insurance company, Medicare or Medicaid and other similar third parties.

Sec. 25. NRS 433A.660 is hereby amended to read as follows:

433A.660 1. If the consumer, his or her responsible relative pursuant to NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility ***or to the program of community-based or outpatient services operated by the Division*** rendering service pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility ***or program, as applicable,*** shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 26. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital ~~[or]~~ ***, a*** mental health facility ***or a program of community-based or outpatient services*** in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 and 5, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital ~~[or]~~ ***, a*** mental health facility ***or a program of community-based or outpatient services*** in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

6. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital ***,*** ~~[or]~~ mental health facility ***or program of community-based or outpatient services,*** is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

7. As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 27. NRS 433A.750 is hereby amended to read as follows:

433A.750 1. A person who:

(a) Without probable cause for believing a person to be mentally ill causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility ***or a program of community-based or outpatient services*** is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention ***, admission*** or restraint of the person alleged to be mentally ill, or any physician, psychiatrist ***,*** ~~[or]~~ licensed psychologist ***or other person professionally qualified in the field of psychiatric mental health*** who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 28. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 958 to Assembly Bill No. 287.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 260.

The following Senate amendment was read:

Amendment No. 971.

AN ACT relating to the Nevada System of Higher Education; clarifying provisions governing tuition charges assessed against certain students; ~~[providing that]~~ **revising provisions relating to exemptions from** tuition charges ~~[must not be assessed against]~~ **for** veterans of the Armed Forces of the United States who were honorably discharged **;** ~~[within a certain period;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges against students who are not residents of Nevada at all campuses of the Nevada System of Higher Education. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of Nevada. Existing law also provides that tuition must be free for certain students and veterans. (NRS 396.540) This bill clarifies the statutory provisions governing the assessment of tuition charges. Additionally, this bill revises the group of veterans against whom tuition charges must not be assessed by: (1) removing the requirement that such veterans were, at some point, on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State; and (2) requiring that such veterans were honorably discharged within the 2 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System. **However, this bill authorizes the Board of Regents to grant more favorable exemptions from tuition charges for veterans who were honorably discharged if required for the receipt of federal money.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition ***charges*** must ***not*** be ~~[free to:]~~ ***assessed against:***

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full-time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours;

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

(g) ~~[Veterans]~~ ***Except as otherwise provided in subsection 3, veterans*** of the Armed Forces of the United States who were honorably discharged ~~[and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge.]~~ ***within the 2 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.***

3. ***The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (g) of subsection 2, if required for the receipt of federal money.***

4. The Board of Regents may grant ~~[tuitions free]~~ ***exemptions from tuition charges*** each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 1.5. **NRS 396.543 is hereby amended to read as follows:**

396.543 1. The Board of Regents may enter into an agreement with another state for the granting of full or partial waivers of the nonresident tuition to residents of the other state who are students at or are eligible for admission to any branch of the System if the agreement provides that, under

substantially the same circumstances, the other state will grant reciprocal waivers to residents of Nevada who are students at or are eligible for admission to universities or colleges in the other state.

2. Each agreement must specify:

(a) The criteria for granting the waivers; and

(b) The specific universities, state colleges and community colleges for which the waivers will be granted.

3. The Board of Regents shall provide by regulation for the administration of any waivers for which an agreement is entered into pursuant to subsection 1.

4. The waivers granted pursuant to this section must not be included in the number of waivers determined for the purpose of applying the limitation in subsection ~~[3]~~ ***4*** of NRS 396.540.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved that the Assembly concur in the Senate Amendment No. 971 to Assembly Bill No. 260.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ohrenschall moved to reconsider the action whereby the Assembly did not concur to Senate Amendment No. 924 to Assembly Bill No. 412.

Motion carried.

Assemblyman Ohrenschall moved to reconsider the action whereby the Assembly did not concur to Senate Amendment No. 942 to Assembly Bill No. 412.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 412.

The following Senate amendment was read:

Amendment No. 924.

AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission and drafting of legislative measures; revising the number of legislative measures that certain persons and entities may request for drafting; restricting Legislators from requesting the drafting of legislative measures under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires newly elected Legislators to attend certain training before the beginning of their first legislative session. (NRS 218A.285) **Section 1** of this bill requires such training to include discussion of major policy issues that are likely to be considered during the ensuing regular session of the Legislature. **Section 1** also requires the Director of the Legislative Counsel Bureau to communicate in writing the dates for training to candidates for election to the Assembly and the Senate for the ensuing regular session of the Legislature.

Existing law requires the Director to provide an electronic copy of a training session to any Legislator who was unable to attend the training session. (NRS 218A.285) **Section 1** authorizes the Director to provide an alternate means of recording the information provided during certain training sessions and requires a Legislator who was unable to attend a training session to complete that session in the manner prescribed by the Director.

Existing law contains provisions governing requests for the drafting of legislative measures for a regular session. (NRS 218D.100-218D.215) This bill revises the number of legislative measures that various persons and entities may request for drafting and also revises the deadlines for making such requests.

Section 6 of this bill changes the number of legislative measures that Legislators and the chair of each standing committee may request by certain deadlines. **Section 6** also changes the deadlines for providing sufficient detail to allow complete drafting of a legislative measure. **Section 6** further: (1) prohibits a Legislator who has filed a declaration or an acceptance of candidacy for election to the House in which he or she is not currently sitting from requesting the drafting of legislative measures; and (2) provides that, if the Legislator is elected to the other House, any request that he or she submits before filing a declaration or an acceptance of candidacy for election counts against the applicable limitation for the House to which the Legislator was elected to serve. (NRS 218D.150)

Existing law allows each statutory legislative committee and interim study committee to request a certain number of legislative measures preceding a regular session. (NRS 218D.160) **Section 7** of this bill reduces the number of legislative measures that may be requested by the Chair of the Legislative Commission and moves up the deadline for statutory legislative committees and interim study committees to provide sufficient detail to allow complete drafting of their legislative measures.

Section 8 of this bill revises the deadlines by which the Governor or the Governor's designated representative must submit requests for the drafting of legislative measures and increases the number of legislative measures that the

Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General may request for drafting. (NRS 218D.175)

Section 9 of this bill reduces the number of legislative measures that may be requested by the city council of a city whose population is 150,000 or more but less than 500,000 (currently the cities of Henderson, North Las Vegas and Reno). (NRS 218D.205)

Existing law authorizes the following entities to submit their own requests for the drafting of legislative measures for each regular session: (1) a mental health consortium established to develop strategic plans for the provision of mental health services to children with emotional disturbance and their families (NRS 218D.215, 433B.333); and (2) an interagency committee created by the Director of the Department of Health and Human Services to evaluate the child welfare system in this State. (NRS 432B.178) **Sections 11 and 12** of this bill eliminate the authority of these entities to submit their own requests, but such entities still would be authorized by existing law to ask Legislators or legislative committees to submit and sponsor requests on behalf of the entities. (NRS 218D.150, 218D.155, 218D.160)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218A.285 is hereby amended to read as follows:

218A.285 1. A Legislator who is elected to the Assembly or the Senate and who has not previously served in either House shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must ~~[be recorded electronically and]~~ include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) ~~[Briefings on]~~ ***Discussion of major*** policy issues ~~[relevant to the State;]~~ ***that are likely to be considered during the ensuing regular session;*** and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session. The dates for the training must be ~~[~~determined~~]~~ ***:***

(a) Determined by the Speaker of the Assembly and the Majority Leader of the Senate ~~[~~and posted~~]~~ ***;***

(b) Posted on the public website of the Legislature on ~~[~~an~~]~~ ***the*** Internet ~~[~~website~~]~~ ***; and***

(c) Communicated in writing by the Director to the candidates for election to the Assembly and the Senate for the ensuing regular session,

➥ not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency, employment or other good cause as determined by the Speaker or Majority Leader.

7. ~~[~~The~~]~~ ***Except as otherwise provided in this subsection, the*** Director shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. ***If any training session is conducted in a manner that the Director determines cannot reasonably be recorded in an electronic format, the Director may provide for an alternate means of recording the information provided during that training session.*** To successfully complete the training required pursuant to this section, ~~[~~such~~]~~ a Legislator ~~[~~must view the~~]~~ ***who was unable to attend a*** training session ~~[~~electronically~~]~~ ***shall complete that session in the manner prescribed by the Director*** and submit the attestation to the Director.

8. The Director shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 2. NRS 218D.050 is hereby amended to read as follows:

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 4. NRS 218D.105 is hereby amended to read as follows:

218D.105 1. Upon a finding that exceptional circumstances so warrant, the Legislative Commission when the Legislature is not in a regular session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in a regular session, may grant a waiver to an authorized nonlegislative requester to submit a request for the drafting of a legislative measure after the time limits in NRS 218D.175 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive.

2. The request for the waiver must be submitted in writing to the Legislative Commission or standing committee, as appropriate, explaining the exceptional circumstances.

Sec. 5. NRS 218D.115 is hereby amended to read as follows:

218D.115 1. The Legislative Counsel shall assist authorized nonlegislative requesters in the drafting of the legislative measures which they are authorized to request pursuant to NRS 218D.175 to **[**~~218D.215,~~**]** ***218D.210,*** inclusive.

2. To ensure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) Requests from each agency or officer of the Executive Department or from a county, school district or city must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Department has requested 10 legislative measures for a regular session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

3. The priority designated pursuant to this section must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Department and the counties, school districts and cities to ensure each agency and officer, and each county, school district and city, as nearly as is possible, an equal rank.

Sec. 6. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***this section,*** each:

(a) Incumbent member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~6~~]~~ ***4*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than ~~*[2]*~~ ***1 legislative*** ~~*[measures]*~~ ***measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.***

(b) Incumbent member of the Senate may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~12~~]~~ ***8*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(2) Not more than ~~[2]~~ 1 legislative ~~[measures]~~ measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of ~~[not]~~ ***:***

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. ***A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.***

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before ~~[September]~~ ***August*** 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[December]~~ ***November*** 1 preceding the regular session.

(b) After ~~[September]~~ ***August*** 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[4.]~~ ***(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting***

of the legislative measure must be submitted on or before the 15th day of the regular session.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~[15]~~ ***18*** legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~[5.]~~ ***6.*** If a request made pursuant to subsection ~~[4]~~ ***5*** is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[6.]~~ ***7.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 7. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than ~~[15]~~ ***10*** legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of

the legislative measure must be submitted on or before March 1 of the regular session.

4. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[~~December~~]~~ ***November*** 1 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 8. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of ~~[~~not~~]~~ ***:***

(a) Not more than ~~[~~100~~]~~ ***50*** legislative measures ***submitted to the Legislative Counsel on or before July 1 preceding the regular session; and***

(b) Not more than 50 legislative measures submitted to the Legislative Counsel after July 1 but on or before September 1 preceding the regular session,

➥ which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. ~~[~~The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.~~]~~

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor ..... ~~[1]~~ ***3***
Secretary of State ..... ~~[5]~~ ~~*[8]*~~ ***6***
State Treasurer..... ~~[2]~~ ***5***
State Controller ..... ~~[2]~~ ***5***
Attorney General ..... ~~[15]~~ ***20***

4. ***In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 1 preceding the regular session. Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.***

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Sec. 9. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is ~~[150,000]~~ ***500,000*** or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) ***Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.***

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 10. NRS 218D.575 is hereby amended to read as follows:

218D.575 1. A Legislator who will be a member of the next regular session may request the Legislative Counsel to prefile any bill or joint resolution that was requested by that Legislator for introduction in the next regular session.

2. A Legislator designated as a chair of a standing committee for the next regular session may request the Legislative Counsel to prefile on behalf of the committee any bill or joint resolution within the jurisdiction of the committee for introduction in the next regular session.

3. ~~[~~The~~]~~ ***All*** bills and joint resolutions ***requested by authorized nonlegislative requesters and*** submitted for prefiling pursuant to NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, must be ~~[~~:

~~(a) Randomly~~]~~ ***randomly*** divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.

~~[~~(b) Prepared~~]~~

4. The Legislative Counsel shall prepare all bills and joint resolutions submitted for prefiling in final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[~~4.~~]~~ ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A Legislator who is not a candidate for reelection until after the general election immediately preceding the regular session.

(b) A Legislator who is elected or reelected to legislative office at the general election immediately preceding the regular session until the Legislator is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

Sec. 11. NRS 432B.178 is hereby amended to read as follows:

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

(a) Each agency which provides child welfare services;

(b) The Department of Education;

(c) The juvenile justice system;

(d) Law enforcement; and

(e) Providers of treatment or services for persons in the child welfare system.

3. ~~[The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the~~

~~Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.~~

~~—4.]~~ The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 12. NRS 218D.215 is hereby repealed.

Sec. 13. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 924 to Assembly Bill No. 412.

Motion carried.

The following Senate amendment was read:

Amendment No. 942.

AN ACT relating to the Legislature; revising provisions relating to the training required for newly elected Legislators; changing certain deadlines applicable to the submission and drafting of legislative measures; revising the number of legislative measures that certain persons and entities may request for drafting; restricting Legislators from requesting the drafting of legislative measures under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires newly elected Legislators to attend certain training before the beginning of their first legislative session. (NRS 218A.285) **Section 1** of this bill requires such training to include discussion of major policy issues that are likely to be considered during the ensuing regular session of the Legislature. **Section 1** also requires the Director of the

Legislative Counsel Bureau to communicate in writing the dates for training to candidates for election to the Assembly and the Senate for the ensuing regular session of the Legislature.

Existing law requires the Director to provide an electronic copy of a training session to any Legislator who was unable to attend the training session. (NRS 218A.285) **Section 1** authorizes the Director to provide an alternate means of recording the information provided during certain training sessions and requires a Legislator who was unable to attend a training session to complete that session in the manner prescribed by the Director.

Existing law contains provisions governing requests for the drafting of legislative measures for a regular session. (NRS 218D.100-218D.215) This bill revises the number of legislative measures that various persons and entities may request for drafting and also revises the deadlines for making such requests.

Section 6 of this bill changes the number of legislative measures that Legislators and the chair of each standing committee may request by certain deadlines. **Section 6** also changes the deadlines for providing sufficient detail to allow complete drafting of a legislative measure. **Section 6** further: (1) prohibits a Legislator who has filed a declaration or an acceptance of candidacy for election to the House in which he or she is not currently sitting from requesting the drafting of legislative measures; and (2) provides that, if the Legislator is elected to the other House, any request that he or she submits before filing a declaration or an acceptance of candidacy for election counts against the applicable limitation for the House to which the Legislator was elected to serve. (NRS 218D.150)

Existing law allows each statutory legislative committee and interim study committee to request a certain number of legislative measures preceding a regular session. (NRS 218D.160) **Section 7** of this bill reduces the number of legislative measures that may be requested by the Chair of the Legislative Commission and moves up the deadline for statutory legislative committees and interim study committees to provide sufficient detail to allow complete drafting of their legislative measures.

Section 8 of this bill revises the deadlines by which the Governor or the Governor's designated representative must submit requests for the drafting of legislative measures and increases the number of legislative measures that the **Governor,** Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General may request for drafting. (NRS 218D.175)

Section 9 of this bill reduces the number of legislative measures that may be requested by the city council of a city whose population is 150,000 or more but less than 500,000 (currently the cities of Henderson, North Las Vegas and Reno). (NRS 218D.205)

Existing law authorizes the following entities to submit their own requests for the drafting of legislative measures for each regular session: (1) a mental health consortium established to develop strategic plans for the provision of mental health services to children with emotional disturbance and their families (NRS 218D.215, 433B.333); and (2) an interagency committee created by the Director of the Department of Health and Human Services to evaluate the child welfare system in this State. (NRS 432B.178) **Sections 11 and 12** of this bill eliminate the authority of these entities to submit their own requests, but such entities still would be authorized by existing law to ask Legislators or legislative committees to submit and sponsor requests on behalf of the entities. (NRS 218D.150, 218D.155, 218D.160)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218A.285 is hereby amended to read as follows:

218A.285 1. A Legislator who is elected to the Assembly or the Senate and who has not previously served in either House shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must ~~[be recorded electronically and]~~ include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) ~~[Briefings on]~~ ***Discussion of major*** policy issues ~~[relevant to the State;]~~ ***that are likely to be considered during the ensuing regular session;*** and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session. The dates for the training must be ~~[determined]~~ ***:***

(a) Determined by the Speaker of the Assembly and the Majority Leader of the Senate ~~[and posted]~~ ***;***

(b) Posted on the public website of the Legislature on ~~[an]~~ ***the*** Internet ~~[website]~~ ***; and***

(c) Communicated in writing by the Director to the candidates for election to the Assembly and the Senate for the ensuing regular session,

➥ not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency, employment or other good cause as determined by the Speaker or Majority Leader.

7. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Director shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. ***If any training session is conducted in a manner that the Director determines cannot reasonably be recorded in an electronic format, the Director may provide for an alternate means of recording the information provided during that training session.*** To successfully complete the training required pursuant to this section, ~~[such]~~ a Legislator ~~[must view the]~~ ***who was unable to attend a*** training session ~~[electronically]~~ ***shall complete that session in the manner prescribed by the Director*** and submit the attestation to the Director.

8. The Director shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 2. NRS 218D.050 is hereby amended to read as follows:

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to ~~[218D.215,]~~ ***218D.210,*** inclusive, another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 4. NRS 218D.105 is hereby amended to read as follows:

218D.105 1. Upon a finding that exceptional circumstances so warrant, the Legislative Commission when the Legislature is not in a regular session, or a standing committee which has jurisdiction of the subject matter when the Legislature is in a regular session, may grant a waiver to an authorized nonlegislative requester to submit a request for the drafting of a legislative measure after the time limits in NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive.

2. The request for the waiver must be submitted in writing to the Legislative Commission or standing committee, as appropriate, explaining the exceptional circumstances.

Sec. 5. NRS 218D.115 is hereby amended to read as follows:

218D.115 1. The Legislative Counsel shall assist authorized nonlegislative requesters in the drafting of the legislative measures which they are authorized to request pursuant to NRS 218D.175 to ~~[~~218D.215,~~]~~ ***218D.210,*** inclusive.

2. To ensure the greatest possible equity in the handling of such requests, drafting must proceed as follows:

(a) Requests from each agency or officer of the Executive Department or from a county, school district or city must, insofar as is possible, be acted

upon in the order in which they are received, unless a different priority is designated by the requester.

(b) As soon as an agency or officer of the Executive Department has requested 10 legislative measures for a regular session, the Legislative Counsel may request the agency or officer to designate the priority for each succeeding request.

3. The priority designated pursuant to this section must guide the Legislative Counsel in acting upon the requests of the respective agencies and officers of the Executive Department and the counties, school districts and cities to ensure each agency and officer, and each county, school district and city, as nearly as is possible, an equal rank.

Sec. 6. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***this section,*** each:

(a) Incumbent member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~6~~]~~ ***4*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than ~~[~~12~~]~~ ***8*** legislative measures submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding a regular session ~~[~~and not~~]~~ ***;***

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after ~~[~~September~~]~~ ***August*** 1 but on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of ~~[~~not~~]~~ ***:***

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[~~.~~]~~ ***; and***

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of ~~[not]~~ ***:***

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session ~~[.]~~ ***; and***

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. ***A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.***

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before ~~[September]~~ ***August*** 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[December]~~ ***November*** 1 preceding the regular session.

(b) After ~~[September]~~ ***August*** 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[4.]~~ ***(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.***

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every ~~[15]~~ ***18*** legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~[5.]~~ ***6.*** If a request made pursuant to subsection ~~[4]~~ ***5*** is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January ~~[15]~~ ***1*** preceding the regular session.

~~[6.]~~ ***7.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 7. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than ~~[15]~~ ***10*** legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.

4. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before ~~[~~December~~]~~ ***November*** 1 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 8. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not ~~*[*~~ ~~*(a) Not]*~~ more than ~~[~~100~~]~~ ~~*[50]*~~ ***110*** legislative measures ~~*[submitted to the Legislative Counsel on or before July 1 preceding the regular session; and*~~

~~*(b) Not more than 50 legislative measures submitted to the Legislative Counsel after July 1 but on or before September 1 preceding the regular session,*~~

~~➥~~~~]~~ which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before ~~[~~September~~]~~ ***August*** 1 preceding the regular session.

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In

addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor ..... ~~[1]~~ ***3***
Secretary of State ..... ~~[5]~~ ***6***
State Treasurer..... ~~[2]~~ ***5***
State Controller ..... ~~[2]~~ ***5***
Attorney General .....~~[15]~~ ***20***

4. ***In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 1 preceding the regular session. Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.***

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Sec. 9. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is ~~[150,000]~~ ***500,000*** or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) ***Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.***

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

7. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 10. NRS 218D.575 is hereby amended to read as follows:

218D.575 1. A Legislator who will be a member of the next regular session may request the Legislative Counsel to prefile any bill or joint resolution that was requested by that Legislator for introduction in the next regular session.

2. A Legislator designated as a chair of a standing committee for the next regular session may request the Legislative Counsel to prefile on behalf of the committee any bill or joint resolution within the jurisdiction of the committee for introduction in the next regular session.

3. ~~[The]~~ ***All*** bills and joint resolutions ***requested by authorized nonlegislative requesters and*** submitted for prefiling pursuant to NRS 218D.175 to ~~[218D.215,]~~ ***218D.210,*** inclusive, must be ~~[:~~

~~(a) Randomly~~] ***randomly*** divided in equal amounts between the Senate and the Assembly and prefiled on behalf of the appropriate standing committee.

~~[(b) Prepared~~]

4. The Legislative Counsel shall prepare all bills and joint resolutions submitted for prefiling in final and correct form for introduction in the Legislature as required by the Nevada Constitution and this chapter.

~~[4.~~] ***5.*** The Legislative Counsel shall not prefile a bill or joint resolution requested by:

(a) A Legislator who is not a candidate for reelection until after the general election immediately preceding the regular session.

(b) A Legislator who is elected or reelected to legislative office at the general election immediately preceding the regular session until the Legislator is determined to have received the highest number of votes pursuant to the canvass of votes required by NRS 293.395.

Sec. 11. NRS 432B.178 is hereby amended to read as follows:

432B.178 1. The Director of the Department of Health and Human Services may create an interagency committee to evaluate the child welfare system in this State. Any such evaluation must include, without limitation, a review of state laws to ensure that the state laws comply with federal law and to ensure that the state laws reflect the current practices of each agency which provides child welfare services and others involved in the child welfare system.

2. The Director may appoint as many members to the interagency committee as the Director deems appropriate except that the members of such a committee must include, without limitation, at least one person to represent:

(a) Each agency which provides child welfare services;

(b) The Department of Education;

(c) The juvenile justice system;

(d) Law enforcement; and

(e) Providers of treatment or services for persons in the child welfare system.

3. ~~[The interagency committee created pursuant to subsection 1 may directly request the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau to prepare one legislative measure for a regular legislative session if it determines that changes in legislation are necessary. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature. Upon completion of the proposed legislation, the Legislative Counsel shall transmit any legislative measure prepared pursuant to this~~

~~subsection to the appropriate standing committee of the Assembly or Senate within the first week of the next regular legislative session for introduction.~~ ~~—4.]~~ The interagency committee created pursuant to subsection 1 shall, on or before January 1 of each odd-numbered year after it is created, submit to the Director of the Legislative Counsel Bureau a written report for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary, the Chair of the Assembly Committee on Health and Human Services and the Chair of the Senate Committee on Health and Education.

Sec. 12. NRS 218D.215 is hereby repealed.

Sec. 13. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

218D.215 Requests from mental health consortium.

1. For a regular session, each mental health consortium established pursuant to NRS 433B.333 may request the drafting of not more than 1 legislative measure. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before December 20 preceding the regular session. A legislative measure that is not prefiled on or before that date shall be deemed withdrawn.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 942 to Assembly Bill No. 412.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 38, Amendment No. 986; Assembly Bill No. 74, Amendment No. 981; Assembly Bill No. 413, Amendment No. 974, and respectfully requests your honorable body to concur in said amendments.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bill No. 473.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 425.

The following Senate amendment was read:

Amendment No. 967.

AN ACT relating to insurance; establishing certification provisions for certain enrollment facilitators by the Commissioner of Insurance; revising provisions relating to federal law and to conform with federal law; revising provisions relating to the general tax on insurance premiums; revising provisions relating to public inspection of information filed with the Commissioner; revising provisions relating to dental insurance; **revising provisions relating to certain policies of health insurance and health care plans that provide coverage for the treatment of cancer through the use of chemotherapy;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-26 of this bill establish certification provisions for exchange enrollment facilitators, who will be certified by the Commissioner of Insurance and appointed as navigators or assisters by the Silver State Health Insurance Exchange as part of the requirement that the Exchange implement a state-based health insurance exchange pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152. (NRS 695I.210) **Section 119** of this bill repeals numerous sections of the Nevada Insurance Code (Title 57 of NRS) to conform to the federal acts, and **sections 27-118** of this bill generally make conforming changes based on the federal acts and on the repeal of those sections of NRS.

Section 31.5 of this bill revises a credit which may be used against an insurer's liability for the general tax on insurance premiums imposed pursuant to NRS 680B.027. **Sections 32.1 and 32.8** of this bill revise provisions relating to contracts for coverage for dental care which are sold to small employers. **Section 32.5** of this bill limits, for specified periods, public inspection of certain information filed with the Commissioner of Insurance.

Senate Bill No. 266 of this session establishes various provisions governing certain health care plans that provide coverage for the treatment of cancer through the use of chemotherapy. Sections 1, 3-5, 8 and 9 of Senate Bill No. 266 of this session prohibit those health care plans from requiring a copayment, deductible or coinsurance amount for orally administered chemotherapy in a combined amount that is more than $100 per prescription. Sections 118.1 to 118.6 of this bill amend the corresponding provisions of Senate Bill No. 266 of this session to provide that the limit on the amount of the deductible that may be required does not apply if the plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the plan's annual deductible has not been satisfied.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Appointment" means a contract, agreement or other arrangement under which a person may act on behalf of the Exchange as an assister, navigator or any other designation authorized or required by the Federal Act.***

Sec. 3. ***"Assister" has the meaning ascribed to it by regulations adopted by the Board of Directors of the Exchange pursuant to NRS 695I.370.***

Sec. 4. ***"Exchange" means the Silver State Health Insurance Exchange established by NRS 695I.200.***

Sec. 5. ***"Exchange enrollment facilitator" means a person certified pursuant to this chapter who is engaged in the business of facilitating enrollment in qualified health plans offered by the Exchange.***

Sec. 6. ***"Navigator" means a person or entity that meets the requirements of 45 C.F.R. § 155.210 and any other requirements of the Exchange.***

Sec. 7. ***"Qualified health plan" has the meaning ascribed to it in NRS 695I.080.***

Sec. 8. ***1. The provisions of NRS 683A.341 and 683A.351 apply to exchange enrollment facilitators.***

2. For the purposes of subsection 1, unless the context requires that NRS 683A.341 or 683A.351 apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "exchange enrollment facilitator."

Sec. 9. ***1. An applicant for an initial certificate as an exchange enrollment facilitator must:***

(a) Be a natural person of not less than 18 years of age;

(b) Apply on a form prescribed by the Commissioner;

(c) Pass a written examination established by the Commissioner by regulation;

(d) Successfully complete a course of instruction established by the Commissioner by regulation;

(e) Submit fingerprints as required pursuant to section 10 of this act; and

(f) Pay the nonrefundable:

(1) Application and certificate fee set forth in NRS 680B.010;

(2) Initial fee set forth in NRS 680C.110; and

(3) Additional fee of not more than $15 for the processing of the application established pursuant to section 25 of this act.

2. The additional fee for the processing of applications pursuant to subparagraph (3) of paragraph (f) of subsection 1 must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305.

Sec. 10. ***1. The Commissioner shall prescribe the form for application for a certificate as an exchange enrollment facilitator. The form must require the applicant to declare, under penalty of refusal to issue, or suspension or revocation of, the certificate of the applicant, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief.***

2. Before approving an application, the Commissioner must find that the applicant:

(a) Meets the requirements of section 9 of this act.

(b) Has not committed any act that is a ground for refusal to issue, or suspension or revocation of a certificate pursuant to NRS 683A.451.

(c) Paid all applicable fees prescribed pursuant to section 9 of this act.

(d) Meets the requirements of subsections 3 and 5.

3. An applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to

such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining the information described in paragraph (b).

5. The Commissioner may require from the applicant any document reasonably necessary to verify information contained in an application.

6. Except as otherwise provided in section 23 of this act, a certificate issued pursuant to this chapter is valid for 3 years after the date of issuance unless it is suspended, revoked or otherwise terminated.

Sec. 11. ***1. A person taking the examination required pursuant to section 9 of this act must apply to the Commissioner to take the examination and pay a nonrefundable fee in an amount prescribed in the regulations adopted pursuant to section 25 of this act.***

2. A person who fails to appear for the examination as scheduled or fails to pass the examination must reapply for examination and pay the required fees in order to be scheduled for another examination.

Sec. 12. ***1. A certificate may be renewed for an additional 3-year period by submitting to the Commissioner an application for renewal and:***

(a) If the application is made:

(1) On or before the expiration date of the certificate, all applicable renewal fees and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(2) Except as otherwise provided in subsection 3:

(I) Not more than 30 days after the expiration date of the certificate, all applicable renewal fees plus any late fee required and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(II) More than 30 days but not more than 1 year after the expiration date of the certificate, all applicable renewal fees plus a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110.

(b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

3. An exchange enrollment facilitator who is unable to renew his or her certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

Sec. 13. *1. An applicant for the issuance or renewal of a certificate to act as an exchange enrollment facilitator shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Commissioner.

3. A certificate to act as an exchange enrollment facilitator may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to act as an exchange enrollment facilitator, the Commissioner shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the certificate by the*

district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a certificate to act as an exchange enrollment facilitator that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. ***The application of a natural person who applies for the issuance or renewal of a certificate as an exchange enrollment facilitator must include the social security number of the applicant.***

Sec. 16. ***1. A certificate issued pursuant to this chapter must state the certificate holder's name, address, personal identification number, the date of issuance and the date of expiration, and must contain any other information the Commissioner considers necessary. The certificate must be made available by the certificate holder for public inspection upon request.***

2. A certificate holder shall inform the Commissioner of all locations from which he or she conducts business and of each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the date on which the change takes place. If a certificate holder changes his or her business or residence address without giving written notice and the Commissioner is unable to locate the certificate holder after diligent effort, the Commissioner may revoke the certificate without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the certificate holder at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 17. ***1. If the Commissioner believes that a temporary certificate is necessary to carry on the business of facilitating selection of a qualified health plan, the Commissioner may issue a temporary certificate as an exchange enrollment facilitator for 180 days or less without requiring an examination to:***

(a) The surviving spouse, personal representative or guardian of an exchange enrollment facilitator who dies or becomes incompetent, to allow adequate time for the sale of the business, the recovery or return of the exchange enrollment facilitator, or the training and certification of new personnel to operate the business;

(b) A member or employee of a business organization appointed by the Exchange, upon the death or disability of the natural person designated in its application or certificate;

(c) The designee of an exchange enrollment facilitator entering active service in the Armed Forces of the United States; or

(d) A person in any other circumstance in which the Commissioner believes that the public interest will be best served by issuing the certificate.

2. The Commissioner may by order limit the authority of a person who holds a temporary certificate as the Commissioner believes necessary to protect persons insured and the public. The Commissioner may require the person who holds a temporary certificate to have a suitable sponsor who is an exchange enrollment facilitator and who assumes responsibility for all acts of the person who holds the temporary certificate, and may impose similar requirements to protect persons insured and the public. The Commissioner may order revocation of a temporary certificate if the interests of persons insured or the public are endangered. A temporary certificate expires when the owner or the personal representative or guardian of the owner disposes of the business.

Sec. 18. *An entity other than a natural person that is appointed by the Exchange must require that each natural person who is authorized to act for the entity be an exchange enrollment facilitator. Each exchange enrollment facilitator must be named in the partnership's or corporation's appointment.*

Sec. 19. *An exchange enrollment facilitator:*

1. May not concurrently hold a license as a producer of insurance, an insurance consultant or a surplus lines broker's license in any line.

2. Shall not:

(a) Sell, solicit or negotiate insurance;

(b) Receive any consideration, directly or indirectly, from any health insurance issuer or issuer of stop-loss insurance in connection with the enrollment of any individuals or employees in a qualified health plan or health insurance plan; or

(c) Employ, be employed by or be in partnership with, or receive any remuneration arising out of his or her activities as an exchange enrollment facilitator from, any licensed producer of insurance, insurance consultant or surplus lines broker or insurer.

Sec. 20. *An exchange enrollment facilitator is obligated under his or her certificate to:*

1. Serve with objectivity and complete loyalty the interests of his or her client; and

2. Render to his or her client information, counsel and service which, to the best of the exchange enrollment facilitator's knowledge,

understanding and opinion, best serves the client's insurance needs and interests.

Sec. 21. *1. A nonresident who is an exchange enrollment facilitator shall appoint the Commissioner, in writing, as his or her registered agent upon whom may be served all legal process issued in connection with any action or proceeding brought or pending in this State against or involving the nonresident certificate holder and relating to transactions under his or her Nevada certificate. The appointment is irrevocable and remains in force so long as such an action or proceeding exists or may arise. Duplicate copies of process must be served upon the Commissioner, or other person in apparent charge of the Division during the Commissioner's absence, accompanied by payment of the fee for service of process. Promptly after any such service, the Commissioner shall forward a copy of the process by certified mail, return receipt requested, to the nonresident certificate holder at his or her business address of most recent record with the Division. Process so served and the copy so forwarded constitutes personal service upon the certificate holder for all purposes.*

2. Each such nonresident certificate holder shall also file with the Commissioner a written agreement to appear before the Commissioner pursuant to notice of hearing, order to show cause or subpoena issued by the Commissioner and sent by certified mail to the certificate holder at his or her business address of most recent record with the Division, and that if the nonresident certificate holder fails to appear, the nonresident certificate holder thereby consents to any subsequent suspension, revocation or refusal to renew his or her certificate.

Sec. 22. *1. The Commissioner may place an exchange enrollment facilitator on probation, suspend his or her certificate for not more than 12 months, or revoke or refuse to renew his or her certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the causes set forth in NRS 683A.451.*

2. The provisions of NRS 683A.461 also apply to an exchange enrollment facilitator.

Sec. 23. *1. Upon the suspension, limitation or revocation of the certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the certificate holder in person or by mail addressed to the certificate holder at his or her most recent address of record with the Division. Notice by mail is effective when mailed.*

2. Upon the suspension, limitation or revocation of the certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the Executive Director of the Exchange. Upon receipt of such notification, the Executive Director shall immediately terminate the certificate holder's appointment.

3. The Commissioner shall not again issue a certificate under this chapter to any natural person whose certificate has been revoked until at least 1 year after the revocation has become final, and thereafter not until the person again qualifies for a certificate under this chapter. A person whose certificate has been revoked twice is not eligible for any certificate under this title.

Sec. 24. ***1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange within 30 days after the date on which the certificate was issued, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.***

2. If the Exchange terminates an exchange enrollment facilitator's appointment, the exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date the appointment was terminated, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment of an entity other than a natural person:

(a) The appointments of exchange enrollment facilitators named on the entity's appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator's certificate expires and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.

4. The provisions of subsection 3 do not apply to any appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of an appointment for an entity or certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.

Sec. 25. ***1. The Commissioner shall adopt regulations:***

(a) For establishing and conducting an examination required by this chapter for the initial issuance and renewal of a certificate;

(b) For the establishment of a course of instruction as required by this chapter for the initial issuance and renewal of a certificate;

(c) Establishing the fee required by section 9 of this act for the processing of an application;

(d) Establishing the fee required by section 11 of this act for the administration of the examination; and

(e) For carrying out the provisions of this chapter.

2. The Commissioner may contract with a person to perform functions required by this chapter, including, without limitation:

(a) Administering examinations;

(b) Providing courses of instruction;

(c) Processing applications; and

(d) Collecting fees.

Sec. 26. ***1. No person may engage in the business of an exchange enrollment facilitator unless a certificate has been issued to the person by the Commissioner.***

2. A person who violates subsection 1 is subject to an administrative fine of not more than $1,000 for each act or violation.

Sec. 27. Chapter 679A of NRS is hereby amended by adding thereto the provisions set forth as sections 28, 28.5 and 29 of this act.

Sec. 28. ***"Federal Act" means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those acts.***

Sec. 28.5. ***"Grandfathered plan" means a health benefit plan that meets the requirements of 42 U.S.C. § 18011.***

Sec. 29. ***"Rating characteristic" means age, family composition, tobacco use or geographic rating area.***

Sec. 30. NRS 679A.020 is hereby amended to read as follows:

679A.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 679A.030 to 679A.130, inclusive, ***and sections 28, 28.5 and 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer's certificate of authority:

(a) Filing initial application..... $2,450

(b) Issuance of certificate:

(1) For any one kind of insurance as defined in

NRS 681A.010 to 681A.080, inclusive 283
(2) For two or more kinds of insurance as so defined 578
(3) For a reinsurer 2,450
(c) Each annual continuation of a certificate 2,450
(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.
(e) Registration of additional title pursuant to NRS 680A.240 50
(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240 25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document $10
3. Annual statement or report. For filing annual statement or report $25
4. Service of process:
(a) Filing of power of attorney $5
(b) Acceptance of service of process $30
5. Licenses, appointments and renewals for producers of insurance:
(a) Application and license $125
(b) Appointment fee for each insurer 15
(c) Triennial renewal of each license 125
(d) Temporary license 10
(e) Modification of an existing license 50
6. Surplus lines brokers:
(a) Application and license $125
(b) Triennial renewal of each license 125
7. Managing general agents' licenses, appointments and renewals:
(a) Application and license $125
(b) Appointment fee for each insurer 15
(c) Triennial renewal of each license 125
8. Adjusters' licenses and renewals:
(a) Independent and public adjusters:
(1) Application and license $125
(2) Triennial renewal of each license 125
(b) Associate adjusters:
(1) Application and license 125
(2) Triennial renewal of each license 125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:

(a) Application and license..... $125
(b) Triennial renewal of each license 125
10. Additional title and property insurers pursuant to NRS 680A.240:
(a) Original registration..... $50
(b) Annual renewal..... 25
11. Insurance vending machines:
(a) Application and license, for each machine $125
(b) Triennial renewal of each license 125
12. Permit for solicitation for securities:
(a) Application for permit $100
(b) Extension of permit 50
13. Securities salespersons for domestic insurers:
(a) Application and license..... $25
(b) Annual renewal of license 15
14. Rating organizations:
(a) Application and license..... $500
(b) Annual renewal..... 500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:
(a) Application and certificate of registration $125
(b) Triennial renewal..... 125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.
17. Certified copies of certificates of authority and licenses issued pursuant to the Code..... $10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee $10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee $10
21. Licenses, appointments and renewals for bail agents:
(a) Application and license..... $125
(b) Appointment for each surety insurer 15
(c) Triennial renewal of each license 125
22. Licenses and renewals for bail enforcement agents:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
23. Licenses, appointments and renewals for general agents

for bail:
(a) Application and license..... $125
(b) Initial appointment by each insurer 15
(c) Triennial renewal of each license 125
24. Licenses and renewals for bail solicitors:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
25. Licenses and renewals for title agents and escrow officers:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
(c) Appointment fee for each title insurer 15
(d) Change in name or location of business or in association 10
26. Certificate of authority and renewal for a seller of prepaid funeral contracts $125
27. Licenses and renewals for agents for prepaid funeral contracts:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
28. Licenses, appointments and renewals for agents for fraternal benefit societies:
(a) Application and license..... $125
(b) Appointment for each insurer 15
(c) Triennial renewal of each license 125
29. Reinsurance intermediary broker or manager:
(a) Application and license..... $125
(b) Triennial renewal of each license 125
30. Agents for and sellers of prepaid burial contracts:
(a) Application and certificate or license $125
(b) Triennial renewal..... 125
31. Risk retention groups:
(a) Initial registration $250
(b) Each annual continuation of a certificate of registration……..250
32. Required filing of forms:
(a) For rates and policies $25
(b) For riders and endorsements..... 10
33. Viatical settlements:
(a) Provider of viatical settlements:
(1) Application and license..... $1,000
(2) Annual renewal..... 1,000
(b) Broker of viatical settlements:
(1) Application and license..... 500
(2) Annual renewal..... 500

(c) Registration of producer of insurance acting as a viatical settlement broker 250

34. Insurance consultants:

(a) Application and license $125

(b) Triennial renewal 125

35. Licensee's association with or appointment or sponsorship by an organization:

(a) Initial appointment, association or sponsorship, for each Organization $50

(b) Renewal of each association or sponsorship 50

(c) Annual renewal of appointment 15

36. Purchasing groups:

(a) Initial registration and review of an application $100

(b) Each annual continuation of registration 100

37. ***Exchange enrollment facilitators:***

(a) Application and certificate $125

(b) Triennial renewal of each certificate 125

(c) Temporary certificate 10

(d) Modification of an existing certificate $50

38. In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.

Sec. 31.5. NRS 680B.050 is hereby amended to read as follows:

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer ***, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29),*** which owns and substantially occupies and uses any building in this state as its home office or as a regional home office is entitled to the following credits against the tax otherwise imposed by NRS 680B.027:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

➥ These credits must not reduce the amount of tax payable to less than 20 percent of the tax otherwise payable by the insurer under NRS 680B.027.

2. As used in this section, a "regional home office" means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

3. The insurer shall, on or before March 15 of each year, furnish proof to the satisfaction of the Executive Director of the Department of Taxation, on forms furnished by or acceptable to the Executive Director, as to its entitlement to the tax reduction provided for in this section. A determination of the Executive Director of the Department of Taxation pursuant to this section is not binding upon the Commissioner for the purposes of NRS 682A.240.

4. An insurer is not entitled to the credits provided in this section unless:

(a) The insurer owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

(b) The insurer occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

5. If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

6. For the purposes of subsection 1, any insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29) and is restricted or prohibited from purchasing or owning real property pursuant to a contract with the Federal Government, including any entity thereof, shall be deemed to own any portion of any real property that the insurer occupies. The provisions of this subsection expire upon the expiration, cancellation, repayment or any other termination of the contract restricting or prohibiting such purchase or ownership.

Sec. 32. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee..... $1,300
(2) Annual fee..... $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee..... $1,300
(2) Annual fee..... $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee..... $60
(2) Annual fee..... $60

(d) Insurers not otherwise provided for in this subsection:

(1) Initial fee..... $1,300
(2) Annual fee..... $1,300

(e) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee..... $60
(2) Triennial fee..... $60

(f) Accredited reinsurers, as provided for in NRS 681A.160:

(1) Initial fee..... $1,300
(2) Annual fee..... $1,300

(g) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee..... $60
(2) Triennial fee..... $60

(h) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee..... $1,300
(2) Annual fee..... $1,300

(i) Administrators, as defined in NRS 683A.025:

(1) Initial fee..... $60
(2) Triennial fee..... $60

(j) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee..... $60
(2) Triennial fee..... $60

(k) Agents who perform utilization reviews, as defined in NRS 683A.376:

(1) Initial fee..... $60
(2) Annual fee..... $60

(l) Insurance consultants, as defined in NRS 683C.010:

(1) Initial fee..... $60
(2) Triennial fee..... $60

(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
(q) Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
(s) Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
(t) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
(v) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee $60
(2) Annual fee $60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(aa) Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
(bb) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60
(cc) Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60
(dd) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250
(ee) Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ff) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60
(gg) Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee $1,300
(2) Annual fee $1,300
(hh) Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ii) Organizations for dental care, as defined in NRS 695D.060:
(1) Initial fee $1,300
(2) Annual fee $1,300
(jj) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250

(kk) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee..... $250
(2) Annual fee..... $250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(mm) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(nn) Club agents, as defined in NRS 696A.040:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(oo) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee..... $1,300
(2) Annual fee..... $1,300
(pp) Bail agents, as defined in NRS 697.040:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(qq) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(rr) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(ss) General agents, as defined in NRS 697.070:
(1) Initial fee..... $60
(2) Triennial fee..... $60
(tt) Exchange enrollment facilitators, as defined in section 5 of this act:
(1) Initial fee..... $60
(2) Triennial fee..... $60

Sec. 32.1. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and NRS 686B.125,*** NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;
(b) Contracts issued by fraternal benefit societies;
(c) Life insurance and credit life insurance;
(d) Variable and fixed annuities;
(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 32.2. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:

(a) Rates and proposed increases thereto;

(b) Forms of policies to which the rates apply;

(c) Supplementary rate information; and

(d) Changes and amendments thereof,

➥ made by it for use in this state.

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

3. If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in section 33.4 of this act, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.

4. As used in this section, "rate filing documentation," "unified rate review template" and "written description justifying the rate increase" have the meanings ascribed in 45 C.F.R. § 154.215.

Sec. 32.5. NRS 686B.080 is hereby amended to read as follows:

686B.080 ~~[~~Each~~]~~

1. Except as otherwise provided in subsections 2 and 3, each filing and any supporting information filed under NRS 686B.010 to 686B.1799, inclusive, must, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

2. All approved rates for health benefit plans available for purchase by individuals are considered proprietary and to constitute trade secrets, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

3. The provisions of subsection 2 expire annually on the date 30 days before open enrollment.

4. For the purposes of this section, "open enrollment" has the meaning ascribed to it in 45 C.F.R. § 147.104(b)(1)(ii).

Sec. 32.8. NRS 686B.125 is hereby amended to read as follows:

686B.125 ~~[~~No~~]~~

1. Except as otherwise provided in this section, no insurer, organization or person licensed pursuant to this title may sell or offer to sell any contract providing coverage for dental care at a rate which is excessive for the benefits offered to the insured or member. For the purpose of this section, a ratio of losses to premiums collected which is less than 75 percent is presumed to show an excessive rate.

2. The provisions of subsection 1 do not apply to a contract providing coverage for dental care that is sold to a small employer pursuant to the provisions of chapter 689C of NRS.

3. As used in this section, "small employer" has the meaning ascribed to it in NRS 689C.095.

Sec. 33. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 33.4 to 33.8, inclusive, of this act.

Sec. 33.4. ***1. "Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost-incurred basis.***

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 33.5. *1. All health benefit plans must be made available in the manner required by 45 C.F.R § 147.104.*

2. In addition to the requirements of subsection 1, any health benefit plan for individuals that is not purchased on the Silver State Health Insurance Exchange established by NRS 695I.210:

(a) Must be made available for purchase at any time during the calendar year;

(b) Is subject to a waiting period of not more than 90 days after the date on which the application for coverage was received;

(c) Is effective upon the first day of the month immediately succeeding the month in which the waiting period expires; and

(d) Is not retroactive to the date on which the application for coverage was received.

Sec. 33.6. *1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.*

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the

requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.

Sec. 33.8. ***1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small group market may vary with respect to the particular plan or coverage involved based solely on these characteristics:***

(a) Whether the plan or coverage applies to an individual or a family;

(b) Geographic rating area;

(c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

(d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

Sec. 34. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to ~~[689C.980,]~~ ***689C.940,*** inclusive, relating to the program of reinsurance.

Sec. 35. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, ***domestic partner as defined in NRS 122A.030,*** dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any ~~[children under a specified age which must not exceed 19]~~ ***child on or before the last day of the month in which the child attains 26*** years ~~[except as provided in NRS 689A.045,]~~ ***of age,*** and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or

"Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. The policy must provide, at the option of the applicant, benefits for expenses incurred for the treatment of abuse of alcohol or drugs, unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 36. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as otherwise provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this State must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

2. ~~[Each policy delivered or issued for delivery in this State after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.~~

~~3.]~~ If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the Commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the

provision as contained in the policy consistent with the coverage provided by the policy.

Sec. 37. (Deleted by amendment.)

Sec. 38. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[~~to women and girls at such ages~~]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 39. NRS 689A.0455 is hereby amended to read as follows:

689A.0455 1. ~~[~~Notwithstanding any provisions of this Title to the contrary, a~~]~~ ***A*** policy of health insurance delivered or issued for delivery in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. ~~[~~The coverage required by this section:

~~(a) Must provide:~~

~~(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out of pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of health insurance.~~

~~4. The provisions of this section do not apply to a policy of health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~6. The provisions of this section do not:~~

~~(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~7. A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2000, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~8.~~**]** As used in this section, "severe mental illness" means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the ***most recent edition of the*** Diagnostic and Statistical Manual of Mental Disorders, **[**~~Fourth Edition,~~**]** published by the American Psychiatric Association:

(a) Schizophrenia.
(b) Schizoaffective disorder.
(c) Bipolar disorder.
(d) Major depressive disorders.
(e) Panic disorder.
(f) Obsessive-compulsive disorder.

Sec. 39.5. NRS 689A.230 is hereby amended to read as follows:

689A.230 1. There may be a provision as follows:

Coordination of Benefits: If, with respect to a person covered under this policy, benefits for allowable expense incurred during a claim determination period under this policy, together with benefits for allowable expense during such period under all other valid coverage (without giving effect to this provision or to any "coordination of benefits provision" applying to such other valid coverage), exceed the total of such person's allowable expense during such period, this insurer shall be liable only for such proportionate amount of the benefits for allowable expense under this policy during such period as (a) the total allowable expense during such period bears to (b) the total amount of benefits payable during such period for such expense under this policy and all other valid coverage (without giving effect to this provision or to any "coordination of benefits provision" applying to such other valid coverage) less in both (a) and (b) any amount of benefits for allowable expense payable under other valid coverage which does not contain a "coordination of benefits provision." In no event shall this provision operate to increase the amount of benefits for allowable expense payable under this policy with respect to a person covered under this policy above the amount which would have been paid in the absence of this provision. This insurer may pay benefits to any insurer providing other valid coverage in the event of overpayment by such insurer. Any such payment shall discharge the liability of this insurer as fully as if the payment had been made directly to the insured or the assignee or beneficiary of the insured. If this insurer pays benefits to the insured or the assignee or beneficiary of the insured, in excess of the amount which would have been payable if the existence of other valid coverage had been disclosed, this insurer shall have a right of action against the insured or the assignee or beneficiary of the insured to recover the amount which would not have been paid had there been a disclosure of the existence of the other valid coverage. The amount of other valid coverage which is on a provision of service basis shall be computed as the amount the services rendered would have cost in the absence of such coverage.

For the purposes of this provision:

(1) "Allowable expense" means 100 percent of any necessary, reasonable and customary item of expense which is covered, in whole or in part, as a hospital, surgical, medical or major medical expense under this policy or under any other valid coverage.

(2) "Claim determination period" with respect to any covered person means the initial period of ..... (insert period of not less than 30 days)

and each successive period of a like number of days, during which allowable expense covered under this policy is incurred on account of such person. The first such period begins on the date when the first such expense is incurred, and successive periods shall begin when such expense is incurred after expiration of a prior period.

or, in lieu thereof:

(2) "Claim determination period" with respect to any covered person means each ..... (insert calendar or policy period of not less than a month) during which allowable expense covered under this policy is incurred on account of such person.

(3) "Coordination of benefits provision" means this provision and any other provision which may reduce an insurer's liability because of the existence of benefits under other valid coverage.

2. The foregoing policy provisions may be inserted in all policies providing hospital, surgical, medical or major medical benefits for which the application includes a question as to other coverages subject to this provision. If the policy provision stated in subsection 1 is included in a policy which also contains the policy provision stated in NRS 689A.240, there shall be added to the caption of the provision stated in subsection 1 of the phrase "expense-incurred benefits." The insurer may make this provision applicable to either or both:

(a) Other valid coverage with other insurers; and

(b) Other valid coverage with the same insurer.

➥ The insurer shall include in this provision a definition of "other valid coverage" approved as to form by the Commissioner. Such term may include hospital, surgical, medical or major medical benefits provided by individual or family-type coverage, government programs or workers' compensation. Such term shall not include any ~~[group insurance,]~~ automobile medical payments or third-party liability coverage. The insurer shall not include a subrogation clause in the policy. The insurer may require, as part of the proof of claim, the information necessary to administer this provision.

3. If by application of any of the foregoing provisions the insurer effects a material reduction of benefits otherwise payable under the policy, the insurer shall refund to the insured any premium unearned on the policy by reason of such reduction of coverage during the policy year current and that next preceding at the time the loss commenced, subject to the insurer's right to provide in the policy that no such reduction of benefits or refund will be made unless the unearned premium to be so refunded amounts to $5 or such larger sum as the insurer may so specify.

Sec. 40. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, unless the context otherwise requires, the words and terms defined in NRS 689A.475 to ~~[689A.605,]~~ ***689A.600,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 41. NRS 689A.520 is hereby amended to read as follows:

689A.520 ~~[“Established geographic]~~ ***“Geographic*** service area” means a geographic area, as approved by the Commissioner ***,*** ~~[and based on the certificate of authority of the carrier to transact insurance in this state,]~~ within which the carrier is authorized to provide coverage.

Sec. 42. NRS 689A.525 is hereby amended to read as follows:

689A.525 “Geographic ***rating*** area” means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 43. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the

policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by the individual carrier pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside of the decision of the individual carrier to discontinue offering the form of the product. The notice must be made to persons covered by the discontinued insurance at least 180 days before the date on which the individual carrier will discontinue offering the form of the product.

(c) The individual carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one ~~[established]~~ geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 44. NRS 689A.635 is hereby amended to read as follows:

689A.635 1. An individual carrier that offers coverage through a network plan is not required pursuant to NRS 689A.630 to offer coverage to or accept an application from ~~[an eligible]~~ ***a*** person if the ~~[eligible]~~ person does not reside or work in the ~~[established]~~ geographic service area or in a geographic ***rating*** area ***,*** ~~[for which the individual carrier is authorized to transact insurance,]~~ provided that the coverage is refused or terminated uniformly without regard to any health status-related factor of any eligible person.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 45. NRS 689A.637 is hereby amended to read as follows:

689A.637 1. An individual carrier that offers a health benefit plan that includes a provision for a restricted network shall use its best efforts to contract with at least one health center in each ~~[established]~~ geographic service area to provide health care services to persons covered by the plan if the health center:

(a) Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:

(1) Certification for participation in the Medicaid or Medicare program; and

(2) Requirements relating to the appropriate credentials for providers of health care; and

(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.

2. As used in this section, "health center" has the meaning ascribed to it in 42 U.S.C. § 254b.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 689A.690 is hereby amended to read as follows:

689A.690 1. As part of its solicitation and sales materials for an individual health benefit plan, an individual carrier shall disclose, to the extent reasonable:

(a) The extent to which premium rates for an individual and the dependent of the individual are established or adjusted based upon rating characteristics;

(b) The right of the individual carrier to change premium rates and the factors, other than claims experience, that may affect changes in premium rates; ***and***

(c) Any provisions in the individual health benefit plan relating to the renewability of the plan **. [**~~; and~~

~~(d) Any provisions in the individual health benefit plan relating to an exclusion for a preexisting condition.~~**]**

2. For the purposes of this section, an individual carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

[~~3. On or before March 1 of each year, an individual carrier shall file with the Commissioner an actuarial certification that the individual carrier is in compliance with NRS 689A.680 to 689A.700, inclusive, and that the rating methods of the individual carrier are actuarially sound. The certification must be in such a form and must contain such information as specified by the Commissioner. A copy of the certification must be retained by the individual carrier at its principal place of business.~~

~~4. As used in this section, "actuarial certification" means a written statement signed by a member of the American Academy of Actuaries or any other person acceptable to the Commissioner that an individual carrier is in compliance with the provisions of NRS 689A.680 to 689A.700, inclusive, based upon an examination conducted by the person which included a review of the appropriate records and the actuarial assumptions and methods used by the individual carrier in establishing premium rates for applicable health benefit plans.~~**]**

Sec. 47.5. NRS 689A.695 is hereby amended to read as follows:

689A.695 An individual carrier shall make the information and documents described in NRS **[**~~689A.680 to~~**]** ***689A.690, 689A.695 and*** 689A.700, **[**~~inclusive,~~**]** available to the Commissioner upon request. Except in cases of violations of the provisions of this chapter, the information, other

than the premium rates charged by the individual carrier, is proprietary, constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.

Sec. 48. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations to carry out the provisions of NRS ~~[689A.680 to]~~ ***689A.690, 689A.695 and*** 689A.700, ~~[inclusive,]~~ and to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive ***.*** ~~[, including, but not limited to, determining the manner in which geographic rating areas are designated by all individual carriers.]~~

Sec. 49. NRS 689A.710 is hereby amended to read as follows:

689A.710 1. Except as otherwise provided in this section, an individual carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct an ~~[eligible person]~~ ***individual or family*** to refrain from filing an application for coverage with an individual carrier because of the health status, claims experience, industry, occupation or geographic location of the ~~[eligible person.]~~ ***individual or family.***

(b) Encourage or direct an ~~[eligible person]~~ ***individual or family*** to seek coverage from another carrier because of the health status, claims experience, industry, occupation or geographic location of the ~~[eligible person.]~~ ***individual or family.***

2. The provisions of subsection 1 do not apply to information provided to an ~~[eligible person]~~ ***individual or family*** by an individual carrier or a producer relating to the ~~[established]~~ geographic service area or a provision for a restricted network of the individual carrier.

3. Except as otherwise provided in this subsection, an individual carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation or geographic location of the individual at the time that the health benefit plan is issued to or renewed by the individual. ~~[The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of a percentage of premiums, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the individual.]~~

4. An individual carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, industry, occupation or

geographic location of an individual at the time that the health benefit plan is issued to or renewed by the individual placed by the producer with the individual carrier.

5. A denial by an individual carrier of an application for coverage from an ~~[eligible person]~~ ***individual or family*** must be in writing and must state the reason for the denial.

6. The Commissioner may adopt regulations that set forth additional standards to provide for the fair marketing and broad availability of health benefit plans to ~~[eligible persons]~~ ***individuals or families*** in this state.

7. A violation of any provision of this section by an individual carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

8. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with an individual carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to ~~[eligible persons]~~ ***individuals or families*** in this state.

9. Nothing in this section interferes with the right and responsibility of a ~~[broker]~~ ***producer*** to advise and represent the best interests of an ~~[eligible person]~~ ***individual or family*** who is seeking health insurance coverage from an individual carrier.

Sec. 50. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, a plan for coverage of a bona fide association must:

1. Conform with ~~[NRS 689A.680 to]~~ ***689A.690, 689A.695 and*** 689A.700, ~~[inclusive,]~~ concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

~~[3. Provide for the availability of coverage for members of the bona fide association, and their dependents, if such coverage conforms with NRS 689A.640, except that the bona fide association is not required to offer basic and standard health benefit plan coverage to its members or their dependents.~~

~~4. Conform with subsection 1 of NRS 689A.660, relating to preexisting conditions.]~~

Sec. 51. (Deleted by amendment.)

Sec. 52. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without

limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 53. NRS 689B.033 is hereby amended to read as follows:

689B.033 1. All group health insurance policies providing coverage on an expense-incurred basis and all employee welfare plans providing medical, surgical or hospital care or benefits established or maintained for employees or their families or dependents, or for both, must as to the family members' coverage provide that the health benefits applicable for children are payable with respect to:

(a) A newly born child of the insured from the moment of birth;

(b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and

(c) A child placed with the insured for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➥ The policies must provide the coverage specified in subsection 3 and must not exclude premature births.

2. The policy or contract may require that notification of:

(a) The birth of a newly born child;

(b) The effective date of adoption of a child; or

(c) The date of placement of a child for adoption,

➥ and payments of the required premium or fees, if any, must be furnished to the insurer or welfare plan within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary

transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

~~[4. An insurer shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to the group health policy. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500.]~~

Sec. 54. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~[May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.~~

~~2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

~~3.]~~ May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

~~[4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~5.]~~ ***2.*** Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~[6.]~~ ***3.*** Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~[7.]~~ ***4.*** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the

use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[8.]~~ ***5.*** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 54.5. NRS 689B.063 is hereby amended to read as follows:

689B.063 1. When a policy of group insurance is primary, its benefits are determined before those of another policy and the benefits of another policy are not considered. When a policy of group insurance is secondary, its benefits are determined after those of another policy. Secondary benefits may not be reduced because of benefits under the primary policy. When there are more than two policies, a policy may be primary as to one and may be secondary as to another.

2. The benefits payable under a policy of group health insurance may not be reduced because of any benefits payable under ~~[an individual health insurance policy,]~~ health insurance on a franchise plan or first-party coverage under an automobile insurance policy.

3. As used in this section, "a policy of group insurance" includes Medicare.

Sec. 55. NRS 689B.340 is hereby amended to read as follows:

689B.340 As used in NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 689B.350 to 689B.460, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 689B.480 is hereby amended to read as follows:

689B.480 1. In determining the applicable creditable coverage of a person for the purposes of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, a person must present any certificates of coverage provided to the person in accordance with NRS 689B.490 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person ***,*** ~~[for the purposes of NRS 689B.500,]~~ a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of

creditable coverage based on coverage of specific benefits as specified in the regulations of the United States Department of Health and Human Services, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each person at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 59. NRS 689B.500 is hereby amended to read as follows:

689B.500 **[**~~1. Except as otherwise provided in this section, a~~**]** ***A*** carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition **.** **[**~~for:~~

~~(a) More than 12 months after the effective date of coverage if the employee or other insured enrolls through open enrollment or after the first day of the waiting period for that enrollment, whichever is earlier; or~~

~~(b) More than 18 months after the effective date of coverage for a late enrollee.~~

~~➥ A carrier may not define a preexisting condition more restrictively than that term is defined in NRS 689B.450.~~

~~2. The period of any exclusion for a preexisting condition imposed by a group health plan or coverage under blanket accident and health insurance or group health insurance on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the coverage. The period of continuous coverage must not include:~~

~~(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~(b) Any affiliation period not to exceed 60 days for a new enrollee and 90 days for a late enrollee required before becoming eligible to enroll in the group health plan.~~

~~3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees or other persons insured and without regard to any health status-related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee or other insured.~~

~~4. An insurer that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~(a) Relating to pregnancy.~~

~~(b) In the case of a person who, as of the last day of the 30-day period beginning on the date of the birth of the person, is covered under creditable coverage.~~

~~(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or treatment was a benefit under the plan, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage.~~

~~➥ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~6. As used in this section, "late enrollee" means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a group health plan following the initial period of enrollment, if that initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~(a) The employee or dependent:~~

~~(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~(2) Lost coverage under creditable coverage as a result of cessation of contributions by his or her employer, termination of employment or eligibility, reduction in the number of hours of employment, involuntary~~

~~termination of creditable coverage, or death of, or divorce or legal separation from, a covered spouse; and~~

~~(3) Requests enrollment not later than 30 days after the date on which the creditable coverage of the employee or dependent was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~(b) The employee enrolls during the open enrollment period, as provided in the contract or as otherwise specifically provided by specific statute.~~

~~(c) The employer of the employee offers several health benefit plans and the employee elected a different plan during an open enrollment period.~~

~~(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~(e) The employee changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, and that coverage has been exhausted.~~**]**

Sec. 60. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue the issuance and renewal of a form of a product of group health insurance if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The carrier notifies each person covered by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the carrier to large groups in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one ~~[~~established~~]~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 61. NRS 689B.570 is hereby amended to read as follows:

689B.570 1. A carrier that offers coverage through a network plan is not required to offer coverage to or accept an application from an employer that does not employ or no longer employs any enrollees who reside or work in the ~~[~~established~~]~~ geographic service area of the carrier **,** ~~[~~or the geographic rating area for which the carrier is authorized to transact insurance,~~]~~ provided that such coverage is refused or terminated uniformly without regard to any health status-related factor for any employee of the employer.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 62. (Deleted by amendment.)

Sec. 63. NRS 689B.580 is hereby amended to read as follows:

689B.580 1. A plan sponsor of a governmental plan that is a group health plan to which the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, otherwise apply may elect to exclude the governmental plan from compliance with those sections. Such an election:

(a) Must be made in such a form and in such a manner as the Commissioner prescribes by regulation.

(b) Is effective for a single specified year of the plan or, if the plan is provided pursuant to a collective bargaining agreement, for the term of that agreement.

(c) May be extended by subsequent elections.

(d) Excludes the governmental plan from those provisions in this chapter that apply only to group health plans.

2. If a plan sponsor of a governmental plan makes an election pursuant to this section, the plan sponsor shall:

(a) Annually and at the time of enrollment, notify the enrollees in the plan of the election and the consequences of the election; and

(b) Provide certification and disclosure of creditable coverage under the plan with respect to those enrollees pursuant to NRS 689B.490.

3. As used in this section, "governmental plan" has the meaning ascribed to in section 3(32) of the Employee Retirement Income Security Act of 1974, as that section existed on July 16, 1997.

Sec. 64. NRS 689C.055 is hereby amended to read as follows:

689C.055 "Dependent" means a spouse ***, a domestic partner as defined in NRS 122A.030,*** or ~~[~~:

~~1. An unmarried~~**]** ***a*** ~~child [under 19~~**]** ***on or before the last day of the month in which the child attains 26*** ~~years of age~~ **. [**~~;~~

~~2. An unmarried child who is a full-time student under 24 years of age and who is financially dependent upon the parent; or~~

~~3. An unmarried child of any age who is medically certified as disabled and dependent upon the parent,~~

~~➥ who the parent claimed as his or her dependent on the form for income tax returns which the parent filed with the Internal Revenue Service for the previous fiscal year.~~**]**

Sec. 65. NRS 689C.067 is hereby amended to read as follows:

689C.067 **[**~~"Established geographic~~**]** ***"Geographic*** service area" means a geographic area, as approved by the Commissioner **, [**~~and based on the certificate of authority of the carrier to transact insurance in this state,~~**]** within which the carrier is authorized to provide coverage.

Sec. 66. NRS 689C.071 is hereby amended to read as follows:

689C.071 "Geographic ***rating*** area" means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 66.5. NRS 689C.095 is hereby amended to read as follows:

689C.095 **[**~~1.~~**]** "Small employer" **[**~~means, with respect to a calendar year and a plan year, an employer who employed on business days during the preceding calendar year an average of at least 2 employees, but not more than 50 employees, who have a normal workweek of 30 hours or more, and who employs at least 2 employees on the first day of the plan year. For the purposes of determining the number of eligible employees, organizations which are affiliated or which are eligible to file a combined tax return for the purposes of taxation constitute one employer.~~

~~2. For the purposes of this section, organizations are "affiliated" if one directly, or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, the other, as determined pursuant to the provisions of NRS 692C.050.~~**]** ***has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).***

Sec. 67. NRS 689C.125 is hereby amended to read as follows:

689C.125 1. A carrier serving small employers shall apply rating factors ~~[~~, including characteristics,~~]~~ consistently with respect to all small employers **.** ~~[~~in a class of business.~~]~~ Rating factors must produce premiums for identical groups that differ only by the amounts attributable to the design of the plans and the terms of the coverage and do not reflect differences based on the nature of the groups that will select particular health benefit plans. As used in this subsection, "premium" means all money paid by a small employer and eligible employees to a carrier as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

2. A carrier serving small employers shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period, if the terms of coverage provided in the plans are the same.

Sec. 68. (Deleted by amendment.)

Sec. 69. NRS 689C.155 is hereby amended to read as follows:

689C.155 The Commissioner may adopt regulations to carry out the provisions of NRS ~~[~~689C.107~~]~~ ***689C.109*** to ~~[~~689C.145,~~]~~ ***689C.142,*** inclusive, 689C.156 to 689C.159, inclusive, 689C.165, 689C.183, 689C.187, 689C.191 ***, 689C.192*** to 689C.198, inclusive, 689C.203, 689C.207, 689C.265, ~~[~~689C.283, 689C.287,~~]~~ 689C.325, ~~[~~689C.342 to 689C.348, inclusive,~~]~~ 689C.355 and 689C.610 to ~~[~~689C.980,~~]~~ ***689C.940,*** inclusive, and to ensure that rating practices used by carriers serving small employers are consistent with those sections, including regulations that:

1. Ensure that differences in rates charged for health benefit plans by such carriers are reasonable and reflect only differences in the designs of the plans, the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.

2. Prescribe the manner in which ~~[~~characteristics~~]~~ ***rating factors*** may be used by such carriers.

Sec. 70. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. ~~[~~The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan.~~]~~ A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, and 689C.610 to ~~[~~689C.980,~~]~~ ***689C.940,*** inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 71. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 ~~[~~, 689C.157~~]~~ and 689C.190 do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 72. NRS 689C.160 is hereby amended to read as follows:

689C.160 The requirements used by a carrier serving small employers to determine whether to provide coverage to a small employer, including, without limitation, ~~[~~standards for medical underwriting,~~]~~ requirements for minimum participation of eligible employees and minimum employer's contributions, must be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the carrier.

Sec. 73. NRS 689C.169 is hereby amended to read as follows:

689C.169 1. ~~[~~Notwithstanding any provisions of this title to the contrary, a~~]~~ ***A*** policy of group health insurance delivered or issued for delivery in this State pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. ~~[~~The coverage required by this section:

~~(a) Must provide:~~

~~(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of group health insurance.~~

~~4. The provisions of this section do not apply to a policy of group health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~6. The provisions of this section do not:~~

~~(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this State with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~7. A policy of group health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 3, 2009, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~8.~~**]** As used in this section, "severe mental illness" means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the ***latest edition of the*** Diagnostic and Statistical Manual of Mental Disorders, **[**~~Fourth Edition,~~**]** published by the American Psychiatric Association:

(a) Schizophrenia.

(b) Schizoaffective disorder.
(c) Bipolar disorder.
(d) Major depressive disorders.
(e) Panic disorder.
(f) Obsessive-compulsive disorder.

Sec. 74. NRS 689C.190 is hereby amended to read as follows:

689C.190 ~~[~~1. Except as otherwise provided in this section, a~~]~~ ***A*** carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition **.** ~~[~~:

~~(a) For more than 12 months after the effective date of coverage if the employee enrolls through open enrollment or after the first day of the waiting period for such enrollment, whichever is earlier; or~~

~~(b) For more than 18 months after the effective date of coverage for a late enrollee. A carrier may not define a preexisting condition in its health benefit plan more restrictively than that term is defined in NRS 689C.082.~~

~~2. The period of any exclusion for a preexisting condition imposed by a health benefit plan on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage. The period of continuous coverage must not include:~~

~~(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~(b) Any affiliation period, not to exceed 60 days for a new enrollee and 90 days for a late enrollee, required before becoming eligible to enroll in the health benefit plan.~~

~~3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees and without regard to any health status related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee.~~

~~4. A carrier that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~(a) Relating to pregnancy.~~

~~(b) In the case of a person who, as of the last day of the 30 day period beginning on the date of the person's birth, is covered under creditable coverage.~~

~~(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30 day period~~

~~beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or treatment was a covered benefit under the plan, if the creditable coverage was continuous to a date not more than 90 days before the effective date of the new coverage.~~

~~➥ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63 day period during all of which the person was not covered under any creditable coverage.~~

~~6. As used in this section, "late enrollee" means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a health benefit plan of a small employer following the initial period of enrollment, if the initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~(a) The employee or dependent:~~

~~(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~(2) Lost coverage under creditable coverage as a result of cessation of employer contribution, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or the death of, or divorce or legal separation from, a covered spouse; and~~

~~(3) Requests enrollment not later than 30 days after the date on which his or her creditable coverage was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~(b) The person enrolls during the open enrollment period, as provided in the contract or as otherwise provided by specific statute.~~

~~(c) The person is employed by an employer which offers multiple health benefit plans and the person elected a different plan during an open enrollment period.~~

~~(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~(e) The person changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 and such coverage has been exhausted.~~**]**

Sec. 75. NRS 689C.191 is hereby amended to read as follows:

689C.191 1. In determining the applicable creditable coverage of a person **,** **[**~~for the purposes of NRS 689C.190,~~**]** a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, an eligible employee must present any certificates of coverage provided to the eligible employee in accordance with NRS 689C.192 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person **,** **[**~~for the purposes of NRS 689C.190,~~**]** a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified by the United States Department of Health and Human Services by regulation, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each eligible employee at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 76. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive.

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

(a) Health status.

(b) Medical condition, including physical and mental illnesses, or both.

(c) Claims experience.

(d) Receipt of health care.

(e) Medical history.

(f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not ~~[:~~

~~(a) Require~~**]** ***require*** a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage **.** ~~[; or~~

~~(b) Prevent a carrier from establishing limitations or restrictions on the amount, level, extent or nature of the benefits or coverage for similarly situated persons.~~**]**

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 77. NRS 689C.200 is hereby amended to read as follows:

689C.200 A carrier serving small employers is not required to accept applications from or offer coverage to:

1. A small employer if the employer is not physically located in the carrier's ~~[~~established~~]~~ geographic ***service*** area; or

2. An employee if the employee does not work or reside within the carrier's ~~[~~established~~]~~ geographic ***service*** area.

Sec. 78. NRS 689C.250 is hereby amended to read as follows:

689C.250 ~~[A carrier serving small employers shall make the information and documents described in NRS 689C.210 to 689C.240, inclusive, available to the Commissioner upon request.]~~

1. Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the ~~[~~information is~~]~~ ***unified rate review template and rate filing documentation used by carriers servicing small employers are considered*** proprietary, ~~[~~constitutes~~]~~ ***constitute*** a trade secret, and ~~[~~is~~]~~ ***are*** not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

2. As used in this section, "rate filing documentation" and "unified rate review template" ascribed to in 45 C.F.R § 154.215.

Sec. 79. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic ***service*** area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan offered to small employers pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue the particular form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor relating to any participant or beneficiary covered by the discontinued product or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one ~~[established]~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 80. NRS 689C.320 is hereby amended to read as follows:

689C.320 1. A carrier that discontinues transacting insurance in this State or in a particular geographic ***service*** area of this State shall:

(a) Notify the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before a notice of cancellation or nonrenewal is delivered or mailed to the affected small employers pursuant to paragraph (b).

(b) Notify the Commissioner and each small employer affected not less than 180 days before the expiration of any policy or contract of insurance under any health benefit plan issued to a small employer pursuant to this chapter.

2. A carrier that cancels any health benefit plan because it has discontinued transacting insurance in this State or in a particular geographic ***service*** area of this State:

(a) Shall discontinue the issuance and delivery for issuance of all health benefit plans pursuant to this chapter in this State and not renew coverage under any health benefit plan issued to a small employer; and

(b) May not issue any health benefit plans pursuant to this chapter in this State or in the particular geographic area for 5 years after it gives notice to the Commissioner pursuant to paragraph (b) of subsection 1.

Sec. 81. NRS 689C.325 is hereby amended to read as follows:

689C.325 A carrier that offers coverage through a network plan is not required to offer coverage to or accept any applications for coverage from the eligible employees of a small employer pursuant to NRS 689C.310 and 689C.320 if:

1. The eligible employees do not reside or work in the ~~[established]~~ geographic service area of the network plan.

2. For a small employer whose eligible employees reside or work in the ~~[established]~~ geographic service area of the network plan, the carrier

demonstrates to the satisfaction of the Commissioner that the carrier does not have the capacity to deliver adequate service to additional small employers and eligible employees because of the existing obligations of the carrier. If a carrier is authorized by the Commissioner not to offer coverage pursuant to this subsection, the carrier shall not thereafter offer coverage to additional small employers and eligible employees within that ~~[~~established~~]~~ geographic service area until the carrier demonstrates to the satisfaction of the Commissioner that it has regained the capacity to deliver adequate service to additional small employers and eligible employees within that service area.

Sec. 82. (Deleted by amendment.)

Sec. 83. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~[~~May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.

4.~~]~~ Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~[~~5.~~]~~ ***2.*** Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a ~~[~~calendar~~]~~ ***plan*** year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~[~~6.~~]~~ ***3.*** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~[7. Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.]~~

Sec. 84. NRS 689C.355 is hereby amended to read as follows:

689C.355 1. Except as otherwise provided in this section, a carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct a small employer to refrain from filing an application for coverage with the carrier because of the health status, claims experience, industry, occupation or geographic location of the small employer.

(b) Encourage or direct a small employer to seek coverage from another carrier because of the health status, claims experience, industry, occupation or geographic location of the small employer.

2. The provisions of subsection 1 do not apply to information provided to a small employer by a carrier or a producer relating to the ~~[~~established~~]~~ geographic service area or a provision for a restricted network of the carrier.

3. Except as otherwise provided in this subsection, a carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation that is paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation or geographic location of the small employer at the time that the health benefit plan is issued to or renewed by the small employer. ~~[The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of percentage of premium, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the small employer.]~~

4. A carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, occupation or geographic location of a small employer at the time that the health benefit plan is issued to or renewed by the small employer placed by the producer with the carrier.

5. A carrier or producer shall not induce or otherwise encourage a small employer to separate or otherwise exclude an employee or a dependent of the employee from health coverage or benefits provided in connection with the employment of the employee.

6. A violation of any provision of this section by a carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

7. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with a carrier to provide administrative, marketing or other

services related to the offering of a health benefit plan to small employers in this state.

8. Nothing in this section interferes with the right and responsibility of a ~~[broker]~~ ***producer*** to advise and represent the best interests of a small employer who is seeking health insurance coverage from a small employer carrier.

Sec. 85. NRS 689C.390 is hereby amended to read as follows:

689C.390 "Dependent" means a spouse, ~~[an unmarried]~~ ***a domestic partner as defined in NRS 122A.030, or a*** child ~~[who has not attained 19]~~ ***on or before the last day of the month in which the child attains 26*** years of age **.** ~~[, an unmarried child who is a full-time student who has not attained 24 years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent.]~~

Sec. 86. NRS 689C.610 is hereby amended to read as follows:

689C.610 As used in NRS 689C.610 to ~~[689C.980,]~~ ***689C.940,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[689C.620 to 689C.730, inclusive,]~~ ***689C.630, 689C.660 and 689C.670*** have the meanings ascribed to them in those sections.

Sec. 87. (Deleted by amendment.)

Sec. 88. NRS 695A.152 is hereby amended to read as follows:

695A.152 1. To the extent reasonably applicable, a fraternal benefit society shall comply with the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by the society to its members. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "fraternal benefit society."

Sec. 89. NRS 695A.159 is hereby amended to read as follows:

695A.159 1. If a person:

(a) Adopts a dependent child; or

(b) Assumes and retains a legal obligation for the total or partial support of a dependent child in anticipation of adopting the child,

➥ while the person is eligible for group coverage under a certificate for health benefits, the society issuing that certificate shall not restrict the coverage, in accordance with NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability

of health insurance, of the child solely because of a preexisting condition the child has at the time he or she would otherwise become eligible for coverage pursuant to that policy.

2. For the purposes of this section, "child" means a person who is under 18 years of age at the time of his or her adoption or the assumption of a legal obligation for his or her support in anticipation of his or her adoption.

Sec. 90. NRS 695B.187 is hereby amended to read as follows:

695B.187 Except as otherwise provided by the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance:

1. A group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that the benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➥ if that contract is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement contract pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees of the employer pursuant to NRS 608.1577.

3. Any corporation which issues a replacement contract pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the corporation which indicates what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation.

Sec. 91. NRS 695B.189 is hereby amended to read as follows:

695B.189 A group contract issued by a corporation under the provisions of this chapter must contain a provision which permits the continuation of coverage pursuant to the provisions of NRS ~~[689B.245 to 689B.249,~~

~~inclusive, and~~] 689B.340 to [~~689B.590,~~] ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

Sec. 92. NRS 695B.192 is hereby amended to read as follows:

695B.192 1. No hospital, medical or dental service contract issued by a corporation pursuant to the provisions of this chapter may contain any exclusion, reduction or other limitation of coverage relating to complications of pregnancy, unless the provision applies generally to all benefits payable under the contract and complies with the provisions of NRS 689B.340 to [~~689B.590,~~] ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. A contract subject to the provisions of this chapter which is issued or delivered on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision of the contract which is in conflict with this section is void.

Sec. 93. NRS 695B.251 is hereby amended to read as follows:

695B.251 1. Except as otherwise provided in the provisions of this section, NRS 689B.340 to [~~689B.590,~~] ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, all group subscriber contracts delivered or issued for delivery in this state providing for hospital, surgical or major medical coverage, or any combination of these coverages, on a service basis or an expense-incurred basis, or both, must contain a provision that the employee or member is entitled to have issued to him or her a subscriber contract of health coverage when the employee or member is no longer covered by the group subscriber contract.

2. The requirement in subsection 1 does not apply to contracts providing benefits only for specific diseases or accidental injuries.

3. If an employee or member was a recipient of benefits under the coverage provided pursuant to NRS 695B.1944, the employee or member is not entitled to have issued to him or her by a replacement insurer a subscriber contract of health coverage unless the employee or member has reported for his or her normal employment for a period of 90 consecutive days after last

being eligible to receive any benefits under the coverage provided pursuant to NRS 695B.1944.

Sec. 94. NRS 695B.259 is hereby amended to read as follows:

695B.259 The medical service corporation may continue coverage identical to that provided under the group contract instead of issuing a converted contract. Coverage may be offered by amending the group certificate or by issuing an individual contract and ~~[, except as otherwise provided in NRS 689B.245 to 689B.249, inclusive,]~~ must otherwise comply with every requirement of NRS 695B.251 to 695B.259, inclusive.

Sec. 95. NRS 695B.318 is hereby amended to read as follows:

695B.318 1. Nonprofit hospital, medical or dental service corporations are subject to the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to:

(a) "Carrier" must be replaced by "corporation."

(b) "Group health plan" must be replaced by "group contract for hospital, medical or dental services."

Sec. 95.5. NRS 695B.320 is hereby amended to read as follows:

695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, ***and section 33.8 of this act,*** and chapters 692C and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

Sec. 96. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to

violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, ~~[~~695C.250~~]~~ and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 96.5. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, ***and section 33.8 of this act,*** and chapters 686A and 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 97. NRS 695C.057 is hereby amended to read as follows:

695C.057 1. A health maintenance organization is subject to the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[~~689B.590,~~]~~ ***689B.580,*** inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "health maintenance organization."

Sec. 98. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. ~~[Upon receipt of an application for issuance of a certificate of authority, the Commissioner shall forthwith transmit copies of such application and accompanying documents to the State Board of Health.~~

~~2.]~~ The ~~[State Board of Health]~~ ***Commissioner*** shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the ***Commissioner and in consultation with the*** State Board of Health; and

(c) Has a procedure established in accordance with regulations of the ~~[State Board of Health]~~ ***Commissioner*** to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the ~~[State Board of Health.~~

~~3.]~~ ***Commissioner.***

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the ~~[State Board of Health shall certify to the]~~ Commissioner ***shall certify*** whether the proposed health maintenance organization meets the requirements of subsection ~~[2.]~~ ***1.*** If the ~~[State Board of Health]~~ ***Commissioner*** certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 99. NRS 695C.090 is hereby amended to read as follows:

695C.090 The Commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to NRS 695C.060 within 90 days ~~[of receipt of the]~~ ***after*** certification ***.*** ~~[from the State Board of Health.]~~ Issuance of a certificate of authority must be granted upon payment of the fees prescribed in NRS 695C.230 if the Commissioner is satisfied that the following conditions are met:

1. The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy and possess good reputations.

2. The ~~[State Board of Health]~~ ***Commissioner*** certifies, in accordance with NRS 695C.080, that the health maintenance organization's proposed plan of operation meets the requirements of subsection ~~[2]~~ ***1*** of NRS 695C.080.

3. The health care plan furnishes comprehensive health care services.

4. The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the Commissioner may consider:

(a) The financial soundness of the health care plan's arrangements for health care services and the schedule of charges used in connection therewith;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other organization for insuring the payment of the cost of health care services;

(d) Any agreement with providers for the provision of health care services; and

(e) Any surety bond or deposit of cash or securities submitted in accordance with NRS 695C.270 as a guarantee that the obligations will be duly performed.

5. The enrollees will be afforded an opportunity to participate in matters of program content pursuant to NRS 695C.110.

6. Nothing in the proposed method of operation, as shown by the information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, or by independent investigation is contrary to the public interest.

Sec. 100. NRS 695C.140 is hereby amended to read as follows:

695C.140 1. A health maintenance organization shall, unless otherwise provided for in this chapter, file notice with the Commissioner **[**~~and the State Board of Health~~**]** before any material modification of the operations described in the information required by NRS 695C.070. If the Commissioner does not disapprove within 90 days after filing of the notice, the modification is deemed approved.

2. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 101. NRS 695C.1693 is hereby amended to read as follows:

695C.1693 1. Except as otherwise provided in NRS 695C.050, a health care plan issued by a health maintenance organization must provide coverage for medical treatment which an enrollee receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The enrollee has signed, before participating in the clinical trial or study, a statement of consent indicating that the enrollee has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the enrollee.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the enrollee is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the enrollee during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695C.1691, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the health maintenance organization has contracted for such services. If the health maintenance organization has not contracted for the provision of such services, the health maintenance organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the health maintenance organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to an enrollee is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the enrollee.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the enrollee's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the enrollee during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the enrollee.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the enrollee, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~[~~:

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee of the availability of the benefits required by this section.~~

~~(b) Provide~~] ***provide*** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an enrollee caused by:

(1) Any medical treatment provided to the enrollee in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the enrollee in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an enrollee's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the

Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 102. NRS 695C.1705 is hereby amended to read as follows:

695C.1705 Except as otherwise provided in the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance:

1. A group health care plan issued by a health maintenance organization to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➥ if that plan is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement plan pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees pursuant to NRS 608.1577.

3. Any health maintenance organization which issues a replacement plan pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the organization indicating what

benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. If an employee or enrollee was a recipient of benefits under the coverage provided pursuant to NRS 695C.1709, the employee or enrollee is not entitled to have issued to him or her by a health maintenance organization a replacement plan unless the employee or enrollee has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695C.1709.

5. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group health care plan issued by a health maintenance organization.

Sec. 103. NRS 695C.172 is hereby amended to read as follows:

695C.172 1. No health maintenance organization may issue evidence of coverage under a health care plan to any enrollee in this state if it contains any exclusion, reduction or other limitation of coverage relating to complications of pregnancy unless the provision applies generally to all benefits payable under the policy and complies with the provisions of NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance.

2. As used in this section, the term "complications of pregnancy" includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. Evidence of coverage under a health care plan subject to the provisions of this chapter which is issued on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision which is in conflict with this section is void.

Sec. 104. NRS 695C.1727 is hereby amended to read as follows:

695C.1727 1. No evidence of coverage that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the evidence of coverage includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery an evidence of coverage specified in subsection 1 ~~[:~~

~~(a) Shall include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee under the evidence of coverage of the availability of the benefits required by this section.~~

~~(b) Shall~~ ***shall*** provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for the evidence of coverage that are required under the evidence of coverage.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with this section is void.

4. As used in this section:

(a) "Coverage for the management and treatment of diabetes" includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) "Coverage for the self-management of diabetes" includes:

(1) The training and education provided to the enrollee after the enrollee is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the enrollee and which requires modification of the enrollee's program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) "Diabetes" includes type I, type II and gestational diabetes.

Sec. 105. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and

any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 106. NRS 695C.200 is hereby amended to read as follows:

695C.200 The Commissioner shall within a reasonable period approve any form if the requirements of NRS 695C.170 are met **.** ~~[and any schedule of charges if the requirements of NRS 695C.180 are met.]~~ It is unlawful to issue such form or to use such schedule of charges until approved. If the Commissioner disapproves such filing, the Commissioner shall notify the filer. In the notice, the Commissioner shall specify the reasons for disapproval. A hearing will be granted within 90 days after a request in writing by the person filing.

Sec. 107. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the Commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. ~~[The organization shall file a copy of the report with the State Board of Health.]~~

2. The report must be on forms prescribed by the Commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the Commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the Commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection ~~[2]~~ ***1*** of NRS 695C.080 in such form as required by the ~~[State Board of Health;]~~ ***Commissioner;*** and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the Commissioner to carry out his or her duties pursuant to this chapter.

3. Every health maintenance organization shall file with the Commissioner annually an audited financial statement of the organization prepared by an independent certified public accountant. The statement must cover the preceding 12-month period and must be filed with the Commissioner within 120 days after the end of the organization's fiscal year. Upon written request, the Commissioner may grant a 30-day extension.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

5. The Commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 108. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

2. The **[**~~State Board of Health~~**]** ***Commissioner*** shall make an examination concerning the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as it deems necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

3. Every health maintenance organization and provider shall submit its books and records relating to the health care plan to an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination. Medical records of natural persons and records of physicians providing service pursuant to a contract to the health maintenance organization are not subject to such examination, although the records are subject to subpoena upon a showing of good cause. For the purpose of examinations, the Commissioner **[**~~and the State Board of Health~~**]** may administer oaths to, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

4. The expenses of examinations pursuant to this section must be assessed against the organization being examined and remitted to the Commissioner **. [**~~or the State Board of Health, whichever is appropriate.~~**]**

5. In lieu of such examination, the Commissioner may accept the report of an examination made by the insurance commissioner or the state board of health of another state.

Sec. 109. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The ~~[State Board of Health certifies to the]~~ Commissioner ***certifies*** that the health maintenance organization:

(1) Does not meet the requirements of subsection ~~[2]~~ ***1*** of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 110. NRS 695C.340 is hereby amended to read as follows:

695C.340 1. When the Commissioner has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the Commissioner shall notify the health maintenance organization **[**~~and the State Board of Health~~**]** in writing specifically stating the grounds for denial, suspension or revocation and fixing a time at least 30 days thereafter for a hearing on the matter.

2. **[**~~The State Board of Health or its delegated representative shall be in attendance at the hearing and shall participate in the proceedings. The recommendation and findings of the State Board of Health with respect to matters relating to the quality of health maintenance services provided in connection with any decision regarding denial, suspension or revocation of a certificate of authority are conclusive and binding upon the Commissioner.~~**]** After the hearing, or upon the failure of the health maintenance organization to appear at the hearing, the Commissioner shall take action as is deemed advisable on written findings which must be mailed to the health maintenance organization **.** **[**~~with a copy thereof to the State Board of Health.~~**]** The action of the Commissioner **[**~~and the recommendation and findings of the State Board of Health~~**]** are subject to review by the First Judicial District Court of the State of Nevada in and for Carson City. The

court may, in disposing of the issue before it, modify, affirm or reverse the order of the Commissioner in whole or in part.

Sec. 111. NRS 695C.350 is hereby amended to read as follows:

695C.350 1. The Commissioner may, in lieu of suspension or revocation of a certificate of authority under NRS 695C.330, levy an administrative penalty in an amount not more than $2,500 for each act or violation, if reasonable notice in writing is given of the intent to levy the penalty.

2. Any person who violates the provisions of this chapter is guilty of a misdemeanor.

3. If the Commissioner ~~[or the State Board of Health]~~ for any reason ~~[have]~~ ***has*** cause to believe that any violation of this chapter has occurred or is threatened, the Commissioner ~~[or the State Board of Health]~~ may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in the suspected violation, to arrange a conference with the alleged violators or their authorized representatives to attempt to determine the facts relating to the suspected violation, and, if it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violation.

4. The proceedings conducted pursuant to the provisions of subsection 3 must not be governed by any formal procedural requirements, and may be conducted in such manner as the Commissioner ~~[or the State Board of Health]~~ may deem appropriate under the circumstances.

5. The Commissioner may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in violation of the provisions of this chapter.

6. Within 30 days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this chapter have occurred. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.

7. In the case of any violation of the provisions of this chapter, if the Commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to subsection 5, the Commissioner may institute a proceeding to obtain injunctive relief, or seek other appropriate relief in the district court of the judicial district of the county in which the violator resides.

Sec. 112. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to NRS 679B.700.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to **[**~~689B.590,~~**]** ***689B.580,*** inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS 689A.035, 689A.410, 689A.413 and 689A.415.

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.

12. NRS 689A.637, concerning health centers.

Sec. 113. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner **, [**~~or the State Board of Health,~~**]** each managed care organization shall file with the Commissioner **, [**~~and the State Board of Health,~~**]** on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

(a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or

(b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the Commissioner **, [**~~or the State Board of Health,~~**]** if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

(a) A copy of all of its quarterly and annual financial reports;

(b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or $5,000, whichever is less; and

(c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.

4. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

Sec. 114. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. For the purposes of this section, "human papillomavirus vaccine" means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 115. NRS 695G.173 is hereby amended to read as follows:

695G.173 1. A health care plan issued by a managed care organization must provide coverage for medical treatment which a person insured under the plan receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➥ Except as otherwise provided in NRS 695G.164, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the managed care organization has contracted for such services. If the managed care organization has not contracted for the provision of such services, the managed care organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the managed care organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the plan is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the plan.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~[~~:

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each person insured under the plan of the availability of the benefits required by this section.~~

~~(b) Provide~~] ***provide*** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the

Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) "Provider of health care" means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 116. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➥ The system must be approved by the Commissioner in consultation with the State Board of Health.

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner ~~[or the State Board of Health]~~ may examine the system for resolving complaints established pursuant to this section at such times as either deems necessary or appropriate.

Sec. 117. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner ~~[and the State Board of Health]~~ an annual report regarding its system for resolving complaints established pursuant to NRS 695G.200 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 117.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this

purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and*** 689B.287 ~~[and 689B.575]~~ apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 118. NRS 287.045 is hereby amended to read as follows:

287.045 1. Except as otherwise provided in this section, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment.

2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

4. Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 90th day after the member's initial term of office begins.

5. Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to ~~[689B.590,]~~ ***689B.580,*** inclusive, and if the coverage under the Program is provided by a health maintenance

organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.

Sec. 118.1. **Section 1 of Senate Bill No. 266 of this session is hereby amended to read as follows:**

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription. The limitation on the amount of the deductible that may be required pursuant to this paragraph does not apply to a health benefit plan, as defined in section 33.4 of Assembly Bill No. 425 of this session, if the health benefit plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the amount of the annual deductible has not been satisfied.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 118.2. **Section 3 of Senate Bill No. 266 of this session is hereby amended to read as follows:**

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription. The limitation on the amount of the deductible that may be required pursuant to this paragraph does not apply to a health benefit plan, as defined in section 33.4 of Assembly Bill No. 425 of this session, if the health benefit plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the amount of the annual deductible has not been satisfied.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 118.3. **Section 4 of Senate Bill No. 266 of this session is hereby amended to read as follows:**

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription. The limitation on the amount of the deductible that may be required pursuant to this paragraph does not apply to a health benefit plan, as

defined in section 33.4 of Assembly Bill No. 425 of this session, if the health benefit plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the amount of the annual deductible has not been satisfied.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A contract subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the contract or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 118.4. **Section 5 of Senate Bill No. 266 of this session is hereby amended to read as follows:**

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription. The limitation on the amount of the deductible that may be required pursuant to this paragraph does not apply to a health benefit plan, as defined in section 33.4 of Assembly Bill No. 425 of this session, if the health benefit plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the amount of the annual deductible has not been satisfied.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. Evidence of coverage subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring a health maintenance organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 118.5. **Section 8 of Senate Bill No. 266 of this session is hereby amended to read as follows:**

Sec. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription. The limitation on the amount of the deductible that may be required pursuant to this paragraph does not apply to a health benefit plan, as defined in section 33.4 of Assembly Bill No. 425 of this session, if the health benefit plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the amount of the annual deductible has not been satisfied.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. An evidence of coverage for a health care plan subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued

for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring a managed care organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 118.6. **Section 9 of Senate Bill No. 266 of this session is hereby amended to read as follows:**

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription. The limitation on the amount of the deductible that may be required pursuant to this paragraph does not apply to a health benefit plan, as defined in section 33.4 of Assembly Bill No. 425 of this session, if the health benefit plan is a high deductible health plan, as defined in 26 U.S.C. § 223, and the amount of the annual deductible has not been satisfied.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A plan of self-insurance subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the plan or the renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring the governing body of any county, school district, municipal corporation,

political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 119. NRS 689A.045, 689A.370, 689A.480, 689A.500, 689A.515, 689A.545, 689A.560, 689A.565, 689A.575, 689A.595, 689A.605, 689A.610, 689A.620, 689A.640, 689A.645, 689A.650, 689A.655, 689A.660, 689A.665, 689A.670, 689A.675, 689A.680, 689A.685, 689A.730, 689B.120, 689B.130, 689B.140, 689B.150, 689B.170, 689B.180, 689B.200, 689B.210, 689B.245, 689B.246, 689B.247, 689B.248, 689B.249, 689B.283, 689B.410, 689B.420, 689B.470, 689B.575, 689B.590, 689C.021, 689C.035, 689C.051, 689C.076, 689C.084, 689C.089, 689C.099, 689C.107, 689C.145, 689C.157, 689C.210, 689C.230, 689C.240, 689C.260, 689C.283, 689C.287, 689C.290, 689C.300, 689C.327, 689C.340, 689C.342, 689C.344, 689C.346, 689C.348, 689C.620, 689C.640, 689C.650, 689C.680, 689C.690, 689C.700, 689C.710, 689C.720, 689C.730, 689C.740, 689C.750, 689C.760, 689C.770, 689C.780, 689C.790, 689C.800, 689C.810, 689C.820, 689C.830, 689C.840, 689C.850, 689C.860, 689C.870, 689C.880, 689C.890, 689C.900, 689C.910, 689C.920, 689C.930, 689C.950, 689C.955, 689C.960, 689C.970, 689C.980, 695C.1707, 695C.180, 695C.193, 695C.195, 695C.250 and 695I.050 are hereby repealed.

Sec. 119.5. The provisions of sections 27 to 30, inclusive, 32.2, 33 to 66, inclusive, and 67 to ~~[118,]~~ **118.6,** inclusive, of this act apply to policies which are issued on or after October 1, 2013, and which become effective on or after January 1, 2014.

Sec. 120. 1. This section and sections 1 to 26, inclusive, 31 to 32.1, inclusive, 32.5**,** ~~[and]~~ 32.8 **and 118.1 to 118.6, inclusive,** of this act become effective upon passage and approval.

2. Sections 27 to 30, inclusive, 32.2, 33 to 66, inclusive, ~~[and]~~ 67 to **118, inclusive, 119 and** 119.5 ~~[, inclusive,]~~ of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations; and

(b) On January 1, 2014, for all other purposes.

3. Section 66.5 of this act becomes effective on January 1, 2016.

4. Sections 13, 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

689A.045 Termination of coverage on dependent child.

689A.370 Health insurance on franchise plan.

689A.480 "Basic health benefit plan" defined.

689A.500 "Converted policy" defined.

689A.515 "Eligible person" defined.

689A.545 "Health status-related factor" defined.

689A.560 "Individual reinsuring carrier" defined.

689A.565 "Individual risk-assuming carrier" defined.

689A.575 "Plan of operation" defined.

689A.595 "Program of Reinsurance" defined.

689A.605 "Standard health benefit plan" defined.

689A.610 Applicability; ceding arrangement prohibited in certain circumstances.

689A.620 Certain person with break in coverage deemed eligible person.

689A.640 Each health benefit plan marketed in this State required to be offered to eligible persons.

689A.645 Coverage to eligible person who does not reside in established geographic service area not required; coverage within certain areas not required.

689A.650 Coverage to eligible persons not required under certain circumstances; notice to Commissioner of and prohibition on writing new business after election not to offer new coverage required.

689A.655 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.

689A.660 Prohibited acts concerning preexisting conditions and modification of health benefit plan.

689A.665 Certain health carriers not required to offer health benefit insurance coverage to individuals.

689A.670 Election to operate as individual risk-assuming carrier or individual reinsuring carrier: Notice to Commissioner; effective date; change in status.

689A.675 Election to act as individual risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689A.680 Rates for individual health benefit plans to be developed based on rating characteristics: Prohibited characteristics; health status as rating factor.

689A.685 Amount of change in rate of single block of business; plan with provision for restricted network; involuntary transfer of individual or dependent prohibited; premiums adjusted for block of business.

689A.730 Producer may only sign up eligible persons if eligible persons are actively engaged in or related to association.

689B.120 Policies of group health insurance to contain provision for conversion; exceptions; conditions.

689B.130 Conversion privilege available to spouse and children; conditions.

689B.140 Denial of converted policy because of overinsurance; notice concerning cancellation of other coverage.

689B.150 Choice of plans for converted policy.

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689B.180 Issuance and effective date of converted policy; premiums; persons covered.

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689B.283 Mandatory renewal of coverage under conversion health benefit plan.

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689C.021 "Basic health benefit plan" defined.

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689C.051 "Converted policy" defined.

689C.076 "Health status-related factor" defined.

689C.084 "Program of Reinsurance" defined.

689C.089 "Risk-assuming carrier" defined.

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689C.107 Affiliated carriers deemed one carrier in certain circumstances; affiliated carrier that is health maintenance organization considered separate carrier; ceding arrangement prohibited in certain circumstances.

689C.145 Characteristics that carrier may use to determine rating factors for establishing premiums.

689C.157 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.

689C.210 Procedure for increasing premium rates.

689C.230 Determination and application of index rate.

689C.240 Use of industry classifications as rating factor.

689C.260 Manner in which carrier may establish separate class of business; transferring small employer into or out of class of business.

689C.283 Election to operate as risk-assuming carrier or reinsuring carrier: Notice to Commissioner; effective date; change in status.

689C.287 Election to act as risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689C.290 Commissioner authorized to suspend restriction on increase of premiums for new rating period based on new business for policy.

689C.300 Carrier to file actuarial certification annually with Commissioner.

689C.327 Carrier that offers network plan: Contracts with certain federally qualified health centers.

689C.340 Required provisions in health benefit plan of employer who employs less than 20 employees related to continuation of coverage.

689C.342 Notice of election and payment of premium.

689C.344 Amount of premium for continuation of coverage; change in rates; payment to insurer; termination.

689C.346 Effect of change in insurer during period of continued coverage.

689C.348 Continued coverage ceases before end of established period under certain circumstances.

689C.620 "Board" defined.

689C.640 "Committee" defined.

689C.650 "Eligible person" defined.

689C.680 "Individual reinsuring carrier" defined.

689C.690 "Individual risk-assuming carrier" defined.

689C.700 "Plan of operation" defined.

689C.710 "Program of Reinsurance" defined.

689C.720 "Reinsuring carrier" defined.

689C.730 "Risk-assuming carrier" defined.

689C.740 Creation.

689C.750 Board of Directors: Creation; members; term; vacancy.

689C.760 Meetings of Board; Chair of Board.

689C.770 Plan of operation: Submission by Board; approval by Commissioner; temporary plan when plan not suitable or not submitted.

689C.780 Requirements of plan of operation and temporary plan of operation.

689C.790 Program deemed to have powers and authority of insurance companies and health maintenance organizations; exceptions; powers.

689C.800 Amount of coverage to be reinsured; time within which reinsurance may begin; limitation on reimbursement to reinsuring carrier; termination of reinsurance; premium rate charged to federally qualified health maintenance organization; manner of handling managed care and claims by reinsuring carrier.

689C.810 Premium rates: Methodology for determining; minimum rates; review of methodology.

689C.820 Premiums for certain health benefit plans that are reinsured with program required to meet established requirements for premium rates.

689C.830 Board required to determine, account for and report to Commissioner net loss.

689C.840 Net loss from reinsuring small employers and eligible employees and dependents required to be recouped by assessments against reinsuring carriers.

689C.850 Net loss from reinsuring individual eligible persons and dependents required to be recouped by assessments against individual reinsuring carriers.

689C.860 Board required to determine, account for and report to Commissioner estimate of assessments needed to pay for losses; evaluation of operation of Program.

689C.870 Additional funding: Eligibility based on amount of assessment needed; Board to establish formula for additional assessments on all carriers.

689C.880 Use of excess assessments.

689C.890 Assessment against reinsuring carrier to be determined annually; penalty for late payment of assessments; deferment of assessment.

689C.900 Insurer to receive certificate of contribution for paying additional assessment; certain amount of contribution may be shown as asset and may offset liability for premium tax.

689C.910 Adjustment of assessment on federally qualified health maintenance organizations.

689C.920 Immunity from liability of Program and reinsuring carriers for certain acts.

689C.930 Board to develop standards setting forth manner and levels of compensation paid to producers for sale of health benefit plans.

689C.950 Certain provisions inapplicable to certain basic health benefit plan delivered to small employers or eligible persons.

689C.955 Member, agent or employee of Board immune from liability in certain circumstances.

689C.960 Creation; members; term; vacancy.

689C.970 Meetings; Chair; duties.

689C.980 Board and Committee to study and submit report concerning effectiveness of certain provisions.

695C.1707 Required provision for continuation of coverage.

695C.180 Schedule of charges.

695C.193 Summary of coverage: Contents of disclosure; approval by Commissioner; regulations.

695C.195 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695C.250 Open enrollment.

695I.050 "Federal Act" defined.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 967 to Assembly Bill No. 425.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 957.

AN ACT relating to time shares; amending provisions relating to licensing and registration of sales agents, representatives, managers, developers, project brokers and time-share resale brokers; revising provisions relating to permits to sell time shares; amending provisions relating to time-share instruments; revising provisions governing public offering statements; amending provisions governing the sale and resale of time shares; revising provisions governing the management and development of time-share plans and time-share projects; revising provisions governing certain fees relating to time shares; prohibiting certain acts; amending various other provisions relating to time shares; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain exemptions from the requirements governing time shares. (NRS 119A.170) **Section 11** of this bill revises these exemptions.

Existing law governs the qualifications and licensing of sales agents and requires a sales agent to be associated with a project broker. (NRS 119A.210-119A.237) **Section 14** of this bill maintains the existing law requiring that a sales agent obtain a license from the Real Estate Division of the Department of Business and Industry, but provides that a sales agent is not required to be licensed pursuant to existing law governing real estate salespersons.

Existing law provides for the registration and regulation of a representative, defined as a person who, on behalf of a developer, induces other persons to attend a sales presentation. (NRS 119A.120, 119A.240, 119A.260) **Section 18** of this bill maintains the existing law requiring a representative to register with the Division, but provides that a representative is not required to be licensed pursuant to existing law governing real estate salespersons. **Section 19** of this bill amends provisions setting forth the prohibited acts of representatives.

Existing law requires a developer of a time-share plan to obtain certain permits from the Administrator of the Division before selling or offering for sale any time shares in this State. Existing law requires an applicant for a public offering statement and permit to sell time shares to submit an application containing certain information. (NRS 119A.300) **Section 23** of this bill **[: (1)]** requires the applicant to include with the application a public offering statement **[; and (2)] and certain information concerning points, if applicable. Section 4.4 of this bill** provides that in lieu of the information required to be included with the application, a developer of a time-share plan in which some or all of the units are located outside of this State may file an abbreviated registration. **Section 3** of this bill requires a developer to file an amended statement of record with the Division under certain circumstances. **Section 25** of this bill amends the grounds for denial of an application for a permit to sell time shares. **Section 26** of this bill amends provisions relating to the procedure for approving or denying an application for a permit to sell time shares. **Section 27** of this bill provides for a hearing on the denial of an amendment to the statement of record or a renewal of a permit to sell time shares. **Section 28** of this bill revises the information to be provided in a public offering statement if a time-share project is not completed before the issuance of a permit to sell time shares.

Section 29 of this bill authorizes instead of requires the Division to complete an investigation before issuing any permit or license issued pursuant to the provisions of existing law governing time shares.

Section 30 of this bill provides that a renewal of a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.

Existing law governs the fees that the Division is required to collect relating to time shares. (NRS 119A.360) **Section 32** of this bill increases certain fees and revises the fee based on the number of time shares sold by a developer to provide for a fee based on the number of time shares in a time-share plan. **Section 32** also establishes a fee for an amendment to a statement of record, the initial registration of a time-share resale broker and the renewal of the registration of a time-share resale broker.

Existing law governs the contents of a time-share instrument. (NRS 119A.380) **Section 33** of this bill enacts provisions relating to the governing instrument of a time-share plan or units governed by the laws of another state or jurisdiction.

Existing law requires a developer to provide each prospective purchaser with a copy of the developer's public offering statement. (NRS 119A.400) **Section 35** of this bill provides that, upon the request of a prospective purchaser for an electronic copy of the public offering statement, the developer must provide an electronic copy of the public offering statement.

Existing law requires money, negotiable instruments or other deposits pertaining to the sale of a time share to be placed in escrow. (NRS 119A.420) **Section 36** of this bill requires money, negotiable instruments or other deposits pertaining to the sale of a time share received from a purchaser to be placed in an escrow account or requires the developer to establish a surety bond.

Existing law provides for the licensing and regulation of a time-share resale broker. (NRS 119A.4771) **Section 41** of this bill amends provisions relating to the registration of a time-share resale broker. **Sections 42 and 43** of this bill provide for a right to cancel certain contracts or agreements relating to the resale of a time share.

Existing law governs the charging or collection of an advance fee by a time-share resale broker. (NRS 119A.4779) **Section 44** of this bill requires a contract for an advance fee listing to include certain information. **Section 44** also prohibits a time-share resale broker from engaging in certain acts with respect to an advance fee and provides penalties for engaging in those acts.

Section 48 of this bill removes the authority of the Administrator to require an association or developer to provide an opinion of an independent professional consultant regarding the budget.

Existing law prohibits certain unfair methods of competition or deceptive or unfair acts in the offer to sell or sale of a time share. (NRS 119A.710) **Section 4** of this bill prohibits ~~[a person]~~ **certain persons** from knowingly participating in a plan or scheme to transfer a time share to a person who

does not **have the ability, means or intent to** pay the assessments **~~[or]~~ and** taxes for that time share and provides a penalty for a violation of this provision.

Section 4.2 of this bill exempts certain developers from provisions governing permits to sell and the sale of certain time shares.

Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and **section 13** of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to **~~[4,]~~ 4.4,** inclusive, of this act.

Sec. 1.2. ***"Branch office" means an office operated by a real estate broker who is licensed pursuant to chapter 645 of NRS, separate from the principal location of the real estate broker, for the purpose of engaging in the business of selling or reselling time shares.***

Sec. 1.4. ***"Component site" means the specific geographic location where units that are part of a time-share plan are located . ~~[, including, without limitation, new]~~ The term includes units added to a single project in the same specific geographic location and under common management.***

Sec. 1.6. 1. "Material change" means a change in any information or document that is part of the statement of record which renders the statement of record inaccurate, incomplete or misleading in such a way as to adversely affect the rights or obligations of a purchaser.

2. The term does not include a change:

(a) In the real estate tax assessment or rate, utility charges or deposits, maintenance fees, association dues, assessments, special assessments or any recurring time-share expense item, if the change is made known immediately to the prospective purchaser by a written addendum to the public offering statement;

(b) Which is an aspect or result of the orderly development of the time-share plan in accordance with the time-share instrument, if the change is made known immediately to the prospective purchaser by a written addendum to the public offering statement;

(c) Which corrects spelling, grammar, omissions or other similar errors and which does not affect the substance of the information or document; or

(d) Which occurs in the issuance of the updated annual report or disclosure document of an exchange company.

Sec. 1.8. ***"Sales and marketing entity" means an entity hired by a developer to manage the sale or marketing of a time-share plan.***

Sec. 2. ***"Statement of record" means the information provided to the Administrator pursuant to [paragraph (a) of] subsection 1 of NRS 119A.300 or [subsection 2 of NRS 119A.300,] section 4.4 of this act, as applicable.***

Sec. 2.5. ***1. Every branch office must be operated under the supervision of a real estate broker or real estate broker-salesperson who is licensed pursuant to chapter 645 of NRS and who has had at least 2 years of experience as an active real estate broker [,] or real estate broker-salesperson [or real estate salesperson] in the United States.***

2. The project broker or time-share resale broker is responsible for each branch office which he or she operates.

3. If the location of the branch office does not permit a project broker or a time-share resale broker to exercise direct supervision of a branch office, a real estate broker-salesperson shall directly supervise the branch office.

4. A supervisor of a branch office may not supervise more than one branch office.

Sec. 3. ***1. If there is a material change to the time-share plan , [which is not caused by or under the control of the developer, the developer shall file with the Division an amended statement of record not later than 10 days before the material change occurs or within 10 days after the developer knows or reasonably should have known of the material change. For any material change to the time-share plan,] the developer shall file an amended statement of record, and such [an] amended statement of record is effective on the 60th day after the filing or, in the event that [additional] units are added to the time-share plan which are in a component site which has not previously been registered with the Division, on the 120th day after the filing, unless the Administrator:***

(a) Issues a denial of the amended statement of record pursuant to NRS 119A.654 in a notice of deficiency describing the reasons for the denial in sufficient detail to allow the developer to correct the deficiencies in the amended statement of record; or

(b) Approves the amended statement of record on an earlier date.

2. The developer may submit evidence that the deficiencies in the amended statement of record described in the notice of deficiency issued pursuant to paragraph (a) of subsection 1 have been corrected within 90 days after the developer receives the notice of deficiency or within such extended time period as approved by the Division in writing.

3. The Administrator shall, within 30 days after receiving evidence that the deficiencies in the amended statement of record are [cured,] corrected,

approve ~~[or deny]~~ the amended statement of record or issue a denial of the amended statement of record ~~[and list the specific]~~ pursuant to NRS 119A.654 in a notice of deficiency describing the reasons for denial. If the Division fails to take any of the actions described in this subsection within the 30-day period, the amended statement of record shall be deemed approved by the Division.

~~[3.]~~ 4. If the developer fails to correct all the deficiencies in the amended statement of record after receipt of a second notice of deficiency pursuant to subsection 3, the Administrator may deny the amended statement of record and require the developer to pay a filing fee equal to one-half of the filing fee for an amendment to a statement of record as set forth in subsection 1 of NRS 119A.360.

5. Any amendment proposed by the developer to the provisions of a time-share instrument must be filed with the Division. Unless the Division notifies the developer of its disapproval within 15 days after the developer files the proposed amendment to the time-share instrument, the amendment shall be deemed to be approved by the Division.

Sec. 4. *1. Except as otherwise provided in subsection 3, ~~[a]~~ any person other than a person described in paragraph (a) of subsection 3 of NRS 119A.4771 or a developer or an association that is offering time shares in a time-share plan which is registered by such a developer or an association or which is exempt from registration in this State, who knowingly participates, for consideration or with the expectation of consideration, in any plan or scheme, a purpose of which is to transfer a previously sold time share to a transferee who does not have the ability, means or intent to pay ~~[or provide payment for]~~ all assessments and taxes for that time share commits a false, misleading or deceptive act or practice for the purposes of NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.*

2. The failure of a transferee to pay assessments or taxes that come due after the acquisition of a previously sold time share by a person who acquires the time share for commercial purposes ~~[is prima facie evidence]~~ creates a rebuttable presumption of a violation of this section.

3. An association or manager does not violate the provisions of this section by performing such administrative acts and collecting such fees or expenses as are customary or required by law or a time-share instrument during the transfer.

Sec. 4.2. The provisions of NRS 119A.290 to 119A.470, inclusive, and sections 3 and 4 of this act, and NRS 119A.480 do not apply to a developer who has a valid permit issued pursuant to this chapter concerning the offer or disposition in this State of a time share in a time-share plan which includes units which are:

1. Located outside of this State;

2. Not registered pursuant to the provisions of this chapter; and

3. Offered or sold to an existing owner of a time-share plan offered by that developer or an affiliate of that developer if the developer or the affiliate:

(a) Authorizes the purchaser to cancel the purchase contract until midnight of the fifth calendar day after the date of the execution of the contract; and

(b) Provides the purchaser with all of the time share disclosure documents required by law in the jurisdiction in which the time share is located.

Sec. 4.4. 1. In lieu of the statement of record required pursuant to NRS 119A.300, the Division may accept an abbreviated registration from a developer of a time-share plan in which some or all of the units are located outside of this State if:

(a) The developer provides evidence that the time-share plan is registered with the applicable regulatory agency in the state or jurisdiction where the time-share plan is offered or sold and that the time-share plan is in compliance with the laws and regulations of the state or jurisdiction in which some or all of the units are located; and

(b) The disclosure requirements of the other state or jurisdiction are substantially equivalent to or greater than the information required to be disclosed to purchasers in this State pursuant to this chapter.

2. A developer who files an abbreviated registration pursuant to subsection 1 shall, in addition to paying the fee for an initial permit required by NRS 119A.360, provide to the Division:

(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;

(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;

(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;

(d) The name and principal address of all sales and marketing entities and the manager of the time-share plan;

(e) Evidence of registration and compliance with the laws and regulations of the state or jurisdiction in which the time-share plan is located, approved or accepted;

(f) A brief description as to whether the time-share plan contains one or more component sites and a brief description of the types of time shares offered in the time-share plan;

(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceeding;

(h) Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;

(i) A copy of the current annual or projected budget for the association if not otherwise included in the disclosure documents; and

(j) Any other information regarding the developer, time-share plan, project broker, manager or sales and marketing entities as established by the Division by regulation.

3. A developer of a time-share plan with units located solely in this State may not file an abbreviated application.

4. Upon acceptance of the abbreviated registration by the Division, the developer shall provide to each purchaser, in lieu of the public offering statement required to be provided pursuant to the provisions of NRS 119A.400, a copy of the public report, public offering statement or other disclosure document which complies with paragraph (b) of subsection 1, including a cover page which states that such disclosure document has been approved for use by the Real Estate Division of the Department of Business and Industry.

Sec. 5. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, ***and sections 1.2 [, 1.4 and] to 2 , inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person who coordinates the sale of time shares for [a] ***one or more*** time-share [plan and to whom sales agents and representatives are responsible.] ***plans on behalf of one or more developers and who is licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS.***

Sec. 8. NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a [report, issued by the Administrator] ***disclosure document prepared and signed by the developer and approved or deemed approved for use by the Division*** pursuant to the provisions of this chapter, which [authorizes a developer to offer to sell or sell time shares in the time share plan which is the subject of the report.] ***contains the information required by this chapter and any regulations adopted pursuant thereto.***

Sec. 9. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~[,]~~ ***and under the direct supervision of a real estate broker licensed pursuant to the provisions of chapter 645 of NRS,*** sells or offers to sell a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 10. NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who ***is licensed pursuant to the provisions of chapter 645 of NRS and*** is registered as a time-share resale broker pursuant to the provisions of this chapter ~~[.]~~ ***and who , for compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers for previously sold time shares on behalf of an owner other than a developer.***

Sec. 11. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. ~~[The]~~ ***Unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS, the*** provisions of this chapter, except subsection 4, ~~*[5,]*~~ do not apply to:

(a) The sale ~~*[or resale]*~~ of 12 or fewer time shares in a ***time-share*** ~~[project]~~ ***plan;*** ~~[or the sale of 12 or fewer time shares in the same subdivision;]~~

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share ***by an association*** that has been acquired by ~~[an]~~ ***that*** association ***:*** ~~[by]~~ ~~*[as a result of nonpayment of association assessments;]*~~

(I) By termination of a contractual right of occupancy;

(II) By deed ~~*[or other transfer]*~~ in lieu of foreclosure ***, other transfer or termination;*** or ~~[at]~~

(III) At a foreclosure sale ~~[;]~~ ***,***

➥ provided that the association or its agent delivers to the purchaser the disclosures required by subsections 2 and 3 of NRS 119A.4775 ~~[to the purchaser;]~~ and gives the purchaser the statement of the right of cancellation required by NRS 119A.410;

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years ***.*** ~~[,~~

~~.~~ ~~unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.~~]

2. ~~*[The provisions of NRS 119A.290 to 119A.470, inclusive, and sections 3 and 4 of this act and 119A.480 do not apply to the offer or disposition in this State of a time share in a time share plan that includes units which are located outside of this State, which are not registered under this chapter and which are offered or sold to an existing owner of a time share in a time share plan offered by the same developer or an affiliate of the same developer who has a valid permit under this chapter, if the developer or its affiliate:*~~

~~*(a) Authorizes the purchaser to cancel the purchase contract until midnight of the fifth calendar day after the date of execution of the contract; and*~~

~~*(b) Provides the purchaser with all the time share disclosure documents required by law in the jurisdiction where the unit is located.*~~

~~*3.]*~~ Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

3. ~~*[4.]*~~ The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

4. ~~*[5.]*~~ The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies ~~[,]~~ ***and except any provisions of this chapter expressly excluding the applicability of the provisions of chapter 645 of NRS,*** and for ~~[that]~~ ***the*** purpose ***of applying the provisions of chapter 645 of NRS,*** the terms "real property" and "real estate" as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

~~*[6. The provisions of NRS 119A.520 to 119A.580, inclusive, only apply to the management of time share projects located in this State.]*~~

Sec. 12. NRS 119A.172 is hereby amended to read as follows:

119A.172 The provisions of this chapter and chapter 645 of NRS relating to real estate brokers and sales agents do not apply to an owner, other than a developer, who, for compensation, refers prospective purchasers to a developer ***or an association*** or an employee or agent of the developer ~~[,]~~ ***or association,*** if the owner:

1. Refers to ~~[the]~~ ***a*** developer ***or an association*** or an employee or agent of the developer ~~[,]~~ ***or association,*** or any combination thereof, not more than 20 prospective purchasers within any 1 calendar year; and

2. Does not ~~[show a unit to the prospective purchaser,]~~ discuss with the prospective purchaser the terms and conditions of the purchase or otherwise participate in negotiations relating to the sale of the time share.

Sec. 13. NRS 119A.190 is hereby amended to read as follows:

119A.190 ***1.*** The Division may:

~~[1.]~~ ***(a)*** Adopt regulations ~~[which]~~ ***:***

~~[(a)]~~ ***(1) Which*** are necessary to carry out the provisions of this chapter.

~~[(b)]~~ ***(2) Regarding the content of advertisements relating to time shares.***

~~***[2. Publish on its official Internet website, or otherwise make public for at least 30 days before the adoption by the Division, any form proposed to be used by the Division under this chapter. The Division shall consider comments on any such proposed form before its adoption.***~~

~~***3.]***~~ ***(b)*** Employ such legal counsel, investigators and other professional consultants as are necessary to carry out the provisions of this chapter ~~[.]~~ ***, including, without limitation, for the review of a statement of record filed pursuant to NRS 119A.300 [.] or section 4.4 of this act.***

2. The Division shall publish on its official Internet website, or otherwise make public for at least 30 days before the adoption by the Division, any form proposed to be used by the Division under this chapter. The Division shall consider comments on any such proposed form before its adoption.

Sec. 14. NRS 119A.210 is hereby amended to read as follows:

119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker or another acceptable source, that the applicant has completed 14 hours of instruction in:

(1) Ethics.

(2) The applicable laws and regulations relating to time shares.

(3) Principles and practices of selling time shares.

(b) Satisfactory evidence that the applicant has a reputation for honesty, trustworthiness and competence.

(c) A designation of the ~~[developer for whom the applicant proposes to sell time shares.]~~ ***project broker who will supervise the sales agent.***

(d) The social security number of the applicant.

(e) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily

the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must submit the statement required pursuant to NRS 119A.263 and pay the fees provided for in this chapter.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a real estate salesperson pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. ***A sales agent is not required to be licensed pursuant to the provisions of chapter 645 of NRS.***

8. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal may renew his or her license upon the payment of the renewal fee before his or her license expires.

~~[8.]~~ ***9.*** If a licensee fails to renew his or her license before it expires, the license may be reinstated if the licensee submits the statement and pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

~~[9.]~~ ***10.*** The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

Sec. 15. NRS 119A.220 is hereby amended to read as follows:

119A.220 1. A sales agent may work for only one project broker at any one time at the location designated in the license.

2. A project broker shall give written notice to the Division of a change of association of any sales agent associated with the project broker within 10 days after that change.

3. The project broker, upon the termination of the employment of any sales agent associated with the project broker, shall submit that agent's license to the Division.

4. If a sales agent changes his or her association with any project broker or changes his or her location ~~[with the same project broker,]~~ ***designated in the license,*** the sales agent must apply to the Division for the reissuance of his or her license for its unexpired term. The application must be accompanied by a fee of $10.

5. A sales agent may only become associated with a project broker who certifies to the sales agent's honesty, trustworthiness and good reputation.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 119A.240 is hereby amended to read as follows:

119A.240 1. The Administrator shall register as a representative each applicant who:

(a) Submits proof satisfactory to the Division that the applicant has a reputation for honesty, trustworthiness and competence;

(b) Applies for registration in the manner provided by the Division;

(c) Submits the statement required pursuant to NRS 119A.263; and

(d) Pays the fees provided for in this chapter.

2. An application for registration as a representative must include the social security number of the applicant.

3. A representative is not required to be licensed pursuant to the provisions of chapter 645 of NRS.

Sec. 19. NRS 119A.260 is hereby amended to read as follows:

119A.260 1. A representative shall not negotiate ~~[or make representations concerning the merits or value of a time share plan or a project.]~~ ***the sale of, or discuss prices of, a time share.*** A representative may only induce and solicit persons to attend promotional meetings for the sale of time shares and distribute information on behalf of a developer.

2. The representative's activities must strictly conform to the methods for the procurement of prospective purchasers which have been approved by the Division.

3. The representative shall comply with ~~[the same]~~ ***any applicable*** standards for conducting business as are applied to real estate brokers and salespersons pursuant to chapter 645 of NRS and the regulations adopted pursuant thereto.

4. A representative shall not make targeted solicitations of purchasers or prospective purchasers of time shares in another project ~~[.]~~ ***with which the representative is not associated.*** A developer or project broker shall not pay or offer to pay a representative a bonus or other type of special compensation to engage in such activity.

Sec. 20. NRS 119A.270 is hereby amended to read as follows:

119A.270 A developer shall not:

1. Offer to sell any time shares in this state unless the developer holds either a preliminary permit to sell time shares or a permit to sell time shares issued by the Administrator ~~[.]~~ ***pursuant to the provisions of this chapter.***

2. Sell any time shares in this state unless the developer holds a permit to sell time shares issued by the Administrator ~~[.]~~ ***pursuant to the provisions of this chapter.***

3. Offer to sell or sell a time share in this state unless the developer has named a person to act as a project broker.

4. Offer to sell or sell a time share in this state except through a project broker.

Sec. 21. NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received ***or been deemed to have received*** a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must ~~[state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner.]~~ ***describe the violation in sufficient detail to inform the developer of the aspect in which it has failed to comply with the provisions of this chapter.*** The developer shall not engage in any activity regulated by this chapter after the developer receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a

written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, the person may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which the person conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

(a) Discontinue the activities that are not in compliance with this chapter;

(b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and

(c) Return to the purchasers any money or property which the developer acquired through such violations.

➥ Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.

Sec. 22. NRS 119A.290 is hereby amended to read as follows:

119A.290 1. The Administrator shall issue a preliminary permit to sell time shares to each applicant who:

(a) Submits proof satisfactory to the ~~[~~Division~~]~~ ***Administrator*** that all of the requirements for a permit to sell time shares will be met;

(b) Applies for the preliminary permit in the manner provided by the Division; and

(c) Pays the fee provided for in this chapter.

2. A preliminary permit entitles the developer to solicit and accept reservations to purchase time shares.

Sec. 23. NRS 119A.300 is hereby amended to read as follows:

119A.300 ~~*[1.]*~~ Except as otherwise provided in NRS 119A.310, the Administrator shall issue ~~[~~a~~]~~ ~~[~~public offering statement and a~~]~~ ***an initial*** permit to sell time shares to each applicant who:

1. ~~[~~Submits an application,~~]~~

~~*[(a)]*~~ ***Files by electronic means or*** in ~~[~~the~~]~~ ***any other*** manner ~~[~~provided~~]~~ ***prescribed*** by the ~~[~~Division, which includes:

(a)~~]~~ ***Administrator, a statement of record which includes:***

~~*[(1)]*~~ ***(a)*** The name and address of the project broker;

(b) ~~*[(2)]*~~ A copy of each time-share instrument that relates to the time-share plan;

(c) ~~*[(3)]*~~ A preliminary title report for the project ***issued within 30 days before submission of the application*** and copies of the documents listed as exceptions in the report;

(d) ~~*[(4)]*~~ Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

(e) ~~*[(5)]*~~ Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

(f) ~~*[(6)]*~~ A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

(g) ~~*[(7)]*~~ Documents which show the current assessments for property taxes on the project;

(h) ~~*[(8)]*~~ Documents which show compliance with local zoning laws;

(i) ~~*[(9)]*~~ If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

(j) ~~*[(10)]*~~ Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

(k) ~~*[(11)]*~~ A copy of the budget or a projection of the operating expenses of the association, if applicable;

(l) ~~*[(12)]*~~ ***For a points-based time-share plan, a copy of the current point-value use directory and the rules and procedures for changes by the developer or the association to the manner in which point values may be used;***

(m) A financial statement of the developer; and

~~[~~(m) Such other information as the Division,~~]~~

~~*[(13)]*~~ ***(n) A public offering statement in a form prescribed*** by regulation ~~[~~, requires;~~]~~ ***of the Division;*** ~~[~~and~~]~~

2. ~~*[(b)]*~~ Pays the fee ***for an initial permit*** provided for in ~~[~~this chapter.

~~***2. In lieu of the statement of record required pursuant to subsection 1, the Division may accept an abbreviated registration from a developer of a time-share plan in which some or all the units are located outside of this State if:***~~

~~***(a) The developer provides evidence that the time-share plan is registered with the applicable regulatory agency in the state or jurisdiction where the time-share plan is offered or sold or that the time-share plan is in compliance with the laws and regulations of the state or jurisdiction in which some or all of the units are located; and***~~

~~*(b) The disclosure requirements of the other state or jurisdiction are substantially equivalent to or greater than the information required to be disclosed to purchasers in this State pursuant to paragraph (a) of subsection 1.*~~

~~*3. A developer who files an abbreviated registration pursuant to subsection 2 shall, in addition to paying the fee required by paragraph (b) of subsection 1, provide:*~~

~~*(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;*~~

~~*(b) The name, location, mailing address, primary contact person and telephone number of the time share plan;*~~

~~*(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;*~~

~~*(d) The name and principal address of all entities who act as the manager of the time share plan;*~~

~~*(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time share plan is located, approved or accepted;*~~

~~*(f) A brief description as to whether the time share plan is a single site time share plan or a time share plan with more than one location and a brief description of the types of time shares offered in the time share plan;*~~

~~*(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time share plan and whether the time share plan or its developer was denied registration or was the subject of any disciplinary proceeding;*~~

~~*(h) Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time share plan is located, approved or accepted;*~~

~~*(i) A copy of the current annual or projected budget for the association if not otherwise included in the disclosure documents; and*~~

~~*(j) Any other information regarding the developer, time share plan, project broker or managing entities as established by the Division by regulation;*~~

~~*4. A developer of a time share plan with units located solely in this State may not file an abbreviated application.]*~~ ***NRS 119A.360; and***

3. Corrects any deficiencies in the application, including, without limitation, any deficiencies in the public offering statement.

Sec. 24. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 which relate to the creation and

management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~[additional]~~ ***the*** terms and conditions of the applicant's permit to sell time shares.

Sec. 25. NRS 119A.310 is hereby amended to read as follows:

119A.310 1. The Administrator shall deny an application for a permit to sell time shares if the Administrator finds that:

(a) The developer failed to comply with any of the provisions of this chapter or the regulations adopted by the Division; or

(b) The developer, any affiliate of the developer or any officer of the developer or an affiliate of the developer, has:

(1) Been convicted of or pleaded nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other crime involving moral turpitude;

(2) Been the subject of a judgment in any civil or administrative action, including a proceeding to revoke or suspend a license, involving fraud or dishonesty;

(3) Been permanently enjoined by a court of competent jurisdiction from selling real estate, time shares or securities in an unlawful manner;

(4) Had a registration as a broker-dealer in securities or a license to act as a real estate broker or salesperson, project broker or sales agent revoked;

(5) Been convicted of or pleaded nolo contendere to selling time shares without a license; or

(6) Had a permit to sell time shares, securities or real estate revoked.

2. The Administrator may deny an application for a permit to sell time shares if the Administrator finds that the developer ~~[, or any affiliate of the developer,]~~ has failed to offer satisfactory proof that it has a good reputation for honesty, trustworthiness, integrity and competence ~~***[and the developer is competent]***~~ to transact the business of a developer in a manner which safeguards the interests of the public.

3. The burden of proof is on the developer to establish to the satisfaction of the ~~[Division]~~ ***Administrator*** that the developer is ~~[qualified to receive a license.]~~ ***competent to transact the business of the developer in a manner which safeguards the interests of the public.***

4. If a developer has substantially complied with the provisions of this chapter in good faith, a nonmaterial error or omission is not sufficient grounds to deny a permit.

Sec. 26. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[Division]~~ ***Administrator*** shall ***,*** ~~[issue an order,]~~ within ~~[30]~~ ***60*** days after the receipt of an ***initial*** application for a permit to sell time shares ~~[, notifying]~~ ***in a time-share plan containing only one component site, regardless of whether additional component sites may be***

added later by an amendment to the filing, notify the applicant of its decision to:

(a) ***Issue a permit to sell time shares;***

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

~~[(b)]~~ ***(c)*** Deny the application and ***in a notice of deficiency*** list ***all*** the reasons for denial ~~[.]~~ ***in sufficient detail to allow the developer to ~~[cure]~~ correct the deficiencies.***

2. ***The Administrator shall, within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify the applicant of its decision to:***

(a) Issue a permit to sell time shares;

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

(c) Deny the application and in a notice of deficiency list all the reasons for denial in sufficient detail to allow the developer to ~~[cure]~~ correct the deficiencies.

3. The developer may submit evidence that the deficiencies in the application described in the notice of deficiency issued pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2, as applicable, have been corrected within 90 days after the developer receives the notice of deficiency or within such extended time period as approved by the Division in writing.

4. The ~~[Division]~~ ***Administrator*** shall, within ~~[45]~~ ***30*** days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are ~~[cured.]~~ ***corrected,*** issue a permit to sell time shares or deny the application and list the ***specific*** reasons for denial; or

(b) The issuance of a preliminary permit ~~[,]~~ ***and receipt of evidence that all the requirements for the issuance of a permit to sell time shares have been met,*** issue ~~[a]~~ ***the*** permit to sell time shares.

~~[4.]~~ 5. If it is in the public interest that the Administrator issue a second notice regarding the inadequate ~~[cure]~~ correction of any deficiencies in the application for a permit to sell time shares, then the Administrator shall issue such a second notice within ~~[15 business]~~ 30 days after the developer submits evidence to ~~[cure]~~ correct the deficiencies identified pursuant to paragraph (c) of subsection 1 , ~~[or]~~ paragraph (c) of subsection 2 or subsection 3 , as applicable.

~~[5.]~~ 6. If the developer fails to ~~[cure]~~ correct all the deficiencies after a second notice of deficiency is issued pursuant to subsection ~~[3,]~~ 5, the Administrator may deny the application and require the developer to pay a

[new] ***filing fee*** ***[pursuant to]*** ***equal to one-half of the filing fee for an initial permit set forth in subsection 1 of NRS 119A.360.***

Sec. 27. NRS 119A.330 is hereby amended to read as follows:

119A.330 1. If the Administrator denies an application for a permit to sell time shares, ***an amendment to the statement of record or the renewal of a permit to sell time shares,*** the applicant may, within 30 days, file a written request for a hearing. The Administrator shall set the matter for hearing to be conducted within 90 days after receipt of the applicant's request, unless the applicant requests a postponement of the hearing at least 3 working days before the date set for hearing. If such a request is made by the applicant, the date of the hearing must be agreed upon between the Division and the applicant.

2. If the Division fails to:

(a) Hold the hearing within 90 days or within the extended time if a postponement is requested;

(b) Render its decision within 60 days after the hearing; or

(c) Notify the applicant in writing, by its order, within 15 days after its decision was made,

➥ the order of denial expires and the Division shall issue, within 15 days, a permit to sell time shares to the developer.

Sec. 28. NRS 119A.340 is hereby amended to read as follows:

119A.340 If a project has not been completed before the issuance of a permit to sell time shares, the ~~[permit]~~ ***public offering statement*** must state the estimated date of completion and:

1. The developer shall ~~[deliver to the agency]~~ ***establish to the satisfaction of the Administrator that*** a bond ***has been issued*** in an amount ~~[and upon terms approved by the division]~~ ***necessary*** to assure completion of the project free of any liens, ~~[which is payable to the Division for the benefit of the purchasers of the time share property and]~~ which remains in effect until the project is completed free of all liens;

2. A cash deposit to cover the estimated costs of completing the project must be deposited with an escrow agent under an agreement which is approved by the ~~[Division;]~~ ***Administrator;*** or

3. The developer shall make any other arrangement which is approved by the ~~[Division.]~~ ***Administrator and necessary to safeguard the interests of the public.***

Sec. 29. NRS 119A.350 is hereby amended to read as follows:

119A.350 1. The Division ~~[shall,]~~ ***may,*** before issuing any permit or license pursuant to the provisions of this chapter, fully investigate all information submitted to it as required by this chapter and ***,*** ~~[may,]~~ if necessary, inspect the property which is the subject of any application. All reasonable expenses incurred by the Division in carrying out the

investigation or inspection must be paid by the applicant and no license or permit may be issued until those expenses have been paid.

2. Payments received by the Division pursuant to this section must be deposited in the State Treasury for credit to the Real Estate Investigative Account. The Administrator shall use the money in the Account to pay the expenses of agents and employees of the Division making the investigations pursuant to this section. The Administrator may advance money to them for those expenses when appropriate.

Sec. 30. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any ***material*** change that has occurred in the information previously provided to the Administrator or in a ***public offering*** statement ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal ***of a permit with no material changes to the public offering statement*** is effective on the 30th day after the filing of the application unless the Administrator:

(a) ~~[~~Denies~~]~~ ***Issues a written denial of*** the renewal pursuant to NRS 119A.654 ~~[or for any other reason;]~~ ***describing the reasons for denial in sufficient detail to allow the developer to ~~[cure]~~ correct the deficiencies;*** or

(b) Approves the renewal on an earlier date.

3. The Division shall, within 30 days after the receipt of evidence that the deficiencies in the application for renewal of a permit to sell time shares are ~~[cured,]~~ corrected, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial.

4. If the Administrator fails to take any action described in subsection 3, the renewal of the permit to sell time shares shall be deemed issued by the Division.

Sec. 31. ~~[~~NRS 119A.357 is hereby amended to read as follows:

~~119A.357 1. A sales agent, representative, manager, developer , [or] project broker *or time-share resale broker* shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.~~

~~2. A sales agent, representative, manager, developer , [or] project broker *or time-share resale broker* shall submit the notification required by subsection 1:~~

~~— (a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and~~

~~— (b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.~~**] (Deleted by amendment.)**

Sec. 32. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at ~~[such times and upon such conditions as it may provide by regulation:]~~ ***the time of filing:***

For each application for the registration of a representative.....~~85]~~ ***$100***

For each renewal of the registration of a representative.....~~[85]~~ ***100***

For each transfer of the registration of a representative to a different developer.....~~[20]~~ ***25***

For each penalty for a late renewal of the registration of a representative.....~~[40]~~ ***75***

For each preliminary permit to sell time shares .....~~[275]~~ ***400***

For each ***initial*** permit to sell time shares ~~[, per subdivision~~ .....~~[500]~~ ***1,500***

For each amendment to a ~~[public offering]~~ statement ***of record*** after the issuance of the ~~[report]~~ ***permit to sell time shares, where no new component sites are added***.....~~[150]~~ ***200***

For each amendment to a statement of record after the issuance of the permit to sell time shares, where one or more new component sites are added, not including the addition of units to a component site previously permitted..... 500

For each annual renewal of a permit to sell time shares with only one component site 750

For each ***annual*** renewal of a permit to sell time shares ***with more than one component site***.....~~[500]~~ ***1,500***

For each initial registration of a time-share resale broker……..300

For each renewal of the registration of a time-share resale broker 150

For each original and annual registration of a manager .....~~[75]~~ ***100***

For each application for an original license as a sales Agent .....~~[175]~~ ***200***

For each renewal of a license as a sales agent.....~~[175]~~ ***200***

For each penalty for a late renewal of a license as a sales agent.....~~[75]~~ ***100***

For each change of name or address of a licensee or status of a license..... ~~[20]~~ ***25***

For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof ..... ~~[~~20~~]~~ ***25***

For each annual approval of a course of instruction offered in preparation for an original license or permit ..... ~~[~~100~~]~~ ***150***

For each original accreditation of a course of continuing education..... ~~[~~100~~]~~ ***150***

For each renewal of accreditation of a course of continuing education..... ~~[~~50~~]~~ ***75***

2. ~~[Each developer shall pay an additional fee for each time share the developer sells in a time-share plan over 50 pursuant to the following schedule:~~

~~Number of time shares~~		~~Amount to be paid per time share~~
~~51~~	~~251~~	~~$5.00~~
~~251~~	~~500~~	~~4.00~~
~~501~~	~~750~~	~~3.00~~
~~751~~	~~1500~~	~~2.50~~
~~over 1500~~		~~1.00~~

~~]~~

Within 10 days after receipt of written notification from the Administrator of the approval of the application for a permit to sell time shares and before the issuance of the permit to sell time shares, or within 10 days after an amendment that adds time shares to the time-share plan is approved or deemed approved, each developer shall, for each time share that the developer includes in the initial time-share plan or adds to the time-share plan by amendment, pay a one-time fee of:

(a) For each such time share up to and including 1,499 time shares, $3.

(b) For each such time share over 1,499 time shares, $1.50.

➥ For the purposes of calculating the amount of the fee payable under this subsection, "time share" means the right to use and occupy a unit for 7 days or more per calendar year.

3. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

4. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 33. NRS 119A.380 is hereby amended to read as follows:

119A.380 1. Each time-share plan must be created by one or more time-share instruments.

2. A time-share instrument must provide:

(a) A legal description and the physical address of the project;

(b) The name of the time-share plan;

(c) A system for establishing ~~[the permanent]~~ ***and*** identifying ~~[numbers of]~~ the time shares ~~[,]~~ ***in the time-share plan;***

(d) For assessment of the expenses of the time-share plan and an allocation of those expenses among the time shares;

(e) The voting rights which are assigned to each time share;

(f) If applicable, the procedure to add units and other real estate to, and to withdraw units and other real estate from, the time-share plan, and the method of reallocating expenses among the time shares after any such addition or withdrawal;

(g) The maximum number of time shares that may be created under the time-share plan;

(h) For selection of the trustee for insurance which is required to be maintained by the association or the developer;

(i) For maintenance of the units;

(j) For management of the time-share plan;

(k) A procedure to amend the time-share instrument; and

(l) The rights of the purchaser relating to the occupancy of the unit.

3. A time-share instrument may provide for:

(a) The developer's reserved rights;

(b) Cumulative voting, but only for the purpose of electing the members of the board; and

(c) The establishment of:

(1) Separate voting classes based on the size or type of unit to which the votes are allocated; and

(2) A separate voting class for the developer during the period in which the developer is in control.

4. The provisions of a time-share instrument are severable.

5. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provisions of a time-share instrument.

6. With respect to time-share plans governed by the law of another state or ~~[units]~~ component sites of a time-share plan located outside of this State, the instrument creating and governing the time-share plans or ~~[units]~~ such component sites must be in compliance with the applicable laws of the state or jurisdiction under which the time-share plan is formed or in which the ~~[units]~~ component sites are located. If the ~~[standards set forth in the]~~ laws of the state or jurisdiction under which the time-share plan is formed or in

which the ~~[units]~~ component sites of such time-share plan are located conflict with the requirements of this chapter, the laws of the other state or jurisdiction control. If the ~~[association and the]~~ time-share instrument ~~[comply with]~~ provides for the matters set forth in subsections 1 and 2, the association and the developer shall be deemed to be in compliance with the requirements of this section and are not required to revise a time-share instrument to comply with this chapter.

Sec. 34. ~~[NRS 119A.390 is hereby amended to read as follows:~~

~~119A.390 A reservation to purchase a time share must:~~

~~1. Be on a form approved by the Division;~~

~~2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;~~

~~3. Provide for the placement of any deposit in escrow until **the statement of record is approved and** a permit is issued by the Administrator pursuant to NRS 119A.300;~~

~~4. Guarantee the purchase price for the time share for a certain period after the [issuance of] **statement of record is approved and** the permit to sell time shares **[;] is issued by the Administrator;** and~~

~~5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.]~~ **(Deleted by amendment.)**

Sec. 35. NRS 119A.400 is hereby amended to read as follows:

119A.400 1. Each developer, through his or her project broker and sales agents, shall provide each prospective purchaser with a copy of the developer's public offering statement ~~[which must contain a copy of the developer's permit to sell time shares.]~~ ***and an addendum to the public offering statement summarizing any pending amendments to the public offering statement that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval. The public offering statement must contain the date the permit was originally issued and its ~~[annual expiration]~~ effective date. A prospective purchaser may request to receive the public offering statement in electronic format or paper format. If the prospective purchaser requests the public offering statement in electronic format, the developer shall provide to the purchaser the statement of the right of cancellation pursuant to NRS 119A.410 in a single separate document.***

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

Sec. 36. NRS 119A.420 is hereby amended to read as follows:

119A.420 All money, negotiable instruments or other deposits pertaining to the sale of a time share ***which are received from a purchaser*** must be placed in ***an*** escrow ~~[, pursuant to an agreement approved by the Division, with an escrow agent or a trustee.]~~ ***account established to the satisfaction of the Division and held until such time as the right to cancel the contract of sale pursuant to NRS 119A.410 has expired and the purchaser has failed to cancel the contract of sale. In lieu of placing such deposits in an escrow account, the developer or project broker may establish to the satisfaction of the Division that a surety bond has been posted for the benefit of purchasers in the project in the amount of:***

1. Twenty-five thousand dollars; or

2. The highest monthly total amount of deposits received by a project broker,

↪ whichever is greater.

Sec. 37. NRS 119A.430 is hereby amended to read as follows:

119A.430 ~~[Escrow]~~ ***The sale of a time share to a purchaser*** may not be closed unless the developer has provided satisfactory evidence to the Administrator that:

1. The project is free and clear of any blanket encumbrance;

2. Each person who holds an interest in the blanket encumbrance has executed an agreement, approved by the Administrator, to subordinate his or her rights to the rights of the purchaser;

3. Title to the project has been conveyed to a trustee;

4. All holders of a lien recorded against the project have recorded an instrument providing for the release and reconveyance of each time share from the lien upon the payment of a specified sum or the performance of a specified act;

5. The developer has obtained and recorded one or more binding nondisturbance agreements acceptable to the Administrator, that:

(a) Are executed by the developer, all holders of a lien recorded against the project and any other person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale; and

(b) Provide that any person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale takes title to the project subject to the rights of the purchasers; or

6. Alternative arrangements have been made which are adequate to protect the rights of the purchasers of the time shares and approved by the Administrator.

Sec. 38. NRS 119A.460 is hereby amended to read as follows:

119A.460 If a trust is created pursuant to ~~[a requirement of this chapter,]~~ ***subsection 3 of NRS 119A.430,*** the:

1. Trustee must be approved by the Administrator.

2. Trust must be irrevocable, unless otherwise provided by the ~~[Division.]~~ ***Administrator.***

3. Trustee must not be permitted to encumber the property unless permission to do so has been given by the ~~[Division.]~~ ***Administrator.***

4. Association or each owner must be made a third-party beneficiary.

5. Trustee must be required to give at least 30 days' notice in writing of his or her intention to resign to the association, if it has been formed, and to the ~~[Division,]~~ ***Administrator,*** and the ~~[Division]~~ ***Administrator*** must approve a substitute trustee before the resignation of the trustee may be accepted.

Sec. 39. NRS 119A.470 is hereby amended to read as follows:

119A.470 1. If title to a project is conveyed to a trustee pursuant to subsection 3 of NRS 119A.430, before escrow closes for the sale of the first time share, the developer must provide the ~~[Division]~~ ***Administrator*** with satisfactory evidence that:

(a) Title to the project has been conveyed to the trustee.

(b) All proceeds received by the developer from the sales of time shares are being delivered to the trustee and deposited in a fund which has been established to provide for the payment of any taxes, costs of insurance or the discharge of any lien recorded against the project.

2. The trustee shall pay the charges against the trust in the following order:

(a) Trustee's fees and costs.

(b) Payment of taxes.

(c) Payments due any holder of a lien recorded against the project.

(d) Any other payments authorized by the document creating the trust.

3. The Administrator may inspect the records relating to the trust at any reasonable time.

Sec. 40. NRS 119A.475 is hereby amended to read as follows:

119A.475 1. Where any part of the statement of record, when that part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, the Administrator or any person acquiring a time share from the developer or his or her agent during the period the public offering statement remained uncorrected (unless it is proved that at the time of the acquisition the Administrator or purchaser

knew of the untruth or omission) may sue the developer in any court of competent jurisdiction.

2. Any developer or agent who sells a time share:

(a) In violation of this chapter; or

(b) By means of a public offering statement which contained an untrue statement of a material fact required to be stated therein,

➥ may be sued by the Administrator or purchaser of the time share.

3. If a suit authorized under subsection 1 or 2 is brought by the purchaser, the purchaser is entitled to recover such damages as represent the difference between the amount paid for the time share and the reasonable cost of any permanent improvements thereto, and the lesser of:

(a) The value thereof as of the time the suit was brought;

(b) The price at which the time share has been disposed of in a bona fide market transaction before suit; or

(c) The price at which the time share has been disposed of after suit in a bona fide market transaction but before judgment,

➥ or to rescission of the contract of sale and the refund of any consideration paid by the purchaser.

4. If a suit authorized under subsection 1 or 2 is brought by the Administrator, the Administrator may seek a declaration of the court that any person entitled to sue the developer or his or her agent under this section is entitled to the right of rescission and the refund of any consideration paid by him or her.

5. Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

6. Reasonable attorney's fees may be awarded to the prevailing party in any action brought under this section. Any action to rescind a contract of sale under this section must be brought within 1 year after the date of purchase or within 1 year after the date of the discovery of the misrepresentation giving rise to the action for rescission.

7. The provisions of this section are in addition to and not a substitute for any other right of a person to bring an action in any court for any act involved in the offering or sale of time shares or the right of the state to punish any person for any violation of any law.

~~**[**8. For the purposes of this section, "statement of record" means the information submitted to the Administrator by the developer in its application for a permit to offer to sell or sell time shares.**]**~~

Sec. 41. NRS 119A.4771 is hereby amended to read as follows:

119A.4771 1. A person who, on behalf of an owner other than a developer ~~**[**, wishes**]**~~ ***and for compensation, undertakes*** to list, advertise ***, transfer, assist in transferring*** or promote for resale, or solicit prospective

purchasers of, ***more than*** 12 ~~[or more]~~ time shares ***in any 12-month period*** that were previously sold must:

(a) Be licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS; ~~[and]~~

(b) Register as a time-share resale broker with the Division by completing a form for registration provided by the Division ~~[.]~~ ***; and***

(c) Pay any applicable fees.

2. A time-share resale broker shall renew his or her registration with the Division annually on a form provided by the Division ~~[.]~~ ***and pay any applicable fees.***

3. Unless the method of resales of time shares is made to evade the provisions of this chapter, a person is not required to register ***pursuant to this section or to be licensed under chapter 645 of NRS*** as a time-share resale broker if the person:

(a) ~~[Has acquired fewer than 12 time shares and]~~ ***Is a purchaser who acquires time shares for his or her own use and occupancy and who*** later ~~[resells or]~~ offers to resell ~~[one or more]~~ ***12 or less*** of those time shares ~~[; or]~~ ***in any one calendar year;***

(b) Is a project broker who resells or offers to resell a time share in a project as an agent for a developer who holds a permit for the project ~~[.]~~ ***; or***

(c) Is an owner, operator or publisher of a newspaper, periodical or Internet website, unless the owner, operator or publisher, alone or in combination with its affiliate, parent, subsidiary or agent, derives more than 10 percent of its gross revenue from providing advance fee listings. For the purposes of this paragraph, the calculation of gross revenue derived from providing advance fee listings includes the revenue of any affiliate, parent, agent and subsidiary of the owner, operator or publisher of the newspaper, periodical or Internet website. As used in this paragraph, "advance fee listings" has the meaning ascribed to it in NRS 645.004.

Sec. 42. NRS 119A.4775 is hereby amended to read as follows:

119A.4775 1. ~~[Before]~~ ***If the purchaser of a previously sold time share purchases the time share through a time-share resale broker, the contract of sale must provide, in not less than 12-point boldface type, that the purchaser may cancel, by written notice, the contract of sale until midnight of the fifth calendar day after the date of execution of the contract.***

2. Regardless of whether a time-share resale broker charges or collects an advance fee, before a purchaser signs any contract to purchase a time share that is offered for resale ~~[,]~~ ***through a time-share resale broker,*** the ~~[person who is reselling the time share,]~~ ***time-share resale broker,*** other than a developer, shall disclose ~~[by a written document separate from]~~ ***in*** the contract to purchase ~~[a]~~ ***the*** time share:

(a) The period during which the purchaser may use the time share;

(b) A legal description of the interest in the time share;

(c) The earliest date that the prospective purchaser may use the time share;

(d) The name, address and telephone number of the agent managing the time-share plan and the project;

(e) The place where the documents of formation of the association and documents governing the time-share plan and the project may be obtained;

(f) The amount of the annual assessment of the association of the time share for the current fiscal year, if any;

(g) Whether all assessments against the time share are paid in full, and the consequences of failure to pay any assessment;

(h) Whether participation in any program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans is mandatory; ~~[and]~~

(i) Any other information required to be disclosed pursuant to the regulations adopted by the Administrator pursuant to subsection ~~[2. 2.]~~ ***4; and***

(j) The right to cancel the contract in subsection 1.

3. ~~[If the time-share plan includes more than one component site, the] The purchaser must be provided, in either paper or electronic form, at the time the contract to purchase the previously sold time share is signed, copies of the time-share ~~[instrument]~~ instruments governing the time-share plan.***

4. The Administrator shall adopt regulations prescribing the form and contents of the ~~[disclosure statement]~~ ***disclosures*** described in this section.

Sec. 43. NRS 119A.4777 is hereby amended to read as follows:

119A.4777 1. An agreement for ~~[a time share]~~ ***the*** resale ***of a time share*** entered into by an owner ***of that time share*** and a ~~[person]~~ ***time-share resale broker*** who ~~[resells a]~~ ***lists or offers to resell that*** time share must:

(a) Be in writing; ~~[and]~~

(b) ***Contain a provision in not less than 12-point boldface type that the owner may cancel, by written notice, the agreement with the time-share resale broker until midnight of the fifth calendar day after the date of execution of the agreement; and***

(c) Contain a ***written*** disclosure that sets forth:

(1) Whether any person other than the purchaser may use the time share during the period before the time share is resold;

(2) Whether any person other than the purchaser may rent the use of the time share during the period before the time share is resold;

(3) The name of any person who will receive any rents or profits generated from the use of the time share during the period before the time share is resold; ~~[and]~~

(4) A detailed description of any relationship between the person who resells the time share and any other person who receives any benefit from the use of the time share ~~[.]~~ ***; and***

(5) The right to cancel the agreement provided pursuant to paragraph (b).

2. ~~[A person]~~ ***The time-share resale broker*** who resells a time share shall provide a fully executed copy of the written agreement described in subsection 1 to the owner on the date that the owner signs the agreement.

3. ~~[A person]~~ ***The time-share resale broker*** who resells a time share shall make the disclosures required pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 1 before accepting anything of value from the owner.

Sec. 44. NRS 119A.4779 is hereby amended to read as follows:

119A.4779 ***1.*** In addition to the provisions of NRS 645.322, 645.323 and 645.324, a time-share resale broker who charges or collects an advance fee shall place 80 percent of that fee into his or her trust account. If the time-share resale broker closes escrow on the time-share resale, the time-share resale broker shall be deemed to have earned the advance fee. If the listing of the time share expires before the time-share resale broker closes escrow on the time-share resale, the time-share resale broker must return the money held in the trust account to the owner of the time share within 10 days after the date of the expiration of the listing.

2. The contract for an advance fee listing must include the following disclosures to the owner of any previously sold time share:

(a) A description of any fees or costs related to the services that the owner or any other person is required to pay to the time-share resale broker or to any third party;

(b) A description of when any fees or costs are due; and

(c) The disclosures required by paragraph (c) of subsection 1 of NRS 119A.4777.

3. A time-share resale broker who charges or collects an advance fee shall not:

(a) State or imply to an owner that the time-share resale broker has identified a person interested in buying or renting the time share without providing the name, address and telephone number of such person;

(b) State or imply to an owner that the time share has a specific resale value;

(c) Fail to honor any cancellation notice sent by the owner by midnight of the fifth day after the date of execution of the contract; or

(d) Fail to provide a full refund of all money paid by an owner within 20 days after receipt of a notice of cancellation.

4. If a time-share resale broker executes a contract that fails to comply with the provisions of subsection 2, such contract is voidable at the option of the owner for a period of 1 year after the date of execution.

5. Notwithstanding the obligations placed upon any other person by this section, the time-share resale broker shall supervise, manage and control all aspects of the resale offering. Any violation of the provisions of this section that occurs during such offering shall be deemed a violation by the time-share resale broker and by the person who actually committed the violation.

6. The use of any unfair or deceptive act or practice by any person in connection with the offering of a time share for resale is a violation of this section.

7. A violation of this section is an unfair or deceptive act or practice pursuant to NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.

8. Notwithstanding any other penalty provided for in this chapter or chapter 645 of NRS, a person who violates any provision of NRS 119A.4771 to 119A.4779, inclusive, is subject to a civil penalty of not more than $1,000 for each violation.

Sec. 45. NRS 119A.480 is hereby amended to read as follows:

119A.480 1. If the interest of the developer is a leasehold interest, the lease, unless otherwise determined by the ~~[Division,]~~ ***Administrator,*** must provide that:

(a) The lessee must give notice of termination of the lease for any default by the lessor to the association.

(b) The lessor, upon any default of the lessee including bankruptcy of the lessee, shall enter into a new lease with the association upon the same terms and conditions as the lease with the developer.

2. The ~~[Division]~~ ***Administrator*** may require the developer to execute a bond or other type of security for the payment of the rental obligation.

Sec. 46. NRS 119A.530 is hereby amended to read as follows:

119A.530 1. ~~[A]~~ ***During any period in which the developer holds a valid permit and the developer or an affiliate of the developer is the manager, the*** developer or an affiliate of the developer shall provide for the management of the time-share plan and the project, by a written agreement with the association or, if there is no association, with the owners. The initial term of the agreement must expire upon the first annual meeting of the members of the association or at the end of 5 years, whichever comes first. All succeeding terms of the agreement must be renewed annually unless the manager refuses to renew the agreement or a majority of the members of the association who are entitled to vote, excluding the developer, notifies the manager of its refusal to renew the agreement.

2. The agreement must provide that:

(a) The manager or a majority of the owners may terminate the agreement for cause.

(b) The resignation of the manager will not be accepted until 90 days after receipt by the association, or if there is no association, by the owners, of the written resignation.

(c) A fidelity bond must be delivered by the manager to the association.

3. An agreement entered into or renewed on or after October 1, 2001, must contain a detailed, itemized schedule of all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived from the manager's affiliation with the time-share plan or the project, or both, unless the manager is the developer or an affiliate of the developer. Upon the request of the association, the manager shall disclose to the association annual revenue received by the manager from the manager's affiliation with the time-share plan or the project, or both.

4. Except as otherwise provided in this subsection, if the developer retains a property interest in the project, the parties to such an agreement must include the developer, the manager and the association. In addition to the provisions required in subsections 1 and 2, the agreement must provide:

(a) That the project will be maintained in good condition. Except as otherwise provided in this paragraph, any defect which is not ~~[cured]~~ ***corrected*** within 10 days after notification by the developer may be ~~[cured]~~ ***corrected*** by the developer. In an emergency situation, notice is not required. The association must repay the developer for any cost of the repairs plus the legal rate of interest. Each owner must be assessed for his or her share of the cost of repairs.

(b) That, if any dispute arises between the developer and the manager or association, either party may request from the American Arbitration Association or the Nevada Arbitration Association a list of seven potential fact finders from which one must be chosen to settle the dispute. The agreement must provide for the method of selecting one fact finder from this list.

(c) For the collection of assessments from the owners to pay obligations which may be due to the developer for breach of the covenant to maintain the premises in good condition and repair.

➥ If the developer is not made a party to this agreement, the developer shall be considered to be a third-party beneficiary of such an agreement.

5. The provisions of this section and NRS 119A.532 and 119A.534 do not apply to the management of a project located outside of this State.

Sec. 47. NRS 119A.532 is hereby amended to read as follows:

119A.532 1. A person who wishes to engage in the business of, act in the capacity of, advertise or assume to act as a manager ***of a project located in this State*** shall register with the Division on a form prescribed by the Division.

2. The form for registration must include, without limitation:

(a) The registered name of ~~[the]~~ ***each*** time-share plan or ~~[the]~~ project, or both, that the manager will manage;

(b) The address and telephone number of the manager's principal place of business;

(c) The social security number of the manager; and

(d) The name of the manager's responsible managing employee.

3. The form for registration must be accompanied by:

(a) Satisfactory evidence, acceptable to the Division, that the manager and his or her employees have obtained fidelity bonds in accordance with regulations adopted by the Division; and

(b) The statement required pursuant to NRS 119A.263.

4. The Division shall collect the fee specified in NRS 119A.360 upon registering the manager and annually thereafter to maintain the registration.

5. As used in this section, "responsible managing employee" means the person designated by the manager to:

(a) Make technical and administrative decisions in connection with the manager's business; and

(b) Hire, superintend, promote, transfer, lay off, discipline or discharge other employees or recommend such action on behalf of the manager.

Sec. 48. NRS 119A.540 is hereby amended to read as follows:

119A.540 1. The association or, if there is no association, the developer shall adopt an annual budget for revenues, expenditures and reserves and collect assessments for the expenses of the time-share plan and the project from the owners. The annual budgets of ~~[the]~~ ***an*** association ***governing a project within this State*** must be submitted to ~~[and approved by]~~ the Division until such time as the association is controlled by members other than the developer.

2. ~~[The Administrator may require that the association or, if there is no association, the developer provide, at the association's or the developer's expense, an opinion from an independent professional consultant as to the sufficiency of the budget to sustain the time share plan offered by the association or the developer.]~~ The association or the developer shall place any money collected for assessments and any other revenues received by or on behalf of the association in an account established by the association.

3. The developer shall pay assessments for any time shares which are unsold or enter into an agreement with the association, in a form approved by

the Division, to pay the difference between the actual expenses incurred by the association and the sum of the amounts payable to the association as assessments by owners, other than the developer, and other revenues received by the association. The Division may require the developer to provide a surety bond or other form of security which is satisfactory to the Division, to guarantee payment of the developer's obligation.

Sec. 49. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker ***or*** ~~***[time-share resale broker]***~~ ***person who is licensed pursuant to chapter 645 of NRS and who is subject to the provisions of this chapter*** who fails to adequately supervise the conduct of any sales agent or representative ~~***[, as applicable,]***~~ with whom the project broker ***or*** ~~***[time-share resale broker]***~~ ***person*** is associated.

Sec. 50. NRS 119A.680 is hereby amended to read as follows:

119A.680 1. It is unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker ***, a person who is licensed pursuant to chapter 645 of NRS*** or ~~[sales agent]~~ ***a time-share resale broker*** within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS ***.*** ~~[or NRS 119A.210.]~~

(b) ***Sales agent for a project broker within this State without first obtaining a license from the Division pursuant to NRS 119A.210, unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS.***

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Sec. 51. (Deleted by amendment.)

Sec. 52. NRS 119A.370, 119A.4773 and 119A.490 are hereby repealed.

Sec. 53. **This act becomes effective on July 1, 2013.**

TEXT OF REPEALED SECTIONS

119A.370 Filing of advertisement or offering.

1. A time share must not be advertised or offered for sale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must:

(a) Include the form and content of advertising to be used;

(b) Include the nature of the offer of gifts or other free benefits to be extended;

(c) Include the nature of promotional meetings involving any person or act described in NRS 119A.300; and

(d) Be accompanied by a filing fee of not more than $200, to be established by the Division.

119A.4773 Filing of advertisement or offering required.

1. A time share must not be advertised or offered for resale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must include:

(a) The form and content of advertising to be used;

(b) The nature of the offer of gifts or other free benefits to be extended; and

(c) The nature of promotional meetings involving any person or act described in NRS 119A.300.

119A.490 Filing of amendment of time-share instrument required.

1. Any proposed amendment by the developer of the provisions of a time-share instrument must be filed with the Division.

2. Unless the Division notifies the developer of its disapproval within 15 days, the amendments shall be deemed to be approved by the Division.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 957 to Assembly Bill No. 404.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bustamante Adams, Healey, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 496.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Benitez-Thompson moved that the Assembly recede from its action on Amendment No. 915 to Senate Bill No. 44.

Motion carried.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Senate Bill No. 364, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 722 of the Assembly be receded from and a 3rd reprint be created in accordance with this action.

DINA NEAL	PAT SPEARMAN
JAMES HEALEY	DAVID PARKS
MELISSA WOODBURY	
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Benitez-Thompson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 364.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 273.

The following Senate amendment was read:

Amendment No. 979.

AN ACT relating to real property; revising provisions governing enrollment in the Foreclosure Mediation Program; **revising provisions governing the payment of certain obligations during participation in the Foreclosure Mediation Program;** revising provisions governing the foreclosure of liens by an association of a common-interest community; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) One such restriction requires the trustee under the deed of trust to include with the copy of the notice of default and election to sell which is mailed to the homeowner: (1) a notice provided by the Foreclosure Mediation Program Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation under rules adopted by the Nevada Supreme Court; and (2) a form on which a homeowner may request such mediation. Under existing law, a homeowner must elect to participate by: (1) completing and returning to the trustee a form upon which the homeowner elects to enter into mediation; and (2) paying his or her share of the fee established under the rules adopted by the Nevada Supreme Court. (NRS 107.080, 107.086)

This bill revises provisions governing enrollment in the Foreclosure Mediation Program. Under **sections 2 and 3** of this bill, a trustee under a deed of trust concerning owner-occupied housing must, in addition to including certain information concerning the Foreclosure Mediation Program with the copy of the notice of default and election which is mailed to the homeowner, send that information to the homeowner concurrently with, but separately from, the copy of the notice of default and election to sell. **Section 3** further provides that a homeowner will be enrolled in the Foreclosure Mediation Program unless: (1) he or she elects to waive mediation; or (2) fails to pay his or her share of the fee established under the rules adopted by the Nevada Supreme Court. If the homeowner waives mediation, fails to pay his or her share of the fee or, if the homeowner is enrolled in the Foreclosure

Mediation Program, fails to appear at a scheduled mediation, the Mediation Administrator must provide to the trustee a certificate authorizing the continuation of the process to exercise the power of sale. **Section 3** also **: (1)** establishes deadlines by which the Mediation Administrator must provide certain information to the trustee ~~[.]~~ **; (2) requires the trustee to provide notice of the compliance with the Foreclosure Mediation Program to a homeowners' association; and (3) requires a unit's owner to pay certain obligations during participation in the Foreclosure Mediation Program.**

Section 4 of this bill prohibits a homeowners' association from foreclosing its lien on a unit constituting owner-occupied housing while the unit's owner is eligible to participate or is participating in the Foreclosure Mediation Program.

Section 4.5 of this bill makes an appropriation of $100 from the State General Fund to the Account for Foreclosure Mediation to support the Foreclosure Mediation Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME!

~~[YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!]~~

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

~~[State of Nevada Foreclosure Mediation Program _____]~~
Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 3. NRS 107.086 is hereby amended to read as follows:

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record ~~[has the right to seek]~~ ***will be enrolled to participate in*** mediation pursuant to this section ~~[;]~~ ***if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 9;*** and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election ~~[to enter into mediation or]~~ to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) ***In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;***

(c) Serves a copy of the notice upon the Mediation Administrator; and

~~[(c)]~~ ***(d)*** Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[3]~~ ***4*** or ~~[6]~~ ***7*** which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[7]~~ ***8*** which provides that mediation has been completed in the matter.

3. ~~[The]~~ ***If the*** grantor or the person who holds the title of record ***elects to waive mediation, he or she*** shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee ***and the Mediation Administrator*** by certified mail, return receipt requested. If the grantor or the person who holds the title of record ~~[indicates on the form an election to enter into mediation, the trustee]~~ ***does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080, pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9. Upon receipt of the share of the fee established pursuant to subsection 9 owed by the grantor or the person who holds title of record, the Mediation Administrator*** shall notify the ~~[beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090,]~~ ***trustee,*** by certified mail, return receipt requested, of the ~~[election of the grantor or the person who holds the title of record to enter into]~~ ***enrollment of the grantor or person who holds the title of record to participate in*** mediation ***pursuant to this section*** and ~~[file the form with the Mediation Administrator, who]~~ shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. ~~[No]~~ ***The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no*** further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form ***described in subparagraph (4) of paragraph (a) of subsection 2*** an election to waive mediation or fails to ~~[return the form to the trustee]~~ ***pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 9,*** as required by ~~[this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or~~

~~the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service,~~] ***subsection 3,*** the Mediation Administrator shall ***, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier,*** provide to the trustee a certificate which provides that no mediation is required in the matter.

[~~4.~~] ***5.*** Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection [~~8.~~] ***9.*** The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or [~~a~~] ***his or her*** representative ***,*** [~~shall attend the mediation if the grantor elected to enter into mediation,~~] or the person who holds the title of record or [~~a~~] ***his or her*** representative ***,*** shall attend the mediation ***.*** [~~if the person who holds the title of record elected to enter into mediation.~~] The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

[~~5.~~] ***6.*** If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection [~~4~~] ***5*** or does not have the authority or access to a person with the authority required by subsection [~~4,~~] ***5,*** the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

[~~6.~~] ***7.*** If the grantor or the person who holds the title of record [~~elected to enter into mediation and~~] ***is enrolled to participate in mediation pursuant to this section but*** fails to attend the mediation, the Mediation Administrator shall ***, not later than 30 days after the scheduled mediation,*** provide to the trustee a certificate which states that no mediation is required in the matter.

[~~7.~~] ***8.*** If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare

and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall ***, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated,*** provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

~~[8.]~~ ***9. Upon receipt of the certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall notify the unit-owner's association organized under NRS 116.3101 of the existence of the certificate.***

10. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

11. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

~~[9.]~~ ~~*[10.]*~~ ***12.*** Except as otherwise provided in subsection ~~[11,]~~ ~~*[12,]*~~ ***14,*** the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~[10.]~~ ~~*[11.]*~~ ***13.*** A noncommercial lender is not excluded from the application of this section.

~~[11.]~~ ~~*[12.]*~~ ***14.*** The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~[12.]~~ ~~*[13.]*~~ ***15.*** As used in this section:

(a) ***"Common-interest community" has the meaning ascribed to it in NRS 116.021.***

(b) "Mediation Administrator" means the entity so designated pursuant to subsection ~~[8.]~~ ~~*[9.*~~ ~~(b)]~~ ***11.***

(c) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

~~[(c)]~~ ***(d) "Obligation" has the meaning ascribed to it in NRS 116.310313.***

(e) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(f) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 4. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and 5,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. The association may not foreclose a lien by sale if:

(a) The unit is owner-occupied housing encumbered by a deed of trust;

(b) The beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee has recorded a notice of default and election to sell with respect to the unit pursuant to subsection 2 of NRS 107.080; and

(c) The trustee of record has not recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (d) of subsection 2 of NRS 107.086.

➥ As used in this subsection, "owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Account for Foreclosure Mediation created by NRS 107.080 the sum

of $100 for the purpose of supporting the program of foreclosure mediation established by Supreme Court Rule.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 5. The amendatory provisions of this act apply only with respect to trust agreements for which a notice of default and election to sell is recorded on or after October 1, 2013.

Sec. 6. 1. This section and section 4.5 of this act become effective on July 1, 2013.

2. Sections 1 to 4, inclusive, and 5 of this act become effective on October 1, 2013.

Assemblyman Frierson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 273.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 313, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 740 and 888 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 22, which is attached to and hereby made a part of this report.

OLIVIA DIAZ	TICK SEGERBLOM
RICHARD CARRILLO	RUBEN KIHUEN
MICHELE FIORE	GREG BROWER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA22.

ASSEMBLYWOMEN Pierce **, DIAZ AND FIORE**

SUMMARY—Requires the Advisory Commission on the Administration of Justice to consider certain items regarding criminal procedure. (BDR ~~[S-421)]~~ **14-421)**

AN ACT relating to criminal procedure; requiring the Advisory Commission on the Administration of Justice to ~~[consider]~~ **evaluate** issues concerning electronic surveillance by law enforcement, traffic laws and

certain laws relating to motor vehicles, and language access in the courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) This bill requires the Commission to: (1) ~~[consider]~~ **evaluate** issues concerning electronic surveillance by law enforcement; (2) evaluate issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) evaluate issues concerning language access in the courts. **This bill also eliminates a similar study required by section 10 of Assembly Bill No. 365 of this session.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ~~[The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:~~

~~1. A review of the use of electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices.~~

~~2. An evaluation of the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.~~

~~3. An evaluation of:~~

~~(a) The current system used in this State to provide court interpreters in criminal and civil proceedings;~~

~~(b) The systems used in other states to provide court interpreters in criminal and civil proceedings; and~~

~~(c) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.~~

~~4. Recommendations regarding, without limitation:~~

~~(a) Necessary statutory changes to facilitate language access in the courts;~~

~~(b) Necessary statutory changes to comply with any federal law related to language access in the courts; and~~

~~(c) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.]~~ **(Deleted by amendment.)**

Sec. 2.6. **NRS 176.0125 is hereby amended to read as follows:**

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits

against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. ***Evaluate the use of electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices.***

13. Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.

14. Evaluate the current system used in this State to provide court interpreters in criminal and civil proceedings, including, without limitation, an examination of:

(a) The systems used in other states to provide court interpreters in criminal and civil proceedings;

(b) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings;

(c) Necessary statutory changes to facilitate language access in the courts;

(d) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(e) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

15. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 2.7. **Section 10 of Assembly Bill No. 365 of this session is hereby repealed.**

Sec. 3. This act becomes effective ~~[on July 1, 2013.]~~ **upon passage and approval.**

TEXT OF REPEALED SECTION

Section 10 of Assembly Bill No. 365 of this session:

Sec. 10. 1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall appoint a subcommittee to conduct an interim study concerning language access in the courts of the State of Nevada, and make a report thereof.

2. The study and report must include, without limitation:

(a) An evaluation of:

(1) The current system used in this State to provide court interpreters in criminal and civil proceedings;

(2) The systems used in other states to provide court interpreters in criminal and civil proceedings; and

(3) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.

(b) Recommendations regarding, without limitation:

(1) Necessary statutory changes to facilitate language access in the courts;

(2) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(3) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 78th Session of the Nevada Legislature and the Supreme Court.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 313.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 150.

The following Senate amendment was read:

Amendment No. 906.

SUMMARY—~~[Enacts provisions relating to interim legislative committees.]~~ **Creates the Legislative Committee on Governmental Oversight and Accountability.** (BDR 17-739)

AN ACT relating to legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; ~~[eliminating the Legislative Committee on High-Level Radioactive Waste; authorizing the Legislative Committee on Public~~

~~Lands to review issues relating to the disposal of high-level radioactive waste;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Governmental Oversight and Accountability and provides for the appointment of its members. **Section 6** of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. **Section 7** of this bill authorizes the Committee to study and comment upon issues relating to the operations and accountability of governmental agencies and to conduct investigations and hold hearings. **Section 8** of this bill authorizes the Committee to provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings.

~~[Under existing law, the Legislative Committee on Public Lands reviews issues relating to public lands in this State (NRS 218E.525), and the Legislative Committee on High-Level Radioactive Waste reviews issues relating to the disposal of high-level radioactive waste in this State. (NRS 459.0085) Section 12 of this bill eliminates the Legislative Committee on High-Level Radioactive Waste, and section 10 of this bill authorizes the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste.~~

~~Existing law requires the Executive Director of the Agency for Nuclear Projects to evaluate potentially adverse effects of a facility for the disposal of radioactive waste in this State and to submit semiannual reports to the Legislative Committee on High-Level Radioactive Waste. (NRS 459.0094) Section 11 of this bill requires those reports to be submitted to the Legislative Committee on Public Lands.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Committee" means the Legislative Committee on Governmental Oversight and Accountability created pursuant to section 5 of this act.***

Sec. 4. ***"Governmental agency" means any agency, office, board, commission, department, division, bureau, authority, institution, district or other unit of the State or a political subdivision of the State.***

Sec. 5. ***1. The Legislative Committee on Governmental Oversight and Accountability, consisting of 10 legislative members, is hereby created. The membership of the Committee consists of:***

(a) Five members appointed by the Majority Leader of the Senate, at least two of whom must be members of the minority political party.

(b) Five members appointed by the Speaker of the Assembly, at least two of whom must be members of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 6. ***1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.***

2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Committee.

3. Six members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 7. *The Committee may:*

1. To fulfill the objectives and duties granted to the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive, and paragraph (b) of subsection 1 and paragraph (c) of subsection 2 of NRS 218E.175, evaluate, review and comment upon issues related to governmental agencies, including, but not limited to:

(a) Programs to enhance accountability in government;

(b) Legislative measures regarding governmental oversight;

(c) Methods of financing governmental agencies; and

(d) Any other matters that, in the determination of the Committee, affect governmental agencies.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which government may be improved.

Sec. 8. *1. If the Committee conducts investigations or holds hearings pursuant to section 7 of this act:*

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. Upon such a petition, the court shall:

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

Sec. 9. (Deleted by amendment.)

Sec. 10. ~~[NRS 218E.525 is hereby amended to read as follows:~~

~~218E.525 1. The Committee shall:~~

~~(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.~~

~~(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.~~

~~(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.~~

~~2. The Committee:~~

~~(a) Shall review the programs and activities of:~~

~~(1) The Colorado River Commission of Nevada;~~

~~(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and~~

~~(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof;~~

~~(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a);~~ **[**~~and~~**]**

~~(c) May review and comment on other issues relating to water resources in this State, including, without limitation:~~

~~(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and~~

~~(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State~~ **[**~~.~~**]** ***; and***

~~***(d) May review and comment on issues and policies relating to the disposal of high-level radioactive waste, including, without limitation:***~~

~~***(1) Issues and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;***~~

~~***(2) Any potentially adverse effects from the construction and operation of, and the transportation of high-level radioactive waste to, such a facility and the ways of mitigating those effects; and***~~

~~***(3) Any other issues and policies relating to the disposal of high-level radioactive waste.]***~~ **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 459.0094 is hereby amended to read as follows:~~

~~459.0094 The Executive Director shall:~~

~~1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.~~

~~2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.~~

~~3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.~~

~~4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.~~

~~5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.~~

~~6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.~~

~~7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.~~

~~8. Provide semiannual written reports to the~~ ***Legislative*** ~~Committee on~~ **[**~~High-Level Radioactive Waste.~~**]** ***Public Lands.*** ~~The reports must contain:~~

~~(a) A summary of the status of the activities undertaken by the Agency since the previous report;~~

~~(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the~~

~~contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;~~

~~(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and~~

~~(d) Any other information requested by the Legislative Committee.~~**] (Deleted by amendment.)**

Sec. 12. ~~[NRS 459.0085 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 13. This act becomes effective on July 1, 2013.

~~[~~

~~**TEXT OF REPEALED SECTION**~~

~~459.0085 Creation; membership; duties; compensation and expenses of members.~~

~~1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:~~

~~(a) Four members of the Senate, appointed by the Majority Leader of the Senate.~~

~~(b) Four members of the Assembly, appointed by the Speaker.~~

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.~~

~~3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:~~

~~(a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;~~

~~(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and~~

~~(c) Any other policies relating to the disposal of high-level radioactive waste.~~

~~4. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.~~

~~5. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.~~

~~6. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste. Except during a regular or special session of the Legislature, each member of the~~

~~Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.~~**]**

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 906 to Assembly Bill No. 150.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 413.

The following Senate amendment was read:

Amendment No. 974.

AN ACT relating to taxation; authorizing certain larger counties to impose additional taxes on fuels for motor vehicles; providing for the imposition by the State of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in this State; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; **requiring certain persons who use special fuel in motor vehicles operated or intended to operate interstate to file certain returns with the Department of Motor Vehicles under certain circumstances;** requiring the Department ~~[of Motor Vehicles]~~ to adopt regulations establishing a system for ~~[the reimbursement and repayment]~~ **auditing** of **such returns to determine whether** any amounts **are** owed **by or to such persons** pursuant to certain cooperative agreements; **requiring the Department to charge and collect certain fees; authorizing the Department to enter into certain intergovernmental agreements or contracts under certain circumstances; creating an enterprise fund administered by the Director of the Department;** providing for the administration, allocation, disbursement and use of the additional taxes; removing the exemption for the sale of revenue bonds secured by county fuel taxes from certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) **Section**

1.1 of this bill authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose **, upon approval by a two-thirds majority of the members of the board,** additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Section 1.1** also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2014, and ending on December 31, 2016, in an amount equal to the lesser of: (1) a percentage established by the ordinance imposing the tax; or (2) a percentage based on historical increases in the cost of highway and street construction. **Section 1.1** additionally provides that for the period beginning on January 1, 2017: (1) the board of county commissioners must not impose any additional increases in certain taxes authorized by that section; and (2) increases in the remainder of the taxes authorized by that section may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases.

Upon approval by a majority of the voters in the State at the general election in November 2016, **section 1.2** of this bill requires the State to impose additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Section 1.2** also authorizes the Legislature to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. **Section 1.2** additionally provides that for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the State at the general election in November 2026 authorize the Legislature to continue to provide for the annual increases.

Upon approval by a majority of the voters in any county, other than Washoe County or, under certain circumstances, Clark County, at the general election in November 2016, **section 1.3** of this bill requires the board of county commissioners of the county to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Section 1.3** also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. **Section 1.3** additionally provides that for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases.

The Department of Motor Vehicles is a party to the International Fuel Tax Agreement, a multistate agreement which facilitates the calculation and

collection of certain fuel taxes from interstate trucking companies and others who use special fuel (primarily diesel fuel) in vehicles operated or intended to operate interstate. (NRS 366.175) **Sections 1.7- ~~[1.9]~~ 1.95** of this bill require **certain special fuel users to file a return with the Department and require** the Department to adopt regulations establishing a system for ~~[the reimbursement and repayment of]~~ **auditing such returns to determine whether** any amounts **are** owed **by or to the special fuel user** pursuant to the International Fuel Tax Agreement as a result of any additional taxes **on special fuels** authorized or required by this bill. **Sections 1.7, 1.8 and 1.9 require the Department to charge and collect certain fees from the special fuel users who are required to file returns with the Department and additionally authorize the Department to enter into certain intergovernmental agreements or contracts to pay for certain costs relating to establishing and administering the system. Sections 1.75, 1.85 and 1.95 create an enterprise fund known as the Local Fuel Tax Indexing Fund into which the Department is required to deposit money received from the fees collected pursuant to sections 1.7, 1.8 and 1.9.**

Sections 2-2.7 and 4-11.3 of this bill require the administration, allocation, disbursement and use of these taxes in the same manner as certain existing fuel taxes. Additionally, **sections 2-2.7** require the annual review of these taxes by the regional transportation commission.

Sections 3-3.9 of this bill apply the current exemptions from fuel taxes to the taxes authorized by this bill, other than the exemption for certain undyed special fuel which is sold or used for any purpose other than to propel a motor vehicle upon the public highways.

Section 11.5 of this bill revises provisions of existing law to remove the exemption for the sale of revenue bonds that are secured by county fuel taxes from various requirements concerning the sale of bonds by competitive bid or negotiated sale.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to ~~[1.9,]~~ **1.95,** inclusive, of this act.

Sec. 1.1. ***1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:***

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage

or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the

applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. An ordinance authorized by this section must be approved by a two-thirds majority of the members of the board. If the board adopts an ordinance authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

(a) Must be adopted before October 1, 2013;

(b) Must become effective on January 1, 2014; and

(c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017:

(1) The board shall not impose any additional annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance.

(2) The annual increases in the taxes authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 and imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1 and

imposed by the ordinance after November 8, 2016, but any annual increases in such taxes imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.2. ***1. In addition to any other tax imposed pursuant to chapter 365 or 366 of NRS:***

(a) There is hereby imposed:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in this State in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in this State in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in this State in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in this State in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) There is hereby imposed:

(1) An excise tax on each gallon of special fuel sold in this State, other than any special fuel described in paragraph (b), (c) or (d), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of

the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. The applicable percentage for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 3, the Legislature may amend the applicable percentage from time to time, but any such amendment must not become effective earlier than 90 days after the date of the action by the Legislature amending the applicable percentage. Except as otherwise provided in section 1.5 of this act, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

3. For the period:

(a) Beginning on January 1, 2017, and ending on December 31, 2026, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section.

(b) Beginning on January 1, 2027, the annual increases in the taxes imposed by this section must not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in this State whether to authorize the Legislature to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by this section and the question is approved by a majority of the registered voters in this State voting on the question. If the question is approved by a majority of such voters, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section. If the question is not approved by a majority of such voters, the Legislature shall not impose any additional annual increases in the taxes imposed by this section after November 3, 2026, but any annual increases in the taxes imposed by this section in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by this section.

4. All money received from the taxes imposed pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the Legislature in any act amending the applicable percentage of a tax imposed pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the Legislature.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.3. ***1. In addition to any other tax imposed pursuant to this chapter:***

(a) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street

construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in

the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (f) or (g), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. Upon the adoption of the ordinance required by subsection 1, and except as otherwise provided in subsection 4, no further action by the board

is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed by the board pursuant to this section. Except as otherwise provided in subsection 4, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

4. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2017, and ending on December 31, 2026, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2027, the annual increases in the taxes imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters in the county voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 3, 2026, but any annual increases in the taxes imposed by the ordinance in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by the ordinance.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable

percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.5. *1. Except as otherwise provided in subsection 2, any continuing increases in any taxes imposed pursuant to section 1.2 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations which are secured by the taxes imposed pursuant to section 1.2 of this act are issued or incurred, but the taxes imposed pursuant to section 1.2 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.*

2. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.2 of this act, the Legislature may, except as otherwise provided in paragraph (b) of subsection 3 of section 1.2 of this act:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.2 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.2 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the action by the Legislature authorized by this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.2 of this act have been paid in full.

(b) Specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of any action of the Legislature authorized by this subsection; and

(3) The effective date of any action by the Legislature reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.2 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of any action by the Legislature authorized by paragraph (a).

3. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.2 of this act.

Sec. 1.7. 1. A person who uses special fuel in a motor vehicle operated or intended to operate interstate and who pays any tax imposed on special fuels pursuant to NRS 373.066 or section 1.1 of this act shall file with the Department a return for the purpose of the Department determining whether any amounts are owed by or to the person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.1 of this act. The Department shall adopt regulations establishing a system to provide for the ~~[reimbursement and repayment of]~~ auditing of the records of a person who files such a return to determine whether the person is entitled to reimbursement of or owes any amounts ~~[owed by any person]~~ pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.1 of this act. The system established by the Department:

~~[1.]~~ (a) Must ~~[provide that any]~~ authorize a person who uses special fuel in motor vehicles operated or intended to operate interstate to file a request for reimbursement of any amounts owed to ~~[any]~~ the person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.1 of this act;

(b) Must provide that any reimbursement authorized by the Department be paid from only money received by a county pursuant to any tax imposed on special fuels pursuant to NRS 373.066 or section 1.1 of this act;

(c) Must provide that the total amount of money which must be paid by any county in any fiscal year to reimburse any amounts owed to persons who use special fuel in motor vehicles operated or intended to operate interstate must not exceed 20 percent of the total amount of money collected by that county from any tax imposed on special fuels pursuant to NRS 373.066 or section 1.1 of this act; and

~~[2.]~~ (d) Must not ~~[be administered in a manner that directly or indirectly impairs adversely]~~ apply to any tax imposed pursuant to NRS 373.066 during the term of any bonds outstanding ~~[bonds issued under this chapter or other obligations incurred under this chapter.]~~ on the effective date of this section secured by those taxes or of any bonds that refund such bonds provided that the term of the refunding bonds is not longer than the term of the refunded bonds.

2. The Department shall charge and collect a fee in an amount not to exceed $100 for each request for reimbursement filed by a person pursuant to the system established by the Department pursuant to subsection 1. All money from the fees collected by the Department pursuant to this subsection must be deposited in the Local Fuel Tax Indexing Fund created by section 1.75 of this act.

3. The Department and a commission which has been created in a county whose population is 700,000 or more and in which a tax is imposed pursuant to section 1.1 of this act may enter into an intergovernmental agreement or contract pursuant to which:

(a) The commission agrees to pay for the costs incurred by the Department to establish the system pursuant to subsection 1 and administer the system until the amount of money received by the Department from the fees collected by the Department pursuant to subsection 2 is sufficient to pay the costs incurred by the Department to administer the system; and

(b) The Department agrees to reimburse the commission for any money paid by the commission pursuant to paragraph (a) from a portion of the money received by the Department from the fees collected by the Department pursuant to subsection 2.

4. As used in this section, "special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.75. 1. The Local Fuel Tax Indexing Fund is hereby created as an enterprise fund. The Department shall deposit in the Fund all fees collected by the Department pursuant to subsection 2 of section 1.7 of this act. The Director of the Department shall administer the Fund.

2. Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. Money deposited in the Fund must only be expended:

(a) To administer the system established by the Department pursuant to section 1.7 of this act; and

(b) To reimburse a commission for any amounts paid by the commission pursuant to an intergovernmental agreement or contract entered into pursuant to subsection 3 of section 1.7 of this act.

4. The Director may maintain a reserve of not more than $500,000 in the Fund. The reserve must be accounted for separately in the Fund and must only be expended to administer the system established by the Department pursuant to section 1.7 of this act.

5. Any balance remaining in the Fund at the end of any fiscal year:

(a) Does not revert to the State General Fund; and

(b) Must be carried forward to the next fiscal year.

Sec. 1.8. *1. A person who uses special fuel in a motor vehicle operated or intended to operate interstate and who pays any tax imposed on special fuels pursuant to NRS 373.066 or section 1.1 or 1.3 of this act shall file with the Department a return for the purpose of the Department determining whether any amounts are owed by or to the person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.1 or 1.3 of this act. The Department shall adopt regulations establishing a system to provide for the ~~[reimbursement and repayment of]~~ auditing of the records of a person who files such a return to determine whether the person is entitled to reimbursement of or owes any amounts ~~[owed by any person]~~ pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.1 or 1.3 of this act. The system established by the Department:*

*~~[1.]~~ (a) Must ~~[provide that any]~~ authorize a person who uses special fuel in motor vehicles operated or intended to operate interstate to file a request for reimbursement of any amounts owed to ~~[any]~~ the person pursuant to an

agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.1 or 1.3 of this act;

(b) Must provide that any reimbursement authorized by the Department be paid from only money received by a county pursuant to any tax imposed on special fuels pursuant to NRS 373.066 or section 1.1 or 1.3 of this act;

(c) Must provide that the total amount of money which must be paid by any county in any fiscal year to reimburse any amounts owed to persons who use special fuel in motor vehicles operated or intended to operate interstate must not exceed 20 percent of the total amount of money collected by that county from any tax imposed on special fuels pursuant to NRS 373.066 or section 1.1 or 1.3 of this act; and

~~[2.]~~ (d) Must not ~~[be administered in a manner that directly or indirectly impairs adversely]~~ apply to any tax imposed pursuant to NRS 373.066 during the term of any bonds outstanding ~~[bonds issued under this chapter or other obligations incurred under this chapter.]~~ on January 1, 2017, secured by those taxes or of any bonds that refund such bonds provided that the term of the refunding bonds is not longer than the term of the refunded bonds.

2. The Department shall charge and collect a fee in an amount not to exceed $100 for each request for reimbursement filed by a person pursuant to the system established by the Department pursuant to subsection 1. All money from the fees collected by the Department pursuant to this subsection must be deposited in the Local Fuel Tax Indexing Fund created by section 1.85 of this act.

3. The Department and a commission which has been created in a county whose population is 700,000 or more and in which a tax is imposed pursuant to section 1.1 or 1.3 of this act may enter into an intergovernmental agreement or contract pursuant to which:

(a) The commission agrees to pay for the costs incurred by the Department to establish the system pursuant to subsection 1 and administer the system until the amount of money received by the Department from the fees collected by the Department pursuant to subsection 2 is sufficient to pay the costs incurred by the Department to administer the system; and

(b) The Department agrees to reimburse the commission for any money paid by the commission pursuant to paragraph (a) from a portion of the money received by the Department from the fees collected by the Department pursuant to subsection 2.

4. As used in this section, "special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.85. 1. The Local Fuel Tax Indexing Fund is hereby created as an enterprise fund. The Department shall deposit in the Fund all fees

collected by the Department pursuant to subsection 2 of section 1.8 of this act. The Director of the Department shall administer the Fund.

2. Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. Money deposited in the Fund must only be expended:

(a) To administer the system established by the Department pursuant to section 1.8 of this act; and

(b) To reimburse a commission for any amounts paid by the commission pursuant to an intergovernmental agreement or contract entered into pursuant to subsection 3 of section 1.8 of this act.

4. The Director may maintain a reserve of not more than $500,000 in the Fund. The reserve must be accounted for separately in the Fund and must only be expended to administer the system established by the Department pursuant to section 1.8 of this act.

5. Any balance remaining in the Fund at the end of any fiscal year:

(a) Does not revert to the State General Fund; and

(b) Must be carried forward to the next fiscal year.

Sec. 1.9. 1. A person who uses special fuel in a motor vehicle operated or intended to operate interstate and who pays any tax imposed on special fuels pursuant to NRS 373.066 or section 1.3 of this act shall file with the Department a return for the purpose of the Department determining whether any amounts are owed by or to the person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.3 of this act. The Department shall adopt regulations establishing a system to provide for the ~~[reimbursement and repayment of]~~ auditing of the records of a person who files such a return to determine whether the person is entitled to reimbursement of or owes any amounts ~~[owed by any person]~~ pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.3 of this act. The system established by the Department:

~~[1.]~~ (a) Must ~~[provide that any]~~ authorize a person who uses special fuel in motor vehicles operated or intended to operate interstate to file a request for reimbursement of any amounts owed to ~~[any]~~ the person pursuant to an agreement entered into pursuant to NRS 366.175 as a result of the imposition of any tax on special fuels pursuant to NRS 373.066 or section 1.3 of this act;

(b) Must provide that any reimbursement authorized by the Department be paid from only money received by a county pursuant to any tax imposed on special fuels pursuant to NRS 373.066 or section 1.3 of this act;

(c) Must provide that the total amount of money which must be paid by any county in any fiscal year to reimburse any amounts owed to persons who use special fuel in motor vehicles operated or intended to operate interstate must not exceed 20 percent of the total amount of money collected by that county from any tax imposed on special fuels pursuant to NRS 373.066 or section 1.3 of this act; and

~~[2.]~~ (d) Must not ~~[be administered in a manner that directly or indirectly impairs adversely]~~ apply to any tax imposed pursuant to NRS 373.066 during the term of any bonds outstanding ~~[bonds issued under this chapter or other obligations incurred under this chapter.]~~ on January 1, 2017, secured by those taxes or of any bonds that refund such bonds provided that the term of the refunding bonds is not longer than the term of the refunded bonds.

2. The Department shall charge and collect a fee in an amount not to exceed $100 for each request for reimbursement filed by a person pursuant to the system established by the Department pursuant to subsection 1. All money from the fees collected by the Department pursuant to this subsection must be deposited in the Local Fuel Tax Indexing Fund created by section 1.95 of this act.

3. The Department and a commission which has been created in a county whose population is 700,000 or more and in which a tax is imposed pursuant to section 1.3 of this act may enter into an intergovernmental agreement or contract pursuant to which:

(a) The commission agrees to pay for the costs incurred by the Department to establish the system pursuant to subsection 1 and administer the system until the amount of money received by the Department from the fees collected by the Department pursuant to subsection 2 is sufficient to pay the costs incurred by the Department to administer the system; and

(b) The Department agrees to reimburse the commission for any money paid by the commission pursuant to paragraph (a) from a portion of the money received by the Department from the fees collected by the Department pursuant to subsection 2.

4. As used in this section, "special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 1.95. 1. The Local Fuel Tax Indexing Fund is hereby created as an enterprise fund. The Department shall deposit in the Fund all fees collected by the Department pursuant to subsection 2 of section 1.9 of this act. The Director of the Department shall administer the Fund.

2. Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. Money deposited in the Fund must only be expended:

(a) To administer the system established by the Department pursuant to section 1.9 of this act; and

(b) To reimburse a commission for any amounts paid by the commission pursuant to an intergovernmental agreement or contract entered into pursuant to subsection 3 of section 1.9 of this act.

4. The Director may maintain a reserve of not more than $500,000 in the Fund. The reserve must be accounted for separately in the Fund and must only be expended to administer the system established by the Department pursuant to section 1.9 of this act.

5. Any balance remaining in the Fund at the end of any fiscal year:

(a) Does not revert to the State General Fund; and

(b) Must be carried forward to the next fiscal year.

Sec. 2. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section 1.1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 ***or paragraph (b) of subsection 1 of section 1.1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 ***or paragraph (c) of subsection 1 of section 1.1 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section 1.1 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section 1.1 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 2.3. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 ***, paragraph (a) of subsection 1 of section 1.1 of this act or paragraph (a) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 ***, paragraph (b) of subsection 1 of section 1.1 of this act or paragraph (b) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 ***, paragraph (c) of subsection 1 of section 1.1 of this act or paragraph (c) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section 1.1 or 1.3 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section 1.1 or 1.3 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 2.7. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 ***or paragraph (b) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 ***or paragraph (c) of subsection 1 of section 1.3 of this act*** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 ***or section 1.3 of this act*** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 ***or section 1.3 of this act*** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 3. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any

sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.1. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 **,** ***paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act, paragraph (a) of subsection 1 of section 1.2 of this act or paragraphs (a) to***

(e), inclusive, of subsection 1 of section 1.3 of this act does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act, paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1, 1.2 or 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to

that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.2. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act or paragraph (a) of subsection 1 of section 1.2 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1 or 1.2 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.3. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (a) to (f), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (a) to (e), inclusive, of subsection 1 of section 1.3 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (g) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.1 or 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of

subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.5. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***, paragraph (a) of subsection 1 of section 1.2 of this act or paragraphs (a) to (e), inclusive, of subsection 1 of section 1.3 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.2 or 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to

that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.7. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraph (a) of subsection 1 of section 1.2 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (b) to (e), inclusive, of subsection 1 of section 1.2 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.2 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of

subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 3.9. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (a) to (e), inclusive, of subsection 1 of section 1.3 of this act*** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (f), (g) and (h) of subsection 1 of section 1.3 of this act*** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 ***or section 1.3 of this act*** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 4. NRS 373.070 is hereby amended to read as follows:

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or 373.066, ***or section 1.1 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 4.3. NRS 373.070 is hereby amended to read as follows:

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or 373.066, ***or section 1.1 or 1.3 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 4.7. NRS 373.070 is hereby amended to read as follows:

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or 373.066, ***or section 1.3 of this act,*** the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 5. NRS 373.080 is hereby amended to read as follows:

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section 1.1 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 5.3. NRS 373.080 is hereby amended to read as follows:

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services

specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section 1.1 or 1.3 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 5.7. NRS 373.080 is hereby amended to read as follows:

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, ***or section 1.3 of this act,*** the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 6. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 ***or paragraph (a), (b) or (c) of subsection 1 of section 1.1 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 6.3. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 ***,*** ~~[or]~~ paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 ***, paragraph (a), (b) or (c) of subsection 1 of section 1.1 of this act or paragraph (a), (b) or (c) of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 6.7. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 ***or paragraph (a), (b) or (c) of subsection 1 of section 1.3 of this act*** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act*** that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 7.3. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 7.7. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 8. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but

the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred, but the taxes imposed pursuant to section 1.1 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

Sec. 8.1. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1, 1.2 or 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 or 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but the taxes imposed pursuant to section 1.1 or 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 or 1.3 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of this act or subsection 4 of section 1.3 of this act, as applicable, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage":

(a) With regard to any tax imposed pursuant to section 1.1 of this act, has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

(b) With regard to any tax imposed pursuant to section 1.3 of this act, has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 8.2. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any

county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1 or 1.2 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 or 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred, but the taxes imposed pursuant to section 1.1 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

Sec. 8.3. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.1 or 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.1 or 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but the taxes imposed pursuant to section 1.1 or 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.1 or 1.3 of this act, the board may, except as otherwise provided in subsection 5 of section 1.1 of this act or subsection 4 of section 1.3 of this act, as applicable, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred, but not beyond June 30 of the fiscal year that is 5

full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.1 or 1.3 of this act, as applicable, are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage":

(a) With regard to any tax imposed pursuant to section 1.1 of this act, has the meaning ascribed to it in paragraph (b) of subsection 6 of section 1.1 of this act.

(b) With regard to any tax imposed pursuant to section 1.3 of this act, has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 8.5. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.2 or 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations

for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.3 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but the taxes imposed pursuant to section 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.3 of this act, the board may, except as otherwise provided in subsection 4 of section 1.3 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.3 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 8.7. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other

obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.2 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

Sec. 8.9. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, ***or section 1.3 of this act,*** of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. Except as otherwise provided in subsection 4, any continuing increases in any taxes imposed pursuant to section 1.3 of this act must not

be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but the taxes imposed pursuant to section 1.3 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

4. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1.3 of this act, the board may, except as otherwise provided in subsection 4 of section 1.3 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1.3 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1.3 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of section 1.3 of this act.

Sec. 9. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board

may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act,*** issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***,*** ~~[;]~~ ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;***

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 ***and paragraphs (a) and (b) of subsection 1 of section 1.1 of this act*** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details

as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 9.3. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized ***or required*** by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 **,** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 **,** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ~~[,]~~ ***and paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act and, with respect to notes, warrants or interim debentures described in***

paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 **,** ~~[and]~~ paragraphs (a) and (b) of subsection 1 of NRS 373.066 **,** ***paragraphs (a) and (b) of subsection 1 of section 1.1 of this act and paragraphs (a) and (b) of subsection 1 of section 1.3 of this act*** may be used

by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 9.7. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to

NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized ***or required*** by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[and]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ~~[.]~~ ***and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;***

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in

connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 ***and paragraphs (a) and (b) of subsection 1 of section 1.3 of this act*** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 10. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of

subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act***

must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 10.3. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ***,*** ~~[or]~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***, paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 10.7. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***or paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 11. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***and paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act,*** excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***and paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131,

but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.1. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 **,** ***paragraphs (d) to (m), inclusive, of subsection 1 of section 1.1 of this act and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance

or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.3. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, ***and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act,*** excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***and paragraphs (d) to (h), inclusive, of subsection 1 of section 1.3 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the

payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.5. NRS 350.155 is hereby amended to read as follows:

350.155 1. Except as otherwise provided in subsection 2, a municipality shall sell the bonds it issues by competitive bid if the credit rating for the bonds or any other bonds of the municipality with the same security, determined without regard to insurance for the bonds or any other independent enhancement of credit, is rated by a nationally recognized rating service as "A-," "A," "AA," "AAA," or their equivalents, 90 days before and on the day the bonds are sold and:

(a) The bonds are general obligation bonds;

(b) The primary security for the bonds is an excise tax; or

(c) The bonds are issued pursuant to chapter 271 of NRS and are secured by a pledge of the taxing power and the general fund of the municipality.

2. The provisions of subsection 1 and NRS 350.175 and 350.185 do not apply to:

(a) Any bond which is issued with a variable rate of interest.

(b) A bond issue whose principal amount is $1,000,000 or less.

(c) A bond issue with a term of 3 years or less.

(d) A bond issue for which an invitation for competitive bids was issued and for which no bids were received or all bids were rejected.

(e) Leases, contracts for purchase by installment and certificates of participation if the obligations of the municipality thereunder will terminate when the municipality fails to appropriate money to pay that obligation for the next fiscal year.

(f) Economic development revenue bonds issued pursuant to the city economic development revenue bond law or the county economic development revenue bond law.

(g) Bonds sold by the municipality to:

(1) The United States or any agency or instrumentality thereof;

(2) The State of Nevada;

(3) Any other municipality; or

(4) Not more than 10 investors, each of whom certifies that he or she:

(I) Has a net worth of $500,000 or more; and

(II) Is purchasing for investment and not for resale.

(h) Bonds which require unusual methods of financing, if the chief administrative officer of the municipality certifies in writing that the proposed method of financing:

(1) Has not been used previously by any municipality in this state; and

(2) May provide a substantial benefit to the municipality.

(i) Refunding bonds, if the chief administrative officer of the municipality certifies in writing that the use of a negotiated sale may provide a substantial benefit to the municipality which would not be available if the bonds were sold by competitive bid.

(j) Bonds which are sold at a time when, because of particular conditions in the market, a negotiated sale may provide a benefit to the municipality which would not be available if the bonds were sold by competitive bid, if the chief administrative officer of the municipality so certifies in writing.

(k) Bonds which are issued pursuant to chapter 271 of NRS and are not secured by a pledge of the taxing power and general fund of the municipality.

(l) Revenue bonds which are issued pursuant to chapter 350A of NRS and are secured by a pledge of the allocable local revenues of the municipality.

~~[(m) Revenue bonds which are sold pursuant to chapter 373 of NRS.]~~

3. The certificate required by paragraph (h) of subsection 2 must specifically describe the proposed method of financing. The certificate required by paragraph (i) of subsection 2 must specifically describe the circumstances that may provide a substantial benefit if the refunding bonds are negotiated. The certificate required by paragraph (j) of subsection 2 must specifically describe the particular conditions in the market which indicate that a negotiated sale of the bonds may provide a benefit to the municipality. Each certificate required pursuant to subsection 2 must be submitted to the governing body of the municipality at a regularly scheduled meeting of that body and include:

(a) The estimated amount of the benefit which will accrue to the municipality.

(b) If the municipality has a financial adviser, a written report prepared by that financial adviser which specifically describes the method of sale which will be used for the proposed financing.

4. A copy of:

(a) The certificate required by paragraph (h), (i) or (j) of subsection 2; and

(b) The report required pursuant to subsection 3,

➥ must be filed with the debt management commission of the county where the municipality is located, the county clerk and the Department of Taxation. Before entering into a contract to sell bonds, at least two-thirds of the members of the governing body of the municipality must approve the certificate.

5. If a municipality is required to sell the bonds it issues by competitive bid pursuant to the provisions of this section, it must cause an invitation for competitive bids, or notice thereof, to be published before the date of the sale in the daily or weekly version of the Bond Buyer, published at One State Street Plaza in New York City, New York, or any successor publication.

6. As used in this section, "invitation for competitive bids" means a process by which sealed bids or the reasonable equivalent thereof, as approved by the governing body of a municipality, are solicited, received and publicly opened at a specified time, place and date.

Sec. 12. If an ordinance authorized by section 1.1 of this act is not adopted before October 1, 2013:

1. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State which asks the voters whether to authorize the State to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.2 of this act and the increases in those taxes authorized by that section.

2. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Washoe County, which asks the voters in the county whether to authorize the board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.3 of this act and the additional annual increases in those taxes authorized by that section.

Sec. 13. If an ordinance authorized by section 1.1 of this act is adopted before October 1, 2013:

1. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State which asks the voters whether to authorize the State to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.2 of this act and the increases in those taxes authorized by that section.

2. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Clark County and Washoe County, which asks the voters in the county whether to authorize the board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by section 1.3 of this act and the additional annual increases in those taxes authorized by that section.

Sec. 14. 1. This section and sections 1, 1.1, 1.7, **1.75,** 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 11.5 of this act become effective upon passage and approval.

2. Section 12 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.

3. Section 13 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013.

4. Sections 1.2, 1.5, 3.2 and 8.2 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.

5. Sections 1.2, 1.3, 1.5, 1.8, **1.85,** 2.3, 3.1, 4.3, 5.3, 6.3, 7.3, 8.1, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

6. Sections 1.3, 1.8, **1.85,** 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is not approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

7. Sections 1.2, 1.5, 3.7 and 8.7 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.

8. Sections 1.2, 1.3, 1.5, 1.9, **1.95,** 2.7, 3.5, 4.7, 5.7, 6.7, 7.7, 8.5, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

9. Sections 1.3, 1.9, **1.95,** 2.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.9, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:

(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is not approved by a majority of the registered voters in this State voting on the question; and

(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

10. Sections 1.1, 1.7, **1.75,** 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act expire by limitation on October 1, 2013, if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.

Assemblywoman Bustamante Adams moved that the Assembly concur in the Senate Amendment No. 974 to Assembly Bill No. 413.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 239.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 987.

AN ACT relating to elections; ~~[requiring]~~ **authorizing** the Secretary of State to obtain certain information from the Social Security Administration relating to deceased residents; requiring county clerks to cancel the voter registrations of such persons under certain circumstances; **authorizing county and city clerks to establish a program to distribute sample ballots to registered voters by electronic mail;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list, in consultation with each county and city clerk, which must be regularly maintained to ensure the integrity of the voter registration and election processes. (NRS 293.675) Existing law also requires a county clerk to cancel the registration of a person if: (1) the county clerk has personal knowledge of the death of the person; or (2) an authenticated certificate of death of the person is filed in the county clerk's office. (NRS 293.540)

Section 3 of this bill ~~[requires]~~ **authorizes** the Secretary of State to obtain available information from the Social Security Administration relating to deceased residents of this State and to compare that information to the statewide voter registration list. **Section 3** also provides that if it appears after such comparison that a person on the statewide voter registration list is deceased, the Secretary of State shall provide written notification to the appropriate county clerk. **Section ~~[1]~~ 1.5** of this bill requires the county clerk to cancel the voter registration of such a person if the county clerk has independently verified the person's death.

Under existing law, each county and city clerk is required to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) Sections 2.5 and 5 of this bill authorize each county and city clerk to establish a program to distribute sample ballots by electronic mail. If a clerk establishes such a program, the clerk will be required to distribute sample ballots by electronic mail to each registered voter who elects to receive sample ballots in that manner. Sections 1, 4 and 6-10 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 293.097 is hereby amended to read as follows:**

293.097 "Sample ballot" means a document distributed by a county or city clerk upon which is ~~[printed]~~ ***included*** a list of the offices, candidates and ballot questions that will appear on a ballot. The term includes any such document which is ***generated or*** printed by a computer ~~[.]~~ ***and which is distributed by mail or electronic mail.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office. ***For purposes of this subsection, a county clerk does not have personal knowledge of the death of a person registered if that knowledge is based solely on notification received from the Secretary of State pursuant to paragraph (b) of subsection 4 of NRS 293.675.***

2. ***If the county clerk receives notification of the death of a person registered from the Secretary of State pursuant to paragraph (b) of subsection 4 of NRS 293.675 and the county clerk has independently verified the person's death. For purposes of this subsection, the county clerk may use any reasonable and reliable means of independent verification.***

3. If the insanity or mental incompetence of the person registered is legally established.

~~[3.]~~ ***4.*** Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

~~[4.]~~ ***5.*** Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

~~[5.]~~ ***6.*** Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

~~[6.]~~ ***7.*** At the request of the person registered.

~~[7.]~~ ***8.*** If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~[8.]~~ ***9.*** As required by NRS 293.541.

~~[9.]~~ ***10.*** Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 2. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection ~~[2]~~ ***3*** of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been declared sane or mentally competent by the district court.

2. If the registration of an elector is cancelled pursuant to subsection ~~[3]~~ ***4*** of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection ~~[5]~~ ***6*** of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection ~~[6]~~ ***7*** of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 2.5. **NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***The county clerk may establish a program to distribute sample ballots to registered voters by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.***

5. If the county clerk establishes a program pursuant to subsection 4 to distribute sample ballots to registered voters by electronic mail, a registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall cause to be ~~[~~mailed~~]~~ ***distributed by mail or electronic mail, as applicable,*** to each registered voter in the county ~~[~~a~~]~~ ***the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~[mailing]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[5.]~~ ***7.*** Except as otherwise provided in subsection ~~[6,]~~ ***8,*** a sample ballot ~~[required to be mailed]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[6.]~~ ***8.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[7.]~~ ***9.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[8.]~~ ***10.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

~~[9.]~~ ***11.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10.]~~ ***12.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State ~~[shall]~~ ~~[enter]~~ ***:***

(a) ~~***[Enter]***~~ ***Shall enter*** into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the

Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote ~~[.]~~ ***; and***

(b) ~~[Obtain]~~ May obtain from the Social Security Administration available information relating to deceased residents of this State and compare the information received to the statewide voter registration list. If it appears based on information received pursuant to this paragraph that a registered voter is deceased, the Secretary of State shall provide written notification to the appropriate county clerk.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § 15483, to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 4. **NRS 293.780 is hereby amended to read as follows:**

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ ***Stated*** on all sample ballots ~~[mailed;]~~ ***distributed by mail or electronic mail;***

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 5. **NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. ***The city clerk may establish a program to distribute sample ballots to registered voters by electronic mail pursuant to the***

procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If the city clerk establishes a program pursuant to subsection 1 to distribute sample ballots to registered voters by electronic mail, a registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall cause to be ~~[mailed]~~ ***distributed by mail or electronic mail, as applicable,*** to each registered voter in the city ~~[a]~~ ***the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~[mailing]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[2.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***6,*** a sample ballot ~~[required to be mailed]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3.]~~ ***5.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4.]~~ ***6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point

type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5.]~~ ***7.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~[6.]~~ ***8.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

~~[7.]~~ ***9.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[8.]~~ ***10.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for a city election must be borne by the city holding the election.

Sec. 6. **NRS 244A.785 is hereby amended to read as follows:**

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➥ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 7. **NRS 266.0325 is hereby amended to read as follows:**

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall cause to be ~~[mailed]~~ ***distributed*** to each qualified elector ***by mail or electronic mail, as applicable,*** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct.

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~[printed]~~ ***prepared*** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on ~~[the pages of]~~ the sample ballot.

4. The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to

NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

Sec. 8. **NRS 349.015 is hereby amended to read as follows:**

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 9. **NRS 350.024 is hereby amended to read as follows:**

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per $100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 10. **NRS 350.027 is hereby amended to read as follows:**

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual

cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 11. **1. This section and sections 1, 2.5 and 4 to 10, inclusive, of this act become effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections and on January 1, 2014, for all other purposes.**

2. Sections 1.5, 2 and 3 of this act become effective on October 1, 2013.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 981.

AN ACT relating to public affairs; requiring that document preparation services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of document preparation services; authorizing disciplinary action and other remedies in specified circumstances; providing civil and criminal penalties; ~~[making an appropriation;]~~ **revising provisions relating to the Notary Public Training Account in the State General Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State from engaging in the practice of law. (NRS 7.285) However, so long as he or she does not engage in the practice of law, there is currently no statutory provision governing a person who provides assistance in a legal matter, for compensation, to another person who is acting without the assistance of an attorney. This bill generally provides that any person engaged in the business of providing such assistance (a "document preparation service") must register with the Secretary of State and comply with various additional requirements set forth in this bill.

Section 4 of this bill defines a "document preparation service" as any person who, for compensation and at the direction of a client, provides

assistance to the client in a legal matter, including, without limitation, preparing or completing a pleading or other document for the client or securing supporting documents. **Section 4** excludes from this definition, among others: (1) an attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment; (2) a governmental entity or an employee of such an entity; (3) a nonprofit, tax-exempt organization which provides legal services to persons free of charge; (4) certain legal aid offices and lawyer referral services; (5) a person who provides certain services regulated by federal law; (6) a corporation or other entity representing or acting for itself through an officer or employee, or any such officer or employee; (7) a commercial wedding chapel; (8) a person who provides legal forms or computer programs that enable another person to create legal documents; and (9) a commercial registered agent.

Section 5 of this bill broadly defines "legal matter" to mean the preparation of any will or trust, any immigration or citizenship proceeding, or any other proceeding, filing or action affecting the legal rights, duties, obligations or liabilities of a person.

Sections 7 and 8 of this bill provide that any person wishing to engage in the business of a document preparation service must register with the Secretary of State and renew that registration annually. **Section 7** establishes certain qualifications for registration and provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct.

Section 9 of this bill requires a document preparation service to file and maintain with the Secretary of State a cash bond or surety bond, to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or providing payment to the Secretary of State for any civil penalty or award of attorney's fees or costs made against the document preparation service.

Sections 12-15 of this bill impose various requirements relating to advertising and the establishment of the relationship between a document preparation service and a client. **Section 13.5** requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the registrant's place of business a copy of any state and local business license issued to the registrant or the registrant's employer. **Section 15** provides that: (1) there must be a written contract between the client and the document preparation service; and (2) the contract must contain certain terms and disclosures.

Sections 16-20 of this bill set forth various required and prohibited practices applicable to a document preparation service. **Section 17** provides for the return to the client of any original documents provided by the client. **Section 18** requires the release of a client's file to any law enforcement agency on demand, with the authorization of the client. **Section 19** imposes certain requirements relating to payments made by a client for services rendered by a document preparation service.

Section 21 of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a document preparation service.

Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of the bill. If a violation is found, the Secretary of State may: (1) issue a cease-and-desist order; (2) initiate disciplinary proceedings; (3) refer the matter to the Attorney General or a district attorney for the commencement of a civil action or criminal prosecution; or (4) take any combination of these actions. Pursuant to **section 25** of this bill, a willful violation of any of the provisions of this bill, or of a regulation or order of the Secretary of State, is a misdemeanor except that a second or subsequent offense occurring within 5 years is a gross misdemeanor. In addition, **section 26** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of a violation.

~~[Section 28 of this bill makes an appropriation to the Office of the Secretary of State for certain purposes relating to carrying out the provisions of this bill.]~~ **Existing law authorizes the Secretary of State to provide courses of study for notaries public, and to charge a fee for such instruction. The fees collected are deposited in the Notary Public Training Account in the State General Fund. (NRS 240.018) Section 27.5 of this bill requires the Secretary of State annually to reconcile the fees received and the expenses related to administering the training of notaries, and deposit any excess fees with the State Treasurer for credit to the State General Fund.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Client" means a person who:***

1. Represents or otherwise acts for himself or herself in a legal matter without the services of an attorney authorized to practice law in this State; and

2. Receives the services of a document preparation service in that legal matter or enters into a contract with a document preparation service to receive such services.

Sec. 4. ***1. "Document preparation service" means a person who:***

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization which qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) A person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration

representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent.

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

3. As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. ***"Legal matter" means:***

1. The preparation of any will or trust;

2. Any proceeding, filing or action affecting the immigration or citizenship status of a person and arising under:

(a) Immigration and naturalization law;

(b) An executive order or presidential proclamation; or

(c) An action of the United States Citizenship and Immigration Services of the Department of Homeland Security, the United States Department of State or the United States Department of Labor; or

3. Any proceeding, filing or action otherwise affecting the legal rights, duties, obligations or liabilities of a person.

Sec. 6. ***"Registrant" means a document preparation service registered pursuant to this chapter.***

Sec. 7. ***1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.***

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of a gross misdemeanor pursuant to paragraph (b) of subsection 1 of section 25 of this act; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of a crime involving theft, fraud or dishonesty;

(2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of section 9 of this act.

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

Sec. 8. *1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of section 9 of this act, unless the bond previously filed by the registrant remains on file and in effect.*

2. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 23 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 9. *1. A registrant shall file with the Secretary of State a cash bond or surety bond in the penal sum of $50,000 which is approved as to form by the Attorney General and conditioned to provide:*

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to section 15 of this act;

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

4. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

5. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

6. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant files with the Secretary of State a new bond meeting the requirements of this section.

7. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 10. *1. In addition to any other requirements set forth in this chapter:*

(a) A natural person who applies for registration or the renewal of registration as a document preparation service pursuant to section 7 or 8 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as a document preparation service may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. *1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as a document preparation service, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Secretary of State shall reinstate a registration as a document preparation service that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 12. *1. Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a clear and conspicuous statement that the registrant is not an attorney*

authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

2. The statement required by subsection 1 to be included in an advertisement must:

(a) Be in the same language as the rest of the advertisement; and

(b) Be in the form prescribed by regulation of the Secretary of State.

3. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.

Sec. 13. ***1. Each registrant shall display conspicuously in his or her place of business a copy of his or her certificate of registration and a written notice meeting the requirements of this section.***

2. The notice must:

(a) Be not less than 12 by 20 inches in size, and each character of text in the notice must be not less than 1 inch in height and 1 inch in width.

(b) Be written in English and in each other language in which the registrant transacts business with the registrant's clients.

(c) Contain a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Contain the full name of the registrant or, if more than one registrant is providing services at that place of business, the full name of each such registrant.

(e) Contain a list of the services provided by the registrant and the fee charged for each such service.

(f) Contain a statement that the registrant has filed with the Secretary of State a cash bond or surety bond, stating the amount and any identifying number of the bond.

Sec. 13.5. ***1. A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:***

(a) Obtain a state business license before offering a document preparation service; and

(b) Maintain a state business license during the period of the registrant's registration as a document preparation service.

2. Each registrant shall display conspicuously in the registrant's place of business a copy of:

(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 14. *1. Before providing any services to a client or presenting a client with the contract required by section 15 of this act, a registrant must:*

(a) Furnish the client with a written form of disclosure meeting the requirements of this section, with a copy for the client to retain; and

(b) Require the client to read and sign the disclosure, acknowledging that the client has read and understands it.

2. The disclosure must be written in English and, if different, the language in which the registrant transacts business with the client and must include:

(a) The full name, business address and telephone number and registration number of the registrant.

(b) The name and business address of the registrant's agent for service of process, if any, in this State.

(c) A statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(d) Unless the registrant is an attorney licensed to practice in another state or other jurisdiction, a statement that any communication between the client and the registrant is not protected from disclosure by any privilege.

(e) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond.

(f) The expiration date of:

(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

Sec. 15. *1. Before a registrant provides any services to a client, the registrant and the client must enter into a written contract meeting the requirements of this section. The registrant shall provide the client with a copy of the contract.*

2. The contract must:

(a) Be written in English and, if different, in the language in which the registrant transacts business with the client, and be printed or typewritten in not less than 12-point type.

(b) Explain the services to be performed by the registrant and state the total price to be paid by the client for all such services.

(c) With respect to any document to be prepared by the registrant:

(1) State the estimated date by which the document is to be completed;

(2) Identify the court or agency with which the document is to be filed or submitted; and

(3) If applicable, identify any associated deadlines or hearing dates of the court or agency with which the document is to be filed or submitted.

(d) Include on the first page of the contract a statement in boldface type that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

(e) Include a statement that any complaint concerning the registrant may be directed to:

(1) If the complaint involves an alleged violation of this chapter, the Secretary of State; or

(2) If the complaint involves an allegation that the registrant is engaged in the unauthorized practice of law, the office of Bar Counsel of the State Bar of Nevada,

↳ with the toll-free telephone number and Internet address for making the complaint.

(f) State the date of the client's signature on the contract, if the client agrees to the terms of the contract.

3. A contract between a registrant and a client that does not comply with any requirement of this section is voidable by the client.

Sec. 16. *Any document prepared for a client by a registrant must include, below any required signature of the client, the name, business address and telephone number and registration number of the registrant.*

Sec. 17. *1. A registrant shall take reasonable measures to safeguard from loss or damage any document provided to the registrant by a client in connection with services rendered by the registrant.*

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a client any original document provided by the client:

(a) Upon the request of the client;

(b) If the contract required by section 15 of this act is not signed or is cancelled for any reason; or

(c) If the document is no longer needed for the services rendered by the registrant.

3. If a copy of any original document provided by a client is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to the client.

4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the client over the registrant's fees or costs.

Sec. 18. *1. Upon the presentation to a registrant of a written form of authorization signed by a client, the registrant shall provide a complete*

copy of the client's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.

2. A registrant shall retain a copy of any document prepared for a client for not less than 3 years after the date of the last service performed for the client. At the end of that period, unless the client requests that the document be given to the client, the document may be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.

Sec. 19. *A registrant shall provide a signed receipt to a client for each payment made to the registrant by the client. The receipt must be printed or typewritten on the letterhead of the registrant and must include the name, business address and telephone number, registration number and taxpayer identification number of the registrant.*

Sec. 20. *A registrant shall not:*

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notary public," "notary," "licensed," "attorney," "lawyer" or any similar term, in English or in any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; or

(b) Is an attorney authorized to practice law in this State.

4. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

5. Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

6. Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

7. Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 21. *1. In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.*

2. The Secretary of State shall:

(a) Establish a toll-free telephone number which may be used by any person to make a complaint about a registrant or an alleged violation of this chapter.

(b) Post on the Internet website of the Secretary of State information concerning making such a complaint, which must include the telephone number established pursuant to paragraph (a).

Sec. 22. *1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.*

2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to section 25 of this act.

(b) If a registrant has committed the violation, begin proceedings pursuant to section 23 of this act to revoke or suspend the registration of the registrant.

(c) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to section 24 of this act.

(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 25 of this act.

(e) Take any combination of the actions described in this subsection.

Sec. 23. *1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto.*

Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.

2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↪ that would disqualify the registrant from registration pursuant to subsection 2 of section 7 of this act.

Sec. 24. ***1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:***

(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(b) For the recovery of a civil penalty against the defendant of not less than $100 or more than $5,000 for each such violation;

(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such a violation; or

(d) For any combination of the remedies described in this subsection.

2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.

3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 25. ***1. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:***

(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.

(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. In addition to the penalties prescribed by subsection 1, the court may order a person described in that subsection to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.

3. For the purposes of subsections 1 and 2, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.

Sec. 26. ***Notwithstanding the provisions of sections 22 to 25, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of $500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.***

Sec. 27. ***The provisions of this chapter do not:***

1. Authorize the practice of law by any person who is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this State; or

2. Prohibit a person from representing or otherwise acting for himself or herself in a legal matter without the services of an attorney.

Sec. 27.5. **NRS 240.018 is hereby amended to read as follows:**

240.018 1. The Secretary of State may:

(a) Provide courses of study for the mandatory training of notaries public. Such courses of study must include at least 4 hours of instruction relating to the functions and duties of notaries public.

(b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his or her appointment as a notary public, if the appointment has expired for a period greater than 1 year.

(c) A person renewing his or her appointment as a notary public, if during the immediately preceding 4 years the person has been fined for failing to comply with a statute or regulation of this State relating to notaries public.

➥ A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if the person is in compliance with all of the statutes and regulations of this State relating to notaries public.

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the ~~[following manner:~~

~~(a) Seventy-five percent of the fees collected must be deposited in the State General Fund.~~

~~[(b) Twenty-five percent of the fees collected must be deposited in the]~~ Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:

~~[(1)]~~ ***(a)*** To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

~~[(2)]~~ ***(b)*** For any other purpose authorized by the Legislature.

5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

Sec. 28. ~~[1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of $150,000 for the development of internal and external applications on the Internet website of the Office of the Secretary of State to carry out the provisions of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the Office of the Secretary of State or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the Office of the Secretary of State or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.]~~ **(Deleted by amendment.)**

Sec. 29. 1. This ~~[section and section 28 of this act become effective upon passage and approval.~~

~~2. Sections 1 to 27, inclusive, of this act become]~~ **act becomes** effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January]~~ **March** 1, 2014, for all other purposes.

~~[3.]~~ **2.** Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to

restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Frierson moved that the Assembly concur in the Senate Amendment No. 981 to Assembly Bill No. 74.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 496, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 676 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

IRENE BUSTAMANTE ADAMS	RUBEN KIHUEN
JAMES HEALEY	DAVID PARKS
LYNN STEWART	MARK HUTCHISON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA24.

AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; **imposing certain conditions on the allotment and use of the proceeds of the increase of the tax;** suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County of one-quarter of 1 percent to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department, and allows the imposition of an increase in that tax of not more than one-quarter of 1 percent if the date on which the increased rate is first imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate. (Clark County Sales and Use Tax Act of 2005) **Section 3** of this bill provides the legislative approval required for the imposition of an increase in that tax of not more than fifteen-hundredths of 1 percent on or after October 1, 2013, if the increase is approved by two-thirds of the

members of the Board of County Commissioners of Clark County and if the increased rate ~~[expires on or before September 30, 2017.]~~ **is first imposed before July 1, 2016. Section 3.5 of this bill imposes conditions on allotments to police departments of the proceeds of the increase in the tax. Section 3.7 of this bill imposes conditions on the use by police departments of the proceeds of the increase in the tax, authorizes the Committee on Local Government Finance to grant waivers of those conditions and requires the Committee to submit annual reports to the Legislative Commission concerning any waivers granted by the Committee.**

Section 1 of this bill amends the Clark County Sales and Use Tax Act of 2005 to suspend temporarily certain provisions of the Act which require a governing body to approve expenditures by a police department of proceeds received from the taxes imposed pursuant to the Act if the governing body determines that the proposed expenditure will not replace or supplant existing funding for the police department. **Section 1** also requires that certain periodic reports required by the Act include a separate detailed description of any expenditures as a result of the temporary suspension of those provisions of the Act. Additionally, **section 1** requires that a copy of the separate detailed description be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. **Section 2** of this bill amends the Act to specify the method for calculating the base fiscal year for certain purposes of the Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.3, immediately following section 13, to read as follows:

Sec. 13.3. 1. The provisions of paragraph (b) of subsection 1 and subsections 3 to 8, inclusive, of section 13 of this act do not apply to any expenditure of proceeds from any sales and use tax imposed pursuant to this act on or after July 1, 2013, but before July 1, 2016.

2. In addition to the requirements of section 13.5 of this act:

(a) The periodic reports required by that section must include, with respect to the period covered by the report, a separate detailed description of the expenditure of any proceeds from the sales and use tax imposed pursuant to this act as a result of the provisions of subsection 1; and

(b) A governing body that is required to submit a report pursuant to section 13.5 of this act shall submit a copy of the separate detailed

description required by paragraph (a) for the period covered by the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee on or before the date by which the governing body is required to submit the report for that period to the Department pursuant to section 13.5 of this act.

Sec. 2. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.7, immediately following section 13.5, to read as follows:

Sec. 13.7. Notwithstanding the provisions of subsection 8 of section 13 of this act, for Fiscal Year 2015-2016, the base fiscal year for each body must be adjusted for the purposes of section 13 of this act as provided in this section, and that adjusted base fiscal year must be used as the base fiscal year for all purposes, including future calculations of base fiscal years. To determine the adjusted base fiscal year for Fiscal Year 2015-2016, any expenditures authorized as a result of the provisions of subsection 1 of section 13.3 of this act must not be included when calculating the amount of money received or expended in that fiscal year.

Sec. 3. The Legislature hereby approves an increase, pursuant to paragraph (b) of subsection 1 of section 10 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, in the rate of the tax imposed pursuant to that Act in the amount of not more than fifteen-hundredths of 1 percent, if:

1. The increase authorized by this section is enacted by an ordinance approved by a two-thirds majority of the members of the Board of County Commissioners of Clark County; **and**

2. The date on which that increased rate is first imposed is on or after October 1, 2013 ~~[~~**,**~~; and~~

~~3. That increased rate expires on or before September 30, 2017.]~~ **but before July 1, 2016.**

Sec. 3.5. **1. If the increase in the rate of the tax authorized by section 3 of this act is enacted pursuant to that section, the County Treasurer of Clark County shall not make any allotment to a police department pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005 of any portion of the proceeds of the increase unless the County Treasurer is satisfied that the police department will meet the requirements of subsection 1 of section 3.7 of this act.**

2. If the County Treasurer determines pursuant to subsection 1 that an allotment will not be made to a police department, any other police department may apply to the County Treasurer requesting approval for the use by the requesting police department of the unused allotment. If

the County Treasurer is satisfied that the requesting police department will meet the requirements of subsection 1 of section 3.7 of this act, the County Treasurer shall make the requested allotment to the requesting police department.

Sec. 3.7. **1. A police department shall not expend any portion of an allotment made to it by the County Treasurer pursuant to section 3.5 of this act to employ and equip additional police officers unless:**

(a) The police department employs and equips an equal number of police officers in unfilled budgeted positions for police officers using money other than the proceeds of the increase in the rate of the tax authorized by section 3 of this act; or

(b) If, based on the number of budgeted positions for police officers in the police department for the 2013-2014 fiscal year, the police department does not have a sufficient number of unfilled budgeted positions for police officers to match all of the positions that are available for funding with the proceeds of the increase in the rate of the tax authorized by section 3 of this act, the police department applies for and is granted a waiver from the requirements of paragraph (a) by the Committee on Local Government Finance.

2. The Committee on Local Government Finance shall, on or before September 1 of each year, submit a report to the Legislative Commission that sets forth the number of waivers granted by the Committee pursuant to this section during the immediately preceding fiscal year and the reasons for each such waiver.

Sec. 4. ~~**[1.]**~~ This act becomes effective upon passage and approval ~~**[.**~~

~~2. Sections 1 and 2 of this act expire~~**]** **and expires** by limitation on October 1, 2025.

Assemblywoman Bustamante Adams moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 496.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 33, 167, 239, 335, 360, 447, 461, 462, 463, 466, 467, 468, 469, 470, 474, 475, 477, 501, 503, 506, 509, 512.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 415.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted the reports of the Conference Committees concerning Assembly Bill No. 66; Assembly Bill No. 181; Assembly Bill No. 202; Assembly Bill No. 205; Assembly Bill No. 223; Assembly Bill No. 262; Assembly Bill No. 283.

Also, it is my pleasure to inform your esteemed body that the Senate on this day refused to adopt the report of the Conference Committee concerning Assembly Bill No. 378.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 9.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 950 to Senate Bill No. 3; Assembly Amendment No. 632 to Senate Bill No. 109; Assembly Amendment No. 964 to Senate Bill No. 165; Assembly Amendment No. 961 to Senate Bill No. 374; Assembly Amendment No. 963 to Senate Bill No. 406; Assembly Amendment No. 948 to Senate Bill No. 407; Assembly Amendment No. 911 to Senate Joint Resolution No. 8.

Also, it is my pleasure to inform your esteemed body that the Senate on this day appointed Senators Manendo, Spearman and Gustavson as a Conference Committee concerning Senate Bill No. 508.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 31, 50, 67, 80, 228, 311, 344, 362, 370, 408, 414, 419, 436, 444, 480, and 499.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Judge Mason Simon, Judge Brian Boatman, and Andy Mierins.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Bledsoe and Monte Bledsoe.

On request of Assemblyman Martin, the privilege of the floor of the Assembly Chamber for this day was extended to John Wall.

Madam Speaker appointed Assemblymen Horne, Frierson, and Hickey as a committee to wait upon His Excellency, Governor Brian Sandoval, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Madam Speaker appointed Assemblymen Aizley, Carlton, and Hardy a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Spearman, Parks, and Hardy appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblywoman Carlton reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Horne reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Horne moved that the 77th Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:24 a.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2013

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking

testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295; 2009, 3141; 2013, 3897]

Rule No. 2. Continuation of Leadership of the Assembly During the Interim Between Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 2013, 3898]

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

7. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 2009, 3142; A 2013, 3899]

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857; A 2013, 3899]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296; A 2003, 3602; 2011, 3793]

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of

interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

18. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540; 2009, 3143; 2011, 3794; 2013, 3900]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927; 2011, 3796]

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

[Statutes of Nevada 2011, 3797]

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, twelve members.
3. Taxation, twelve members.
4. Education, fourteen members.
5. Legislative Operations and Elections, nine members.
6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, fifteen members.
8. Commerce and Labor, fifteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, fourteen members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457; 2009, 3146; 2011, 3797; 2013, 3904, 3925, 3957]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and

Assembly, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. All committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's website. Each standing committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457; 2011, 3798]

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

[Statutes of Nevada 2013, 3925]

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544; Moved from Rule 43 by 2011, 3798]

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

[Statutes of Nevada 2011, 3798]

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929; 2009, 3147; 2011, 3798; 2013, 3905]

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

[Statutes of Nevada 2009, 3148; Moved from Rule 44.5 by 2011, 3798]

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish

matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by 2011, 3799; 2013, 3905]

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee;

(o) Inform the Speaker of committee activity; and

(p) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

[Statutes of Nevada 2011, 3800; A 2013, 3906]

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

[Statutes of Nevada 2011, 3800]

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

[Statutes of Nevada 2011, 3800]

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

[Statutes of Nevada 2011, 3801; A 2013, 3907]

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the meeting is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly

Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840; Moved from Rule 47 by 2011, 3801; 2013, 3908]

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

[Statutes of Nevada 1973, 1904; A 1999, 3840; 2009, 3149; Moved from Rule 48 by 2011, 3801]

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 2013, 3908]

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn no later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301; Moved from Rule 49 by 2011, 3802]

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 2011, 3803]

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. A committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.

11. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

[Statutes of Nevada 2011, 3803; A 2013, 3910]

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

[Statutes of Nevada 2011, 3804]

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

[Statutes of Nevada 2011, 3804]

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2011, 3804]

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be

taken from the decision of the presiding officer.

[Statutes of Nevada 2011, 3804]

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607; Moved from Rule 60 by 2011, 3805]

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1890; A 2011, 3806]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303; 2011, 3806]

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker during the session from which he or she was expelled.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549; 2013, 3914]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550; 2011, 3807]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

[Statutes of Nevada 1973, 1891; A 2011, 3807; 2013, 3914]

Rule No. 100. Precedence of Parliamentary Authority.

1. The precedence of parliamentary authority in the Assembly is:

(a) The Constitution of the State of Nevada and judicial decisions thereon.

(b) The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

(c) Custom, usage and precedence.

(d) The Statutes of the State of Nevada.

(e) Mason's Manual of Legislative Procedure.

2. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2009, 3152; 2013, 3915]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858; 2011, 3808]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed,

as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844; 2009, 3153; 2011, 3809; 2013, 3916]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305; 2009, 3154; 2011, 3810]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while

a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

[Statutes of Nevada 1973, 1895; A 1999, 3845; 2009, 3155, 3279; 2011, 3810; 2013, 3917]

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question, except as hereinafter stated, which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

[Statutes of Nevada 2001, 3306; A 2009, 3155; 2011, 3810]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

[Statutes of Nevada 2009, 3156]

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307; 2011, 3811]

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

1. The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

2. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1973, 1897; A 2013, 3919]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848; 2009, 3126; 2011, 3753]

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127]

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127; 2011, 3754]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment

proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956]

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476; 2011, 3756]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958; 2009, 3129; 2011, 3756; 2013, 3885]

VETOES

Rule No. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after the Governor's disapproval, or veto of the same, shall:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and the Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message; and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom;

that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?"

3. It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410; A 1999, 3851; 2005, 2958; 2007, 3440; 2009, 3130]

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313; 2013, 3886]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any

legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

[Statutes of Nevada 2003, 3747; A 2011, 3757; 2013, 3887]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any

member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147; 2009, 3131]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853; 2009, 3132]

Rule No. 13. Reserved.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman and Assemblywoman; and

(b) Four requests from each Senator,

➥ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsection 4 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

6. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

7. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

8. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

9. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442; 2009, 3132; 2011, 3761; 2013, 3888]

Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 15th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

4. The provisions of the Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.

5. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

[Statutes of Nevada 2011, 3762; A 2013, 3890]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963; 2011, 3764, 3858; 2013, 3891]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative

Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320; 2011, 3764]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593; 2011, 3765]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after

being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964; 2011, 3766; 2013, 3893]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860; A 2011, 3767]

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323; 2009, 3138; 2011, 3767; 2013, 3894]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;
5. The effect the required coverage will have on the cost of health care provided in this State; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working

environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862; 2011, 3768]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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CERTIFICATE

STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy-Seventh Session of the Legislature of the State of Nevada, held in 2013.

Speaker of the Assembly

Chief Clerk of the Assembly